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TOWN PLANNING NOTES

BY

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TOWN PLANNING-NOTES

BY

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The draft of the Bombay Town Planning Act embodies the suggestions contained in the note marked appendix 5 in the printed proceedings of last year's conference, and in that respect really combines the German Act principle of 'redistribution' and the English Act principle of 'betterment,' the former giving power to alter the shapes of plots so as to render them more suitable for building purposes, and the latter enforcing contributions from owners towards costs in proportion to the amounts by which their lands are 'bettered' by the scheme that is taken in hand. In the English Act the principle of redistribution has not been included, most probably because the holdings in England are usually fairly large in extent and can therefore be subdivided into plots of convenient shapes and sizes without disturbing ownership. In any area where the holdings are fairly large there is less necessity to rearrange them, but in Bombay the holdings are mostly small and irregular in shape, and power to rearrange them is absolutely necessary to promote development by carving out plots of suitable shapes and sizes, and to give every one access to proposed roads. Whether the holdings be small or large, one great advantage of redistribution is the power to cut out plots from the larger holdings and to allow them to such owners as are dispossessed from their lands by the advent of roads, market places and other public sites, for thereby the capital cost of a scheme is reduced to the extent of the value of the plot allotted, and the owner of the holding out of which the allotted plot is carved will have his cash contribution for 'betterment' reduced by the cash value of such allotted plot.

Example.—Suppose that A's land is worth Rs. 500 and it is required for a school site, and it is possible without causing much inconvenience to B to allot a plot worth Rs. 500 to A out of B's holding. Instead of paying Rs. 500 in cash to A and depriving him of a holding, he should be allotted a plot of equal value out of B's holding and the contribution leviable from B for the betterment of his remaining land is thereby reduced to the extent of Rs. 500.

In every case therefore, whether holdings are large or small, it would appear to be advantageous to have the power to redistribute, which may be used as much or as little as may be found to be expedient. In some schemes it may be found necessary to arrange all the plots; in some it may be found necessary only to rearrange a few scattered plots, whilst in others it may not be found necessary to rearrange any plots. Under section 60 of the English Act, a local authority can be authorised to acquire compulsorily any land comprised in a scheme, and such a power if freely given, would enable holders dispossessed by roads to be offered plots from the larger holdings, and would also give power to acquire strips of land to round off plots and make them of more suitable shape, but there seems to be no power in the English Act to compel owners to accept such strips being added to their holdings, and a proper rearrangement of plots could not therefore be made without the consent of all the holders concerned. Wider powers are needed, and whatever method is adopted to rearrange the plots the wishes of the holders should be followed as far as may be consistent with the objects of the scheme.

2. Appendix 5 of last year's proceedings contain a note on the rearrangement of plots and the method of calculating the expenses leviable on account of costs. It is proposed now to amplify that note by diagrams showing some examples of rearrangement and of estimates of 'betterments' in schemes actually worked out. Diagram 1 shows a rearrangement of 4 plots along whose southern

boundaries there is a proposed road. Excluding the portions of the plots that are absorbed by the road, it will be noticed that the greater part of the remaining portions of the plots are not displaced by rearrangement but that their boundaries are trimmed. A new plot has been provided for the holder of C, who has very little land left after the road land has been taken from this plot.

Diagrams II and III show alternative rearrangements of six plots which are intersected by a proposed road. In Diagram II the small plot F is wholly absorbed by the larger plot E, whilst in the suggested alternative rearrangement (Diagram III) the holder of F is allotted a suitable plot out of E. In each case all the 'final' plots have access on the proposed road. In one arrangement the plot B keeps its position and is given access by means of a private roadway, whilst in the other rearrangement the final plot B has a good frontage. Other forms of rearrangement can easily be suggested, but the form finally decided upon should be that particular suitable one which conforms most closely to the wishes of the holders concerned.

Let us now consider the loss or gain to a holder when the shape or position of his plot is changed. Each owner will receive an adequate equivalent for any decrease in the value of his holding due to the rearrangement of plots, and he will be charged for any increase in it due to the same cause. To estimate such decrease or increase due merely to rearrangement, the plots will be valued as on a particular date, such as the date of notification in the Government Gazette of an intention to plan, and without reference to the improvements contemplated. This is precisely what is done under the Land Acquisition Act at present. A notification appears and the valuation of the land at the date of the notification is made by the acquiring officer without reference to future enhancement. So in this case, a notification appears and valuations of a plot in its original and its rearranged or final shape are made and the difference in its value due to mere rearrangement is thereby obtained. Let us take as an example, plot A of our second diagram. In its original shape it is valued say at Rs. 1,000; in its final shape without reference to the fact that a road is coming it is valued say at Rs. 800. Then the loss to the holder of A is Rs. 200 and he would be credited with that amount.

Take the case of plot F in the third diagram. In its original form its value say is Rs. 100. In its final form without reference to the fact that a road is coming its value say is Rs. 300. By mere rearrangement therefore its value has increased by Rs. 200 and the owner must be debited with that amount.

The idea of credit and debit mentioned in the above examples is the clue to the method suggested to minimise the needless raising of capital. When a road is constructed the plots in their final shape will generally increase in value, and the amount of such increase measures the real 'unearned increment' or as it is called the 'betterment.' It is clearly reasonable that the holders should contribute some portion of their 'betterment' towards constructional and other expenses incurred upon works from which they have derived their profit, but there is no necessity to take a greater portion of their 'betterment' than is actually required for expenses. In Germany all expenses can be met by distributing costs amongst the holders in proportion to the benefits received by them individually, but the English method is distinctly fairer, whereby the proportion of 'betterment' that can be taken is limited to one-half, and if any more money is required the local authority must get it either by general taxation or from other sources. For the purposes of this note the English maximum limit of one-half has been taken and diagram IV shows how a holder's dues in any particular case are calculated. The dotted lines in the diagram indicate the 'final' or rearranged plot, which in this case is seen to be less both in area and value than the original plot. A ledger account is made with each holder on the credit side of which will be the decrease in the value of his plot due to rearrangement, and on the debit side will be the portion of his 'betterment' which is levied for expenses. The balance if on the debit side will be levied from him, and if on the credit side will be paid to him. If a town planning scheme is of any real use to the holders it will be generally found that the balance will be on the debit side, so that instead of paying them in cash for any land they give up and afterwards levying a contribution from them out of their 'betterment,' it will be only necessary

to levy from them, or pay to them, the difference of these two items and thereby the amount of capital to be raised will be materially diminished. The balance due from a holder may be paid either immediately in lump sum or in such instalments including interest and sinking fund charges as may be fixed for the scheme, *e.g.*, if a holder's dues are Rs. 1,000 then he could pay 30 yearly instalments of about Rs. 60 if money is borrowed at 4 per cent. and the sinking fund charges calculated on a $3\frac{1}{2}$ per cent. basis. Diagrams V, VI, VII show actual schemes worked out on a paper in the area as of Santa Cruz and Vilepadle in the island of Salsette.

Diagram V.

There is already an existing road from the Railway station opening up the plots, so that the scheme is much simplified and its works and purposes consist of—

- (a) rearranging the plots,
- (b) widening the existing road, constructing a storm water drain, providing lamps and planting trees.

The mere rearrangement of plots yields a profit of Rs. 1,248 (*vide* paragraph 3 below) and one-half the 'betterment' is estimated to yield Rs. 1,329, so that a sum of Rs. 2,577 can be recovered from holders, whilst the total constructional expenses are estimated as Rs. 3,747. The local authority will have to contribute from its general revenues towards the expenses of this scheme a sum represented by the difference of these two figures, *i.e.*, a sum of Rs. 1,170.

Diagram VI.

This scheme comprises plots neighbouring a *nalla* which is used as a fair weather track. Some of the plots already contain bungalows. The purposes and works of the scheme comprise—

- (a) giving access to all plots,
- (b) widening the *nalla* to 40' and constructing a made road along it with the necessary storm water drains.

The estimated expenses of the scheme are as follows :—

	Rs
Constructional works	8,219
Land compensation	1,157
Valuation and preliminary expenses of preparing the scheme ...	1,500
Total	10,876

One-half the betterment is estimated at Rs. 8,128; so that the cost of the scheme to the local municipality will be Rs. 2,748.

Diagram VII.

This is finally large scheme for a small locality and includes the acquisition of land for a future 70 feet main tramway road and the present construction thereon of metalled road 30 feet wide, the remaining 40 feet of land being filled up where necessary and the necessary gutters made and trees planted. Most of the plots are rearranged. The expenses of the scheme are estimated as follows :—

	Rs.
(a) Rearrangement of plots	14,952
(b) Constructional expenses	16,334
(c) Valuation and preparation expenses	3,000
Total	34,286

of which Rs. 13,912 can be met from one half of the estimated 'betterment.' As this is a main road it is but right that the frontagers should not have to pay for its entire cost. The figures show that one half the 'betterment' practically pays for all the land (c).

3. It will be seen from the illustrations given above that "rearrangement" and a limited 'betterment' contribution do not necessarily pay all the costs of a scheme. The local authority must find the amount by which they fall short of the total expenses. Naturally the local authority will not be anxious to take up schemes that will cost them too much money, but every scheme will cost them much less than under the present system where the frontagers who benefit most by the rapid appreciation in the value of their lands by the advent of a new road give up no portion of their 'unearned increment' towards its construction.

In homogeneous tracts mere rearrangement of plots lessens capital cost, for every plot that is rearranged is made more suitable for building purposes and is therefore of greater value per square yard than before it was so arranged. This can easily be seen by rearranging the two plots formed by the diagonal of a square into two rectangular plots formed by a line through its centre parallel to the sides.

4. In England, the individual benefit derived from a town planning scheme, *i.e.*, the 'betterment,' is calculated after all the constructional works have been completed; but under a system of rearrangement of plots as already described, there are advantages in estimating it at the same time as the original and final plots are valued, *i.e.*, before the works are started, and to guard against possible errors the owners of the major number of plots, or the local authority, might be given an opportunity of demanding its revision after the constructional works have been completed. There is always the chance that the owners would not combine to demand a revised valuation, especially if they are made to pay for it, whilst in small schemes, such as the construction of accommodation roads, which are a pressing need in growing suburbs, the owners would probably be content to pay a small yearly sum for the substantial benefits they will receive without troubling themselves too much about whether the valuation upon which it is based absolutely coincides with the actual state of things when the works are complete. If the local authority has a favourable balance at its disposal, sufficient to carry out the contemplated works, there is no need for haste in calculating the 'betterment,' but if it has not, which is generally the case in the Bombay suburbs, the sooner the 'betterment' is estimated the sooner will there be some sort of security to go upon wherewith to raise the necessary loan, and even if a revision of the 'betterment' is demanded after some years, and it is found that the valuations of it made by the arbitrator in the first instance were too high, the local authority could then consider ways and means to meet the deficit. By assessing individual contributions before the works are started, the local authority will have something at any rate to go upon, and even if it is afterwards found on revision that the contributions were over-assessed in the first instance, a growing municipality will be in a better position to incur more expenditure from general funds to meet the excess, by reason of the interval of time that has elapsed between the original and revised valuations.

The English method of post valuation of 'betterment' has the advantage of allowing an accurate calculation of 'betterment' being made, but it does not allow a set-off being made at once in each individual holder's ledger account and it gives the local authority only a possible future security to rely upon when a loan is required to carry out the scheme works. The initial capital would be increased by holders demanding to be paid for the portions of their land absorbed by roads, but a reduction under this head could be materially effected if instead of paying holders immediately for such portions of their land and afterwards levying a 'betterment' contribution from them, they were paid interest, say, at 4 per cent. on the amounts due for such portions during the interval between the introduction of a scheme and calculation of their 'betterments.'

Both the systems of prevaluation and post valuation of betterment yield correct accounts in the end, but in the former the initial financial responsibility is placed upon the holders and in the latter it is placed upon the local authority.

The 'betterment' figures given for the schemes illustrated by diagrams V, VI, VII (*vide* paragraph 2 above) are estimates made before the works have been started. If the 'betterment' is to be calculated after the works have been completed the effect will be as follows :—

Diagram V.—Scheme.

The local authority would have initial security for Rs. 1,248, and would have to raise initially a sum of Rs. 2,499 on the security of their general funds instead of a sum of Rs. 1,170.

Diagram VI.—Scheme.

The local authority would have to raise initially a loan on the security of their general funds sufficient to obtain Rs. 9,719 for works and to pay yearly interest of Rs. 1,157.

Diagram VII.—Scheme.

The local authority would have to raise initially a loan on the security of their general funds sufficient to obtain Rs. 19,334 for works and to pay interest on Rs. 14,952.

5. The suggested method of credit and debit is capable of considerable extension. Into the ledger account of a holder can be entered not only his contribution towards expenses, and any amount creditable or debitable to him by reason of a rearrangement of his plot, but also any sum awarded by the arbitrator as being payable to him or leviable from him. For example, an agricultural lease might be extinguished and the lessee in consequence would have to be compensated. The portion of such compensation payable by the holder could be paid by the local authority and debited to the holder in his ledger account. In this way the party claiming relief is compensated at once, whilst the holder is given easy terms for repaying the local authority the cost of the advance.

The local authority responsible for carrying out a scheme should be a municipality within its own limits and the local board elsewhere. The controlling authority might be the Commissioner of the Division or even the local Government.

The procedure to introduce a scheme might be briefly as follows :—The local authority will publish a notification in the Government Gazette of its intention to plan a certain area defined by boundaries on the existing survey maps. The existing and proposed main roads will also be shown. The owners will be fully consulted as to accommodation roads, and as to any rearrangement of plots that may be necessary, and the local authority will then prepare and notify a block plan and scheme showing these details, and objections to the same from persons interested will be invited. After considering such objections and making such alterations as it deems necessary, the local authority will submit the scheme and objections received, to the controlling authority for decision and thereupon an independent arbitrator will be appointed to draw up the final scheme and plan as so sanctioned. The arbitrator will be an expert valuer and his duty will consist of making valuations of holdings as already described in this note and demarcate the roads and holdings as finally sanctioned. He will also award the compensation payable for the extinction or transference of any rights or of any property injuriously affected, and will calculate the dues leviable from each holder in accordance with his valuations. He will communicate his decisions to the local authority who will then notify the final scheme and plan and state on which date it will take effect.

6. Effect of redistribution on legal rights.

If an owner's plot is altered in shape or size or is actually transferred from one place to another, it is necessary to consider what effect this will have on the lessee or mortgagee of the original plot. As far as possible these rights

should be transferred in the same or a convenient modified form to the new plots, and compensation must be paid to anyone injuriously affected thereby. Agricultural leases should not be transferred without the consent of all parties to the lease, for the object of the scheme is to encourage building operations and to allow the owner, who pays the 'betterment,' every chance of making as much profit as he can out of the land. If a holder and a mortgagee come to terms privately in respect of their rights in the rearranged plot, such an agreement should always be accepted unless its terms are prejudicial to the objects of planning.

The arbitrator appointed to value the lands will also decide questions of compensation for transference of rights, and also decide what rights shall be transferred to the rearranged plots, and on the day that the scheme takes effect the old rights will be extinguished and the new rights will take effect. The common encumbrances on a plot are leases and mortgages and the following examples will show how such cases can be treated and how the apportionment of expenses can be made.

Leases.

If a lease is extinguished or modified it is clear that compensation must be paid to the lessee, and it is for the arbitrator to determine the proportions of such compensation payable by the holder and the local authority, respectively. When a portion of a plot leased for agricultural purposes is taken for a public road under the provisions of the Land Acquisition Act, the tenant generally retains his right on the remainder of the plot. Now as the price of land rises on the construction of a road, it will generally pay the plot holder to get rid of his tenant and utilize or sell his land for building purposes. In order to do this, the owner would have to pay out the tenant at his own expense. If therefore a Town Planning Act gets this done for him it is only fair that he should be debited with its cost.

Example.—A is the owner of 1 acre of homogeneous cultivable land leased to B at a yearly rental of Rs. 60 and the lease has 5 years to run. Under a Town Planning scheme one-tenth of an acre may be required for road purposes and the lease must be extinguished. The compensation payable to B should be borne by the local authority and the holder in the proportion of 1 to 9.

Mortgage without possession.

If the value of a plot as finally rearranged with reference to the improvements contemplated is of greater value than the original plot mortgaged, then the mortgage can be transferred without loss of security. If a scheme is to be successful this will usually be the case. It may happen however that the rearranged plot is less in value than the original plot. If the mortgagee accepts the final plot as his new security then all is well, but if he does not then the whole or any part of the difference in value between the original and the final plot (values as undeveloped) instead of being credited to the holder could be paid to the mortgagee in whole or part satisfaction of the mortgage.

Example.

				Rs.
(a)	Value of original plot	...	...	300
(b)	Amount due on mortgage	...	...	200
(c)	Undeveloped value of allotted plot	...	...	100

Instead of crediting the holder with Rs. 200, *i.e.*, (a-c) for his actual loss of land, it might be paid to the mortgagee and the mortgage redeemed, or the holder might be credited with Rs. 100 and the mortgagee given Rs. 100 and his mortgage transferred to the new plot.

Mortgage with possession.

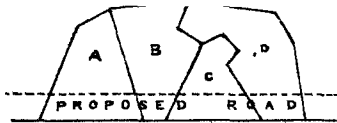
These are usually either one or other of the following kinds :—

- (a) the use of the land is given to the mortgagee for a certain number of years in full repayment of the mortgage.
- (b) The mortgagee holds the land and reaps the profits on it by way of interest on his loan.

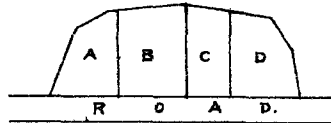
Case (a) is precisely similar to a lease by the mortgagor to the mortgagee for a definite number of years and can be treated in the same way.

Case (b). The mortgagee will be satisfied if he gets at least equal security and an equivalent for the secured profits. Equal security can be arranged as in the case of mortgage without possession, but the mortgagee may not in all cases be able to utilize the allotted plot so as to secure the same profits as the original plot yielded. For any such loss of profits he is entitled to some equivalent at mortgagor's cost and for any increase of profits the mortgagor is entitled to credit. A rocky piece of ground allotted in lieu of a cultivable plot will not always be of use to a mortgagee in possession, for even if the mortgagor consents to the mortgagee erecting buildings on the rocky land, it may not pay the mortgagee to erect a substantial structure and the scheme may not permit of huts being erected. The best course in such a case would be to compensate the mortgagee at the mortgagor's expense for loss of possession and to convert the mortgage with possession into a mortgage without possession. Any amount paid to the mortgagee would go in part satisfaction of the mortgage.

DIAGRAM N° I

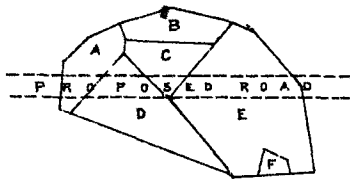


BEFORE REARRANGEMENT.

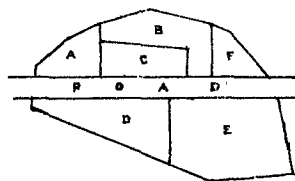


AFTER REARRANGEMENT.

DIAGRAM N° II.

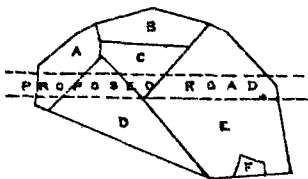


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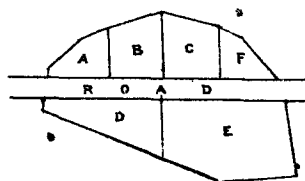


AFTER REARRANGEMENT.

DIAGRAM N° III

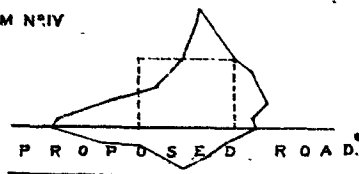


BEFORE REARRANGEMENT



AFTER REARRANGEMENT.

DIAGRAM N° IV



VALUE OF ORIGINAL PLOT 800 RS.

VALUE OF FINAL PLOT = 700 RS.

VALUE OF FINAL PLOT AFTER

CONSTRUCTION OF ROAD 1500 RS.

OWNER'S LIABILITY $(-100 + \frac{1}{2} \times 800) = 300 \text{ RS.}$

DIAGRAM №V

SCHEME №1 SANTACRUZ.

SCALE 330'-1".

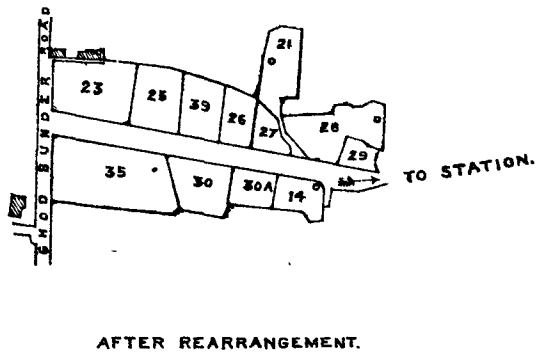
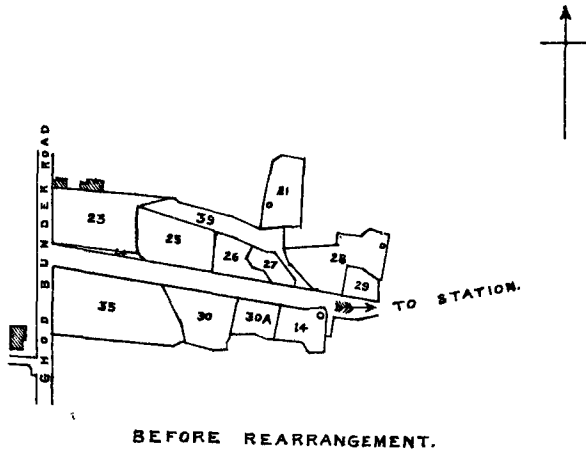


DIAGRAM Nº VI.

SCHEME Nº 1 VILEPARLE.

SCALE 320 FEET TO ONE INCH.

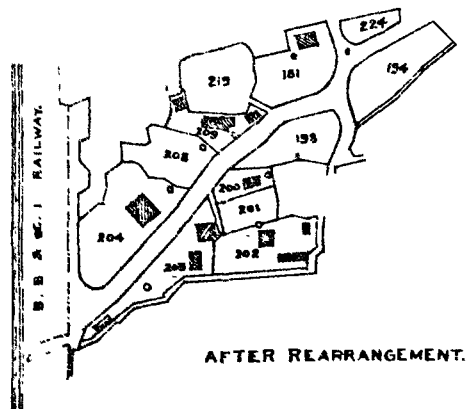
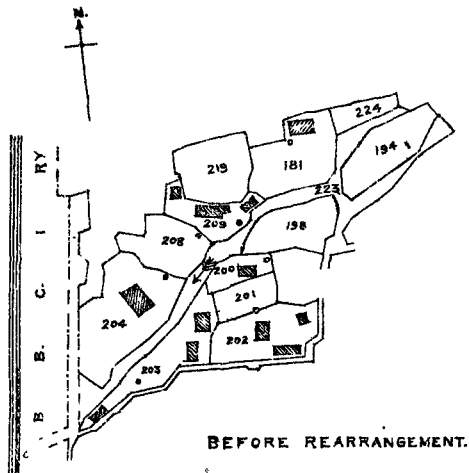
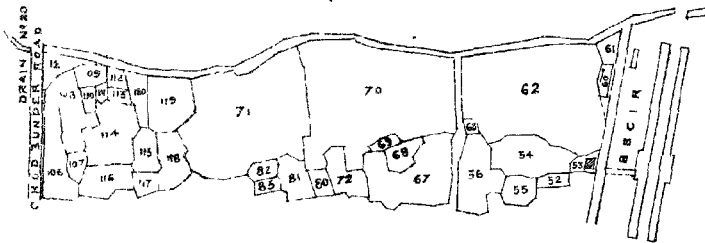
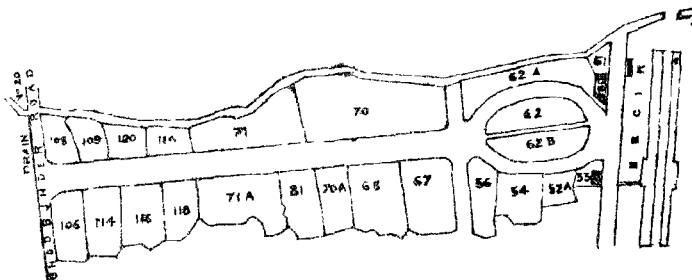




DIAGRAM NO VII
SCHEME NO 2 VILEPARLE
SCALE 330 FEET TO ONE INCH



BEFORE REARRANGEMENT



AFTER REARRANGEMENT

The Need of Co-operation
BETWEEN
Neighbours in the Development
OF
BUILDING ESTATES."

PART I
New Estates and Growing Slums

AND
PART II
Established Slums.

LECTURES DELIVERED
BEFORE
THE BOMBAY CO-OPERATIVE HOUSING ASSOCIATION

BY
The Hon'ble Mr. J. P. ORR, C.S.I., I.C.S.
Chairman of the Bombay City Improvement Trust

IN
AUGUST 1915.

PRINTED AT THE
PRESS AND PRINTING WORKS, FORT BOMBAY.

**"THE NEED OF CO-OPERATION BETWEEN NEIGHBOURS
IN THE DEVELOPMENT OF BUILDING ESTATES."**

Part I.

NEW ESTATES AND GROWING SLUMS.

Preamble.

1. This is the fourth of a series of lectures intended to provide the Bombay public with food for reflection on the conditions of housing in Bombay and to make suggestions for improvements which might form a basis for public discussion and lead in time to desirable housing reforms.

2. In 1912, I delivered my first lecture on "Light and Air in Dwellings in Bombay." I pointed out how slums had been created by sweating building sites *i. e.*, by overcrowding them with buildings. I depicted the commonest type of groups of insanitary houses in Bombay and showed how by the use of the methods of the English Housing and Town Planning Act adapted to Bombay conditions all inadequately lighted and ventilated rooms in Bombay might be gradually closed and house-owners required, with some assistance from public funds, more particularly in the way of removal of obstructive buildings, to reconstruct their houses so that all dwelling rooms in them might have a sufficiency of light and air.

3. In January 1914 at the All India Sanitary Conference at Lucknow I delivered a second lecture entitled "How to check the growth of insanitary conditions in Bombay City" showing how the 63 $\frac{1}{2}$ ° light and air rule was worked on the Trust's estates and how its application to the rest of the City would in combination with certain other reforms which had been advocated by Mr. Harvey so long ago as 1901 tend to check the growth of slums in Bombay.

4. In 1914, finding that though the reforms advocated by Mr. Harvey and myself were under discussion none had yet been actually adopted, I delivered a lecture on "Density of Population in Bombay" pointing out by analysis of figures of the last five censuses what extremes of congestion had been reached in the heart of the City and how the consequent insanitary conditions so conspicuous there were gradually extending outwards like a spreading cancer so that many places which a few years back were comparatively open were now becoming rapidly over-congested and would soon become part and parcel of the central slum area.

5. This year, and more particularly during the course of the Town Planning Exhibition, when I was giving demonstrations with the aid of models of the evils characteristic of the Bombay slums, I have had several discussions with architects and house-owners and have found that there is an increasing tendency to accept some of the reforms I have advocated and to recognise the necessity for co-operation between house-owners and the Municipality and also amongst house-owners themselves, if any material improvement of existing slums is to be achieved and the steady addition of new slums to old slums is to be checked in the near future. I accordingly decided to lecture this year on the need of this co-operation with a view to finding out in the course of discussion on the lecture what practical difficulties stand in the way of the reforms I advocate.

Growth of slums in Bombay.

6. How rapidly the Bombay slums are growing is shown by certain building statistics collected at my instance by the Municipal Engineer. I find that in 1914-15, the total floor area in newly completed buildings or additions to existing buildings aggregated 93,338 sq. yds. This is probably below the average for normal years, as building operations received a check in 1914 on account of the war. Still the magnitude of these figures shows how important it is that new building operations should be under sufficiently strict Municipal control to ensure that the newly created residential quarters fully satisfy the requirements of up-to-date sanitary standards. Now, of these 93,338 sq. yds. about one-third roughly is in new buildings on Improvement Trust Estates and may therefore be taken to be satisfactory from the sanitary point of view. The remainder—over 60,000 sq. yds.—is in buildings outside the Improvement Trust estates. The Municipal Engineer is always complaining that he has to pass plans because they involve no breach of existing bye-laws though he feels they ought to be vetoed because they tend to the creation of slums. I once asked him whether as many as half the cases he has to pass are seriously open to objection and he replied “nearer three-quarters.” At this figure the floor area added to slums in 1914 was about 45,000 sq. yds. sufficient according to the limit of 25 sq. ft. per head laid down in sec. 379A (4) of the Bombay City Municipal Act to accommodate over 16,000 adults. This shows how important it is that there should be no further procrastination about amending the Municipal bye-laws.

7. I have recently obtained from the Municipal Office a few typical plans showing some of the objectionable building proposals that have recently been sent in to the Municipality. In some cases there are rooms 35' to 40' deep inadequately lighted from the narrow end on the street: the long sides have several doors in them and in some cases windows opening on to narrow foul gullies and we may fairly assume that when the building has been completed and the Municipal staff are no longer supervising the work, these rooms will be partitioned off into several small rooms all but

one of which will be strictly unfit for human habitation. This could be set right if the owner of such a room would leave an open space of, say, 10' along the margin of his plot and arrange for his neighbour to do the same.

8. There is another set of cases in which the new bye-laws compel the builder to cut out a kind of recess in the side of his building for the lighting and ventilation of interior rooms; but the space is too narrow; and, if his neighbour builds up to the edge of his land this space will ultimately be a mere rubbish shoot and the air in it most unhealthy. A specimen of such insanitary recesses is shown in my model of 3 houses in Samuel Street on the table and I can show dozens of them to any one who will come slumming with me.

9. In a few of these cases the greater portion of the site now proposed to be built on would much better be reserved as an open space for the ventilation of the adjacent sites, as in the case of the Umarchadi Street model on the table. In England the local authority has power to enforce such reservation by paying the owner of the open site compensation in consideration of the prohibition of building and recovering that compensation from the owners of the properties benefited.

10. In nearly all these cases the Engineer objects to the side or interior open space as utterly inadequate. The percentage of the whole building site to be left free of buildings varies from 5 to 33 and is seldom above .20; whereas if the 63½ rule were in force the percentage of open space would seldom be less than 30.

11. There are a few cases of houses to which it is proposed to add additional storeys, thereby intensifying the insanitary conditions that arise from the sites and those immediately adjacent to them being already overcrowded with buildings. The harm that is done by such additions is illustrated in the Samuel Street Umarchadi models on the table; and I may supplement this illustration by reading an extract from a report made in 1913 on the Undriā Street Scheme.

"The records of the Undriā Street Improvement Scheme area show that since 1901:—

- (a) Out of 41 houses in this scheme 14 had a loft removed and one extra storey added and the average assessment per house had gone up from Rs. 441 to Rs. 867.
- (b) One house had 2 extra storeys added and the assessment had gone up from Rs. 338 to Rs. 1,437.
- (c) 19 houses had minor sanitary improvements made in them, and the average assessment per house had gone up from Rs. 545 to Rs. 998.

(d) Seven houses had been pulled down and new houses erected, and the average assessment per house had increased from Rs. 537 to Rs. 2,388.

(e) The total assessment had therefore more than doubled in the interval between 1901 and 1913."

12. There are several cases of building sites situated away from streets so that the builders cannot be prevented from building up to 70' high; and though so great a height is not proposed at present there is another objection to these buildings in that they have no proper means of access to the nearest existing pucca roads so that it will be difficult to arrange for cleaning their privies.

13. There are a few cases of biggish buildings proposed to be erected in positions in which they will block the lines of proposed new streets. If the Corporation had only made up their minds to approve these proposals for these new streets, the erection of these buildings could have been prohibited; but now either the new houses will have to be acquired or the lines of the proposed roads altered; and every new house built adds to the difficulty of finding convenient lines for such roads in the future.

14. These few specimen cases taken at random from those now before the Municipal Engineer for disposal serve as instances to show what a store of trouble is being laid up for the Municipal administration of the future by the continuance of the short-sighted policy of "every man for himself" in the matter of development of building estates, the policy under which each man strives to make for the time being the most he can out of his own little plot of land, without regard to the necessity of fitting in his schemes with those of his neighbours for the benefit of the general community and without thought of the risk of deterioration of his property by reason of the creation of slums around it.

Co-operation between neighbours a remedy for Slum formation.

15. Co-operation has solved difficulties in many fields of enterprise and we may well consider how far it may be used to counteract the intensification and expansion of slum areas in Bombay: and my main object this evening is to suggest how neighbours can assist one another to make the most of any holdings they may wish to build on by arranging to share one another's open space so that each may have far more open space conveniently situated around his house than he would have if he were to provide the whole of the open space on his own land and could not prevent his neighbours from building up to the edge of it.

Slums newly created under Municipal bye-laws.

16. Let us confine our attention first to open lands leaving the more difficult subject of lands already built on to be dealt with later on: and in

order to see what are the evils we need to avoid in the development of open land, we may examine a few cases illustrating what has gone wrong with the development of lands once open, now slums.

17. Some of you may remember a case of which Professor Geddes showed photographs in one of his lectures. The owner of a certain valuable house had persuaded a friend to buy a plot with a low building on part of it, over which the valuable house got light and air for its side windows; he wanted to have a friendly neighbour; but trouble came when the friendly neighbour pulled down the old building on the plot and proceeded to build a high building which shut out light and air from the side windows of his friend's house. Now had there been the kind of co-operation between these friends that I am now advocating the original owner when persuading his neighbour to buy the intermediate property would have arranged either to buy a small strip of that property himself and keep it open or to pay his neighbour a sum of money in consideration of his undertaking to keep a certain strip of land free of buildings. That the advantage of such an arrangement is now becoming more generally recognised is indicated by the fact that we have recently made several such arrangements for owners of houses on or just outside Trust estates.

18. I referred to a somewhat similar case in the address published as the Housing Association's Leaflet No. II. A certain gentleman built up a house with every up-to-date sanitary contrivance in it, but with very little open space around it *on his own plot*. On one side he built practically up to the edge of his plot, relying for light and ventilation on the open land of his neighbour next door. Soon after his house was finished, this neighbour—a shrewd widow—in strict exercise of her rights built a high wall all along the edge of her plot within a few inches of the new house, so that all the rooms on that side of the house have been utterly spoiled. Had there been co-operation between these neighbours on the lines I advocate, they would have arranged, before the new house was designed, for each to leave a space of at least 10ft. of open land on either side of the common boundary, and then each would have enjoyed an open space of 20ft. from which rooms abutting on this space in both my friend's house and the house to be subsequently built by his neighbour would have been amply lighted and ventilated. As it is my friend's house is spoilt and the widow when she builds will have to leave twice as much open space on her own land as would have been required, had she come to terms with her neighbour.

19. There are a number of cases of this kind all over the City, many of them involving those horrible eyesores, screens of wood or iron, erected within a few inches of windows to prevent the creation of easements over open land beyond them.

20. These are all cases of single plots; but there are also cases of estates including large numbers of plots laid out in comparatively recent times. The one I will take this evening for special consideration as typical

of many others is the recently developed estate to the West of Lamington Road of which I have a plan on the screen and a model on the table (Vide Appendix A).

21. In 1911, when the Trust started their scheme for converting the winding 24' Chunam Kiln Road into what is now the Lamington Road 80' broad, the land on which the houses referred to stand was part of the area notified for the scheme. Unfortunately the Trust acquired only that part of the land which was required for absorption into the road leaving the remainder with the original owner. It was known that the owner, taking advantage of the improvement of his estate by the construction of the new road, intended to lay out his land into building plots for sale to builders; but the Municipal bye-laws had just been amended, and it was thought that under these amended bye-laws, which provide for more open space around buildings than had hitherto been required, the development of the building estates would be in every way satisfactory; so the Trust abandoned their original idea of creating an estate of their own in this locality and allowed the owner to develop his own estate, only stipulating that the elevations should be subject to the Board's approval. The elevations are generally recognised as satisfactory; and when the first three houses were put up few people would have suspected that a slum was being created. Most of the rooms in the two corner houses were excellently lighted and ventilated and even in the middle one there were comparatively few rooms open to objection, because the backs were in *echelon* and there was no building behind them. But subsequently the open spaces in the rear were filled up; every year one or two new houses were built; the side passages between the original three houses became blocked by new houses; and now there is not a single back room in any of the houses in this block which is adequately lighted and ventilated. If you go into these houses you will find that on account of the bad smells from these narrow gullies, into which light seldom penetrates and into which too many residents throw refuse from their windows, especially from kitchens, people have to keep their windows closed so that their rooms are not only dark but without ventilation. There are similar blocks on either side of the one shown in the model, and insanitary as they are now, they will become even worse when the neighbouring lands are built on, unless the owners of the houses which now look over open land arrange with their neighbours to secure the adjacent strips of land from ever being built over.

22. There are many such areas upon which slums are being created before our eyes under the existing bye-laws and many more will be created if the Municipality do not amend their bye-laws and let people know beforehand that rooms newly constructed now will not necessarily be treated hereafter as fit for human habitation just because they comply with the existing bye-laws.

23. I have a few photographs here of some of these recently developed slum areas. The first set (Vide Appendices C, D, E and F) which I will

pass round depicts a group of houses erected for the most part under the bye-laws as amended in 1910 in a newly developed building estate of about $5\frac{1}{2}$ acres towards the east end of Love Lane, Mazagon. The Estate was laid out into 29 building sites as shown in the Estate plan (Appendix B); the sites were auctioned in December 1909 and most of them have houses standing on them now. These houses exhibit the same faults as those in the Lamington Road group. One of the photographs (Vide Appendix D.) shows the one plot, No. 7, as yet not built upon and gives some idea of the narrow space between the houses surrounding it. In one of the corners between three of these houses there used to be recently a ground floor stable over the top of which the rooms in the adjacent houses got ample light and air. You will see that the walls of this stable are now being carried up within 2' of the windows of the neighbouring houses, and before long, no doubt, the rooms on two floors in each of these three houses will be deprived of the light and air they have hitherto enjoyed, and all the windows will have to be kept shut to keep out the foul air from the deep narrow gullies now to be created. The redeeming feature is at present the space, plot No. 7, not yet built on; and the one chance the owners of these houses have of saving their estates from further deterioration and therefore in the long run depreciation is to pay the owner of this open land such reasonable sum as he may demand in consideration of his keeping a 20' strip all round the margin of the plot free of building. If the house-owners cannot get the land-owner to agree to this, they should agitate for an amendment of the Municipal bye-laws so that the land-owner may be compelled to keep much larger open space than is required under the existing bye-laws. But as these house-owners are themselves to blame for not having left a sufficient open margin on their own plots, they cannot expect the Municipality to secure the open margins they require, unless they themselves contribute towards the cost rateably to the betterment their properties secure thereby. This is an instance of what can be done by co-operation between individual house-owners and the Municipality as representing the general body of property-owners in Bombay in cases in which it is found impossible to secure what is wanted by co-operation between one set of house-owners and another.

24. My next photos (Vide Appendices G, H, and I) show similar cases of comparatively new building estates rapidly deteriorating into slums in Girgaum. The pity of it is that this is a locality in which until recently there were great possibilities of development of building estates affording sanitary accommodation for a large population within quite easy reach of the centre of the city. But as I showed in my lecture last year, the density of population is increasing at an alarming rate. That in itself would not matter if the new population were being decently housed; but that unfortunately is not the case. The photos give typical instances of estates developed on fairly regular lines with houses which for the time being have comparatively few rooms open to serious objection; but the system on which these estates have

been developed with houses stretching back from a central road right away to the owners' boundary with no rear open space and utterly inadequate side spaces must, when the owners of the plots in the rear complete their development on the same system, lead to the conversion of the few regular open spaces which at present form the redeeming feature of the place into congested areas soon to become slums by reason of the inadequate open space between buildings. If the Municipality allow these open spaces to be built over as the rest of the estate has hitherto been built over, the next generation of ratepayers will have to undergo the heavy expense of clearing away the backs of all these houses on the lines of our Undria Street Scheme. They will no doubt try like the present generation of ratepayers to shift the burden on to the general taxpayer; but the longer we citizens of Bombay go on disregarding the effect of our present bye-laws in creating slums, the less justification we have for calling upon the general taxpayer instead of the ratepayer to foot the bill.

Embryo Slums in non-congested areas.

25. I have so far dealt with open spaces in areas that have been closely built upon. I may now turn to a different class of cases, viz., house sites in large open areas with houses dotted about here and there at long intervals. Here there is a less obvious, but none the less serious, process of what must ultimately be slum formation going on. Take the case of Mahim. Here the main fault is that there are few roads and no drains and no general plan for development of future roads and drains. The houses are in some parts so scattered that the casual observer might attach no importance to the enforcement of building bye-laws. The evils that are being created will not be generally recognised until the houses are more congested. But then perhaps it will be realised that houses have been allowed to spring up just anyhow and anywhere, so that it is impossible to construct many roads without demolishing many houses. Only recently we have had several cases in which the Municipal Engineer warned the Municipality that unless within six months they decided upon certain lines as the lines of certain roads he would have to allow houses blocking those lines to be constructed; and yet, so little is the mischief that is being done by the random erection of houses realised by the Municipality, that in some cases those intervals of 4 or 6 months were allowed to elapse before the Committee to whom the Municipality referred the Engineer's report was even convened to discuss the matter; and now some of those houses are under construction.

26. One great trouble in Mahim is that houses are allowed to be built without any better means of access than the 8' passage prescribed by the Municipal bye-laws; and too often a street to which this 8' passage gives access is a mere water way or a narrow winding footpath hundreds of yards away from the nearest pucca road.

27. So long ago as 1901, Mr. Harvey recommended that no house should be permitted to be constructed unless it abutted upon a proper street

at least 40' in width. Had this recommendation been accepted, the development of Mahim into a healthy suburb would have been a much easier matter than it is to-day; and the longer the enforcement of this regulation is postponed, the more difficult will the problem of making a sanitary suburb of Mahim or any other quarter become. In 1914-15, 40 new buildings were erected in Mahim and only 3 of these abut on pucca roads.

28. In Mahim there are comparatively few cases of houses being built on neighbouring sites, and so the need of co-operation between the owners is as yet not very obvious. Nevertheless, there is a danger in allowing owners of small sites to build over nearly the whole of those sites, as they are allowed to-day, depending for light and ventilation on lands which are at present open but may be built over any day. In my opinion any site less than 220 sq. yds. in area should be classed as a site on which nothing more than a ground floor house can be erected, unless the permanent open space required by the 63rd rule is provided on the site itself and not on adjacent sites.

29. The co-operation between neighbours that is mainly wanted in comparatively open areas like Mahim is co-operation in the way of contribution of land towards feeder roads connecting the few existing main roads with back-lying estates. It is only when the Municipality prohibit building away from roads as Mr. Harvey recommended in 1901 that the value of such co-operation will be recognised. When houses abutting on good streets are not depreciated by the competition of houses erected just anywhere away from streets, land-owners will begin to see that it will pay them far better to combine with their neighbours to construct feeder roads of their own than to wait for the Municipality, already overburdened with the cost of improving existing roads, to construct new roads for the benefit of small owners at public expense.

Demand for improved amenities in the way of roads and open spaces a necessary preliminary to supply.

30. In course of time, no doubt, as people begin to realise the advantage of living in sanitarily developed estates not liable to deterioration by the creation of slums in the neighbourhood, houses in such estates will fetch better rents than others and owners of open lands capable of development into building estates in non-congested areas will be encouraged to follow the example of the Improvement Trust, lay out their building sites in regular lines on roads in co-operation with their neighbours and prescribe on each site lines beyond which building shall not extend. But, I am afraid, owners of neighbouring plots will not be encouraged to co-operate for the construction of private roads and the preservation of common open spaces until builders realise that they cannot dispose of buildings profitably unless they are provided with such open spaces.

31. Take, for example, the Lamington Road plots shown in the model. Who can blame the man who built on those first three plots for building

over nearly the whole of his land; when he was sure that the more residential floor area in a house he could show to an intending purchaser the bigger the price he would be able to squeeze out of him? And who can blame the purchaser for jumping at this bait, if he knew that he could easily find tenants who would not realise the risk of being shut in by new buildings or object to having such narrow dark gullies just outside their rooms? I hope these purchasers will soon repent their bargain, when with the rise in the general standard of comfort and the erection of more houses satisfying modern sanitary standards, they find that their tenants will leave them or only stay on their making a material reduction in the rent.

32. It is interesting to note that had this estate been laid out according to Trust methods, a transfer of only 8% of the plot from the area built on to open space would have resulted in every house having all its rooms amply lighted and ventilated either from the streets in front or from the open space of 580 sq. yds. *i. e.*, little more than one-fourth of the plot, in the rear. You will be able to compare the actual with the potential development by studying the plans which I am now passing round. (Vide Appendix A).

33. The potential development is not an ideal one for demonstration of the Trust's methods, because in the first place the Trust generally choose plots entirely surrounded by roads for development, whereas this group of plots lies between three roads and on the fourth side are private properties. As a matter of fact, a new house has recently been constructed running right through the length of this fourth side, thus blocking some of the gullies and making the place worse than ever. Further, had this estate belonged to the Trust, they would probably have managed to make the feeder roads perpendicular to Lamington Road. The potential development has however been suggested on lines as nearly as possible approximating to those of the actual development. The main feature distinguishing the potential from the actual development is the large common rear open space in the former and the absence of the narrow gullies which spoiled the actual development. An exit from the rear open space is necessary in order to get drains out; and this is provided on the less valuable frontage so that none of the valuable Lamington Road frontage is lost in the potential as it is in the actual development.

34. It is perhaps doubtful, seeing that the public have not yet been educated up to the higher standards of housing comforts, whether the original land-owner would have got more for his land under the potential than under the actual development, or whether the builders of the existing houses would have sold their houses for more under the potential development than under the actual development. But there can be no doubt that those who purchased the completed houses would have had a better investment under the potential than under the actual development; for the tenants are already grumbling at the rents, having regard to the discomforts they

have to put up with, and compare their lot unfavourably with that of the tenants of the large blocks recently built by the same builder at the south end of Hughes Road. These buildings were put up in accordance with the plans passed by the Trust satisfying the $63\frac{1}{2}^{\circ}$ rule, and their present amenities are permanently preserved by the Trust's conditions requiring certain open spaces in the rear of the building to be kept permanently free of any structures.

35. I see no reason why the holders of large open lands capable of division into building sites should not follow the Trust's methods of estate development. In illustration of this, I will pass round the development plan of Scheme 8 Mandvi-Koliwada (Vide Appendix J). The first thing that the Trust did after clearing away the old houses they acquired was to broaden the existing roads and make some new ones so as to divide the estate into several building blocks each contained within four streets. These blocks were then sub-divided into a convenient number of building sites and a building line was laid down in each plot so as to make each plot contribute a certain area of open space towards a common central open space in the middle of the block. This common rear open space is connected by a service passage with one of the roads so as to get the drainage out through a drain under the service passage into the drain under the street. In each plot the rear open space is paved and drained and the dimensions of the rear open space are fixed in such a way that the distance between any two buildings is always at least equal to half the height of the higher of those two buildings. A point for special notice is that the total rear open space is far more than the minimum required by the $63\frac{1}{2}^{\circ}$ rule. If the absolute minimum had been adopted, the common rear open space would have been far too small, having regard to the heights of the surrounding buildings, for satisfactory perfilation of air. In one block this perfilation is facilitated by the rule that buildings on the area hatched black may only be confined to a ground floor. In the same block to the north of the service passage is a ground floor godown. This godown is not lighted in full accordance with the $63\frac{1}{2}^{\circ}$ rule; but that is not necessary as it is not used for human habitation. It is however set back sufficiently far from the surrounding buildings to avoid interfering with their lighting and ventilation; so every room in them satisfies the $63\frac{1}{2}^{\circ}$ rule.

36. The model before you shows how in one block privies were erected in the rear open space. This was in accordance with the earlier rules of the Trust which made privy blocks an exception to the rule that no building could be erected on the rear open space. These privy blocks do not, as a matter of fact, obstruct the lighting and ventilation of any of the surrounding rooms used for human habitation so as to reduce them below the $63\frac{1}{2}^{\circ}$ standard; but they do interfere with the perfilation of air in the common rear open space and there are several rooms which but for these privy blocks would get much more light and air than the $63\frac{1}{2}^{\circ}$ minimum permits. The Trust recognise the defects in their earlier development and they do not now allow even privies to encroach upon the rear open space except in very

special circumstances. So a man who takes any Trust plot knows from the development plan that even if the adjacent plots are built over there will be a certain area in them which will always be an open air space and he is thus secured against depreciation of his building by such over-sweating of neighbouring building sites as is a common cause of depreciation of house property outside Improvement Trust estates.

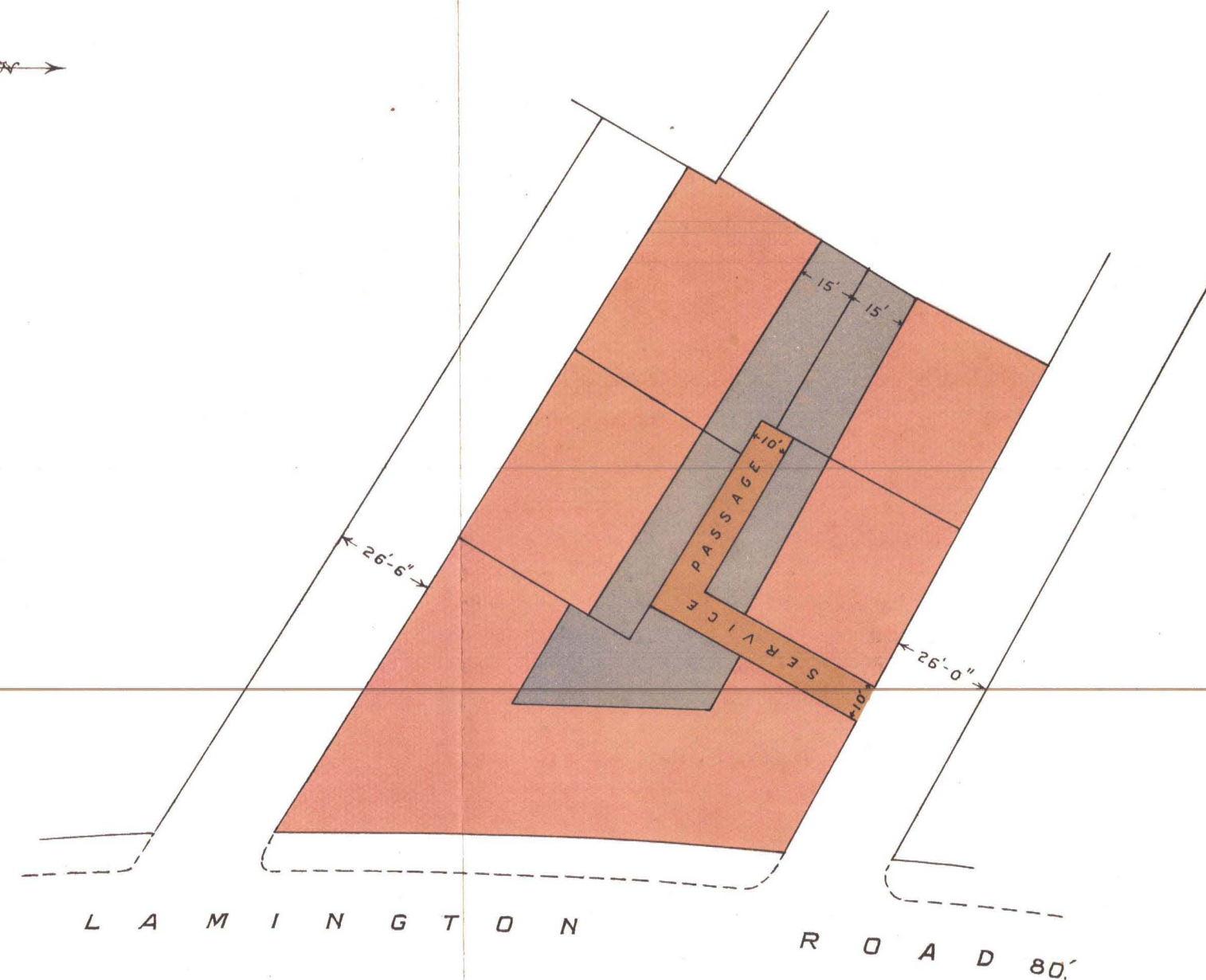
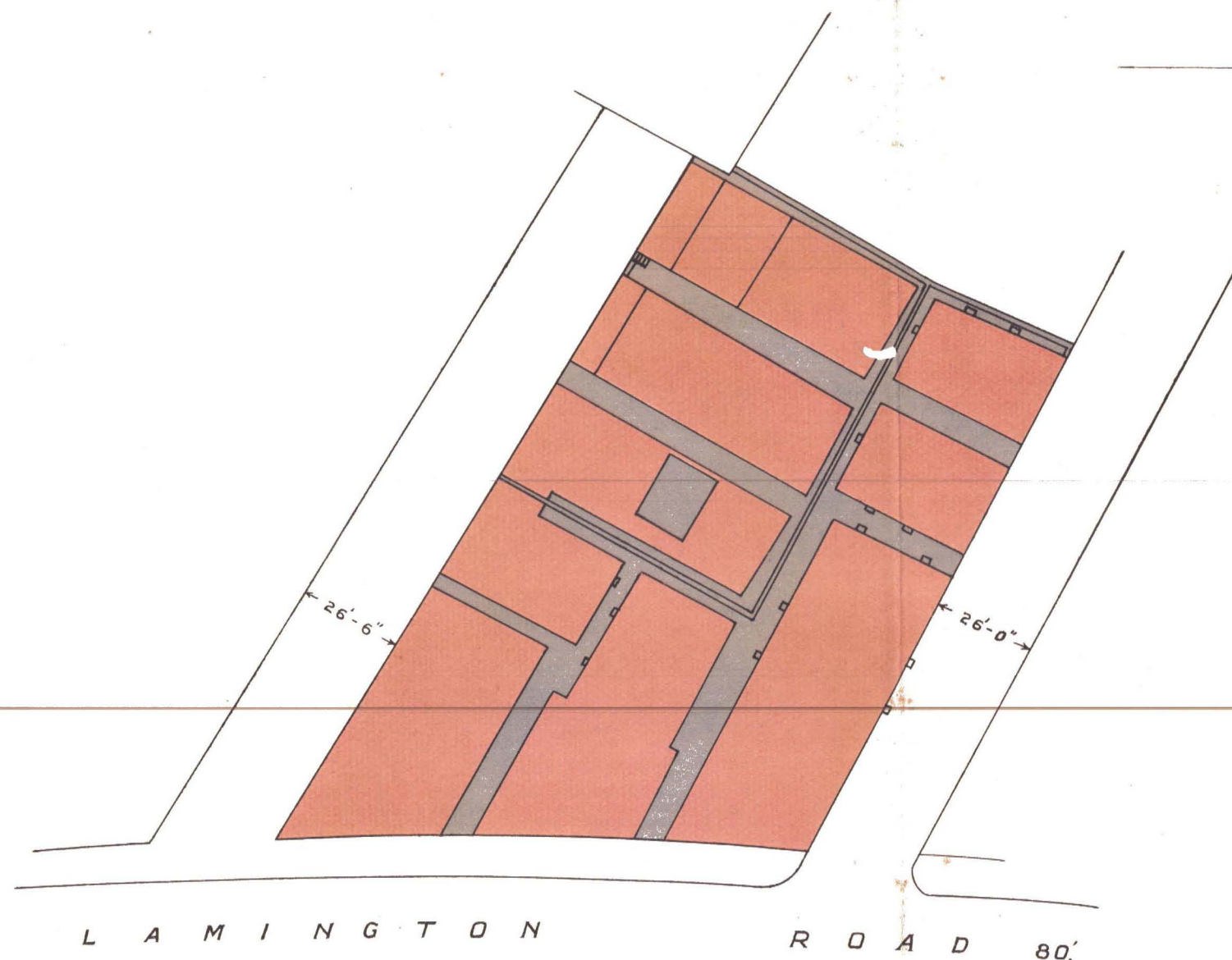
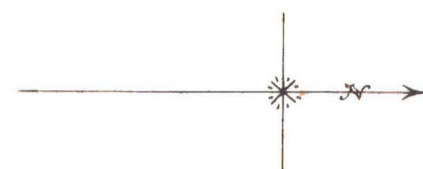
37. Before I leave the subject of open lands I must lay stress on one point which experience has taught us is very important. Given a building block between four roads, the owner or owners should on no account arrange for the development of part of the block without having, at any rate, a provisional scheme for the whole of the remainder, otherwise one can never be sure whether after the developed part is built over it will not be found difficult or impossible to develop the remainder so as to make the open space fit in with those reserved in the part first developed. In illustration of this point I may show the development plan of plots 33-37 in Sandhurst Road West. This block originally consisting of 8 plots was leased by one man with the idea of ultimately sub-dividing it into different plots and sub-leasing them as opportunity offered. The original tenant wanted to make considerable divergences from the Trust's original development when he sub-let the first few plots and the odds are that he would never have been able to work out a satisfactory development of the remainder of the plot if the Trust had not compelled him to do so at once; and both his original sub-tenants and those who might come forward afterwards to buy the other plots would have had no security for the satisfactory development of the plots yet to be built on. The lessee finds it necessary to alter the sanctioned development nearly every time he sub-lets a new plot; but on each occasion he has to obtain the Trust's sanction for the new development of the whole block; and the Trust will not sanction a new development if it involves any reduction of the general amenities of the estate.

38. I wish I could persuade all people who are looking out for new house sites to build on or for new houses to refuse to take any except in estates protected against depreciation by development on the lines adopted by the Trust. I should then be more hopeful of co-operation between owners of adjoining building sites or building estates and less apprehensive of the formation of slums in open areas in which I see building operations started.

39. I have now finished what I have to say about open lands; on the 17th instant I will give the 2nd part of my lecture which will deal with the difficult subject of co-operation between neighbours as a possible means of remedying slum conditions in *areas already built over*. I shall take as my text the Undria Street Scheme and would invite my audience to study the model and plan in this office or better still visit the site itself beforehand in order to get an idea of the improvements which have been already effected.

AN ACTUAL COMPARED WITH A POSSIBLE DEVELOPMENT

SCALE 40' = 1"



DETAILS.

	Actual Square Yards.	Possible Square Yards.
Area covered with buildings.	1,859	1,678
Open spaces	399	580
Total	<u>2,258 Sq. Yds.</u>	<u>2,258 Sq. Yds.</u>

Note:-

The buildings actually erected contain dark and uncomfortable rooms. By adding 181 Square Yards (8.01% of the plot area) to the open spaces and rearranging the buildings it would have been possible to provide all rooms with ample light and air.

(Appendix B).
(REFERRED TO IN PARA 23).

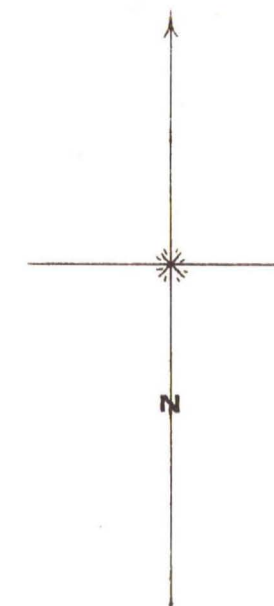
GROUND PLAN OF BUILDING ESTATE SHOWING
29 BUILDING SITES AUCTIONED IN DECEMBER 1909.

SCALE 40' = 1"

Red colour indicates buildings and the black figures thereon the number of storeys.

Red figures in circles indicate serial number of plots.

Most of the plots contribute a strip towards the 30' and 40' cross roads but there is no further stipulation for any area to be left free of buildings in the several plots. The rear and side open spaces are consequently governed by the Municipal bye-laws. Many of the plots have been sub-divided since the auction and have now separately owned houses on them. The photographs given in Appendices C, D, E and F, refer respectively to plots Nos. 5, 7, 4, & 2. The ground floor stable on which upper storeys have now been erected - vide para. 23 of the lecture is shown on plot No. 4.





Part of a newly developed building estate at Love Lane, Mazagaon. A narrow gully between two new houses blocked by another new house built across the end of it. The gully is made just sufficiently broad to allow surface drains for sullage and rainwater to be run through it. On the Trust's estates such gullies are not allowed: on road frontages there is either continuous building or space at least 10ft. broad and seldom less than 20ft. broad between houses: drainage is taken out at the backs of houses through a rear open space common to a whole group of houses and thence under a service passage at least 10ft. broad into the main street.



Vacant house site shortly to be built upon behind houses shown in Photo No. 1. Surrounding houses built up to within a few feet of this site with very narrow gullies between them. The low building in the background is a ground floor stable on which upper storeys are being constructed with a blank wall within 2ft. of the windows of the next building which hitherto got good light and ventilation over the top of the stable. The windows abutting on the site yet to be built on will probably be similarly obstructed by the walls of new buildings within a few feet of them.



Nearer view of stable shown in Photo No.2, showing end of new upper wall blocking windows on the right. The wall is to be built up so as to block the windows



Another site yet to be built on in the group of houses shown in Photos 1, 2 and 3. Characteristics as in No. 2; most of the rooms in surrounding houses will be deprived of good light and ventilation when the site is built on. Narrow gully between ground floor building and adjacent house in the centre. Screen erected



Backs of new houses in newly developed estates off Girgaum Road, all within 2ft. of rear compound wall with far too narrow gullies between them. Open plot in foreground yet to be built on. The new houses on it will block out light and air from rear rooms of houses shown in the photo and will probably also block the side gullies. A space of 20ft. should be left free of buildings along the rear compound wall to prevent depreciation of the existing houses. But under existing Municipal By-laws the new building will probably be constructed on the same lines as those shown in the photo and will extend to within 2ft. of the rear com-



Nearer view of the houses on the right of Photo No. 5, showing the narrowness of the rear open space between the existing back to back houses. On the



Part of new house and the vacant plot opposite to the open space shown in Photo No. 6. The house yet to be built on the vacant plot will probably be of the

BOMBAY IMPROVEMENT TRUST MANDVI-KOLIWADA.

Scheme No VIII.

PLAN SHOWING DEVELOPMENT OF BUILDING PLOTS.

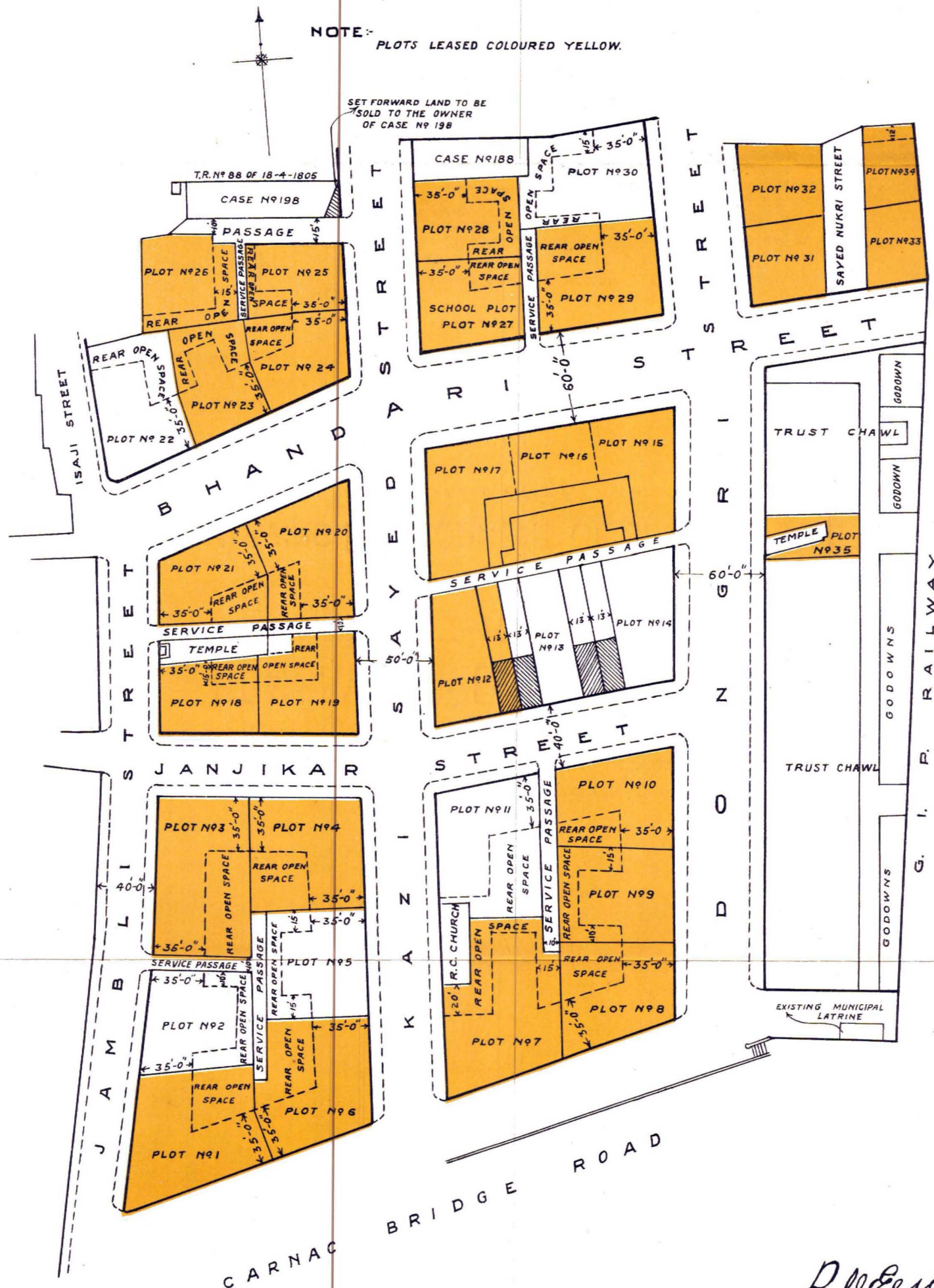
Scale 80' = 1".

Note:-

Buildings on scored space are allowed up to ground floor only (18' high)
Height of buildings on space surrounded by thick black line to be equal to
the width of the road in front subject to the $63\frac{1}{2}^\circ$ angle rule in relation
to the width of the side spaces.

NOTE:-

PLOTS LEASED COLOURED YELLOW.



Robert

8.VIII.10

A. M. I. C. E.

TRUST ENGINEER.

PART II.—ESTABLISHED SLUMS.

In the first part of this lecture delivered a fortnight ago I tried to show the advantages of co-operation between neighbours in developing new building estates and I also dealt with growing slums and showed how they might be saved from becoming very much worse than they are now, if arrangements were made by which the owners of adjacent lands as yet not built on would keep a certain margin adjacent to the existing buildings as a permanently open space.

2. To-day I propose to deal with established slums, by which I mean areas so closely covered with buildings that they are not reclaimable from slum conditions except by demolition of entire buildings or parts of buildings with a view to forming open spaces for the lighting and ventilation of the buildings that are left standing.

3. It is perhaps rather a straining of language to describe this as development of building estates. It should rather be described as conversion of slums into sanitary areas.

SWEATING OF BUILDING SITES.

4. The root of the slum evil in Bombay is the sweating of building sites *i.e.*, unduly overcrowding them with buildings occupying not only too large a proportion of the area of the site but also too large a proportion of the cubic contents of the air space above it.

5. There are some slum areas in Bombay, *e.g.* Zaoba Wadi, which beat me entirely. I can suggest no method of dealing with them short of wholesale demolition except the not altogether satisfactory method of demolishing a house here and a house there for the better lighting and ventilation of the remainder; and I shall be only too glad if at the discussion of this paper to be held a fortnight hence any of my audience will make their own suggestions.

THE UNDRIA STREET TYPE OF SLUM.

6. This evening, however, I wish to devote most of my time to a type of slum found over a very considerable portion of the congested area of Bombay,—the one type which, I believe, can be thoroughly reclaimed without a prohibitive call upon the public purse.

7. A slum of this type is now being experimentally treated in the Trust's Undria Street Scheme of which a model shown in the recent Bombay Town Planning Exhibition is before you. It is well described in the following quotation from one of Mr. Kissan's notes:—

"There are in Bombay large areas covered with the foul slums which called into existence the City Improvement Trust. It is not uncommon to find a continuous area of buildings each occupying practically the whole site on which it stands. Each building may be surrounded almost entirely by a dark, narrow gully which, in the absence of any possibility of installing a proper drainage system, is an open drain containing the waste water used for domestic purposes, and defiled also with urine, with excreta overflowing from the privy baskets, and with all kinds of refuse thrown out of windows. Except for some small dirty interior chauks, these gullies may constitute the only access of light and air to the rooms in the buildings. Most of the rooms have obviously no proper supply of light and air and many of them are dark hovels which no breath of fresh air ever reaches. Often such small windows as look out on the narrow passage cannot be opened at all because of the foulness of the gullies and because of the fear that rubbish and filth thrown out of windows will enter the rooms. But lack of light and air is by no means the only fault of such dwellings. There is also the very imperfect drainage which results from the crowded nature of the sites, and the dampness of soil due to this insufficient drainage and other causes. Dwelling rooms are too small and too low. Yards and compounds are not decently paved. Proper arrangements for disposal of refuse are absent."

8. Ground plans of slums of this type were appended to each of the three lectures I gave in 1912, 1913 and 1914. A better idea of the nature of such slums can be got from the model before you; but nothing short of a prolonged inspection of all the dark nooks and corners of these dreadful slums can give the inquirer a proper idea of the awful conditions under which their wretched inhabitants have to live.

GRADUAL GROWTH OF SLUMS TRACED OUT.

9. I propose, as in the case of the growing slums with which I dealt in the first part of my lecture, to trace out the process by which these slums have become what they are; and for this purpose I have prepared a set of diagrams (Appendix A) dealing with a hypothetical case of two back to back houses separated by a 3ft. sweeper's gully and facing two parallel roads.

10. In the Undria Street Scheme we have found clear indications from

the structure of some of the houses that the process indicated in the diagram has actually taken place.

11. The Undria Street Scheme lies in that area called "New Town" which I described in my previous lectures. It was laid out by Government in the beginning of the 19th century to accommodate a part of the population evicted for military reasons from houses that lay within 800 yards of the fort walls; and, as many of the evicted persons were quite poor, we may well suppose that in some cases the first houses erected were as shown in the first line of the diagram. Government apparently required the people to take up the land in regular rectangles running from the central sweeper's passage to the road on either side, but made no condition as to the minimum width of frontage to be taken or the proportion of the rectangle to be kept free of building. Consequently, the poorest of the people took up extremely narrow plots, as little as 7 or 10ft. broad.

12. Perhaps, as shown in the first line of the diagram, the owners of the two houses shown, let us call them A and B, had, to begin with, a little open space between the street and the house. Privies were built at the bottom of the back compound, right on the sweeper's gully.

13. Some years later both houses were enlarged as shown in the second line. B retained his front compound and A put an "ota" first and then perhaps a weather shade supported on posts and subsequently a *pukka* covered verandah and in the rear he erected an extra room by the same kind of lean-to arrangement.

14. A few years later these houses passed to richer owners and both were enlarged as shown in line 3.

15. Later on A found it convenient to add a storey to his privy block and B having already extended his house as far back as was possible, so that the upward direction was the only one in which he could extend it, added a new upper storey.

16. In course of time the demand for accommodation and, consequently, rents steadily increased in the neighbourhood in spite of the growth of insanitary conditions due to the extension of houses upwards and outwards, the reduction of the air space and the increased use of privies; so A, seeing how B had profited by extending his house, reconstructed his own house, adding a new storey to it. Both sites had now become thoroughly congested and insanitary; and if the tenants had not been tied down by custom to enduring these conditions and

remaining in the places in which their fathers had lived, they would have sought healthier accommodation elsewhere. But as they did not, rents still remained at a high pitch in spite of plague; and encouraged by these high rents, some of the owners, in spite of the expense to which they were put by being required to cut out one set of rooms in each house to form a chawk under the Epidemic Diseases Act, actually took the opportunity to add even a third upper storey which made congestion worst congested and brought things to the pass they have now reached.

HOW TO RECLAIM SLUMS OF THE UNDRIA STREET TYPE.

17. Now I suggest that the reasonable remedy for the insanitary conditions which these house-owners have brought upon themselves is to require them to undo the congestion which they have created and clear away buildings from, say, one-third of each site.

18. It is obvious that if the greatest good of the greatest number has to be held in view the best way to do this is not for each man to make a clearing just anywhere for his own benefit but for each man to clear away some space in the rear of his house as a contribution towards a common open space running the whole length of these back to back rows of houses; and this is what is being done in Undria Street and can be done over a considerable proportion of the congested area in the heart of Bombay City.

19. In the Undria Street Scheme a large number of houses had to be demolished because they were found to be rickety and constructed with bad materials; but it has been feasible to leave all the well constructed houses standing, and there has been no difficulty in making all their rooms comply with the $63\frac{1}{2}$ ' rule.

20. All the houses are being cut back so that there is an open space 20ft broad between the backs of opposite houses. On either side of this space the height of the houses is limited to 40 ft. so that all rear rooms satisfy the $63\frac{1}{2}$ ' rule. The horrible side gullies between houses are being abolished; privies are being converted into W. Cs. connected with a sewer running down the centre of the 20' space; sullage water instead of fouling the narrow spaces between houses is taken underground into these sewers; the central passage is being sloped and tarred so that rain water may run off it into the storm water drains along the streets. This central passage will serve as a safe play-ground for children who now have no play-ground but the street.

21. This work is still in progress ; and it is interesting to see the backs of houses being gradually taken down and to note the improvement effected thereby. Within a year the whole character of this area will have been completely changed and, I am sure, the residents of neighbouring slums will want us to come and do similar work there.

22. Some one may well ask why not carry on this good work and extend this method of improvement to the neighbouring slums ? Well, if the Trust had unlimited funds at their disposal, I am sure, they would be glad to do so; but the trouble is that this work is very expensive and involves considerable delay.

HOW TO REDUCE COST OF SLUM IMPROVEMENTS

23. The cost of the Undria Street Scheme works out to 1·8 lakhs per acre; and the public purse can never stand such a strain as this system demands, if it is to be applied to the whole of the Bombay slums, the area of which is already well over a thousand acres and is annually extending by reason of the inadequacy of the control which the existing law and by-laws give the Municipality over building operations and estate development.

24. As the law now stands, the Trust can be compelled to acquire the whole of a house if they propose to acquire any part of it; and it is the cost of acquiring whole houses that makes these schemes so expensive.

25. There used to be the same difficulty in England; and it was met by an amendment of the Housing of the Working Classes Act empowering the Local Authority to acquire *parts* of houses which is what we want to be able to do here.

26. We also want to be able like Local Authorities in England to levy contributions from owners of houses towards the cost of the creation of open spaces by which those houses benefit.

27. Many people dread the advent of a Trust scheme because it will involve the acquisition of their property by the Trust; but the Trust would be only too glad to do without such acquisition. Their work in schemes of the Undria Street Scheme type would go on much faster, if they could be saved from the delay that acquisition proceedings involve; and they have another reason for not wanting to acquire houses, especially old houses, and that is that they have learnt by experience that houses which are apparently sound and for which consequently they have to pay very high compensation on the basis of the rents actually received prove when the time for alterations or repairs

comes to be very unsound, so that in many instances it does not pay to repair them and they have to be demolished.

28. In the Undria Street Scheme cost of acquisition works out to over 5 lakhs whereas the cost of works—demolishing the backs of houses, laying a sewer, substituting W. Cs. for privies, constructing and tarring the central service passage, erecting new rear walls for houses and so on—comes to less than half a lakh. Of course, the Trust gets some return upon what they pay for the houses which they do not have to demolish after acquisition by improving them and leasing or selling them; but they would much rather be free of the responsibility of managing so much house property and so be able to devote all their energies to the comparatively small engineering works which constitute the backbone of their improvement schemes.

29. I suggest then that the problem how to reduce the cost of slum improvement operations so as to minimise the strain they put upon the public purse, can be solved in the case of the type of slum we are now considering by the co-operation of the slum-owners with the Improvement Trust.

30. To quote again from Mr. Kissan's note "It has been argued that to insist upon the co-operation of slum-owners means spoliation and that house-owners ought not to be singled out to bear the brunt of town improvement. But on the other hand it must not be overlooked that it is often true that these insanitary rooms are due to the fact that the land has been unduly crowded with buildings and has thus enabled the owner to reap a rich harvest from his property. It may be said that he has in numerous instances had plenty of time to write off all the capital expenditure incurred by him on land and building and that on sound business principles he would have done so long ago. What happens is that some owners get every rupee they can out of their property and put nothing in. In other words, they live on their capital and are speculators in human misery. Moreover, to depreciate the market value of insanitary property is surely better and wiser than the alternative of depreciating our national human assets, the tenants."

31. After all, if there were no Municipality, the slum-owners would find themselves compelled in their own interests, if they wanted to retain their tenants, to improve their houses for themselves at their own cost; and there are not a few people who think they should be left to do so now.

SUBSIDIES FROM THE PUBLIC PURSE TOWARDS IMPROVEMENT OF SLUMS BY SLUM-OWNERS.

32. In England the whole cost of improvements would be put upon the slum-owners; and even in Bombay under the Epidemic Diseases Act a great many improvements in houses were actually carried out at the expense of owners. Unfortunately, most of the work done under that Act was directed towards the improvement of each particular house and the idea of making each house contribute towards some work which would benefit a whole group of houses like the clearing of a common rear open space does not seem to have occurred to anybody.

33. Now that we propose to do such work, is there any justification for such a complete change of policy as to transfer the whole burden from the private owner to the public purse? The difficulty to my mind is to find justification for putting any part of the cost upon the public purse. But, I think, a case can be made out for a contribution from public funds on the ground that the sweating of building sites which is at the root of the evil has gone on with the acquiescence, as it were, of the Municipality and that the improvements in view will, when taken over large areas inhabited by the poorer classes, effect a substantial improvement in the public health.

34. The question still remains in what proportion should the public purse and the private owners contribute to the cost of the work; and my suggestion is that in schemes like the Undria Street Scheme the clearance of the 20 ft. strip and the conversion of the privy system into the W. C. system should be done at public expense and all the rest of the work necessary to make every inhabited room in every house comply with the 65½" rule should be done at the cost of the several house-owners.

35. I am not at all sure that champions of the public purse won't say that the proposal to relieve the owners of the cost of converting the privy system into the W. C. system is too liberal; for I believe that it is within the competence of the Municipal Commissioner to effect such a conversion at the cost of the house-owners wherever he thinks that the present drainage is unsatisfactory. But I can find a plea for the house-owner on the ground that in recent years the cost of improving the over-ground drainage in many slums of the type under consideration has been recovered from house-owners and it would therefore be unfair to so soon put upon them the cost of further improvement.

HOW TO TREAT THE 20' REAR OPEN SPACE.

36. An idea of the general effect of converting the sweepers' gully into a 20—foot rear open space can be got from line 6 of the cross section. In the particular case depicted only the existing privies have to be cut away, as the backs of the main buildings are already 20' apart and the buildings do not exceed 40' in height. The Trust will have to construct water closets and washing places somewhere in the main buildings and if these buildings were not too deep to contain on each floor only 2 rooms, one lighted from the back and one from the front, then the owner would not have to spend anything on alteration of the buildings; and in such a case I think he should give up his share of the 20' passage gratis. In most cases however there will be 4 or 5 rooms between the rear open space and the road, and the interior rooms will not be fit for human habitation according to the $63\frac{1}{2}$ " light and ventilation standard unless the space in front of them is clear of buildings. It should in such cases I think be open to the owners interested to call upon the Trust to include the clearance of side open spaces in their scheme; but the whole of the cost of such clearance should be recoverable from the owners of properties benefited either in a lump sum or in the shape of annual rents.

37. A question has arisen as to what part of the 20—foot rear open space should be included in private holdings. It was at first proposed that the central 10' should be walled off as a service passage, the sewer running under it, and 5 feet on either side should be included in private holdings but should of course never be built upon. An alternative proposal was to make the whole 20' space a public open space with houses abutting directly on to it so as to save the cost of side walls and to provide the children of the neighbourhood with a place in which they could safely play within easy hail of their houses instead of playing in streets as they do now at the risk of injury from carriage traffic. Some owners objected to this plan on the ground that they wanted a 5' space in order to secure greater privacy for their ground-floor rooms, while on the other hand it was suggested that if this were allowed the small 5' space would be used as a rubbish shoot and would never be kept clean. It was admitted that in the absence of such 5' spaces rubbish would probably be thrown into the 20' rear open space; but it was pointed out that it would be as easy to keep a 20' space as a 10' space regularly cleaned up and it was represented that this regular cleaning up by the Municipality or the Trust would from the point of view of public health be far more satisfactory than leaving it to private owners. In the Undria Street scheme a compromise has been effected; on the

North the 5' strip has been included in private holdings; on the South it is to be absorbed into the common passage which will thus be 15' broad. The Trust will judge by experience which is the better system and will make their future service passages 10' or 20' broad accordingly. I should be glad of the opinion of any of my audience on this point.

OCCASIONAL NECESSITY OF SIDE OPEN SPACES IN ADDITION TO REAR OPEN SPACES.

38. I have on the table models of 2 houses, cases Nos. 9 and 10, in Undria Street which the Trust acquired and then altered so as to make every room comply with the $63\frac{1}{2}$ ' rule. The nature of the alterations made can be seen from a comparison of the model of the original house with that of the altered house. It will be seen that in both these cases a portion of the main building had to be cut off in clearing the 20' space and in both cases the alterations involved the clearance of side spaces outside the 20' rear open space. It happened that the houses on either side were dangerously rickety and therefore their demolition was inevitable in any case. Both these sites have been disposed of on the condition that the new building should extend only 30' from the road and the easements of light and air over the remainder of the site should be conceded to the adjacent houses. If the Trust had been empowered to acquire only so much of cases Nos. 9 and 10 as was required for inclusion in the 20' rear open space the owners of those houses would have had to bargain with the owners of the houses North and South of them respectively to get these side open spaces cleared and I dare say they would have found it impossible to come to terms. If they could not get these spaces cleared, some of their rooms would have been closed as unfit for human habitation and they would have had to consider whether it would pay them better to leave these rooms closed or to ask the Trust to acquire the adjacent properties, to clear the necessary side open spaces and distribute a portion of the cost of the whole operation between the 3 properties benefited thereby.

39. Some further instances of the necessity of clearing these side spaces are shown on diagrams 2 and 3 which give the elevations and ground plans of houses adjacent to house A in diagram No. 1.

These diagrams are devised to illustrate, as from another point of view is illustrated by the cross sections in diagram 1, the effect of the gradual covering of open spaces with buildings and the nature of the alterations effected by schemes of the Undria Street type in restoring an adequate proportion of

open space to area built on and at the same time abolishing those horrible 2' or 3' gullies between houses.

(7) NECESSITY OF CHECKING THE SWEATING OF BUILDING SITES
IN THE INTERESTS OF THE SLUM DWELLER.

40. I think I have now given you as full a description as time permits of the Undria Street system of slum improvement; and you will have I hope sufficient material on which to reflect in considering before the 31st instant, when we will meet to discuss this paper, how far this system or any modification of it can be applied with advantage to any particular slums in which you are interested; but before I conclude I wish to draw your attention to a very important point which is well illustrated by my diagrams *viz.*, the pernicious effect of the sweating of building sites and the urgent necessity of putting a stop to it in the interests of

- i. the slum dwellers,
- ii. the slum owners,
- iii. the public health, and
- iv. the public purse.

41. As regards the slum dweller it surely needs only a glance at these diagrams to see how conditions of life for him are made worse and worse with the advance of this sweating of building sites. With each extension of a house upwards or outwards the lack of light and air in the lowest rooms becomes more pronounced. On the top floor of a house newly raised above its neighbours conditions will for a time be excellent, until the neighbours build up to the same height and block out the light and air which has been filched from over their sites; and similarly back rooms in the early stages of extension backwards enjoy advantages over side rooms until they get too near the privies and the neighbours also extend; but with every extension backwards what were back rooms previously become interior rooms which can only be lighted and ventilated from foul side gullies or from the inadequate chawks cut out in plague time under the Epidemic Diseases Act.

42. But it is not only by diminishing the supply of light and air to individual rooms and by all the consequent evils that sweating of building sites harms the slum dweller; it also results in bringing more people to reside in a given cubic air space, and harm results from too many people breathing the same air. Further it increases the amount of rubbish and refuse to be disposed of on the

site; and we know that the ingrained habits of the slum-dweller lead him, while he generally keeps his own particular room clean, to throw rubbish and in particular kitchen remnants out of the window into the nearest gully where it blocks the open drains and ferments in the sullage water stagnating there. These gullies are supposed to be cleaned and chokes in drains cleared twice a day: but with increase of buildings and population on each particular site the task has become a hopelessly difficult one and is seldom attempted more than once a day. The inhabitants of the lower floors abutting on narrow gullies have to keep their windows shut for fear of refuse thrown from upstairs windows falling into their rooms, a new risk which didn't exist when the buildings were ground floor buildings but becomes more and more serious with the addition of each new storey.

43. Turn to the still more unsavoury subject of disposal of night-soil—I make no apology: for we citizens have *got* to face these things—does n't it make us shudder to think of the details of that horrible basket privy system, under which *excreta* which ought never to be left above ground, but should be promptly carried underground far from human habitation, are left for 24 hours and more within a few yards of poor peoples' dwelling places?—That system might have been tolerable in the early stages of my typical development when the privies were at the end of the compound and the wretched sweepers whose lot it is to clean them did not have to pass close to living room windows when carrying the night-soil away. There was less harm in the system when the population was half what it is now; there was probably much less overflow from privy baskets into the open sullage gutters then than now; but with every extension of a house upwards or outwards there is extra work put upon sweepers and drains and privies, and the lot of all the slum dwellers, except those who are lucky enough to live in front rooms overlooking streets becomes more and more miserable and precarious.

In the
(II)—INTERESTS OF THE SLUM OWNER.

44. I think I have said enough to show the urgent necessity of putting a stop to the sweating of building sites in the interests of the slum-dweller. It is not so obvious that there is such a necessity in the interests of the slum-owner. It may at first appear that every increase in rentable floor area means an increase in rents and therefore in profits for the slum-owner; I am afraid it is true that a good many slum-owners have had this fiscal profit in view rather than the interests of their tenants when they have added new storeys to their

buildings and, undoubtedly, so long as they can keep their rooms full and their old tenants stick to them and bring them new tenants from their friends upcountry in spite of the deterioration of their surroundings and the risk, which they are too ignorant to appreciate, of getting such diseases as tuberculosis themselves and taking it home to their upcountry villages, so long the slum-owners' profits will continue to increase. But this increase cannot go on indefinitely. A point must at length be reached at which the over-sweating of the land causes such intensification of slum evils that the local authority must step in and veto the occupation of the worst rooms even if the tenants have not themselves suffered so much from their surroundings as to be forced to seek other quarters in more healthy surroundings. In this way a selfish slum-owner who has pushed on with the extension of his own building regardless of the effect on his neighbours and has thus encouraged his neighbours to follow the same course will ultimately be hoisted on his own petard and find it impossible to get tenants to maintain his old profits or sell his property. If things have gone so far that he cannot make his property sanitary without great expense, he will naturally clamour for the Improvement Trust to acquire the whole of the slum or will ask for a substantial contribution from the public purse to enable him to improve his property.

45. The mortgagee who has advanced money for alterations on the assumption that the rents will be maintained at a high pitch for many years to come will likewise, when he finds rents are falling and with them the value of the property, be anxious to get his money back and therefore very much in favour of the acquisition of the slums by the Improvement Trust; and the general result may be that these demands on the Improvement Trust may in the aggregate be far more than the Trust can afford to meet. It may therefore be necessary *even in the interests of the slum-owner* to put a stop to the sweating of building sites before a stage is reached at which the slums begin to become depreciated, and I would strongly advise slum-owners who see the risk of this happening in the near future in areas in which they are interested to urge the Municipality to adopt the suggestion I made in my 1914 lecture entitled "How to check the growth of insanitary conditions in the Bombay City" that no addition to buildings shall be allowed unless the whole building is altered so as to satisfy the requirements of new bye-laws enforcing the 63½° standard of light and ventilation.

(III)—IN THE INTERESTS OF THE PUBLIC HEALTH.

46. Next as regards the public health. I need hardly go over again the points which I brought to your notice in showing the urgent necessity of putting a stop to the sweating of building sites in the interests of slum-dwellers. What is in the interests of a large agglomeration of slum-dwellers is obviously in the interests of public health. We cannot expect a clean bill of health for the city or any approach to the standards which have been reached in Western cities under proper sanitary control so long as we allow new slums to spring up as fast as we destroy old ones ; and this is what, as I have been trying to show in this series of lectures, is happening all over Bombay for want of a check on the sweating of building sites before a point is reached at which the proportion of open land to land built upon becomes dangerously small.

(IV)—IN THE INTERESTS OF THE PUBLIC PURSE.

47. Finally as to the public purse a stranger to Bombay and its problems and its law of compulsory acquisition might on hearing this lecture well exclaim "Why on earth don't you buy up and demolish all these slums?" The answer is because the cost has already in the 14 years that have elapsed since Mr. Harvey first raised a warning voice as to the necessity of securing more complete Municipal control over building operations and development of building estates, become prohibitive mainly by reason of the sweating of building sites which has in spite of his warning been allowed to continue all these years ; and that until this is checked the only effect of buying up one slum will be to create another in the vicinity.

48. A glance at the diagrams will show that the application of the 63½ rule in the earlier stages of slum development though it might indeed have reduced the temporary earnings of slum-owners would have saved many areas from becoming slums and consequently many properties therein from becoming depreciated.

49. Now, however, a stage has been reached in which it would, in my opinion, be wasting public money to buy up the slums wholesale under the law as it now stands. It is easy to see from these diagrams how rents increase with the sweating of the land. It is easy also to see how in an early stage of growing congestion we might have bought up the slums at a comparatively low cost and retained most of the houses without alterations while there was still adequate open space around them. But as congestion goes on increasing the

stage is reached beyond which if the Trust acquire the slums they must demolish a great many buildings or parts of buildings in order to create sufficient open space for lighting and ventilation of the remainder. It is here that the expense begins to become prohibitive, because the Trust will have to pay compensation on the basis of existing rents and cannot fully recoup themselves by renting houses after large parts of them have been demolished because the rentable area is thereby reduced. If they had to pay compensation only on the basis of the rentable areas that would be left after the necessary alterations had been made they would have to face only the cost of demolition, making service passages and laying sewers etc., and that I am sure the Trust would cheerfully face. Indeed that will be the effect of the adoption of the methods of Part II of the Housing of the Working Classes Act which I have proposed.

50. The present law, however, does not allow the Trust to pay compensation on the basis of the rents they can obtain after the alterations they consider necessary for the reclamation of the slums. The law requires the Trust to acquire not any part it likes but the whole of a notified house and to pay the owner compensation based on the rental value of the whole house at the time of declaration. In the advanced stages of congestion rentals *ought* to be declining; and so they would, if the standard of comfort of the tenants were higher, if there were sanitary tenements equally conveniently situated for the tenants as regards their work to which they could migrate without paying enhanced rents, and if they were intelligent enough to understand that the inconvenience of living at a distance from their work is as nothing to the danger of living in foul slums near their work. Well, we all know as regards all these "ifs" that things are not as they should be and that consequently it is just when things have reached their worst that slum rentals and profits are highest. It will be some years after that stage is reached before the tenants will of their own accord vacate their bad rooms, unless they are forced to do so by the local authority in the interests of public health. It is just when this stage is reached, that farseeing landlords, realising the depreciation to come, will be most anxious for the Trust to acquire their slums; and it is therefore just at this stage when the Trust in the interests of the public purse should resist their importunities. In my opinion, the Trust should, at this stage, go no further than to devise schemes by which slum-owners will retain their properties; the Trust should do for them a part of the work necessary to restore that property to the comparatively sanitary condition in which it was before the owners in pursuit of their

own private profits and ignoring the needs of public health started to over-sweat their building sites.

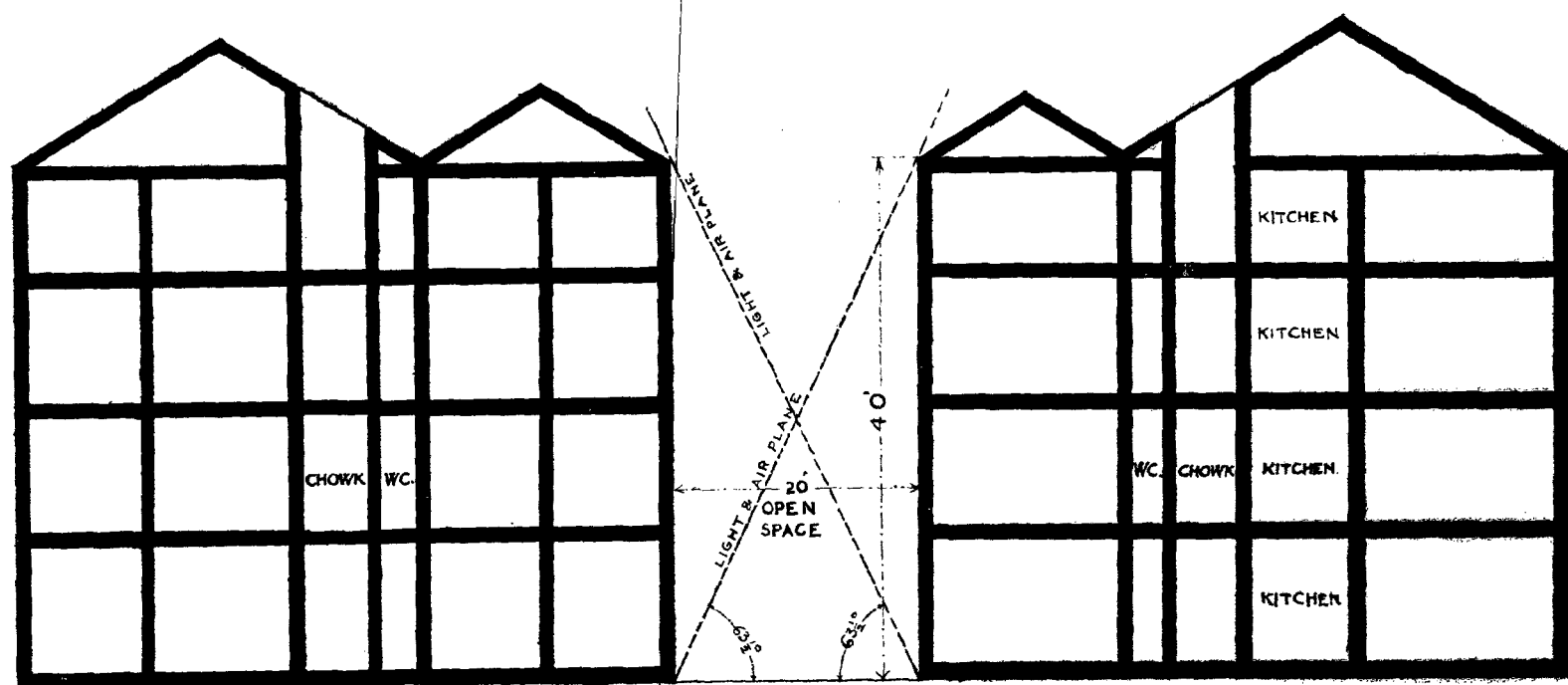
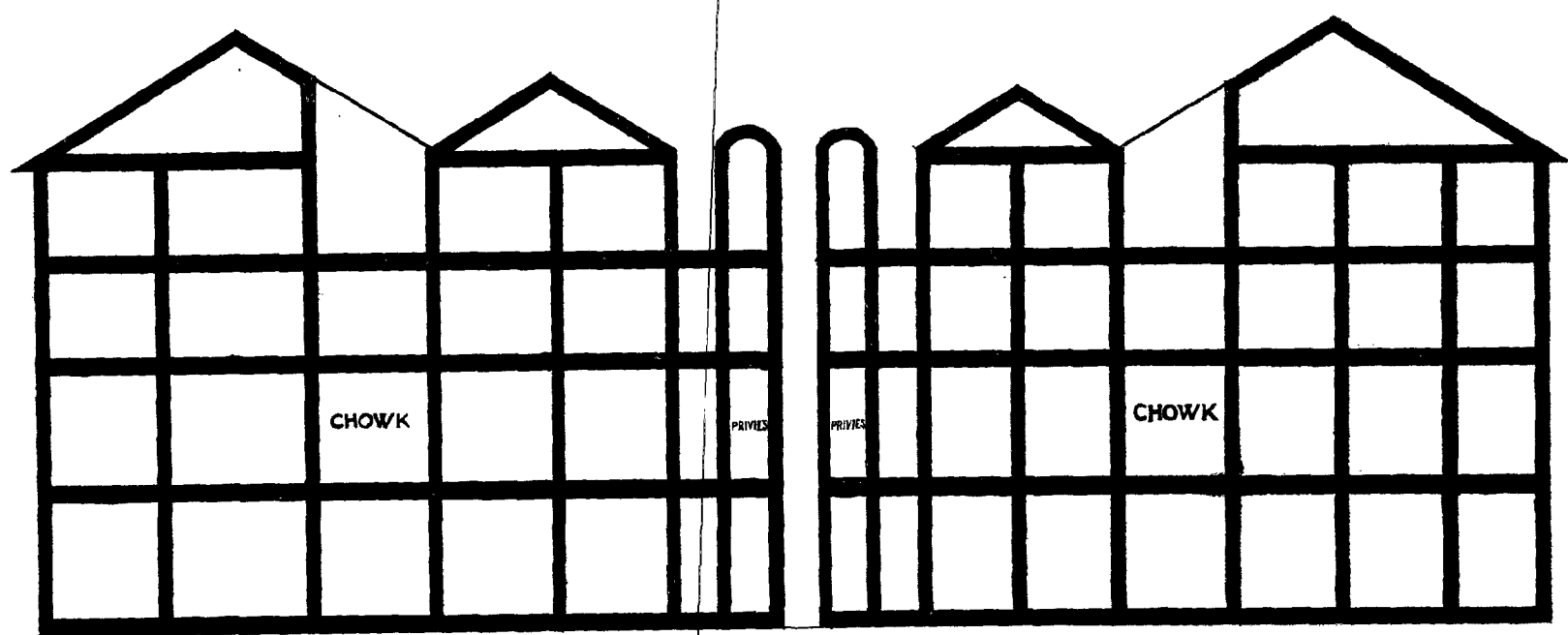
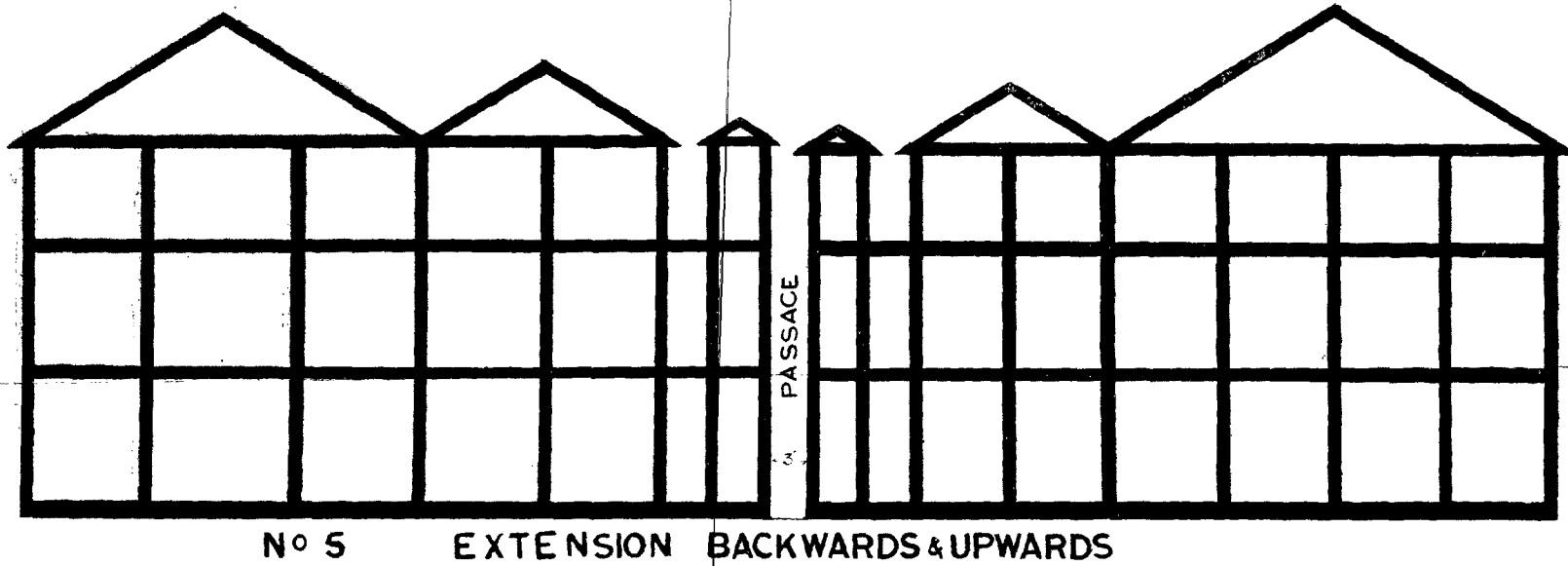
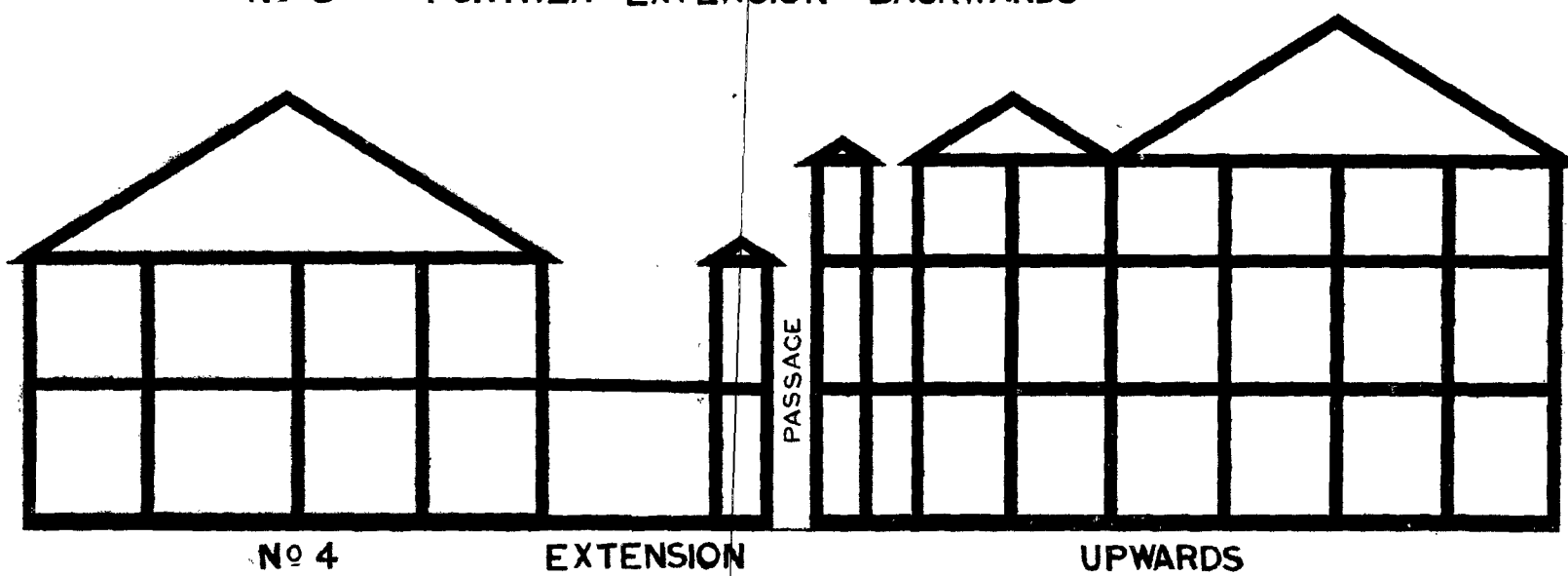
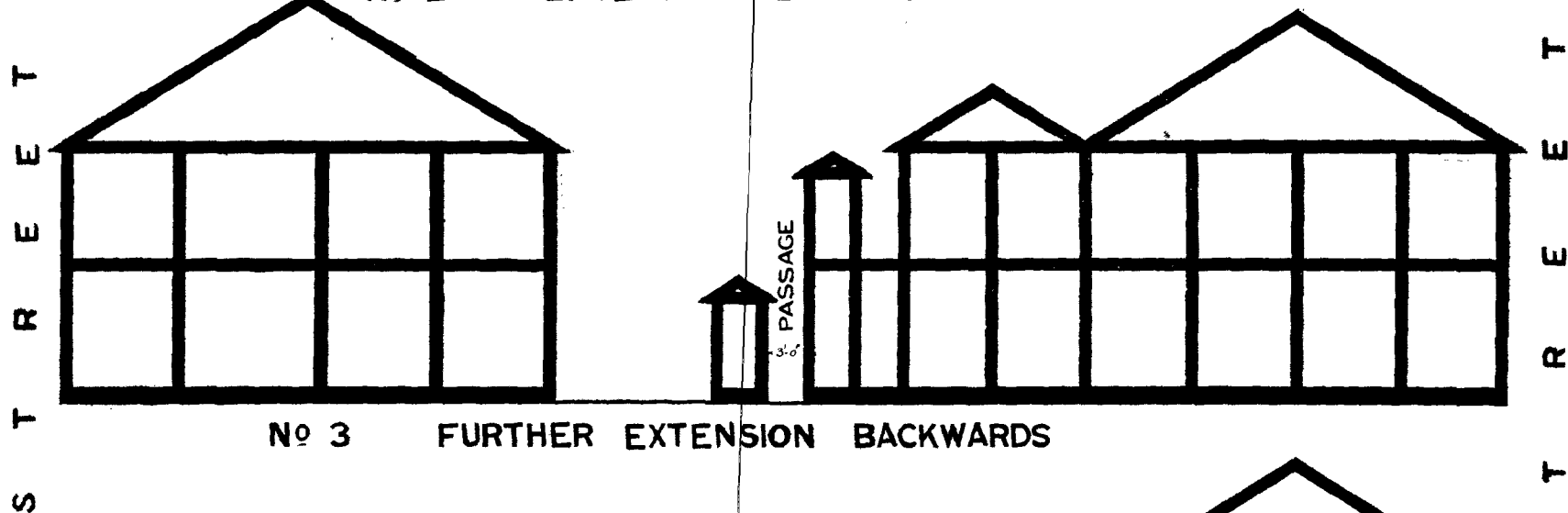
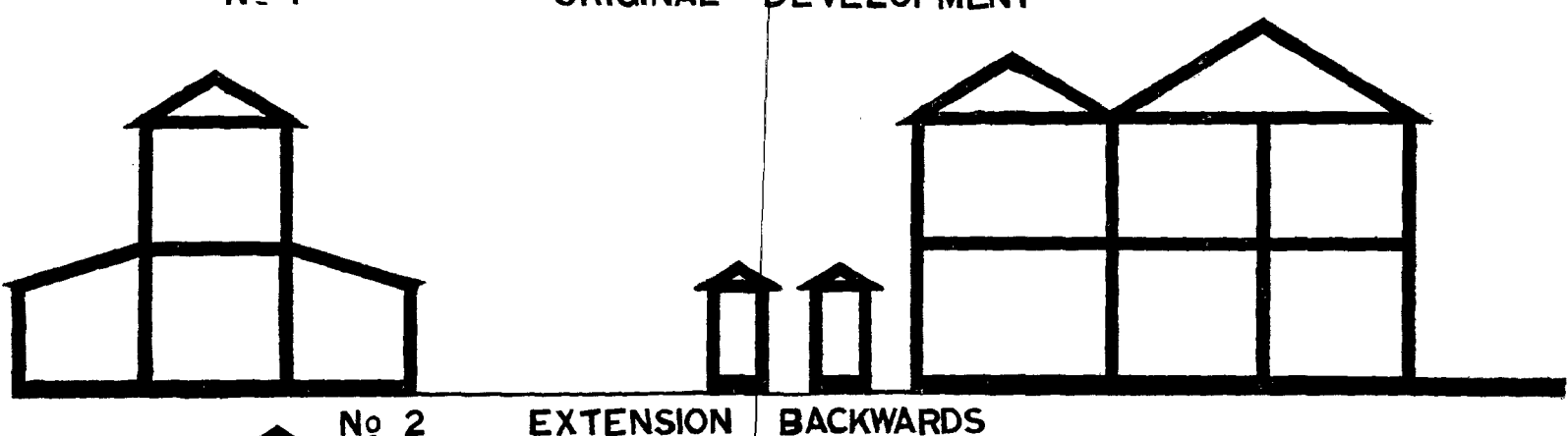
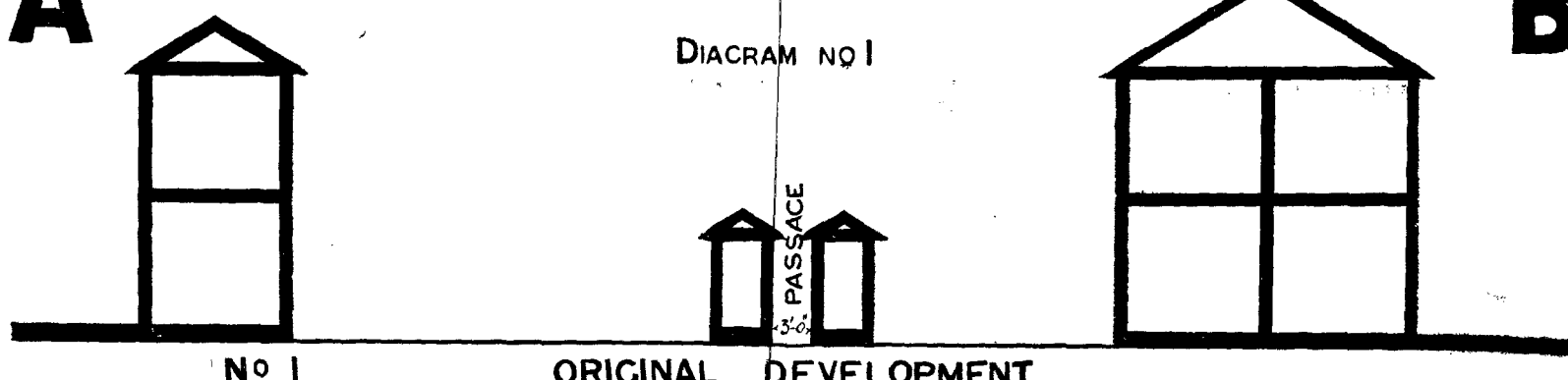
51. If slum-owners do not avail themselves of the Trust's offers of help, the depreciation of their slums must inevitably set in in the near future and ultimately it will be possible to acquire the slums without great loss to the public purse. But meanwhile I can only repeat my emphatic opinion that it is the bounden duty of the Local Authority to alter the law and by-laws so as to stop the further sweating of building sites beyond the stage marked down by the $63\frac{1}{2}^{\circ}$ standard of lighting and ventilation; and this not only in the interests of the slum-dwellers but in the interests of the slum-owners, the interests of public health, and the interests of the public purse.

THE SWEATING OF BUILDING SITES

A

SECTIONS
DIACRAM NO 1

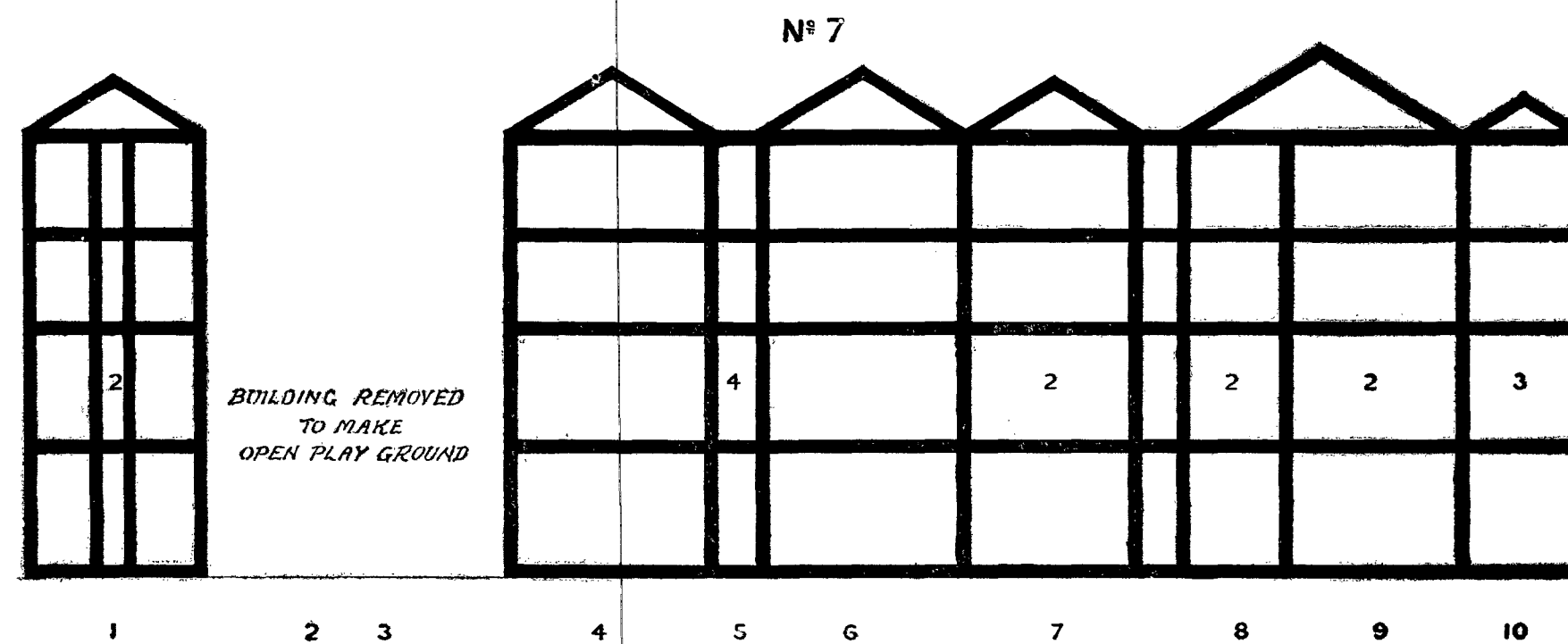
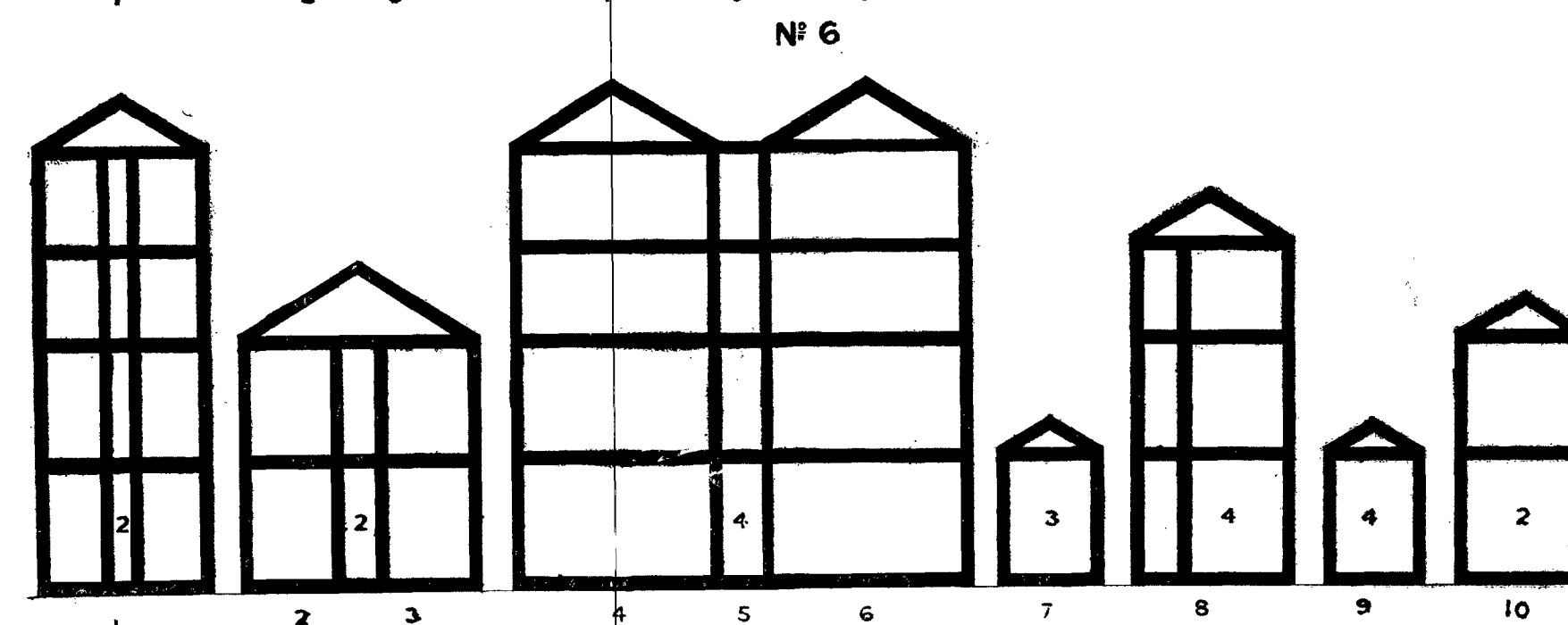
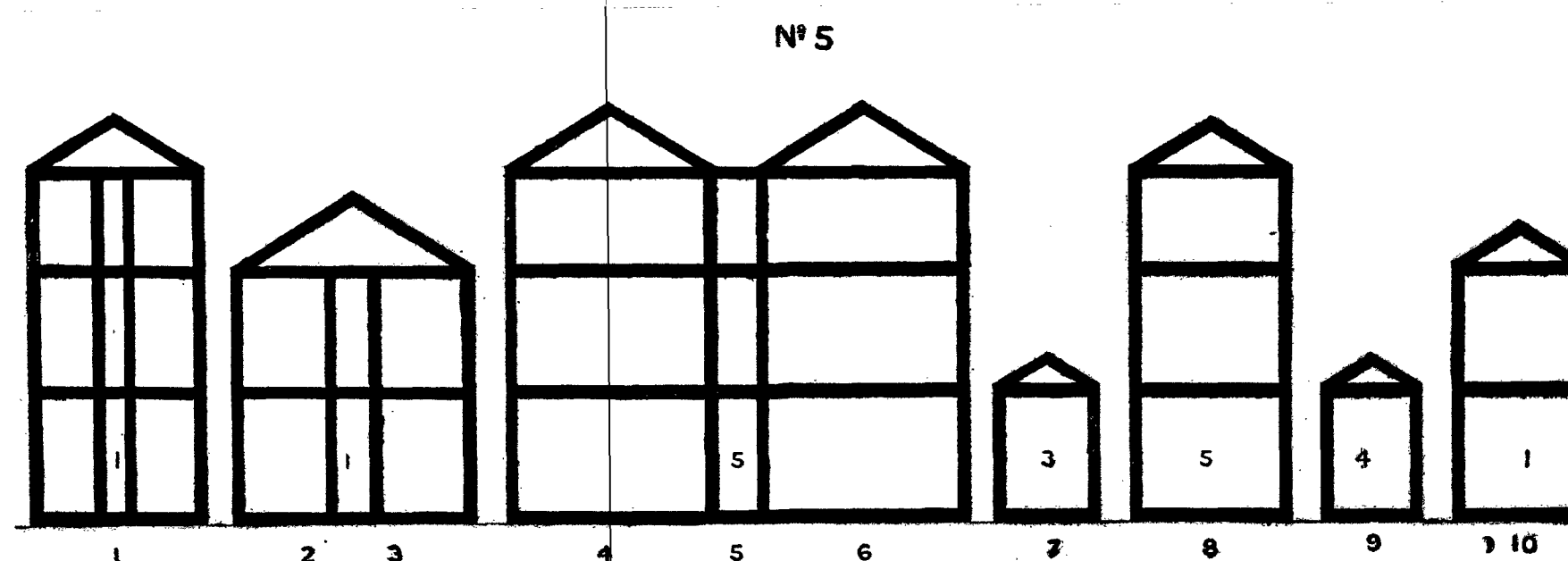
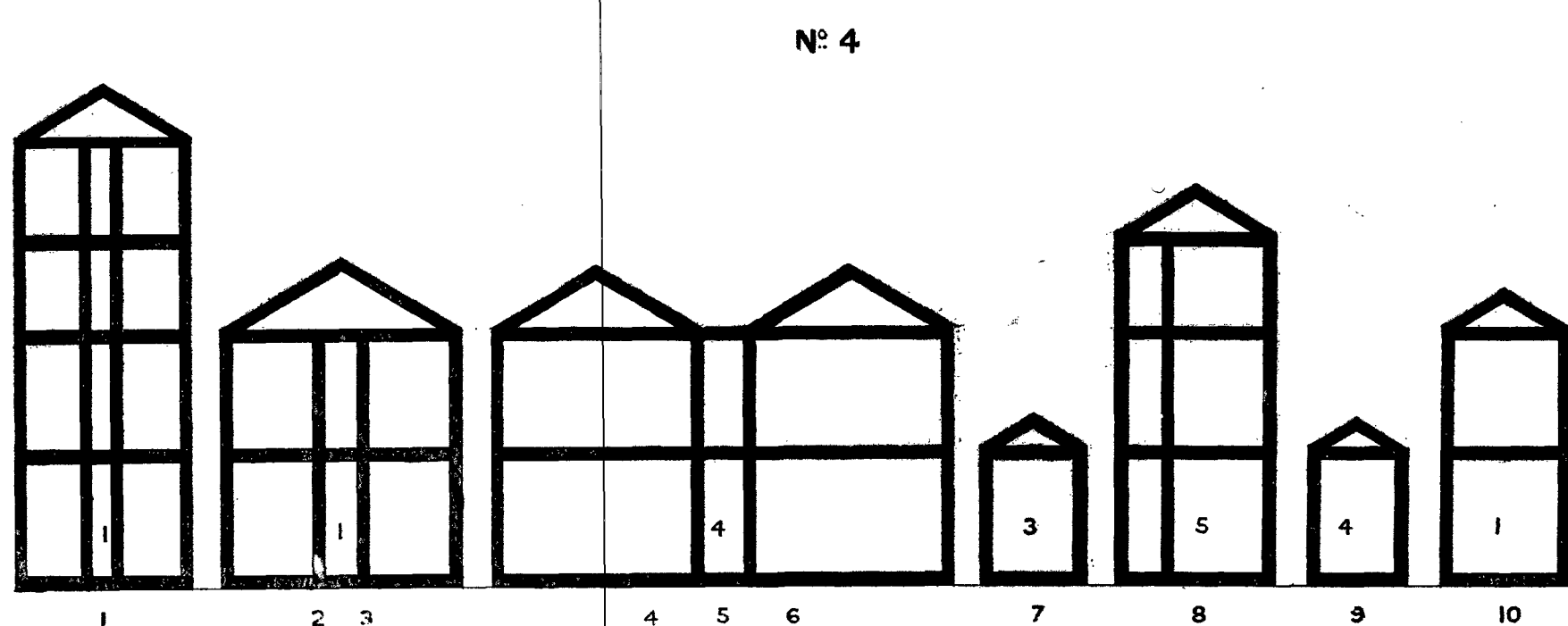
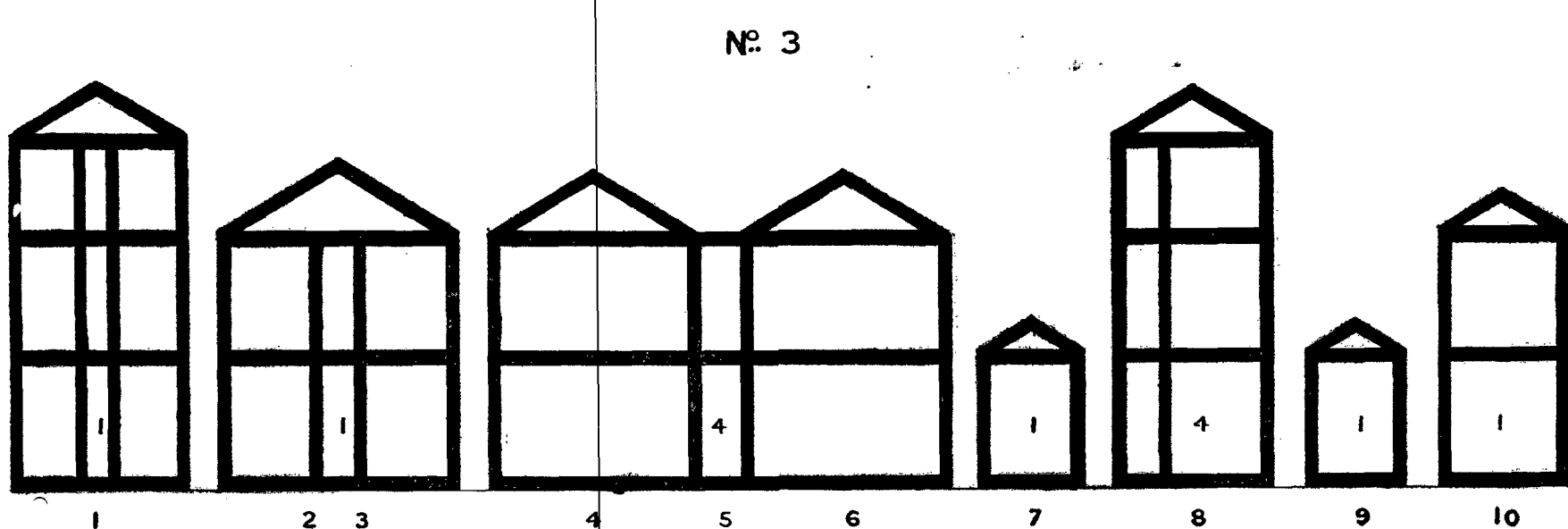
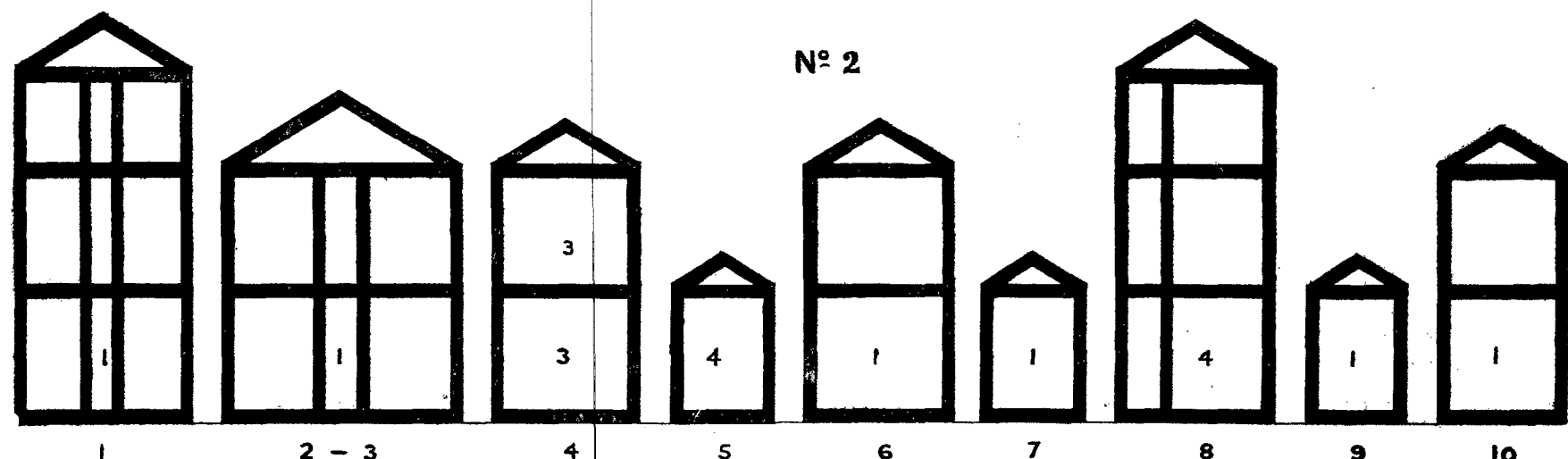
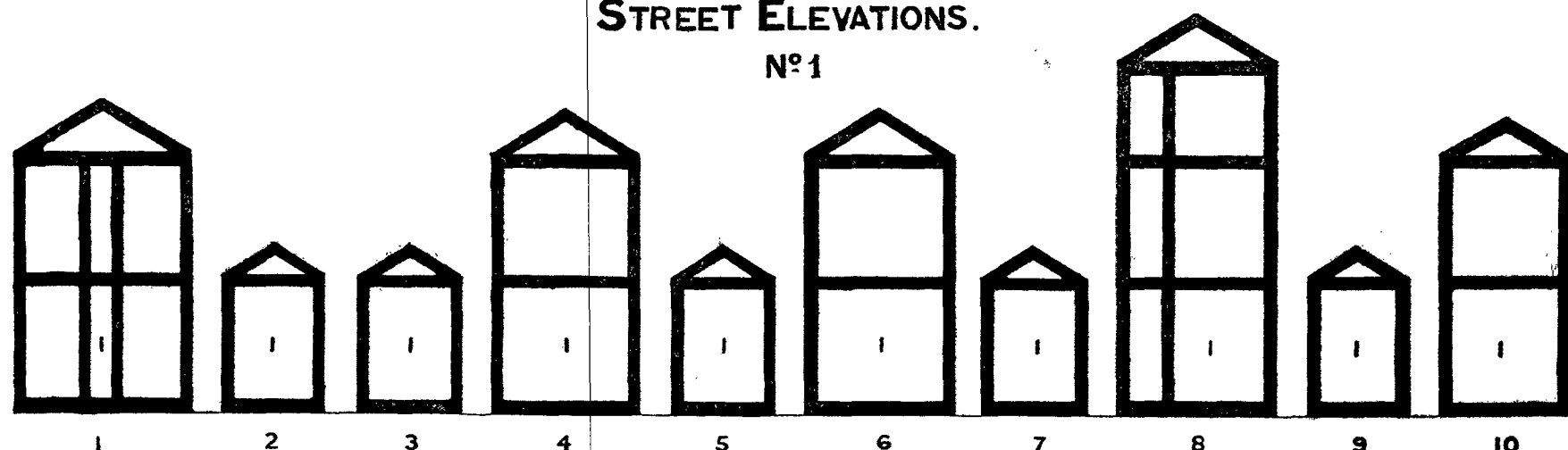
B



A. DIAGRAM. NO 2

STREET ELEVATIONS.

№ 1

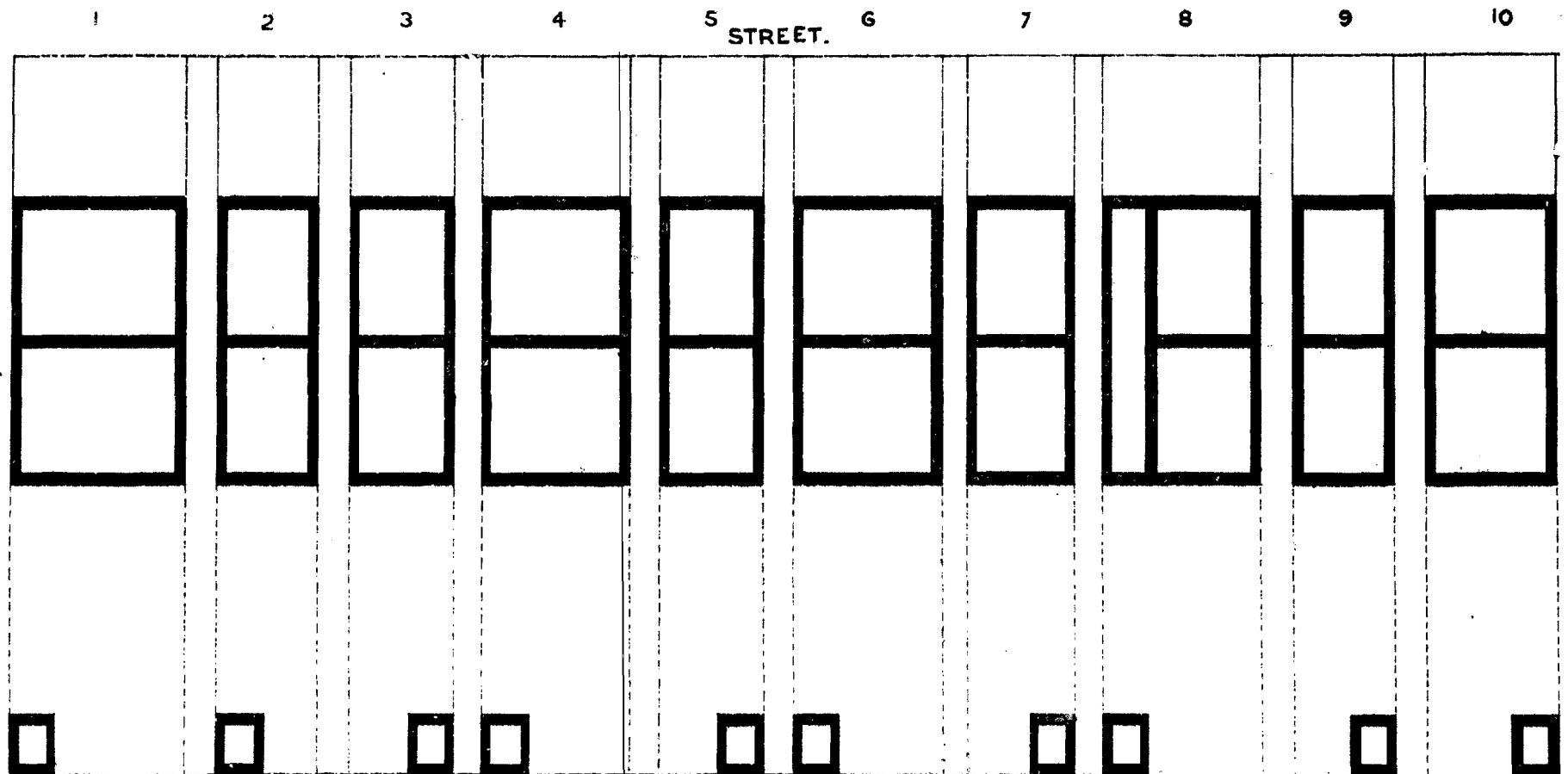


NOTE:- NUMBER OF ROOMS IN DEPTH OF BUILDINGS FIGURED ON ELEVATIONS

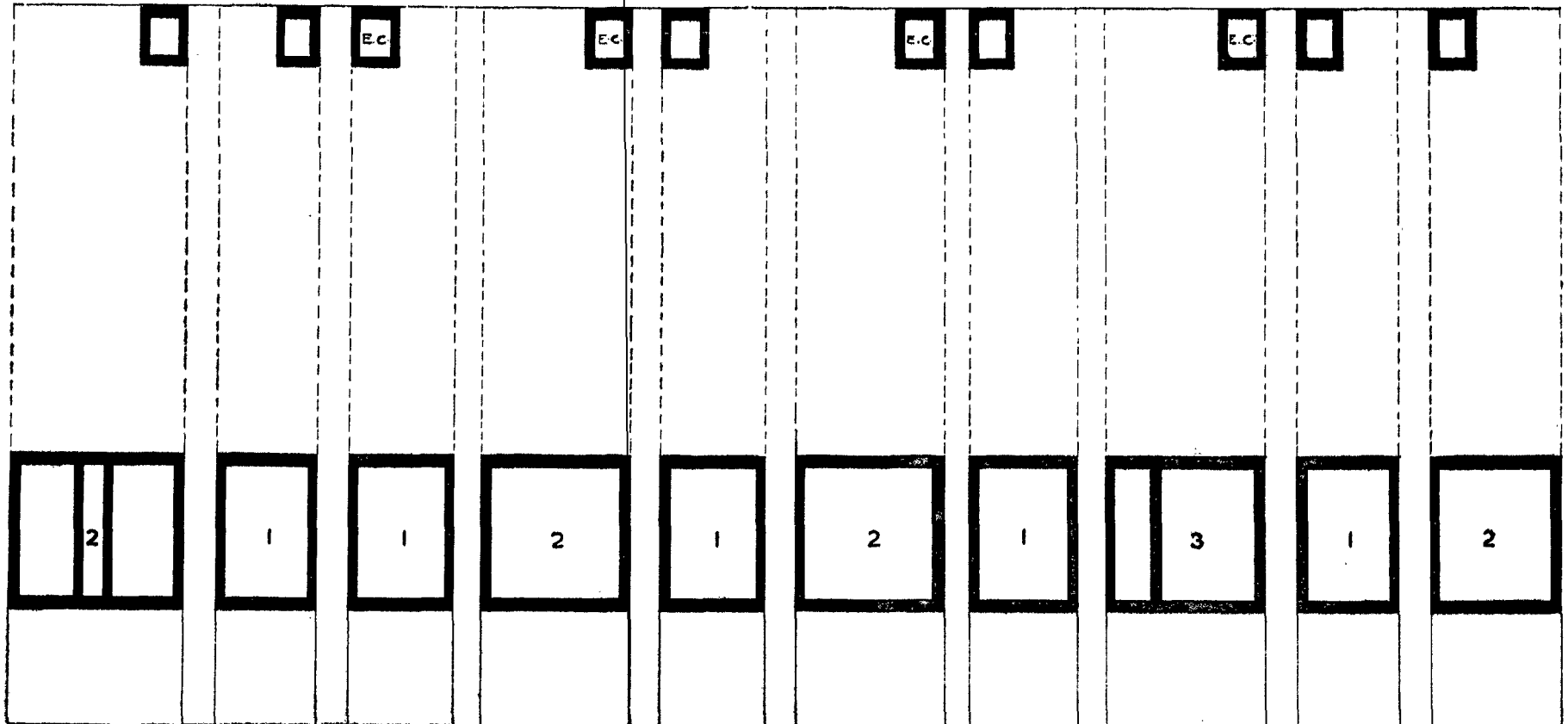
THE PLAN

Nº 1

B



3 FI P A S S A G E



A

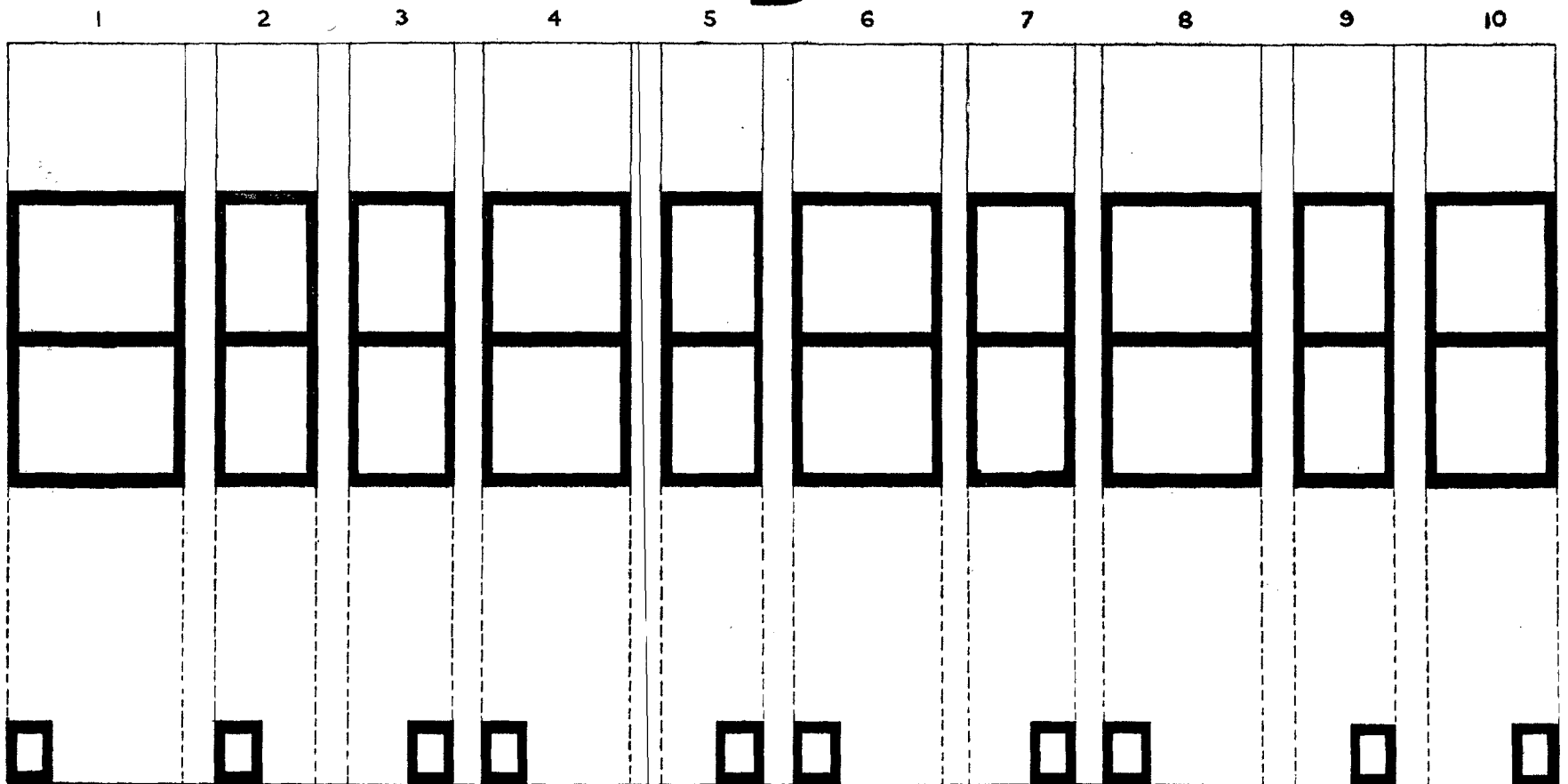
NOTE: NUMBER OF FLOORS INDICATED BY FIGURES ON PLAN.

THE PLAN

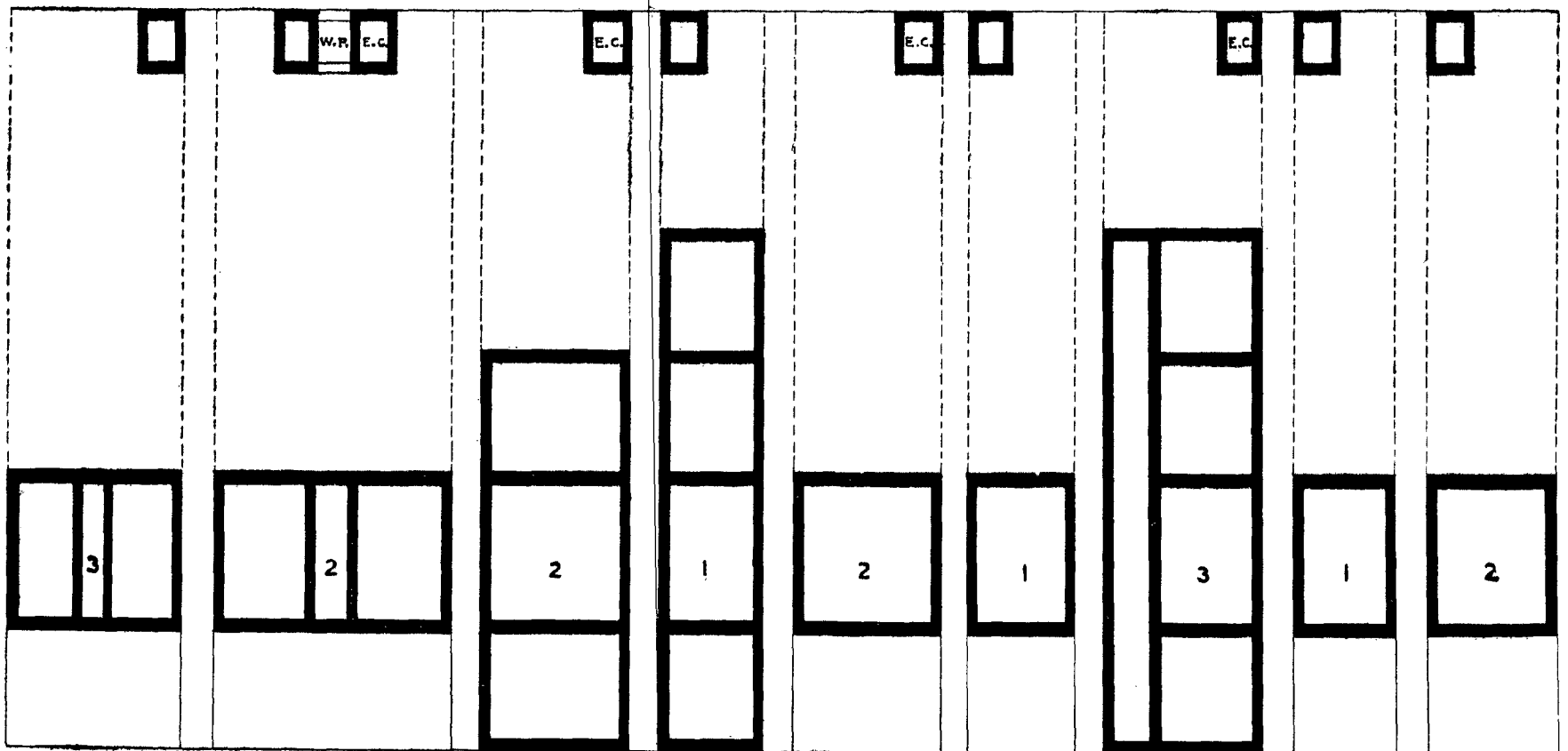
Nº 2

STREET.

B



3 F I P A S S A G E



STREET.

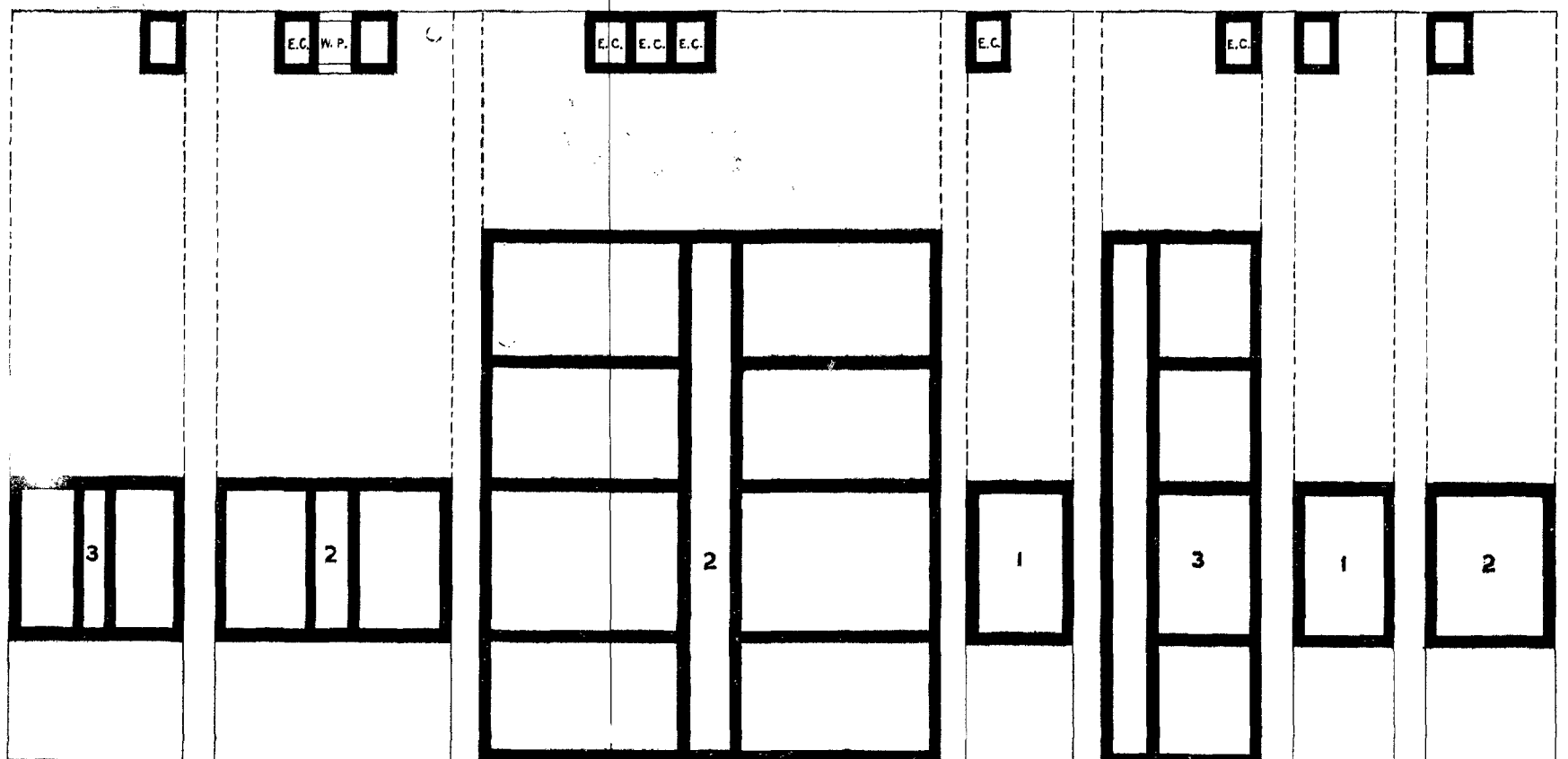
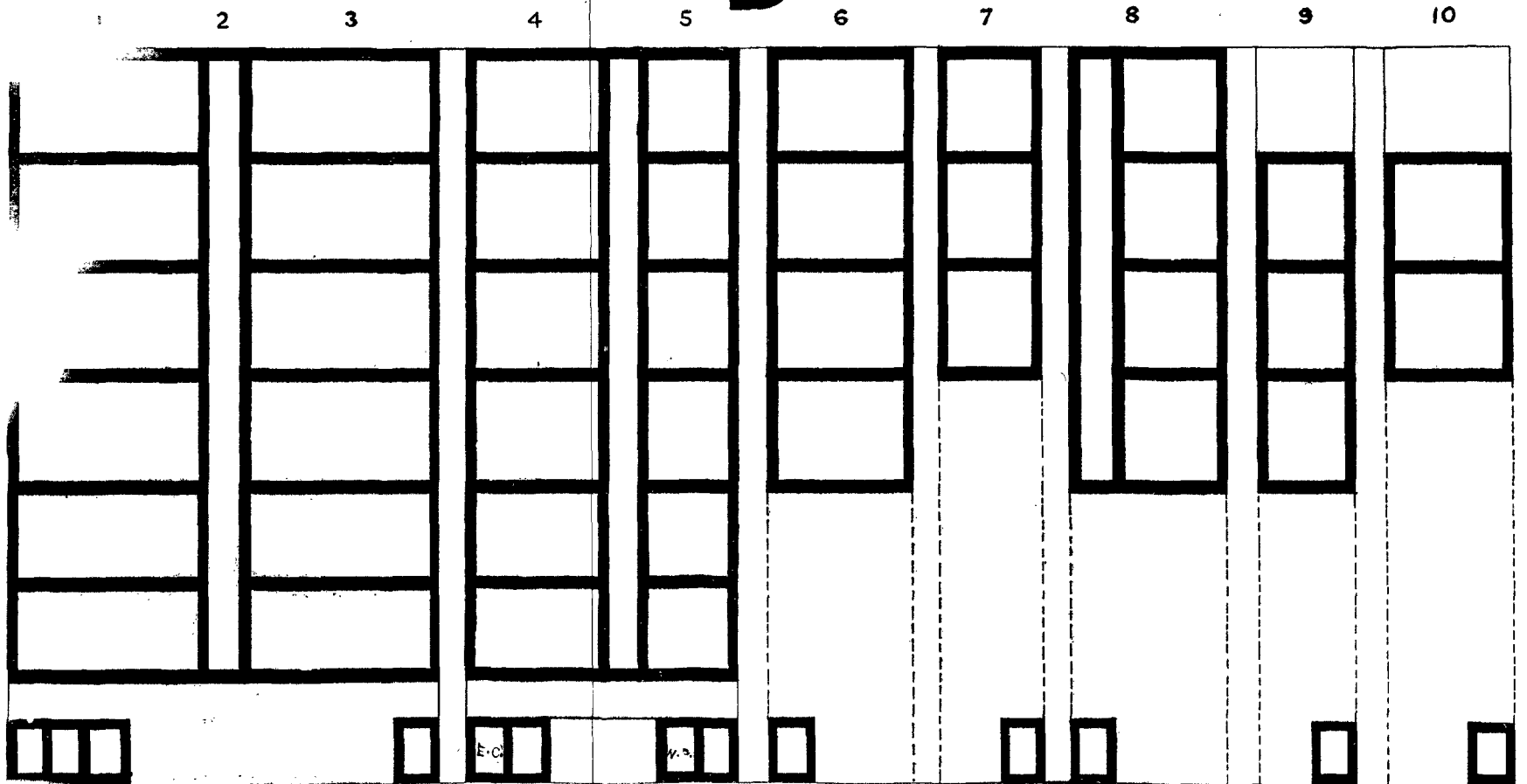
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NOTE: NUMBER OF FLOORS FIGURED ON PLAN.

THE PLAN.

Nº 3
STREET

B



STREET

A

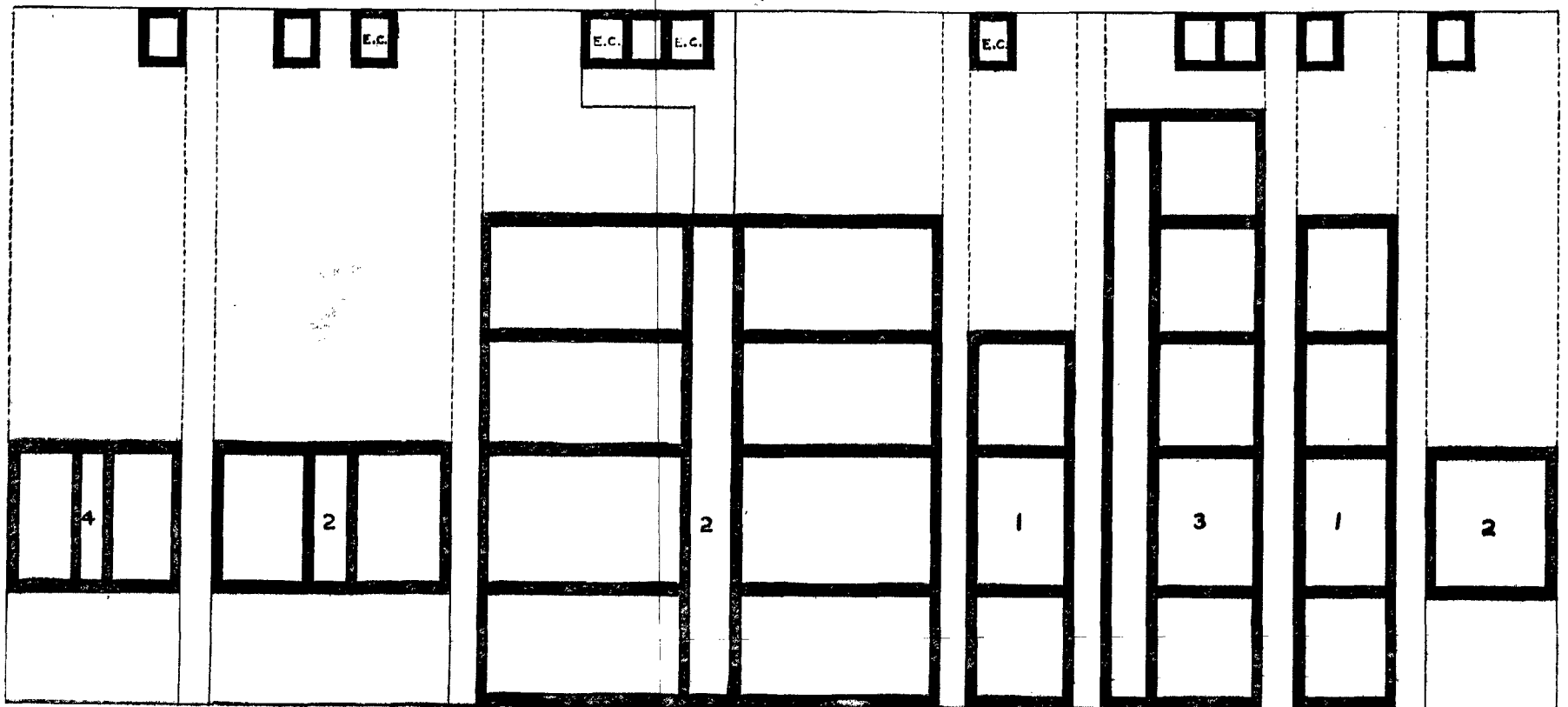
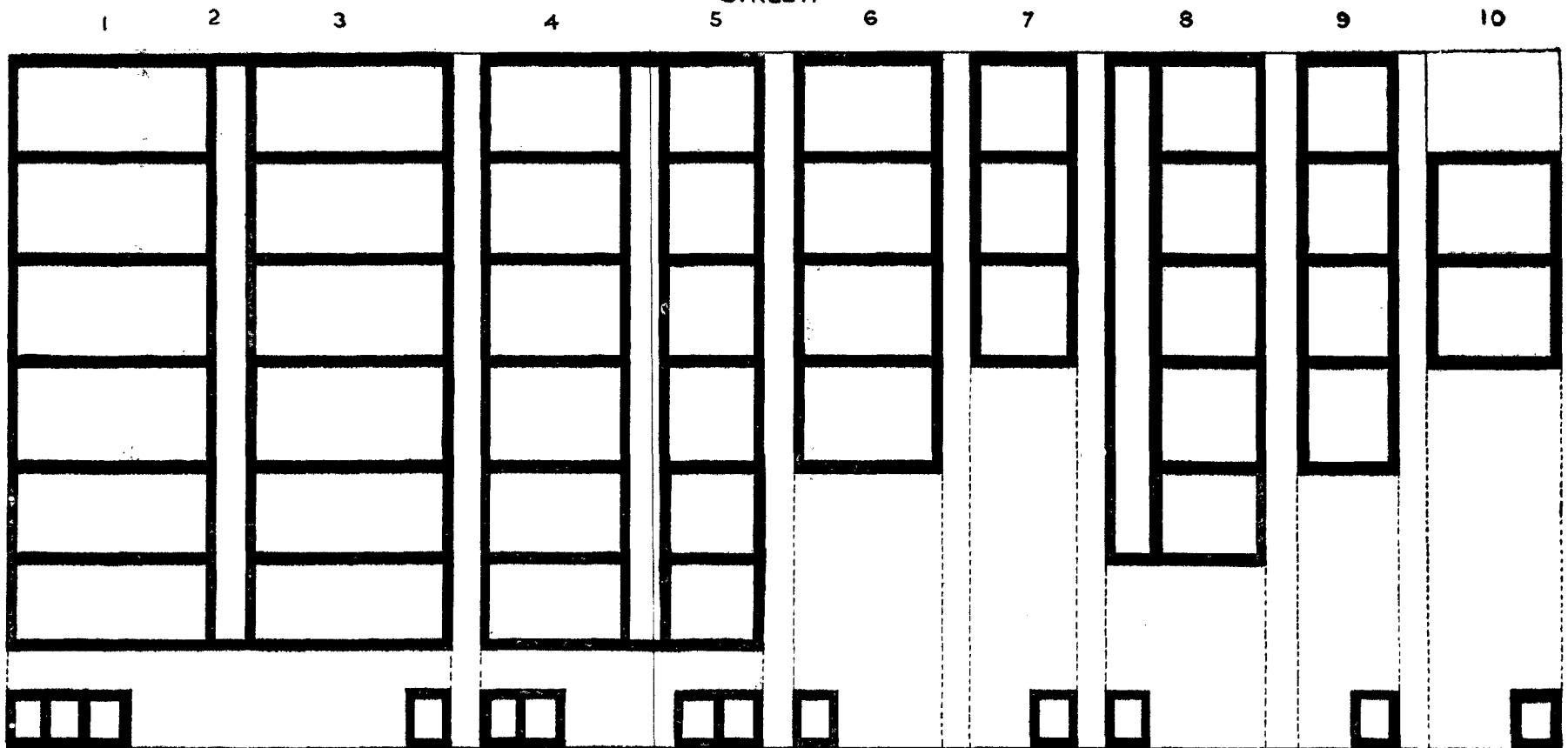
NOTE:- NO OF FLOORS FIGURED ON PLANS

THE PLAN

N 4

B

STREET.



STREET.

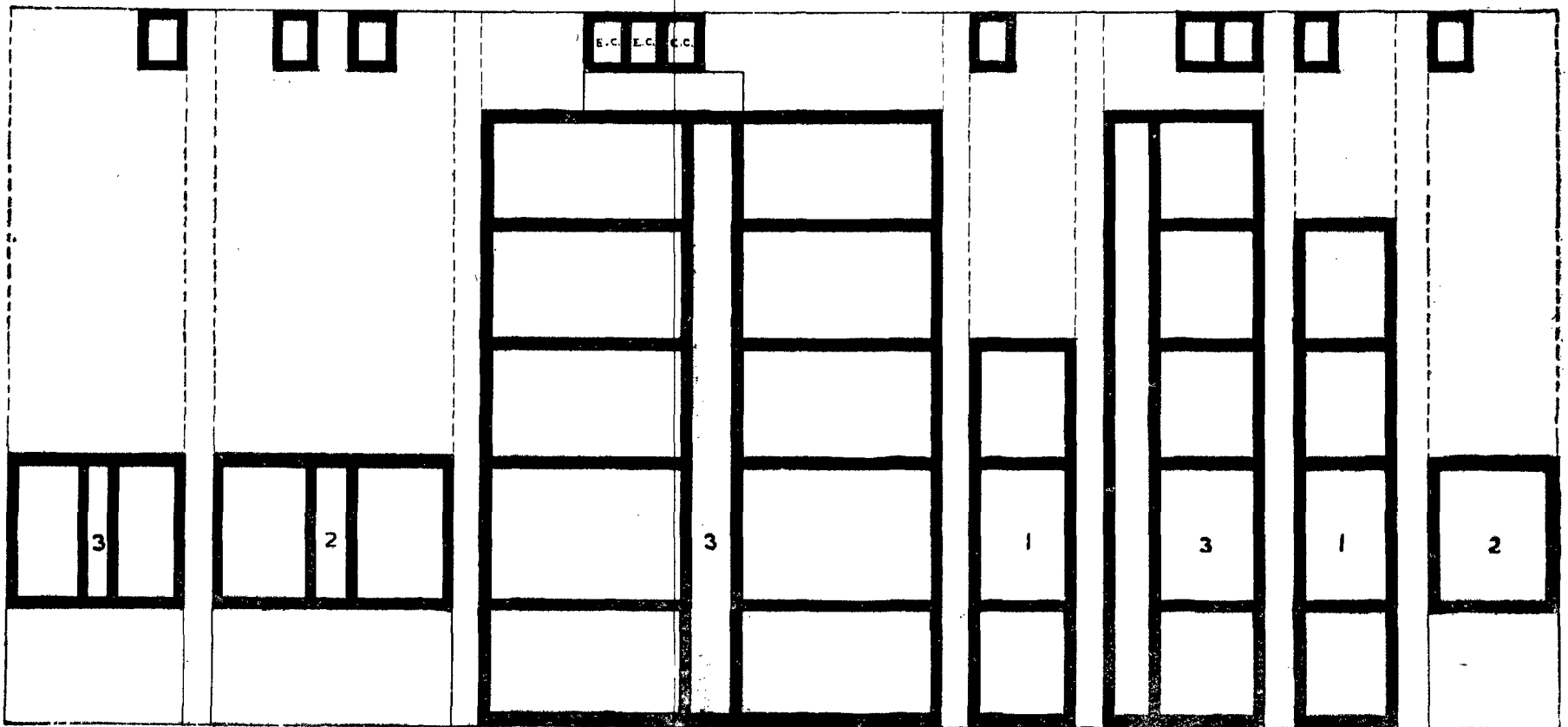
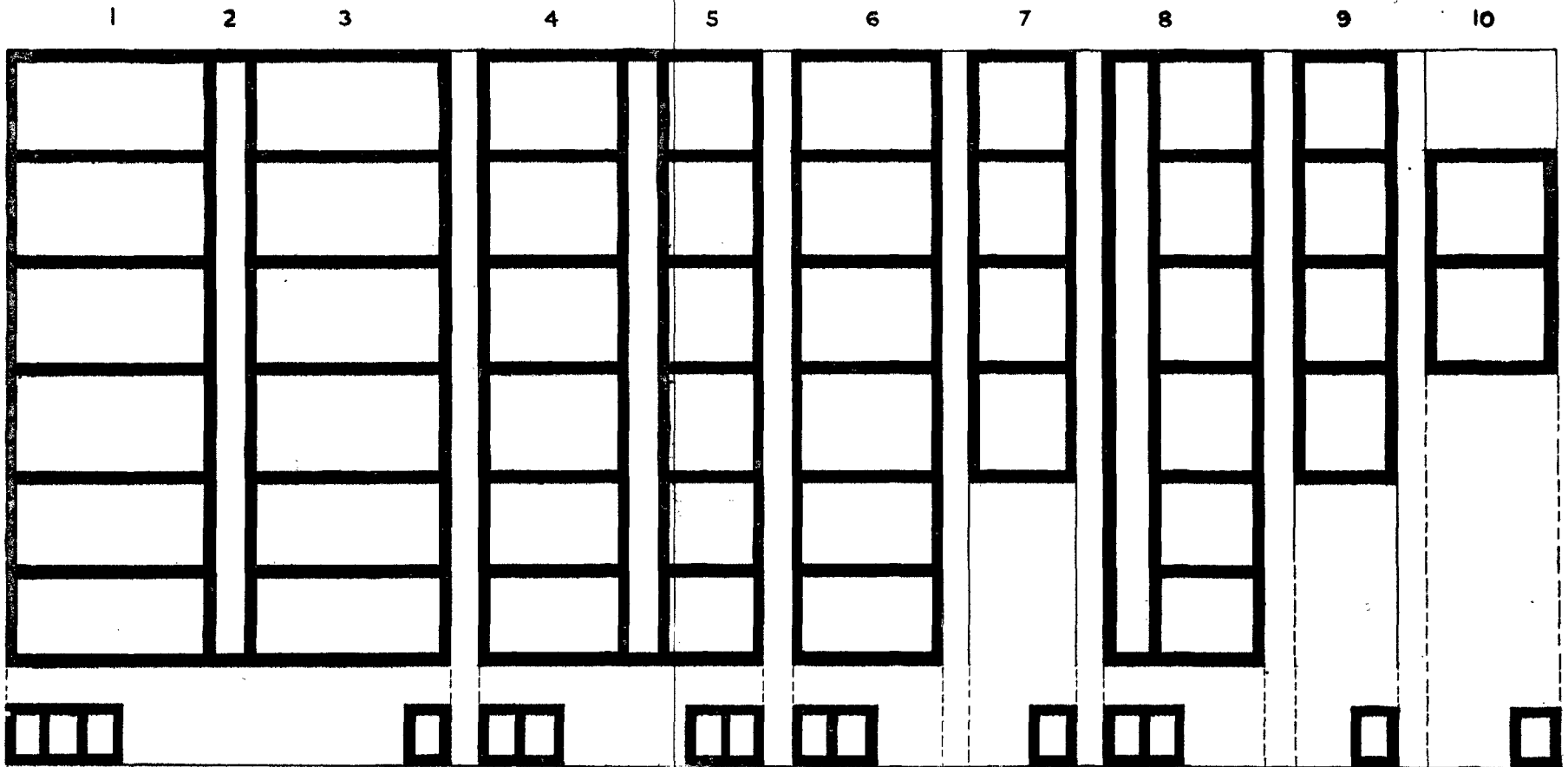
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NOTE: NUMBER OF FLOORS FIGURED ON PLANS

THE PLAN

Nº 5

B STREET.



STREET,

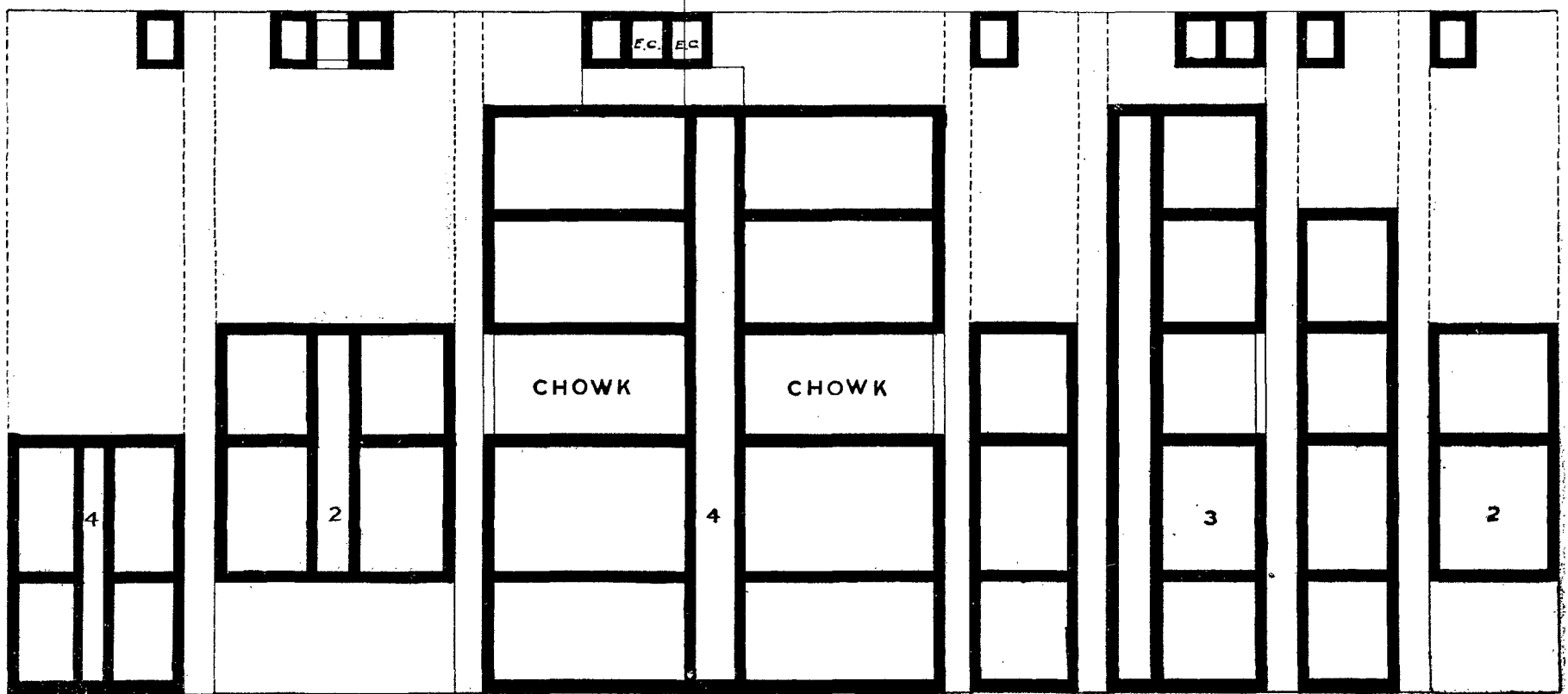
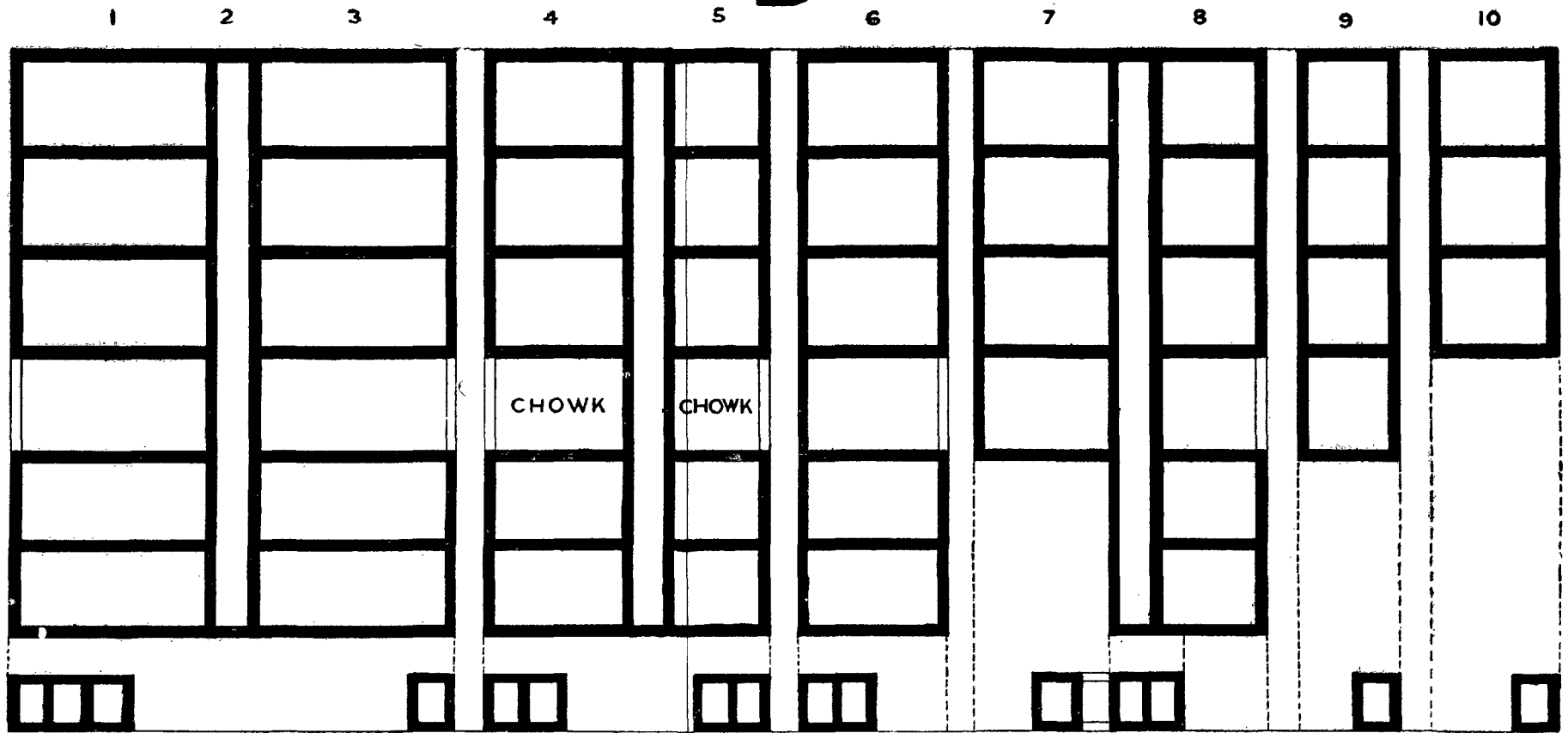
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NOTE: NUMBER OF FLOORS FIGURED ON PLANS.

THE PLAN

Nº 6
STREET.

B



STREET.

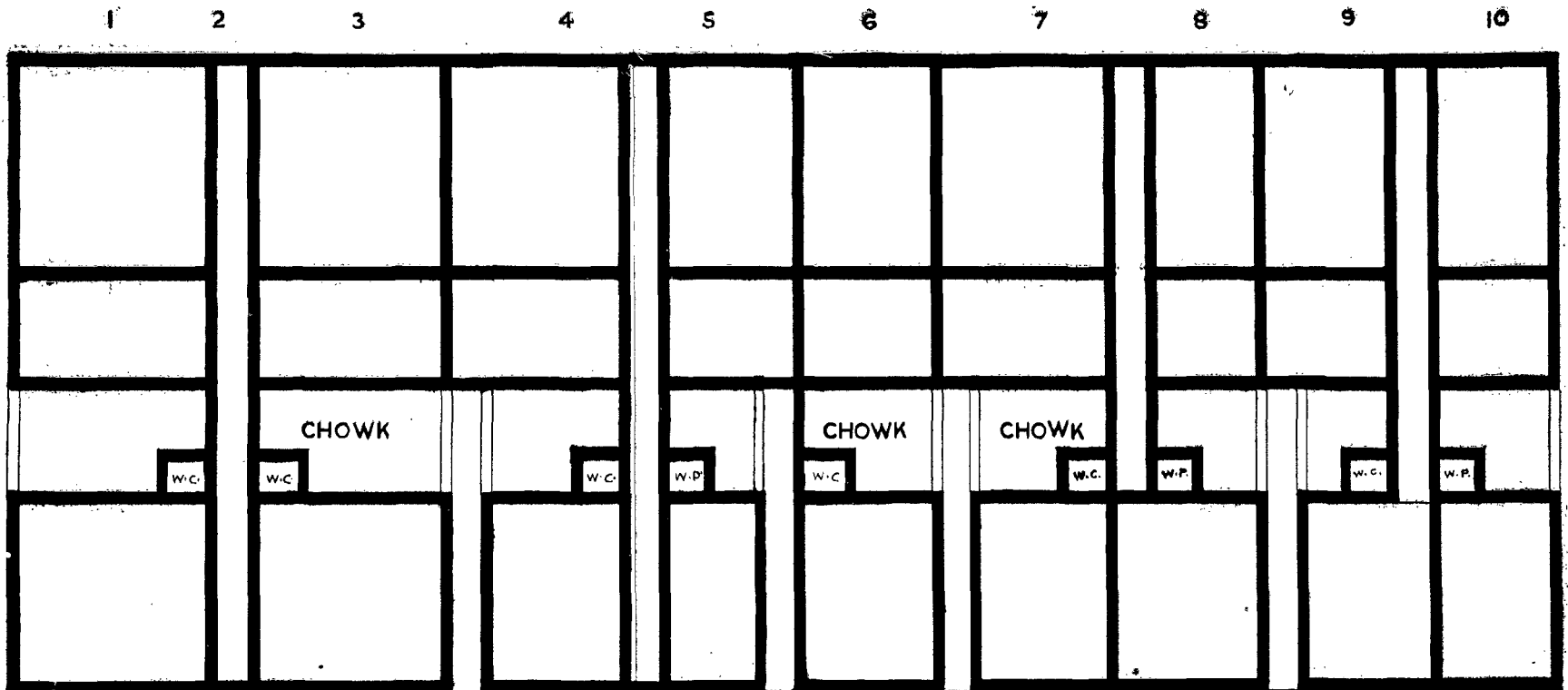
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NOTE: THE NUMBER OF FLOORS FIGURED OF PLAN.

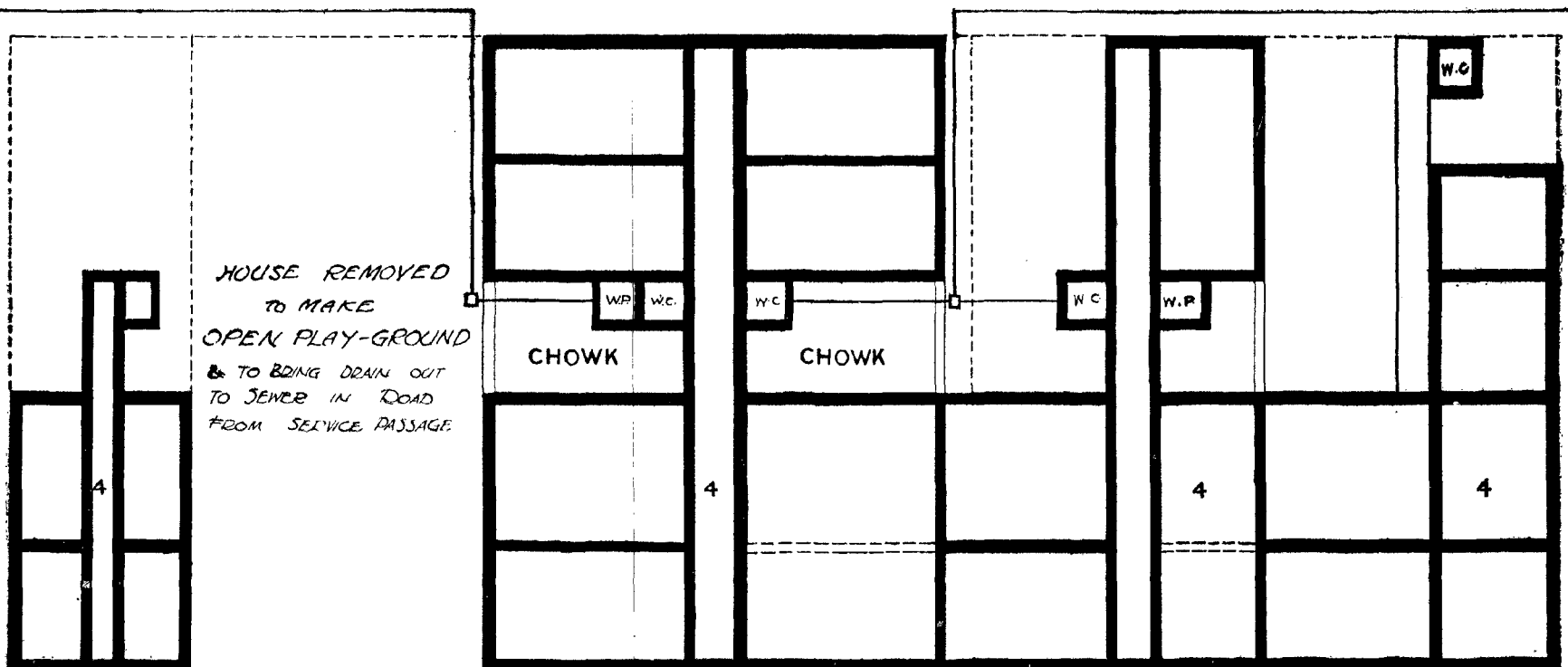
THE PLAN

AFTER COMPLETION OF
TRUSTS ALTERATIONS
NOTE:- SIDE GULLIES HAVE BEEN
ABOLISHED

Nº 7
STREET
B



20 FT REAR OPEN SPACE



STREET
A

NOTE:- NUMBERS 7 8 & 9 AMALCAMATED INTO
A T SHAPED BUILDING

NOTE:- NUMBER OF FLOORS FIGURED ON PLAN.

DEPARTMENTAL COMMITTEE ON BUILDING BYELAWS.

REPORT

OF THE

DEPARTMENTAL COMMITTEE

ON

BUILDING BYELAWS.

Presented to Parliament by Command of His Majesty.



LONDON:

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1918.

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MINUTES OF APPOINTMENT.

I hereby appoint—

The Right Honourable J. HERBERT LEWIS, M.P.,
Sir RANDOLF L. BAKER, Bt., M.P.,
A. E. COLLINS, Esq.,
The Honourable EUSTACE FIENNES, M.P.,
E. J. GOWEN, Esq.,
E. V. HILEY, Esq.,
W. T. JERRED, Esq., C.B.,
F. R. HARDING NEWMAN, Esq.,
J. POINTER, Esq., M.P.,
W. T. POSTLETHWAITE, Esq.,
RAYMOND UNWIN, Esq., and
HENRY VIVIAN, Esq.,

to be a Committee to consider the control at present exercised in England and Wales over the erection of buildings and the construction of streets by means of byelaws and local regulations, and their effect upon building and development, and to make recommendations.

I further appoint the Right Honourable J. Herbert Lewis to be Chairman, and A. N. C. Shelley, Esq., of the Local Government Board, to be Secretary to the said Committee.

(Signed) HERBERT SAMUEL,
President of the Local Government Board.

Whitehall, S.W.,
30th April, 1914.

I hereby appoint—

STEPHEN WALSH, Esq., M.P., to be a member and Chairman
and
Colonel Sir A. GRIFFITH BOSCAWEN, M.P.,
Major DAVID DAVIES, M.P., and
W. E. HART, Esq.,

to be members of the Departmental Committee on Building Byelaws in place of the Rt. Hon. J. Herbert Lewis, M.P., Major Sir Randolph L. Baker, Bt., M.P., Major The Hon. Sir Eustace Fiennes, Bt., M.P., and E. V. Hiley, Esq.

(Signed) W. H. FISHER,
President of the Local Government Board.

Whitehall,
29th October, 1917.

DEPARTMENTAL COMMITTEE ON BUILDING BYELAWS.

REPORT.

To the Right Hon. Sir AUCKLAND CAMPBELL GEDDES, K.C.B., M.P.,
President of the Local Government Board.

SIR,

ON the 30th April, 1914, Mr. Herbert Samuel, then the President of the Local Government Board, appointed a Departmental Committee "to consider the control at present exercised in "England and Wales over the erection of buildings and the construction of streets by means of "byelaws and local regulations, and their effect upon building and development, and to make "recommendations"; and up to the end of the Parliamentary Session in July, 1914, the Committee had held nine meetings and examined fourteen witnesses.

The Committee had adjourned for the parliamentary recess when war broke out, and the unexpected duties thrown upon most of the members made it impracticable to continue sitting.

The following official witnesses had up to that time been examined:—Mr. Dolton, Principal of the Legal Department, and Mr. Knight, Principal of the Local Finance and Local Acts Department, in the office of the Local Government Board, Mr. Dickinson, the Board's Comptroller of Housing and Town Planning, Mr. Carnwath, one of the Board's Medical Inspectors, and Mr. Worsley, one of their Assistant Architects.

Of these, Mr. Dolton, in whose Department the Board's model byelaws are drafted and the byelaw proposals of local authorities examined, gave us a full account of the statutes under which local authorities are empowered to control new streets and buildings, and a history of such control. He showed us the genesis of the various model series relevant to the subject of our inquiry, and explained the procedure of the Board in dealing with the proposals of local authorities.

Mr. Carnwath and Mr. Worsley put before us the principles upon which their respective departments, when consulted through the Legal Department, are accustomed to advise the Board, and furnished us with various criticisms and suggestions for amendment of the existing law. Mr. Knight explained the system of local Acts under which so many local authorities maintain over buildings and streets a control supplemental to or even at variance from that exercisable under the ordinary law, and Mr. Dickinson gave evidence on the operation of the Public Health Act system in relation to the enactments administered in his Department, viz., the Housing Acts and the town planning provisions of the Housing, Town Planning, &c., Act, 1909.

Of the outside witnesses, Sir William Chance and Mr. Forsyth represented the views of the Building Byelaws Reform Association (now merged, we understand, in the British Constitution Association), Colonel Le Roy Lewis represented the Central Chamber of Agriculture, Mr. Freyberg and Mr. Vernon the Surveyors' Institution, and Mr. Sutcliffe and Mr. Betham large societies for promoting housing schemes. Mr. Home Morton and Mr. Jensen gave the Committee the benefit of their own experience as consulting engineers.

2. The Committee had reached this stage when its sittings were suspended, and for more than three years they could not be resumed. In October 1917, however, Mr. Hayes Fisher, your predecessor, decided that it was desirable that the investigation should continue, and as it was impossible to reassemble the Committee as originally constituted, he made certain necessary changes in the membership. Mr. Herbert Lewis, the Chairman, had become Parliamentary Secretary to the Board of Education, Sir Randolph Baker and Sir Eustace Fiennes were still on military service, Mr. Hiley, who had resigned the Town Clerkship of Birmingham in 1916, wished to be relieved of his membership, to which he had been appointed at the recommendation of the Association of Municipal Corporations, and Mr. Pointer had succumbed to an illness which had already prevented his regular attendance at the meetings held in 1914.

In place of the members whose services were no longer available, Mr. Hayes Fisher appointed Mr. Stephen Walsh, M.P., Parliamentary Secretary to the Local Government Board, to be Chairman, and Sir Arthur Griffith Boscawen, M.P., Major David Davies, M.P., and Mr. W. E. Hart, O.B.E., Town Clerk of Sheffield, to be members of the Committee. The Committee thus reconstituted held its first meeting on the 29th November, 1917, and, except for a short recess at Christmas, weekly meetings were held thenceforward until the 20th March, 1918, when the forty-ninth and last witness was examined. The number of meetings held has been twenty-four. The tenth to the twenty-third were, like the nine sittings in 1914, devoted wholly or in part to hearing evidence, and we then had before us, in addition to the witnesses heard in 1914, thirty-five witnesses, two of whom represented the Board of Agriculture and Fisheries, and the remainder the following fourteen societies: The National Housing and Town Planning Council, the Welsh Town Planning and Housing Trust, the Institution of Municipal and County Engineers, the Welsh Housing and Development Association, the Land Agents' Society, the Urban District Councils Association, the British Empire Producers' Organisation, the National Land and Home League, the National Federation of Building Trades Employers of Great Britain and Ireland, the Rural District Councils

Association, the Institution of Municipal Engineers, the Royal Institute of British Architects, the Garden Cities and Town Planning Association, and the Association of Municipal Corporations.

3. With one exception (Mr. Platt) all the witnesses heard in 1917 and 1918 have appeared in some representative capacity, as did all those in 1914 except Mr. Home Morton and Mr. Jensen. It has been a matter of regret to us that the Society of Medical Officers of Health, though asked in 1914 and again in 1917 to offer evidence, were unable to prepare it before the time we felt obliged to fix for the end of our inquiry, but we have no doubt that Mr. Carnwath's evidence on behalf of the Medical Department of the Local Government Board will have brought out most of the points which the Society would have made from the point of view of the medical side of public health administration.

4. We wish before concluding these preliminary remarks to offer a word of caution in justice to certain local authorities whose actions have been criticised before us. We have not felt ourselves entitled to assume the functions of a tribunal to inquire into particular grievances, and we record no finding for or against either party in any of the controversies which *ex parte* have been mentioned to us. The local authorities whose conduct has been traversed have had no opportunity to cross-examine the witnesses or to offer in evidence their own version of the story. It must not be assumed that, and it seems to us to matter at the present day comparatively little whether, A or B was before the war unfairly used by the authorities of X or Y. What is important is whether or not the state of the law is such that those authorities could if they wished behave unfairly or oppressively.

CHAPTER I.

The present Legal System.

5. We are instructed in our terms of reference to inquire into the control at present exercised over the erection of buildings and the construction of streets by means of byelaws and local regulations, and by the latter word we understand is meant not only regulations specifically so-called, but all forms of control over building and development which resemble byelaws in the local character of their application. This brings within our purview local Act provisions, and we are fortified in this interpretation of our reference by the fact that any discussion of building control which left out local Acts would be entirely misleading. We will, however, deal first with the general law, commencing with a brief historical and analytical review of the statutory powers under which byelaws may be made.

6. A comprehensive survey of the law will be found in Mr. Dolton's evidence, but it is necessary in this report to give a brief *résumé*. It is known that in the City of London there have been almost from time immemorial ordinances designed to prevent the spread of fire, and no doubt other ancient corporations must have made similar provision. But the modern system of control over building and development originated, like the modern local authorities, in the first half of the nineteenth century, when the most progressive of the municipal corporations obtained from Parliament special provisions of various kinds in local Acts designed to secure the safe and sanitary development of their towns, many of which were growing rapidly as a result of the "industrial revolution." The year 1847 saw a number of codifying statutes, such as the Towns Improvement Clauses Act (parts of which dealing with matters within the scope of our inquiry are still in force by incorporation with local Acts) and in the following year the chain of general public health legislation began with the Public Health Act, 1848. This Act enabled the then local health authorities to control at their absolute discretion the laying out of streets and in some degree the erection of new buildings. The sections relevant to our inquiry are 53 and 72, which ran as follows, omitting provisions as to penalties, &c. :-

"53. And be it enacted, That, Fourteen Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board of Health written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have been approved by the said Local Board."

"72. And be it enacted, That One Month at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the said Local Board of the Level or Width specified in such Notice, the General Board of Health shall otherwise direct."

Concurrently with the exercise of these powers, some local authorities obtained a byelaw-making power under local Acts, and the Local Government Act, 1858, effected a marked change

in the general law, indicating a change in the policy of Parliament. Instead of exercising *ad hoc* discretionary control of every street and building the local authority were to make byelaws for the purpose. We have no evidence before us, and at the present day evidence would probably be hard to get, of the working of the discretionary system in the fifties, but it is fair to suppose that in replacing a discretionary power by byelaws Parliament intended to substitute a better system of control than was in force under the Act of 1848. We call attention to this piece of bygone legislation both because it is of interest in itself and because it bears on a suggestion sometimes made that the byelaw method of control is inferior to the discretionary method. The policy of the last sixty years is not necessarily right, but if it were to be altered (as we suggest it should not be) it should be borne in mind that it was deliberately introduced and has been long maintained.

7. The power to make byelaws given by the Local Government Act, 1858, was not to make byelaws generally, but to make them on certain subjects defined by section 34, which was as follows:—

“34. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows

“Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

- “(1) With respect to the Level, Width and Construction of new Streets, and the Provisions for the Sewerage thereof;
- “(2) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;
- “(3) With respect to the sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;
- “(4) With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws.”

8. This section was repealed by the Public Health Act, 1875, without prejudice to byelaws already made under it, some sixty codes of which exist even at the present day (*Dalton*, 5), but its powers were re-enacted in section 157 of the Act of 1875, which runs as follows:—

“157. Every urban authority may make byelaws with respect to the following matters; (that is to say,)—

- “(1) With respect to the level width and construction of new streets, and the provisions for the sewerage thereof;
- “(2) With respect to the structure of walls foundations roofs and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health;
- “(3) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings;
- “(4) With respect to the drainage of buildings, to waterclosets earth closets privies ashpits and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation;

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove alter or pull down any work begun or done in contravention of such byelaws.”

It will be seen that section 157 of the Act of 1875 contains the same provisions as the section which it superseded, but that it adds a power to make byelaws as to the structure of foundations, roofs and chimneys, that this power and that as to the structure of walls are extended to cover purposes of health as well as stability and the prevention of fires, and that specific reference to earth closets is included for the first time.

9. Section 157 of the Public Health Act, 1875, is the principal byelaw-making section now in force, certain other powers having been grafted on to it by section 23 of the Public Health Acts Amendment Act, 1890, and section 24 of the Public Health Acts Amendment Act, 1907, respectively.

Subsections (1) and (4) of section 23 of the Act of 1890 are in the following terms:—

“23—(1). Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower every urban authority to make byelaws with respect to the following matters; that is to say:—

- “The keeping waterclosets supplied with sufficient water for flushing;
- “The structure of floors, hearths, and staircases, and the height of rooms intended to be used for human habitation;
- “The paving of yards and open spaces in connexion with dwelling-houses; and
- “The provision in connexion with the laying out of new streets of secondary means of access where necessary for the purpose of the removal of house refuse and other matters

* * * * *

“(4) Every local authority may make byelaws to prevent buildings which have been erected in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so constructed they would have contravened the byelaws.”

and section 24 of the Act of 1907 is as follows:—

“24. Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower the local authority to make byelaws—

- “with respect to the height of chimneys of buildings and with respect to the height of buildings; and
- “with respect to the structure of chimney shafts for the furnaces of steam engines, breweries, distilleries, or manufactories.”

10. We must also mention one most important section, namely, section 184 of the Act of 1875, which forms part of a group of sections applying to byelaws upon many different subjects. (Some twenty different kinds of byelaws may be made under the Public Health Acts, of which we have been concerned with one kind only). Section 184 enacts as follows:—

“184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

“Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

“Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

“The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

“A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority.”

11. The two sections we have mentioned from the Acts of 1890 and 1907 afford an illustration of the haphazard legislation which has been enacted on the subject of new streets and buildings. Assuming, as one must, that the engine chimney shaft mentioned is the chimney of a building, it will be observed that power to deal with the structure of chimneys of new buildings of whatever kind was given in 1875. Thus the only fresh power which the Act of 1907 gave was to deal with the chimneys of certain classes of existing buildings, while it introduced a needless complication by mentioning particular kinds of building instead of buildings generally.

Other instances of the same kind could be multiplied; thus, while walls, foundations, roofs, and chimneys (apart from the special classes of chimney in the Act of 1907) can only be governed for securing stability and the prevention of fires and for purposes of health, floors and staircases, added by the Act of 1890, may be regulated apparently for any purpose.

We may mention here almost at random a few other gaps of this kind. Thus:—

(i) In connexion with the laying out of a new street, secondary means of access can be required to buildings in that street, but not in connexion with the erection of the buildings themselves. Therefore if a new street is laid out, but the building plots are not taken up at the time, the local authority cannot require the person who ultimately buys the plots and erects buildings to provide any secondary means of access to such buildings.

(ii) Byelaws may be made “to prevent buildings erected in accordance with “byelaws made under the Public Health Acts from being altered in such a way “that if at first so constructed they would have contravened the byelaws.” There is no power to make corresponding byelaws as to streets to prevent their being altered, for example by a reduction of the width of a private street, in such a way that if at first so laid out they would have contravened the byelaws.

- (iii) Byelaws may be made under the Act of 1875 "with respect to the structure of the walls foundations roofs and chimneys of new buildings," not, be it noted, including floors or staircases, which were added by the amending Act of 1890. And even now byelaws cannot be made as to pillars supporting floors or roofs, unless they are a part of a wall, nor as to beams, unless they are part of a wall, roof or floor. This limitation would be a hindrance to local authorities if they generally wished to make detailed byelaws as to reinforced concrete construction, for in the London regulations with regard to concrete structures, which were made under special powers (the Public Health Acts do not apply to London) and are the only complete code of regulations on the subject in force in this country, many clauses are taken up with provisions for pillars, beams and other constructional members which could not be regulated at all by byelaws under the Public Health Act system.
- (iv) Again, byelaws with respect to the structure of walls &c., can only be made "for securing stability and the prevention of fires and for purposes of health," so that, for example, party walls cannot be required to be soundproof (*Willis*, 2990), nor is a local authority entitled (as it sometimes would like) to prohibit unsightly materials in external walls on æsthetic grounds (*Willis*, 4354).
- (v) In addition to the restrictions already mentioned as to walls, it is very doubtful how far internal partition walls are to be considered "walls of a building" for the purpose of being governable by byelaws.
- (vi) Many local authorities, desiring to regulate the composition of plaster on the walls of buildings, have had to obtain special powers by way of local Act, because the plaster is not within the Public Health Act power (*Dolton*, 87; *Morley*, 4574). This is not a large matter in itself, but it is one to which local authorities attach sufficient importance that they regularly go to Parliament for special powers enabling them to deal with it, and it thus illustrates the kind of gap in the framework of the general law of which we are here speaking.
- (vii) "A sufficiency of space about buildings" may be required "to secure a free circulation of air," but not for any other purpose (*Carnwath*, 737).
- (viii) The height of rooms can be regulated by byelaw, but not their cubical content or area.
- (ix) Flushing cisterns for waterclosets may be required, and also the provision of water, but no byelaw can be made to secure that the water shall be brought into the cistern. Hence all lawful byelaw requirements would be satisfied by an empty cistern and a bucket full of water (*Carnwath*, 738).
- (x) Plans and sections of a proposed new building can be required, but elevations cannot, although these would be useful, not merely to show the design in an artistic sense (a matter which we do not suggest should be put under the local authority's control) but also to show the windows, which are already regulated by byelaws as to ventilation (*Willis*, 4365).
- (xi) Although byelaws can be made for securing ventilation in new buildings, they cannot require lighting, and powers have therefore had to be sought for this by local Act when local authorities desired to deal with it (*Knight*, 2770).

12. The reason for peculiarities of this kind is not far to seek. The provisions as to streets and buildings in the Public Health Acts have for the most part originated in local Acts passed for the regulation of particular towns or districts. Each such area has sought from Parliament the powers which it considered suitable for its own case, and concurrently with this tendency to dissimilarity there has been a co-ordinating process due to the fact that it was easier to secure the assent of the Local Legislation Committee or their predecessors to provisions which had already been allowed elsewhere than to new provisions (*Knight*, 2725). The consequence has been that a clause originally devised to meet the circumstances of one district has been repeated in local Acts obtained for other districts until it became a common form, and these common form clauses were collected by Parliamentary agents and inserted in the Bills they were instructed to promote, sometimes, apparently, chiefly for the reason that other towns already had such powers. (*Fovargue*, 6354), until finally a certain number of common form clauses have been brought together into the general Acts which are now the Public Health Acts Amendment Acts of 1890 and 1907. Even the provisions with which we have been concerned in the principal Act of 1875 had their origin in much the same way, having been imported from the Local Government Act, 1858, which itself was based upon earlier local legislation.

The result of this process has been a legislative patchwork under which the control by local authorities of building and development is restricted to particular topics or particular purposes, while there are many gaps and many sections on similar subjects which do not fit together. In our opinion restrictions of this kind, where they are really technical (such as that which limits building byelaws to certain portions or members of a building and byelaws as to walls to three specified purposes), should be removed, and some power should be given

in the direction of enabling local authorities by means of byelaws to exercise control in all matters which are of such a nature as to require control in the public interest and to be suitably controlled by means of byelaws.

13. An even more confusing feature, however, of the various enactments set out in paragraphs 8 and 9 is the method, or rather the diversity of methods, by which they come into operation.

They may take effect by the direct force of the statute, by adoption by the local authority concerned, or by Order of the Local Government Board, and there is no consistency as to the manner in which different sections shall come into force.

The basis of the fabric is that by the Act of 1875 itself every urban authority possesses the powers of section 157. These powers can be conferred on a rural authority by Order of the Local Government Board, but cannot be adopted.

Section 23 of the Act of 1890 is not in force in any district of itself. Its powers are obtained by an urban authority by the adoption of the whole of Part III. of the Act, and by a rural authority by adopting so much of Part III. as can be adopted by a rural authority. Adoption carries some powers in addition to, but in case of a rural authority not the whole of, section 23, the powers of the whole section being obtainable by a rural authority by Order of the Local Government Board, a method not open to an urban authority, which cannot obtain the powers of section 23 alone, and in order to get them must adopt the whole of Part III. of the Act. This welter of confusion seems to have so impressed the draftsman that when we come to the 1907 Act we find that the whole or a part of section 24, the byelaw-making section of that Act, may, with or without other sections of the Act, be put in force in an urban or a rural district by Order of the Local Government Board, but not otherwise. This is, at all events, a simple and comprehensible plan.

14. On the whole, however, it seems to us, to adopt a popular phrase, that it is making two bites of a cherry to require a local authority, whether urban or rural, who desire to make byelaws to come to the Local Government Board first of all for an Order investing them with the necessary powers, and then for confirmation of the byelaws. We understand that it is the practice, and it is one which is obviously right, for the Board to give some consideration, when the Order conferring powers is applied for, to the manner in which the powers will be used; that is to say, where powers are sought for the purpose of making byelaws which cannot be made without them, to consider the nature of the byelaws which it is proposed to make, and their necessity or otherwise in the circumstances of the district (*Dolton*, 9).

We think that time and trouble would be saved, and the effective control of the Local Government Board not in any way diminished, if equal byelaw-making powers were given to all local authorities directly by the operation of the authorising statute, so that there should be no need for any Order or adoption. The Board would still have the power under section 184 of the Public Health Act, 1875, to confirm or refuse to confirm the byelaws which might be proposed, and a burdensome preliminary process would be eliminated.

This reform would incidentally get rid of a peculiarity arising at the present time. When a rural district, or part of a rural district, is turned into an urban district by order of the county council, its council incidentally acquires the powers of an urban district council in respect of byelaws. Sometimes discontent in a particular parish with the general administration of the rural district council, or a desire for more independence, leads to an application for the constitution of an urban district, the new council of which at once acquires powers which its predecessor, the rural district council, could only get from the Local Government Board (*Chance*, 1063). It is not within our functions to express any opinion as to the constitution generally of new urban districts, but viewed in its relation to the control of building and development the present position is certainly anomalous.

15. In connexion with the provisions under which byelaws can be made, our attention has naturally been directed to the definitions of "new building" and "new street" in the Public Health Acts. We deal with the latter definition later, in discussing the regulation of streets generally, but it will be convenient to discuss the former now. The primary meaning of the phrase "new building" is extended by section 159 of the Act of 1875 as follows:—

"For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building."

It will be seen that this definition is rather artificial, but that in section 23 of the Public Health Acts Amendment Act, 1907, is even more so:—

"For the purposes of this Act and the Public Health Acts, and any byelaws made thereunder, each of the following operations, namely:—

"(a) The re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey;

- "(b) The conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;
- "(c) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;
- "(d) The making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only; and
- "(e) The roofing or covering over of an open space between walls or buildings;

shall be deemed to be the erection of a new building."

We have had it in evidence, although we must not be taken to endorse all the suggestions made to us in this connexion, that owing to defects in the foregoing definitions some processes which should be controlled by law escape (*Carnwath*, 740; *Willis*, 4372; *Abrahams*, 4384); but, however this may be, a more serious point is the difficulty, and indeed absurdity, which results in some cases from the definitions being much too widely framed.

16. We had not received any evidence of this until a late stage of our inquiry, when reference was made to it by several witnesses, particularly in regard to the recent case of *Repton School (Governors of) v. Repton Rural District Council* (1918 1. K.B. 26, and, on appeal, 2. K.B. 133) (*Morley*, 4339; *Searles Wood*, 6035). In that case the Council had in force a byelaw, not, it is true, in the latest model form, but agreeing with the newer model clauses in all points material to the decision and embodying provisions which had stood the test of practical experience since 1877. The learned Judge who presided over the Court of Appeal stated that the particular byelaw, of which the statutory purpose was "to secure a free circulation of air," was "quite appropriate to the state of things existing under the Act of 1875," under which it was made; and indeed it is evident that to satisfy the purpose mentioned in regard to the ordinary building it is necessary to require a strip of open space along the rear, and further to require that reliance shall not be placed upon land belonging to an adjoining owner, who would be able to build up to his boundary and so obstruct the open space. But this requirement may easily become unworkable when the "new building" is not a building at all in the ordinary sense, but (as it appears from the reports to have been in the *Repton* case) merely an addition to an existing building. Indeed, the Court pointed out that the words of the 1907 Act were so widely drawn that a mere bay window (for example) thrown out from an existing building was required to comply with all the provisions designed to control new buildings, and therefore, unless expressly exempted by an amending byelaw, could not be lawfully erected. And we may add that the definition in the Act is so widely drawn as, if literally read, to involve the conclusion that a bay window or a porch added to a building must comply not with byelaws only but also with such statutory obligations as the provision of closet accommodation under section 35 of the Public Health Act, 1875.

This is another example of the confusion resulting from the process by which legislation as to public health has been compiled, and one which shows that it is not in relation to byelaws only that that process may cause difficulty. We therefore recommend that these technical definitions in the Public Health Acts be taken into consideration with a view to their amendment.

We think it fair to emphasize what we have already said, that the trouble here was not caused by the byelaw which in itself was an entirely proper one, but by an arbitrary provision in an Act of Parliament, and we think Parliament should at once be asked to pass a Bill to remove that trouble for the future.

17. We are of the opinion, with regard to the statutes in the general law authorising byelaws to be made:—

- (1) That they should be consolidated, the opportunity being taken to stop any obvious gaps, to add any powers which might suitably be exercised by all authorities, and generally to widen the scope of the byelaw-making power, on the lines indicated in paragraph 12 above.
- (2) That the powers so given should be given to all local authorities alike; it being left to the Local Government Board under section 184 of the Public Health Act, 1875, to consider, on the merits of each case, whether or not a particular byelaw-making power should be exercised in a particular locality.
- (3) That further consideration should be given to a suggestion made to us by one of the representatives of the Association of Municipal Corporations, that when the specific topics have been enumerated on which for the moment Parliament considers that byelaws may be made, a power should be conferred upon the Board to add other topics, by Provisional or other Order, as they now can do where a Local Act gives byelaw-making powers (*Fovargue*, 6386).
- (4) That the proposed amendment of the present statutory definitions of "new building" be regarded as a matter of urgency.

CHAPTER II.

Contrasted Methods of Control.

18. We have referred to the complexity of the general law authorising byelaws to be made, but this, after all, mainly affects the convenience of town clerks and clerks to district councils ; it is a matter almost of indifference to the public, who are concerned less with the statutory powers than with the byelaws made by virtue of them. Byelaws with respect to new streets and buildings, even the older codes in force in different places to which objection could be taken upon other grounds, are free from this complexity, and, as regards the model byelaws, we have noted with satisfaction the efforts which the Local Government Board have made to keep them up to date. It must be recognised, however, that the limitations of the statute law are necessarily reflected in the model codes, and the removal of those limitations would no doubt enable improvements in form to be made.

19. Byelaws, however, are not the only method in which local authorities exercise control over streets and buildings. We do not think that it is generally realised, particularly by those who criticise the present system, that new streets and buildings are affected, not by byelaws only but by three other modes of regimentation. In popular speech, and under other statutes than the Public Health Acts, for instance those relating to tramways, "byelaw" and "regulation" are, we believe, more or less synonymous. But in the law of public health, including building law, they are distinct. Byelaws under the Public Health Acts are local laws authorised by statute to be made by a local authority with respect to certain subjects and requiring for their validity the confirmation of the Local Government Board, to be given only after notice to the public, but every local authority may under the name of regulations formulate on certain subjects another species of local laws, which are valid without any confirmation.

Moreover in addition to rules of the two kinds mentioned, which are made by local authorities themselves, there are in Acts of Parliament statutory rules which local authorities have only to enforce. And, in addition to the foregoing methods which, widely as they differ, have still the common feature of definition in advance, every local authority is empowered to do some things at discretion, so that the person affected has under this head no right of knowing beforehand to what requirements he must conform.

The policy of Parliament has not been consistent, for certain matters which were left to discretion in the Public Health Act, 1848, were made the subject of byelaws in the Local Government Act, 1858, whilst other matters not easily distinguishable in principle have been left to discretion, particularly in local Acts, until the present day.

20. Instances of the four types of regimentation, in which byelaws are contrasted with the other three, will make our meaning clearer.

Thus, to take first statutes as compared with byelaws, it is prohibited by Act of Parliament to build back-to-back houses for the working classes, or to build a living room above a privy. Byelaws could have imposed these prohibitions had Parliament not done so. Indeed, back-to-back houses have always been forbidden by the model and by any local byelaws which followed it in this particular, and statutory prohibition was only rendered necessary because the erection of back-to-back houses was allowed by local Acts which in certain towns had taken the place of byelaws under the ordinary law, or by byelaws (now considered obsolete but not repealable except by the local authorities concerned) which had provided for open space at the side instead of at the back of buildings.

Again, coming to regulations as compared with byelaws, the communication of a house drain with the sewer is governable by regulations, which require neither confirmation nor publication before or after they come into force, whereas the byelaws which may be made "with respect to the provisions for the sewerage" of new streets and "with respect to the drainage of buildings," thus covering everything on both sides of the actual communication between the drain and sewer, are of no effect unless confirmed, after deposit for inspection and criticism in the locality.

Thirdly, comparing byelaws and a discretionary power, byelaws may and commonly do require open space to be left for securing the circulation of air in front of every building. But if a man has set his house back further than the byelaws make compulsory, the Public Health (Buildings in Streets) Act gives to the local authority, independently of any byelaws they have made, a discretion to prohibit or allow on the next plot a building nearer to the street than the house already there.

21. Of the foregoing methods obviously a statutory rule, which can only be altered by Parliament, is the most rigid while a plain discretion is the most elastic. Again, public general Acts of Parliament are supposed to be known to every subject, but in practice obviously many Acts are not so known, for the law provides no means of bringing their existence to the notice of persons affected until it is proposed to contravene them. The only one of the four methods of control whose provisions are definitely ascertainable, and as of right, is byelaws ; for these the local authority are bound by law to maintain in print and to supply to ratepayers gratis on demand once they are in force, and to advertise, deposit for inspection, and supply in draft at a small charge, before they are confirmed. (We think, however, that the present authorised

charge, at the deposit stage, of sixpence for every hundred words, might, with the modern facilities for reproduction, be reduced).

Regulations, in the technical meaning of the word, must be formulated in advance of the occasion, but they need not be divulged (*Sutcliffe*, 1939), and with discretionary powers pure and simple the person interested has no enforceable right whatever to know beforehand in what way a discretion will be exercised. Indeed, it seems to be of the essence of a discretionary power that it shall be exercised *ad hoc* in every case, and apparently the discretion will be vitiated if the council bind themselves by rules as to the manner of its exercise. The general public commonly believe (or so at least it seems from some of the evidence which we have received) that building and development are controlled by byelaws only, and only discover by practical experience of their effects that there are three other methods of control. A person obtains the byelaws of the authority in whose district he intends to build, and complies with them to the letter. He nevertheless may find himself caught in a mesh of restrictions of which those contained in the byelaws are but part. There may be advantages for certain purposes in each of the four present methods of control, but the existing mixture is not justifiable in principle or practice. We therefore recommend that so far as possible byelaws should be recognised as the standard method, and that any of the matters now regulated otherwise which are inherently capable of byelaw control should be transferred to byelaws.

22. A minor point in this connexion arises as to regulations. We have already called attention in paragraph 19 to the distinguishing characteristics of regulations, which are a species of localised enactment differing from byelaws. There are various subjects of regulations in the Public Health Acts, but only one falls within the scope of our terms of reference, namely, regulations as to the manner in which communication between the drain and sewer may be made. It appears to have been the intention of Parliament that these regulations should be confined to the actual connexion, and that they should not deal with the house drain, which is within the byelaw-making power (*Lovelock*, 3012.) We understand, however, that the section is not always so construed by local authorities proceeding under it, and, as regulations do not require the confirmation of the Local Government Board, there is an obvious temptation to the local authority to use them to require details in drain construction to which the Board would not assent in byelaws, and even to induce building owners, who do not know that the authority have no power to compel them, to enter into agreements for the maintenance of sewers which are not "worth the paper they are written on" (*Abrahams*, 4389).

We think that the making of regulations on this one matter is anomalous, and that the communication of the drain with the sewer should, in so far as it requires to be governed at all, be brought under drainage byelaws (*Sutcliffe*, 1959).

CHAPTER III.

Control by Byelaw generally.

23. We come now to the central question which we were appointed to consider, namely, the effect of existing byelaws and of the byelaw system upon building and development.

For some years past there has been in Parliament and in circles interested in building (especially in the housing of the working classes) an agitation which has periodically found an echo in the lay and technical press, with reference to restrictions imposed or said to be imposed by byelaws, and even before this agitation had attained noticeable dimensions the Local Government Board had shown their own conviction that the old fashioned byelaws might be unduly restrictive by their introduction as long ago as 1901 of the rural model code.

24. It has been brought to our attention that the majority of the complaints made in the press against byelaws are in general terms, and that it is seldom that the complainants descend to detail and give instances showing exactly what their difficulties are. The same tendency has been apparent in much of the evidence before us. There has been a great deal of generalisation to the effect that byelaws are, or may be, unduly restrictive, but such facts as have been adduced in support of the allegation have not always borne out the complaint. We do not say that there is no grievance; on the contrary many of us have personal knowledge of other difficulties in addition to those mentioned by the witnesses, and we feel that there is some ground for the dissatisfaction, which is evidently widespread, with the present methods of control. We do say, however, that many of the complaints made have proved to be due to sheer misapprehension, and that much dissatisfaction with what was believed to be the effect of byelaws was evidently due to the impression to which we have already referred that all the restrictions imposed upon building and development are imposed by byelaw. Indeed we have found very great confusion and misunderstanding as between the different methods of control; as it was put by one of the witnesses from the Royal Institute of British Architects, in speaking of certain requirements in Acts of Parliament, "the ordinary term which the public would apply to these would be byelaws" (*Pick*, 5742), and the word "byelaw" having thus become a kind of bogey, byelaws have been blamed for much

which is really due to other causes. This confusion may be illustrated by the frequent suggestion that common drains are prohibited by byelaw. We believe the fact to be that, where such drains have been prohibited, or (more commonly) where local authorities have sought to prevent their use except upon conditions which are illegal and really unenforceable, it has been by means of purported regulations such as those of which we spoke in paragraph 22. At any rate it is not by byelaws; for (although the model requirement of an intercepting trap in every house drain doubtless diminishes the advantage of common drains) there are no clauses in the model byelaws to forbid them, and we understand that the Board would not confirm clauses proposed by a local authority which had this effect. An even better illustration of the confusion in the public mind as to the various methods of control is to be found in the complaints which have been put in evidence, and others in the press to which our attention has been called, on the subject of the conditions upon which local authorities will take over streets. Witness after witness has complained of these conditions. We think it safe to say that seventy per cent. of the complaints which can properly be made, or are made, concerning the existing system of controlling building and development have their origin in this, which is a matter having nothing to do with byelaws whatsoever.

25. Where complaints have been really directed against byelaws, we think they can be grouped in a threefold classification.

Firstly, a considerable number of byelaw codes still in force up and down the country are obsolete or in various degrees of obsolescence. Some go back before the Public Health Act, 1875; others were based upon early editions of the model byelaws of the Local Government Board, and are therefore widely different from the current or any recent issues. Difficulty from this cause is most noticeable where in a rural area the byelaws have followed the old urban model (*Betham*, 4639, *Pick*, 5769), but is by no means confined to such cases (*Dolton*, 74, 78, &c.). It is usually, as Mr Dolton pointed out, in the smaller places where there has been least development, that obsolete byelaws have had most chance to survive unaltered (*Dolton*, 5); but one case was brought to our notice at a late stage of our enquiry, in which a large county borough had retained byelaws relating to new streets and buildings made in 1867.

Secondly, while the Board appear in the main to have succeeded in keeping their models abreast of enlightened architectural practice, the imperfections of the authorising statutes have caused difficulties; also it is always possible for some flaw to be detected in such a code, or even (in spite of all attempts to provide in advance for such a possibility by the use of general words) for some new method or material to come into use for which provision has not been made, or, at least, the not uncommon difference of opinion between one expert and another may be manifested in regard to the legitimacy of some method of construction allowed or prevented by the models. In particular, it might be contended by an architect that with the scrupulous supervision he would give, and using the best class of materials, he could safely be excused from complying with rules whose necessity as applied to other persons he would not dispute (*Keen*, 4964, *Pite*, 5943; *Platt*, 6763). One aspect of the matter which should not be overlooked is that byelaws, not in themselves unsuitable for the purposes for which they were intended, may, owing to the limits imposed by the governing enactments, prove ineffective to secure good building development; or may divert attention and expenditure to requirements which, owing to improved methods of development (such as the limitation of the number of houses on a given area), have ceased to have the importance which they would have had without such a limitation.

Thirdly, the system set up by section 157 of the Public Health Act, 1875, under which each local authority is left to formulate its own byelaws and submit them to the Board independently of what is done in neighbouring districts, introduces some degree of irksomeness. (*Earle*, 4061; *Morley*, 4303; *Pick*, 5731). It is true that the Local Government Board have issued model byelaws, but we understand that it has been the practice not to tie local authorities too closely to the model, so long as proposed alterations were not in themselves open to actual objection, and consequently it is rare to find the model in force without some alteration (*Dolton*, 16). As an experienced Surveyor put the matter to us, local authorities have a tendency to "dot the i's and cross the t's" in their own way; often not because there is any special need or reason for an alteration, but because they prefer a slightly different wording. (*Willis*, 4315). The result has been (as was said by another experienced local government official) that to each of twenty men sitting round a table the word "byelaws" has a different connotation (*Lorelock*, 3227), and no doubt architects and builders operating in more than one area may find this confusing (*Elford*, 4705), while standardisation of materials may to some extent be hindered (*Platt*, 6783). As was said by one of the witnesses from the Royal Institute of British Architects "the law of gravity operates in exactly the same way" in Birmingham and Dover (*Pite*, 5711), and the same applies to fundamental health conditions (*Fovargue*, 6475).

26. In order to meet this problem of variation between one district and another and to "save the repetition of common ground in building byelaws" (*Pite*, 5892), it was suggested to us that the general minimum requirements in regard to building should be codified and given statutory force throughout the country, perhaps including in one set of rules not only the present topics upon which byelaws can be made, but also those which are at present governed directly by the Public Health Acts (*Forsyth*, 1181; *Le Roy Lewis*, 1725; *Lloyd*, 3259, *Earle*, 4206; *Morley*, 4309; *Abrahams*, 4622; *Fovargue*, 6572).

There are two ways in which this could be done: by the inclusion in a statute of the actual requirements, or by giving power to the Local Government Board to make a general statutory order, on the analogy of their Orders under the Motor Car Acts. The former alternative has two chief drawbacks; the process of parliamentary discussion is not calculated to produce satisfactory requirements in a technical matter of this kind, and requirements when settled could not be changed as byelaws can to meet changing needs or knowledge. A statutory order is not open to the same objections, its terms would be settled by the Board's legal staff in consultation with their professional advisers, and could be altered without difficulty as necessity arose.

This method, therefore, is here mentioned as being the only satisfactory one of getting uniformity throughout the country, if uniformity is considered to be necessary, but it was not spontaneously suggested by our witnesses, and those we questioned on the subject were evidently not prepared to deal with the suggestion without consideration. We cannot, on the evidence before us, say that uniformity is necessary, although, as stated in paragraph 28, we think it should as far as possible be sought, and we cannot therefore recommend that the system set up in 1858 of distinctly local, and so possibly varying legislation, in the shape of byelaws, should be superseded in favour of centralised legislation in the shape of Orders of a Government Department, procedure which would be better adapted for the purpose than parliamentary legislation, but would involve much time, labour and negotiation with various conflicting interests.

27. Nor, to digress for a moment, do we think it necessary to resort to parliamentary legislation for the sake of securing one advantage mentioned to us and not possessed by any other form of building law, that the requirements imposed would not be liable to be challenged in the Courts. It is quite true, as Mr. Fovargue pointed out (*Fovargue*, 6368), that a person aggrieved by a byelaw may now dispute the power of the local authority to make it, and the same applies to a Statutory Order of a Government Department. For this reason he suggested that the actual rules to be observed (following substantially the model byelaws of the Local Government Board (*Fovargue*, 6389)) should be scheduled to an Act, but if this were done the actual rules would become the subject of debate, and although we admit that with the further innovation desired by Mr. Fovargue (which we have already mentioned with approval) namely, a power to amend the general law of building by Provisional Order, one objection to statutory control, that of stagnation, would be lessened (*Fovargue*, 6391), we do not think the risk of successful challenge to a byelaw (especially if following the model forms) is large enough to outweigh the other objections to statutory control which we have already given. The risk, such as it is, will be much lessened by the suggestion which we make elsewhere for the extension of the byelaw-making power (*Fovargue*, 6455).

28. To return to the subject of the last paragraph but one, we admit that homogeneous wording in the byelaws in force in different districts is of assistance to the architect or builder and also to the lawyer, inasmuch as the interpretation of a clause once settled will govern all districts where the same wording is in force. We think, therefore, that the Board should endeavour to secure that byelaws newly made shall not vary so much as the present ones have been allowed to do from the model forms current at the time of submission of the byelaws (*Morley*, 4541); they might, that is to say, be a little less ready to defer to a local authority which wishes to deviate from a common form of clause without some definite reason in its local circumstances. Like Mr. Morley, we "disagree with difference in local government where there is no necessity for it" (*Morley*, 4539), and are at one with Mr. Lancashire, the City Engineer of Leeds, who said "I should not, if I were the Board, permit variations unless there was an important point of difference" (*Lancashire*, 7064), but we do not think any further recommendation on this point is required from us. Whatever may be said as to diversity of local byelaws (and it is easy to overestimate its practical importance, seeing that the byelaws are cast in the same mould (*Morley*, 4535)), it is less of a snare to the architect and builder than diversity of local Acts, on which we shall have to say more in a later chapter, and this third objection to byelaws as they now exist is the least important of those we have considered. Existing difficulties due to any undue complaisance on the Board's part in the past in allowing local byelaws to diverge needlessly from the language of the models will be incidentally removed by the measures we suggest to meet the first and second objections to the present byelaw system, which call for more attention. These objections can best be considered jointly, but this can hardly be done without some account of the process by which the existing byelaw system has grown up.

29. As we have already seen, the Public Health Act, 1875, in giving local authorities a byelaw-making power, made its exercise subject to confirmation by the Local Government Board, which had been established four years earlier by the Local Government Board Act, 1871. The Board at once set about the compilation of various series of model byelaws upon the subjects as to which byelaws could be made (there are more than twenty model series at the present day, mostly under the Act of 1875), and the particular series with which we are concerned, that as to new streets and buildings, after careful consideration and discussion with the Royal Institute of British Architects and other bodies, appeared in 1877 (*Dolton*, 14). This model underwent some alterations, but up to 1900 remained largely as originally drafted, and from letters in the press which have been brought to our notice, and from some of the evidence

before us, it might be thought that the the public, particularly that portion of it which complains of building byelaws, was under the impression that the original model series issued in 1877 had remained unaltered to the present day. As a fact, the original 1877 model was the subject of revision and alteration as experience accumulated, and since 1900 in particular the urban series, which is directly descended from it, has been constantly reprinted, and each time with modifications of more or less importance.

In 1901 a "rural model" was first issued for the use of those local authorities who had only the limited powers of making byelaws acquired by a rural district council's adopting Part III. of the 1890 Act, and in 1905 an intermediate model code appeared, for use either by an urban or by a rural council as circumstances might require.

From 1901 to 1912 the models were subject to constant revision and amendment to keep them up to date, and this, though a desirable and indeed inevitable process, has in some degree contributed to the divergency as between one area and another to which we have referred. In 1912 occurred the last great overhauling of the urban and intermediate models, in connexion with the issue of the circular of that year (which, with an earlier one of 1906, we reproduce in the Appendix), and we are satisfied that most of those difficulties in connexion with the laying out of streets and the erection of buildings which are due to unnecessary restrictions would be removed if byelaws in force throughout the country were brought, where they are now below it, to the level of the current models.

30. Since our duty is to examine "the control at present exercised" by local authorities we have not felt it to be our business to consider the suitability or otherwise for their purpose of the models, which are solely intended for local authorities' guidance and assistance, and have no force of their own. Whilst, therefore, it would have been impossible to exclude all reference to them, so that where a witness had a decided view we have permitted him to state it, we have regarded it as more in accordance with our terms of reference to hand over to the Board all detailed suggestions on the models which our witnesses have made. We have no doubt these will be carefully considered, particularly any which seem likely to encourage the erection of buildings under rural or semi-rural conditions (*Cp.* paragraph 140 of the Report of the Departmental Committee on Buildings for Small Holdings, quoted in paragraph 80 of our Report below.) One such alteration which could be effected without difficulty would be to include clause 5 of the intermediate in the urban model (*Dolton*, 258).

We are concerned here only to place it upon record that much of the criticism laid before us by architects and others has dealt with points of slight importance, has referred to byelaws not in accordance with the models, or has failed to take into account that the models are of necessity prepared under the rigid technical limitations of the authorising statutes, and cannot include provisions which the statutes do not authorise. Some of this criticism has manifestly been based upon misunderstanding. We feel, therefore, that (while there may be legitimate differences of opinion as to particular clauses) it is broadly true to say that if all local byelaws could be brought up to the model standard, almost all the complaints we have received which really have to do with byelaws would have been avoided.

So far, that is to say, as there is substance in specific complaints which have been made, and so far as those complaints are really directed against byelaws, we have found few instances in which the particular requirement was to be found in the model series of the Board, and in which, therefore, a remedy would not have lain in the adoption of byelaws on the lines of one or other of the models.

Distinct complaints such as unnecessary uniformity in the width of streets, unduly stringent heights of rooms, the prohibition of the use of the most modern building materials, and excessive requirements in the matter of yard paving or of timber scantlings (two subjects not touched by the models of the Board) or of drainage, have proved to be referable to other methods of control than byelaws, or to byelaws not in agreement with the present, or even for the most part with the older model series. (*See Dolton*, 74, &c ; *Sutcliffe*, 1751, 2397 ; *Willis*, 3037, 3065-78 ; *Lloyd*, 3238, 3251 ; *Elford*, 3426 ; *Chappell*, 3780 ; *Earle*, 4161 ; *Abrahams*, 4433, *Keen*, 4911 ; *Williams*, 5066 ; *Hoare*, 5299 ; *Morgan*, 5348 ; *Barralet*, 5591 ; *White*, 6593, 6610 ; *Lancashire*, 6978.) And not only have the Board done all they could under the existing law to keep the model series up to the standard of the best modern building practice (in which the evidence before us seems to show that they have in the main succeeded), but, especially and increasingly in recent years, they have made great efforts to persuade local authorities also to keep local byelaws up to date (*e.g.* , *Chance*, 1105)

31. Unfortunately not all local authorities see eye to eye with the Board on this, it may be from inertia (*Sutcliffe*, 1767, 2093 ; *Jenkins*, 3669 ; *Lloyd*, 3857 ; *Elford*, 4815), or because (though it is difficult for anyone familiar with the model series to see how this can come about) they think the Board will urge them to adopt more stringent clauses (*Vernon*, 2671), or, more often, because they have not felt in actual practice the difficulties of which complaint is made, and see no reason for a change (*Worsley*, 293 ; *Chance*, 1065 ; *Pick*, 5775), or because they know the validity of certain clauses under which they act is doubtful, and the clauses would not be reconfirmed (*Elford*, 3525). We admit that the revision of a full code of urban byelaws, with legal, architectural, medical, and engineering aspects all to be considered, is an undertaking of some magnitude, although in the two particular cases mentioned in evidence as illustrations of this, we have been able to ascertain from an abstract of the correspondence between the

Board and the local authorities concerned that a good deal of the time involved was due either to changes in the local authorities' own wishes or to their pressing for clauses which, in the Board's opinion, the authorising statutes did not empower them to make. Mr. Sutcliffe mentioned one case where the Board had been vainly trying for eight years to persuade a local authority to amend its byelaws (*Sutcliffe*, 2110), and in another instance representations were said by the Building Trades Federation witnesses to have been spread over the same period before a particular byelaw was brought, in a matter quite uncontroversial, into agreement with the model series (*Hoare*, 4997). Although the statement as to the precise time which was consumed in this case was subsequently modified (*Hoare*, 5304), even the reduced period of two years then given by the witness was far longer than could be considered necessary. The information before us leads us to think that these are not isolated instances of delay in bringing up to date even byelaws whose objectionable restrictions have been shown to be a cause of difficulty to important local interests. The reason may occasionally be that the local authority hope to use byelaws on one matter as a lever to obtain on another concessions which they cannot legally demand directly (*Sutcliffe*, 1783). On this, for which no condemnation is too strong, we have more to say in a later chapter.

32. Where old byelaws are in force they are not only an obstacle to actual building and development, but in the hands of an authority which is not inclined to progress they can be used as a weapon to secure the confirmation of fresh byelaws which otherwise would not be allowed. Our attention was called to this aspect of the matter by investigations which we made into one case where excessive building cost was said to be directly traceable to the byelaws made by the local authority in 1906. We find that the district council proposed a full series of urban byelaws in that year, based upon, but very much more exacting than, the then current model code, and that this was allowed by the Board after considerable discussion and the elimination of some of the more stringent details. The district adjoins and on two sides surrounds a large and growing town, and the district council alleged that byelaws of the kind they were making had become absolutely necessary. Broadly speaking, this was doubtless true, but even so the Board felt obliged to take some objection to the contents of the draft, and, with the development of their policy during recent years in favour generally of less stringent byelaws, it is probable that if the series had been proposed at a rather later date they would have taken an even stronger line. The byelaws previously in force, however, dated from 1864, and were open to the gravest criticism, so that the Board would not have been in a good position to enforce their wishes. If they had pressed too far the suggestion of comparatively moderate byelaws for this district the council would have been able to abandon the proposals, with the result that the 1864 byelaws would have remained in force. This has actually happened in other cases, and is bound from time to time to happen until power is given to the Board to overhaul existing byelaws, so that they shall not be faced with the alternatives of allowing something which they regard as unsuitable or of leaving something still more unsuitable in force.

This, then, is the crux of the whole matter. What steps can best be taken to ensure that local byelaws are brought and kept up to the standard attained by the models with, of course, such local variations as are needed for local circumstances? This involves two problems related but distinct: firstly, the best method to be adopted for bringing up to date existing byelaws which may be unduly restrictive, and secondly, the best method of securing that byelaws when once brought up to date throughout the country shall not again fall behind the general level of the best practice in building and development.

33. It is rather curious that the Local Government Board not only have no power to impose any building regulations of their own, but also have, or had till 1909, no power to withdraw their confirmation of byelaws once it has been given. The Board have, indeed (except as mentioned in paragraph 35 below), no power of any kind in regard to byelaws once confirmed; they cannot interpret them, enforce them, entertain appeals from their requirements, or insist on their repeal.

34. For dealing with such difficulties of the existing position as are properly referable to byelaws three methods have been suggested to us, namely, the alteration of section 44 of the Housing, Town Planning, &c., Act, 1909, so as to give the Board the powers which Parliament intended them to have; secondly, the conferring of a right upon a builder to follow the Board's model series instead of the series in force in the particular district concerned, and thirdly, the automatic sweeping away of all existing byelaws at a certain date or on different dates according to the order in which they were confirmed. The second of these methods was strongly urged upon us by one or two witnesses, namely Mr. Betham, representing the Housing Organisation Society (*Betham*, 2454), and (if we rightly understood him) by Mr. White of the Building Trades' Federation (*White*, 6593, 6603, 6633, 6692), while others, to whom we put the question in the course of their examination, thought it possessed some attractive features (e.g., *Willis*, 2967). We ourselves recognise that it is in some ways the readiest method for securing the object we have in view, because it does not involve any interference with or alteration of existing byelaws against the will of the local authority concerned. We have, however, come to the conclusion that to have concurrently in operation a local series of byelaws and a model series propounded by the Board would lead to some confusion, might occasionally allow methods or materials which in local circumstances have

been properly forbidden by the local series, and would inevitably tend to lax administration. Local authorities would not consider it worth while to revise byelaws for themselves if this suggestion were adopted, while a further result would be friction and unpleasantness between the local authority and a builder who wished to follow the model (*Ruthen*, 3678). Moreover the suggestion involves giving the model statutory force, presumably in the shape of an Order of the Local Government Board, which would lead to difficulties as already explained in paragraph 26 of this Report. We have, therefore, attractive as this plan is at first sight, decided to reject it.

The other two methods we think might both be adopted with advantage.

35. Section 44 of the Housing, Town Planning &c., Act, 1909, to which we have already referred, is in the following terms:—

"If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, or urban or rural district, is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board."

This section was undoubtedly intended by Parliament, and believed by its authors, to give an effective remedy for existing difficulties. It has, however, two defects. In the first place it is confined in its operation to the erection of dwellings for the working classes, whereas there is no more reason why a person building a palace or a factory should be afflicted with unreasonable byelaws than a person who puts up a workman's dwelling, and secondly, it requires, before the Local Government Board can take action under it, that an actual impediment to building must be proved to exist in the locality concerned. Some members of our Committee would have been pleased if the Local Government Board could have seen their way to extend their jurisdiction by adopting a wide interpretation of the section, but we are not a court of appeal from the decisions of the Board, who have to act judicially, and the evidence before us shows that the Board would have been glad to exercise jurisdiction under this section, but for the restricted view of their own powers which they felt compelled to take (*Dolton*, 135). In other words, it is the language of the section and not any want of willingness on the part of the Board to see byelaws brought up to date, which appears to have rendered the section nugatory in practice. Very little amendment of the section seems to be required to make it satisfactory in future, and, although we do not go so far as to recommend, as was apparently suggested by one or two experienced representatives of local government (e.g., *Morgan*, 5370) that the adoption of the model code be forced on all authorities without proof that the local series is defective, we recommend that the Board should at once seek from Parliament powers of effective action when the need is shown, by procuring the repeal of the words which have led to difficulty (*Dolton*, 54; *Worsley*, 304; *Dickinson*, 981; *Sutcliffe*, 1763; *Vernon*, 2543; *Strange*, 3232; *Elford*, 3524; *Jenkins*, 3629, 3675; *Earle*, 4080; *Hoare*, 5001, 5186; *Barralet*, 5595; *White*, 6593). This is the second urgent matter to which we have referred, as calling for action in advance of such fuller alterations of the law as the Board may decide to move Parliament to make.

36. The third of the methods mentioned in paragraph 34, for securing the benefit of up-to-date byelaws, involves no coercive action by the Local Government Board, but consists in the making of a statutory provision that all byelaws confirmed before a certain date shall cease to have effect, that other byelaws already in existence shall be terminable at some future date, and that any new byelaws confirmed hereafter shall run only for a period of years (*Dolton*, 81, 82; *Chance*, 1073; *Sutcliffe*, 2030; *Lloyd*, 4041; *Earle*, 4154; *Willis*, 4402; *Barralet*, 5596; *Platt*, 6778). Any dates selected for these periods must of necessity be arbitrary, but we are inclined to think that a practical working rule would be to sweep away as soon as may be after the conclusion of the war byelaws confirmed before the 1st of January, 1901, and at a slightly later date all those confirmed in the years from 1901 to 1910 inclusive. We choose 1901 because it was the year when the rural model was first issued, and 1910, ten years later and five years after the issue of the intermediate model, may be taken as roughly the date at which the Board's present policy of discouraging any needless degree of control by means of byelaws was fully developed.

Following the last period, we suggest that all other byelaws, whether confirmed between the end of 1910 and the present time, or to be confirmed hereafter, shall automatically lapse at the expiry of, say, ten years from the date of confirmation. We recognise that as most local authorities would wish to replace the lapsed byelaws by new ones this would throw a great deal of work upon the staff of the Local Government Board and of the authorities themselves, but we think that with the experience existing at headquarters the Board's staff should be able to get through the work. We note that Mr. Dolton, Principal of the Legal Department, which is responsible for the confirmation of byelaws, favoured such a plan and did not suggest any practical difficulty in its operation (*Dolton*, 81, 82). It is a little more doubtful whether the staffs of local authorities, many of which have had no experience for many years of the making

of new codes of byelaws, will be able to do their part, and we therefore recommend that any legislation on this point should enable the Board by Order to extend for a period of not more than six months at a time or eighteen months in the aggregate any byelaws which are repealed by statute in pursuance of this part of our recommendations. We should, perhaps, to avoid misunderstanding, point out that the repeal or lapsing of a code of byelaws does not necessarily mean that any change, or any considerable change, is made. It may involve no more than a fresh submission of the same byelaws to the Board for confirmation, with a renewed compliance with section 184 of the Public Health Act, 1875, when, if neither the Board nor the local ratepayers objected, the old series could be confirmed again and resume its force (*Sutcliffe*, 2105). On the other hand, there would be a natural tendency for changes to be made in the direction of approximating to the model series, so that what Mr. Lancashire, the Leeds City Engineer, called a "national code" of byelaws would grow up (*Lancashire*, 6980).

37. But even when all existing byelaws have been brought up to date it is almost inevitable that if the byelaw system is to continue at all, or indeed if there is to be any form of regulation of new streets and buildings, occasions must arise when a person will consider himself aggrieved by the operation of whatever provisions are in force. We proceed therefore to consider what should be the permanent machinery for mitigating hardship or dissatisfaction in respect of such provisions.

38. We think that one cause which has led to a good deal of trouble in the past has been that a person who proposes to lay out a street or to erect a building has had no practical means of obtaining in advance a binding decision on the question whether or not it complies with the law, or even a definite statement from the local authority of the respect in which they think it does not comply. If he submits his plan to the local authority and the local authority pass it, it is even then not certain that he will be able to proceed, for if it should turn out that his proposals are in reality illegal, the passing of the plan by the local authority has no effect. This, though it is really so plain in principle that it scarcely needed a decision in the Courts to establish it, was expressly decided by a Divisional Court in *Yabbicom v. King*, in 1899 (1899, 1. Q.B. 444; 67. L.J.Q.B. 560; 80. L.T. 159; 47. W.R. 318).

39. On the other hand, in the much more frequent case, if a builder does not secure the passing of his plan either he must alter it, or, if he considers it complies with the law and is not prepared to alter it, he can go on with his building, and leave the local authority to prosecute him or to take such other steps as are appropriate on the footing that he has been guilty of an infraction of the law (*Dolton*, 20; *Abrahams*, 4506; *Morgan*, 5446; *Platt*, 6789). It is true that he may apply for a mandamus to compel the passing of his plan (*Fovargue*, 6410), or probably he may, as the Committee are advised, apply under Order XXV., Rule 5, of the Supreme Court Rules for a "declaratory judgment or order" that the plan complies with the law, but to go to the High Court for such a purpose is not a practical remedy for the ordinary man. In most cases of dispute, even though the builder may be advised and satisfied that there is no lawful ground for the rejection of his plan, he will prefer to comply with the local authority's reading of the law, and even with their extra-legal wishes, rather than have the trouble and expense of proceedings in the Courts (*Lloyd*, 3307; *Betham*, 4662; *Keen*, 4924; *Soutar*, 6195) which, be it noted, can, unless taken in the High Court, only take place after he has incurred the expense of putting up the building or so much of it as will serve to raise the issue. Moreover, the local authority, whilst they are required to approve or disapprove within one month a plan submitted to them (section 158, Public Health Act, 1875) and cannot in law disapprove effectually unless the plan contravenes a byelaw or other legal provision in force in the district (*Regina v. Newcastle-on-Tyne*, 1889, 60 L.T. 963; 53 J.P. 788, 5. T.L.R. 467), are not bound to specify the reason of their disapproval, and do not always do so (*Chance*, 1159). It may sometimes be that the unwarranted rejection of a plan is due to a genuine mistake as to what the law requires, or it may be based upon what the other party considers a perverse interpretation of the law (*Keeh*, 4963), or merely on the "practice of the authority" (*Betham*, 4662; *Williams*, 5072), or on what one witness called "unwritten byelaws, existing only in the mind of the surveyor" (*Soutar*, 6192). The builder has no enforceable right to be informed which of these or what other grounds the local authority are taking. He is told that his plan is disapproved, but not necessarily whether it is so disapproved as not complying with the byelaws, with some other provision of the law, or with requirements without any legal sanction. It may occasionally happen that he is refused an interview with the local authority or the committee dealing with the matter, and that all his representations to them are filtered through the surveyor whose unauthorised requirements or whose interpretation of the byelaws or the statute law may be the source of difficulty (*Sutcliffe*, 2038). It seems to us essential, therefore, that when a local authority reject a plan they should be obliged to specify the particular legal requirement, whether of statute or of byelaws, which is contravened. This will do away with many complaints by ensuring that the points at issue between the parties are defined, and that requirements are not imposed for which there is no legal warrant. It is clearly desirable that all objections to the plans should be notified together, and that points should not be raised when the plans are resubmitted which could have been discussed on the original submission. It may be that section 158 of

the Public Health Act, 1875, already covers this, but, if not, it might be possible to secure it by limiting the costs or penalties which, if a prosecution were ultimately necessary, could be imposed upon the builder in respect of plans which had been twice rejected when once should have sufficed.

40. Further, we think there would be much advantage in the creation of machinery by which disputes as to the true meaning of a byelaw could be determined in advance (*Worsley*, 640; *Chance*, 1075; *Sutcliffe*, 2054), and, passing to the consideration of the method in which this can best be done, namely, by the Local Government Board, or by some other agency, we think the Board is to be preferred, although we do not exclude the further method set out in paragraph 43 below. It is an elementary principle that the lawmaker should not be the interpreter of law, and we accordingly reject one reason advanced in favour of giving this jurisdiction to the Board, namely, that most byelaws are based upon the models, and that the Board can, therefore, be presumed to know the intended meaning of the clauses (*Sutcliffe*, 2060). We are not suggesting that the present right of either party to have recourse to the ordinary courts should be abolished. We are strongly of opinion that there exists no ground for creating special machinery as the sole means for the interpretation of byelaws any more than for the interpretation of any other form of law, but if both parties to the dispute, that is to say, the builder or building owner and the local authority, are prepared to waive their inherent right of having the matter decided in the courts, we see no objection to their doing so. We therefore recommend that the Local Government Board should be empowered to entertain a case stated by agreement between the parties under such rules as the Board lay down, and always provided they deem the case suitable for decision by them, in substantially the same manner as they entertain a case under section 12 of the Poor Law Amendment Act, 1851 (*Sutcliffe*, 2061; *Lancashire*, 6998). Where the parties are unable to agree upon a case, or either party desires to have the matter decided in a court of law, or the Board consider that the issues raised are such as would be better decided in accordance with the existing practice, we think the jurisdiction should remain with the courts. This would incidentally provide a safeguard against a danger which some of us have strongly felt, namely, any tendency to take trivial matters to the Board—such as whether a particular mortar was or was not properly mixed. The Board, having an option whether to entertain a case or not, would presumably decline to be troubled with mere trivialities; and, moreover, the parties would be unlikely to wish to refer them to London for decision. There might be some advantage if the Board were given the power which they have in relation to an appeal against a closing order under the Housing Acts, of stating a case upon a difficult point of law for the opinion of a King's Bench Divisional Court, but unless they did so their decision should be final.

41. The only reason we can see against giving such a jurisdiction to the Board is the academic one we have already mentioned, and the introduction of a power of interpretation by the Board would have more advantages than any other course with the same object; for example, it would bring to light cases where a byelaw was working badly and ought to be repealed (*Sutcliffe*, 2060), or cases in which the model byelaws or the authorising statutes needed altering (*Lancashire*, 7016). One incidental gain would follow to which we attach importance. It is the present policy throughout the model clauses to set up a standard and then allow alternatives, and we shall welcome any extension of this practice which the Board may consider feasible. For example, whilst the strength of walls is fixed in terms of the ordinary brick wall which is the standard form of building in this country, any other proper form of walling may (according to the model) be put up, but it must, if designed to serve in place of a brick wall, be so constructed as to give, except in certain specially provided cases, substantially the same standard of stability. We have had complaints that some old byelaws have not the same elasticity as this, and we understand that local authorities sometimes object to the allowance of alternatives because their adequacy will fall to be determined by a bench of magistrates without technical qualifications to decide such points (*Elford*, 3411; *Morgan*, 5382), whilst, from the builder's point of view, the possibility of his having to bring expensive witnesses to refute the opinion of the local authority's surveyor tends to render nugatory the elasticity of such a clause (*Elford*, 4720). If there were ready to hand a body such as the Board, possessing technical and legal staffs, whose decision could be invoked by agreement between the parties, it should greatly facilitate the inclusion in all byelaws of general clauses or of this kind, and thereby secure the object sought by those who advocate discretionary control as a substitute for byelaws (cp. *Elford*, 4748; *Morgan*, 5473; *Searles-Wood*, 5700; *Platt*, 6834). At present, of course, the Board have no power to entertain any question of interpretation, and have felt bound invariably to decline to give opinions which on the one hand would not be binding, and yet on the other might tend to prejudice the decision of the courts.

42. Another objection sometimes raised to this new procedure is that it might produce delay, but we think this objection is misconceived and that the matter would settle itself. In the first place there would have to be an agreed case before the jurisdiction would arise, so that the parties would have the remedy in their own hands, and, secondly, it could be arranged that operations should be suspended until the decision was received. The effect of this would be that all points as to which there was any possibility of dispute would be collected together

and referred for decision at the outset. The builder would never seek to take a decision on a particular material whilst the building was in progress at the risk of delaying the work until the decision was received.

43. We have proposed to make the Local Government Board the tribunal for interpretation, after giving due consideration to various alternative suggestions.

The one of these alternatives which involves the least disturbance of existing practice is that the petty sessions should be given jurisdiction to try not only questions of infringement, a jurisdiction which, as stated in paragraph 40, we do not propose to disturb (except to this degree, that a decision of the Board in accordance with the procedure in the foregoing paragraphs would be binding as to the meaning of the byelaw), but also questions of anticipatory interpretation (*Chance*, 1077).

This plan, on the whole, we think might be adopted. We do not suggest that either party be deprived of the constitutional right of going before the courts when there is any question of an offence having been committed, that is to say, when the work in question has been executed, but of course a decision given at the stage of submission of the plans, on application to petty sessions or on appeal to quarter sessions, would have to be made binding in any proceedings at the later stage, save perhaps on the High Court.

In most cases, we imagine, where each party is acting on a genuine belief in the legal correctness of the contentions it puts forward, both will consider it important that the decision shall be by a body capable of a skilled interpretation (*Earle*, 4168; *Elford*, 4720), which usually the local bench are not (*Fovargue*, 6413), and will therefore be willing to agree on a joint case for the Local Government Board, in accordance with the procedure suggested in paragraph 40, but we think that if for any reason one party is averse from so proceeding the other should not be thrown back into the present unsatisfactory position.

Our suggestion in this matter may be regarded as bringing nearer to the people concerned the remedy which is now available, as stated in paragraph 39, to those who are able and willing to go *in limine* to the High Court.

44. The suggestions which have been made to us for constituting special machinery otherwise than by the methods already considered have been as follows:—

- (1) The setting up of a tribunal on the general lines of the tribunal of appeal under the London Building Act, consisting of professional men with special qualifications in building matters, one such court or tribunal to cover the area of several local authorities and perhaps several counties.
- (2) The setting up of a similar tribunal in London sitting at the Offices of the Local Government Board but giving its decisions independently of the Board.
- (3) The adaptation of the "party wall" procedure of the London Building Act.
- (4) The giving of the power of decision to a representative of the Local Government Board acting in and for such an area as is described in proposal number one.

45. The last suggestion we reject with little hesitation. In the cases in which they now have appellate jurisdiction the Local Government Board can and frequently do employ one of their Inspectors (most often a technical inspector) to visit, or even hold an Inquiry in the locality concerned. The Inspector reports to the Board, but the decision is made by the Board acting in the manner provided by the Local Government Board Act, 1871, and the function of the Inspector is merely that of an intermediary between the parties and the Board. The decision is not his. This system is well understood, has been found to work satisfactorily, and would, in cases where an Inspector's visit would be useful, be adapted to our present purpose. It should not, in our opinion, be replaced by a method in which the Inspector or any other individual officer would be able to promulgate decisions of his own. No officer of the Board can do this at present except the District Auditor, who is a statutory official exercising an independent jurisdiction subject to appeal to the Board, and not bound by the Board's directions. We do not imagine that the Board would for a moment entertain the idea of appointing special officers of this kind up and down the country for the purpose we have been considering. We may refer particularly to the evidence of Mr. Dickinson and Mr. Knight, experienced officers of the Board and both heads of Departments operating largely through local inquiries, and such a method of proceeding, however appropriate to the matters with which the District Auditor is concerned, does not seem to us to be suitable for the decision of questions under byelaws.

46. The third suggestion we have also felt bound to reject, although it had the weighty support of the four witnesses who appeared from the Royal Institute of British Architects. The system which they thought might be adapted for deciding disputes under byelaws is that which operates in London under Part VIII. of the London Building Act, 1894, when there is a dispute as to party structures. Briefly the scheme of Part VIII. of the Act is that where an owner wishes to build partly on his own and partly on his neighbour's land, or to interfere with a structure already built in that position, he gives notice to his neighbour and the two of them agree on a surveyor who shall control the work and apportion the cost. In default of agreement each appoints his own, and the two surveyors so appointed choose a third. A decision of any two of the surveyors is binding on both owners, subject to certain provisions for taking matters into court (*Pite*, 5833).

We were asked to make a recommendation in favour of the extension of this system to the provinces (*Pick*, 5778), but in so far as the matter is one of private rights (*Searles-Wood*, 5853) it was clearly outside our reference to do so, and we can only deal with the suggestion in so far as the witnesses thought the procedure might be made applicable to the decision of questions arising under byelaws. In this connexion the two original surveyors would be the architect, acting for the building owner, and the local authority's surveyor; these would choose a third, who would be selected as having special qualifications in the particular matter in dispute (*Pite*, 5994; *Searles-Wood*, 6089). The parties could, of course, agree to adopt this method now to dispose of a difficulty informally, so that the point of the suggestion is that the procedure should be made compulsory (*Pite*, 5789).

The gravest objection which strikes us here is that byelaws are a part of the public law of the country, in fact of the penal law, and that arbitration proceedings of this kind are only suitable in regard to private rights. It will be observed that, as the decision of the three surveyors may be given by a majority, the ultimate decision rests with one of them, on the natural assumption that each of those appointed by the parties would support the side by which he was appointed. Whether or not this would be always satisfactory to a person engaged in building or development (which may be doubted), we are clearly of opinion that no local authority could be expected to agree to questions upon penal enactments, of which it is the administrator, being decided by a single unofficial personage, even though he were selected by a Government Department, as was suggested to us in order that this point might be met (*Searles-Wood*, 5856).

All the objections which we feel to the decision of such questions by a local representative of the Local Government Board apply, with the additional one that the third surveyor would, even if nominated by the Government, be a private person. If proceedings became necessary for enforcement of the decision reached, they would have to be in the ordinary courts, and it seems to us impossible to put the courts into the position of enforcing by penal sanctions the decision of an unofficial person upon a point of public law. On the other hand, if the court was not bound by the decision of the three surveyors, it could reopen the whole matter and the preliminary proceedings would be wasted. We have, therefore, come to the conclusion that this particular method is not appropriate for purposes such as we have been considering.

47. In favour of the establishment of any localised tribunal it can, of course, be urged that it would make it possible to obtain a decision on the spot without the reference of cases to a distant centre, but on the whole we think that such a tribunal, whether permanently constituted, as some witnesses have suggested, or assembled from time to time from among men of eminence in the locality, would have disadvantages which would more than do away with any hypothetical gain in the way of speed. In particular it would be difficult to secure a proper constitution (*Elford*, 3540; *Willis*, 4399), and the diversity of decision which would occur between one part of the country and another (*Elford*, 3540; *Keen*, 4919) is in our view fatal.

48. The setting up of a special tribunal in London independent of the Board does not appeal to us. The Board, acting under the Act of 1871, can always command expert assistance where this is required. Moreover, the decision of cases of interpretation has not been in the past a matter for experts, whether architects, engineers, or others, and, with all respect to witnesses who advanced another view, we think that it would be more suitably left to the Board, who have an administrative staff with legal and technical advisers, than to any technical body. The disadvantage of delay, which some people have alleged as a reason for localising the machinery would, so far as it is a valid objection to centralisation, apply to an *ad hoc* tribunal equally as to the granting of jurisdiction to the Local Government Board.

We have, therefore, come to the conclusion that in so far as any new procedure is necessary it should be by way of application to the Board and not to another different and specially constituted body.

49. To summarise the alterations in the law which we advocate with particular reference to byelaws, we suggest:—

- (1) That the principle admitted by Parliament in section 44 of the Housing, Town Planning, &c., Act, 1909, should be made to work.
- (2) That byelaws should be subject to periodical review.
- (3) That the Board, if requested by both parties, and the local bench, on application by either party in default of such a joint request, should have a power to interpret byelaws before the work in question has been executed.

50. We pass now to some remedies which we reject. We have had a good deal of evidence as regards a so-called "appeal against byelaws," but nobody has made it plain whether the so-called "appeal" meant a right to challenge a byelaw as unreasonable in itself, or a right to claim that a particular plan shall be relieved from the operation of a byelaw on a particular occasion.

The two ideas when worked out differ *toto coelo*; the former is no more than an extension of section 44 of the Housing, Town Planning, &c., Act, 1909, an imperfect and unworkable section as it stands, which we have already said should be amended in this direction; the latter, which it will be observed does not remove the byelaw but only its operation in a particular case, goes to the root of public health administration.

Sometimes it may happen that a person admits that his plan contravenes the byelaws, yet is of opinion that the plan is all the better for so doing (*Willis*, 4396; *Williams*, 5025); as it

was put to us, that it is "in accordance with the spirit of the byelaws, although it may not be in accordance with the letter" (*Chance*, 1066), or that it is "proved to be to the benefit of the public that a certain portion of the byelaws should be waived" (*Searles-Wood*, 5966). It is to meet this case that the "appeal against byelaws," of which from time to time there has been a good deal of loose talk, appears to be designed, and the ground on which the suggested innovation would, no doubt, be defended by its advocates is that even the best drawn byelaw may not meet all circumstances. The local authority, however, are not bound to take proceedings for an infringement of an absolutely trivial kind, such as justices would be certain to dismiss under section 1 of the Probation of Offenders Act, 1907, which has replaced section 16 of the Summary Jurisdiction Act, 1879 (*Dolton*, 171, *Abrahams* 4611), and where the proposed infringement is not trivial we do not think a breach of building byelaws can be differentiated from any other breach of law. A person ought not to be heard to contend that he need not comply with the law in force; if he is prepared to contend that the law is unreasonable or unduly restrictive or otherwise ought to be repealed, his proper course is to initiate proceedings with that object, for example, under section 44 of the Act of 1909 as amended in accordance with our recommendations, but meanwhile to carry out the law. It may be said that in some cases the evidence necessary to support a general attack upon a byelaw, as to the meaning of which perhaps there is no dispute, is hard to collect, and therefore that it is desirable to give the builder the right of applying to the Local Government Board to have his plan excused from compliance with it. This right would be anomalous, for a byelaw is a law as much as an Act of Parliament, and it could only be granted, if at all, upon condition that the Local Government Board, if they acceded to the builder's application, should invariably take into consideration the whole question of the continuance of any byelaw or byelaws from which excusal had been given, in order to guard against the danger of particular exemptions from a byelaw which in itself ought not to continue. Even qualified in this way, we think that the expedient is vicious in principle, and ought not to be adopted. The suggestions in its support which have been made before us, or elsewhere, seem all to have sprung from dissatisfaction with existing byelaws, and if other remedies for such dissatisfaction are made available as we suggest, this one will be unnecessary.

51. A variant of this proposal which we have considered is that, if the local authority and the architect or builder are agreed that a particular plan might be excused from compliance with the byelaws, on the ground that, although in some respects it contravenes them, yet considered as a whole it contains proposals more suitable in all the circumstances than would be obtained merely by giving what is demanded by the byelaws, there might be a joint reference such as we propose on matters of interpretation, and that the body to which reference is made should have a power of dispensing with the byelaw (*Chance*, 1066; *Lancashire* 7103). As an example we may take the suggestion made by Mr. Elford, of Southend-on-Sea, that where a building is to be re-erected in a main street the local authority and the building owner might agree that the byelaw requirements as to open space in the rear should be relaxed in the particular case if more open space were given at the front for widening the street (*Elford*, 3422, 4689). At first sight, and particularly when considered in the light of an illustration of this kind, the proposal may seem not to be open to objection, and it was rather strongly urged upon us by two or three surveyors to local authorities, who had doubtless felt a difficulty in their own experience from the absence of some power to make similar arrangements. The main line of division among advocates of this suggestion seemed to be whether the local authority were to have the last word if they granted the dispensation and nobody (such as an adjoining owner) took exception to it (*Elford*, 3517, &c.), or whether the byelaw should only be relaxed or varied by some superior authority, such as the local justices, (*Chance*, 1175; *Vernon*, 2596), the Local Government Board or their local representative (*Elford*, 3420, &c.), or some new central body (*Willis*, 3091). With one exception (*Morley*, 4335, &c.) there seemed to be general agreement among witnesses who advocated relaxations of this kind that at all events the builder should be able to appeal if relaxation was refused (which brings us back to the last proposal, which we decided to reject), and the general opinion was that persons aggrieved by the relaxation should have a similar right (e.g., *Willis*, 3143, 4323). The proposal shades off into the suggestion of a discretionary power to relax the requirements of byelaws, and the two ideas are not easy to distinguish.

52. We deal more fully with the principle of discretionary powers later, but taking for the moment the other plan as mentioned in the last paragraph, namely, that some body possessing independent status might be able to dispense with a byelaw if both parties agreed, and the appellate body itself was satisfied that the diminished requirement was not objectionable on grounds of public health, we do not doubt that this might be convenient in certain cases, particularly such as that described by Mr. Elford with regard to open space. Mr. Elford's illustration was probably as strong a one as could be given, but even in the case he put there is an obvious temptation to the local authority, having considerations of traffic as well as public health in mind, to agree, for the sake of space at the front, in the interests of traffic and perhaps amenity, to a departure from a standard of air space at the rear which, in view of the statutory limitations on the byelaw-making power, would be none too high for purposes of public health. The result would be to place on the superior authority (if, as postulated above, one were set up) the invidious duty of refusing to sanction a plan favoured

by the local health authority, while if no such superior body were brought in the danger that plans open on merits to objection would be passed would of course be greater. Even apart from objections on the merits in particular cases, it seems to us that the creation of a power of the kind would introduce uncertainty into administration, would be contrary to the principle of section 184 of the Public Health Act, 1875, and should be rejected. In cases where there might not be valid objections on the merits, what was suggested could be done, as the law stands, by an exempting byelaw. It is always possible for a local authority who consider that "the public interest is consistent with relaxation of the requirements of the byelaws" in a particular case (*Elford*, 3490) to propose a special exempting clause for the confirmation of the Local Government Board, and in some cases such byelaws have been confirmed. The Board are generally, and in our opinion rightly, opposed to this procedure, and normally would not assent to it unless they found that the requirement of the byelaw was clearly inapplicable except in a purely technical sense, or, to quote Mr. Lancashire, that the byelaws "offend against common sense" in their application to particular circumstances (*Lancashire*, 7070). If special exemptions are to be given to meet particular cases, we think that it should be done by byelaw, so that the provisions of section 184 shall apply and ratepayers and owners of property in the district may have an opportunity of being heard. In other words, if the method of an agreed request to an outside authority to allow a departure from a byelaw means that the existing publicity is to be removed it is in principle open to objection, and would be more objectionable still if for the Board were substituted one of the special tribunals we have described (and rejected for interpretation purposes) in paragraphs 44 to 48 above; if it does not mean this, it is unnecessary, for appropriate machinery by the adoption of a special byelaw is already in existence.

53. There is one means suggested as possible for remedying existing difficulties which some of us at least would hardly have thought it necessary to consider seriously had it not been put forward by several experienced engineers and architects, and stated to have, at least in regard to the control of buildings, the approval of the Committee of the Institution of Municipal and County Engineers (*Elford*, 3384); that is, the substitution of discretionary control wholly or in part in matters where byelaws are the existing method. As we have already pointed out, these stand at the opposite extremes among possible methods of control. The discretionary method was adopted in the Public Health Act, 1848, and was replaced by the byelaw method in the Local Government Act, 1858, but in the years immediately following 1858 the doctrines now accepted as to the nature and proper form of a byelaw had not been worked out, and many of the byelaws confirmed by the predecessors of the Local Government Board were in a discretionary form (*Dolton*, 14).

There is a distinction on the surface between discretionary control and byelaw control tempered by discretion, with which to some extent we have already dealt in paragraph 51, but the distinction seems to us to go no deeper, a purported byelaw framed to include a discretionary relaxation being in reality but a discretion indirectly given. We understand the view of the Board, maintained from the earliest days of their jurisdiction, to be that a discretionary byelaw framed in either way is not a byelaw at all within the meaning of the authorising statute. It lacks certainty, which is one of the fundamental characteristics of validity, and it fails to satisfy the provision in section 184 of the Act of 1875, that the actual requirements with which the public have to comply shall be ascertainable in advance (*Dolton*, 18, 19). In other words, "every person, who by neglect of the rules which a byelaw is intended to prescribe may be rendered liable to a penalty, is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided." (*Local Government Board's circular of 1877, ibid.*)

The proposal, therefore, whatever form it may precisely take, involves the substitution of an unknown and essentially unknowable factor for the factor of definition in advance, and thus cannot but be regarded as really the most revolutionary which was put before us.

We are not sure that its authors so regarded it, and we can understand that a skilled municipal engineer, exercising powers deputed to him by his council, might well prefer to have a free hand in allowing and disallowing methods of construction or other matters concerned with building and development (whether or not byelaws purport to control them), and not merely to administer rules which he cannot alter—even carrying his preference to the extent of objecting to a right of appeal being given against his decision (*Morley*, 4606). But not only is there a wide difference in the capacity of local authorities' officials, which is a fatal objection to a further suggestion made to us by Mr. Elford, that discretionary relaxations might be made on formal recommendation by the surveyor (*Elford*, 4692), coupled where necessary with the medical officer of health (*Elford*, 4837); the responsibility is and must remain that of the authority, it cannot be divested by any delegation of the details of administration, and the question must be judged upon this footing.

54. We are not concerned to deny that a discretionary system of control might on occasion be convenient to one party or the other. It was suggested by the Land Agents Society as a means of mitigating undue rigour in particular cases (*Earle*, 4085), and we gather that this mainly was the reason why it was supported by witnesses from the Royal Institute of British Architects. But witnesses who favoured it admitted that with byelaws of a modern type the possible usefulness of discretion would be less (*Earle*, 4269; *Hoare*, 5221; *Platt*, 6785), and we do not think that any case has been made out for abandoning the existing system. The

difficulties which have been experienced are due in our opinion not to any cause inherent in the nature of a byelaw, but to defective byelaws; to those in particular which do not embody the freedom for new methods of construction and design to be found in the model series (*Sutcliffe*, 1929; *Earle*, 4218; *Morley*, 4528; *Morgan*, 5498).

Certain objections in addition to the legal one to the discretionary form of byelaw are mentioned in Mr. Dolton's evidence (*e.g.*, *Dolton*, 169, 209), and the matter is rather fully discussed in the circular letter of 1877, which he read to us.

We agree that the sense of public duty on the part of local authorities has much increased in recent years (*Morley*, 4470), and it must not be assumed that we impugn the capacity of local authorities in general to exercise discretion. There is probably no doubt that normally the larger authorities at any rate would use it properly, but it is impossible to draw the line between those who could and those who could not be trusted in this way (*Dolton*, 209; *cp.* *Sutcliffe*, 2341, &c.; *Lloyd*, 3362; *Elford*, 4765; *Platt*, 6877).

And apart from the possibility of interested action, which however rare it might be, we cannot ignore (*Lipcomb*, 4143; *Morley*, 4335), the mere fact that control was discretionary would on the one hand be a temptation to misuse and on the other a constant basis for complaint (*Sutcliffe*, 1907).

We are not here prejudging the question which we shall consider separately whether particular topics such as the level width and construction of new streets (*see* Mr. Worsley's evidence) might not be removed from the sphere of byelaws to the sphere of discretionary control; we are dealing with the principle, and as a general principle we unhesitatingly decide in favour of the maintenance of the existing byelaw method and against its supersession by discretion.

For the most part, the witnesses with most direct experience of local government were either against the giving of discretionary power, or would only give it subject to qualifications which showed that they did not think that a pure discretion would be safe. We may quote from Mr. Vernon, who, though he appeared on behalf of a professional body, the Surveyors' Institution, had experience as a county alderman, a town councillor of forty-four years standing, five times mayor, and for many years chairman of the committee dealing with the plans of buildings in the borough where he lived. After stating that of three successive codes of byelaws in force in his period of service on the council, the earliest were the hardest to administer because they were discretionary, he gave the reason as being that this discretion was "always the subject of a difficulty, rivalry, jealousy, and, sometimes, I am sorry to say, of favouritism" (*Vernon*, 2523; *cp.* *Chance*, 1066; *Morgan*, 5382, 5552; *Fovargue*, 6540; *Platt*, 6786).

Mr. Willis, the very experienced surveyor to the Chiswick District Council, did not appear to differ (*Willis*, 3006), although he favoured the substitution of discretion in control for the present system if appeal machinery, not susceptible to local influence, could be devised (*Willis*, 4341) or other safeguards given (*Willis*, 4605), and, in speaking of local authorities, was careful to show that he made no aspersions on their honesty (*Willis*, 3162).

55. In order to avoid possible misunderstanding it is necessary that we should make clear one distinction. There is a common type of byelaw which (usually after setting up a standard) goes on to provide that the process with which the byelaw deals may be done otherwise in a satisfactory manner. This leaves what is "satisfactory" as a question of interpretation (to be decided by the courts at present or under the new procedure we have recommended by the Local Government Board if the parties so desire); there is here no discretion or uncertainty.

Such a clause is entirely different in legal effect from one which says the thing shall be done "in a manner satisfactory to the local authority" (*cp.* *Elford*, 4748), and we have already stated (in dealing in paragraph 41 with the subject of interpretation) that we think it is a useful form, which might well be extended on lines already in the models.

56. The suggestion of discretion in regard to the control of buildings, whether in substitution for or in modification of the existing byelaw system, is sometimes supported by the supposed analogy of London, and the London system is also sometimes alleged as a precedent in support of the "appeal against byelaws" of which we have already spoken (*e.g.*, *Chappell*, 3700). It may therefore be desirable that we should devote some attention to the London Building Act method of control.

We have not construed our terms of reference as entitling us to take evidence which would lead to our making any recommendations in regard to London, where building is not under the Public Health Acts and where the controlling authorities for building are almost entirely outside the jurisdiction of the Local Government Board, and we only mention London by the way and for the reasons we have stated. The London system is peculiar. The main governing provisions are in the London Building Act of 1894, which has been amended since in some particulars, but without any change in the system of control. There are in London few byelaws as to subjects within our reference; and those there are, made either under the Metropolis Management Acts, 1855 and 1878, or under the Public Health (London) Act, 1851, do not materially affect this statement of the general system. Control is vested as to all ordinary matters in the District Surveyor, an official peculiar to London, appointed by the County Council but exercising an independent statutory jurisdiction (*Davidge*, 6066), which

distinguishes his position from that of the surveyor to an extra-metropolitan authority. The London County Council have also special powers in regard to certain matters. The law which the District Surveyor administers is to be found in the Act of 1894 and its amending Acts. Plans are submitted to him and he determines whether they are in accordance with the law, the correctness of his view being open to be tested by proceedings in the courts for non-compliance (*Davidge*, 5816). So far the net effect from the builder's point of view is much the same as outside London: there is a code of law (statutory and somewhat rigid, it is true, and in general unrevised since 1894, whereas byelaws of that age would now be considered out of date), and if a breach of law is alleged to have occurred the question is tried by the ordinary courts.

In addition to this, however, the London system includes certain discretionary powers which do not exist under the Public Health Acts. The matters which are the subject of discretion are not many, and they do not seem to be selected on any logical basis, such as the difficulty of regulating them by rules ascertained and stated in advance. We are indebted to Mr. *Davidge*, one of the witnesses on behalf of the Royal Institute of British Architects, and himself District Surveyor for Lewisham, for a summary of these, from which we take the examples in the following paragraphs. The references are to the London Building Act of 1894.

Thus the District Surveyor has power to define what is meant by "level of the ground" for the purposes of the Act (s. 5 (8)), a matter which elsewhere would be one of fact for determination in the ordinary way. His decision here is subject to appeal to the Superintending Architect of the County Council or the Tribunal of Appeal (as to which see below). He may require additional storey posts beneath a bressummer (s. 56 (1)), a matter which elsewhere would be one for byelaws, and in fact is covered by the urban model. He has absolute control, subject to appeal to the Tribunal of Appeal, over the construction of all public buildings (s. 78) (*Davidge*, 5813). This appears to be the most extensive discretionary power vested in him; here again the matter is elsewhere one for byelaws, and the model series of the Board contain clauses on the subject.

The Superintending Architect of the County Council has a power subject to appeal to define the general line of buildings (ss. 22 and 25), to determine the street or streets in which a building is to be considered situate (s. 29), and to determine which sides of a building are the front and rear (s. 46). It will be seen that these three are, so to speak, adjectival powers; they are powers to do something which shall be a condition or preliminary to further action. In the Public Health Act system the first power cannot be said to exist, there being no purpose for which a general line of buildings has to be defined; the other two would fall to be exercised by the justices or court before whom proceedings might be taken for a breach of byelaws requiring (for example) open space in the front of a new building.

The London County Council have various discretionary powers subject to appeal to the Tribunal, and others without such appeal. Thus where a new street is proposed which does not comply with certain provisions in the Act, they can sanction its laying out upon conditions which they may prescribe (ss. 7 and 9), and within certain limits the position of a new building in relation to centre of the street may be determined by them (s. 13). The former power is possessed by no extra-metropolitan authority, and the latter power goes a good deal further than such an authority can go under byelaws. Their power under sections 22 and 73 to deal with buildings proposed to be brought in front of the general line goes further than an outside authority can go under the Public Health (Buildings in Streets) Act, 1888. Other powers, which to a large degree correspond to those exercised by outside authorities under byelaws, are as to open space at rear of buildings (ss. 41-44), height of buildings (ss. 47-49), and buildings on low-lying land (s. 122). All these powers are subject to appeal to the Tribunal.

Powers not so subject are to allow the placing of timber in the face of an external wall (s. 55), which elsewhere is allowed under the model and all ordinary byelaws, and to approve the thickness of walls built of materials other than those specified in the Schedule to the Act (Schedule I, rule 4), and the conversion of buildings in such a way as not to conform to the Act (s. 211).

57. It will be seen from the foregoing statement that the London system is by no means simple. It involves at least three different methods of control, viz., statutory requirements enforced by the District Surveyor and magistrates, discretion without appeal (by the District Surveyor or County Council) and discretion with appeal (by the District Surveyor, County Council, or Superintending Architect).

We have said that the principle of what is loosely or vaguely called "appeal against byelaws" is sometimes said to be supported by the precedent of the existence of the London Tribunal of Appeal, but as the foregoing statement shows the overwhelming majority of matters arising in connexion with buildings are outside that Tribunal's jurisdiction; the Tribunal exists to settle disputed questions of discretion (and not even all such questions), and not matters which are governed in London by rules in the London Building Act or would (for the most part) elsewhere be governed by byelaws.

In other words, if the system of laying down rules in advance were to be supplanted by the discretionary system, the London Tribunal of Appeal would be a precedent, both in the fact of its existence and the mode of its formation; but since we have rejected this solution the

fact that a Tribunal has been set up for certain purposes of appeal in London is no argument for giving an appeal elsewhere.

58. Before concluding this part of our Report we must refer to the Public Health Acts Amendment (Building Byelaws) Bills of 1905 and 1906 which both passed Third Reading in the House of Lords (*Dolton*, 69). These Bills as amended in Committee proceeded on the lines of exempting certain detached buildings from the local byelaws in a rural district, with a power given to the Local Government Board (in Committee on the Bill of 1906) to extend the exemption to an urban district on petition from the ratepayers. There might be little objection to this on practical grounds, so long as the exemption did not extend to sanitary byelaws, but we consider the proposals we have made will secure the object in a better way. We may point out that with the rural model (which is confined to sanitary purposes) the Bill would be unnecessary, whilst the intermediate model deals only (and in clauses which are by no means stringent) with the most important points for securing fire prevention and stability, and contains a general exemption for buildings erected singly or in pairs and detached from others.

The Bill of 1905 contained a clause (also in that of 1906, but omitted in Committee) which in principle anticipated section 44 of the Housing, Town Planning, &c., Act of 1909, and this will of course be covered by our recommendation for making the last named section work, in paragraph 35 above.

The remaining operative clause was intended to enable excusal to be granted in particular cases. With this suggestion we have already dealt (paragraphs 50 to 52).

CHAPTER IV.

Control of Streets.

59. In the last chapter we attempted to diagnose complaints arising from the control of streets and buildings generally and to prescribe remedies which we hope will cure such troubles as exist in regard to buildings, and will help in regard to streets.

But the control of streets is a matter of so much more difficulty than the control of buildings, that in regard to streets the comparatively simple treatment we have so far suggested requires to be supplemented, and in the present chapter we shall deal with the problems placed before us, in this branch of our inquiry.

60. Of all the complaints on any subject which we have received the most bitter have related to the conditions upon which local authorities are willing to take over the maintenance of private streets, and of all the questions we have had to consider this has been the most perplexing. As we stated in paragraph 24 of our Report, and cannot too clearly emphasise, this is not a byelaw matter at all as the law now stands, and if we had felt justified in interpreting our terms of reference in a narrow sense we might have excluded evidence upon the subject, but we have felt unable to do so for the following reasons:—

- (a) It has been alleged by some witnesses that it would be better if this were made a byelaw matter (*Sutcliffe*, 1949, 2182).
- (b) It is to some extent involved with questions which are the subject of byelaws or regulations, for instance, regulations as to drain and sewer communication under section 21 of the Public Health Act, 1875, and byelaws with respect to the level, width and construction of new streets under section 157.
- (c) It is obviously a matter closely bearing upon building cost (it was even said by one witness to be "a dominant factor on the part of the ordinary landowner who is trying to develop his estate" (*Lipscomb*, 4178)), and our inquiry would have been very one-sided if we had not given it consideration.

So close indeed is the connexion between this and the various matters which can be governed by byelaws under the existing law, that we found several witnesses either unable to distinguish them, or at any rate speaking as if under the impression that this matter also was the subject of such byelaws (*Earle*, 4198; *Waring*, 5009; *Williams*, 5013; *Pick*, 5743; *White*, 6608). This is a capital instance of the confusion ensuing from the present law, to which we have referred in paragraph 24. It cannot be too clearly understood that byelaws do not deal and cannot under the existing law be made to deal with the conditions upon which streets are taken over.

61. A note of the legal position on this subject may be helpful here. Byelaws are authorised to be made with respect to the level, width and construction of new streets, and the urban and intermediate model series contain clauses on these three matters. These clauses, however, do not (and indeed, as we have said, cannot) affect the street except at the stage of laying out, and the construction clause in the models does not make construction compulsory, perhaps because there is no guarantee that any work done at this stage will not be destroyed in the course of building operations, or, if it survives these, will not be "scrapped" at the

stage of taking over. This model clause accordingly goes no further than to provide that where a person who lays out a new street does in fact construct it, he shall make a carriageway and footways in certain proportions, and that the height of the kerb and the slope of the carriageway and footways shall comply with certain requirements. The clause is so framed that grass margins and similar features are permissible at the option of the person laying out the street (*Worsley*, 266, 541). Even this small degree of construction is optional, being conditioned upon the person's electing to construct the street at all, and moreover no provisions are included as to the material of or the depth to which the carriageway and footway are to be constructed (*Worsley*, 468).

We understand that a few local authorities have altered this clause to require that the person who lays out a new street shall in every case do some constructional work, and that others, with or without the last-mentioned alteration, have included some provisions as to the materials to be used, the depth of the foundation and such matters (*Sutcliffe*, 1948).

62. So much for existing byelaws on the subject, but whether or not construction is compulsory at the stage of laying out, and whether or not constructional work has then been done, the local authority have an option under section 150 of the Public Health Act, 1875, or under the Private Streets Works Act, 1892, to refuse to take over the new street and maintain it unless it is first made up to their specification. It was alleged in evidence that local authorities in determining whether they will assume responsibility for the maintenance of existing streets, and what conditions shall be imposed if they decide to do so, frequently insist upon conditions more onerous than circumstances warrant, that is to say, that in order to satisfy a particular authority's own preference (*Sutcliffe*, 1941, 2126; *Chappell*, 3772; *Williams*, 5273), or for the sake of saving comparatively small sums in annual maintenance (*Sutcliffe*, 2186), a local authority may require an estate owner to go to a capital outlay of disproportionate amount (*Lloyd*, 3993; *White*, 6614); and secondly, that when a building estate is laid out the authority will not always give information as to the conditions on which they will ultimately assume responsibility for the streets (*Sutcliffe*, 2179; *Lipscomb*, 4135). The recent case of *Bristol Corporation v. Sinnott* (1918. I. Ch. 62; 87. L.J. Ch. 30; 117. L.T. 644; 82. J.P. 9; 15. L.G.R. 871) seems to suggest that their power to lay down uniform conditions in advance (assuming them to adopt this method of overcoming the objection we have stated) may be open to some question. Thirdly, it has been alleged that even where information has been given, the developing owner has sometimes incurred expenditure in the construction of the roadway and the sewers on the faith of the local authority's statement, only to find, after some few years, that the specification has been changed (*Sutcliffe*, 2179; *Lipscomb*, 4233), and that he is required, if he wishes to have the street taken over, to remove perfectly good work on which he has spent large sums of money, and do it again on a more expensive or a different scale (*Lipscomb*, 4136; *Williams*, 5013; *Barralet*, 5588). We are unable to say how far these allegations can be proved, or how often, in practice, work already done at the earlier stage, whether voluntarily or compulsorily, has been required to be undone at the stage of taking over, and we doubt whether local authorities generally would be so unreasonable as to ignore the existence of good work and force it to be done again, but witnesses sent before us by societies representing different interests, whose personal experience lay in widely separated districts, have as regards this matter told us the same tale. Rightly or wrongly, a belief that local authorities are prone to make unreasonable demands in regard to the making up of streets before they will take them over is evidently a cause of widespread discontent, and there has been some evidence of work properly done and of a substantial character having to be pulled to pieces and entirely replaced. The alternative, if the owner of the street is not prepared to do such work, is for him to continue responsible for the condition of the street, which obviously affects the selling value of the plots, so that he is in practice compelled to fall in with whatever requirements the local authority see fit to impose upon him. We trust and believe that the evidence we have had of unreasonable requirements in this direction is exceptional, and that local authorities generally would accept work properly done and still in good condition as an instalment towards the ultimate making up, which must, we think, still largely remain in their discretion.

63. At present it is urged that there is no effective appeal from the local authorities' requirements, and we have given much attention to the question whether any, and if so what, further control in this matter can be imposed on them by methods within our terms of reference. We have questioned several witnesses as to the possibility of bringing the conditions of taking over within the scope of byelaws, as there is no doubt that this would tend to standardise them and to make them ascertainable. Whilst we remain of opinion that it would be desirable to make these matters the subject of byelaws, if it could be done, we have reluctantly come to the conclusion that not all the details of final street construction would be suitable for inclusion in a byelaw, and that the requirements in respect of each individual street are likely to be so different that the whole making up cannot become a byelaw matter. We think, however, that where a local authority has any byelaws in force as to new streets some elementary byelaws as to their construction might always be included, so that the initial construction and the width may be brought in relation, and the former be reviewed by the Local Government Board when considering the Council's proposals as to width (cp. *Sutcliffe*, 1949; *Jenkins*, 3696; *Elford*, 4783; *Morgan*, 5410; *Barralet*, 5584; *Pick*, 5881; *Platt*, 6854).

64. There are two incidental advantages in the making of byelaws on this subject, namely, that it would discourage the speculative laying out of lengths of street, far in advance of all requirements and of facilities for sewerage and drainage, which is a nuisance to the public and to the inhabitants (*Elford*, 3558; *Barralet*, 5562; *White*, 6696), and, secondly, that it would encourage the maintenance of streets by the local authorities from the earliest practicable stage (*Willis*, 3100; *Elford*, 4703). Whilst we do not go so far as to recommend that any fresh powers should be given to developing owners or others by which local authorities should be compelled to assume full responsibility for the maintenance of streets before they themselves feel prepared to do so, it is a question whether this should not become a public charge as soon as possible (*Morgan*, 5537, 5554); indeed it might be desirable that before final responsibility passes to them the local authority should, subject to recourse against the owner, defray the cost of keeping up, and should control the street (*Elford*, 4817). An obvious corollary of this is that the developing owner should put it into reasonably good condition to bear the traffic in the early days before the stage of final taking over comes (*Willis*, 3157; *Elford*, 3536; *Williams*, 5105).

A method was described to us by Mr. White, one of the witnesses on behalf of the Building Trades Federation, which seems to suggest that an adequate road for the purposes of traffic at a time when the street is growing up could quite well be constructed (*White*, 6696), and if something of this kind were required in the byelaws with respect to the construction of new streets we think it would be advantageous to the residents in the street, to the public generally, and not least, since he would acquire certainty as to the requirements and the protection of section 184 of the Public Health Act, 1875, to the developing owner himself (*Earle*, 4240).

It should be provided that any work done in pursuance of such a byelaw at the initial stage should not be required to be done again at the stage of taking over, unless for some good cause; it might be desirable to provide more definitely than is done in the existing Acts for an appeal in this case, that is to say, where byelaws have been made and satisfied, but it is demanded that the work be done again.

65. As regards the other requirements to be imposed at the taking-over stage, we favour in principle the suggestion made to us by Mr. Sutcliffe and accepted by others, including one of the witnesses who appeared on behalf of the Association of Municipal Corporations (*Fovargue*, 6442), namely, that local authorities should be empowered by law from time to time to fix in advance the maximum specification which they will impose, without being bound to insist upon it in every case (*Sutcliffe*, 1944; *Lloyd*, 3927-9; *Lipscomb*, 4183; *Platt*, 6803). These specifications are essentially a local matter, and therefore susceptible of being governed by laws made by the authority of each locality as byelaws are made (*Abrahams*, 4488; *Willis*, 4498; *Fovargue*, 6441). On the other hand, it is of the essence of a byelaw that it should be fixed, and that there should be no discretion to vary its requirements, and accordingly we do not suggest that the procedure should be formally by byelaw. By way of compromise, we think it would be best for a specification to be drawn up in every district, probably with different classes of requirement, according to the different kinds of road which are likely to be laid out (*Fovargue*, 6441; *White*, 6619), and that that specification, although not a byelaw, should like a byelaw comply with the requirements of sections 184 to 186 of the Public Health Act, 1875 (*Fovargue*, 6463, 6513; *Platt*, 6851). The specification could, of course, like a byelaw, be repealed or altered as often as was necessary without prejudice to work or plans already done or passed in accordance with it.

This would give the developing owner that measure of certainty in regard to the requirements with which he must comply, the absence of which seems to us to be a most serious charge against the present system. It would also preserve to the local authority a power which they would not have under a byelaw to reduce the requirements in particular cases, such reduction being made not as of right, but as a concession where circumstances justified it. We think the inherent difference between this class of work and those dealt with by byelaws is sufficient to justify what we expressly reject in regard to byelaws, namely, a power to allow something less in particular cases than is required as the legal maximum.

An alteration of the law in this sense would, we are convinced, do away with a large proportion of the complaints which are being made as to the construction of new streets, complaints which have tended to bring byelaws into disrepute almost more than any others, although, as we have shown, they have for the most part no relevance to byelaws whatsoever.

We understand that in some districts the local authority has fixed a "standard price" for each class of street works so that a developing owner knows definitely, before he commences to lay out a new street, that if the traffic over that street when formed should develop or be likely to develop so as to necessitate an expensive specification, he will have to pay no more than for a street with ordinary traffic. We think this method is likely to be useful, especially in districts where there is heavy traffic.

66. Of less difficulty than the question of the making up of streets for adoption by the local authority, but still one involving some awkward considerations, is that of the method of regulating their level, width and construction at the stage of laying out. The Public Health Acts allow byelaws to be made with respect to the level, width and construction of new

streets, and the model series for urban districts has always contained provisions on this subject. It was commonly complained at one time that these were rather rigid, particularly in their requirement of a uniform width of thirty-six feet for ordinary carriageway streets. To meet this criticism, the Board, in 1912, re-cast this group of clauses, and incorporated them in a new form in the urban and intermediate codes. The rural model code, from the commencement, has contained no clauses as to streets.

The model streets clauses, as they now run, make provision for principal approach streets of four classes, namely, (a) carriageway streets in which the buildings may be up to the street boundary, (b) carriageway streets in which the buildings are set back, (c) non-carriageway streets in which the buildings may be up to the street boundary, and (d) non-carriageway streets in which the buildings are set back.

The standard width in (a) is thirty-six feet, and that in (c) twenty-four feet, the street here being limited in length. The width of street, the set back of the buildings, and a suggested limit on the length of the street are in (b) and (d) left blank so as to encourage the local authority to adapt the clauses to the needs of the locality. Indeed, it is possible, and we understand that proposals have in fact been made by some local authorities, and when made would in principle always be allowed, to re-duplicate these sub-clauses, particularly (b), so as to provide a complete sliding scale of widths according to the set back and other limitations which the developer adopts. Moreover, the standard width of thirty-six feet is not infrequently increased, so as to give a still greater range of variation. This, it will be seen, deals so far only with the width. When we come to the constructional clause (still keeping to the stage which can be dealt with by byelaws, that is to say, the stage of laying out), we find corresponding alternatives and blanks, the clause being so framed that the width of carriageway and footway can be proportioned to the width of street, and that, particularly where the width of street is more than the compulsory minimum, the developing owner shall have an option to lay down part of the street in grass margins, or some similar fashion, instead of making the whole surface available for traffic. An essential feature of this group of clauses is that the alternative conditions are fixed in advance, and the developing owner has entire freedom to decide in which of the various methods to proceed.

67. The scope of these byelaws is somewhat limited by the fact that they are tied down by the authorising statute to the street itself. It is not possible, as the law now stands, to fix by byelaws the set back of the buildings, except to the limited extent to which we have referred in (b) and (d) above, where a developing owner voluntarily adopting a building line which cannot be imposed upon him is allowed to reduce the amount of land dedicated to the street itself, thus making substantially the same sacrifice as if, the street itself being of the full byelaw width, he brought his houses right up to the street line. The fact that the option under these clauses is given to the owner, and that the local authority have nothing to say to the mode in which he exercises it, is undoubtedly felt to be objectionable by some authorities (*Lancashire*, 7024); whilst the limitation on the byelaw-making power ties their hands in some degree as to the provisions which they will insert. It was for these reasons, we suppose, that the Board's architect suggested that the level, width and construction of new streets, or at all events the first two, might be removed from the sphere of byelaws to that of discretionary control, and although we cannot see our way to adopt it we fully admit the force of his suggestion (*Worsley*, 308).

68. As regards level, we see no particular reason why this should remain a byelaw function, although there is no objection to its doing so, and therefore no need for a change. Construction, we think, ought so to remain, substantially for the reasons we have given in speaking of construction at the later stage, the stage of taking over, with which we have dealt more fully in paragraphs 61 to 64 above.

As regards width, we think that this had better remain a byelaw function as at present, but that the law on the subject should be altered to enable further and better byelaws to be made. Even in the particularly difficult conditions of South Wales, the local witnesses thought the width of the streets was a matter with which byelaws could adequately deal (*Jenkins*, 3692; *Chappell*, 3723; *Morgan*, 5417). The authorising statute should, however, be considerably widened. Thus it is (to say the least) doubtful, as the law at present stands, whether a condition adopted by the owner that he will set back his building or erect a particular class of building only is enforceable against him. We do not think that such a condition would, in legal phraseology, be taken to run with the land and bind a subsequent owner, or indeed the owner who first accepted the condition, if he desired to be free of it, and as the model, and all byelaws as to streets of modern type, are framed to allow the standard width to be reduced if certain conditions are accepted, any doubt as to the validity of such conditions should be removed. It is true that by the combined operation of the restrictions contained in the Public Health (Buildings in Streets) Act and the byelaws as to open space, substantially the same result may be achieved if the condition is that the buildings be set back. But we think it would be more satisfactory if a clause were passed through Parliament making definitely binding any such conditions as are embodied in the model byelaws, both against persons who have taken advantage of them and against subsequent owners of the land. To carry this a step further, we think something would be gained if byelaws could be made for fixing building lines, that is to say, the lines in front of which buildings may not be placed (*Sutcliffe*, 2343;

Lloyd, 3921; *Willis*, 4367; *Davidge*, 5843). The scheme of the Public Health (Buildings in Streets) Act is that where one man erects a building in a street it shall not be open to his neighbour to bring a new building nearer to the street line than that already there without the consent of the local authority (*Dolton*, 225). There is much doubt about the true meaning of this Act in relation particularly to buildings separated by intervening plots (*Sutcliffe*, 2347; *Barralet*, 5579), and we do not think that the vesting of the power of excusal in the local authority is altogether satisfactory, since one effect, if not one purpose, of the Act is to protect the existing property of an owner who voluntarily sets back his building further than he need do, and it might be argued that he acquires rights which ought not to be taken away from him without his own consent (*Davidge*, 5983).

69. We think, therefore, that local authorities should be empowered by byelaw to determine the set back of the buildings in new streets, and that any land, required under such a byelaw to be free from buildings, should not afterwards be built upon. There would thus be two lines to be fixed by byelaw, namely, the boundary of the street, and the line of buildings, but this would in no way interfere with the principle of the existing model byelaws. It would still be open to a local authority, and in many cases would be desirable, to follow the principle now embodied in the models and fix yet another line (less rigorous than the maximum street width) up to which a man might devote his land to the forecourts of his houses instead of to the street. It is sometimes suggested that this last might be left to discretion (*Fovargue*, 6503); but we think it safer that the conditions should be laid down in the byelaws in advance. The existing constructional provisions and the new ones which we advocate would not be affected by this alteration of the law.

70. There is one point upon which we must say a word before leaving the subject of byelaws with respect to the level, width and construction of new streets. As we have pointed out, Parliament has in regard to the walls, foundations, roofs and chimneys of new buildings, and in regard to open space about buildings, defined not only the matters to be controlled by byelaw but the objects with which such byelaws can be made, that is to say, with respect to walls, &c., "for securing stability and the prevention of fires and for purposes of health," and with respect to open space about buildings "for securing the free circulation of air." There is no such definition of objects to be secured by byelaws as to the level, width, and construction of new streets, but the principle adopted in the model evidently is, firstly, to obtain adequate means of access to the buildings in the street and, secondly, to give reasonable facilities for traffic.

This, we think, is right. The surrender of land for the formation of a street (under byelaws with respect to width) and the expenditure of money on construction (under byelaws with respect to the construction, or in pursuance of conditions for the taking over of the street) is a burden on the developing owner or the builder, and consequently a tax upon the future tenants of the buildings, and we do not think it right that penal legislation (which byelaws of course are) should make this burden heavier than will secure firstly reasonable access to the land developed and the buildings on it, and, secondly, that land developed shall not be (by reason of narrow and inconvenient streets) a barrier to the normal traffic of the district.

71. There is one allied question which is of importance, namely, the definition of new street (*Dolton*, 226). The statutory definition for purposes of byelaws and of the Public Health Acts generally is wide, like the definition of new building to which we referred in Chapter I., but probably practical difficulties have been avoided by the drafting of the model and local series following it, with different provisions for streets which are from those which are not intended to form the principal approach to any building. Where the statutory definition fails is in regard to the conversion of an existing highway into a new street to which the byelaws shall apply, and to some extent in regard to piecemeal extensions of a street. Local authorities and developing owners have in the past had trouble in determining whether the erection of buildings in an existing road made it a new street or not (*Dolton*, 189; *Barralet*, 5577; *Platt*, 6805). We have the familiar problem of the heap of grains; no one would hold that the erection of one building in a country road turned the road into a street, but what if a row of houses should be built? It might then be desirable that the byelaws as to streets should be observed; but will two, or twelve, or twenty houses make a street?

Again, if a man lengthens an existing street by erecting one new house each side, does he, *pro tanto*, lay out a new street? If not, how many houses must be built before he does so, and will it affect the question if they are on one side instead of both? The possibility of a piecemeal laying out in this way suggests some doubt as to the expediency of the limit of length embodied in the model clauses as one of the conditions on which the width of streets may be reduced. Both for this reason and because the length of a street is not necessarily an index of its importance we are inclined to suggest that this particular condition should be reconsidered.

But clearly, apart from this question on the byelaws, the problems suggested by the Act itself call for some solution, although we have not had before us evidence on the practical aspects of the matter which would enable us to suggest what the true solution is. In saying this we are making no attack upon the byelaws; we are pointing to difficulties arising on the Public Health Act sections under which byelaws can be made. It may be (and probably this

is the true answer) that the matter must be left finally as one of interpretation only, to be settled in accordance with the revised procedure upon doubtful points of interpretation which we have suggested in paragraphs 40 to 43.

72. We have already referred to the absence of a power, such as exists in regard to buildings, to prevent a street once laid out from being altered in such a way that if at first so made it would have contravened the byelaws (*Tarrant v. Woking Urban District Council* (1914. 3. K.B. 796; 84. L.J.K.B. 314; 111. L.T. 800; 79, J.P. 22; 12. L.G.R. 1293)) (*Abrahams*, 4499). We think such a power should be given.

CHAPTER V.

Exemption as a Remedy.

73. There is one suggested remedy for such difficulties as may result from byelaws which requires a chapter to itself, both because of its past history and because it has been the subject of three references to us by the Local Government Board, namely, the expedient of exempting certain buildings from the byelaws.

Not only was the exemption of certain kinds of dwelling houses, as will be seen, the immediate topic of parliamentary discussion which, in giving rise to consideration of the whole position in regard to byelaws, led Mr. Herbert Samuel to assemble our Committee (*see* paragraph 89 below), but when the Committee was set up the Board had just had before them the question of the exemption from byelaws of certain public buildings, and they gave directions that the Committee should be invited to advise upon it. The exemption of certain other classes of buildings was referred to the Committee at a later stage.

In order that we may make our recommendations clear, it is desirable that we should go fully into the whole matter.

74. All the model series of the Local Government Board with respect to buildings and matters in connexion with buildings contain clauses exempting certain buildings from the operation of the byelaws, and the byelaws of local authorities seldom make any considerable alteration of these exemption clauses.

The model clauses in their present form contain paragraphs exempting:—

- (a) Any building in His Majesty's possession, or employed or intended to be employed for His Majesty's use or service.
- (b) Any county or borough lunatic asylum, and any building or part of a building belonging to the council of any county, city or borough, and used or intended to be used for the detention of any prisoners.
- (c) Any gaol, house of correction, bridewell, penitentiary, or other prison, and any building occupied or intended to be occupied by any prison officer for the use of such prison and contiguous thereto.
- (d) Any building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation of such river or canal, or the use of such dock, harbour or basin, and used or intended to be used exclusively under the provisions of such Act of Parliament for the purposes of such river, canal, dock, harbour or basin.
- (e) Any building (not being a dwelling-house) erected or intended to be erected in connexion with any mine, and used or intended to be used exclusively for the working of such mine.
- (f) Any building erected or to be erected according to plans previously approved by the Land Commissioners for England, or the Board of Agriculture, or the Board of Agriculture and Fisheries under the Improvement of Land Act, 1864, or other Act or Acts for the improvement of land.
- (g) Any building which may not be exempt by the operation of any of the preceding clauses of this byelaw, and which may be erected or may be intended to be erected in accordance with such plan and in such manner as may be approved or directed in pursuance of any statutory provision in that behalf by one of His Majesty's Principal Secretaries of State.

* * * * *

- (l) Any building erected or intended to be erected for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disorder.
- (m) Any building erected or intended to be erected in pursuance of any Act of Parliament and used or intended to be used for occupation by persons undergoing treatment for tuberculosis.

Paragraphs (h), (i), (j) and (k) are not relevant to our immediate subject.

The exemption clause now included in the models does not in the main materially differ from that in the first model, issued in 1877. The tuberculosis exemption is, however, new, having arisen from the general consideration which also led to our being asked to deal with the matter in respect of public buildings.

75. The following notes have been supplied to us by the Board to show the reasons which have led to the inclusion of the other paragraphs with which we are here concerned :—

*Paragraph (a).—*This paragraph was based on a clause in the Metropolis (Buildings and Management) Bill, 1874. The question was raised whether the specific exemption of these buildings from the byelaws was really necessary. It is an elementary rule of law that the Crown is not bound by statute unless expressly mentioned, but on the other hand it was observed that the Crown Palaces were specially exempted in section 6 of the Metropolitan Building Act, 1855, and that section 327 of the Public Health Act, 1875, enacts that nothing in that Act shall be construed to authorise any interference by a local authority with any lands or other property vested in the Lord High Admiral or in the Secretary of State for War. In view of these express references, the Board decided that an exemption clause for Crown property would tend to prevent misunderstanding, and, although not necessary, could do no harm. Its insertion accords with the practice of the Local Legislation Committee in considering private Bills.

*Paragraphs (b) and (c).—*There is no rule of law exempting the classes of buildings dealt with in these paragraphs from the control of byelaws made by local authorities, except the few prisons which are vested in the Crown. In view, however, of the conditions under which lunatic asylums are erected pursuant to the provisions of the Lunacy Acts, and, in the case of prison buildings, of the control exercised by the Secretary of State, the Board considered that the regulation of the construction of such buildings by a local authority's byelaws was unnecessary.

*Paragraphs (d) and (e).—*Provisions are contained in the Public Health Act, 1875, for the protection of rivers, harbours, docks, canals and mines, and section 157, under which these byelaws are made, excludes railway buildings from their operation. The exemption in these paragraphs of the byelaw does not extend to any dwelling-house, and having regard to the exceptional nature of other buildings constructed in connexion with the undertakings referred to and the provisions of section 157 as to railways, the Board did not consider it necessary in the interests of the public health to bring such buildings within the scope of byelaws.

*Paragraphs (f) and (g).—*These paragraphs were included at the desire of the predecessors of the Board of Agriculture and Fisheries and of the Home Office respectively, and in view of the control exercised by those Departments of the State.

*Paragraph (h).—*The temporary nature of the buildings mentioned in this paragraph and the urgency frequently involved in their erection were thought to render it unnecessary to insist on the solidity of construction required in more permanent buildings, and undesirable to require the submission of plans, &c., in advance.

76. It may be added that by section 3 of the Education (Administrative Provisions) Act, 1911, "The provisions of any byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any other Act, with respect to new buildings (including provisions as to the giving of notices and deposit of plans and sections), and any provisions in any local Act dealing with the construction of new buildings, and any byelaws made with respect to new buildings under any local Act, shall not apply in the case of any new buildings, being school premises, to be erected, or erected, according to plans which are under any regulations relating to the payment of grants required to be, and have been, approved by the Board of Education." Until the passing of this Act, school buildings the plans of which had been approved by the Board of Education were subject to the byelaws.

77. We are informed that at the time of the preparation of the Board's original model, in 1877, a clause was suggested exempting "any Workhouse, School, Infirmary or Hospital or other place provided or intended to be provided for the reception and relief of paupers and erected or intended to be erected according to such plan and in such manner as the Local Government Board may approve." This was not adopted, and although the exemption from the byelaws of buildings the plans of which have been approved by the Board has been urged on various occasions, the Board have hitherto refused assent, and in answer to enquiries on the subject have always pointed out that their approval of plans does not affect the application of the byelaws.

Early in 1914 the question of the relation to byelaws of institutions for the treatment of tuberculosis erected in accordance with plans approved by the Local Government Board became acute. Such buildings were being erected by County Councils and County Borough Councils, or occasionally by combinations of such authorities, and generally the Board contributed three-fifths of the cost of the land and building, and satisfied themselves that the plans were satisfactory, a certificate of the responsible architect that the plans approved by the Board had been complied with being required before the final instalment of the grant

was paid. A precedent for the principle of giving exemption to such buildings was to be found in section 3 of the Education (Administrative Provisions) Act, 1911, above cited, although there was some doubt whether the section did not go too far in the way of exemption; whether, for example, it would be useful to require such buildings to comply with local drainage byelaws; and if, following this precedent, buildings in connexion with the treatment of tuberculosis were to be exempt in the interests of economy, other buildings, such as infectious diseases hospitals and buildings under the Poor Law authorities, would be claimed to be at an economic disadvantage. In the result, therefore, the discussion with reference to tuberculosis buildings led the Board to reconsider the question generally.

78. The principle underlying the existing exemptions was that in the case of public buildings or buildings for public purposes, such as lunatic asylums and prisons, the erection of which was carried out under some form of approval by a central authority, there was thought to be no need for supervision and control by the local authority through byelaws, and it was suggested, therefore, that there would not be any very strong ground of objection to the extension of the exemption clauses of the model to public buildings erected by local authorities (including Boards of Guardians) under plans approved by the Board or for which the Board had sanctioned the raising of loans. But it was also realised that such buildings might be expected to conform in all essentials with the byelaws in force, assuming these to be of a modern type, so that little would be gained by their exemption, except perhaps where a building was erected by one local authority in the district of another. There the exemption would render it unnecessary to submit plans to the local authority of the district in which the building was to be erected, which if the two authorities were not on good terms had sometimes involved delay and friction, as well as the objection sometimes felt by such a body as a county council to sending its plans before a minor authority.

On the other hand, it was not overlooked that there might be some objection to a form of exemption depending upon the Board's approval of plans in view of their position as a confirming authority, and these various points of view were before the Board for decision when the Committee was set up.

79. In view of the special urgency of facilitating provision for tuberculosis, the Board agreed to insert a new exemption in the model byelaws, clause 2 (*m*) in the urban model above quoted, without prejudice to the general question, which it was directed should be further considered by our Committee. The scope of our consideration of the subject was afterwards enlarged by our being asked to deal with another point, viz., the exemption of dwelling-houses the plans of which were approved by the Board of Agriculture and Fisheries. Thus in effect our reference became a general one, for the question of exempting dwelling-houses the plans of which were approved by the Local Government Board or other central department, under the Housing of the Working Classes Acts, had, as we have already stated, led to our appointment, and apart possibly from some minor exceptions (and apart from the Office of Works, as to whose position see paragraph 88 below) the Board of Agriculture and the Local Government Board are the only departments which under peace conditions approve the plans of dwelling-houses. In the result, therefore, we found ourselves called on to consider the whole question of the exemption of buildings approved by any central department of the Government.

80. We propose to deal first with Board of Agriculture buildings, the issues as to which are comparatively simple, and have moreover been examined recently by a Departmental Committee appointed by the President of the last-named Board. The paragraphs dealing with this matter in their Report, presented in 1913, are as follows:—

Exemption from Byelaws.

"144. It has been suggested that buildings erected by county councils for the purposes of small holdings should, *ipso facto*, be exempt from building byelaws. The device of exemption is one that offers many attractions, and there is a precedent for it in the case of houses built by private landlords under the Improvement of Land Acts. In both instances the plans have to be approved by the Board of Agriculture and Fisheries, and it has been urged that this should be sufficient in the one case, as it is presumed to be in the other. It must be remembered, however, that the existing exemption of houses erected under the Improvement of Land Acts is secured by established practice and not by statute, and that to extend the exemption to buildings erected by county councils would necessitate either special legislation or the amendment of the present building byelaws throughout all those districts in England and Wales where small holdings might possibly be developed."

"145. We doubt if an extension of the policy of exemption on such lines can really be recommended in principle or would prove satisfactory in practice. It would certainly throw a great amount of additional work and responsibility on the central department; moreover, so long as the district council is the authority responsible for the maintenance of the standard of building and sanitation within its area, it appears undesirable to remove from its purview buildings that are of ordinary character, although erected

by a particular authority for a particular purpose. Anything in the nature of exemption in our opinion should preferably be of the limited and conditional character suggested in paragraph 140, thus leaving the actual supervision and control in the hands of those locally responsible and possessing the requisite machinery for exercising supervision with the minimum of difficulty and expense."

Conditional Relaxation of Byelaws.

"140. What would really meet such difficulties would be that, wherever a rural or semi-rural character of development could be assured, a code of byelaws corresponding roughly to the existing rural model should apply automatically. Most small holdings naturally would comply with this condition, while in the case of rural housing generally it could be secured by a definite restriction of the number of houses to the acre—for example, eight or ten. The advantage of this arrangement would be that matters of sanitation, such as the provision of a damp-course, &c., would continue to be subject to inspection by the local surveyor; but in rural areas forming parts of districts where urban byelaws are in force it would be possible for any owner erecting houses on small holdings or building rural cottages, provided he agreed to limit the number to the acre, to exercise the right of building subject to a code of regulations enforcing only minimum requirements, the operation of the general byelaws of the district being automatically suspended."

81. As will be seen, this 1913 Report decides against any new exemption for agricultural buildings, and we felt that it probably should be regarded as conclusive against their existing exemption in the model byelaws also, unless new facts could be adduced.

The question only fell to be considered by us because in 1916 the Board of Agriculture raised it in correspondence with the Local Government Board. The relevant portion of the correspondence is as follows:—

"Board of Agriculture and Fisheries,
"Whitehall Place, London, S.W.1,
16th May 1916.

"Sir, "I AM directed by the President of the Board of Agriculture and Fisheries to forward the enclosed copy of draft clauses which have been prepared for consideration to carry out the recommendations of the Departmental Committee on the Settlement on the Land of Discharged Sailors and Soldiers (Cd. 8182) with reference to the amendment of the Small Holdings and Allotments Act, 1908.

"Lord Selborne would be glad to receive any observations which the Local Government Board desire to offer on the draft clauses.

"I am, Sir,
"Your obedient Servant,
(Signed) SYDNEY OLIVIER,
Secretary."

"The Secretary,
"Local Government Board.

Extract from Draft Clauses sent with the foregoing Letter.

"III. Exemption from local byelaws of buildings erected with the approval of the Board of Agriculture and Fisheries.

"Any building erected by a county council under the principal Act or this Act according to plans approved by the Board of Agriculture and Fisheries shall be exempt from the operation of byelaws made under section one hundred and fifty-seven of the Public Health Act, 1875, or any extension of that enactment."

Extract from Local Government Board's Reply.

"There are no building byelaws in force in a large number of rural districts. In the great majority of rural districts in which building byelaws are in force, the byelaws are based on the Board's rural model which contains only the minimum sanitary requirements and does not contain any provisions with respect to the structure of walls. In other rural districts the byelaws are based on the Board's intermediate model, and such byelaws contain a clause exempting single and pairs of houses from the requirements relating to the structure of walls, where the buildings do not exceed a specified size, and certain conditions of isolation, &c., are observed. It is only in comparatively few purely rural districts that byelaws are in force based on the urban model code which can be regarded as restrictive on building.

"As the Board of Agriculture and Fisheries are no doubt aware, the subject of building byelaws has been under consideration by a Departmental Committee appointed prior to the outbreak of the War. The question of exempting from the operation of byelaws buildings, the plans of which have been approved by a Government Department, was one of the matters

referred to the Committee. The deliberations of the Committee have been suspended owing to the war, but when they resume it is to be hoped that a way will be found to deal with any difficulty arising from restrictive or obsolete byelaws.

"In the circumstances, and pending the result of the consideration of the whole subject by the Departmental Committee, Mr. Long would be unable to support any clause of the kind which would interfere with the operation of the Public Health Acts with respect to the buildings in question."

Extract from further Letter from the Board of Agriculture.

"The Board have noted the observations of the Local Government Board under this head, and they agree that in the majority of cases the byelaws in force in Rural Districts are not such as would hamper unduly the operations of County Councils under the Small Holdings Act. It was felt, however, that if, as the Board hoped, it became possible after the war to make use of some of the Military Hutments for the purpose of small holdings buildings, it might be found that there were byelaws in force which would prohibit their use for housing purposes. It must also be borne in mind that some small holdings properties, particularly those established by the County Boroughs, are situated in urban areas, which presumably are subject to byelaws of a more severe type than those in force in rural districts. In view of the fact that buildings erected with the sanction of the Board under the Lands Improvement Acts are exempt from local byelaws it did not seem unreasonable that exemption should also be granted to buildings erected with the Board's approval under the Small Holdings Act, but as the whole question has been referred to a Departmental Committee, the Board do not wish to press the matter pending the report of the Committee."

82. In order to elicit the views of the Board of Agriculture, we formally invited them to send evidence before us, and Mr. Cheney, their Chief Agricultural Adviser, accompanied by Mr. Webb, their Superintending Surveyor, was good enough to attend.

We have given careful consideration to the views which Mr. Cheney put before us, which were not in agreement with those of the Board of Agriculture Committee above mentioned, but we are unanimously of the opinion that the Committee's conclusion, against the principle of exemption, is the sound one.

In relation to the buildings in which the Board of Agriculture are interested, there was no evidence of actual difficulty except in two areas (*Cheney*, 6902, 6905), in each of which we have ascertained that the byelaws in force were of an exceptional type, and those two specific cases should in our opinion be regarded as tending against rather than in favour of exemption of any special class of building. In the Wrotham case, particularly, if the landowner's cottages had been exempted, attention would not have been drawn to the restrictive character of the local byelaws, whereas in consequence of the publicity given to their character they were in fact amended, to the advantage of all persons building in the district. One reason adduced in the above cited correspondence, that it might be desirable to use discarded military hutments for agricultural housing, was withdrawn in evidence, Mr. Webb stating that they were unsuitable for the Board of Agriculture's purposes except for farm buildings, *i.e.*, not for dwelling-houses (*Webb*, 6970). For other purposes than human habitation the Local Government Board's rural model series allows entire freedom of construction. It provides in clause 2 (b) that any building shall be exempt from even the very moderate requirements of the remainder of the series which—

"(h) . . . shall not be a public building or a building of the warehouse class, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade or business, and which if intended for use as a pig-stye or a cow-house shall be detached from any dwelling house."

Mr. Cheney's evidence, moreover, and the documents put in by him, show that the specifications, &c., of the Board of Agriculture upon which plans are sanctioned under the Improvement of Land Acts are by no means slight. They are in fact appreciably more stringent than the rural model byelaws of the Local Government Board (*Cheney*, 6910). In some respects they are more stringent than the urban model byelaws. This fact is most significant; it shows on the one hand that the standard suggested by the Local Government Board for enforcement under penalty is not excessive (for it is less exacting in some respects even for urban areas than the Board of Agriculture enforce within their jurisdiction in the most rural conditions), and on the other hand that there will, when machinery is once set up for removing byelaws of a type more stringent than the appropriate model, be no practical advantage in continuing the existing exemption or granting any new exemption in favour of buildings erected according to plans approved by the Board of Agriculture. On abstract grounds only two arguments were, or perhaps can be, adduced in favour of the exemption of these buildings; that the passing of plans by the local authority is a needless complication where they have to be passed by a Government Department (*Cheney*, 6923), and that it is anomalous for a county council to have to submit plans to a district council (*Cheney*, 6900).

We shall deal more fully with the former reason later, but may just say here that it seems to us the Board of Agriculture cannot and should not attempt to take upon themselves the responsibility for the securing of the public health, with all which that implies.

There remains as regards small holdings cases the possible objection on the part of the county council to submitting plans to a district council. In so far as this is not a purely sentimental objection, it is based upon the presumed greater competence of the county council's staff (*Cheney*, 6925), but we do not think this can be allowed to outweigh the disadvantage of eliminating the jurisdiction of the authority appointed to administer the Public Health Acts, and acting under the supervision of the central Health Department.

83. We therefore recommend—

- (a) That the proposed exemption of buildings erected by public bodies according to plans approved by the Board of Agriculture and Fisheries be not granted;
- (b) That the existing exemption of buildings erected by private persons according to plans similarly approved be brought to an end.

84. When we pass on to consider the exemption of domestic buildings the plans of which have been approved by the Local Government Board, particularly under the Housing of the Working Classes Acts, we find that the question, partly for historical reasons, is not such a simple one. For the present position we may refer to the evidence of Mr. Dickinson, the Board's Comptroller of Housing and Town Planning, where, in answer to questions 977 to 980, he mentioned six points as those in which byelaws had been found to cause difficulty in housing schemes, and stated that "these are all matters as to which the Board's model byelaws have been considerably relaxed from time to time, except possibly that of the intercepting trap in house drains, and even there the Board have in special cases where application has been made to them introduced a proviso to the ordinary clause to meet that particular difficulty"; and again, "I am not able to point to cases where byelaws, if based on the more recent codes, have proved unduly burdensome in regard to the provision of houses for the working classes." Of course, byelaws are not always based on the more recent model codes, but we suggest elsewhere machinery by which they can be required to be brought into line with them better than has hitherto been possible.

85. We have already said that when the 1877 model code was framed the Board were invited to include a provision exempting buildings the plans of which had been approved by them. Such buildings at that date would not be dwelling-houses, and, in relation to the buildings then in question, the Board held that it was unlikely that they would be desired to be built so as in any way to infringe the byelaws. Little occurred to contravene this view for more than twenty years, but with the new century the position altered. It is well known that the years from 1901, when the Board's rural model was first issued, to 1905, when the intermediate appeared, and still more from 1905 onwards, were a time of much anti-byelaw agitation which reached its height perhaps about 1907-8. It was often overlooked that these models had been published, nor was it always recognised that the urban model had been subjected to a continuous process of alteration in the direction of less stringency, and an outcry, which was primarily aimed against the then existing series in force up and down the country, and especially in rural districts, was also to some extent turned against the current models.

86. Section 44 of the Housing, Town Planning, &c., Act of 1909 was in a sense, in that it purported to give to the Board a power of revoking byelaws in certain circumstances, a statutory recognition of the attempts made by them since the beginning of the century to secure less stringent byelaws, but, as we have seen, the section did not secure its object, and the possibility of byelaws causing an impediment to housing was generally accepted in Parliament, when in 1911 a private member's Bill was introduced to deal with the housing of the working classes. That Bill contained a clause as follows:—

"6.—(1) For the purpose of carrying out any particular improvement scheme under Part I. or reconstruction scheme under Part II. of the principal Act, a local authority may, with the consent of the Local Government Board, relax or modify to such extent as they deem expedient any byelaws with respect to streets and buildings.

"(2) The consent of the Local Government Board under this section shall not be given unless the Board are satisfied that, notwithstanding any such relaxation or modification of byelaws, sufficient provision is made for the proper circulation of air and for ventilation and for other sanitary requirements."

It is at this point that the history of the attempt to secure the exemption of working-class dwellings erected in accordance with plans approved by the Board may really be said to have begun, Lord Hylton's Bill of 1905 having been drawn on other lines (*see* evidence of Mr. Dolton, question 69, and Sir Wm. Chance, question 1038, and paragraph 58 of this Report).

It will be seen from sub-clause (2) of clause 6 of the 1911 Bill that the relaxation was, in effect, not to go below the standard of the rural model series, and that the clause as first introduced only applied to improvement and to reconstruction schemes (Parts I. and II. of the Housing Act of 1890) and not to Part III., that is, ordinary housing schemes. When the Bill was re-introduced in 1912, Part III. schemes were included, but the clause was otherwise the same as in the 1911 Bill.

87. In 1912 the Bill went to a Standing Committee, and before the Committee stage was reached Mr. John Burns, then President of the Local Government Board, who was opposing several provisions of the Bill, decided to accept the principle of the clause set out above, subject to its being altered so as in form to follow section 3 of the Education (Administrative Provisions) Act of the year before, the exemption still applying only to schemes which local authorities promoted. The education section has been already quoted (paragraph 76), but it should be pointed out that the precedent is not exact, inasmuch as the education section does not apply to dwelling-houses, i.e., it is a precedent for exemption of public buildings only.

The clause in this shape became common ground between the Government and the promoters of the Bill.

88. The next step was that the promoters put amendments down to extend exemption to housing schemes approved by other Government Departments (notably the Board of Agriculture and the Office of Works, who act as expert advisers to the Public Works Loan Commissioners, thus covering schemes of public utility societies financed with public money), and in certain circumstances to schemes privately promoted if certified by the local authority to be urgently required. Mr. Burns promised to consider this, and the result was the re-drafting of the clause by the Government, to concede substantially what the promoters wished as regards schemes publicly financed, subject to the duty of examining and approving plans for the Public Works Loan Commissioners being transferred from the Office of Works to the Local Government Board.

Mr. Burns was not willing to accept the further suggestion in favour of housing schemes privately financed and the matter rested at this stage when the Session ended.

89. In 1913 and 1914 the Bill was introduced again by other private members (the clause in question being altered with the intention of extending the exemption to the private builder if the Board approved his plans) and in 1914 the new President of the Local Government Board, Mr. Herbert Samuel, said on second reading "With regard to clause 6, which deals with the relaxation of byelaws; that puts on the Local Government Board the duty of going into the merits of every case of relaxation of byelaws throughout the whole country in any town where new houses are built by almost anyone. That, of course, is a task which the Board could not undertake" (*Hansard*, 20th March 1914, column 2465).

And later on he said—

"In spite of the circulars of the Local Government Board, and the exhortations to the local authorities, many authorities have far too rigid and, in many cases, obsolete byelaws . . . The whole question is one of great complexity, and my right hon. friend, the Parliamentary Secretary to the Local Government Board, has accepted the duty of acting as Chairman of a Departmental Committee which I am now setting up to go into the whole question of local (building) byelaws, and, after consideration of all interests concerned, to make proposals for legislative and administrative action" (*ibid.*, col. 2469).

The Bill fell to the ground because the Government did not agree with the promoters on certain of its main proposals, and the byelaws clause fell with it; it was thus left to us to consider the question of the exemption of domestic buildings erected in accordance with plans approved by the Local Government Board, as well as the parallel questions of the exemption of public buildings of which the plans are approved by them, and the exemption of buildings of which the plans are approved by the Board of Agriculture.

90. Some of the reasons against the clause were stated at this stage in a communication made to our then Chairman, Mr. Herbert Lewis, by the London District Surveyors' Association, who expressed the view that "approval of plans neither assures that buildings will be erected in accordance with the plans, nor that the buildings will be soundly constructed." This objection appears to be aimed rather at the full exemption sought by the promoters of the Bill, but they also took another point to which we feel the greatest weight deserves to be attached. They said—

"A very large number of houses for the working classes are erected by private enterprise independently of any scheme. The clause would have the effect of penalising these by allowing a special privilege to buildings erected under any of the schemes mentioned in the clause, which privilege would not apply to buildings erected by private enterprise. This would have the effect of crushing private enterprise, and so reduce the supply of buildings."

91. This brings us to a point which we do not think was mentioned in the debates upon the Bill. It will be seen that Mr. Herbert Samuel put aside as an impossibility the examination of all plans by his Department, that is to say, of all for which exemption might be sought from old fashioned or existing byelaws. On the other hand, as between different classes of schemes financed with public money it was felt by his predecessor that no distinction could be drawn. Thus the privilege of exemption, denied to private builders, would have to be extended to public utility societies using money obtained from the Public Works Loan Commissioners. There is, however, a large amount of housing done by public utility societies (and those not the least enterprising and successful) who do not go to the Commissioners, as they prefer to raise funds in the open market. These cannot, for our present purpose, be differentiated from the private builder, and their existence is a further argument in favour of the view advanced by the District Surveyors' Association.

92. We have already referred in paragraph 84 to the evidence of Mr. Dickinson as showing that, whatever may be the case where the byelaws in force are obsolete (and even here he stated that the difficulties found have only been in certain matters), byelaws based on the more recent model codes have not been unduly burdensome in connexion with schemes under the Housing of the Working Classes Acts (*Dickinson*, 980). Such difficulties as have been due to byelaws would disappear "in the majority of cases . . . if the byelaws in force were amended to follow the latest model" (*Dickinson*, 975), and this rather than exemption seems to us to be the proper remedy. We have also pointed out, in paragraph 82, that the exemption from byelaws of a particular scheme of housing not only confers an unfair preference on its promoters, but may cause the existence of obsolete byelaws to be overlooked, whereas in the absence of exemption such byelaws have to be brought up to date. A local authority which hitherto has neglected to revise its byelaws is unlikely to revise them if its own houses are exempt from their operation, but it may be brought to do so when confronted with the necessity of building under them; as was said by Mr. Dickinson, "the submission of housing schemes . . . has been made the means of securing amendments of byelaws to the general advantage of the community in quite a number of cases" (*Dickinson*, 976).

We cannot put our general view on the whole matter better than in the words of Mr. Dolton, "that control should be confined to essentials, that everybody should be treated alike, and exemption not be given to a particular individual in a particular case" (*Dolton*, 91). This applies whether the buildings are erected by a public authority or by a public utility society, an exemption for which, rather tentatively put forward by Mr. Betham (*Betham*, 2485) and more strongly by Mr. Soutar (*Soutar*, 6116, &c.), we reject for the reasons we have given, considering that the object sought, by whomsoever the houses are erected, can be more properly attained by bringing byelaws up to date on the lines of this Report.

93. Although not specially asked to do so by the Board, we have felt it was inevitable, in view of the conclusion we have reached, that we should pay special regard to the conditions which are likely to prevail immediately on the termination of the War. The Government are proposing measures of an exceptional kind to meet the shortage in housing accommodation, and the question was raised by certain of our members whether, on the ground that time must be allowed for the remedial measures which we recommend for bringing byelaws up to date to take effect, we should recommend that in the transition period following the termination of the War houses for the working classes, proposed to be erected as part of the Government housing scheme according to plans approved by the Local Government Board, be exempt from byelaws, should the Board upon consideration think it necessary. To grant any such exemption would be contrary to sound principle as we conceive it, and could only be justified, if at all, as an exceptional measure; and, in view of the comparative simplicity of the amending legislation required to give relief, we do not consider it necessary to recommend emergency powers.

We think instead that reliance should be placed upon the wider powers which we recommend should be given to the Local Government Board in place of the existing powers of section 44 of the Housing, Town Planning, &c., Act, 1909, as, if the local authority fail themselves to take into immediate consideration the question of amending any byelaws they propose to contravene, the Board will be able to take action so that it shall be possible in the proper way, i.e., through rescission of the offending byelaws, for other persons to enjoy the same advantages as would have been gained by the short cut of exemption. Every encouragement should, it is agreed, be given to private enterprise in the housing of the people, and it seems to us to be undesirable that private builders should, in the words of the District Surveyors' Association above quoted, be penalised by having to comply with obsolete or unnecessary byelaws from which schemes, publicly promoted, have obtained exemption.

94. Upon the topics considered in this chapter as a whole we recommend—

- (1) that no new exemption for buildings erected according to plans approved by a central department of the Government be given;
- (2) that the present exemption for buildings erected under the Improvement of Land Acts be deleted from the model byelaws and, as local byelaws are revised, be gradually swept away;
- (3) that the other exemptions now embodied in the model byelaws, in the common law, or in Acts of Parliament, though some of them at least are contrary to principle, need not be drastically altered, but that the Board should give serious consideration, with a view to their abandonment, to the few in favour of buildings with which they are concerned, and should enter into negotiations with the other Government Departments interested with the object at least of no longer continuing any exemptions which, in the words of the Board of Agriculture Committee we have already quoted, "remove from the purview of the local authority buildings that are of ordinary character, although erected by a particular authority for a particular purpose";
- (4) that any exemptions which continue be, if possible, so framed as to secure compliance with byelaws as to drainage, as to lines of building (see paragraph 69 above) and any others which the Board may be advised ought to apply even to exempted buildings.

CHAPTER VI.

Control by Local Act.

95. Our attention has been drawn by several witnesses to the extent to which local Acts overlap the byelaw-making provisions of the general law and, as we stated at the beginning of Chapter I. of this Report, we have felt that this was a topic clearly within our terms of reference which we could not exclude if we wished to do so. Full information on this subject will be found in the evidence of Mr Knight. It must be remembered that the statutory provisions under which byelaws can be made (though in need of codification and amendment) and the byelaws made accordingly are only one part of the mass of legislation by which Parliament has sought to control building and development. There are in addition many sections in public general Acts of Parliament, and an immense number of local Acts wholly or in part controlling it, and the latter are responsible in the areas where they apply for wide divergencies both from the general law of the country as a whole and from the special law of other districts similarly governed. For example, Leicester has scarcely any byelaws (*Pick*, 5705), there being apparently eight local Acts (of twenty-five in force) which deal with matters within our terms of reference, the principal of these eight having been passed so long ago as 1868. Liverpool, similarly, has an even greater number, and there a large part of a Building Act of 1842 is still in force.

96. We have already spoken of the process by which this has come about in paragraph 12, in discussing the growth of the general Public Health Act system, and we now pass to consider more particularly the present overlapping of that system and that of local legislation. There are two main directions in which overlapping has occurred. The less serious is when a power to make byelaws is given to a local authority with respect to matters which are not the subject of byelaws under the general law (*Dolton*, 87, 315), or to meet special local circumstances. In so far as this is due to the latter cause it does not seem to us to be open to objection, but for the most part we understand that such powers have been rendered necessary by the existence of gaps or deficiencies in the general powers of the Public Health Acts such as those to which we have referred in Chapter II. The gaps have been filled in this way by local authorities who either were more zealous than their neighbours, or happened to be promoting Bills for other purposes (*Dolton*, 149; *Knight*, 2793).

97. A much more serious conflict between the general and the local law arises in those localities where matters, which ordinarily and naturally are the subject of byelaw control, have been made the subject of direct statutory provision or of discretionary control in a local Act. In a good many towns (e.g., Leicester and Liverpool, already mentioned; Bradford and Keighley (*Knight*, 2800)), particularly those which were most active in obtaining some measure of sanitary regulation before the general Acts as to Public Health were passed, there survive special statutory provisions which cannot be amended with the same facility as byelaws, are likely at the present day (if only because many of them go back to the days before the Public Health Act, 1875) to be obstructive or inadequate or both, and at the best have the effect of preventing similar matters being dealt with by byelaws in the ordinary way (*Dolton*, 126; *Sutcliffe*, 1874; *Knight*, 2762). Thus where, as in the borough of Shrewsbury, Parliament has laid it down that no street may lawfully be less than thirty-six feet in width, it is obvious that the corporation cannot make, nor could the Local Government Board allow, byelaws permitting a less width upon conditions, such as are to be found in the model codes and modern series based upon them. We take this case as an example, not because it is in any way peculiar, but merely because it happens to have been the subject of a repealing enactment in the present Session, and because, the circumstances being comparatively simple, it will serve as a good illustration of certain suggestions we shall make for simplifying the machinery for amending local Acts.

Scarcely is it less obvious that, where Parliament has fixed a figure in this way as sufficient for enforcement under penalty in the local circumstances, no subordinate legislative body can say in a byelaw that more shall be required, and thus the rigid limit must remain until Parliament repeals it, with no possibility of variation downwards, or upwards except at the voluntary choice of a person who elects to give more than he is obliged, although he knows that the Act of Parliament prevents his obtaining any countervailing advantages from doing so, such as he would have under the model byelaws as to streets.

98. We understand that the practice of Parliament, embodied in the standing orders for local legislation, is, in the absence of exceptional circumstances which have to be specially reported to the House of Commons, to refuse statutory powers for objects which can be secured by byelaws under the general law (*Knight*, 2737), and further, that it has been in recent years the practice, when powers analogous to those exercisable by byelaws under the general law are sought, to give a byelaw-making power rather than a direct enactment or a discretionary power (*Dolton*, 129; *Knight*, 2808); the object being to secure that the exact requirements with which persons in the locality will have to comply shall be made subject to sections 184 to 186 of the Public Health Act, 1875 (*Knight*, 2738, 2750).

This practice on the part of the Local Legislation Committee seems to us to be a proper one, and we suggest that, in connexion with the codification of the byelaw-making powers of

the existing Public Health Acts which we have already recommended, a review of local Act provisions should be undertaken by the Local Government Board with the object of providing, firstly, that the powers embodied in the more valuable of the common form clauses in local Acts shall become exercisable (so far as possible by means of byelaws rather than by direct enactment) under one general Act (*Abrahams*, 4625 ; *Elford*, 4732), and, secondly, that any gaps which it might seem probable that local legislation would be called upon to fill in future should, so far as possible, be stopped up in advance by an extension of existing byelaw-making powers.

Where sections of local Acts affecting building and development remain in force; we consider that they should be printed and made available gratuitously, as if they were byelaws to which section 185 of the Act of 1875 applies. Many local authorities already print and issue such sections in one volume with their byelaws, and we recommend that to do so be compulsory.

99. The Local Legislation Committee themselves have from time to time made recommendations which support ours in regard to local legislation. In 1908, for instance, they reported that :—

"The labours of your Committee have been somewhat lightened, and expense saved to local authorities, by the Public Health Acts Amendment Act of last session, by which many police and sanitary provisions have become part of the general law, and may be obtained by application to the Home Office or the Local Government Board,"

and again in 1914—

"Your Committee also consider that the time has arrived for embodying in the general law a number of clauses which are passed by the Committee very frequently and have now become common form clauses. The last general Act of this kind was passed in 1907 (the Public Health Acts Amendment Act, 1907)."

100. We do not say that all the existing local Act powers are of value. We doubt the usefulness of some of them; indeed, the length of private Bills is largely due to their containing blocks of clauses, which, having in time acquired a "common form," are repeatedly granted as a matter of course; and we were told of one clause which had been granted in this way regularly but had not in fact been used (*Knight*, 2780). Others we are not in a position to appraise, but, broadly speaking, it seems to us that they are powers of a kind which if useful anywhere ought, subject to the proviso that they be given wherever possible by way of byelaw, to be available everywhere without unnecessary obstacles (*Fovargue*, 6355). The Local Legislation Committee themselves have reported to the House of Commons in this sense (*Knight*, 2733, and paragraph 99 above), and if, as we have suggested in paragraph 98, these powers were made available, so far as can be done, by means of byelaws requiring the confirmation of the Local Government Board, the Board would be in a position to advise how far particular powers need be exercised in particular localities, and to give far more consideration to the matter than it is possible for a Parliamentary Committee to give (*Knight*, 2738, 2799). At present, if a local authority goes specially to Parliament and gets a byelaw-making power in a local Act, the Board are practically precluded from objecting to its exercise, because they are bound to presume that Parliament has satisfied itself, before granting powers of an exceptional kind, that the case for granting them had been made out. If such powers ceased to be exceptional, this difficulty would be removed.

101. We understand (*Knight*, 2734) that frequently new clauses are passed subject to a time limit such as we recommend in paragraph 36 for byelaws, and we think it would be well that, in so far as it may not be possible to cast new clauses with respect to streets and buildings in the form of giving a byelaw-making power, such clauses in local Acts, when they still require to be passed, should always be limited in this way, with a power given to the Board by Order (not of necessity Provisional) to extend the time if the clause prove satisfactory in practice.

102. What is the best method of dealing with existing local Act provisions as to streets and buildings is not an easy question. It is clear that many of these ought on merits to be repealed as soon as possible, and the towns now governed by them take their place under the general byelaw system of the country, so far as byelaws can now go, whilst the case for such a transference will be strengthened if the scope of the byelaw-making power is widened as we recommend (*Knight*, 2733; *Fovargue*, 6371; *Platt*, 6775; *Lancashire*, 6981). When local Act provisions are retained it is obvious that they ought to be consolidated, as the Local Legislation Committee have recommended in past Sessions and again in their Report this year. Local Acts have this advantage over general statute law, from the point of view of revision when the need arises, that they can be altered by Provisional Order (*Knight*, 2752), so that there is no question of finding parliamentary time. The Provisional Order is settled by the Local Government Board, a public local Inquiry having invariably first been held, and if the confirming Act is unopposed (as in matters within our terms of reference it almost always is) it may be said to pass through Parliament automatically, and there need be no trouble or expense (*Knight*, 2758; *Fovargue*, 6392).

A number of such orders have been made, and gradually local Act areas are by this means coming into line with the Public Health Act system of control of new streets and buildings in

the country generally, the occasion usually being that the local authority have found that the provisions of their Act are less flexible, or in some way less desirable, than byelaws—which, as explained above, they cannot make while an overlapping section of an Act remains in force. The extension of the scope of the byelaw-making power should greatly accelerate this process.

103. It may be said that, as local Acts are so frequently open to objection in a greater degree than even the older codes of byelaws—so much so that in many cases local authorities who had obtained them have been obliged to move for their repeal, often with a view to substituting byelaws (*Knight*, 2758, 2763)—provision should be made for their compulsory repeal, especially if it be the case that local authorities, instead of promoting a Provisional Order when necessity is shown, sometimes prefer to wait until they have an accumulation of matters waiting to be dealt with, in order to put them all into one Bill (*Sutcliffe*, 1873).

But while Parliament has already accepted the principle of the compulsory repeal of byelaws, in passing section 44 of the Housing, Town Planning, &c., Act, 1909, the compulsory repeal of statutes by any authority less than Parliament itself would be almost a new departure (*Knight*, 2746). Provisional Orders cannot now be made for repealing local Acts, wholly or in part, except on the application of the local authority concerned (*Knight*, 2761), and we do not think a suggestion that local Acts might be repealed without an application from the local authority would be accepted, although it had the individual support of one of the witnesses from the Association of Municipal Corporations, at least to the extent of empowering the Local Government Board to initiate a Provisional Order without the local authority's assent if they had a substantial demand from the locality to do so (*Fovargue*, 6360). Local authorities who have gone to the expense of obtaining statutory powers in the past and now enjoy in some cases exceedingly wide powers, would not be willing (though there may not always be any adequate reason for objection (*Platt*, 6780)) to see their local Acts swept away without consent (*Knight*, 2839). It would be necessary to allow them to oppose before a Parliamentary Committee any Provisional Order for the purpose (*Fovargue*, 6363) so that the procedure would lead to expense and irritation without any countervailing advantage over the method now in force. There seems, however, to be no objection to the substitution of simpler machinery than any which exists at present for the voluntary surrender of local Act provisions. We have said that we hope to see a considerable quickening of repeals by Provisional Order as the result of widening the scope of byelaws, but even this process is not free from some delay. In the first place, confirming Bills are only taken by Parliament up to Whitsuntide in any year, and therefore unless the local authority decide by (approximately) Easter to promote a Provisional Order there is not time to comply with the procedure laid down by statute and the standing orders of both Houses (*Sutcliffe*, 1873; *Knight*, 2759).

104. We do not think that there should be any difficulty in accelerating this procedure. As only a small percentage of Provisional Orders is opposed in Parliament, it seems that the procedure leading up to them is so effective, for the purpose of securing the assent of all the parties interested, that many come before Parliament only as a technical formality. Of Orders made by the Local Government Board, excluding Orders relating to the extension of boroughs or the constitution of county boroughs, the percentage opposed for the ten years 1906-1915 was 9, and, of Orders made by the Board of Trade, no more than 12·7. Departments of State have, moreover, often received in recent years authority to make not only Provisional Orders, but Orders which have the force of law without enactment or confirmation by Parliament. Such Orders may take effect unconditionally, or after they have been laid before Parliament for a prescribed period, or, lastly, in the absence of declared opposition.

An Order of the last class is, in its original form, a Provisional Order, and may ultimately require to be treated as such, but if there is no opposition it takes effect without any confirmation.

Where it is a question of getting rid of requirements governing new streets and buildings which either are obstructive in themselves or overlap, and so prevent the use of, Public Health Act powers, we see no reason why Parliament should not be asked to authorise a substantial extension of this system. Indeed, where the object is, as in the cases with which we have been dealing, merely to remove a local Act section in order to replace it by a byelaw, we recommend that the Order, which *ex hypothesi* will have been promoted by the local authority concerned and been made the subject of a public local inquiry, might have unconditional and immediate validity.

105. There is another point, however. To come to the Local Government Board first for a Provisional or other Order and then for confirmation of new byelaws, to take the place of the requirements which the Order is intended to repeal, is a double-barrelled process analogous to that (for obtaining powers) to which we have already objected in paragraph 14 of our Report, and we think it would be well, in addition to adopting the foregoing procedure, to introduce a further simplification, to which Parliament itself has already pointed the way in section 3 of the Public Health Acts Amendment Act, 1907. That Act, which as we have already stated comes into force only by Order of the Local Government Board, contains provisions empowering the Board to attach to the putting into force of any section a condition repealing or altering any section of a local Act, and the Board have very properly used this

power freely, as will be seen upon inspection of the schedules to the Orders they have made. We may remark, in passing, that these Orders are not Provisional; that is to say, they form in this respect a precedent for the second suggestion in the above paragraph (104) of our Report.

It may be mentioned that our proposals receive additional support from the Report of the Acquisition of Powers Sub-Committee of the Reconstruction Committee (Cd. 8982, 1918).

106. By a further extension of this process, we think it would be well to enable the Board, at the request of the local authority concerned, to include in the certificate by which they signify their confirmation of a series of byelaws under the general law, provisions repealing any section of a local Act which they consider to be an obstacle to the making of any byelaw in such series and a proper subject for repeal in this way. Where the Board thought it desirable, either because the local Act section was of some potential value or because some new principle seemed to be involved, they could, of course, require the repeal to be effected by the new type of Order which we recommend or even by Provisional Order under the existing law, but to illustrate the technical and dilatory character of the procedure which is now required we may refer in some detail to the Shrewsbury case already mentioned.

The Corporation desired the Board's sanction to a loan for a scheme of housing for the working classes, which it appeared could not legally be carried out because, of certain obstructive byelaws as to streets made in 1877, and in order to secure such sanction undertook, by formal resolution, immediately to adopt byelaws as to streets based upon the model clauses. When the draft of these new byelaws was before the Board it was discovered that there was in force a section in a local Act, passed in 1855, which required all streets within the Borough to be of a width of thirty-six feet at the least. This section had already been forgotten when the byelaws of 1877 were adopted, but its mere existence invalidated any provisions in those byelaws inconsistent with it, and, of course, prevented the making of new byelaws allowing a less width than it prescribed. The Corporation on discovering this obstacle at once petitioned the Board to make a Provisional Order to remove it, and this has been done. But to do so involved, as the law now stands, the needless machinery of a formal resolution and petition, an Inspector's visit, the making of the Order, and its submission to Parliament for confirmation, which took place in the present Session.

Had the local Act section been discovered a month or six weeks later the matter must, as already explained, have stood over till the following year, and with it the making of the new byelaws which the Council are pledged to make to legalise the laying out of streets on modern lines. If the method which we suggest had been in force, the repeal of the local Act section could have been included in the certificate of confirmation of the new byelaws by which the old byelaws were repealed. All needful publicity would have been secured in the advertisement of the new byelaws, which in any case will be required under section 184 of the Public Health Act, 1875, and it would have been unnecessary for the Board's Inspector to go down to Shrewsbury and hold a formal inquiry, at which there was not, and was not likely to be, any opposition, for the reason that the whole matter was technical and of no public interest. Thus a delay of months (or, but for the good fortune which disclosed the forgotten Act in time, of a year or more) would have been avoided.

107. We think local authorities should have the option of exchanging (so to speak) worn-out statutory powers for new byelaw powers in this way, when we believe many of them will, given the extended scope of byelaw powers which we recommend, be glad to avail themselves of such facilities, to the great advantage of their constituents and of all persons connected with building and development.

CHAPTER VII.

Enforcement of Byelaws and of Byelaw-making.

108. It will have been observed from the statement of the existing position in Chapter I. of this Report that it is optional whether a local authority shall make any byelaws with respect to streets and buildings. The policy of Parliament embodied in the Public Health Acts has been to allow those authorities who thought they needed byelaws to proceed to make them, leaving other districts free, and we understand that, following the policy of Parliament, the practice of the Local Government Board has always been not to urge that byelaws be adopted unless they had evidence before them (in the reports of Medical Officers of Health, or their own Inspectors, for example) showing special circumstances. The policy of Parliament was due to the process, mentioned earlier in this Report, by which the Public Health Acts have grown up. When the simple plan of allowing local legislation in the shape of byelaws took the place of the expensive one of passing special Acts, it was natural that the initiative should still be left with the local authorities as it had been before, and that it should be assumed that a district the local authority of which did not make byelaws did not need them. But however natural may have been this policy of Parliament, and whether or not it was right at the commencement, it is a question whether it ought now to be maintained (*Carruarth, 742; Dickinson, 1002; Willis, 4297; Abrahams, 4541; Betham, 4641; Morgan, 5314; Barralet, 5672*)

Even witnesses from Societies representing distinctly the rural interests of the country, such as the Rural Housing Organisation Society, the Central Chamber of Agriculture and the Land Agents' Society, were clear on this, whilst on behalf of the British Empire Producers' Organisation it was suggested that the cost of building would be lessened by the adoption of byelaws on the model lines in districts where none are in force, as the establishment of a legal standard would show the needlessness of some customary practices (*Betham*, 4642). The rural model code is so entirely unrestrictive that it at least ought to be in force in every district; indeed, we have had suggestions that in some particulars it should be made more stringent. Even the intermediate and urban models are not a whit too stringent for the classes of area for which they are respectively designed, and we have had witnesses of wide experience, even from the building trade (*e.g.*, *Waring*, 4992; *White*, 6708, 6723), who would like to include in these models also additional requirements which the Board have thought unnecessary. We have already spoken of the diversity of building law in different districts, and with this especially in view we were at one stage of our inquiry attracted by the suggestion made to us by Colonel Le Roy Lewis, and more fully explained by Mr. Sutcliffe, who advocated a single code of byelaws for adoption in all districts, subject to necessary local variations to meet, for example, differences of climate, and with further variations according to the nature and density of the development (*Le Roy Lewis*, 1690; *Sutcliffe*, 1997, &c.). This is an application and extension, such as we advocate in paragraph 30 above, of the principle of clause 5 in the intermediate model series, and as the operation of this plan would be absolutely automatic there is something to be said in favour of it. Nevertheless upon consideration we have come to the conclusion that it would involve a good deal of trouble to architects and builders, local authorities, and inhabitants of areas which were not in need or likely to stand in need of the stricter clauses, particularly those (220 in number at the opening of our inquiry) who have not had byelaws hitherto of any kind, that such a single code with alternatives automatically operating would be exceedingly complex (*Abrahams*, 4516), and that on the whole it would involve perplexity and changes in established methods which it is unnecessary to introduce (*Morgan*, 5550). Some consideration is due, we think, to the country builder (*Le Roy Lewis*, 1676), and for his sake, if no other reason, we prefer to see the building code kept as simple as it can be, a process certainly aided by the tripartite division into urban, intermediate, and rural (*Keen*, 4915). We think the desired result could be instead achieved by the following plan.

109. In the first place, let every district have at least a minimum code of byelaws. There are many authorities who have not made byelaws hitherto, even on pressure from the Local Government Board, that is to say (bearing in mind what we have already mentioned as to the Board's policy) even in cases where such byelaws were most clearly necessary on sanitary grounds. We do not think any appreciable number of authorities would refuse to carry out a statutory direction that byelaws should be made, but there might be some cases of default, and we suggest these should be met by giving the Board power to declare by order that certain byelaws should come into force and take effect as if made by the authority. There is a precedent for the form of this in section 44 of the Housing, Town Planning, &c., Act, 1909. We shall then have taken the first step which will ensure that plans of all new buildings are deposited with the local authority.

110. The second step is not so easy, namely to secure that the provisions so put into operation shall be enforced. But just as we consider that the number of authorities who would disobey a statutory direction to adopt byelaws for their districts would be small, so we think the number would be smaller who would deliberately neglect to enforce the provisions which had been put into operation by the Board (*Jenkins*, 3752; *Fovargue*, 6534). To provide for this contingency, however, we think the Board's existing powers under the Public Health Acts might be strengthened, on the lines, for example, of enabling them to appoint the County Council to execute the byelaws. There is no new principle involved in this, as the Board already have the power to nominate a person to act in place of a defaulting local authority in other matters, and in London the power of appointing the County Council to enforce byelaws in default of the borough council is expressly given them by section 101 of the Public Health (London) Act, 1891.

111. It seems to follow, once it is granted that some byelaws ought to be everywhere in force, that steps should be taken to secure that they are adequate and are strengthened as required. (We have already dealt, in Chapter III., with the converse problem of seeing that those which have become too stringent are repealed.) The original byelaws in a district hitherto without them would naturally be in most cases in the rural form, but if our suggestion is adopted of equal statutory powers for all authorities, it will be easy to secure that they are graduated according to the character of the area (rural, intermediate, or urban), judged by the state of its development, and not according to its governmental designation as a rural or an urban district (*Le Roy Lewis*, 1676; *Earle*, 4067; *Lipscomb*, 4116). There is no reason why a rural area which happens to be in law an urban district should not have (for what it is worth, since we have already said that with the modern improvements even a full code of byelaws contains no unreasonable restrictions upon building) such a reduction in the standard of control as is represented by substituting a rural for an urban code of byelaws, and there is every reason why an urban area, though called a rural district, should have the urban or intermediate byelaws which it needs. The same considerations apply to parts of districts; given

an ascertained boundary, there is no reason why one part of a district should not have byelaws different from another (*Lipscomb*, 4123); this, indeed, has quite frequently been done (*Dolton*, 38), and we are anxious for local authorities to realise that it can be done and that it is encouraged by the Board. In the rural district the most obvious boundary is that of the contributory place, and it would probably be convenient for the sake of certainty to adopt this even at the cost of including (for example) a truly rural portion of a contributory place in the ambit of urban or intermediate byelaws. In speaking of a rural district or a rural area in what follows we must be understood as referring to a portion of a district or even a portion of a contributory place, where necessary, the principle we are making being equally applicable whether it is all or a part only of a district which is in question.

112. Starting with the simplest case, a purely rural area, with the hypothesis that the local authority have adopted a purely rural code, we are faced with the problem of what should be done if unforeseen development takes place (*Dickinson*, 1287; *Sutcliffe*, 1992). In the colliery areas a new pit may be sunk, or in other districts a factory may be put up, and it is conceivable that urban development of the worst character might be sprung upon the district through the absence of the controlling force of urban byelaws (*Earle*, 4205; *Morgan*, 5354).

We see no reason to doubt, as regards the majority of district councils, the accuracy of the view expressed before us by the representative of the Rural District Councils' Association, who said that a Rural District Council usually would be prepared to take steps to meet this danger, and adopt more comprehensive byelaws as soon as they found the need to do so (*Morgan*, 5545). But it is just possible, as was suggested to us on behalf of the Land Agents' Society, that a Council might connive at building of an improper or at best an ill-considered character, rather than risk losing the advantage to the district of the proposed industrial development (*Lipscomb*, 4257). We are told by members who are familiar with Canada that this has actually happened in that country, with disastrous results. And a greater danger is that the commercial interests would be too rapid for the present machinery of local government, and to meet this possibility, as well as that of negligence or deliberate inaction, we think some further machinery should be devised.

113. We have already suggested the means by which the local authority will have under review plans of all buildings proposed to be erected, and we think the further machinery required can be built up as follows:—

- (1) Require every local authority to keep a simple record, in a form to be prescribed, of the plans submitted to them, and to make returns at such intervals as the Board require of the number of such plans and whether they were for dwellings or factories, &c. These returns, which are now being made to the Ministry of National Service for another purpose, would be simply a numerical statement and would involve the council in no trouble or expense.
- (2) Give a specific right to the County Council, to the parish council or parish meeting of any parish in a rural district, and elsewhere to any four inhabitants, to represent to the Local Government Board that the district had reached or was likely soon to reach a stage of development in which more comprehensive byelaws were required. These are the same as the persons entitled by section 10 of the Housing, Town Planning, &c., Act, 1909, to complain to the Board of a failure by a local authority to exercise their powers as to the housing of the working classes.
- (3) Empower the Board, upon a representation as aforesaid, or upon examination of the periodical returns of plans, or the Medical Officers' reports already furnished to them, or upon representation by their own Inspectors, to require the adoption by the local authority of such byelaws as will meet the case, or in default (which we think would be extremely rare) to put in force such extra byelaws (*Lipscomb*, 4260).

In this way the chain should be complete, and the district would be reasonably safeguarded against the sudden growth of unwholesome conditions of development. The immigrant industrial builder would know that the more urban the character of his proposals the more stringent would be the obligations which would be imposed upon him, and would thus have a direct motive to proceed on hygienic lines. Thus the object of Mr. Sutcliffe's suggestion, to which we have referred, would tend to be attained, though not quite in the way that he suggested.

114. We have referred to the enforcement of byelaws in relation to the enforcement of the whole code in operation in a district, and this may be the most convenient place to speak of the enforcement of particular clauses. Instances sometimes come to light, and some have been mentioned in evidence before us, of failure by a local authority to enforce its byelaws (*Sutcliffe*, 1857; *Lipscomb*, 4131; *Hoare*, 4994). It is obviously the duty of every administrative body to carry out the law, and the duty of so doing is all the stronger morally where the body is one which (like a local authority) has the power by an amending byelaw to modify any provision which is found in practice to work badly. The local authority, that is to say, has a proper means ready to hand of redressing any grievance due to an unnecessary byelaw, and has no moral right, as certainly it has no legal right, to take the irregular course of not

enforcing it. Failing to secure compliance with its byelaws is, of course, most reprehensible when the authority is itself building, when, that is to say, it reaps itself the benefit of non-compliance.

115. As the law stands a local authority is not in practice compellable to enforce its byelaws if it chooses to ignore its duty; the Local Government Board have, under section 299 of the Public Health Act, 1875, which gives them certain powers to require the enforcement of the Public Health Acts, no power to require it to do so, and a defaulting authority has therefore a free hand. We presume that mandamus would lie to compel a council to do its duty in this respect as in any other, but there appears to be no direct authority for this as a general proposition, and mandamus is, anyhow, not a remedy which in practice the ordinary ratepayer can use. The cure for the existing immunity lies, we think, in an extension of the power of prosecution. At present no person other than the local authority can, without the consent of the Attorney-General, prosecute for breach of byelaws unless he is "aggrieved" (section 253, Public Health Act, 1875), and as the fact of being an aggrieved person is most difficult to prove in relation to the breach of a law designed for the protection of the public and not of private interests, the power of private prosecution is inoperative.

116. We therefore recommend that the County Council (following section 100 of the Public Health (London) Act, 1891) or any ratepayer or inhabitant of a district be empowered to take proceedings for breach of a byelaw if the authority of the district, on demand formally made to them, refuse to do so; that the limitation of time within which proceedings may be taken should run from such demand; that if the proceedings are successful the person who has demanded that proceedings shall be taken, and on the refusal of the local authority has taken them himself, should get from the local authority any costs not paid by the defendant, and that if he is unsuccessful he should be recouped by the local authority, if the Local Government Board certify that the proceedings (though unsuccessful) were reasonably taken.

CHAPTER VIII.

Byelaws in relation to Town Planning, and to Special Areas.

117. Our reference is confined to byelaws and regulations under the Public Health Acts and local Acts of parallel scope, and questions of town planning are beyond its terms except in so far as the public health and town-planning systems overlap. But the two systems are logically so closely connected that many witnesses have spoken of town planning, and we have not felt it possible definitely to check their doing so. The English law has approached these questions from two different angles. On the one hand it has safeguarded the public health and other objects (such as stability and security from fire) which for convenience have been put into the Public Health Acts, by machinery designed as a brake on individual licence, assuming that individual enterprise would supply the motive force; on the other hand, it has, in the Housing, Town Planning, &c., Act, 1909, made definite provision for the local authority to plan out the future of its district upon comprehensive lines, marking out in advance the channel along which individual enterprise shall be allowed to flow.

118. We were gratified to note an apparently general belief on the part of our witnesses in the future of town planning, but whilst the complete town planning of the country might, if this were desired, remove the need for any regulations except those contained in town-planning schemes, it appears to us that compulsory, or even general, town planning is not very near.

In the meantime individual enterprise must play its part, and must be subject through the ordinary machinery of the Public Health Acts to checks upon degeneration into licence, and (to come to the particular matter of our reference) must be controlled through byelaws. It is obvious that with two systems existing in this way side by side there is danger both of gaps and of overlapping between the one system and the other, and that so far as possible this danger must be met. In some cases in the past town-planning schemes, or proposed schemes, have dealt with topics which could be dealt with by Public Health Act byelaws (*Dickinson*, 1010); in others they have included provisions analogous to the subjects of a byelaw, which only could not be enacted in a byelaw because of the existing limitations upon the Public Health Act byelaw-making power. The widening of this last-named power, as recommended in paragraph 12 of this Report, should remove the necessity for including in town-planning schemes clauses of this kind. Again town-planning schemes have been used to sweep away, in the town-planning portion of a district, byelaws which are obsolete or otherwise unjustifiable in the district as a whole, although it is clear that where a restriction is unnecessary in the district as a whole, it ought not to be necessary that the machinery of a town-planning scheme should be introduced for its revocation, nor should it be left to vex so much of the district as is not subject to a scheme. It seems to us that the facilities we have recommended, on the one hand for removing byelaws which are obsolete, and on the other for the making of necessary byelaws upon other topics than those upon which byelaws can be made at present, will incidentally relieve town-planning schemes from the inclusion of extraneous matters which, as the law stands, may tend from two directions to be thrust upon them.

119. The last two paragraphs deal rather theoretically with town planning in its relation to the Public Health Act system, but there are two practical points (not necessarily or solely arising in connexion with town planning as now understood, but more conveniently dealt with here than elsewhere in our Report) one of which was brought to our notice by Mr. Sutcliffe, Mr. Lloyd, and others, and the other in particular by Mr. Lancashire. It may sometimes happen that a landowner wishes to develop upon what sometimes are popularly, though loosely, called "town-planning lines," but because his estate is too small for the machinery laid down in pursuance of the Act, or because there are other owners who have to be conciliated, or (if it is a local authority's scheme which is in contemplation) because the local authority are dilatory, or for some other reason, no town-planning scheme is made. In some cases in the past the local authority have agreed to allow the owner to contravene the law in some particulars, recognising that his dispositions were on the whole better than the minimum, or presumed minimum, which the law demands. The cases we are now contemplating are those in which the local authority may have undertaken to carry through a town-planning scheme to modify the law and legalise in future what has been done with their concurrence, but their agreement that they will meantime allow the owner to do what is illegal is, strictly speaking, no protection to him (*Sutcliffe*, 1855). Not only is he guilty of an act which may result in destruction of the work which he has carried out, but the local authority are themselves in strictness amenable to proceedings in the Courts for permitting illegality (*see* remarks in paragraph 115 above as to the enforcement of byelaws). Again, local authorities may change their views, and the agreement of a council to allow a breach of the law does not estop them from enforcing it, if and as soon as they awake to a different sense of their duty in the matter. We do not say that the risk of the taking of proceedings either by a person aggrieved or by the authority itself is very high, but the risk does exist (*Lloyd*, 3833) and is a serious thing to the landowner situated as we have described, especially since the irregularity of his position makes it impossible for him to give security for money he may need to borrow (*Lloyd*, 3849). Moreover (and from the public standpoint this is much more serious) the law itself is brought into contempt if colour is given to the notion that it has to be broken in order to make feasible what may be a better type of development than anything the law demands. Whilst not going too far above the minimum requirements itself, the law ought not to make the highest standard difficult or economically impossible to be provided. We think that a large, probably the largest, part of the difficulty in this connexion will automatically be removed by the machinery we recommend for getting rid of obsolete or oppressive byelaws, since the majority of those remaining will be such as can always and should always be obeyed.

120. Nevertheless more is likely to be heard after the War of a demand for exceptional treatment of estates of sufficient size to allow a process of set off to be brought into operation, a wide arterial road in one place in exchange for one of narrow width where there is no traffic, or other arrangements of that kind, and as Mr. Lancashire pointed out the question has another side (*Lancashire*, 6983). Blocks of land may be in process of development (in the instances he gave it was the private grounds surrounding large houses which had come into the market) which are too small for town planning under the existing law, and yet might well, in the local authority's opinion, be made the subject of some special treatment to secure a better lay out than can properly be demanded under penalty. One objection here is that all such arrangements favour the large owner, and tend to increase the feeling of the small owner or ordinary builder that the law is hard upon him. It is, after all, the small man who, taken in the aggregate, provides most of the development of the country, and it is he who is most hardly hit by the maintenance of obsolete or unnecessary byelaws. Another and more forcible objection is the danger that a local authority may use its byelaws to secure indirectly from the landowner by a bargaining process advantages which cannot directly be required. We have spoken of this in paragraph 31 in discussing the reasons which may move a local authority to retain oppressive byelaws, and we had some evidence (*Sutcliffe*, 1783, 1797, &c.) that the reason has actually been found to operate in practice. We should have supposed that cases of the kind were likely to be quite exceptional, had it not been for an answer given to us by one of the witnesses who appeared on behalf of the National Housing and Town Planning Council, which seemed to suggest that such bargaining had the approval of that body (*Lovelock*, 3227). We think probably that it would not be fair to regard this answer as implying acceptance of the principle beyond quite narrow limits; but, however this may be, we should ourselves have thought it almost too elementary a proposition to require stating that where Parliament entrusts to a subordinate legislative and administrative body powers exercisable for certain purposes, it is not only *ultra vires*, but it is in the highest degree a breach of public trust, to use them as a lever or a short cut for securing other objects, whether or not in themselves desirable, which Parliament has not given power directly to secure, or has laid it down should be secured by other means.

This matter requires to be watched in any arrangements which are made for so-called "intermediate town planning."

121. In this connexion a suggestion has been made to us that the width required for new streets might be averaged or pooled over the whole of an estate, so that supposing (for example) forty feet to be the standard width, sixty feet might be required in one place and only twenty in another, whilst others again might be fifty feet and thirty (*Lancashire*, 6992). Clearly this is impracticable in the ordinary case, because much street development is done piecemeal by purchasers or leaseholders of very small estates; but where a whole estate is definitely dedicated

to town planning purposes, or in such circumstances as were in the mind of Mr. Lancashire when he described what was happening at Leeds on the cutting up of large properties for building, we do not see why something of this kind should not be attempted. It is at all events an illustration of the kind of arrangement which we suggest might be introduced, and to meet the objections of principle which we have stated in this chapter and elsewhere in our Report, we think it should be done by the regular formulation of byelaws applying to a special area (cp. *Morgan*, 5419).

122. At the risk of seeming to labour it unduly, we must, in view of the great importance we attach to this point, repeat that we only recommend any special dealing, in advance of a town-planning scheme, with byelaws in a town-planning area on the distinct understanding that:—

- (1) Any existing byelaw must be justified with reference to the statutory objects of such byelaw, and independently of this procedure, or it must be repealed; there must be no room even for suspicion that the local authority are maintaining restrictive byelaws on one subject as a lever to extort from the estate owner concessions on another.
- (2) As the converse of this proposition, it should be a condition of the Local Government Board's confirming any relaxation allowed in such a special area that they have satisfied themselves that the relaxation is *in pari materia* with the circumstances alleged to justify it. For example (we take an extreme example to place our meaning beyond doubt), a limitation of the number of houses to the acre would not justify laxity in regard to the covering of building sites, where necessary, with concrete or other impervious material.

CHAPTER IX.

Summary of Recommendations.

123. In this chapter we propose to summarise the recommendations contained in previous chapters of this Report, first reiterating that both by the drafting of their model series and by their practice in the revision and confirmation of byelaws made by local authorities the Local Government Board have, in our opinion, done as much as can be done under the existing law to avoid hardships and difficulties in the control of building and development, and that such improvements as are required in the system can in consequence be carried into effect only after legislation. It will be seen that almost every one of our suggestions involves legislation, and that most of them are for alterations in the machinery of control by which it may be brought up to date and put in order, our view being that no revolutionary changes have been shown to be desirable.

124. We recommend:—

- (1) That the statutes in the general law authorising the making of byelaws be consolidated (paragraph 17).
- (2) That any obvious gaps in the existing powers be stopped up and clear deficiencies be remedied (paragraphs 12 and 17).
- (3) That, in particular, the existing statutory definitions of "new building" be taken into consideration with a view to such an amendment as will secure that works which cannot reasonably be subjected to the control properly applied to the erection of a new building are not classed as such (paragraphs 16 and 17).
- (4) That certain powers relevant to the subject of our inquiry which have been incorporated in common-form clauses in local Acts be made available in the general law (paragraphs 17 and 100), and that the existing practice of Parliament not to give special local powers for purposes which can be secured by byelaws under the general law be maintained (paragraph 98).
- (5) That all sections in Acts of Parliament giving powers with respect to new streets and buildings should, so far as possible, take the shape of authorising byelaws to be made; that, in relation to the control of streets and buildings, byelaws made by the local authority and confirmed by the Board should be recognised as the standard method of control, to the exclusion (unless byelaws are clearly the less appropriate method) of direct statutory provisions, of discretion, and of "regulations" (paragraph 21); and that, where Parliament is satisfied that new local Act powers are essential, they should whenever possible be in the shape of a byelaw-making power (paragraph 98). That local Act sections within our terms of reference be required to be printed and supplied without charge as byelaws are (paragraph 98).
- (6) That when a clause in this shape is shown to the satisfaction of the Local Legislation Committee to be unsuitable, any powers given with respect to new streets and buildings should be limited in point of time, with authority to the Board to extend the time by Order (not provisional) (paragraph 101).

- (7) That regulations, as distinct from byelaws, be abolished in matters within our terms of reference (paragraph 22).
- (8) That the distinction between urban authorities and rural authorities in respect of their byelaw-making powers be abandoned, leaving it to the Local Government Board, under section 184 of the Public Health Act, 1875, to refuse to allow unnecessary or unsuitable byelaws proposed by an authority of either class (paragraphs 14 and 17).
- (9) That in the Act for the foregoing purposes, when it has enumerated the specific topics on which it is considered byelaws should be made, there should be a section giving power to the Local Government Board to add other topics, by Provisional Order, as they now can do when a specific byelaw-making power is given in a local Act (paragraph 17).
- (10) That section 44 of the Housing, Town Planning, &c., Act, 1909, which gives the Local Government Board power in certain circumstances to require the repeal of an existing byelaw, be amended so as to get rid of the words which have prevented the power from being an effective one; the power being at the same time so extended that advantage may be taken of it in relation to other buildings as well as houses for the working classes (paragraph 35).
- (11) That a time limit according to the date of their confirmation be put on the continuance of all byelaws coming within our terms of reference, including those to be confirmed hereafter (paragraph 36).
- (12) That, in order to facilitate the amendment of existing local Act provisions within our terms of reference, the Local Government Board be given power, after a local inquiry, to make amending Orders which, in the absence of opposition, need not be provisional (paragraph 104). That, where it is desired merely to repeal a local Act section for the purpose of replacing it by a byelaw to the making of which the section is an obstacle, local inquiry may be dispensed with and the repeal may be effected by a provision included in the certificate of confirmation of the byelaws (paragraph 106).
- (13) That a local authority who reject a plan should be required to specify in writing the particular respect in which its carrying out would be illegal (paragraph 39).
- (14) That, on a joint request from the local authority and the person whose plan has been rejected, the Local Government Board be empowered to decide (subject to a power to state a case for the High Court if the Board see fit) whether the rejection is or is not lawful; that any such decision be binding on both parties and on any court before which the question whether the particular plan complies with the law may come (paragraph 40).
- (15) That, failing an agreement to refer the legality of the rejection to the Board, either party be given a right to apply to a court of summary jurisdiction, with appeal to quarter sessions, for a declaration whether the rejection was or was not lawful; that any declaration so obtained be binding except in the High Court (paragraph 43).
- (16) That, in relation to byelaws as to the level, width, and construction of new streets, binding force should be given to conditions embodied in the byelaws (*e.g.*, in urban model clause 6) and adopted by the developing owner, under which he has obtained the benefit of a reduction of the general requirements of such byelaws (paragraph 68).
- (17) That byelaws be authorised for fixing the distance between the buildings in new streets, and that the Public Health (Buildings in Streets) Act be repealed (paragraph 68).
- (18) That power be given to prevent a street once laid out in accordance with the byelaws from being altered in such a way that if at first so made it would have contravened the byelaws (paragraph 72).
- (19) That clauses with respect to new streets should, so far as practicable, include provisions to secure that at the stage of laying out some constructional work of at least an elementary character be done (paragraph 64).
- (20) That, following on this, local authorities should, in relation to the taking over of a street under section 150 of the Public Health Act, 1875, or under the Private Street Works Act, 1892—
 - (i) be required when putting forward their constructional byelaws for new streets to formulate in advance a maximum specification or specifications, on compliance with which or with the appropriate one they will take over streets, and that such specification should be submitted for the approval of the Local Government Board under section 184 of the Public Health Act, 1875, in the same manner as a byelaw (paragraph 65);

- (ii) not be allowed to require at the stage of taking over the destruction of work executed in accordance with the byelaws or with such a specification at the stage of laying out and still in good condition (paragraph 64);
- (21) That it be made the duty of every local authority to adopt at least some building byelaws, and that periodical returns be made to the Board of the number of plans submitted in accordance therewith; that machinery be introduced whereby, in default of the making of necessary byelaws, the Local Government Board may put in force by Order provisions which shall have effect as if they were byelaws made by the authority (paragraphs 108 and 109).
- (22) That if a local authority makes default in the enforcement of byelaws, the Local Government Board shall have power, as they already have in London with regard to byelaws made under the Public Health (London) Act, 1891, to appoint the county council to execute the byelaws in place of the local authority (paragraph 110). That if a local authority neglect or decline to enforce a particular byelaw in a proper case the county council, or any ratepayer or inhabitant of the district, be empowered to take proceedings to enforce it, suitable provision being made as to the reimbursement of costs (paragraph 116).
- (23) That the existing exemption in the model byelaws in favour of buildings erected under the Improvement of Land Acts be deleted and, as local byelaws are revised, be gradually swept away (paragraphs 83 and 94). That the other existing exemptions in favour of buildings in which various Departments of the Government are interested be reconsidered, and be made, where necessary, the subject of negotiation with the Departments concerned, with the object of securing that as a rule all buildings, even if erected by a public body for a public purpose, shall come within the purview of the local authority. That no new exemption be given in favour of buildings erected in accordance with plans approved by any Government Department (paragraph 94). That the existing exemptions be revised so as to secure, if possible, compliance with drainage and certain other necessary byelaws (paragraph 94).

125. It will be universally recognised that the revision of any obstructive byelaws which may be found to exist is an essential part of the work of reconstruction. Problems of the housing of the working classes, especially under conditions caused by the War, and likely for some time to persist, will show local authorities more clearly than ever before the necessity of bringing their byelaws into line with the most approved methods of development. Whilst it is important to remember that the housing of the working classes is, as we pointed out in paragraph 35 of this Report, only part of the field which byelaws cover, the general revision to which housing schemes may be expected to give rise will benefit other forms of building and development. The Local Government Board will doubtless, following the policy which dictated their circulars of 1906 and 1912, do what they can to stimulate revision as soon as the position (for instance in regard to the staffs of local authorities) has sufficiently improved; but their powers are now so limited that the present need for speedy action lends urgency to the plea we make for amendment of the law. We are of opinion that steps should be taken to give effect as soon as practicable to all our recommendations, but above all to the third and tenth, whilst the eleventh and twelfth are also of great importance. The third (to amend the statutory definitions of new building) has become urgent by reason of the defect in the Public Health Acts Amendment Act, 1907, disclosed in the recent Repton case; the tenth proposes to cure what is the one great defect in the byelaw system as it now exists, namely, the absence of an effective power in the Local Government Board to withdraw their confirmation of a byelaw if subsequent experience shows that it should not remain in force.

126. We cannot end without expressing our regret at the untimely death of Sir Walter Jerred while on his way to India to serve, at the request of the Secretary of State, upon the Indian Franchise Committee, and when the first draft of this Report was already in type. He was much interested in the work of our Committee and he attended the greater number of the meetings held before his departure, being kept away from the remainder only by the pressure of his duties in bringing into operation the great scheme of electoral reform which was to so large an extent his handiwork. Even when he was unable to attend, his advice was freely at the disposal of our Chairman, and one of his last acts before leaving England was to write a memorandum (printed as a note to this Report) expressing his general concurrence in the Chairman's draft. By his death a few days later not only our Committee, but the Local Government Board, the Civil Service and the State have suffered an extremely heavy loss.

127. In conclusion, we wish to put on record our obligation to our Secretary, Mr. A. N. C. Shelley, of the Legal Department of the Local Government Board. Notwithstanding shortage of staff and calls upon his time which from first to last have necessitated his doing most of his work for our Committee out of office hours, Mr. Shelley has successfully arranged the summoning of witnesses and the general conduct of the Committee's business. More important still, by correspondence and informal discussion with witnesses and with members of the Committee, he has found a solution for many of our difficulties, and has given definite

shape to the results of our discussions. His knowledge of the law and of the practice of the Board has been most helpful to us, and his energy, acumen, and tact in and out of meetings have smoothed the way to this unanimous Report.

We are, Sir,

Your obedient servants,

STEPHEN WALSH (Chairman)
ARTHUR G. BOSCAWEN.
ARTHUR E. COLLINS.
DAVID DAVIES.
E. J. GOWEN.
F. R. HARDING NEWMAN.
WILLIAM E. HART.
W. T. POSTLETHWAITE.
RAYMOND UNWIN.
HENRY VIVIAN.

A. N. C. SHELLEY, Secretary,
13th November 1918.

NOTE BY SIR WALTER JERRED.

(See paragraph 126.)

I MUCH regret that my departure for India precludes my further attendance at meetings of the Committee for the consideration of the Report. The Chairman has, however, been good enough to let me read his draft Report, the substance of which appears to me to represent accurately and impartially the effect of the evidence given before the Committee, and I desire to state that I agree generally with the recommendations which the Chairman proposes to ask the Committee to approve.

WALTER T. JERRED.

Whitehall, S.W.1,
28th September 1918.

APPENDIX I.

LIST OF WITNESSES HEARD BEFORE THE COMMITTEE, WITH THE NAME OF THE ASSOCIATION OR BODY ON WHOSE BEHALF OR THE REPRESENTATIVE CAPACITY (IF ANY) IN WHICH EACH APPEARED.

(See paragraphs 1 and 2.)

Abrahams, G. H.	- - -	Urban District Councils Association.
Barralet, T. C.	- - -	Institution of Municipal Engineers.
Betham, Ernest	- - -	British Empire Producers' Organisation.
Betham, Ernest	- - -	Rural Housing Organisation Society.
Burr, H., F.S.I.	- - -	Garden Cities and Town Planning Association.
Carnwarth, Thomas, M.B., B.Ch., D.P.H.	- - -	Medical Inspector, Local Government Board.
Chance, Sir Wm., Bt.	- - -	British Constitution Association.
Chappell, Edgar L.	- - -	Welsh Housing and Development Association.
Cheney, E. J., C.B.	- - -	Chief Agricultural Adviser to the Board of Agriculture and Fisheries.
Davidge, W. R., A.R.I.B.A.	- - -	Royal Institute of British Architects.
Dickinson, J. A. E., I.S.O.	- - -	Comptroller of Housing and Town Planning, Local Government Board.
Dolton, D., I.S.O.	- - -	Principal of the Legal Department, Local Government Board.
Earle, Lieut.-Col. T. Algernon, F.S.I.	- - -	Land Agents' Society.
Elford, E. J., M.I.C.E.	- - -	Institution of Municipal and County Engineers.
Forsyth, W. A., F.R.I.B.A.	- - -	British Constitution Association.
Fovargue, H. W.	- - -	Association of Municipal Corporations.
French, J. Hillier	- - -	National Housing and Town Planning Council.
Freyberg, Herbert, F.S.I., M.S.A.	- - -	Surveyors' Institution.
Hoare, C.	- - -	National Federation of Building Trades Employers of Great Britain and Ireland.
Home Morton, Andrew, M.I.C.E., M.I.M.E.	- - -	
Jenkins, D. M., A.M.I.C.E.	- - -	Welsh Housing and Development Association.
Jensen, Gerard J. G.	- - -	
Keen, Arthur, F.R.I.B.A.	- - -	National Land and Home League.
Knight, C.	- - -	Principal of the Local Finance and Local Acts Department, Local Government Board.
Lancashire, W. T., M.I.C.E.	- - -	Association of Municipal Corporations.
Lanchester, H. V., F.R.I.B.A.	- - -	National Housing and Town Planning Council.
Le Roy Lewis, Col. H., C.B., D.S.O.	- - -	Central Chamber of Agriculture.
Lipscomb, Basil	- - -	Land Agents' Society.
Lloyd, T. Alwyn, L.R.I.B.A.	- - -	Welsh Town Planning and Housing Trust.
Lovelock, Major C. P.	- - -	National Housing and Town Planning Council.
Morgan, Gomer Sweeting, M.I.C.E.	- - -	Rural District Councils Association.
Morley, E., M.I.C.E.	- - -	Urban District Councils Association.
Pick, S. Perkins, F.R.I.B.A.	- - -	Royal Institute of British Architects.
Pite, A. Beresford, F.R.I.B.A.	- - -	Royal Institute of British Architects.
Platt, F. W.	- - -	
Ruthen, Charles T., F.R.I.B.A.	- - -	Welsh Housing and Development Association.
Searles-Wood, H. D., F.R.I.B.A.	- - -	Royal Institute of British Architects.
Soutar, J. C. S., F.R.I.B.A.	- - -	Garden Cities and Town Planning Association.
Strange, E. J.	- - -	National Housing and Town Planning Council.
Sutcliffe, George Lister, F.R.I.B.A., M.R.S.I.	- - -	Copartnership Tenants, Ltd.
Vernon, Arthur	- - -	Surveyors' Institution.
Waring, H.	- - -	National Federation of Building Trades Employers of Great Britain and Ireland.
Webb, J. A.	- - -	Institution of Municipal and County Engineers.
Webb, W.	- - -	Superintending Surveyor to Board of Agriculture and Fisheries.
White, J. W.	- - -	National Federation of Building Trades Employers of Great Britain and Ireland.
Williams, W.	- - -	National Federation of Building Trades Employers of Great Britain and Ireland.
Willis, E., A.M.I.C.E., F.S.I., M.I.M.E.	- - -	National Housing and Town Planning Council.
Willis, E., A.M.I.C.E., F.S.I., M.I.M.E.	- - -	Urban District Councils Association.
Worsley, A. H., A.R.I.B.A.	- - -	Assistant Architect, Local Government Board.

APPENDIX II.

(See paragraph 29.)

Rural District Councils.

Byelaws, New Streets and Buildings.

Local Government Board,
Whitehall, S.W.,
5th January 1906
SIR,
I AM directed by the Local Government Board to state that it appears from a Parliamentary Return* which they have recently caused to be prepared

* Byelaws in Rural Districts. Parliamentary Paper 272, Session 1905. Price 9d.

relating to the byelaws with respect to new streets and buildings in force in the rural districts of England and Wales, that throughout the whole of 169 and in parts of 114 rural districts byelaws are in force based on what is known as the Urban Model Series.* This series is a comprehensive one, including clauses on most of the subjects upon which urban district councils are authorised under Section 157 of the Public Health Act, 1875, to make byelaws.

* At the opening of the Committee's inquiry in April 1914, the figures were: whole district, 131; part of district, 94.

Since the issue of this code, which was primarily intended for use in urban districts, it has been strongly urged that its adoption in districts which are of a rural character has led to interference with reasonable building operations, and the Board feel that a series of byelaws so extensive as the urban model is not necessary for a district or part of a district quite rural in character, where little building is going on and aggregations of population are not likely to develop in the near future. In such cases it is considered that a less elaborate code of building regulations would generally be found sufficient. In order to meet the requirements of such localities the Board in 1901 compiled a model series of building byelaws for rural districts, dealing only with the subjects which appeared to them to be most in need of regulation and control in such districts from a sanitary point of view. This series has commended itself to rural district councils in a large number of cases, and, as appears from the Parliamentary Return, byelaws of the character of this model have already been adopted throughout 106 and in parts of 32 rural districts.

The Board are aware that there are in not a few rural districts areas possessing urban characteristics or containing considerable aggregations of rapidly growing populations for which a more comprehensive series of byelaws is desirable. Indeed, in areas of this kind, the byelaws might properly and desirably approximate to those in force in urban districts. Parts of rural districts having such special circumstances can always be separately dealt with if such areas can be suitably defined. But the Board think it probable that amongst the rural districts in which the Urban Model Series is in force there are many parishes or other areas which cannot be said to have urban characteristics, and in which the byelaws in some respects impose undue restrictions on building and are more onerous than the circumstances require.

The Board are desirous that no obstacles should exist which can properly be avoided in the way of an

extension of housing accommodation whether by local authorities or private persons, and the object of this circular is to secure that whilst sanitary requirements should be strictly observed, all unnecessary impediments in the development of building should be avoided.

The Board would be glad if the rural district council would carefully review the circumstances of their district for the purpose of seeing whether any modification of the present byelaws is desirable, and whether any part of the district might more suitably be placed under a series based on the rural model, or, if this is not thought suitable, by such a series supplemented by a limited selection of clauses from the urban model. In some cases relaxation has already been given by a clause exempting detached dwelling-houses from certain of the restrictions as to the construction of walls. Even where it is considered that the full code of byelaws should be retained, the existing byelaws, unless made very recently, might with advantage be reviewed in connection with the latest form of the urban model. This contains many additions and modifications based on the experience of the working of the old model, and at the same time is framed so as to give more elasticity in the administration of the byelaws.

The Board wish to be informed of the result of the consideration of this letter by the rural district council, and they will be pleased to supply draft forms for use in connection with any revision of the present byelaws and to afford any information which they have at their disposal on the subject of byelaws of the kind in question.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,
Secretary.

*The Clerk to the
Rural District Council.*

Circular.

District Councils.

BYELAWS AS TO NEW STREETS AND BUILDINGS.

Local Government Board,
Whitehall, S.W.,

SIR, 29th August 1912.

I AM directed by the Local Government Board to inform you that they have had occasion to consider the question of byelaws made under Section 137 of the Public Health Act, 1875, in force in many districts in relation to their applicability to new forms of construction and new building materials. It has also been alleged that, particularly in some rural districts, the requirements of the byelaws exercise an unduly restrictive effect upon the erection of small dwelling houses. Byelaws with respect to new streets and buildings are intended to operate in the interest of the inhabitants and to prescribe reasonable standards to which building development may fairly be called upon to conform with a view to securing stability, protection from fire, and healthy conditions, and it is obviously undesirable that the byelaws in any area should afford any ground for the suggestion that they are either unnecessarily restrictive or obsolete in character.

New methods of construction and design will almost inevitably demand periodical revision of byelaws. For example, the earlier forms of byelaws with respect to walls, which were framed with particular reference to brick construction and imposed restrictive conditions as to thickness and the use of materials, are inappropriate to types of construction now in use, such as building with hollow blocks or slabs of terra-cotta, concrete, and the like material, reinforced brick-work, or reinforced concrete; and many of the older byelaws do not provide for hollow and half-timbered walls, and steel or other framed walls hung with tiles, slates, &c., filled in where necessary with incombustible materials. Certain relaxations are now frequently introduced in connection with wall construction where

the use of piers is employed, and also in the thickness of the walls of outbuildings. Again, the ordinary clauses for the laying out of roads do not permit some of the classes of roadway which have been designed in some "garden cities," or the exceptional arrangements which are demanded in certain cases by the configuration of the ground. Local authorities have from time to time applied to the Board for approval of byelaws appropriate to such conditions or circumstances. Other local authorities have obtained express statutory powers with similar objects in view, but there are many in whose districts byelaws have been in force practically unaltered over a long period of years, byelaws which were framed before the modern methods and materials came into vogue and which consequently are not so drawn as to allow or to regulate their use. It therefore behoves all local authorities from time to time to consider the terms of the byelaws in force in their areas, so as to see that they are sufficient to meet present day requirements. The Board will be happy to render assistance to any authorities who may desire to modify their existing byelaws by referring them to clauses which have been embodied in series already adopted, or by such other suggestions as may be practicable.

It is recognised that in many parts of the country, and particularly in rural areas, there is great need for better cottage accommodation, and rural district councils should be careful to see that the requirements of their byelaws, whilst prescribing conditions essential to health, are not such as to offer any impediment to the erection of suitable dwellings. There are some rural districts in which a code of byelaws based on the Board's original model series, which was drawn up with special reference to urban areas, is still in force. These codes are not only more stringent than the Board would at the present day consider necessary in a rural area, but are not relieved by the relaxations and modifications which have been embodied in the latest model code for urban districts with a view not only of meeting special difficulties, but

of securing greater flexibility in the administration of the byelaws. The councils of these districts should take the matter into early consideration and see whether a less exacting series of byelaws would not meet the reasonable requirements of their area. It has been felt that in areas altogether rural in character a restricted series would be more suitable, and in 1901 the Board compiled a model series of building byelaws for rural districts, which dealt only with such matters of sanitary importance as most need regulation and control. Byelaws based on this model have to a considerable extent been adopted for these areas, and the Board believe that experience in their working has shown them to be generally sufficient to secure the observance of proper sanitary requirements. The Board have also tentatively framed for working purposes a series intermediate in character between the urban and rural model codes suitable for rural areas which are beginning to assume urban characteristics. This series contains the same clauses with respect to the level, width and construction of new streets as the urban model, but includes only those clauses concerning the structure of walls, foundations, roofs, and chimneys of new buildings which are the most important for securing stability and the prevention of fires, and for purposes of health. It also contains a special clause partially exempting small dwellings, where sufficiently isolated, from the structural requirements relating to walls. Copies of the rural model or of the intermediate code will be furnished by the Board to the council on application, and also draft forms in which the proposals of the council can be submitted.

Copies of this circular can be obtained either directly or through any bookseller from Messrs. Wyman, Fetter Lane, E.C.

I am, Sir,
Your obedient servant,
H. C. MONRO,
Secretary.

*The Clerk to the
District Council.*

In continuation of the foregoing Circulars to Local Authorities, the following Memorandum, issued in 1918 to the Local Government Board's Housing Inspectors, will be of interest —

MEMORANDUM FOR THE HOUSING INSPECTORS.

Cases have recently come to notice in which the Board's Housing Inspectors, in their conferences with local authorities, have been asked whether the Board would assent to modifications of existing byelaws with respect to new streets and buildings which did not agree with the proposals in the local authorities' housing schemes. It is thought, therefore, that it may be helpful to the Housing Inspectors to have this note on the subject, and that they may also be able, in the course of their discussions with local authorities' representatives, to make the Board's policy known and to bring their influence to bear in favour of the revision of byelaws which stand in need of it.

The Inspectors will not usually find it necessary to express a definite view as to the form of any amending clauses, they will understand that this must be settled here by the Departments concerned, who have the means of reviewing the proposals of each authority in the light

of general experience. The Board's policy may be taken to be as follows:—

So long ago as 1906 the Board issued a circular to all rural district councils advocating the revision of existing byelaws which were based upon the old urban model form, or otherwise failed to meet modern needs. In 1912 a further circular was issued to all local authorities in England and Wales again urging the bringing up to date of existing byelaws. A copy of the 1912 circular is annexed. The Board's models as to new streets and for buildings are three in number, namely:—

Urban, for districts (or parts of districts) of a fully developed character;

Rural, for districts where only a minimum of sanitary control need be enforced; and

Intermediate.

These have been from time to time revised, particularly with the objects of introducing the greatest possible flexibility in their operation, and of recognising and where necessary regulating modern methods of construction. Fuller information as to the scope and contents of the three series will be supplied on application by the Inspectors or by local authorities.

The Board would welcome the bringing into line with the models of any byelaws made before 1912 (the date of the last mentioned circular and of the last general overhauling of the model series) the degree of revision necessary, and its urgency, depending in general upon the character of the existing series, which may be gauged roughly by its date. It may further be assumed that the Board definitely desire the repeal (and the replacement by a new series, where necessary) of all series of byelaws made before 1900, and at least the examination and amendment of all those made between 1900 and 1912. Even byelaws made since 1912 may in some cases, particularly where the local authorities have pressed for and secured provisions more stringent than the Board thought necessary, usefully be reconsidered and relaxed.

Owing to shortage of staff and the pressure of work directly connected with the war, it may not always be possible to deal with byelaw proposals very quickly, and, other things being equal, priority must be given to revision of the most defective series. The Board's officers are, however, ready in all cases to do everything in their power to facilitate revision where the proposals are directed to simplifying existing byelaws and rendering them less stringent or more flexible, and interviews will be arranged, where necessary, for the purpose of discussion with local authorities. Such discussion has in the past been found most useful, firstly where the local authority are in doubt as to the general scope of the series which they should adopt, and secondly (when the scope has been decided) after they have advanced their actual proposals by correspondence to a stage at which discussion can be narrowed down to points of real difficulty.

It will be realised that the more nearly any proposals made by local authorities approximate to the appropriate model the more quickly can the Board's staff handle them.

Legal Department,
Local Government Board,
Whitehall, S.W. 1,
October 1918.

¹London County Council.

¹
HOUSING AFTER THE WAR.
³

REPORTS OF THE HOUSING OF THE WORKING
CLASSES COMMITTEE,

being

EXTRACTS FROM THE MINUTES OF PROCEEDINGS OF THE
COUNCIL ON 23rd JULY AND 15th OCTOBER 1918.



James Bird

Clerk of the Council.

THE COUNTY HALL,
October, 1918.

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This is a detailed map of Greater London and its surrounding areas. The map shows the River Thames flowing through the center, with numerous towns and districts labeled. Major roads and railways are indicated by dashed and solid lines. The map is oriented with North at the top.

Counties and Regions:

- County of Herts:** North, Letchworth, Welwyn, Hemel Hempstead, Stevenage, Royston, Baldock, Hitchin, St Albans, Watlington, Hemel Hempstead, Stevenage, Royston, Baldock, Hitchin, St Albans, Watlington.
- County of Bucks:** High Wycombe, Uxbridge, Slough, Maidenhead, Reading, Brackley, Milton Keynes, Luton, Bedford, Dunstable, Hemel Hempstead, Stevenage, Royston, Baldock, Hitchin, St Albans, Watlington.
- County of Surrey:** Guildford, Epsom, Esher, Woking, Dorking, Reigate, Mole Valley, Tandridge, Spelthorpe, Elmbridge, Epsom, Esher, Woking, Dorking, Reigate, Mole Valley, Tandridge, Spelthorpe, Elmbridge.
- County of Kent:** Maidstone, Dover, Canterbury, Ashford, Tonbridge, Sevenoaks, Swanley, Bexley, Bromley, Croydon, Sutton, Merton, Wandsworth, Lambeth, Southwark, Newham, Havering, Epping, Basildon, Southend-on-Sea, Thurrock, Havering, Epping, Basildon, Southend-on-Sea, Thurrock.

Towns and Districts:

- North:** North, Letchworth, Welwyn, Hemel Hempstead, Stevenage, Royston, Baldock, Hitchin, St Albans, Watlington.
- West:** High Wycombe, Uxbridge, Slough, Maidenhead, Reading, Brackley, Milton Keynes, Luton, Bedford, Dunstable, Hemel Hempstead, Stevenage, Royston, Baldock, Hitchin, St Albans, Watlington.
- Central:** Guildford, Epsom, Esher, Woking, Dorking, Reigate, Mole Valley, Tandridge, Spelthorpe, Elmbridge, Epsom, Esher, Woking, Dorking, Reigate, Mole Valley, Tandridge, Spelthorpe, Elmbridge.
- East:** Maidstone, Dover, Canterbury, Ashford, Tonbridge, Sevenoaks, Swanley, Bexley, Bromley, Croydon, Sutton, Merton, Wandsworth, Lambeth, Southwark, Newham, Havering, Epping, Basildon, Southend-on-Sea, Thurrock, Havering, Epping, Basildon, Southend-on-Sea, Thurrock.

Major Roads and Railways:

- Roads:** A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100.
- Railways:** Great Northern, Great Eastern, Southern, London & North Western, London & South Western, London & Tilbury, London & Dover, London & Brighton, London & Victoria, London & Epsom, London & Sutton, London & Croydon, London & Merton, London & Wandsworth, London & Lambeth, London & Southwark, London & Newham, London & Havering, London & Epping, London & Basildon, London & Southend-on-Sea, London & Thurrock.

COUNTY OF SURREY

London County Council.

HOUSING AFTER THE WAR.

REPORT OF THE HOUSING OF THE WORKING CLASSES COMMITTEE.

(Council's Minutes, 15th October, 1918.)

9th October, 1918.

INTRODUCTION.

The question of housing after the war is one of extreme complexity. This is especially true of such a vast agglomeration of persons and interests as the capital of the Empire. While it is a matter of common knowledge that the population of London is at the present moment of abnormal proportions, we find at the outset the greatest possible difficulty in framing any estimate of housing requirements from the available data.

If we were asked what additional accommodation should be provided within the next five, or ten, or fifteen years to meet the demand, we should not be able to give any answer in figures which would be of real value. It is not difficult to make such estimates with regard to a rural district in which there are a fixed number of farms and small industries. In that case it can be calculated ahead with fair exactitude what the population is likely to be. There are no large or general causes of uncertain operation, affected by world-wide events, to disturb the calculation. The same thing is true of small towns, and, in a less degree, of those great cities which depend upon a few staple industries and their accessories.

But in the case of London it is not possible to make anything approaching to an exact prediction.

It is probable that the cessation of the war will cause an appreciable reduction in the population of areas like Woolwich, where the large number of houses built by the Government for munition workers will, in that event, become available for other persons. Many other war-workers in different lines who have been drawn into London since 1914 will probably leave it. It also remains to be proved what portion of pre-war Londoners who have been enrolled in the Army, and survive the war, will, after it, continue to live in London. In this connection the existing schemes for settling ex-soldiers on land in this country, and in overseas Dominions, should be considered.

Since 1914 the question is also affected by the reduction in the natural increase of the population, i.e., the excess of births over deaths. This increase was, in London, about 45,000 annually, just before the war, but it had fallen last year to 18,000 *excluding* the unknown number killed in action. The effect of the war in decreasing the birth-rate and increasing the deaths will probably continue to depress the rate of natural increase for a time even after the cessation of hostilities.

It also is possible, indeed probable, that one effect of the war will be to reduce the already declining excess of birth-rate over death-rate to zero or even to a minus quantity for many years to come, both by reason of the reduction in the number of men who can marry and have children, and still more by reason of the increased cost of living which will tend to prevent or delay marriages.

There may be some arrest upon the immigration of aliens who have contributed much, until recent years, to swell the London population.

To some extent the poorer part of the population of London is brought and kept there by the presence of the wealthiest, because population follows money and means of subsistence. This accounts for many small miscellaneous industries in the centre of wealth and pleasure. Will there, after the war, be the same number of wealthy residents? The same doubt makes it impossible to predict whether a considerable number of upper class houses will not become available to house part of the working class population, as has already happened in certain districts.

The Port of London has maintained a great mass of labour which has to find accommodation not too remote from the central districts. If the proposed large extension of the Victoria and Albert Docks is prosecuted after the war, much additional labour and consequent housing accommodation will for some years be required. On the other hand it may be increased or diminished by the results of the war, our shipping losses, the new ship-building in America and Japan stimulated by the war, the opening of the Panama Canal, developments in the size of ships coupled with burdens on industry, etc., etc.

Will the vastly increased burden of Imperial taxation added to the certain additions to rates tend to make factories remove from London to less costly places in the provinces?

The greater a city, the more liable it is to changes due to world movements and events, and no world event has been so great as the present war, of which the end and the results are not yet visible. One could name many provincial towns which have varied little in population during the centuries in which London has grown to such vast magnitude. Their population might, in the same way, remain much the same, while that of London declined. The reason is that their market and means of support is their immediate neighbourhood, while London lives on the world. We hope that there will be no

period of stagnation or decline, but the reverse. These considerations are, however, a reason for moving very cautiously in the case of London, and for not committing the Council to large undertakings in the line of building houses *in addition* to the existing accommodation on the hypothesis that there will be an increase in the existing population in the future, or at least an increase at all equivalent to the increase in the past, when the wealth and prosperity of this country and of London were so rapidly advancing.

We have thought it necessary at the very outset of our report to emphasise the uncertainty as to the future, as we feel that it requires constantly to be borne in mind. In the preparation of the report also, we have had to rely mainly upon the census returns of 1911 which are now almost obsolete, but we have made use of any later information which would enable us as far as possible to describe housing conditions as they are in 1918. The results must, therefore, be accepted as a generalisation only, liable to be modified by conditions, not at present foreseen, which may assert themselves on the cessation of hostilities.

It is a question whether a true conspectus of the real problem could be obtained without an investigation extending to the whole of extra-London, which, to an increasing degree, is becoming the dormitory of London, as the latter becomes more industrialised. The President of the Local Government Board appears to expect that the Council would do this, judging from a speech made by him on 21st March, 1918, from the report of which the following is an extract —

"I have to address my questions to the present housing authorities, who are the twenty-eight borough councils, as well as the London County Council; but I told the L.C.C. that it was my opinion they ought to make a comprehensive survey of the whole question. When I said that, I did not mean merely from the point of view of the administrative area of the county, or of the other areas of London, such as the water area, or the police area. What I desired was that they should make, as far as they could, a comprehensive survey of the whole question of housing Londoners. . . . You must look after those who sleep outside London, but come into London every day to get their living. I am sure this problem of housing in London must be approached from a far larger bird's-eye view than the eyes of the bird who only looks at the administrative area of London, or who only looks to an area bounded by the jurisdiction of any particular borough council. . . ."

"Therefore, in looking at the problem of building new houses from the London point of view, I quite agree that it cannot be regarded successfully and practically if it is only regarded through the eyes of any particular borough council or group of borough councils, and not even if it is regarded by all the metropolitan borough councils as a whole, with the L.C.C. taking a comprehensive survey and giving a certain amount of leading and light and guidance in that direction. . . ."

We have therefore, while dealing principally with conditions within the administrative county of London, dealt also to some extent with the conditions in Extra-London. "Extra-London" comprises the portion of the Metropolitan Police District beyond the County of London, and "Greater London" the two together. The Metropolitan Police District includes all parishes (except the City of London) any part of which is within a radius of 12 miles, and the whole of which is within a radius of 15 miles from Charing Cross and a few other parishes. The districts are shown on the accompanying sketch map.

On 28th July, 1917, the Local Government Board addressed a circular letter to local authorities on the subject of the provision of houses for the working classes at the conclusion of the war and asked for information as to the accommodation already provided and the additional housing required in their respective areas. The replies of the local authorities of Greater London to the circular, copies of which have been forwarded to the Council, are summarised under headings in APPENDIX 1 (p. 35).

LONDON.

Population.

The test of the necessity for additional housing accommodation and the measure of its extent at any particular moment depend on the relation of population to the house accommodation available, and on the sanitary condition of such accommodation. There is no special record to indicate this relation, except the census information, which is revised once in every 10 years. In London, so far as the sanitary condition of property is concerned, the difficulties are greater than in large provincial cities, for while in those cities the housing and public health administration is in the hands of one authority, in London it is in the hands of 29 local authorities, with the Council as central authority exercising either concurrent or supervisory powers, with power to act in default.

The latest census information relates to the year 1911, and the next census is due in 1921. The results of the latter census, which are material for a consideration of the housing conditions, will probably not be available for at least another two years, or five years from the present time. The Council's investigations, year by year, as to the houses built and demolished enable figures as to accommodation to be brought up to the end of 1916.

The information bearing on the question of housing conditions is given in a more complete and satisfactory form in the census returns of 1911 than in the previous census returns. The tables relating to the number of occupants of tenements, which were first given in 1891 for tenements of less than five rooms, were in 1911 extended to tenements of all sizes. Further, the tenements are for the first time divided according to the number of children under 10 years of age included among the occupants.

Growth of population of Greater London since 1801.

The following table shows the growth of the population of London, extra-London and Greater London in each decennial period since 1801.—

Year.	Administrative County of London			Extra-London.			Total for Greater London.			Year
	Population.	Increase or decrease during decennium	Increase or decrease per cent.	Population.	Increase during decennium	Increase per cent.	Population.	Increase during decennium	Increase per cent.	
1801	959,310	—	—	155,334	—	—	1,114,644	—	—	1801
1811	1,139,355	180,045	18·4	184,544	29,210	18·4	1,323,899	209,255	18·4	1811
1821	1,379,543	240,188	21·1	216,808	32,264	17·5	1,596,351	272,452	20·6	1821
1831	1,655,582	276,039	20·0	247,990	31,182	14·4	1,903,572	307,221	19·2	1831
1841	1,949,277	293,695	17·7	286,087	38,077	15·4	2,235,344	331,772	17·4	1841
1851	2,363,341	414,064	21·6	317,594	31,627	11·2	2,680,935	445,591	20·3	1851
1861	2,808,494	445,153	18·8	414,226	96,632	30·4	3,222,720	541,785	20·2	1861
1871	3,261,396	452,902	16·2	624,245	210,019	50·8	3,885,641	662,921	20·6	1871
1881	3,830,297	568,901	17·4	936,364	312,119	50·0	4,766,661	881,020	22·7	1881
1891	4,227,954	397,657	10·4	1,405,852	469,488	50·1	5,633,806	867,145	18·2	1891
1901	4,536,267	308,313	7·3	2,045,135	639,283	45·5	6,581,402	947,596	16·8	1901
1911	4,521,685	— 14,582	— 0·3	2,729,673	684,538	33·5	7,251,358	669,956	10·2	1911

In considering the present conditions and the probable future growth of population in London and extra-London and the whole area, these figures are very important, and reference will be made to them as required throughout the report.

Details as to the population of the districts in Greater London are given in APPENDIX 2 (p. 39).

Variation in population of Metropolitan Boroughs, 1901-11.

The decrease of 14,582 persons in the population of the county of London as a whole in the period 1901-1911 was the net result of a very considerable decrease in some of the metropolitan boroughs, mainly those situated centrally, and a considerable increase in the population of some of the outlying boroughs. The figures are as follows:—

Metropolitan Borough.	Population, 1911.	Increase in population, 1901-11.	City or Metropolitan Borough.	Population, 1911.	Decrease in population, 1901-11.
Wandsworth	311,360	79,438	Stoke Newington	50,659	588
Lewisham	160,834	33,339	Deptford	109,496	902
Fulham	153,284	15,995	Battersea	167,743	1,164
Hammersmith	121,521	9,282	Paddington	142,551	1,425
Woolwich	121,376	4,198	Bethnal Green	128,183	1,497
Hampstead	85,495	3,553	Lambeth	298,058	3,837
Hackney	222,533	3,423	Kensington	172,317	4,311
Camberwell	261,328	1,989	Bermondsey	125,903	4,857
Greenwich	95,968	198	Poplar	162,442	6,380
			Shoreditch	111,390	7,247
			City of London	19,657	7,266
			Chelsea	66,385	7,457
			Islington	327,403	7,588
			Holborn	49,357	10,048
			Finsbury	87,923	13,540
			Southwark	191,907	14,273
			St. Marylebone	118,160	15,141
			St. Pancras	218,387	16,930
			Stepney	279,804	18,796
			Westminster (City) ..	160,261	22,750
Total ...	1,533,690	+151,415	Total ..	2,987,988	—165,997
				4,521,685	—14,582

In some of the boroughs, such as Stoke Newington, Deptford and Battersea, the decrease during the census period appears to be the result of a fluctuation in empty houses, and not to a permanent tendency to a declining population.

In at least ten of the metropolitan boroughs and the City of London, there appears to be now a settled tendency to a decline in the population, produced by the encroachment of business and industrial premises on the area hitherto occupied for residential purposes, the demolition of houses for various public purposes, the clearance of insanitary areas, the demolition of unsuitable houses, and the reduction in overcrowding.

The extension of the area of diminishing population is roughly indicated by the following

table, from which it will be seen that the decrease began in the City and Holborn in 1851 and now embraces in addition the 9 metropolitan boroughs specified below:—

		Areas with diminishing population.						
		1851.	1861.	1871.	1881.	1891.	1901.	1911.
City (†)	...	127,819	112,013	74,844	50,569	37,702	26,923	19,657
Holborn	...	95,726	94,074	93,513	78,668	66,781	59,405	49,357
		223,545	206,087					
		—17,458						
Finsbury	...	125,418	129,073	124,766	119,409	109,981	101,463	87,923
St. Marylebone	...	157,696	161,680	159,254	154,910	143,487	133,301	118,160
Shoreditch	...	109,257	129,364	127,164	126,591	124,533	118,637	111,390
Westminster	...	244,531	257,232	248,714	229,784	201,969	183,011	160,261
		883,436		828,255	759,931			
				—55,181	—68,324			
St. Pancras	...	166,956	198,786	221,465	236,363	235,345	235,317	218,387
Chelsea	...	53,725	59,881	67,717	73,079	72,954	73,842	66,385
				1,069,373		992,752		
						—76,621		
Bermondsey	...	85,308	101,913	122,398	134,632	136,014	130,760	125,903
						1,129,766	1,062,659	
						—66,107		(††)
Southwark	...	152,371	173,900	175,049	195,164	202,479	208,180	191,907
Stepney	...	238,910	257,497	275,487	282,076	285,116	298,600	279,804
						1,567,439		1,429,134
								—138,305

(†) Between 1801 (when the population was 128,129) and 1851 (when it was 127,819) the population of the City was stationary.

(††) The figure of decrease for the period 1891–1901 is approximate, owing to the alterations of boundaries made under the London Government Act, 1899, but the effect of these alterations would not vitiate the general conclusions drawn from these figures

These eleven areas had, it will be observed, in 1911 a population of 1,429,134 or nearly one-third of that of the county of London.

The area of decreasing population had been growing with each censal period, with the result that the volume of the periodic diminution of the population of this area has shown a steady increase until in the last censal period it reached a figure of nearly 140,000.

Although the tendency in these boroughs may now be looked upon as permanent, the extent of the diminution in the last period was doubtless to some extent increased by fluctuation owing to a variety of causes in certain of the areas. The existence of these causes is indicated by a variation in the number of unoccupied houses during the period in question

Effect of the war on population

The position as to the permanent population of the county is temporarily affected by war conditions. On the one hand, a considerable percentage of the population is absent on war service, but this does not relieve housing accommodation to a proportionate extent, as in most cases the families continue to occupy the same accommodation, and, even where it is not convenient to occupy it, they continue the tenancy in some cases and pay the rent, so as not to break up their homes. This happens in the Council's dwellings to the extent of about 1 per cent. In the report of the Peabody Donation Fund for the year 1916 it is stated that 2,637 out of 22,830, the mean population during the year in the dwellings of the Trust, were absent on war service, and in the report of the Guinness Trust for 1917 it is pointed out that 987 were absent out of a total population on 31st December, 1917, of 9,025. The proportion absent in the two cases was 11·6 and 10·9 per cent. respectively.

On the other hand, there has been a considerable influx in some districts of persons engaged on war work, the metropolitan boroughs mainly affected being Woolwich and Hammersmith.

Future growth of population of county.

The growth of population in the outlying areas must in the future be mainly in the metropolitan boroughs of Wandsworth, Lewisham, Greenwich and Woolwich. There is still in these boroughs land not yet built upon, which, if developed, would probably accommodate a large population.

Most of this land lies at a distance from the centre. It suffers from lack of adequate and cheap means of communication with the business areas, and consequently has not yet been developed. So long as these conditions continue to prevail, it is improbable that any large proportion of such vacant land will be developed for housing purposes.

The increase in the population of these four boroughs in the period 1901-11 amounted, as may be seen from the above figures, to 117,173. In Woolwich and Greenwich the increases were small, but this is to some extent accounted for by the diminution in employment at Woolwich Arsenal after the South African war, a condition which may be expected to recur when the present war comes to an end. On the other hand, although the increase in Wandsworth was very large and in Lewisham was substantial, it is hardly likely that there will be a similar large and rapid development in any of the districts now remaining undeveloped. If, therefore, with the large increase in these boroughs in the period 1901-11, the diminution of the more centrally situated boroughs was not completely counterbalanced, it is not probable that there will be a substantial change in the conditions for the next few years.

There is little doubt that in the years subsequent to 1911 there has been some increase in the population of London as a whole. This appears to be confirmed by the Registrar-General's estimate of the population made on the basis of the returns under the National Registration Act.

In the intercensal period 1901-1911, the natural increase in the county population was 540,000, and the number of persons moving out of London must therefore have exceeded those moving in by 550,000. In the outer ring the natural increase was 360,000 and the net addition by migration 325,000. There was a notable increase in the movement beyond the limits of Greater London in 1901-11 as compared with 1891-1901.

In London south of the Thames between 1901 and 1911, the population under 15 years of age increased by 30,000, but north of the river the number at this age decreased by 105,000; the natural increase south of the Thames was therefore largely accommodated within the county, but on the north side the pressure on accommodation due to natural increase had led to a large diminution in the child population.

While the outward movement of the London population has been compelled by natural increase in the north, there has been an additional influence in alien immigration which fluctuates greatly from year to year.

Apart, however, from fluctuations, the result of the census of 1911, which shows the population of the county as stationary, may be accepted as broadly representing the position for the immediate future.

Housing Conditions.

Number and proportion of various classes of tenements in 1911.

In a general way, tenements of one to four rooms have been regarded as containing the greater proportion of the working-class population, and the extended information in the census returns of 1891 and 1901 was limited to those tenements.

The following table shows the number of tenements of all sizes in the county of London, in 1911, with the number of rooms, and of persons occupying them, and the proportion which each bears to the total:—

Size of tenement or house.	Number.			Proportion of total.		
	Tenements.	Rooms.	Persons.	Tenements	Rooms.	Persons.
1 room	138,226	138,226	265,553	<i>Per cent.</i> 13·5	<i>Per cent.</i> 3·5	<i>Per cent.</i> 5·9
2 rooms	196,405	392,810	673,619	19·2	10·0	14·9
3 „	219,158	657,474	901,603	21·4	16·8	19·9
4 „	164,776	659,104	787,159	16·1	16·8	17·4
1—4 rooms	718,565	1,847,614	2,627,934	70·2	47·1	58·1
5 rooms	94,204	471,020	484,035	9·2	12·0	10·7
6 „	72,841	437,046	379,873	7·1	11·2	8·4
1—6 rooms	885,610	2,755,680	3,491,842	86·5	70·3	77·2
7 rooms	45,673	319,711	229,330	4·5	8·2	5·1
8 „	31,518	252,144	163,076	3·1	6·4	3·6
9 „	18,713	168,417	100,198	1·8	4·3	2·2
10 rooms and upwards	42,437	424,370†	268,677	4·1	10·8	6·0
Total	1,023,951	3,920,322	4,253,123	100·0	100·0	94·1
Number of persons in non-private tenements			268,662			5·9
			4,521,685			100·0

† Calculated at 10 rooms per tenement.

The number of tenements was therefore over one million, of which 122,672 were contained in block dwellings and better-class flats. The most numerous class of tenement was that consisting of three

rooms, followed in order by two-roomed, four-roomed and one-roomed tenements. The number of one to four-roomed tenements was over 718,000, or 70·2 per cent of the total.

Of the total of 3,920,322 rooms, 1,847,614 or 47·1 per cent were contained in one to four-roomed tenements, and these were occupied by 2,627,934 persons.

The population of one to four-roomed tenements amounted to 58·1 per cent of the total population, but, there is little doubt, that this was considerably less than what could be regarded as the working-class population. The occupants of one to six-roomed tenements, it will be seen, amounted to 77·2 per cent. of the total population, and thus, no doubt, was nearer to the true proportion than that represented by one to four-roomed tenements

Occupation of houses by more than one family

A notable feature of housing conditions in London is the extent to which houses intended for occupation by one family are occupied by two or more families. Thus in the years 1911-14 the Council scheduled sites for schools comprising over 2,000 houses occupied by about 18,000 persons of the working-class, and the following is a summary of the number of families or separate occupiers in these houses.

Size of houses	Total number of houses on sites scheduled.	Number of houses built for occupation by one family, now occupied by more than one family.									Total occupied by more than one family
		1	2	3	4	5	6	7	8	9	
2 rooms ..	22	22	—	—	—	—	—	—	—	—	—
3 " ...	126	100	24	2	—	—	—	—	—	—	26
4 " ...	590	322	225	33	10	—	—	—	—	—	268
5 " ...	302	90	165	37	4	6	—	—	—	—	212
6 " ...	609	88	354	122	33	12	—	—	—	—	521
7 " ...	207	24	81	68	25	5	2	2	—	—	183
8 " ...	198	10	49	79	38	15	4	3	—	—	188
9 " ...	74	1	12	20	26	6	3	3	1	2	73
10 " ...	16	—	4	4	3	3	1	1	—	—	16
11 " ...	4	—	—	3	1	—	—	—	—	—	4
12 " ...	4	—	1	2	—	—	—	—	1	—	4
13 " ...	1	—	—	1	—	—	—	—	—	—	1
15 " ...	1	—	—	—	—	—	—	1	—	—	1
Total ...	2,154	657	915	371	140	47	10	10	2	2	1,497

Of the 2,154 houses therefore, 1,497, or nearly 70 per cent., were occupied by more than one family. The total number of families in the houses amounted to 4,559 or an average of 2·1 families per house

This sub-division, it will be seen, applies not only to houses originally built for persons not of the working-class and now occupied in tenements, but also to a great extent to working-class houses built as such. Comparatively few working-class houses contain fewer than four rooms; yet the number of families or separate occupiers occupying tenements of less than that size is very large, the figures from the last census being as follows.—1 room, 138,226; 2 rooms, 196,405; 3 rooms, 219,158; or a total of 553,789.

Some of these are self-contained tenements in block dwellings, maisonnettes, and structurally converted houses, but the great majority are merely rooms, not forming self-contained tenements. The following figures, from the census analysis of buildings in 1911, also yield a comparison between the number of buildings and that of families:—

	Buildings used as dwellings	Separate occupiers.	Excess of occupiers.
Ordinary dwelling houses ..	478,024	805,967	327,943
Flats	121,047	122,672	1,625

It will be seen from these figures that flats (which include tenements in block dwellings and maisonnettes) are rarely occupied by more than one family, while in the case of ordinary dwelling houses the number of separate occupiers is 805,967 as compared with 478,024 houses. If non-working class houses (which as a rule are occupied by one family) could be excluded from these figures, the disproportion between working-class houses and families would be shown to be still greater.

Further, all self-contained tenements and flats are separately assessed; yet in 1901 the number of assessments in London up to and including £24 rateable value (which would include all such working-class tenements) amounted to 378,767, and in 1911 would probably be less than 450,000; but the number of separate occupiers in 1-6 rooms in 1911 amounted to 885,610, or little short of twice the number of assessments.

Overcrowding.

There are three standards by which overcrowding can be ascertained or judged. The first standard is based on the number of persons in excess of two per room, without an allowance for children;

the second is based on the excess, after making an allowance for children; and the third is the legal standard under the Public Health Act, which, so far as it is defined by by-laws, is based on cubic space.

More than two persons per room.

In the census returns the standard of "more than two per room" is used, special statistics being given under that head. The number of tenements so occupied, the number of rooms contained therein, and the population occupying them in 1911, are shown by the following figures:—

Size of tenement.	Occupied by more than 2 persons per room.		Persons living more than 2 per room.	Percentage of total of each class of tenement.		
	Tenements.	Rooms.		Tenements.	Rooms.	Persons.
1 room	32,351	32,351	116,552	23.40	23.40	43.89
2 rooms	47,048	94,096	277,592	23.96	23.96	41.21
3 rooms	28,341	85,023	223,137	12.93	12.93	24.75
4 rooms	11,148	44,592	108,670	6.76	6.76	13.81
Total 1-4 rooms	118,888	256,062	725,951	16.54	13.86	27.62
5 rooms	2,263	11,315	26,197	2.40	2.40	5.41
6 rooms	436	2,616	5,861	.80	.60	1.54
Total 1-6 rooms	121,587	269,993	758,009	13.73	9.80	21.71
7 rooms	49	343	742	.11	.11	.32
8 rooms	2	16	35	.01	.01	.02
9 rooms and over	—	—	—	—	—	—
Grand total	121,638	270,352	758,786	11.88	6.90	16.78

This shows that the number of tenements occupied by more than two persons per room in 1911 was 121,638, that they contained 270,352 rooms, and were occupied by 758,786 persons.

As might be expected, they consisted mainly of one, two, three and four-roomed tenements, for in a five-roomed tenement a family would number 11 before the standard of two per room was exceeded.

Of the population in one-room tenements, 43.89 per cent. lived more than two per room in 23.40 per cent. of the number of tenements, and of the population of two-roomed tenements 41.21 per cent. lived in 23.96 per cent. of the number of tenements.

The occupation in 1911 of the several classes of tenements by more than two persons per room in families of various sizes is shown in the following table:—

No. in family.	Number of families occupying tenements of									Percentage of total families of same size.	Popula- tion.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	7 rooms.	8 rooms.	Total.		
3	19,006								19,006	10.11	57,018
4	8,841								8,841	5.26	35,364
5	3,261	22,419							25,680	19.39	128,400
6	928	13,292							14,220	14.87	85,320
7	246	6,886	13,623						20,755	31.89	145,285
8	52	3,025	8,213						11,290	26.87	90,320
9	13	1,035	4,060	5,879					10,977	44.17	98,793
10	3	299	1,684	3,166					5,152	37.58	51,520
11		70	547	1,413	1,363				3,393	47.36	37,323
12	1	18	161	485	601				1,266	38.34	15,192
13		4	51	147	216	291			709	43.62	9,217
14			10	47	63	103			223	28.23	3,122
15			2	9	18	37	43		109	14.71	1,635
16				2	2	4	5		13	100.00	208
17						1	1		3	100.00	51
18								1	1	100.00	18
	32,351	47,048	28,341	11,148	2,263	436	49	2	121,638		758,786

It will be seen that of the larger families a large proportion lived more than two per room, the proportion being between 40 and 50 per cent. in families of 9, 11, and 13 persons. It may be roughly inferred that in these cases children formed the majority of the family; the table points to the conclusion that the overcrowding at that time more particularly occurred in families with a large number of children. Unless the elder children were also wage earners, it also indicates that much of the overcrowding was due to the lack of means to provide adequate housing accommodation for such a large number of dependants. The tenements of one to six rooms accommodated at that time 89.6 per cent. of the total child population of London under 10 years of age. The proportion of children from 5 to

14 years of age who were scheduled in the same year for elementary school education was 93·1 per cent. of the total population of that age

Of the tenements occupied at that time by more than two persons per room, a considerable number were occupied by three, four, five, etc., persons per room. The figures as to this, which indicated the degree of overcrowding, were as follows:—

Living more than 2 per room		...	..	758,786 persons.
"	3	"	...	173,637 "
"	4	"	..	38,346 "
"	5	"	...	8,903 "
"	6	"	..	2,349 "
"	7	"	...	575 "
"	8	"	...	159 "
"	9	"	...	42 "
"	10	"	...	12 "
"	11	"	...	12 "

Of the 758,786 persons then living more than two per room, 173,637 were living more than three per room, 38,346 of these were living more than four per room, and so on with the higher numbers per room, the extreme being twelve persons living more than eleven per room.

The number of persons then living more than 2 per room in the several metropolitan boroughs is given in APPENDIX 2 (p. 39)

More than two persons per room with allowance for children.

In the foregoing figures, a child is regarded for housing purposes as equal to an adult, though it is obvious that from some points of view the number of children may be regarded as an important factor in gauging the amount of overcrowding. From a medical point of view, the contention that a young child requires less consideration than would one of from five to ten years, or that the latter can be reckoned as only half an adult, is open to serious criticism, as, physiologically speaking, there is no justification for regarding the question merely as determined by the relative weights or even by the respective lung capacities, for it must be borne in mind that adequate space is in the case of children especially necessary for their health and development. From the point of view of decency of accommodation, however, which is one of the principles governing the standard of two per room, overcrowding caused by young children is less objectionable than overcrowding by adults.

The Council's practice for its own dwellings has, however, given weight to this consideration as a matter of practical expediency. For admission to the Council's dwellings the limit of two persons per room is strictly adhered to, but for continued occupation, in ascertaining whether a tenement is overcrowded, while two persons per room are allowed, each child under the age of five years is reckoned as nil, and each child between the ages of five and ten years as half an adult. In spite of this arrangement, however, the average population of the Council's dwellings is only 1·3 per room. The rules of the Peabody Donation Fund for the prevention of overcrowding in the dwellings of the Trust provide a scale applicable to tenements and families of various sizes, the general effect of which would appear not to differ materially from that of the Council's regulations.

The census returns do not show how many of the children were under and how many over five years of age. The proportions in the Council's dwellings (calculated from the census made annually by the Council) have therefore been adopted as the best basis available for making such a division.

The following table shows the number and proportion of persons overcrowded in London according to the census of 1911, if allowance is made for children (on the basis above described) compared with the number and proportion on the basis of more than two persons per room, without making any such allowance:—

Size of tenement.	Population overcrowded. (more than 2 per room)		Proportion overcrowded.	
	On basis of all occupants	On adjusted basis, allowing for children.	On basis of all occupants.	On adjusted basis, allowing for children.
1 room	116,552	72,996	Per cent. 43·89	Per cent. 27·49
2 rooms	277,692	130,612	41·21	19·37
3 rooms	223,137	86,587	24·75	9·60
4 rooms	108,670	30,703	13·81	3·90
1-4 rooms...	725,951	320,798	27·62	12·21
5 rooms	26,197	4,751	5·41	98
6 rooms	5,861	918	1·54	24
7 rooms	742	15	·32	01
8 rooms	35	—	02	—
Total	758,786	326,482	16·78	7·22

It will be seen that on the adjusted basis the number of persons overcrowded would have been 326,482, as compared with 758,786 if no adjustment be made for children, and the proportion would have been 7·22 per cent as compared with 16·78 per cent.

Overcrowding according to the Public Health Act.

The Public Health (London) Act, 1891, provides that "any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates whether or not members of the same family" shall be a nuisance liable to be dealt with under the Act (section 2, sub-section (1) (e)). Under this provision proof of the injury or danger referred to must be adduced in each instance. In the by-laws made under section 94 of the Act with respect to houses let in lodgings or occupied by members of more than one family the term overcrowding is defined. This definition is made on the basis of air space, the limit generally prescribed being as follows:—

If a room used for sleeping be also used as a living room ... 400 cubic feet per person.

If used for sleeping purposes only ... 300 " "

The limit for a child under 10 years of age is one-half the above-mentioned amounts of air space.

Under these by-laws a room of 12 feet by 12 feet by 8 feet 6 inches, or 1,224 cubic feet (which, according to the Council's regulations, is the minimum size for a living room in the Council's block dwellings) would not be overcrowded with three persons (all adults), or with four persons (two adults and two children), or with five persons (one adult and four children), using it as a living and sleeping room. The following table sets out the maximum number for one, two, three and four-roomed tenements according to the various combinations of adults and children (under 10 years of age) in rooms of the minimum size in the Council's regulations referred to:—

Size of tenement.	Number of occupants allowed under by-laws.		Size of rooms.
	If all rooms are used for sleeping.	If one living room is not used for sleeping.	
1 room ...	3 (adults) 4 (2 adults and 2 children) 5 (1 adult and 4 ")	—	144 sq. ft. by $8\frac{1}{2}$ = 1,224 cubic feet.
2 rooms ...	6 (5 adults and 1 child) 7 (4 " 3 children) 8 (3 " 5 ") 9 (2 " 7 ")	3 (2 adults and 1 child) 4 (1 adult and 3 children)	144 sq. ft. by $8\frac{1}{2}$ = 1,224 cubic feet. 96 sq. ft. by $8\frac{1}{2}$ = 816 cubic feet.
3 rooms ...	9 (7 adults and 2 children) 10 (6 " 4 ") 11 (5 " 6 ") 12 (4 " 8 ")	6 (4 adults and 2 children) 7 (3 " 4 ") 8 (2 " 6 ")	144 sq. ft. by $8\frac{1}{2}$ = 1,224 cubic feet. 96 sq. ft. by $8\frac{1}{2}$ = 816 cubic feet. 96 sq. ft. by $8\frac{1}{2}$ = 816 cubic feet.
4 rooms	12 (9 adults and 3 children) 13 (8 " 5 ") 14 (7 " 7 ")	9 (6 adults and 3 children) 10 (5 " 5 ") 11 (4 " 7 ")	144 sq. ft. by $8\frac{1}{2}$ = 1,224 cubic feet. 100 sq. ft. by $8\frac{1}{2}$ = 850 cubic feet. 96 sq. ft. by $8\frac{1}{2}$ = 816 cubic feet. 96 sq. ft. by $8\frac{1}{2}$ = 816 cubic feet.

It will be seen that the maximum depends a good deal on whether all the rooms or only some are used for sleeping purposes. In three and four-roomed tenements it is improbable that all the rooms would be used for sleeping, and the number shown in the table, on the assumption that all the rooms would be so used, would no doubt rarely occur.

It must be borne in mind that the rooms assumed are of moderate size and that the much larger rooms that are sometimes found, particularly in better-class houses adapted for occupation by persons of the working class, would afford accommodation for a larger number without exceeding the limits prescribed by the by-laws.

It seems clear, therefore, that the existence of overcrowding on the basis of more than two persons per room does not mean that there is overcrowding according to the Public Health Act, taking the requirements of the by-laws as the standard.

When an investigation was made in 1898 into the sanitary condition and administration of St. Pancras, the question of overcrowding according to the by-law standard, and according to the standard of two per room, was dealt with. On the standard of more than two per room there were then about 60,000 persons in St. Pancras living under conditions of overcrowding. Having regard to the various considerations bearing on the question, and the light thrown on the matter by an estimate based on the results of an actual inspection of a number of houses in the borough, the conclusion arrived at was that out of 60,000 persons living more than two per room the number living under conditions in which the by-law limits of cubic space were exceeded from insufficiency of accommodation was probably not more than 10,000 persons.

It was in fact found, on the inspection of the houses overcrowded, that in a considerable proportion of instances overcrowding according to the by-law definition was caused by a misuse of space, which could be obviated by improving the sleeping arrangements of the family. The results, for a number of houses inspected, were:—

Misuse of space	...	...	...	...	...	...	67 houses
Insufficiency of space	...	...	...	...	...	...	107 "

Of the cases of insufficiency of space, 100 related to families occupying one room.

Since the above investigation, the number and proportion of persons living more than two per room in St. Pancras in one to four-roomed tenements have been reduced as follows :—

Census year.	Number of persons living more than 2 per room in 1-4 roomed tenements.	Proportion of total occupants of 1-4 roomed tenements.
1891	64,730	per cent. 41·6
1901	56,423	36·2
1911	50,284	33·4

There is, nevertheless, evidence that there is still a considerable amount of overcrowding in London even on the by-law basis. The following table shows the conditions found on a small insanitary area just before the outbreak of war in 1914.

Area.	Population.	Cubic feet per person.	Square feet per person.
The whole area	3,009	414	53
The worst streets were			
A	17	240	27
B	196	259	42
C	166	309	42
D	211	318	42
E	182	301	41
F	332	311	40

In connection with inspections made under the Children Act, we are advised, evidence at the present time is frequently obtained that families are living under conditions of overcrowding, and that great difficulty is experienced by the people concerned in obtaining other accommodation. As a result of 200 recent visits, 917 persons (including 278 nurse infants) were found to occupy 660 rooms. Of these, 158 in 47 rooms had less than 300 cubic feet per person, so that 17 per cent. of the occupants were sleeping under overcrowded conditions. Of the 59 rooms occupied for both living and sleeping purposes, 9 were single room tenancies and it may be assumed that in many of the 50 remaining rooms the use of the living room for sleeping purposes was permitted in order to abate overcrowding. It must be remembered that most of the instances above cited belong to a class somewhat above that occupying insanitary areas.

In addition, experience has been gained in connection with Industrial School cases. During the last four years 647 tenements have been reported by the attendance officers as being occupied by more than four persons per room. When visited by the public health inspectors it was found that in a number of instances families had removed and that in others some of the children had been sent to Industrial Schools, but, notwithstanding this, some 20 per cent. out of the total visited were still found to be overcrowded.

The proportions of 17 and 20 per cent. of overcrowding found in these selected cases cannot of course be taken as applying to working-class tenements generally.

It is to be remembered in considering the by-law standard of overcrowding that this is mainly based on cubic space and does not give weight to the modern notions of decency and to the desirability of the separation of the sexes. As is shown in a previous table in this report (p. 11), as many as five persons may live, cook, and sleep in one room without violating the by-law.

Estimate of excess population in tenements overcrowded.

On the various bases of overcrowding considered and on the figures of the census of 1911, it may be estimated that the numbers of persons living in conditions of overcrowding were in 1911 as follows :—

(i.) On standard of more than two per room	758,786
(ii.) On same basis as No. i. but with allowance for children on the scale adopted by the Council	326,482
(iii.) On basis of by-laws under Public Health Act	Indefinite, but probably only a relatively small figure.

The first basis is that used in the census of more than two per room. The total number of persons living in overcrowded conditions, according to this standard, was, in 1911 ... 758,786 These persons occupied 270,352 rooms, and assuming these overcrowded rooms to be occupied to the extent of $1\frac{1}{2}$ persons per room on an average their population would be ... 405,528

leaving a population in excess of what could be accommodated on this basis of ... 353,258

The assumed average of $1\frac{1}{2}$ persons per room is considerably more than the average of all tenements occupied to an extent not exceeding 2 per room, the average for these and for tenements occupied by more than 2 per room being in 1911 as follows :—

Tenements	Average number of persons per room in tenements occupied by		
	2 persons per room or less.	More than 2 persons per room.	Total.
1 room	1.41	3.60	1.92
2 rooms	1.33	2.95	1.72
3 rooms	1.19	2.63	1.37
4 rooms	1.09	2.44	1.19
1-4 rooms	1.20	2.84	1.42
5 rooms	1.00	2.54	1.03
6 rooms	.86	2.24	.87
1-6 rooms	1.10	2.81	1.27

The next standard is the practical one adopted by the Council in the management of its own dwellings, and on this basis the population (corresponding to the 758,786 used above) then living in conditions of overcrowding may be estimated at 326,482. A similar calculation would show the number of persons in excess of the accommodation as 169,783

The standard of overcrowding in this case allows for children and if a similar allowance be made in calculating the population before overcrowding conditions are assumed to obtain, the average multiplier per room should be increased to 2, leaving an excess population of about 118,000

The lowest standard of all is the by-law standard, for which it is impossible to give figures; but the standard here is perhaps as much too low as the 2 per room standard is too high. We propose therefore to ignore it for present purposes.

There was, therefore, in 1911 a possible range from 118,000 to about 350,000 as the excess population in overcrowded tenements.

Tendency of change in conditions indicated by census returns.

A comparison of the census returns of 1911 with those of 1901 and 1891, that is, over a period of 20 years, indicates considerable changes.

The figures of London population already given show an increase of 308,313 in the period 1891-1901 and a decrease of 14,582 in the period 1901-1911. This change was not entirely due to the fact (i) that a smaller number of new houses was being provided in London, or (ii) that the existing houses were more fully occupied, but was caused by the movement of the population outwards, induced by the development of the extra-London districts, which was, no doubt, greatly assisted by the extension of locomotion facilities during the period. The development of the extra-London districts continued unabated, the increase in population being as follows. —

1891—1901...	...	...	639,283
1901—1911...	...	...	694,538

It is true, however, that the rate of growth of the population of "Greater London" taken as a whole diminished very greatly in 1901-11 as compared with the period 1891-1911. This diminution in the rate of growth of population resulted in a diminished demand for houses and was, no doubt, to a considerable extent, responsible for the relief in the pressure on housing accommodation that took place during the period.

With regard to tenements, comparative figures for past census years can only be given for one, to four-roomed tenements, and are as follows :—

Size of Tenement.	Number.			Increase or decrease.	
	1891.	1901.	1911.	1891-1901.	1901-1911.
<i>Number of tenements—</i>					
1 room	172,807	149,524	138,226	(-) 23,283	(-) 11,298
2 rooms	190,245	201,431	196,405	(+) 11,186	(-) 5,026
3 rooms	153,653	181,542	219,158	(+) 27,889	(+) 37,616
4 rooms	115,443	139,533	164,776	(+) 24,090	(+) 25,243
Total	632,148	672,030	718,565	(+) 39,882	(+) 46,535
<i>Number of rooms—</i>					
1 room	172,807	149,524	138,226	(-) 23,283	(-) 11,298
2 rooms	390,490	402,862	392,810	(+) 22,372	(-) 10,052
3 rooms	460,959	544,626	657,474	(+) 83,667	(+) 112,848
4 rooms	461,772	558,132	659,104	(+) 96,360	(+) 100,972
Total	1,476,028	1,655,144	1,847,614	(+) 179,116	(+) 192,470

From this it will be seen that there was a greater increase in one to four-roomed tenements, taken as a whole, in the period 1901-1911 than in the period 1891-1901. This increase, however, was in the three and four-roomed tenements between 1901 and 1911, there being a very considerable decrease in the number of one and two-roomed tenements.

The change in the population of those tenements and in the number and proportion of persons living more than two per room is shown in the following table :—

Size of Tenement.		1891.	1901.	1911.	Increase or decrease.	
					1891-1901	1901-1911
1 room	Population	387,156	304,874	265,553	- 82,282	- 39,321
	Population living more than 2 per room ...	215,232	147,771	116,552	- 67,461	- 31,219
	Proportion per cent.	55.6	48.5	43.9	- 7.1	- 4.6
2 rooms	Population	690,844	701,203	673,819	+ 10,359	- 27,584
	Population living more than 2 per room ...	331,122	296,659	277,592	- 34,463	- 19,067
	Proportion per cent.	47.9	42.3	41.2	- 5.6	- 1.1
3 rooms	Population	666,126	752,221	901,603	+ 86,095	+ 149,382
	Population living more than 2 per room ...	193,129	187,619	223,137	- 5,510	+ 35,518
	Proportion per cent.	29.0	24.9	24.7	- 4.1	- 0.2
4 rooms	Population	594,716	691,491	787,159	+ 96,775	+ 95,668
	Population living more than 2 per room ...	92,185	94,047	108,870	+ 1,862	+ 14,823
	Proportion per cent.	15.5	13.6	13.8	- 1.9	+ 0.2
TOTAL	Population	2,338,842	2,449,789	2,627,934	+ 110,947	+ 178,145
	Population living more than 2 per room ...	831,668	726,096	725,951	- 105,572	- 145
	Proportion per cent.	35.6	29.6	27.6	- 6.0	- 2.0

This shows that the occupants of one to four-roomed tenements in the County of London increased during the period 1901-11 by 178,145 (from 2,449,789 to 2,627,934), the proportion which they bore to the total population rising from 54.0 per cent. in 1901 to 58.1 per cent. in 1911. In 1891 the proportion was 55.3 per cent. An increase between 1901 and 1911 took place in every Metropolitan borough except Chelsea, Holborn, St. Marylebone and Woolwich. This increase in the proportion of one to four-roomed occupants also extends to extra-London where the proportion has risen from 30.0 to 37.9 per cent so that it is not accounted for by an exchange between London and extra-London.

The Registrar-General, in his report, is inclined to attribute part of this increase to the greater accuracy of the 1911 census returns. It is unfortunately impossible to say how far it is attributable to this cause and how far to an increase in the proportion of the working-class population or of that part of the working-class population which has, or chooses, to occupy tenements of one to four rooms.

It should be noted that there was a considerable decrease in the number of occupants of one and two-roomed tenements but a much larger increase in the number of occupants of three and four-roomed tenements. This is no doubt to some extent due to the demolition of insanitary houses, in which one and two-roomed tenements are most frequently found, and to the cessation of use for habitable purposes of basement rooms. There has consequently been a considerable improvement in the scale of accommodation of the occupants of one to four-roomed tenements. The considerable reduction in the number of occupants of one-room tenements is particularly important.

While there was no material reduction in the number of persons living more than two per room during the period 1901-11, there was a material reduction in the more aggravated forms of overcrowding as shown by the following figures:—

Density of occupation in tenements of 1-4 rooms.	Number of persons, 1911.	Decrease in the period—	
		1891-1901.	1901-1911.
Living more than 2 per room ..	725,951	105,572	145
" " 3 " " " " " "	173,637	80,393	12,736
" " 4 " " " " " "	38,346	38,539	8,034
" " 5 " " " " " "	8,903	15,563	4,130
" " 6 " " " " " "	2,349	5,052	1,719
" " 7 " " " " " "	575	1,580	805
" " 8 " " " " " "	159	558	397
" " 9 " " " " " "	42	259	163
" " 10 " " " " " "	12	89	93
" " 11 " " " " " "	12	12	60

While in the period 1901-11 there was a reduction of only 145 in the number living more than two per room as compared with 105,572 in the period 1891-1901, there was a reduction of 12,736 in the number living more than three per room, and of 8,034 in the number living more than four per room, with reductions as shown in the higher densities.

The changes of which a comparison of the figures for 1911 with those of 1901 gives indication may be broadly summarised as follows :—

(1) A great movement of the population outwards, which left the population of London stationary during the period 1901-11, while the population of extra-London showed a larger increase than in any previous decennium.

(2) An increase in the number of occupants of small tenements (one to four rooms) both in London and extra-London, a part of the increase indicated by the figures being no doubt due to greater accuracy in the returns for 1911.

(3) A shifting upwards in the scale of accommodation of the occupants of one to four-roomed tenements, as indicated by the decrease in the number occupying one and two-roomed tenements and the increase in the number occupying three and four roomed tenements.

(4) No material change in the number of persons living more than two per room in London though the proportion fell from 29·6 per cent. to 27·6 per cent. Here also there is a decrease in the number living more than two per room in one and two-roomed tenements and an increase in three and four-roomed tenements.

(5) A continued but diminishing decrease in the more aggravated forms of overcrowding in London, as indicated by the diminution in the number living more than three, four, five, etc., persons per room.

(6) A tendency in overcrowding to shift outwards, as indicated by the increase in the number living more than two per room in some of the outlying districts in London and in the extra-London districts.

Comparing the changes in the period 1901-11 with those during the previous 10 years, 1891-1901, the figures show :—

(1) A greater increase in the number of occupants of one to four-roomed tenements both in London and extra-London.

(2) A slackening in the decrease of overcrowding in the county of London.

Changes since 1911,

The foregoing particulars relate to the position in 1911, when the census was taken. Since then over 7 years have elapsed, and it is therefore necessary to consider what changes have taken place during that period which might modify any theories based upon a consideration of the census returns.

Reference has been already made under the head "Effect of the war on population" to the change in the population of the county that has taken place since 1911. (See p. 6).

Dwellings built and demolished.

Between the census of 1911 and the outbreak of war, the number of working-class dwellings provided was small and was exceeded by the number demolished. Since 1914, very little has been provided—except by the Government in the neighbourhood of Woolwich Arsenal. The number of working-class dwellings demolished has also fallen since 1914.

The figures for the whole of London up to 1916 are as follows :—

Year	Number of working-class rooms.		
	Built.	Demolished.	Net addition or deduction.
1911... ..	5,204	4,969	+ 235
1912... ..	4,167	6,790	— 2,623
1913... ..	6,181	6,174	+ 7
1914... ..	5,299	6,669	— 1,370
1915... ..	2,599	2,890	— 291
By the Government ...	4,010	—	+ 4,010
1916... ..	1,938	1,503	+ 435
By the Government ...	1,557	—	+ 1,557
Ditto (Hutments) ...	6,904	—	+ 6,904
Total—London...	37,859	29,995	+ 8,864

The distribution among the metropolitan boroughs differs widely, and is shown in APPENDIX 3.

There has, therefore, been between 1911 and 1916 a net increase of 8,864 rooms, or excluding hutments, which are obviously only a temporary expedient, 1,960 rooms. Were it not for the fact that the Government erected buildings in Woolwich, there would have been a decrease of about 3,600 rooms in accommodation of a permanent character.

Conversion of non-working-class houses.

Some addition to the housing accommodation for persons of the working-class is obtained by the letting or sub-letting of larger houses in tenements.

This process of conversion is as a rule a very gradual one and no statistics are available as to its amount in any year. A careful comparison of the census returns for 1901 and 1911 shows that, after allowing for new building, there was an increase in one to four-roomed tenements in London in the period amounting to about 145,600 rooms, or an average of 14,560 rooms per year. This increase must have been due to the occupation, in tenements of one to four rooms, of houses or tenements of five rooms and upwards. Some of the latter (of five and six rooms) would have been always of the working-class; their occupation by two families, instead of one, tends to the greater utilisation of the accommodation, though it cannot be regarded as increasing its amount. The greater part of the increase in one to four-roomed tenements referred to appears, however, to be due to the conversion of non-working-class houses.

Since 1890 exemption from, or an abatement of, inhabited house duty is allowed to owners who can obtain from the Medical Officer of Health a certificate "that the house is so constructed as to afford suitable accommodation for each of the families or persons inhabiting it, and that due provision is made for sanitary requirements." The abatement is graded according to the rental of the dwelling in accordance with the terms of section 11 (1) of the Revenue Act, 1903. Many owners have availed themselves of the enactment and considerable improvement as regards provision of water supply within the tenement, food storage, and separate water-closet accommodation has taken place, and also an improvement in the condition of drains and backyards. On the other hand in many instances the owners have not been prepared to incur the expense which would be entailed in order to gain the exemption.

The main difficulty in many thousands of houses in London at the present time is that, although the rooms of these tenement houses may be sufficiently large and the space adequate, the arrangements in the majority of them are not suitable for the accommodation of several families. In order in part to meet this the Council obtained in its General Powers Act, 1907, a section dealing with the provision of water on the upper floors of tenement houses, and the General Powers Acts of 1908 and 1909 provided for "suitable cooking accommodation" and for "sufficient and suitable storage for food," but in these last two instances the powers only apply to houses adapted since the passing of the Acts. The necessity for increased water-closet accommodation in tenement houses has been in some measure met by the requirements of the London County Council by-law made under section 39 of the Public Health (London) Act, 1891, which provides that in houses occupied by members of more than one family there shall be not less than one water-closet for every twelve inmates.

The structural alteration of better-class houses so as to provide separate sculleries, water supply, and sanitary conveniences for each family is a question that will in some districts require attention in the future, as there are many old houses in various parts of London that might be dealt with in that way when they cease to be occupied by the present class of tenant.

The Lambeth Metropolitan Borough Council has approved a report by the Borough Medical Officer of Health advocating substantially this method of dealing with the housing problem in the borough instead of by way of clearance schemes or action under the various statutes to secure the closing and demolition of undesirable houses. The following is an extract from the report in question:—

"What will be necessary for this purpose will be the re-constructing and re-planning of old houses which already exist, so as to render them suitable for occupation by different families, such families to be separately catered for in the way of provision being made for separate living and sleeping accommodation, sculleries, sinks, water supplies, sanitary conveniences, etc., *i.e.*, the provision of separately contained flats or tenements. There are many such existing old houses within the borough that might, with advantage, be dealt with in that way."

The St. Marylebone Metropolitan Borough Council in a return furnished to the Local Government Board states that there are a certain number of such houses capable of being so converted and providing additional accommodation for persons of the working class in the borough.

Consideration by the Council of possibility of conversion of dwellings.

In 1909 extensive inquiries were made in various districts of London, and a number of houses that were originally built for occupation by one family, and afterwards let in separate lettings were selected in Islington, Lambeth, Paddington and Wandsworth. These were inspected with the view of ascertaining the practicability, in regard to their planning and general construction, and also from a financial standpoint, of converting these middle-class houses into self-contained tenements or flats for the accommodation of families of the working classes, to be let at lower rents than those which it was possible to charge for the Council's existing working-class dwellings. Typical houses were surveyed, and plans were prepared showing how these houses might be so altered as to provide suitable self-contained accommodation for each family and, at the same time, comply with the London Building Acts requirements. *Inter alia*, the heights of habitable rooms, which in some cases were only seven feet high, were to be increased to eight feet six inches, or eight feet when partly in the roof, and the Public Health Act conditions as to underground rooms were to be complied with in extending the areas and adjusting the lighting arrangements, and showing the requisite alterations to the stairs, in order to

provide sufficient means of escape in case of fire, in accordance with the London Building Act (Amendment) Act, 1905. The estimated cost of these alterations, at that comparatively economical period for building work, averaged £54 per room.

It was ultimately found that the cost of the alterations would be so great that the scheme was financially impracticable, assuming that the purchase prices and cost of alterations would be redeemed in 40 years.

A less expensive scheme to provide only a common wash-house, on the ground floor, and a separate water-closet for each family, showed that it would not be possible for the Council to purchase the premises and effect these less drastic alterations without incurring financial loss.

It may also be pointed out that between the date of these investigations and 1914 the cost of building increased by about 20 per cent.

It was found that the rents then obtaining for that class of property, having regard to the character of the accommodation afforded, were high, ranging from 2s 6d. to 4s. for one room and from 5s. 6d. to 8s. for two rooms.

It was reported at that time that until retrospective power was given to local authorities to compel owners of houses, let out in rooms, to adapt them for occupation by different families, *i.e.*, in respect of sanitary arrangements, water supply, and provision for cooking and storage of food, the local authorities would not be able to bring adequate pressure to bear on owners to improve sufficiently the condition of such houses in these respects.

The inquiries made at that period indicated that the carrying out of such a suggestion was hopeless from a financial point of view and demonstrated that it was impracticable to purchase, alter, adapt, and provide proper sanitary arrangements, and to let the houses at lower rents than were being obtained in the Council's dwellings, indeed, it appeared clear that the rents then ruling in the Council's dwellings were less than would have to be charged for converted houses in order to make such a scheme self-supporting.

Vacant accommodation.

At the time of the census of 1911, unoccupied houses in London were relatively numerous, but since that time the number has declined considerably.

The average loss in rates through "empties" in the years 1911-17 has been, approximately, as follows :—

Year.	Per cent.
1910-11	5.43
1911-12	4.58
1912-13	4.03
1913-14	3.41
1914-15	3.20
1915-16	3.41
1916-17	3.10

These figures relate to all classes of property with the exception of those on which the rates are compounded, *i.e.*, paid in full whether the houses are occupied or not.

These percentages do not represent the proportion of houses of the working classes that were unoccupied each year. They are used to show that the proportion of "empties" in property of all descriptions in London was in 1917 only little more than 50 per cent of what it was in 1911.

The inquiries with regard to vacant working-class accommodation which the Council has had made from time to time relate to working-class houses only, and show the actual number of tenements "to let" at the time in the districts examined. The following is a summary of the results of recent inquiries made :—

Year.	Number of inquiries.	Number of boroughs in which inquiries were made.	Total number of rooms in areas covered. (approximate).	Rooms "To Let."	
				Number.	Proportion.
1911	21	17	279,000	12,228	Per cent. 4.4
1912	19	16	452,000	16,872	3.7
1913	26	19	1,113,000	22,086	2.0
1914	19	15	572,000	6,788	1.2

These results show that there is a decided tendency towards a reduction in the number of empty premises, and in the case of working-class accommodation at an increasing rate as compared with all properties.

In the Council's dwellings the percentage of "empties" has fallen to very small proportions, the figures for each quarter since the beginning of 1911 being as follows:—

Quarter ended.	Percentage of "empties" to gross rental.	Quarter ended.	Percentage of "empties" to gross rental.
March, 1911	7 11	March, 1915	95
June, 1911	6 82	June, 1915	79
September, 1911	6 88	September, 1915	57
December, 1911	5 69	December, 1915	73
March, 1912	5 96	March, 1916	48
June, 1912	5 01	June, 1916	39
September, 1912	3 98	September, 1916	39
December, 1912	3 00	December, 1916	39
March, 1913	2 57	March, 1917	33
June, 1913	2 29	June, 1917	51
September, 1913	2 08	September, 1917	44
December, 1913	1 75	December, 1917	26
March, 1914	1 25	March, 1918	23
June, 1914	1 25	June, 1918	28
September, 1914	1 32	September, 1918	20
December, 1914	1 35		

From the consistent improvement in these figures it would seem that, for some time before the war, the available housing accommodation on the Council's estates was being quickly absorbed, and that since the outbreak of war the only losses that have been sustained have been through changes of tenancies. For some time there has been a waiting list of applicants for rooms, and the present small loss by "empties" is due to the fact that it is often possible to re-let without loss of rent.

Particulars of returns made by the metropolitan borough councils to the Local Government Board as to vacant accommodation are given in APPENDIX I (p 35). In 9 cases the reply is "nil," and in the other cases the numbers mentioned are very small.

These figures, taken together, appear to indicate that in London, at the present time, there is little or no margin of housing accommodation.

It is necessary that there should be a sufficient margin of empty houses to allow of the changes which every large community finds essential for its full and proper development, and some addition to the housing accommodation may therefore be necessary on this account, even if all other conditions remain unchanged (See APPENDIX 3, p 43).

Insanitary and congested areas.

Building densities

One of the directions in which it is anticipated that the standard of housing will particularly be raised, is in regard to the number of houses per acre. The President of the Local Government Board (Mr. Hayes Fisher) in reply to a deputation, on 12th December, 1917, is reported to have said —

"Their aim should be to have 12 houses to the acre in towns and eight houses to the acre in the country. They should be houses that the working-man should find a pleasure to live in, so that he should be tempted to put more of his money into the rent."

In a circular letter which the Local Government Board addressed to local authorities on 18th March, 1918, on the subject of the grant of State aid towards the carrying out of housing schemes, the point is dealt with as follows:—

"It should be borne in mind that, in connection with schemes intended to secure Government assistance, the aim should be to provide that in ordinary circumstances not more than twelve houses (or in agricultural areas, eight houses) should be placed on an acre of land, wherever this is possible without materially increasing the cost of the scheme."

On the Government estate at Woolwich the average is about 12½ houses to the acre, and a somewhat similar standard is adopted in garden cities.

There is no exact information available as to the density of existing working-class houses throughout London, but, broadly speaking, it may be said to range from 40 to 80 houses per acre in insanitary areas to about 20 houses per acre in generously-planned estates. The following are the figures for a few important estates developed within, approximately, the last 30 years:—

Estate.	Approximate acreage	No. of houses per acre.
Eltham, Government Estate	96	12·4
Earlsfield (Magdalen College)	7	16·5
Hither Green (Corbett)	40	16·7
Wimbledon Park	80	20·0
Upper Tooting (Lynwood)	8	22·5
Herne Hill (Peabody Donation Fund)	6½	23·3
London County Council (4 estates)	110·12	27·36 (average)
Battersea (Artizans, Labourers, and General Dwellings Co., Ltd.)	45	31·4

The comparison is affected by the fact that the houses differ in size, and this particularly applies to the comparison between the Council's housing estates and others. The Council provides a larger proportion of smaller cottages than is generally the case, and this has the effect of increasing the number of cottages per acre without really adding to the building density.

Congestion of houses, combined with overcrowding, produces great density of population in many districts in London. The only available figures as to density of population to the acre are compiled upon a basis which leaves out of account the large variety of factors which must be considered in making any useful comparison. While for this reason we do not quote those figures in detail, we may rightly point out that the congestion of houses is very great in certain metropolitan boroughs as a whole; for instance in Southwark, Shoreditch, Bethnal Green, Stepney and Finsbury where certain factors operating in reduction of density of population are largely absent. At the same time in boroughs in which the same factors are present in a high degree, specific parts are nevertheless chargeable with a considerable density of population.

Unsuitable accommodation.

Apart from the question of any drastic improvement in the standard of housing accommodation, there is the necessity of dealing with the dwellings which, if other accommodation were available, would be considered on existing standards as no longer fit for human habitation.

This unsuitable accommodation consists mainly of two sections:—

(i.) Property badly arranged so far as its relationship to other property is concerned, such as is dealt with by schemes under Part I. of the Housing Act of 1890;

(ii.) Premises which apart from environment are in their present state unsuitable for continued occupation by reason of one or more of the following defects.—age, defective construction, decay, dampness, or dilapidated and verminous condition.

Insanitary areas.

The Council and its predecessor (the Metropolitan Board of Works) have been dealing with the clearance of insanitary areas problem for over 40 years, and up to the completion of the last scheme, the total clearances were as follows, the figures of clearances by local authorities being also added:—

Authority.	Insanitary areas cleared.			Total net cost.
	Area.	Rooms.	Persons.	
	acres.			£
Metropolitan Board of Works	41.73	9,830	22,872	1,320,619
London County Council—				
Part I. of Housing Act of 1890	50.73	10,498	20,714	968,010
Part II. of Housing Act of 1890	4.76	761	1,851	36,339
Total for L.C.C.	55.49	11,259	22,565	1,004,349
Total of completed schemes	97.22	21,089	45,437	2,324,968
Local authorities (now Metropolitan Borough Councils)—				
Part II. of Act	6.93	Information not available	3,088	70,661
Total	104.15	—	48,525	2,395,629

The Council has now in hand the clearance of one insanitary area—Tabard Street, etc., Southwark—and is committed to the clearance of another area—Brady Street, Bethnal Green. The numbers of rooms and persons on these areas were as follows:—

	No. of houses.	No. of persons.
Tabard Street area (with Crosby Row and Grotto Place)—		
Total	862	4,552
Already closed and displaced	363	1,731
To be closed	509	2,821
Brady Street area—Total	166	1,121

These numbers, however, represent only a small portion of the accommodation in London in premises badly placed, which, on a reasonable standard, would be regarded as unsuitable for continued occupation. In 1911 the Medical Officer of Health for the county of London stated that there were throughout London about 1,900 groups of three or more houses which were either insanitary or so congested, badly arranged, or badly situated, that they required to be dealt with. The number of dwellings in these groups was 25,734, occupied, it was estimated, by about 195,000 persons. By far the greater number of these groups of houses was in East London and in the older and more central parts of the boroughs south of the river.

Apart from certain technical difficulties under the Housing Acts, the main difficulty in dealing with undesirable houses or congested areas has in the past been that of re-housing. Of the 25,734 houses above referred to, 1,564 have since been demolished, and the estimate of 195,000, as given above, can therefore be reduced to about 184,000, but only 217 of these 1,564 houses have

been replaced by domestic buildings for persons of the working class. There is evidence of a strong disinclination on the part of working people to reside further from their work than they need. Local authorities are consequently reluctant to displace residents in their districts unless it be possible to re-house them in the neighbourhood. In the more central districts it is impossible to provide upon the cleared sites new accommodation on economic lines for the persons displaced, and even when, by valuing sites as restricted to the special purpose of re-housing accommodation, they can be used for re-housing purposes it is only practically possible in most cases to provide for a portion of the number who previously occupied the old houses. There may however, be some insanitary areas in the outlying districts where the houses are only two storeys high and have a fair amount of space at the rear, on the cleared sites of which it would be possible to provide new accommodation for a number equal to that of the persons displaced. In the Walworth district houses of this class have been demolished and three-storey block dwellings erected; the space between and around the blocks is well paved so that there is no exposed polluted soil, and this class of dwelling has obvious advantages over that built upon the old damp sites with unpaved spaces at the rear in which animal and vegetable matters accumulate and pollute the soil.

Unhealthy houses.

The second section of unsuitable accommodation comprises certain large areas in portions of London, principally in the older parts where the continued occupation of the houses is, on health grounds, undesirable, for one or more of the following reasons, namely, age, defective construction, decay, dampness, or dilapidated and verminous condition. There are no detailed particulars in the Council's possession as to the extent of this class of accommodation, but it can hardly be doubted that it is considerable.

Summary.

In regard to population, it has been shown that the position of the county is substantially stationary. Assuming the county to be considered as a whole, additional accommodation is consequently not necessary under this head, except to meet the transfer of residents from the central to the outlying districts.

In regard to overcrowding, we are not prepared to say definitely what the actual figure should be at the termination of the war, but it is obvious from the figures given on pages 9 to 12 that it will be sufficiently large to justify the Council in accelerating its existing programme of building under Part III. of the Housing Act.

In regard to unsuitable accommodation, it is estimated that on areas of an insanitary character about 184,000 persons are affected. As regards unhealthy houses no precise particulars can be given, but there is no doubt that while many such houses would be only fit for demolition, many others although at present unsuitable for occupation could be renovated and made habitable, at any rate for a limited period, by putting into operation the powers contained in the Housing, Town Planning, etc., Act, 1909, by which the local authority may compel the landlord to make the houses in all respects reasonably fit for human habitation.

The general result of a consideration of the foregoing facts and figures is that housing conditions are, and at the termination of the war are likely to be, unsatisfactory to a considerable extent and that ameliorative measures will be necessary on a larger scale and at a more rapid rate than has hitherto been possible. The Council is not, however, the sanitary authority for the administration of the law as to overcrowding and the sanitary condition of the houses, and concerted action with the metropolitan borough councils is necessary for the strict enforcement of the law.

EXTRA-LONDON.

Growth of Population.

The table given on page 5 shows the growth of population in Extra-London in each decennial period since 1801, and the figures in Appendix 2 give the figures of population for the various urban districts in 1911 and of the changes in the two decennial periods since 1891.

It will be seen from the table on page 5 that the rapid growth of Extra-London did not begin until the period 1861-71, during which the addition to the population was 210,019. Since then the addition has steadily risen, and while in the period 1901-11 there was a decrease in London, in Extra-London the increase was greater than in any previous period, amounting to 684,538 in the ten years. The rate of increase in that period fell off considerably, namely, from about 50 per cent. in each of the three periods between 1861 to 1891 and 45.5 per cent in 1891-1901, to 33.5 per cent. in 1901-11.

It will be seen also that while the rate of growth of the population of Extra-London was comparatively steady during the ten decennial periods between 1801 and 1901, ranging from 22.7 to 16.8 per cent, it fell in the period 1901-11 to not much more than one-half, or 10.2 per cent. An increase of 10 per cent. during the current decennial period would mean an average annual increase of about 72,500 in the population of Extra-London. But, in view of the uncertainty as to the future due to the war and its conceivable effects of various kinds, it is not possible to predict whether this increase of 10 per cent. will be maintained, or increased, or diminished, or to suggest, with regard to the future of the population of Extra-London, any figures which would serve as a sound basis, so far as this cause is concerned, for calculating the amount of additional accommodation required. In this connection we note that while before the war the normal annual increase of the population of Extra-London was about 85,000 persons, in 1917 it fell to about 35,000 persons.

Classes of Tenements (Extra-London).

The following table shows the population occupying the various classes of tenements in the Extra-London urban districts and the proportion in each class as compared with the proportion in London :—

Size of tenement or house	Extra-London.		Proportion in the county of London.
	Population of urban districts †	Proportion.	
1 room	32,332	Per cent. 1.3	Per cent. 5.9
2 rooms	93,072	3.7	14.9
3 „	343,416	13.5	19.0
4 „	454,760	17.9	17.4
Total 1—4 rooms...	923,580	36.4	58.1
5 rooms	601,683	23.7	10.7
6 „	404,784	16.0	8.4
Total 1—6 rooms..	1,930,047	76.1	77.2
7 rooms	217,148	8.6	5.1
8 „	105,988	4.2	3.6
9 „	68,943	2.7	2.2
10 „	130,374	5.1	6.0
Non-private tenements	84,866	3.3	5.9
	2,537,366	100.0	100.0

† Excluding the parts of Watford Urban District and Esher and the Dittons Urban District in Extra-London (for which figures are not available).

The proportion of the population in 1—6 roomed tenements is much the same in Extra-London as in London—76.1 and 77.2 per cent. respectively. It will be seen from Appendix 2 that it ranges from 94.3 per cent. in Barking to 45 per cent. in Epsom.

In 1—4 roomed tenements the proportion of the population in Extra-London is only 36.4 as compared with 58.1 per cent. in London.

Any comparison with past years can only be made for 1—4 roomed tenements. It will be seen from Appendix 2 that while the increase in the total population of the urban districts of Extra-London (for which comparative figures are available) was, approximately the same in the periods 1891–1901 and 1901–11 (namely, 546,323 and 542,688 respectively), the increase in the occupants of 1—4 roomed tenements was twice as much in the latter period as in the former—335,979, as compared with 167,095. The proportion which the occupants of such tenements bears to the total population rose from 29.7 per cent. in 1891 to 30 per cent. in 1901, and to 37.9 in 1911 (the figure 36.4 per cent. given previously relates to a different area). The districts with high increases are as follows :—

District.	Population of 1—4 roomed tenements.			
	Increase 1901–11.	Percentage of total population.		
		1901.	1911.	Increase in percentage 1901–11
Barking Town	12,574	22.3	55.5	33.2
Tottenham	32,027	34.3	48.9	14.6
Leyton	22,441	24.8	37.6	12.8
West Ham	47,307	48.7	61.4	12.7
Hanwell	4,210	20.6	33.3	12.7
Twickenham	5,225	18.6	31.1	12.5

These districts are mainly in the east and north-east, with cheap means of communication with the centre, which tend to the development of the smaller class of tenement.

The following table shows how the increase is distributed among the various classes of tenements :—

Size of tenement.	Population of certain Extra-London urban districts.			Increase.	
	1891.	1901.	1911.	1891–1901.	1901–1911.
1 room	18,430	21,540	29,345	+ 3,110	+ 7,805
2 rooms	47,869	69,680	83,563	+ 21,811	+ 13,883
3 „	97,337	161,030	319,490	+ 63,693	+ 158,460
4 „	165,513	243,994	399,825	+ 78,481	+ 155,831
	329,149	496,244	832,223	+ 167,095	+ 335,979

It will be seen that the additional increase in 1901-11 as compared with 1891-1901 was mainly in 3- and 4-roomed tenements.

The same reservation needs to be made in considering the Extra-London figures as was made in considering the London figures, namely, that the figures for 1911 are probably more complete and more accurate than those for the previous censuses.

Overcrowding (Extra-London) in 1911

The number and proportion of the population in the Extra-London urban districts in 1911 living more than two per room, compared with the number in London, are given in the following table—

	Total population.	Population living more than 2 persons per room.	Proportion living more than 2 persons per room.
Extra-London Urban Districts	2,549,908	177,099	Per cent. 6.95
London	4,521,685	758,786	16.78

These figures show that the proportion in Extra-London then living more than 2 per room was considerably less than one-half the proportion in London.

Of the total of 177,099 persons living more than two per room, 142,509 occupied 1-4 roomed tenements in urban districts (for which comparative figures are available), and the change in the number and proportion of those who were then living more than two per room in the last two decennial periods is indicated by the following figures—

		1891.	1901.	1911.	Increase or decrease	
					1891-1901.	1901-1911.
1-4 roomed tenements (Extra-London)	Population	329,149	496,244	832,223	+167,095	+335,979
	Population living more than 2 per room	63,630	80,193	142,509	+16,563	+62,316
	Proportion per cent.	19.3	16.2	17.1	-3.1	+0.9
London—Proportion per cent. living more than 2 per room		35.6	29.6	27.6	-6.0	-2.0

The proportion living more than two per room in 1-4 roomed tenements in Extra-London after falling from 19.3 per cent. in 1891 to 16.2 per cent. in 1901, rose to 17.1 per cent. in 1911, but the numbers increased in each period by substantial amounts, while in London the number in each period declined. This indicated a change for the worse in this respect in Extra-London at the same time as an improvement was taking place in London.

The figures for the various districts are given in APPENDIX 2. The principal districts with a considerable proportion living more than two per room in 1911 were as follows (the proportion in 1901 being also given):—

District.	Population of 1-4 roomed tenements.	Living more than 2 per room, in 1-4 roomed tenements	
		Proportion.	
		Number. 1911.	1901. 1911.
Edmonton	19,007	4,843	Per cent. 22.1 25.5
West Ham	177,428	40,308	19.1 22.7
Willesden	92,517	20,473	22.9 22.1
Acton	26,894	5,490	20.9 20.4
Chiswick	15,760	3,117	17.8 19.8
Hendon	15,033	2,983	18.8 19.8
Brentford	7,601	1,257	17.2 16.6
Kingston-upon-Thames	11,621	1,922	16.3 16.5
Tottenham	67,203	11,115	16.6 16.5
Barking Town	17,381	2,767	17.8 15.9
Hanwell	6,365	987	12.4 15.7
Penge	5,931	912	11.7 15.4

It will be seen that only two of these districts are situated on the south side of the Thames—Kingston and Penge. The others are not confined to any particular part of Extra-London north of the river, but are distributed over a considerable area.

The highest proportion in an Extra-London district—Edmonton, 25.5 per cent.—was less than the average for the whole of London—27.6 per cent. About two-fifths of the Extra-London districts had a lower proportion than Lewisham (11.2 per cent.), which was the lowest of the metropolitan boroughs.

It will be seen from these particulars that the question of overcrowding in Extra-London was of much smaller dimensions than in London. The total number of persons living more than two per room was 177,099; and if allowance were made for children, and the reduction assumed to be in the same

proportion as is shown by the London figures, the number would be reduced from 177,099 to about 76,000. The number of persons in excess of the accommodation in the overcrowded tenements in 1911 may be put, on the basis of the London estimates, at 46,000.

Average Number of Persons per Room (Extra-London).

The average number of persons per room in 1-4 roomed tenements in the Extra-London districts was 1.24 (the average for London is 1.42). The district with the highest average was Edmonton, 1.41, followed by West Ham, 1.37; Acton, 1.32; Barking Town, 1.28; Chiswick, 1.28, and Wealdstone, 1.28.

Vacant Accommodation.

The position in Extra-London with regard to vacant accommodation appears to be similar to that in London; there appears to be now, practically, no accommodation available. In the returns furnished by local authorities to the Local Government Board, summarised in APPENDIX 1, in 53 cases the number of vacant houses is stated to be "nil," while in only 14 cases is it stated that there are some empty houses.

LONDON AREA GENERALLY.

Agencies providing housing.

The Government.

Before 1915 no housing accommodation was provided by the Government in London or the neighbourhood. In consequence of the great increase in the number of men employed at Woolwich Arsenal, occasioned by the war, the housing difficulty in the vicinity of the Arsenal became greatly aggravated, and the Government, in consequence, undertook in 1915 the provision of housing accommodation. It consists of cottages and cottage flats on an estate at Eltham, and hutments in various parts of Woolwich, Greenwich and Bexley.

The estate at Eltham is approximately 96 acres, on which 1,087 cottages and 105 cottages of two flats each, or a total of 1,297 tenements, with two better-class houses, were erected during the years 1915 and 1916. The cottage flats consist of three rooms, and the cottages of four, five or six rooms. The estate is under the management of the Council. The amount of Government housing thus provided is as follows:—

	Tenements.	Rooms.
Eltham estate	1,297	5,587
Hutments:—Woolwich ...	1,602	6,408
Greenwich ...	124	496
Bexley ...	626	2,504
Total of hutments ...	2,352	9,408
Grand total ..	3,649	14,975

The hutments are temporary structures of the bungalow type, all consisting of four rooms.

In permanent and temporary accommodation, therefore, the Government has provided in London and the immediate neighbourhood since the beginning of 1915 about 15,000 rooms.

Municipal Authorities

The earlier legislation on the housing question hardly contemplated the provision of dwellings by local authorities themselves. Thus, even with regard to re-housing, the Artizans' Dwellings Act, 1875, provided that "the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses" on a cleared insanitary area. It was not until the Housing Act of 1890 that local authorities were given express powers to provide working-class dwellings both for housing and re-housing purposes, and the Housing, Town-Planning, etc., Act, 1909, was expressly designed to stimulate these activities. The metropolitan borough councils were empowered by the London Government Act, 1899, to provide housing under Part III. of the Housing Act of 1890, their predecessors not having had that power.

London Authorities.

Apart from those provided by the City Corporation, which was not subject to the same restrictions as other local authorities, the first working-class dwellings belonging to a local authority in London were provided by the Council on the Yabsley Street site, Poplar, in 1894. These dwellings were for re-housing purposes. The first housing accommodation by a local authority was also provided by the Council.

The amount of accommodation provided by the Council is as follows :—

Area	North of the Thames				South of the Thames.			
	Tenements.	Rooms.	Cottages.	Rooms.	Tenements	Rooms.	Cottages.	Rooms.
Within the County ...	5,174	12,813	362	1,239	1,383	3,488	1,605	5,507
Outside do. ...	—	—	963	3,777	—	—	498	1,876
Total ..	5,174	12,813	1,325	5,036	1,383	3,488	2,103	7,383
Totals.	Tenements (N. & S. of Thames) inside the County				No. 6,557			
	Cottages (N. & S. of Thames) inside the County				Rooms. 16,301			
	Cottages (outside the County)				1,967			
					1,461			
					9,985			
					28,720			

The Council has, therefore, over a period of about 25 years provided dwellings containing nearly 29,000 rooms, which are occupied by about 38,000 persons. It has in addition provided three lodging houses containing 1,874 cubicles. The Council's expenditure, for sites at their housing value and cost of building, has amounted to about £3,000,000.

At the present time the Council has the development of three estates in hand. The extent of these estates, the approximate number of rooms proposed to be provided, according to schemes sanctioned, and the estimated expenditure (pre-war estimates) are as follows :—

Estate.	Total area.	Area remaining to be developed.	Number of rooms proposed to be provided	Estimated expenditure. (pre-war estimates)
	acres.	acres.		£
Old Oak ...	45 50	31 61	2,765	210,070
Norbury ..	28 12	10 92	873	71,832
White Hart Lane	110 00	64 00	4,774	389,500
	183 62	106 53	8,412	671,402

Of the 28 metropolitan borough councils, 13 have erected workmen's dwellings, namely :—

Battersea	Hammersmith	St. Marylebone	Stepney
Bermondsey	Hampstead	St. Pancras	Westminster
Camberwell	Kensington	Shoreditch	Woolwich
Chelsea			

The City Corporation has also erected workmen's dwellings.

Four of the metropolitan borough councils—Camberwell, Kensington, Deptford and Stepney—have purchased old working-class houses and carried out alterations and repairs to make them suitable for continued occupation. The Shoreditch Borough Council has purchased the freehold of certain houses of the same class, is now accepting the surrender of the leases, and has prepared a scheme of reconstruction. The accommodation provided by four of the borough councils has been for re-housing purposes only.

None of the metropolitan borough councils had a scheme in hand at the outbreak of the war, except the Holborn Metropolitan Borough Council, which had purchased a site for £10,000, on which it proposed to provide 46 tenements. Shoreditch had purchased the freehold of about 140 houses for reconstruction. Westminster had under consideration a scheme for re-housing about 886 persons, which will probably be revived.

A summary of the information furnished by the metropolitan borough councils to the Local Government Board as to proposed schemes is given in APPENDIX 1. Little beyond those above mentioned is definitely proposed.

The total accommodation provided by London authorities is as follows :—

Authority.	Housing.	Re-housing	Total.
London County Council ...	13,312	15,408	28,720 rooms
Ditto	—	1,874	1,874 cubicles
City Corporation	468	651	1,119 rooms
Metropolitan borough councils	4,586	1,438	6,024 „
Total	18,368	17,497	35,865 rooms
	—	1,874	1,874 cubicles

The accommodation in the houses purchased and renovated by certain borough councils, as mentioned above, amounts in addition to 1,178 rooms.

Extra-London Authorities.

In Extra-London there are 92 local authorities having powers under the Housing Acts, viz. :—

County councils	5	Urban district councils	65
County borough councils ...	3	(2 partly outside Extra-London)	
Municipal borough councils ...	6	Rural district councils	13
		(8 partly outside Extra-London)	

Before the passing of the Housing and Town Planning Act, 1909, a county council outside London was not a local authority under the Acts. By that Act (Section 13) the Local Government Board, upon the application of a County Council, may make an order conferring on the county council, as respects any rural district, all or any of the powers of a local authority under Part III. of the Act.

Of the 92 local authorities in Extra-London, 21 authorities, comprising 3 county borough councils, 3 municipal borough councils, 13 urban district councils, and 2 rural district councils have provided housing accommodation as follows :—

County.	County or Municipal Borough, Urban or Rural District.	Number of houses.	Number of tenements.	Number of rooms (approximate).
Essex	Barking Town U.D.	298	298	1,192
	East Ham C.B.	106	212	848
	West Ham C.B.	206	401	1,194
Herts	Barnet U.D.	52	52	260
	Barnet R.D.	24	24	96
	South Mimms R.D.	12	12	60
Kent	Erith U.D.	48	48	216
	Brentford U.D.	14	28	70
Middlesex	Chiswick U.D.	20	40	100
	(a)	29	58	174
	Ealing M.B.	121	139	587
	Finchley U.D.	158	168	772
	Hampton U.D.	56	65	236
	Hayes U.D.	51	51	188
	Hendon U.D.	50	50	250
	Heston & Isleworth U.D.	22	22	88
	Hornsey M.B.	424	436	1,796
	Southgate U.D.	82	82	378
	Uxbridge U.D.	28	28	140
	Barnes U.D.	107	107	428
	Croydon C.B.	86	86	350
	Richmond M.B.	194	194	920
		2,188	2,591	10,343

(a) Chiswick.—These are old houses purchased and adapted for occupation in tenements.

Schemes undertaken by the Extra-London local authorities, to which reference is made in the returns furnished to the Local Government Board, are mentioned in APPENDIX 1. It will be seen that 25 authorities have schemes in hand or prepared, and the total for 22 of these, where figures are given, amounts to 2,073 houses. About 36 local authorities state that they are willing to prepare schemes or further schemes, the suggested schemes by 18 of these being for 3,675 houses.

Housing Trusts.

There are four important philanthropic trusts for providing dwellings for persons of the working-class in London and the neighbourhood, namely :—

The Peabody Donation Fund	(founded in 1862).
The Guinness Trust	(" 1839).
The Sutton Trust	(" 1900).
The Lewis Trust	(" 1906).

The activities of the Sutton and Lewis Trusts are not limited to the metropolitan area and the former has schemes in hand in Birmingham and Newcastle. The accommodation provided in London and the neighbourhood by the four Trusts is as follows :—

Trust.	Number of tenements.						Number of rooms.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	Total.	
Peabody	1,084	2,777	2,212	245	323	6,641	15,869
Guinness	496	1,416	615	38	—	2,565	5,325
Sutton	228	611	466	6	1	1,312	2,877
Lewis... ..	48	345	324	—	—	717	1,710
Total	1,856	5,149	3,617	289	324	11,235	25,781

The capital of the Trusts is as follows —

Trust.	Amount of fund.			Capital expenditure (on land and buildings) to 31st Dec., 1916	Balance on 31st Dec., 1916.
	Donations or bequests	Accumulations of surplus income	Total.		
	£	£	£	£	£
Peabody	539,952	1,432,148	1,972,100	1,889,120	82,980
Guinness	225,000	282,563	507,563	494,028	13,535
Sutton (†)	2,000,000	—	2,000,000	713,605	1,286,395
Lewis	539,742	144,283	684,025	315,787	368,258
	3,304,694	1,858,994	5,163,688	3,412,520	1,751,168

(†) Sutton Trust—This is the amount of the estimate made in 1906 of the yield of the estate. A considerable portion is still unrealised and the above figures must be regarded as roughly approximate.

The Sutton and Lewis Trusts have still part of their original bequests unexpended. The balance available in the case of the Lewis Trust amounted at the end of 1916 to £368,258, and the Sutton Trust to probably about £1,286,000, part of which would, however, be applicable to schemes in the provinces. The Peabody and Guinness Trusts are dependent for funds for fresh building on the surplus income as received year by year. This surplus amounted to £49,400 in the year 1916 for the Peabody, and to £14,800 for the Guinness Trust. These two Trusts could no doubt also anticipate the receipt of such income by borrowing, as was done by the latter some years ago.

The Trusts have the following schemes in hand. —

Peabody Trust.—This Trust has acquired or arranged for the purchase of a site in Fulham Palace Road in the neighbourhood of Hammersmith Broadway, consisting of about 6½ acres.

Guinness Trust.—This Trust has recently acquired a site of about 2 acres in Kennington Park Road, on which it is proposed to erect block dwellings containing about 220 tenements with 550 rooms.

Sutton Trust.—This Trust has at present no scheme in hand in London, but it is negotiating the purchase of a site in Islington.

Lewis Trust.—This Trust has a scheme partly completed in Walmer Road near Camberwell Green. It was proposed to erect 15 blocks of dwellings containing about 340 tenements with 800 rooms on this site, of which four blocks have been completed, but these are at present in the occupation of the War Department.

The above-mentioned schemes would probably provide a total accommodation of nearly 2,500 rooms

Companies and others.

Employers of labour.

The amount of housing provided by employers for their employees in London and the neighbourhood appears to be very limited. A certain amount is provided by local authorities as employers. The Council, for instance, provides accommodation for employees in the fire brigade, main drainage and parks services. The total accommodation provided by employers of labour for their employees is, however, so small as to have no material influence on the solution of the problem.

Land owners

Owners of landed estates in London or the neighbourhood have themselves rarely undertaken the erection of houses, but they have in almost all cases let the land on building leases.

With the falling in of the leases, which is now taking place to a considerable extent in the part of London developed between 80 and 100 years ago, the houses come under the control and management of the freeholders. In some of the larger estates where the houses are in a condition to justify the adoption of this course, new leases for as long as 40 years, at a rent substantially less than the full rental value, are granted. In other cases the sites are cleared and re-let on building leases. Among the estates upon which working-class dwellings have been erected by the owners are those of the Duchy of Cornwall and the Ecclesiastical Commissioners. The former is proceeding with the reconstruction of its estates in Lambeth, and has in recent years erected a considerable number of working-class dwellings. The Ecclesiastical Commissioners have done the same in Lambeth, Southwark and Westminster.

Housing Societies.

Societies for the provision or improvement of working-class houses form another category of housing agency.

For the purposes of section 4 of the Housing, Town Planning, etc., Act, 1909, a public utility society is defined as "A society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum." The section in question authorises the Public Works Loan Commissioners to lend to such a society two-thirds of the value of the land or dwellings, instead of one-half which the Commissioners are authorised by the Act of 1890 to lend to a company, society, or individual for the provision of working-class dwellings.

The only public utility society registered under the Act of 1893 which has provided any considerable number of working-class dwellings in London is the London Housing Society, Ltd., which has in recent years provided about 1,900 rooms in St. Marylebone and St. Pancras.

Limited Liability Companies

A substantial but not a large amount of housing has been provided by limited liability companies in London. Particulars with regard to sixteen of the principal of these companies which are available show that their combined capital expenditure amounts to over £7,000,000 and the accommodation provided by them consists of about 83,000 rooms.

Most of the companies were established many years ago, and their operations in recent years have not been extensive.

Statutory Companies.

Railways and other statutory companies are under an obligation to provide housing accommodation in lieu of that which they acquire and demolish under compulsory powers. Under this provision, railway companies have provided in London a certain amount of housing accommodation, and a few other companies a little. The total amounts to about 3,500 tenements containing about 8,000 rooms. The number of persons for whom accommodation is provided is generally much less than the number displaced.

Private enterprises

The main part of housing accommodation in the past has been provided by private enterprise. Though this term covers some of the other activities already referred to, it is usually taken to denote the private individuals who make a business of developing estates for the erection of houses or undertake the actual building of the houses thereon. There are two distinct sides to the enterprise, although in a number of instances the two functions are combined in the same individual. One branch deals with the purchase of land in bulk and its development, sometimes letting in smaller blocks to building contractors, who may also be financed through the machinery of the land developer; the other is the builder who actually erects the houses.

The importance of this agency is evidenced by the fact that upwards of 96 per cent. of the working-class dwellings throughout the United Kingdom have been provided by means of private enterprise. As a rule the actual builder of the houses possesses only a relatively small capital, his business being dependent upon ready facilities for borrowing in order to provide means to carry on his operations. Before entering upon a building scheme he invariably arranges for advances of capital to be made during the progress of his work, without which he is unable to proceed. He does not build to hold, but to sell, and as his margin of capital is small he is dependent upon a ready sale for the carrying on of his operations. It will be seen therefore that the problem of private enterprise is not solved with merely securing that private persons should build houses. It would be necessary to find a market for these houses when built in order that the private builder might continue his operations. The purchasers of this description of property fall, broadly-speaking, into two classes, viz., (i) Those who purchase for occupation, and (ii) Those who purchase for investment—a much larger class.

Any substantial increase in the cost of production will necessarily re-act upon the market for the houses, and alternative and more attractive investments will influence both classes of purchasers, rendering it more difficult for private enterprise to dispose of the houses built.

While in the past such a very large proportion of the houses have been provided by private enterprise, there are distinct limitations upon the work which private enterprise claims to be able to undertake. There are several organisations apparently entitled to be considered as representing the views of those best able to speak on behalf of private enterprise, but the general conclusion to be drawn from what has been made public on the subject is perhaps best summarised in the following paragraph from a report of the Organising Committee of the National Conference on Housing after the War:—

“HOUSING OF THE POOR.” There is, however, one phase of the housing problem which would appear naturally to fall within the scope of many local authorities, namely, the housing of the poorest classes whose wage-earning capacity is not sufficient to enable them to pay adequate rents. Clearly private enterprise cannot deal with this need and it is equally clear that it will have to be met. In the opinion of the Conference this duty alone will tax to the uttermost the energies and resources of local authorities.”

Building Societies.

Building Societies have not in the past, generally speaking, directly provided housing accommodation. Their activities, which have been very important, have assisted purchasers to buy for occupation or investment in small blocks, and in this way they have assisted the builder to continue his operations.

The advances by Building Societies in recent years have been as follows:—

Year.	Amount of advances on mortgage.	
	United Kingdom.	London.
	£	£
1910	9,390,700	2,565,437
1911	9,004,093	1,912,079
1912	8,438,256	1,746,868
1913	9,244,570	2,075,803
1914	8,874,618	1,967,280
1915	6,623,184	1,380,140
1916	5,002,505	1,040,119

In the years preceding the war, the advances amounted to over £9,000,000 a year in the United Kingdom and about £2,000,000 a year by London Societies.

The proportion of these advances in respect of working-class property is not known, but a notable feature of the returns is the large proportion of small mortgages by London societies as compared with provincial ones. The percentage of mortgages of £500 and under in seven of the principal London Societies ranges from about 50 per cent. to about 85 per cent. of the total mortgages outstanding.

Under the Small Dwellings Acquisition Act, 1899, local authorities are empowered to advance money to enable persons to acquire ownership of small houses up to a market value of £400 each. Little has been done under this Act in London, the loans outstanding (1916) by the London County Council being only £2,505 in respect of the purchase of 17 houses and by the metropolitan borough councils (1914) £2,325.

Amount of housing accommodation provided in past years by all agencies

APPENDIX 4 shows the amount of housing accommodation provided and demolished in London and the neighbourhood in each year from 1902 to 1916. For the years since 1911 the figures relate to the whole of Greater London.

It will be seen that in the years 1902-7 a considerable amount of housing accommodation was provided in London, but even in these years it was much less than in extra-London. From 1908 the amount provided in London fell to small proportions, and in two years it was exceeded by the demolitions, which in all years have been considerable, and in some years very large.

As regards Greater London, the largest provision in any year shown by the figures was about 64,000 rooms in 1903, which if complete figures were available, would probably be increased to about 70,000 rooms for the whole of Greater London.

In the years 1902-11 (which approximately covers the last inter-censal period) the annual average number of rooms provided amounts to about 42,000 rooms in the part of Greater London to which the figures relate, and, as far as can be estimated, to about 55,000 in the whole of Greater London. Allowing for demolitions the figures would be respectively about 36,000 and 49,000 rooms. The average annual increase of the population in the 10 years 1901-11 was 67,000 persons, which on the basis of three-fourths, would give about 50,000 persons of the working-class. The supply of houses during the period appears to have been in excess of the demand, and a considerable increase in vacant accommodation took place between 1901 and 1911.

In the whole period of 15 years from 1902 to 1916, the net amount of accommodation provided was less than 27,000 rooms a year in the part for which complete figures are available, or about 37,000 rooms for the whole of Greater London. This was probably somewhat less than the requirements during the period, as can be judged from the position with regard to vacant accommodation at the present time. At the beginning of the period, however, there was also a shortage of accommodation in some districts.

Rents.

Broadly speaking, rents are in the first instance governed by the cost of the production and maintenance of the houses. In the outlying districts of London and the neighbourhood, where accommodation is now principally provided, the rents are such as give a moderate return on the cost of land and buildings, after payment of maintenance and management charges. In the middle zone of London the rents are higher than in the out-lying districts and in the inner zone, higher still. In the Board of Trade report giving the result of an investigation into rents and prices made in 1912, the comparative level of the rents in the various divisions of London was expressed by index numbers as follows:—

	Index numbers (rents in middle zone=100).
Inner zone	116
Middle zone	100
Outer zone	87

This shows the rents in the inner zone to be 16 per cent. higher than in the middle zone, and 33½ per cent. higher than in the outer zone.

These figures show that there must be some causes operating to induce so many people to pay the higher rents for unsatisfactory accommodation in the central districts. These causes are principally, although by no means solely, due to the place of employment. Apart from the special nature of the City of London and its immediate neighbourhood, and of the City of Westminster, statistics of employment in the various districts are not available except as regards employment in factories. These, however, may be taken as symptomatic of the whole range of employment of the working classes. Taking the latest figure available, namely, 1907, and making an approximate apportionment for boroughs divided between the zones as above, the employment in factories in the various zones is as follows:—

Zone.	Number of persons employed in factories, 1907.	Proportion of total.
		Per cent.
Inner zone	348,279	63.0
Middle zone	168,514	30.6
Outer zone (part in London)	35,203	6.4
Total	549,996	100.0

This indicates the great preponderance of the inner zone as a centre of employment, and if complete figures were available, this preponderance would no doubt be shown to be greater. Thus, the number of factory employees included for the City is 61,883, whereas the difference between the day population of the City in 1911 (364,061) and the night population (19,657) was 344,404 persons, or more than five times the number engaged in factories. Of this difference of 344,404 a considerable proportion would not belong to persons of the working class, but allowing for this, the total number of workers in the City, in addition to the factory employees, would be very large.

In the middle zone, the amount of employment indicated by the above figures is very substantial. The outer zone includes Woolwich, which is accountable for over 18,000 of the employees, and but for this the proportion in that zone would be inconsiderable.

With the great diminution in building for some years before the war, and its practical cessation since 1914, the law of supply and demand would, no doubt, have operated to cause rents to rise, but this has been prevented by the provisions of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915. That Act provides that rents cannot be raised above what was charged on 3rd August, 1914, or, in the case of a house first let after that date, the rent at which it was first let. This applies to houses in Greater London of a rateable value not exceeding £35, which would include all the houses dealt with in this report. The Act came into force on 23rd December, 1915, and is to remain in force "during the continuance of the present war and for a period of six months thereafter and no longer" (sec 5 (2)).

The rents at present charged are consequently pre-war rents, which are practically the same as those charged as far back as 1900. Up to that year, or a few years later, rents had been increasing, but from that time until 1912 they showed a tendency to fall and, according to the Board of Trade report, the decline in rents in the London area between 1905 and 1912 amounted to a mean decrease of about four per cent. This was due to the fact that the amount of housing accommodation provided was much in excess of the growth of population. For while during the period 1901-11 there was a net decrease of 14,582 in the population of the county, there was during the same period a net increase of over 100,000 rooms in the new working-class accommodation alone.

The average rent per room for new working-class tenements in London of all sizes in the five years 1912-16 was as follows:—

Year.	Number of rooms provided in London (excluding those provided by Trusts).	Average rent per room.
		s. d.
1912	3,251	2 9½
1913	3,648	2 8½
1914	4,637	2 9½
1915 (excluding Government estate)	1,692	2 10½
" (Government estate, Woolwich)	4,010	2 6½
1916 (excluding Government estate)	880	2 9½
" (Government estate, Woolwich)	1,557	2 7½

New houses on their first letting are not subject to the operation of the Increase of Rent, etc. (War Restrictions) Act, but the figures do not indicate that any exceptional increase in the rents of these houses had taken place up to the end of 1916.

The average weekly rent for new accommodation now amounts to a figure approaching 3s. per room. On the Government estate at Woolwich, in the outer zone of London, the average is 2s. 6½d. a room, but the accommodation is of a superior class.

The average weekly rent of the 6,557 tenements in the block buildings belonging to the Council within the county ranges from 2s. 4½d. per room on an estate in Poplar to 4s. 3d. per room in Drury-lane, the average for the whole of the Council's block dwellings being 3s. 2d. per room. On the cottage estates, however, both inside and outside the county, the average rent of the 3,428 cottages works out at 2s. 5d. per room.

Rates.

The question of rates is one of the factors in regard to housing that are likely to be affected by after-war conditions. With the increase in wages, cost of materials, transport, and food, the expenditure of municipal and poor law authorities must increase, unless counterbalanced by economies in other directions.

In 1916-17 there was a considerable reduction in rates, no doubt through the diminished activities of the local authorities in consequence of the war, but in 1917-18 the rates again began to rise. The

average for London and extra-London for the last 10 years and an estimate for the current year, are as follows :—

Year.	London.		Extra London.	
	s.	d.	s.	d.
1908-9	7	3 76	7	7 90
1909-10	7	4 89	7	9 04
1910-11	7	5 62	7	9 86
1911-12	7	6 29	7	9 86
1912-13	7	5 06	7	11 44
1913-14	7	7 16	8	1 07
1914-15	7	10 87	8	1 78
1915-16	7	11 42	8	1 51
1916-17	7	6 49	7	8 72
1917-18	7	8 64	8	1 78
1918-19 (estimate)	8	7 69	—	—

In some of the metropolitan boroughs the increase in 1917-8 amounted to as much as 6d. in the £. In a few parishes in extra-London it amounted to between 9d. and 1s. 2d. in the £, while in West Ham the increase was 2s. 5d. in the £.

When local administration resumes its normal activities after the war, a very considerable increase in local expenditure must be expected. The extent to which this will increase rates will depend on the course of rateable value under after-war conditions. If rents rise, the rateable value of the property affected will also increase. On the basis of an increased cost of erecting houses it is possible that a very considerable increase in value might take place, though it is difficult to say to what proportion of the properties this increase would extend, and how far it might be counterbalanced by decreases in other classes of property.

Another factor that may affect rates after the war is the possible alteration in State subventions, such as the recent increase in the Government grant towards the increased cost of education.

Locomotion Facilities.

Cheap locomotion facilities constitute a most important factor in the solution of the housing question. This applies to London to a greater degree than to provincial towns, owing to the much greater size of the Metropolitan area and the longer distances to be covered between the place of employment and the place of residence by many of the workers.

Growth of facilities during last 30 years.

During the last 30 years there has been an enormous increase in the travelling facilities on the railways and tramways serving London and the neighbourhood. The following figures indicate what the development of facilities has been on the railways :—

Year	Number of workmen's and cheap trains run daily in Greater London.	Mileage of such trains.
1883	106	735
1890	257	1,807
1897	466	3,248
1904	1,052	7,774
1911	1,945	13,583
1914	1,966	14,060

The workmen's trains have, therefore, since the passing of the Cheap Trains Act, 1883, increased nearly twenty-fold both in number and mileage.

The increase in workmen's facilities on tramways has been at least as great.

The great improvement in the housing conditions since the time of the Royal Commission of 1884-5, has been rendered possible only by this extraordinary development of cheap means of locomotion. It has enabled the working-class residents to remove freely to the outlying districts of London and beyond the county, and the rapid development of these districts in recent years indicates that they have done so in large numbers. The increase in the population of extra-London as compared with that of London in each decennial period since 1841 has been as follows :—

Decennial period.	Increase in population.	
	London.	Extra-London.
1841—1851	414,064	31,527
1851—1861	445,153	96,632
1861—1871	452,902	210,019
1871—1881	588,901	312,119
1881—1891	397,657	469,488
1891—1901	308,313	639,283
1901—1911	— 14,582	684,538

Up to 1851 the growth of extra-London was inconsiderable. In 1881-1891 the increase exceeded that in the county, and at the present time the addition to the population is wholly beyond the county boundary. This makes the question of adequate locomotion facilities even more important in the future than it has been in the past.

Of the influence of the increase of facilities on the development of particular districts a few examples may be given.

The first relates to the rapid growth of Edmonton and Walthamstow, no doubt largely as the result of the issue of 2d. workmen's tickets on the Great Eastern Railway between those districts and Liverpool Street Station. The following table shows the growth of population and the number of such trains :—

Year.	Edmonton (including New Southgate).				Walthamstow.			
	Population	Increase.		No. of 2d. trains run daily.	Population.	Increase.		No. of 2d. trains run daily.
		Number.	Per cent.			Number.	Per cent.	
1851	9,708			Nil.	4,959			NIL
1861	10,930	1,222	12.59	Nil.	7,137	2,178	43.92	Nil.
1871	13,860	2,930	26.81	Nil.	10,602	3,555	49.81	Nil.
1881	23,463	9,603	69.29	3	21,715	11,023	103.08	3
1891	36,351	12,888	54.83	5	46,346	24,631	113.43	6
1901	61,892	25,541	70.26	7	95,131	48,785	105.26	8
1911	98,409	36,517	59.00	9	124,580	29,449	30.96	8

The other example relates to the effect of the electrification of tramways, namely, the electrification of the Tooting route in 1903 and the extension of the tramway along Garratt-lane in 1906. The increase in the population of the metropolitan borough of Wandsworth served mainly by these two routes amounted in the period 1901-11 to 79,438.

In the same period the number of workmen passengers on the Tooting tramway route showed a remarkable increase, as follows :—

Year.	Number of workmen passengers.
1902-3	581,626
1906-7	3,342,277
1911-12	4,900,987
1912-13	8,426,140

Workmen's traffic by railway from various zones, 1911.

The extent of the workmen's traffic by railway from the outlying districts is indicated by the following figures from a report of the London Traffic Branch of the Board of Trade. It shows the number of passengers in the month of October, 1911, coming into London from the various zones beyond the four miles circle from Charing Cross, and, calculated thereon, the equivalent daily numbers and the proportion which workmen's tickets bear to the total traffic :—

Zone. (Distance from Charing Cross.)	Number of passengers coming into London from various zones in Oct., 1911.		Equivalent average daily number		Proportion of passengers with workmen's tickets to total passengers.
	Ordinary.	With workmen's tickets.	Ordinary (1 month=say 27 days)	With workmen's tickets. (1 month=26 days.)	
miles.					Per cent.
4-6	2,425,526	449,199	89,834	17,277	15.6
6-8	2,214,871	1,351,223	82,032	51,970	37.9
8-10	1,268,785	681,775	46,992	26,222	35.0
10-12	842,782	179,909	31,214	6,920	17.6
12-15	267,269	42,521	9,899	1,635	13.7
15-20	344,726	39,926	12,768	1,536	10.4
20-25	202,087	3,897	7,485	150	1.9
25-30	118,085	—	4,373	—	—
Total	7,684,131	2,748,450	284,597	105,710	26.3

It will be seen that the average number with workmen's tickets coming daily from beyond the four miles circle is 105,710 and that they form 26.3 per cent. of all passengers. It is notable that the workmen's traffic from the four to six miles zone is comparatively small both in number and proportion of total traffic, that zone being no doubt mainly served by the tramways. In the six to eight and the eight to ten miles zones the workmen's traffic is large, and even from the ten to twelve miles zone it is material.

Estimate of total traffic at workmen's fares.

The total workmen's traffic in London and the neighbourhood can only be approximately estimated. The number of passengers with workmen's tickets on the railways in 1913 (the only year for which the information is given in the Railway Returns) is given in Appendix 5. It will be seen that the totals are as follows :—

London Local Railways	71,045,319
Trunk Railways serving London, 138,658,643 ; of which the number carried in the London area would probably amount to	100,000,000
Total (say)	171,000,000

This total of 171,000,000 a year is equivalent to about 560,000 passengers a day.

The number of passengers at workmen's fares carried on the tramways in London and the neighbourhood is not known, but from the figures available for the Council's tramways it appears to amount to about 10 per cent. of the total tramway passengers. On this basis the number of passengers carried at workmen's fares on all the tramways in London and the neighbourhood would amount to about 80,000,000 a year. This does not include the large number of passengers carried on the workmen's cars at the ordinary 1d (or ½d. fares, when these were in operation), but only those who travel at less than the ordinary fares.

The total traffic at workmen's fares as above estimated is as follows :—

		Number of passengers at workmen's fares.	
		Year 1913.	Average daily number.
			(approximate).
Railways	171,000,000	560,000	
Tramways	80,000,000	260,000	
	251,000,000	820,000	

This means that about 410,000 persons of the working class travelled twice daily at reduced workmen's fares, of which the railways carried more than two-thirds.

Present position of facilities

The usefulness of the facilities depends on the fares charged, the hours during which the trains or trams run, and the frequency and speed of the service. The present position of such facilities is briefly stated in the following particulars.

(a) Railways

In APPENDIX 5 (ii) (p. 46) a table is given showing the limits of the 2d. and 4d. workmen's fares on the various London railways, the former being the fare which is most important from the housing point of view, and the latter the fare beyond which only a comparatively small proportion of persons of the working classes can be expected to go.

It will be seen from this that the 2d. (return) workmen's fares extend beyond the county on the north on some lines, namely, to Canning Town, Plaistow, Stratford, Walthamstow, Enfield and Golder's Green. The 4d. (return) fare limit is a considerable distance beyond the county boundary at practically all points on the north. On the south side of the Thames, the 2d. limit is much more limited, while the 4d. limit does not cover a considerable part of Woolwich and Lewisham.

As regards hours of service on the trunk railways, the trains arriving at the termini up to 8 a.m. are usually workmen's trains, with the exception of the Great Eastern and Great Northern Railways on which the workmen's trains cease earlier and are in some cases followed by "cheap" trains. On the North London Railway, all trains arriving at Broad Street up to 8 a.m. are workmen's trains; on the District, Metropolitan and the Central London Railways, workmen's tickets are issued up to 7.30 a.m., while on the other tube railways workmen's tickets are issued up to 8 a.m., so that, for example, from Golder's Green a workman may travel for a fare of 2d. return by a train which arrives at Charing Cross (6½ miles distant) at about 8.20 a.m.

The extent of the workmen's trains service on the various railways is indicated by the figures in APPENDIX 5, which show the total number of workmen's trains to the several London termini. It will be seen that the number of workmen's trains on the trunk lines serving the north and west of London is small as compared with the number on some of the other systems.

(b) Tramways.

The question of cheap traffic facilities on the tramways is simplified by the facts that the whole of the tramways in the County of London are under one authority and that common regulations apply throughout.

Until May, 1918, there was a uniform workmen's fare of 1d. single, 2d. return, on all routes except that to Woolwich, where the 2d. (return) ended at Blackwall-lane, the fare having been 4d. return between Abbey Wood and Waterloo-bridge. Since May, 1918, these fare ratings have been suspended. The single fare for a journey over four consecutive sections on one car is now 1d., and the return fare over the same sections 2d. The average distance covered by the 1d. workmen's fare is 2½ miles and by the 2d. return fare 4.8 miles. Return tickets are issued at 3d. for any distance on one car, with transfers as previously given for 2d. return. The division of the Woolwich route is retained, so that passengers

formerly paying 2d. now pay 3d. and those formerly paying 4d. now pay 6d. All cars up to 8 a.m. (time of arrival at the inner termini) are workmen's cars, and all cars outwards up to 7.30 a.m. (time of departure).

On the tramway systems in extra-London there are considerable workmen's fares facilities. On the Metropolitan Electric system on the north, and the London United Tramways on the west, the workmen's fares on the routes were as a rule 2d. return. In the autumn of 1917, however, the fares on the Metropolitan Electric tramways were revised, and the workmen's fares of 2d. increased to 3d. in many cases, and to 4d. in a few cases. The London United Tramways Company seeks power by a Bill in the Session of 1918 to increase its statutory limit for workmen's fares to $\frac{1}{4}$ d. a mile.

Between the London and the extra-London tramway systems there is little co-operation in regard to such facilities, and where there are through services, the workmen's fares remain the sum of the two independent workmen's rates.

While further co-operation in this respect between the systems is very desirable, it must be borne in mind that for journeys exceeding seven or eight miles, the railway, because of its speed, must remain the principal means of locomotion. Thus, the journey by railway between West Croydon and Victoria occupies about 37 minutes, but by tram (including a change) it would occupy about 63 minutes.

(c) *Omnibuses.*

There are no workmen's fares on omnibuses, and hitherto the omnibus companies have made no move in the direction of giving workmen's fares.

The hours at which the omnibus services commence, too, render them of little service for workmen's morning traffic. Few of the services commence before 7 a.m. (time of departure from the outer termini).

From the extent and arrangement of the motor omnibus services, the institution of workmen's fares on services at suitable hours would be of considerable advantage from the housing point of view. Before the war, the route length of the motor omnibus services in London and the neighbourhood exceeded the route length of the tramways; they serve many districts not served by tramways, particularly the central and western districts of the county; and they form in many cases connecting links with the railways, both of the outlying districts and at the London termini. They would in such cases form a useful auxiliary to the railway and tramway workmen's services.

(d) *Generally.*

The increase in wages and other expenses of railways and tramways which has already taken place and which is likely to continue, at any rate to some extent, after the war, may affect the question of cheap locomotion for persons of the working class. Not only is the question of the further improvement in such facilities now in abeyance, but already some increases, and proposals for increases, in workmen's fares have been made, and there is no indication that these are to be limited to the period of the war. In one case, that of the London United Tramways, the proposal is that the increase is not to come into effect until six months after the termination of the war.

It is stated that, as a result of the recent award by the Committee on Production, of £1 a week increase on pre-war wages to tramway workers, a conference of tramway employers and representatives of trade unions, has, by resolution, requested the Chief Industrial Commissioner to obtain from the War Cabinet an undertaking that the Government will take immediate steps to authorise the increase of the present maximum fares on tramways. It does not follow that any such increase would apply to workmen's fares, but their position is likely to be prejudicially affected by the increase of the ordinary fares. On the railways, whether under Government control or otherwise, workmen's fares have remained unchanged.

Other things being equal any increase in fares must favour residence in the more central districts as compared with the outlying districts, and so operate to increase further the high rents in the central districts. Any increase in workmen's fares in the future is therefore likely to affect seriously the housing question in London.

Land available for housing purposes.

In dealing with the selection of land as suitable for the provision of new housing accommodation several considerations of broad policy must be carefully borne in mind.

It would obviously, from all points of view, be economical to make any necessary provision in the largest practicable units so as to enable a reasonable social life to be possible, and to economise not only in original construction but in subsequent management. While this would be an important factor, it may also be necessary to distribute the new provision in several different directions.

The second consideration, which perhaps governs all the others, is that any sites considered should be in localities from which there is sufficient rapid and cheap means of locomotion, either existing at present or easily capable of being provided by the improvement of the present facilities. The figures already given under the heading "Locomotion facilities" appear to indicate that substantially beyond the six-mile radius from the centre, tramways cease to afford the most satisfactory means of rapid communication, and that beyond this radius the time factor operates against the dispersal of population by this means of locomotion. For the necessary facilities for the greater distances, recourse must be had mainly to the railways. While the 2d. return fare on the northern side of the river extends to places beyond the county boundary on the east and northern portions and far beyond in the case of Enfield, on the southern side of the river the limit of the 2d. fare on railways is very restricted and does not include more than approximately one-sixth of the county south of the river.

The next general principle is one of public policy, which would be involved in attempting to devote to housing purposes sites which are likely to be required for industrial and commercial purposes. This particular question was considered by the Sheffield Corporation last year in connection with the housing conditions of that city, and the general conclusion on the point was as follows —

“It may be laid down as a general principle that no land which is suitable for the erection of works should be used as a site for dwelling houses.”

The fourth question which needs to be carefully considered in dealing with a locality is that of the existing character of development in the immediate vicinity. On general social and political grounds, it is not desirable to develop the whole of a large area entirely by the provision of houses of the working class, but, on the other hand, it is necessary to have regard to the influence on existing property of the erection of a large number of houses of that class in the midst of a district which has been developed for the erection of houses of a higher value.

As regards sites within the county a very brief survey will show that on the north side of the river Thames small opportunity for building exists. This conclusion is borne out by the returns made by the authorities concerned to the Local Government Board.

On the south side of the river, conditions are different. Considerable areas not yet fully developed for building purposes exist both in the south-east and the south-west. It is, however, impossible to say that sites in these localities will be available for speedy development since the locomotion facilities which exist to-day are quite inadequate for the transport of a large additional population.

As regards sites outside the county a wide range of selection still remains, and it is to any choice amongst these that the principles which we have enunciated above must be most carefully applied. Until some definite plan of action has been agreed upon, it would obviously not be wise to discuss the application of these principles to particular sites or even localities.

H. DE R. WALKER,
Chairman.

Resolved—That the report be received.

APPENDIX 1.

Summary of Replies of Local Authorities to Local Government Board Circular of 28th July, 1917.

LONDON LOCAL AUTHORITIES.

[Replies received from the City Corporation and 25 of the 28 Metropolitan Borough Councils.]

1.—Population.—Effect of war on working-class population (apart from enlistments).

Bermondsey ...	Decrease, probably.	Islington ...	Increase; not likely to be permanent.
Camberwell ...	Increase, slight.	Lambeth ...	Decrease; probably temporary.
Deptford ...	Increase, slight; temporary.	Poplar ...	Increase.
Greenwich ...	Increase; probably temporary.	Shoreditch ...	Increase, slight.
Hackney ...	Decrease; may partially be made good.	Westminster ...	Increase; only a part permanent.
Hammersmith ...	Increase, about 20 per cent.; a portion may be permanent.	Woolwich ...	Increase, large; a great part probably permanent.

2.—Vacant Accommodation.

	No. of houses.		No. of Houses.
Battersea ...	Probably about 300.	Lambeth ...	Considerably less than 1,000.
Camberwell ...	Nil.	Lewisham ...	59.
Deptford ...	Nil.	Paddington ...	49.
Fulham ...	Nil.	Poplar ...	Nil.
Greenwich ...	Nil.	St. Marylebone ...	Very few.
Hackney ...	Up to £20 R.V. 74 £21—£30 R.V. 73	St. Pancras ...	Very small.
Hammersmith ...	Nil. 147	Southwark ...	Nil.
Hampstead ...	Nil.	Westminster ...	Comparatively none.
Kensington ...	128	Woolwich ...	5.
		City of London ...	Nil.

3.—Additional Housing required.

Chelsea ...	No necessity for a scheme.	Hampstead ...	For at least 100 families.
Deptford ...	None required after the war.	Holborn ...	Probably none beyond Borough Council's scheme.
Fulham ...	Accommodation more than sufficient for persons employed in Fulham.	Paddington ...	None; practically no vacant land.
Greenwich ...	About 150 small houses to take place of huts and dilapidated property.	St. Marylebone ...	About 200 houses require to be adapted.
Hackney ...	None; any necessary, private enterprise will be able to provide.	Woolwich ...	Impossible to say without knowledge of Government's intentions in respect of Woolwich Arsenal.
Hammersmith ...	Not less than 500 houses necessary.		

4.—Housing Schemes prepared or contemplated.

Battersea ...	Willing to erect 62 dwellings if necessary Parliamentary powers can be obtained to use land.	Shoreditch ...	Scheme prepared in connection with estate purchased in 1900, consisting of some 140 worn out and dilapidated houses, leases of which will shortly run out.
Chelsea ...	No necessity for a scheme.		
Holborn ...	Scheme prepared and site purchased, area 8,820 sq. feet, price paid £10,000, accommodation to be provided being 48 tenements containing 140 rooms.	Westminster ...	Scheme contemplated before war on site of workhouse buildings in Poland-street, Soho, 48,000 sq. ft. to house about 880 persons; will probably be revived.
Poplar ...	Considers London County Council should prepare scheme for whole of London.		

5.—Whether suitable sites could be acquired without delay.

Bermondsey ...	Sites available, but cannot say as to cost.	Poplar ...	Land available in Isle of Dogs.
Deptford ...	No vacant land.	St. Marylebone ...	Yes.
Fulham ...	Borough practically fully developed.	St. Pancras ...	Small amount in extreme north of borough
Hackney ...	Not aware of any suitable sites.	Shoreditch ...	Yes.
Hammersmith ...	Yes, in all probability.	Woolwich ...	Impossible to say; sites of huts would provide sites for permanent houses.
Hampstead ...	One vacant site might be acquired.		
Holborn ...	No.		
Paddington ...	Practically no vacant building land.		

EXTRA-LONDON LOCAL AUTHORITIES.

[Replies received from the Extra-London Local Authorities as follows :—]

County Boroughs (3) ...	...	...	...	...	3
Municipal Boroughs (6) ...	...	...	...	...	6
Urban Districts (65) ...	...	...	...	...	56
Rural Districts (13) ...	...	...	...	...	11

(87)

76]

1.—Population.—Effect of War on Working-class population (apart from enlistments.)

Essex—		Herts—	
Barking Town ...	Increase about 15 per cent.	Barnet ...	Increase slight; probably permanent.
East Ham ...	Increase; permanent.	Cheeshunt ...	Increase; probably temporary.
Walthamstow ...	Increase considerable; probably permanent.	Watford ...	Increase slight; permanency depends on use made of munition works.
West Ham ...	No marked increase.		

<i>Kent</i> —		<i>Middlesex</i> —contd.	
Bexley	... Increase nearly 30 per cent; not permanent.	Southall	... Large influx of munition workers.
Bromley (R.)	... Increase in Motttingham; decrease in some of the other parishes, temporary.	Norwood	...
Chislehurst	... Increase slight; probably temporary.	Staines (R.)	... Increase in industrial area, permanency depends on future of munition works.
Erith	... Increase about 10,000 (30 per cent); permanency depends on future of munition works.	Sunbury-on-Thames	... Increase; only part permanent.
Foots Cray	... Increase slight; probably temporary.	Tottenham	... Increase; permanency depends on future of munition works.
Dartford (R.)	... Increase; permanency depends on future of munition works.	Twickenham	... Increase, 10 per cent.; only part permanent.
<i>Middlesex</i> —		Uxbridge	... Large influx of munition workers.
Acton	... Increase considerable; permanency depends on Government's intention to keep works going after the war.	Uxbridge (R.)	... Increase; probably permanent.
Edmonton	... Increase	Wealdstone	... Increase; probably permanent.
Finchley	... Increase; probably permanent.	Wembley	... Increase 10 per cent. to 12 per cent.
Hampton	... Increase, probably temporary.	Willesden	... Increase 2 per cent.; largely permanent.
Hanwell	... A large number of female workers are temporarily resident.	Yiewsley	... Increase; probably permanent.
Hayes	... Increase, large; permanency depends on uses to which factories are put after the war	<i>Surrey</i> —	
Hendon	... Increase; considerable part probably permanent.	Epsom	... Decrease slight; temporary.
Hendon (R.)	... Increase; probably permanent.	Esher and the Dittons	... Increase slight; probably temporary.
Kingsbury	... Increase; probably temporary.	Godstone (R.)	... Increase; probably permanent.
[In several other cases it is stated that the war has had no effect.]		Ham	... Increase slight; probably permanent.
		Kingston-upon-Thames	... Increase; considerable.
		Richmond	... Increase; temporary.

2.—Vacant Accommodation.

	No. of houses.		No. of houses		No. of houses.
<i>Essex</i> —		<i>Kent</i> —contd.		<i>Middlesex</i> —contd.	
Barking Town	... Nil	Dartford (R.)	... 11	Staines (R.)	... 3
East Ham	... Nil	Erith	... Nil	Sunbury-on-Thames	... Nil
Epping (R.)	... Nil	Foots Cray	... Nil	Teddington	... 14
Ilford	... 95	<i>Middlesex</i> —		Tottenham	... Nil
Leyton	... 1 or 2	Acton	... Nil	Twickenham	... Nil
Romford (R.)	... 5	Brentford	... Nil	Uxbridge	... Nil
Walthamstow	... Nil	Chiswick	... Nil	Uxbridge (R.)	... Nil
West Ham	... (practically) Nil	Ealing	... Nil	Wembley	... Nil
Woodford	... Nil	Edmonton	... 20	Willesden	... Very few
<i>Herts</i> —		Feltham	... Nil	Yiewsley	... Nil
Barnet	... Nil	Finchley	... Nil	<i>Surrey</i> —	
Barnet (R.)	... 3	Greenford	... Nil	Barnes	... Nil
Bushey	... Nil	Hampton	... Nil	Carshalton	... Nil
East Barnet Valley	... Nil	Hampton Wick	... Nil	Coulsdon and Purley	... Nil
Watford	... Nil	Hanwell	... Nil	Croydon	... 200
Watford (R.)	... 2	Harrow-on-the-Hill	... Nil	Esher and the Dittons	... Nil
<i>Kent</i> —		Hendon	... Nil	Godstone (R.)	... 57
Beckenham	... (practically) Nil	Hendon (R.)	... Nil	Ham	... Nil
Bexley	... Nil	Heston and Isleworth	... Nil	Kingston-upon-Thames	... Nil
Bromley	... 12	Hornsey	... Nil	Maldens and Coombe	... Nil
Bromley (R.)	... Nil	Kingsbury	... Nil	Merton and Morden	... Nil
Chislehurst	... Nil	Ruslip-Northwood	... Nil	Richmond	... Nil
		South Mims (R.)	... 1	Surbiton	... Nil
		Southgate	... Nil	Wimbledon	... Nil

3.—Additional Housing required.

	Now	At the close of war.
<i>Essex</i> —		
Barking Town	250	250
Buckhurst Hill	None	None
Chingford	—	—
East Ham	427	—
(average before war) required annually until all land is covered.		
Epping (R.)	65	—
Ilford	—	100
Leyton	—	500
Loughton	—	25
Romford (R.)	190	—
Walthamstow	—	—
West Ham	—	—
If 1,000 houses were built there would be a ready demand for them.		
Demand anticipated for further houses which cannot be provided within the Borough.		
Woodford	None required except so far as indicated by very small increase in population.	—

		Number of houses required.	
		Now.	At the close of war.
HERTS.—			
Barnet (R.)	56	25	
Cheshunt	A number required.	None; probable exodus of munition workers.	
East Barnet Valley	A need for housing munition workers	100	
Watford	80	120	
Watford (R.)		42	
KENT—			
Beckenham	No need; any new houses would rapidly be occupied by persons from other districts.		
Bexley... ..	Overcrowding exists generally.	Position after war very doubtful.	
Bromley	Not anticipated that many additional houses will be required.		
Bromley (R.)	None.	50; more depends on use made of munition works.	
Chislehurst	—	Little demand expected.	
Dartford (R.)	308 to 316	—	
Erith	1,000 at least	Depends on how factories are utilised.	
Foots Cray	None.	—	
MIDDLESEX—			
Acton	—	Depends on how factories are utilised	
Brentford	500	500	
Chiswick	No extraordinary demand	—	
Ealing	—	A considerable number.	
Edmonton	Majority work elsewhere; question should be considered as a whole for the London area.		
Enfield	Already in excess of demands for those working in the district.		
Feltham	50	50	
Finchley	—	A big demand for houses expected.	
Hampton	25 to 50	Impossible to estimate.	
Hampton Wick	None, for persons employed in the district.		
Hanwell	Any additional accommodation would be for persons engaged outside the district		
Harrow-on-the-Hill ...	No great demand from persons employed in the district.		
Hayes	1,000	200 to 300.	
Hendon	Additional houses required.		
Hendon (R.)	Great demand	Demand likely to continue.	
Heston and Isleworth	500 (or at close of war)	—	
Ruislip-Northwood ...	.. 76 (or at close of war)	—	
South Mimms	42 (or at close of war)		
Southall Norwood ...	102	250	
Southgate	—	Need for progressive provision.	
Sunbury-on-Thames ...	25	25	
Staines (R.)	30	Probably a much larger number.	
Tottenham	140	200 annually for 5 years	
Twickenham	300	300	
Uxbridge	60	40	
Uxbridge (R.)	145 (or at close of war)	—	
Wealdstone	100	150	
Wembley	Additional houses required.		
Willesden	500	500	
Yiewsley	100	100	
SURREY—			
Barnes	No limit to number which would be occupied given reasonable travelling facilities.		
Carshalton	None	250	
Coulsdon and Purley	120	80	
Croydon	—	2,000, and 800 to 1,000 annually.	
Esher and The Dittons	—	Additional houses required.	
Godstone (R.)	10	133	
Ham	20	10	
Kingston-upon-Thames	No certainty that any are required; tendency is for non-working-class houses to be occupied by working-classes.		
Maldens and Coombe	No immediate demand.		
Merton and Morden...	No need.	Probable need, owing to proximity to London.	
Richmond	25 (or at close of war)	—	
Surbiton	50 (or at close of war)	—	
Wimbledon	Shortage acute; but additional houses required for persons working elsewhere.		
Total of figures so far as stated (30 authorities out of 68 in list) about		6,300	

4.—Schemes prepared or contemplated.

Districts the local authorities of which have schemes in hand or prepared.					
No. of houses.			No. of houses.		
ESSEX—			MIDDLESEX—contd.		
*Barking Town	... 400	In treaty for 33 acres.	Hendon	... 50	Land acquired.
East Ham	... 197	Land acquired; sewers laid, roads partly made.	Ruislip—Northwood	22	
Iford	... 42		South Mimms (R.)	60	Land acquired.
*Loughton	... 30		Southall Norwood	102	Land acquired.
*Walthamstow	...	Scheme submitted to Local Govt. Board.	*Southgate	... 160	Land acquired.
			Staines (R.)	...	
HERTS—			*Tottenham	... 63	
*Barnet (R.)	... 24	Land acquired.	Uxbridge	... 60	
*East Barnet Valley	... 70	Under consideration before war.	Uxbridge (R.)	...	Provisional agreement for purchase of site.
Watford	... 80	Land acquired.	SURREY		
Watford (R.)	... 14		*Barnes	... 27	Land acquired.
KENT—			Carshalton	... 250	Option secured to purchase 25 acres.
Dartford (R.)	... 12		*Croydon	... 200	11½ acres of land in hand.
MIDDLESEX—			Total of figures so far as stated (22 authorities) 2,315		
*Ealing	... 22	(tenements)			
*Finchley	... 200				
Hayes	... 230	Land acquired.			
* Provided financial assistance is afforded by the Government.					

Districts the local authorities of which are willing to prepare schemes or additional schemes.					
ESSEX—			MIDDLESEX— <i>contl.</i>		
*Epping (R.)	...	...	*Hendon		
Leyton			*Heston & Isleworth... 500		
Romford (R.)... ..	...	190	*Hornsey	...	Would consider.
			*Staines (R.)		
HERTS—			Would consider.		
*Barnet (R)	...	32	Sunbury-on-Thames ...	50	
Bushey	...		Twickenham	500	
If private enterprise fails			Uxbridge (R.)		
			Wealdstone	250	
*East Barnet Valley ...	...	100	Willesden ..	1,000	
Watford	...	120	Yiewsley	100	
KENT—					
Bromley	...		SURREY—		
Bromley (R.)... ..	...	50	*Barnes... .. 63		
Chislehurst	...		Land acquired.		
Dartford (R)			Coulson and Purley 200		
*Erith	...		*Croydon		
		When satisfied of need.	*Esher and the Dittons		
MIDDLESEX—			Ham 30		
			*Merton and Morden		
*Acton	...	To consider if private enterprise fails.	*Richmond	25	
Brentford	...	Provided suitable site can be acquired.	*Surbiton	25	More if desirable.
*Ealing	...	40	Wimbledon		
*Feltham	...		Total of figures so far as stated (17 authorities) 3,275		
Hampton		If private enterprise fails			

5.—Whether suitable sites could be acquired without delay.

(i.) Land already acquired or in hand.

ESSEX—		MIDDLESEX.		SURREY—	
Barking Town, provisional agreement for 11 acres (out of 33 acres in treaty for)		Finchley		Barnes.	
East Ham.		Hayes		Carshalton (option secured on 25 acres)	
		South Mimms (R)		Croydon.	

(ii.) Land available.

ESSEX—		KENT— <i>contd.</i>		MIDDLESEX— <i>contd.</i>		MIDDLESEX— <i>contd.</i>	
Epping (R.)		Bromley.		Heston and Isleworth.		Willesden.	
Iford (a)		Bromley (R.)		Hornsey (limited		Wiewsley.	
Loughton		Chislehurst.		quantity).			
Romford (R.)		Dartford (R.)		Kingsbury			
Walthamstow		Erith.		Ruislip-Northwood.		SURREY—	
				Southall Northwood		Barnes (a)	
				Southgate.		Coulsdon and Purley.	
				Staines (R.)		Croydon.	
				Sunbury-on-Thames.		Epsom.	
				Tottenham.		Esher and The Dittons.	
				Twickenham		Godstone (R.)	
				Uxbridge.		Ham.	
				Uxbridge (R.)		Maldens and Coombe.	
				Wendstone.		Merton and Morden	
				Wembley.		Surbiton.	

(iii.) Little land available.

Districts the local authorities of which have schemes in hand or prepared.			No. of houses.		
No. of houses.			No. of houses.		
ESSEX—					
Leyton.	...		MIDDLESEX—		
West Ham.	...		Acton (a)	...	
			Chiswick.	...	
			Hampton Wick (either Crown land or subject to building restrictions)	...	
			Hanwell	...	
			SURREY—		
			Kingston-upon-Thames.	...	
			Richmond.	...	
			Wimbledon (a)	...	

(a) At high cost.

APPENDIX 2

POPULATION.

TABLE showing the population of the districts in Greater London in 1911 and the changes in the two decennial periods 1891-1901 and 1901-11.

(i.) LONDON.

City or Metropolitan Boroughs.	Total population			1-6 roomed tenements		1-4 roomed tenements						Living more than 2 persons per room.								Average number of persons per room in 1-4 roomed tenements.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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	1911.	Increase or decrease in the period.		Population, 1911.	Proportion of total population.	Increase or decrease in the period		Proportion of total population.		Number of persons 1911.	Proportion of total population	Number of persons 1911	Increase or decrease in the period.		Proportion of total occupants of such tenements.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
		1891-1901.	1901-1911.			1891-1901.	1901-1911.	1901	1911.				Increase or decrease in per centage 1901-11.	1891-1901.	1901-1911.	1901.	1911.	Increase or decrease in per centage 1901-11.	1891	1901	1911.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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(a) Comparable figures for 1891 are not available in these cases owing to changes in local areas under the London Government Act, 1899; for Finsbury and Holborn combined there was a decrease of 18,458 in the period of 1891-1901 as compared with a decrease of 12,387 in the period 1901-11 and for Hackney and Stoke Newington combined, a decrease of 1,591 and an increase of 23,865 in the two periods respectively.

APPENDIX 2—(continued).

POPULATION.

TABLE showing the population of the districts in Greater London in 1911 and the changes in the two decennial periods 1891-1901 and 1901-11.

(ii.) EXTRA-LONDON.

[In those cases in which figures are not given the information is not available.]

Urban Districts	Total Population.			1-2 roomed tenements.		1-4 roomed tenements.						Living more than 4 persons per room.						Average number of persons per room in 1-4 roomed tenements.					
	Increase or decrease in the period.			Population 1911.	Proportion of total population.	Increase or decrease in the period.		Proportion of total population.		All tenements.		1-4 roomed tenements.											
												Increase or decrease in the period.		total occupants of such tenements.									
	1911	1891-1901	1901-1911			Population 1911.	Proportion of total population.	1891-1901.	1901-11.	1901.	1911.	Increase or decrease in percentage 1901-11.	Number of persons, 1911.	Proportion of total population.	Number of persons, 1911.	Increase or decrease in the period.	1891-1901	1901-1911	1901.	1911.	Increase or decrease in percentage 1901-11	1891.	1901
<i>Essex.</i>																							
Barking Town ...	31,204	+ 7,240	+ 9,747	29,485	94.2	17,381	479	+ 12,874	22.3	55.5	+ 33.2	3,348	10.7	2,767	50	+ 1,909	17.8	15.9	1.0	1.32	1.32	1.28	
Buckhurst Hill ...	4,890	+ 659	+ 100	3,028	62.0	1,448		+ 481	20.2	20.0	+ 9.4	248	5.1	201		+ 98	10.7	13.0	+ 3.2	1.21	1.17		
Chingford ...	8,184	+ 1,830	+ 3,811	5,325	65.1	1,550		+ 527	23.4	18.9	+ 4.5	219	2.7	195		+ 70	11.6	12.0	+ 1.0	1.18	1.16		
East Ham (M B) ...	133,487	+ 33,305	+ 37,470	123,135	92.2	49,783	+ 17,184	+ 24,140	20.7	37.3	+ 10.0	8,430	6.3	6,050	+ 1,082	+ 4,170	9.7	13.4	+ 3.7	1.30	1.15	1.20	
Ilford ...	78,188	+ 30,322	+ 36,044	52,046	66.6	10,204	+ 266	+ 6,700	8.6	13.1	+ 4.5	1,632	2.0	1,029		+ 37	603	12.0	10.0	2.0	1.21	1.11	1.09
Leyton ...	124,735	+ 35,800	+ 25,823	100,943	80.9	46,943	+ 8,825	+ 22,441	24.8	37.6	+ 12.8	6,533	5.2	5,031	+ 503	+ 3,083	10.4	12.0	+ 1.6	1.21	1.16	1.16	
Loughton ...	5,433	+ 850	+ 703	3,523	64.8	2,070		+ 904	24.8	38.2	+ 13.4	165	3.0	165			31	10.7	7.9		1.16	1.10	
Waltham Holy Cross	6,795	+ 493	+ 246	5,541	81.5	2,038	+ 380	+ 948	21.2	30.0	+ 8.8	270	4.1	175	+ 219	+ 61	8.2	8.6	+ .4	1.23	1.10	1.09	
Walthamstow ...	124,580	+ 48,785	+ 29,449	111,816	89.8	47,771	+ 15,778	+ 19,498	29.7	38.3	+ 8.6	9,102	7.3	6,746	+ 1,423	+ 3,573	11.2	14.1	+ 2.9	1.20	1.19	1.22	
Wanstead ...	13,830	+ 2,136	+ 4,051	9,311	45.6	1,483	+ 67	+ 232	13.4	10.7	+ 2.7	95	7	95		+ 10	9.3	8.4	+ .9	1.21	1.05	1.04	
West Ham (C B) ...	289,030	+ 82,455	+ 21,972	204,562	91.5	177,428	+ 33,184	+ 47,307	48.7	61.4	+ 12.7	43,714	15.1	40,308	+ 5,670	+ 15,518	19.1	22.7	+ 3.6	1.35	1.33	1.37	
Woodford ...	18,496	+ 2,774	+ 4,608	11,171	60.4	3,838	+ 618	+ 1,198	19.1	20.8	+ 1.7	417	2.3	336		+ 32	51	10.8	8.8	+ 2.0	1.23	1.14	1.08
Total in Essex (a)	838,938	+ 256,454	+ 175,323	716,846	85.5	362,003		+ 136,682	34.0	43.2	+ 9.2	74,085	8.8	64,304		+ 29,098	15.6	17.8	+ 2.2	—	1.26	1.27	
(b)	820,435	+ 253,312	+ 170,709	705,010	83.9	356,929	+ 75,057	+ 134,770	34.2	43.5	+ 9.3	73,453	9.0	63,743	+ 8,275	+ 28,955	15.7	17.9	+ 2.2	1.32	1.20	1.27	
<i>Herts.</i>																							
Barnet ...	10,440	+ 1,451	+ 2,081	7,234	69.3	3,062				29.3		348	3.3	236				7.7				1.09	
Bushey ...	6,978	+ 1,016	+ 2,414	4,140	59.3	1,539				22.1		159	2.3	90				8.4				.98	
Chesham ...	12,054	+ 2,672	+ 602	10,080	82.5	4,788	+ 288	+ 2,408	18.6	36.0	+ 18.3	570	4.4	432	+ 40	+ 217	9.4	9.0	+ .4	1.08	1.08	1.10	
East Barnet Valley	12,381	+ 2,379	+ 2,287	8,072	65.2	2,647	+ 204	+ 923	17.1	21.4	+ 4.3	351	2.8	244	+ 110	+ 55	17.3	9.2	+ 8.1	1.18	1.21	1.09	
Watford (part) ...	2,633	+ 10	+ 511																				
Total in Herts (a)	45,389	+ 7,536	+ 7,955	30,126	66.4																		
(b)	25,335	+ 5,051	+ 2,949	18,762	74.0	7,433	+ 6	+ 3,419	17.9	29.3	+ 11.4	921	3.6	676	+ 70	+ 102	12.8	9.1	+ 3.7	1.11	1.13	1.10	

Urban Districts.	Total Population.			1-0 roomed tenements.		1-4 roomed tenements.						Living more than 2 persons per room.										Average number of persons per room in 1-4 roomed tenements		
	Increase or decrease in the period.			Population, 1911.	Proportion of total population.	Increase or decrease in the period			Proportion of total population			All tenements		1-4 roomed tenements										
	1911.					Population, 1911.	Increase or decrease in the period	Proportion of total population		Number of persons, 1911.	Proportion of total population	Number of persons, 1911.	Increase or decrease in the period.		Proportion of total occupants of such tenements		Increase or decrease in percentage, 1901-11.	1891	1901	1911				
		1891-1901	1901-1911					1891-1901	1901-11				1901	1911	Increase or decrease in percentage, 1901-11.	1891-1901					1901-1911	1901	1911	
<i>Surrey.</i>					per cent				per cent	per cent		per cent.				per cent	per cent							
Barnes ...	30,377	+ 3,148	+ 12,556	20,611	67.9																			
Carshalton ...	11,634	+ 1,321	+ 4,888	6,987	59.9																			
Croydon (C B) ...	169,551	+ 31,200	+ 35,056	121,558	71.7																			
E & W Molesey	6,492	+ 638	+ 458	4,686	72.2																			
Epsom ...	19,156	+ 2,498	+ 8,241	8,816	45.0																			
Esher and The Dittons (part)	9,909	+ 1,382	+ 2,843	7,987	79.6																			
Ham ...	1,435	— 19	— 25	971	67.7																			
Kingston-on-Thames (M B)	37,975	+ 7,316	+ 3,000	28,428	74.9																			
Merton ...	12,938	+ 1,166	+ 8,428	11,437	88.4																			
Richmond (M B)	33,221	+ 4,797	+ 1,549	19,106	57.5																			
Surbiton ...	17,717	+ 2,839	+ 2,700	10,226	57.7																			
Sutton ...	21,270	+ 3,246	+ 4,047	11,980	56.3																			
The Maldens and Coombe	12,137	+ 1,205	+ 5,904	8,249	68.0																			
Wimbledon (M B)	54,966	+ 15,875	+ 13,314	36,970	67.3																			
Total in Surrey (a)	438,778	+ 76,612	+ 104,159	297,692	67.8																			
(b)	314,552	+ 61,456	+ 69,746	214,519	68.2																			
Total Extra-London Urban Districts (a)	2,549,908	+ 614,389	+ 629,754	1,937,204	76.0																			
(b)	2,197,678	+ 546,323	+ 542,688	1,714,541	78.0																			

(a) Totals for all districts

(b) Totals for districts for which complete figures are available

NOTE.—The Census returns for 1891 and 1901 required information to be furnished as to the number of rooms if the tenements consisted of less than 5 rooms, while the census of 1911 required this information in respect of all tenements. In considering the figures of tenements (of 1-4 rooms) and overcrowding, it is necessary to bear in mind that the comparison between 1911 and preceding years is affected by the greater completeness and accuracy of the 1911 figures, though it is impossible to say to what extent

APPENDIX 3.

WORKING CLASS DWELLINGS PROVIDED AND DEMOLISHED, 1911-1916.

TABLES showing (i.) the number of rooms provided in working-class dwellings,

(ii.) the number demolished, and

(iii.) the net increase or decrease in working-class accommodation
in London in the years 1911 to 1916.

(1.) Rooms provided.

City or Metropolitan Borough.	Number of rooms provided.						Total 1911-1916.
	1911.	1912.	1913.	1914.	1915.	1916.	
Battersea	3	—	—	—	—	—	3
Bermondsey	56	110	47	223	—	347	783
Bethnal-green	—	—	—	48	18	53	119
Camberwell	503	154	137	291	—	3	1,088
Chelsea	—	—	1,461	—	270	672	2,403
Deptford	145	72	88	39	85	4	433
Finsbury	—	—	—	—	—	—	—
Fulham	61	556	97	35	184	—	933
Greenwich	471	133	258	33	—	496 (a)	1,391
Hackney	128	19	64	24	21	27	283
Hammersmith	144	244	499	500	—	—	1,387
Hampstead	—	—	—	—	—	—	—
Holborn	—	—	—	—	—	—	—
Islington	—	—	28	—	—	—	28
Kensington	—	54	24	—	44	96	218
Lambeth	87	336	62	453	30	96	1,064
Lewisham	269	208	258	476	208	5	1,424
Paddington	—	—	—	—	16	—	16
Poplar	78	44	24	60	—	—	206
St. Marylebone	—	89	—	279	103	—	471
St. Pancras	288	396	592	383	6	—	1,665
Shoreditch	597	128	138	—	—	—	863
Southwark	422	383	274	108	503	12	1,702
Stepney	86	99	40	47	52	—	324
Stoke Newington	—	—	—	—	—	48	48
Wandsworth	1,450	709	974	1,032	379	183	4,727
Westminster (City)	—	15	505	—	—	—	520
Woolwich	416	418	611	1,268	4,690 (a)	8,357 (a)	15,760
City of London	—	—	—	—	—	—	—
TOTAL	5,204	4,167	6,181	5,299	6,609	10,399	37,859

(a) Including accommodation provided by the Government in 1915 and 1916 as follows :—

Borough.	Number of rooms.		
	Cottages.	Hutments (Temporary)	Total.
Woolwich, 1915	4,010	—	4,010
" 1916	1,557	6,408	7,965
Greenwich, 1916	—	496	496
Total	5,567	6,904	12,471

(ii.) Rooms demolished.

City or Metropolitan Borough.	Number of rooms demolished.						Total 1911-1916.
	1911.	1912.	1913.	1914.	1915.	1916.	
Battersea	—	205	48	62	91	56	462
Bermondsey	19	228	261	691	232	15	1,346
Bethnal Green	—	106	116	63	127	35	447
Camberwell	19	179	304	420	64	18	1,004
Chelsea	558	435	491	—	238	—	1,722
Deptford	18	171	17	100	27	8	341
Finsbury	64	281	282	469	—	73	1,169
Fulham	132	—	83	44	21	—	280
Greenwich	132	217	319	8	24	5	705
Hackney	48	125	267	202	56	182	860
Hammersmith	209	76	130	72	91	58	636
Hampstead	—	10	—	—	14	42	66
Holborn	73	157	10	159	12	57	468
Islington	33	103	469	195	178	36	1,016
Kensington	114	25	162	16	58	—	375
Lambeth	1,478	1,301	788	1,017	127	223	4,934
Lewisham	6	19	76	54	4	—	159
Paddington	24	105	331	160	4	12	636
Poplar	38	286	56	181	44	—	605
St. Marylebone	403	220	206	108	343	11	1,291
St. Pancras	104	580	183	687	452	104	2,110
Shoreditch	210	74	145	284	—	68	781
Southwark	614	309	638	431	260	315	2,567
Stepney	89	879	446	491	55	36	1,996
Stoke Newington	—	—	12	5	68	—	85
Wandsworth	106	61	39	110	62	63	441
Westminster (City)	231	505	168	505	107	71	1,587
Woolwich	92	127	127	213	131	13	703
City of London	155	6	—	22	—	—	183
Total	4,969	6,790	6,174	6,669	2,890	1,503	28,985

(iii.) Net increase or decrease in housing accommodation.

City or Metropolitan Borough.	Number of rooms.						Total 1911-1916.	
	1911.	1912.	1913.	1914.	1915.	1916.	Increase.	Decrease.
Battersea	+ 3	— 205	— 48	— 62	— 91	— 56		459
Bermondsey	+ 37	— 118	— 214	— 368	— 232	+ 332		563
Bethnal Green	—	— 106	— 116	— 15	— 109	+ 18		328
Camberwell	+ 484	— 25	— 167	— 129	— 64	— 15	84	
Chelsea	— 558	— 435	+ 970	—	+ 32	+ 672	681	
Deptford	+ 127	— 99	+ 71	— 61	+ 58	— 4	92	
Finsbury	— 64	— 281	— 282	— 469	—	— 73		1,169
Fulham	— 71	+ 556	+ 14	— 9	+ 163	—	653	
Greenwich	+ 339	— 84	— 61	+ 25	— 24	+ 491	686	
Hackney	+ 80	— 106	— 203	— 178	— 35	— 155		597
Hammersmith	— 65	+ 168	+ 369	+ 428	— 91	— 58	751	
Hampstead	—	— 10	—	—	— 14	— 42		66
Holborn	— 73	— 157	— 10	— 159	— 12	— 57		468
Islington	— 33	— 103	— 441	— 195	— 178	— 38		988
Kensington	— 114	+ 29	— 138	— 16	— 14	+ 96		157
Lambeth	— 1,391	— 965	— 726	— 564	— 97	— 127		3,870
Lewisham	+ 263	+ 189	+ 182	+ 422	+ 204	+ 5	1,265	
Paddington	— 24	— 105	— 331	— 160	+ 12	— 12		620
Poplar	+ 40	— 242	— 32	— 121	— 44	—		399
St. Marylebone	— 403	— 131	— 206	+ 171	— 240	— 11		820
St. Pancras	+ 184	— 184	+ 409	— 304	— 446	— 104		445
Shoreditch	+ 387	+ 54	— 7	— 284	—	— 68	82	
Southwark	— 192	+ 74	— 364	— 323	+ 243	— 303		865
Stepney	— 3	— 780	— 406	— 444	— 3	— 36		1,672
Stoke Newington	—	—	— 12	— 5	— 68	+ 48		37
Wandsworth	+ 1,344	+ 648	+ 935	+ 922	+ 317	+ 120	4,286	
Westminster (City)	— 231	— 490	+ 337	— 505	— 107	— 71		1,067
Woolwich	+ 324	+ 291	+ 484	+ 1,055	+ 4,550	+ 8,344	15,057	
City of London	— 155	— 6	—	— 22	—	—		183
Total	+ 235	— 2,623	+ 7	— 1,370	+ 3,719(a)	+ 8,890(a)	23,637(a)	14,773

(a) Including housing accommodation, permanent and temporary, provided by the Government (see note on preceding page).

+ 8,864

APPENDIX 4.

Working-Class Accommodation, Greater London, 1902-16.

Table showing the working-class accommodation provided and demolished in Greater London during the years 1902-16.

[Prior to 1912 the information was not compiled for the whole of Greater London.]

Year.	NUMBER OF ROOMS.						
	London.	Extra-London.			Total—Greater London.		
		Part of area. (29 districts)	Part of area. (42 districts).	Whole area.	Part of area.	Part of area.	Whole area.
(a) Provided.							
1902... ..	21,978	35,808			57,786		
1903... ..	25,906	38,006			63,912		
1904... ..	24,614	33,095			57,709		
1905... ..	26,076	36,874			62,950		
1906... ..	20,469	29,482	38,967		49,951	59,436	
1907... ..	15,178	24,138	31,938		39,316	47,116	
1908... ..	10,387	16,862	22,195		27,249	32,582	
1909... ..	5,711	15,798	21,150		21,509	26,861	
1910... ..	6,950	14,079	18,229		21,029	25,179	
1911... ..	5,204	12,114	15,680		17,318	20,894	
Average (10 years)	16,247	25,626			41,873		
1912... ..	4,167	9,456	11,454	13,141	13,623	15,621	17,303
1913... ..	6,181	7,452	9,827	11,933	13,633	16,008	18,114
1914... ..	5,299	7,576	10,466	12,725	12,875	15,765	18,024
1915... ..	6,609	3,722	5,247	8,999	10,331	11,856	15,608
1916... ..	10,399	5,096	5,755	9,264	15,495	16,154	19,663
Average (15 years)	13,008	19,304			32,312		
(b) Demolished.							
1902... ..	4,201	86			4,287		
1903... ..	4,431	473			4,903		
1904... ..	5,598	545			6,143		
1905... ..	11,768	245			12,013		
1906... ..	6,187	336	494		6,523	6,681	
1907... ..	6,372	364	727		6,736	7,099	
1908... ..	3,961	304	380		4,265	4,341	
1909... ..	4,569	199	232		4,768	4,801	
1910... ..	3,992	204	276		4,196	4,268	
1911... ..	4,969	673	807		5,642	5,776	
Average (10 years)	5,605	343			5,948		
1912... ..	6,790	353	493	807	7,143	7,283	7,597
1913... ..	6,174	500	672	983	6,674	6,846	7,157
1914... ..	6,669	649	901	1,287	7,318	7,570	7,956
1915... ..	2,890	581	714	1,031	3,471	3,604	3,921
1916... ..	1,503	550	581	924	2,053	2,084	2,427
Average (15 years)	5,338	404			5,742		
(c) Net Number Provided.							
1902... ..	17,777	35,722			53,499		
1903... ..	21,475	37,534			59,009		
1904... ..	19,016	32,550			51,566		
1905... ..	14,308	36,629			50,937		
1906... ..	14,282	29,146	38,473		43,428	52,755	
1907... ..	8,806	23,774	31,211		32,580	40,017	
1908... ..	6,426	16,558	21,815		22,964	28,241	
1909... ..	1,142	15,599	20,918		16,741	22,060	
1910... ..	2,958	13,875	17,953		16,833	20,911	
1911... ..	235	11,441	14,873		11,676	15,108	
Average (10 years)	10,642	25,283			35,925		
1912... ..	— 2,623	9,103	10,961	12,334	6,480	8,338	9,711
1913... ..	7	6,952	9,155	10,950	6,959	9,162	10,957
1914... ..	— 1,370	6,927	9,565	11,438	5,557	8,195	10,068
1915... ..	3,719	3,141	4,533	7,968	6,860	8,252	11,687
1916... ..	8,896	4,546	5,174	8,340	13,442	14,070	17,236
Average (15 years)	7,670	18,900			26,570		

APPENDIX 5.

LOCOMOTION FACILITIES.

(i) Number of railway passengers with workmen's tickets in the year 1913, and proportion of total passengers.—

Railway.	Number of passengers with workmen's tickets, 1913.	Total number of passengers, including season ticket holders, 1913.	Proportion of workmen to total passengers.
<i>London Local Railways—</i>			Per cent.
Central London	4,396,640	37,513,341	11.7
City and South London	5,840,109	22,773,830	25.6
London Electric	21,136,580	100,088,171	21.1
Metropolitan (including Great Northern and City)	17,525,840	113,427,092	15.5
Metropolitan District	15,657,958	88,871,332	17.6
North London	6,488,192	30,598,731	21.2
Total Local Railways	71,045,319	393,272,497	18.1
<i>Trunk Railways serving London—</i>			
Great Eastern	27,949,982	134,327,046	20.8
South Eastern and Chatham	14,727,280	79,293,623	18.6
London and South Western	9,332,134	77,211,162	12.1
London, Brighton and South Coast	9,415,404	80,425,711	11.7
Great Northern	6,694,127	64,664,662	10.4
London and North Western	20,744,508	127,349,830	16.3
Midland (including London, Tilbury and Southend)	30,391,278	140,586,643	21.6
Great Western	14,185,438	137,931,962	10.3
Great Central	5,218,492	40,251,532	13.2
Total Trunk Railways	138,658,643	882,042,171	15.7
Other Railways not serving London	71,162,001	503,346,153	14.1
Total Great Britain	280,865,963	1,778,660,821	15.8

(ii) Limits of workmen's fares of 2d. and 4d. return on London railways.—

2d. Return.		4d. Return.	
Most outlying station between which and terminus the fare applies.	Distance from terminus.	Most outlying station between which and terminus the fare applies.	Distance from terminus.
<i>North of the River—</i>	miles.	<i>North of the River—</i>	miles.
Blackwall (G.E. Rly.)	3.5	North Greenwich (G.E. Rly.)	4.4
Foplar (N.L. Rly.)	6.5	North Woolwich (G.E. Rly.)	9.1
Canning Town (G.E. Rly.)	6.1	Manor Park (G.E. Rly.)	6.6
Plaistow (Mid. Rly.—L.T. & S. Branch)	4.6	Leytonstone (G.E. Rly.)	6.5
Stratford (G.E. Rly.)	4.4	Leytonstone (Mid. Rly.)	12.0
Wood Street, Walthamstow (G.E. Rly.)	7.1	Tottenham (Hale) (G.E. Rly.)	8.3
Enfield Town (G.E. Rly.)	10.7	Enfield (G.N. Rly.)	9.1
Finsbury Park (G.N. Rly.)	4.4	New Southgate (G.N. Rly.)	6.4
Finsbury Park (G.N. & C. Rly.)	3.5	Woodside Park (G.N. Rly.)	8.7
Finsbury Park (L.E. Rly.)	3.9	Hendon (Mid. Rly.)	8.9
Crouch Hill (Mid. Rly.)	4.1	Wembley Park (Met. Rly.)	8.3
Highgate (L.E. Rly.)	4.3	Kensal Rise (L. & N.W. Rly.)	9.6
Golder's Green (L.E. Rly.)	5.9	Willesden (L. & N.W. Rly.)	9.7
Chalk Farm (N.L. Rly.)*	5.6	North Ealing (M.D. Rly.)	9.2
Finchley Road (Mid. Rly.)	3.7	Ealing Broadway (M.D. Rly.)	9.6
Finchley Road (Met. Rly.)	3.8	Acton (G.W. Rly. and Met. Rly.)	9.2
Loudoun Road (L. & N.W. Rly.)*	2.5		
Edgware Road (L.E. Rly.)	4.3	<i>South of the River—</i>	
Westbourne Park (G.W. Rly. and Met. Rly.)	3.7	Putney (L. & S.W. Rly.)	5.9
Wood Lane (C.L. Rly.)	6.8	Southfields (L. & S.W. Rly.)	6.7
High Street, Kensington (Met. Rly.)	6.8	Tooting Junction (L.B. & S.C. Rly.)*	9.1
Hammersmith (L.E. Rly.)	4.5	Selhurst (L.B. & S.C. Rly.)	9.7
Hammersmith (M.D. Rly.)	5.2	Crystal Palace (S.E. & C. Rly.)	9.4
Walham Green (M.D. Rly.)	4.8	Crystal Palace (L.B. & S.C. Rly.)	7.5
		Woodside (S.E. & C. Rly.)	12.0
<i>South of the River—</i>		Kent House (S.E. & C. Rly.)	8.1
Battersea Park Road (S.E. & C. Rly.)	5.9	Catford (S.E. & C. Rly.)	7.7
Clapham Junction (L. & S.W. Rly.)	4.0	Greenwich Park (S.E. & C. Rly.)*	8.0
Clapham Common (C. & S.L. Rly.)	3.8	Plumstead (S.E. & C. Rly.)	10.0
Herne Hill (S.E. & C. Rly.)	4.3		
South Bermondsey (L.B. & S.C. Rly.)*	1.6		
Southwark Park (S.E. & C. Rly.)*	1.7		
Surrey Docks (E.L. Rly.)	2.4		

* Station closed temporarily

(iii.) Number of workmen's trains daily to the several London termini.

Railway.	Terminus.	Number of workmen's trains daily inwards.
Metropolitan	Aldgate	69 (b)
	Baker Street	23
	Shoreditch	18
		110
Metropolitan District	Mansion House (a)	91(c)
Baker Street and Waterloo	Piccadilly Circus (a)	79
Great Northern, Piccadilly and Brompton	Piccadilly Circus (a)	80
City and South London	Bank (a)	76
South Eastern and Chatham... ..	Victoria	8
	Charing Cross	20
	Holborn, Ludgate Hill and St. Paul's	28
	Cannon Street	19 (d)
		75
London, Brighton and South Coast	Victoria	30
	London Bridge	41
		71
Ditto "Cheap" Trains	London Bridge	2
Great Eastern	Liverpool Street	47
	Fenchurch Street	18
		65
Ditto "Cheap" Trains	Liverpool Street	57
	Fenchurch Street	12
		69
Charing Cross, Euston and Hampstead	Charing Cross	57
London and South Western	Waterloo	44
North London	Broad Street	31
Midland	St. Pancras	5
	Moorgate Street	8
	Fenchurch Street	13
		23
Great Northern	King's Cross	4
	Moorgate Street	10
		14
Waterloo and City	Bank	12
Great Western	Paddington	10
London and North Western	Euston	9
Great Central	Marylebone	6
	Workmen's Trains	853
	"Cheap" Trains	71
	Total	924

(a) These stations though not physical termini are regarded as termini for the purposes of this table. The trains from both directions are included in the number shown.

(b) Including 2 terminating at Liverpool Street, and 1 at King's Cross.

(c) Including 3 terminating at Aldgate East (from the East).

(d) Including 3 terminating at London Bridge.

London County Council.

HOUSING AFTER THE WAR.

Extract from the Minutes of Proceedings at a meeting of the Council on
23rd July, 1918.

Report of the Housing of the Working Classes Committee.

17th July, 1918.

Housing after the war.

1.—One of the questions which have been engaging the earnest attention of those whose business it is to consider the domestic action to be taken in connection with the return of peace conditions in this country is that of improved housing accommodation for the people. Keen interest is taken in this question by all classes of the community, and the part to be taken by the Council in any general plan has occupied our most serious attention.

The Local Government Board, within whose jurisdiction the question of local action lies, has recently called for a full expression of the Council's attitude to this question, and we have gathered that the Board desires that a very broad view shall be taken of the prospective situation. If this is to be done, the views of the various local authorities whose areas surround the county of London must be ascertained, and due weight must be given to the special knowledge of the several metropolitan borough councils as regards the requirements and conditions of the metropolitan boroughs. For this purpose we propose to hold conference with all the circa-London local authorities and to confer with the metropolitan borough councils. It is obvious that many important questions intimately connected with the main housing issue must arise in connection with any such conference, and the value of a free interchange of views in this matter would be considerably discounted if such questions were excluded. We have, therefore, asked the committees concerned in these questions to report simultaneously with us with a view to the Council authorising their discussion.

It does not appear to us, however, to be necessary for the Council to delay the formulation of preliminary views. Indeed, we are of opinion that the tentative expression by the Council of a policy conceived on broad lines may well assist in focussing and crystallizing the views of other authorities.

The conditions which will obtain for some time after the declaration of peace cannot be foretold with any exactitude. It will be safe only to say that the public need for action will be great, while the economic situation will be strained. Proof of public need is afforded by the existing facts as to the increased pressure on accommodation created by the cessation of building operations during the war and by the deterioration of accommodation which has inevitably taken place. This has resulted in increased overcrowding in dwellings otherwise suitable and in the continued habitation of dwellings which in normal circumstances could no longer be regarded as suitable at all. Pressure, in short, has produced and intensified slums. Causes of a strained economic situation may be cited in the increased and increasing cost of labour and materials and in the resumption and redistribution of industrial activity which will accompany demobilisation.

To assist local authorities in meeting the abnormal situation which will thus arise, the Local Government Board, by circular dated 18th March, 1918, has announced that the Government will make a grant towards the deficiency to be expected upon the erection of new working-class dwellings. This grant will take two forms. For the first seven years, at least, after the declaration of peace a grant of 75 per cent. of the estimated annual deficit will be made. At the end of this period the dwellings will be valued, and 75 per cent. of the excess of the outstanding loan over that value will be met by the State.

Dwellings are built by the Council under the Housing Acts either in pursuance of an obligation laid upon it by a scheme under Part I. or Part II. of the Act of 1890 or, apart altogether from obligation, under Part III. of the Act. When dwellings are built by the Council in pursuance of an obligation the financial result of the operation is estimated on the basis of the value of the land for housing purposes and not upon its cost. No element of the cost of clearing away an insanitary area is therefore involved. The deficiency grant will apply to dwellings erected under Part III., but we are given to understand that it will not be paid in respect of dwellings built in pursuance of an obligation. So long as dwellings are built during the period defined by the Local Government Board we are unable to see any reason for this differentiation.

The need for rehousing is at least as great or there would be no rehousing obligation. The economic conditions are as strained in the one case as in the other. Upon this we feel so strongly that we regard the removal of this inequity as a condition precedent to the emergency policy which we are prepared to suggest to the Council.

In order to be in a position to advise the Council on this emergency policy, we have for some time been collecting detailed information as to the housing conditions now existing in London and we propose to submit this information to the Council for publication at an early date. In the meantime, however, we think that the Council should lay down in broad preliminary outline the course which it will follow for the period which the Local Government Board has recognised as that during which at least abnormal conditions will prevail, namely, seven years from the declaration of peace.

It is open to the Council to pursue in this period a policy of quantity or a policy of quality. To justify a policy of quantity it would be necessary to ascertain first of all the amount of additional accommodation likely to be required. Present conditions are such as to preclude the possibility of making any estimate of this. On the other hand, no uncertainty exists as to the facts necessary to justify a policy of quality. The number of houses in London requiring improvement from the point of view of sanitary arrangements, distribution, age and the like is readily ascertainable, and the amount of work involved in dealing with these houses and providing healthy homes instead can be estimated. It is a kind of work to benefit most those who are poorest and most unsuitably housed; it belongs peculiarly to local government authorities throughout the country; and it has a far-reaching influence in raising the general standard of public health as well as on the individual occupant of the new houses. These and other such considerations as ought, in our opinion, to guide the framing of a public policy, have caused us to conclude that the policy of the Council should be one of quality.

The questions of the pace at which this broad general policy shall be pursued and its extent are of the first importance. On these questions the keynote should, we think, be acceleration. So much importance do we attach to this that we propose that all action should be subject to the necessary amendments of the law being obtained to make it possible to deal with slum property both quickly and cheaply. Legislation in this direction has long been promised on behalf of the Government. This was clearly brought to the notice of the Local Government Board in the Council's letter of 11th May, 1914, reported on 23rd February, 1915 (p. 272), in which the following passage occurs—

"Authoritative ministerial statements have, since the date of this resolution (29th July, 1913) been made indicating the form which legislation will take. Property taken for, *inter alia*, 'slum' clearances, is to be acquired at a value assessed by a new body of Judicial Commissioners, and by a simplified process. Both the Chancellor of the Exchequer in his speeches last autumn, and the Prime Minister in his speech at the National Liberal Club on 9th December last, said that the object and result of this reform would be to reduce greatly the cost of acquiring property by local authorities in such cases as that now under consideration. Moreover, the Chancellor of the Exchequer in his speech on the Budget on the 4th instant, said that the present cost of clearing 'slum' property is 'prohibitive.'"

Subject to this long-promised legislation being obtained, we are prepared to recommend the Council to proceed at a pace and to an extent which is the measure of our conviction that the policy we advocate is sound and necessary. Apart from acceleration due to amended legislation, both pace and extent depend upon a variety of factors, among which may be mentioned the cost and availability of labour and materials, the cost of acquiring property, the facility with which property can be dealt with or acquired and houses be demolished, and the extent and availability of building land. All these matters are important, all are difficult of estimation, but nearly all are reducible with more or less accuracy to a money basis. We think, therefore, that the pace and extent of the Council's policy may conveniently be expressed in terms of capital expenditure spread over the period which we have already mentioned—seven years from the conclusion of peace. Taking this basis, we have carefully assessed the amount of work which, in the light of experience, we think the Council could reasonably hope to undertake, and have arrived at the conclusion that this may be put at a total of £3,500,000, spread over the period of seven years at the rate of about £500,000 a year. We are not prepared to say in detail the exact meaning of these figures in improved slum areas and wholesome dwellings, but that the magnitude of the undertaking may be, perhaps, the better realised, we would draw attention to the fact that, even with the costly processes involved in the existing law, the Council, for nearly £2,000,000, has, in the past, cleared 55 acres of slums and provided new dwellings in connection therewith for over 16,000 persons.

To carry out the policy which we have thus outlined the general procedure would be, first, by way of building under Part III. of the Housing Act of 1890 new houses both upon estates ripe for development and upon sites adjoining or near actual insanitary or overcrowded areas. This action will, we hope, serve to create a healthy draught from insanitary to wholesome property. The estates already in the Council's possession and available for this purpose cover 106½ acres, and are capable of accommodating an ultimate population of some 17,000 persons on the basis of two per room, while doubtless some opportunities will occur for the acquisition of partially developed estates in suitable localities. Secondly, and as far as possible concurrently, we would proceed to deal with insanitary houses and areas; and thirdly, and also concurrently, we would propose the erection of new dwellings as land thus became available.

We recommend—

(a) That the Housing of the Working Classes Committee be authorised to hold conference with the local authorities whose areas surround the county of London and to confer with the metropolitan borough councils to enable them to report fully on the most effective methods for improving the housing conditions of Greater London as a whole. [Agreed as amended.]

(b) That, subject (1) to the financial assistance mentioned in the Local Government Board circular of 18th March, 1918, being applied to all buildings erected under Parts I, II, and III. of the Housing of the Working Classes Act, 1890, and (2) to the passing of the long-promised legislation for accelerating and cheapening the acquisition of slum property, the policy of the Council as regards housing during the period of seven years following the conclusion of peace be as follows—

(i.) To accelerate the development of estates already in the Council's possession and other estates available and ripe for immediate development by the erection of new dwellings under Part III. of the Housing of the Working Classes Act, 1890.

(ii.) To arrange for the closing and demolition of insanitary houses.

(iii.) To accelerate the clearance of insanitary areas under either Part I. or Part II. of the Housing of the Working Classes Act, 1890, and the erection of new dwellings on the cleared areas and elsewhere.

(iv.) To spend upon capital account for purposes arising out of this resolution a sum at the rate of about £500,000 a year for the seven years following the declaration of peace, or a total in that period not exceeding £3,500,000. [Agreed.]

(c) That the foregoing resolutions (a) and (b) be communicated to the Local Government Board. [Agreed.]

H. DE R. WALKER,
Chairman.

Motion made—That the report be received.

Debate.

Motion put and agreed to.

Resolved—That the report be received.

(1a.) Recommendation No. 1 (a) moved.

Amendment moved by Mr. Hobson, seconded by Lieut.-Col. Tasker—That the following be added—"and that the Chairman and Vice-Chairman of the Building Acts Committee, the Finance Committee, the Highways Committee and the Improvements Committee be associated with the Housing of the Working Classes Committee at any conferences held under this authority."

The Chairman of the Committee intimated his willingness to accept the amendment.

Amendment put and agreed to.

Motion, as amended, put and agreed to.

Resolved—That the Housing of the Working Classes Committee be authorised to hold conference with the local authorities whose areas surround the county of London and to confer with the metropolitan borough councils to enable them to report fully on the most effective methods for improving the housing conditions of Greater London as a whole, and that the Chairman and Vice-Chairman of the Building Acts Committee, the Finance Committee, the Highways Committee and the Improvements Committee be associated with the Housing of the Working Classes Committee at any conference held under this authority.

(1b and c.) Recommendations No. 1 (b) and (c) moved, put and agreed to.

Resolved accordingly.

Report of the Finance Committee.

17th July, 1918.

Housing after the war.

1.—The Housing of the Working Classes Committee have informed us of the recommendations which they propose to submit with regard to the provision of houses for the working classes after the war.

The salient features of the proposals of the Housing Committee, which are subject to Government acquiescence in certain conditions, are as follows—

(i.) Expenditure by the Council of about £500,000 a year for seven years after the war, *i.e.*, a total outlay of £3,500,000, partly for housing and partly for dealing with insanitary areas.

(ii.) The grant by the State of a percentage of the loan charges sufficient to relieve the Council of 75 per cent. of the estimated annual deficit on the erection of all dwellings erected under the Act of 1890 for at least seven years after the completion of the buildings, with a final adjustment of the contribution by the State thereafter based on the difference between the then value of the dwellings and the outstanding debt thereon.

It is proposed that the Council shall expend during the seven years after the war as much as it has spent during the whole period of the nearly 30 years of its existence, the net capital expenditure incurred by the Council up to 31st March, 1918, having been £1,146,164 for clearance schemes and £2,353,717 for dwellings and estates under the Housing Acts, making a total of £3,499,881.

It is important to bear in mind that, while the loan charges in respect of the capital outlay of £1,146,164 fall upon the rates, the loan charges on the capital expenditure of £2,353,717, or 67 per cent. of the whole, are met out of the rents of the dwellings and have involved no charge on the rates, the policy of the Council having been that all dwellings erected by it should be self-supporting; and taking the dwellings as a whole this object has been achieved.

It is estimated that the rents obtainable during the years immediately following the termination of the war will not be sufficient to meet the increased loan and other charges due to the necessarily high cost of building, and the high rate of interest upon the capital employed. If this be so it will create an emergency situation, due to the war, which will necessitate a departure from the sound economic policy of avoiding a charge on the rates for dwellings. There should, however, be a limit to this departure from the Council's practice, and while it is impossible at the present time to suggest such a limit, we desire to emphasize the importance of the Council reverting to its pre-war policy as soon as possible.

The Government, in announcing their policy in regard to housing after the war, have not found it possible to estimate what will be the financial effect thereof, and for similar reasons it is impossible for us to forecast what will be the ultimate effect on the rates of the proposed expenditure of £3,500,000.

GEORGE T. GOLDIE,
Chairman.

Resolved—That the report be received.

NOTE.—The Council on 23rd July, 1918, also authorised the discussion at the proposed conference of the questions of town planning, the formation of arterial roads, and the provision and adequacy of means of transit so far as they are ancillary to the question of housing after the war.

On 30th July, 1918, the Council further directed that the chairman and vice-chairman of the Parks and Small Holdings and Allotments Committee should be associated with the Housing of the Working Classes Committee at the conference.

James Bird

Clerk of the Council.

The County Hall,
S.W. 1.

MINISTRY OF RECONSTRUCTION.

HOUSING (FINANCIAL ASSISTANCE) COMMITTEE.

FINAL REPORT.

Presented to Parliament by Command of His Majesty.



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FINAL REPORT.

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HOUSING (FINANCIAL ASSISTANCE) COMMITTEE

TERMS OF REFERENCE.

(As Amended.)

"To consider and advise on the practicability of assisting any bodies or persons (other than Local Authorities) to build dwellings for the working classes immediately after the War, whether by means of loans, grants, or other subsidies, and whether through the agency of State or Municipal Banks or otherwise."

LIST OF MEMBERS.

THE RT. HON. HENRY HOBHOUSE (*Chairman*).

MR. RICHARD BARROW.

MR. J. A. E. DICKINSON, I.S.O.

MR. JAMES EDMONDSON.

MR. THOMAS GOODWIN.

SIR HARRY HAWARD.

MR. J. G. HEAD, F.S.I.

MR. R. H. MARSH.

MR. E. H. PARKER.

LIEUT. R. L. REISS.

MR. E. A. STRAUSS, M.P.

MR. WILLIAM WALLACE (*Secretary*).

MINISTRY OF RECONSTRUCTION.

HOUSING (FINANCIAL ASSISTANCE) COMMITTEE.

FINAL REPORT.

TO THE RIGHT HON. SIR AUCKLAND CAMPBELL GEDDES, K.C.B., M.P.,
MINISTER OF RECONSTRUCTION.

SIR,

INTRODUCTORY.

1. This Committee was appointed in May, 1918, by Dr. Addison, who was then Minister of Reconstruction, with the following terms of reference (as amended):—

“To consider and advise on the practicability of assisting any bodies or persons (other than Local Authorities) to build dwellings for the working classes immediately after the war, whether by means of loans, grants or other subsidies, and whether through the agency of State or Municipal Banks or otherwise.”

2. In our Interim Report (Cd. 9223) we set out the conditions which we anticipated would have to be met by those building working-class houses in the period immediately succeeding the war, and then dealt with the case of Public Utility Societies. We now proceed to consider the case of the remaining bodies and persons included in our terms of reference.

PART I.

Housing and Other Trusts.

3. In our Interim Report we recommended that certain loans should be made and subsidies granted to Public Utility Societies. We have since considered whether the present definition of Public Utility Societies (set forth in para. 12 of that Report) should be extended so as to include certain other bodies, not registered under the Industrial and Provident Societies Acts, in order that such bodies might receive any financial assistance given by the Government to Public Utility Societies.

4. We do not recommend that all societies coming under the definition of ‘authorised societies’ in the Housing (No. 2) Act, 1914, (set forth in the footnote to paragraph 17 of the Interim Report), should receive this financial assistance. For example, we cannot recommend that companies registered under the Companies Acts should be placed on the same footing as Public Utility Societies, even if they limit their dividends and interest. To secure the necessary safeguards under the Companies Acts would be an unnecessary duplication. It is a simple and inexpensive matter for a company wishing to take up housing on Public Utility Society lines to form and register a society under the Industrial and Provident Societies Acts for the purpose.

5. Housing Trusts, such as the Sutton Trust, the Peabody Trust, or the Rowntree Trust, are, however, in our opinion, on a different footing. In these cases considerable sums of money are held by trustees for housing purposes, and there is no question of profit, the net income being used for further development. Most of these bodies will naturally wait until conditions are more settled before embarking upon housing operations, unless they receive some form of financial assistance. Representatives of some of these Trusts have informed us that they do not require loans from the Government, but that if they are to build during the emergency period they would require to have some form of subsidy. In view of the fact that such Trusts exist solely for housing purposes, and that it will be in the national interest that they should build as soon as possible after the war and thus utilise what funds they have available, we recommend:—

That Housing Trusts, not trading for profit, which are approved by the Central Authority, should receive assistance by way of subsidy to an extent equivalent to that granted to Public Utility Societies.

6. We have considered whether any assistance could properly be given to charitable trusts, other than Housing Trusts, which might undertake the provision of housing for the working classes. We understand that little building can be expected from this source, but we consider that in approved cases where houses are built by such trusts during the emergency period, the same financial assistance should be available to them as to Housing Trusts, and on the same conditions.

We, therefore, recommend:—

That Charitable Trusts, other than Housing Trusts, undertaking the provision of dwellings for the working classes, should in approved cases have similar assistance to that given to Housing Trusts, and on the same conditions

7. The question arises as to what those conditions should be. Clearly some of the safeguards proposed for Public Utility Societies cannot be applied to such trusts (e.g., the representation of tenant members on a Board of Management). In the case, too, of Housing Trusts, there is no question of profit and the trustees are rigidly bound by their Trust Deed, which can be inspected by the Central Authority before the Trust is approved.

We, therefore, recommend:—

That the safeguards in such cases should be—

- (1) *That the Housing Scheme (including plans, lay-out and building contracts) proposed to be assisted should be approved by the Central Authority;*
- (2) *That rents should be approved by the Central Authority; and*

(3) *That the books and accounts of the Trust, so far as they relate to the Scheme, should be subject to inspection and audit by the Central Authority.*

Where assistance is given by the Local Authority (*see* para. 43 of the Interim Report), that Authority could add any further conditions it thought fit.

PART II.

Bodies and Persons other than Public Utility Societies and Housing Trusts.

8. We have now dealt with those bodies which do not make a profit, or whose profits are strictly limited by law. It remains for us to consider the case of other bodies or persons building houses for the working classes immediately after the war. In doing this we propose to deal separately with (1) loan and credit facilities and (2) subsidies.

SECTION I.

LOAN AND CREDIT FACILITIES (INCLUDING HOUSING BANKS).

9. The question of loan and credit facilities has been carefully investigated by a Sub-Committee of our members, consisting of—

Mr. J. G. Head, F.S.I. (*Chairman*),
Sir Harry Haward,
Mr. E. H. Parker, and
Lieut. R. L. Reiss (*Acting Secretary*).

They have taken a considerable amount of evidence.

10. In the past the bodies and persons dealt with in this part of the Report, in so far as they were not utilising their own money or share capital, have obtained advances from the following agencies:—

- (a) Private mortgagees and financiers.
- (b) Building societies.
- (c) Co-operative societies (including the Co-operative Wholesale Society) making advances to members to enable them to build or purchase their houses.
- (d) Joint Stock Banks.
- (e) The Lands Improvement Company.
- (f) Local Authorities (exercising the powers under the Small Dwellings Acquisition Act, 1899).
- (g) The State (*i.e.*, the Public Works Loan Board).

11. Before considering the desirability of establishing any new machinery, we thought it advisable to explore the possibilities of utilising or extending existing agencies. We felt that if these could be adapted to meet the present needs it would be undesirable to frame any new machinery, which would involve new staffs and considerable cost. In considering each of these existing agencies we have enquired how far their machinery was adapted to the purpose we have in view, the degree to which the agencies could be given a general and not merely a local operation, and how far each of them could find the necessary money for making advances or how far they would have to look to the State for it.

PRIVATE MORTGAGEES AND FINANCIERS.

12. We have not thought it possible to make enquiries as to the amount of money likely to be forthcoming from private mortgagees and financiers as, in any case, the results of such inquiries would not afford any definite information upon which reliance could be placed. We think it likely, however, that the amount of money available therefrom will be much less than under normal conditions before the war, owing to the number of outlets for capital during the period of reconstruction and to the relative unattractiveness of investments in house property built immediately after the war.

BUILDING SOCIETIES.

13. Building societies obtain money by means of shares, deposits and loans, and use the money for making advances on mortgage, mainly to members purchasing houses or building houses for themselves, but also to a less extent to builders. A certain amount of their capital is invested in realizable securities.

14. The larger societies have many advantages to recommend them, which may be shortly summarised:—

- (a) They are generally managed by men who have local knowledge and are of recognised standing in their respective districts.
- (b) They have a large measure of public confidence, and small investors have been in the habit of placing money on deposit with, and of becoming shareholders in, them.
- (c) They are in operation all over the country.
- (d) They have mostly been established for a considerable time and those responsible for their management have great experience of this class of work.
- (e) As a rule their management expenses are low and their working economical.
- (f) They will have a large amount of money available for the purpose of advances after the war.

We therefore think that building societies should be utilised as far as possible as machinery for

making advances for housing purposes—subject, however, to the tests for approval to which we propose to refer later—in preference to setting up new machinery with inexperienced staffs, who might take a long time to acquire the necessary knowledge.

15. The following statistics with regard to building societies are taken from the last published Report of the Registrar of Friendly Societies, which is that for the year 1916:—

Number of Societies making returns	1,467
Total membership	628,285
Total Assets—	
(a) On mortgage ...	£58,000,000
(b) In other securities	8,000,000
Total Liabilities—	
(a) To shareholders	47,000,000
(b) To depositors, &c	14,500,000
Total net balance of Profit and Reserve	4,500,000
Total advances on mortgage during the year 1916 .	5,000,000
Total advances on mortgage during 1913, <i>i.e.</i> , the last complete year before the war	9,000,000

16 The greater proportion of the business done, and of the membership, is in the hands of a comparatively small number of large societies. Thus, out of the total number of societies, the 43 largest societies have nearly half of the total membership of all the societies, and half of the total amount outstanding on mortgage securities. The cost of management per £100 advanced on mortgage is considerably less in the case of the larger than of the smaller societies.

17. Over one-half of the total amount outstanding on mortgage consists of sums of £500 or under advanced on the security of small house property.

18. During the war a smaller amount has been advanced on mortgage each year and as a result the amount of realizable assets in the hands of the societies has increased. At the end of 1915 "Other Assets" amounted to £4,500,000; at the end of 1916 to £8,000,000. There are 209 societies affiliated to the Building Societies' Association. At the end of 1916 the "Other Assets" of these societies amounted to £6,000,000. It is calculated that by the end of 1918 the "Other Assets" of these societies will have amounted to £10,000,000. If the funds of the Societies not affiliated to the Association increase at the same rate the total "Other Assets" would amount at the end of 1918 to £13,000,000, though we think it safer for our purpose to assume a figure of £12,000,000.

19. The problem we have considered is —

- (a) To what extent the building societies will provide the machinery through which those building or purchasing new houses can obtain advances in all parts of the country
- (b) What amount of money will be available in the hands of these societies for making advances.
- (c) What methods should be adopted to secure that the bulk of this money is utilised for making advances on houses built after the war
- (d) Under what conditions the amount of money mentioned above might be supplemented by advances from the State to such societies

20. As regards (a), there are societies of a substantial size in most parts of England and Wales. The Building Societies' Association expressed their willingness to prepare a scheme by which the country could be covered, and we may conclude that, provided it is decided to utilise it, the machinery will be adequate in this respect.

21. As regards the amount of money available in the hands of societies at the conclusion of the war, it is somewhat difficult to give any precise estimate. We think, however, that there will be at least £25,000,000 available for loans by societies in the two years immediately succeeding the war. We arrive at this figure as follows. In the years before the war the Building Societies advanced about £9,000,000 annually on mortgage. If they continue to receive the same amounts of capital in the years after the war as they did before (and there is every reason to think that they will receive at least as much), then they will have available for advances £18,000,000 for the two years. But, as we have already shown in paragraph 18, it is estimated that by the end of 1918 the societies will have invested in "Other Assets" £12,000,000. In the last complete year before the war the amount invested in other assets was less than £5,000,000; and, estimating that this is the normal amount that would require to be invested in realisable securities, they will thus have £7,000,000 over and above this requirement. Adding this £7,000,000 to the £18,000,000, we get the figure of £25,000,000.

Representatives of Building Societies thought that an even larger sum might be at their disposal if they were allowed to make special appeals for additional capital at the present time. We think, however, that it would be unwise to count on this for the present.

22. The next question for consideration is how far this £25,000,000 could be made available for advances on new working class houses. In the ordinary way a considerable amount of the money advanced by societies is lent on mortgage of houses built some time previously, and whether the advance is to an occupier or to an investor, it is a matter of chance whether the advance is on a new house or not. It is only in a limited number of cases that the advance is made to the builder. Advances by Building Societies would only directly assist in solving the housing problem if the money is lent for new houses. The amount that would be so utilised would depend on the nature of the assistance, if any, which may be given by the State as regards such new houses.

23. It has been suggested that the State should place money on deposit with the societies in order to increase their available funds conditionally upon the money being utilised for advances upon new houses. It has also been suggested that the State should guarantee the interest on, and principal of, any advance over and above that which the society would normally make.

24. We think it desirable that the State should encourage approved Building Societies to make their funds more fully available for the purpose of financing new building immediately after the war. In suitable cases the State might supplement the societies' funds by depositing money with them for developing their

work in this direction. Building Societies might be further assisted by the use of municipal credit in the manner hereinafter described. After careful consideration of the question, and after hearing evidence both from the point of view of Building Societies and from the representative of the Registrar of Friendly Societies, we make the following recommendations:—

That money from public funds should be placed on deposit with Building Societies (approved in the manner suggested in paragraphs 26 and 27) for advances on houses built subsequently to the termination of the war. It should only be placed on deposit with the societies on the condition that they also make advances from their own funds on such new houses, in the proportion of £2 from their funds to every £1 advanced by the State.

Accounts between the Building Society and the State would be made up periodically. The following illustration will make this proposal clearer. Suppose that a society had available in the year immediately succeeding the termination of the war £50,000 for the purpose of advances. If it advanced from this amount a total of £30,000 upon mortgage of new working-class houses it would obtain from the State £10,000 on deposit, so reducing the call on its own funds to £20,000. Money thus placed by the State on deposit with Building Societies would rank *pari passu*, as regards principal, with other moneys placed on deposit by private individuals. The rate of interest on the State's deposit would, however, have to be fixed by the State. We assume that this would be the lowest rate at which the State could afford to lend without loss. The extent to which the societies would make use of the proposed deposits by the State would depend on what this rate of interest turned out to be.

25. Building Societies usually lend up to 80 per cent. of the *value* of houses. In view of the probable difference between *value* and *cost* in the case of houses built immediately after the war, an advance of 80 per cent. of *value* to an individual builder or purchaser of a house might leave considerably more than 20 per cent. of the cost to be found by him. We think that if advances on houses newly erected after the war are to be extensively made, it should be possible for Building Societies to advance up to 80 per cent. of *cost*. But they would not be likely to do this unless some guarantee were given to them as regards the portion of the advance in excess of what they would lend as a matter of ordinary business. We do not think that such a guarantee could be given by the State, owing to the difficulty of investigating in detail all the individual cases where advances are made by building societies all over the country. Such a guarantee, might, however, appropriately be given by the Local Authority of the area, and public credit thus utilised to facilitate the provision of houses.

We therefore recommend—

That Local Authorities should be empowered, with the approval of the Central Authority, to guarantee the repayment of mortgages made by approved building societies upon houses built hereafter, where the advance made exceeds two-thirds of the value of such houses; such guarantee not to exceed 80 per cent. of the cost thereof, and to remain operative only so long as the outstanding loan is in excess of two thirds of the value of the houses for the time being.

The risk thus taken by the Local Authority would continue only for a limited period and would not be serious, and could in any event be covered by insurance.

26. The facilities recommended in paragraph 24 should only be given to societies approved by the Central Housing Authority. We assume that such authority, in giving its approval, would do so in co-operation with the Registrar of Friendly Societies, and it is possible that assistance in this connection might be obtained from the Building Societies' Association, to which most of the large building societies are affiliated, and which has considerable knowledge of the societies and their financial position. The guarantee recommended in paragraph 25 should only be given in the case of building societies approved by the Local Authority, and then only with the consent of the Central Authority.

27. We obtained evidence from the representative of the Chief Registrar of Friendly Societies as to the nature of the tests which should be applied for the purpose of deciding whether a society should be approved. Generally speaking, the important points to consider would be the financial stability of the society; its methods of management, in particular, the way in which its valuations were conducted; and the nature of its audits.

28. At present one building society has no power to lend its surplus funds to another society. We recommend—

That in order that surplus funds accumulated in one district may be available in another, building societies should be empowered to place money on deposit with each other.

29. A difficult question arises as to what class of house should have the benefit of the financial facilities recommended above. As we have pointed out, these advances would be restricted to houses built after the war; but it would also be necessary to fix a limit either of value or cost. Under the Small Dwellings Acquisition Act, 1899, which affords the closest parallel to the present case, Local Authorities may make advances on houses of a value not exceeding £400. In a later section of this Report we recommend that this limit should be increased, and we think the extended limit should be adopted here.

We therefore recommend—

That deposits by the State with building societies should only be made and guarantees by Local Authorities should only be made, and guarantees by Local freeholds and leaseholds for not less than 99 years unexpired, £500, and in other cases, £400

CO-OPERATIVE SOCIETIES.

30. There are about 1,300 Co-operative Dwellings Societies throughout the country, about 1,200 of them being affiliated to the Co-operative Wholesale Society. The membership of the Societies affiliated to the Co-operative Wholesale Society is 2½ million.

31. The main business of these societies is to do house work, but many societies have in the past undertaken the building of houses, or the financing of such work, either—

- (a) by building or purchasing the houses as an investment and letting them; or
- (b) by building and selling to their members who pay by instalments; or

(c) by acting practically as building societies; that is to say, making advances to their members to enable them to purchase houses.

The total amount of co-operative capital at present invested either in house property or on mortgage is about £9,000,000.

32. We have received evidence to the effect that little fresh money will be available in the hands of co-operative societies for housing purposes after the war, as the societies, and particularly the Wholesale Society, will need the bulk of the money at their command for the development of their own operations, in view of higher prices and the various new business activities which the Wholesale Society contemplates. There will, however, be a certain amount of surplus money in the hands of individual societies, and the societies might be able to raise money specially for the purpose of housing. It would be unwise, however, to rely upon much money coming from this source, and it would be therefore mainly as a machinery by which advances could be made, of money found by the State or otherwise, that co-operative societies could be utilised.

33. A proposal was submitted to us in the first instance that loans of 80 per cent. of the cost of houses purchased by members of co-operative societies should be made to such members by the Government through the Co-operative Wholesale Society and the local societies, the Co-operative Wholesale Society undertaking responsibility to the Government for such loans.

34. In view of the standing of the Co-operative Wholesale Society, and of their substantial assets amounting to £22,000,000, and of the assets of the individual co-operative societies amounting to £70,000,000, there would be little risk on the part of the State in doing this; and, as the co-operative societies are spread all over the country, they might in this way form a valuable supplement to the building societies. But, even so, it is very doubtful whether the State would be prepared to find the whole of the capital in this way.

35. In order to utilise this agency and to minimise the demands upon the State for capital, we suggest the following scheme:—An individual co-operator who was prepared to purchase a house built after the war (or to build one) costing, say, £400 but valued at £300, would without difficulty obtain, in the ordinary way, two-thirds of the value of the house on first mortgage, that is to say, £200. He would only come to his society for the difference between this figure and 80 per cent. of the cost, that is to say, £120. The local society would lend this £120 on second mortgage, and would obtain the necessary advance from the Co-operative Wholesale Society, who in turn would obtain it from, and be responsible for its repayment to, the Government.

We therefore recommend—

That where the Co-operative Wholesale Society has advanced money on mortgage to any member of a co-operative society (either directly or through that society) to enable him to purchase a house, the State should, upon the Wholesale Society undertaking to be responsible for payment of principal and interest, lend to the Wholesale Society a sum (not exceeding the amount advanced by the Wholesale Society) equivalent to the amount by which any such advance (together with the amount advanced on any prior mortgage) exceeds two thirds of the value of any such house and does not exceed 80 per cent. of the purchase price.

The Co-operative Wholesale Society should also have the same facilities in regard to State deposits as those recommended in para. 24 in the case of building societies (that is to say, deposits in the proportion of £1 of the State's money for every £2 of the society's money advanced on mortgage).

These facilities should only be given in regard to mortgages upon houses built hereafter and not exceeding in value the figures recommended above in regard to building societies in para. 29.

JOINT STOCK BANKS.

36. Not much help can, in our opinion, be expected from the Joint Stock Banks in providing long term credit for the supply of houses for the working classes. In the past banks have advanced money to builders, upon security, for the erection of houses. These advances have been repaid by the sale or mortgage of the houses when completed. The banks will, no doubt, continue to give such accommodation, and even without security, provided the repayment of the money is assured within a reasonable period.

The banks have also in the past made advances to building societies, within their borrowing powers, either with or without security, according to the standing of the society. Such advances, if secured, have been made against the society's mortgages. If building societies were in the future to advance moneys to their members during the erection, but before completion, of the houses, the banks would doubtless be prepared to grant facilities to the societies, assuming their borrowing powers to have been enlarged, and provided repayment at a short date were assured from some definite source.

In the same way, banks would be prepared to give temporary financial assistance to Corporations, Public Utility Societies and other bodies with borrowing powers.

The banks could not be expected to lock up their resources for long periods of years, but we think they may be relied upon to help in financing, upon reasonable terms, the initial stages of housing operations.

INSURANCE COMPANIES.

37. We thought it advisable to consider how far the large funds of insurance companies could be made available for housing, but have come to the conclusion, first, that such funds could only be obtained on ordinary commercial terms, and secondly, that the companies would only be prepared to deal in large amounts. If a building society or a local authority could offer these terms, the money would no doubt be available.

LANDS IMPROVEMENT COMPANY.

38. In rural districts a large proportion of the cottages are built by landowners as part of the equipment of their estates. The Improvement of Land Acts of 1864 and 1899 were passed for the purpose of assisting landowners to carry out improvements on their estates, such improvements including, *inter alia*, the erection of cottages. The Lands Improvement Company was incorporated under the Act of 1864 for the purpose of making advances to landowners. The particular advantage which the landowner obtains by borrowing under these Acts is that he is enabled to grant a first charge in respect of money borrowed for improvements even where he already has mortgages on his estate, and would otherwise find difficulty in obtaining a further loan on reasonable terms.

39. Under the Improvement of Land Acts* a landowner can submit a scheme to the Board of Agriculture for the execution of improvements to his land. "Improvements" include the provision of—

- (a) cottages for labourers, farm servants and artisans;
- (b) dwellings available for the working classes, if their provision is not injurious to the estate.

If the Board are satisfied that the improvements are desirable, and will increase the yearly value of the land by a sum at least equal to the rent charge to be created, the scheme is approved, and the Board grants a rent charge, secured on the whole or a portion of the estate, in favour of the landowner or his lender assuring the repayment of the expenditure with interest. The rent charge is for a period not exceeding 40 years and has *priority over all earlier charges* with the exception of specified ones such as quit rents. The rate of interest is not to exceed 5 per cent. The full expenditure is advanced, usually by the Lands Improvement Company, on the security of the rent charge. Owing to the excellence of the security the Company is able to lend at a comparatively low rate of interest.

40. The total amount advanced by the Company since its incorporation exceeds £2,000,000. Before the passing of the Settled Land Acts, the Company used to make advances amounting to about £450,000 annually. In the years immediately preceding the war its advances amounted to about £100,000 annually, but only a small portion of this was advanced for cottage building.

41. The Company finds the money for advances partly from its own funds and partly elsewhere. On enquiry whether a much larger amount might be made available in the years immediately after the war for cottage building, the officials of the Company expressed the opinion that, if the terms upon which advances can be made are altered in the manner hereafter described, there would be no difficulty in finding a large sum for the purpose, say £25,000,000, during the next five years. They did not think, however, that the money would be forthcoming with the existing statutory limit of 5 per cent. on the rate of interest payable on loans. What mattered most was not the gross rate of interest, but the net amount after deduction of income tax. They pointed out that at present the Company is charging 5 per cent interest subject to deduction of 6s. in the £, showing a net return of £3 10s. per cent. They stated that this was insufficient to obtain money for the purpose of making advances in competition with the 4 per cent. tax-free war stock issued by the Government. The Company proposed that it should be allowed to lend to landowners at a net rate of interest—free of tax—of £4 10s. per cent. The landowner would then pay his income tax direct to the Government under Schedule A. in the same manner as he does at present, but would not deduct it from the interest paid on the loan.

42. After considering the effect of the proposals made by the Company, we recommend—

That the Improvement of Land Acts should be amended so as to permit of the Lands Improvement Company charging a rate of interest on loans not exceeding 6 per cent. subject to income tax, or not exceeding 4½ per cent. free of income tax.

If this proposal were adopted, the Inland Revenue would not be affected, while sufficient money would apparently be available for making loans to all landowners anxious to avail themselves of these facilities.

43. We are informed that recently the Company has permitted landowners to pay off the outstanding portion of a loan, subject to reasonable notice. This was not the former practice and we think it important that the Company should be required to permit owners to redeem loans on reasonable terms if they so desire, the terms in case of dispute being settled by the Board of Agriculture and Fisheries.

44. The extent to which landowners will make use of the facilities available under the Improvement of Land Acts for financing cottage building will depend to some extent upon the nature of the current requirements of the Board of Agriculture with regard to cottage construction.

LOCAL AUTHORITIES.

Loans under the Small Dwellings Acquisition Act, 1899.

45. This Act empowers Local Authorities to advance to residents or intending residents in their area, in order to enable them to purchase for occupation houses not exceeding £400 in value, a sum not exceeding 80 per cent. of the value of such houses. In the case of freeholds and leaseholds for 99 years unexpired, the advance is not to exceed £300, and in other cases £240. For various reasons comparatively small use has been made of the Act. Only 48 out of a total of some 2,100 Local Authorities have exercised their powers under it, and only £412,629 has been advanced since its passing, of which more than half has been lent by six Local Authorities.

46. We think that with the present great shortage of houses the Small Dwellings Acquisition Act, subject to certain amendments, might be a useful supplement to the work of building societies and the other agencies.

We recommend—

That the Small Dwellings Acquisition Act, 1899, should be amended as follows:—

- (a) *In view of the increased cost of building, the present limit of value of £400 should be increased to £500 in the case of freehold houses and leasehold houses where at least 99 years of the term is unexpired, the present limit of £400 being retained in the case of other leasehold houses.*
- (b) *In the case of all future mortgages, loans should be permitted up to 85 per cent. of value, in place of the present limit of 80 per cent. of value.*
- (c) *In the special case of new houses built after the war, Local Authorities should be empowered for a period of 7 years after the termination of the war, to advance up to either 85 per cent. of the value, or 80 per cent. of the cost to the first purchaser, whichever shall be the greater.*

* Act of 1864, ss. 8, 9 (8), 15, 25-27 and 51; Act of 1899, s. 1 (1), as amended by section 25 of the Settled Land Act, 1882, and Sec. 74 of the Housing Act of 1899 as altered by Sec. 7 of the Housing, etc., Act, 1909

- (d) *The maximum loan limit of £300 in the case of freeholds and leaseholds for 99 years unexpired, and of £240 in the case of other houses, should be abolished.*
- (e) *Local Authorities should be empowered to reconvey a mortgage, made under the Act, by a simple receipt endorsed on the mortgage deed, in the same way as building societies may now do.*

Extension of Lending Powers of Local Authorities to Persons outside the Small Dwellings Acquisition Act.

47. We consider that in certain cases powers to Local Authorities to make advances to borrowers not falling within the terms of the Small Dwellings Acquisition Act might be useful. Even if all our recommendations be adopted, there will be no general power to Local Authorities to make loans, for example, to builders undertaking the erection of houses for the working classes. There may be cases in which private capital is not forthcoming, or circumstances in which it is not available on reasonable terms, and we think that in such cases it should be in the power of the Local Authority to make advances if it thinks fit in respect of after-war houses erected under schemes approved by them.

We therefore recommend—

That Local Authorities should be empowered to make advances to any persons or bodies building houses for the working classes, situate within the municipal area or on land adjacent thereto under schemes approved by the Local Authority.

The limits in regard to the maximum value of such houses should be the same in this case as those recommended in para. 46 above—but the advance should not in any case exceed 75 per cent. of the value.

THE PUBLIC WORKS LOAN COMMISSIONERS.

48. Under Sec. 67 of the Housing of the Working Classes Act, 1890, the Public Works Loan Commissioners have power to make loans to borrowers constructing or improving, or facilitating the construction or improvement of, dwellings for the working classes. Under Section 4 of the Housing, Town Planning, etc., Act, 1909, these loans may be made in the case of Public Utility Societies up to two-thirds of the value of the property mortgaged. In the case of other bodies and individuals, the loan is not to exceed one-half of such value. A lower rate of interest is charged to borrowers who limit their profits than to others.

The case of loans by the State to Public Utility Societies is fully dealt with in our Interim Report. It will be open to employers and others who are prepared to be bound by the safeguards in that Report to form such societies and obtain the facilities offered to them. Loans to landowners, and loans by *Local Authorities* to prospective occupying owners and to builders and others falling outside these classes, are dealt with above. We are not prepared to recommend any alteration in the existing arrangements on which loans from the State can be obtained in these cases, as we consider the matter one which can only be dealt with properly by the Local Authority.

HOUSING BANKS.

49. We have now dealt with existing lending agencies. There remains to be considered the question of the establishment of Municipal or State Housing Banks* in supplement of these.

Municipal Housing Banks.

50. While we are of opinion that the fullest possible use should be made of existing agencies, and of the provisions under existing Acts of Parliament (with the amendments we have suggested), yet we recognised that Municipal Housing Banks (which would practically act as building societies) might form a useful supplement to existing facilities, and that experiments in this direction might be useful. No such banks are at present in existence. The Birmingham Corporation had, however, established a Municipal Savings Bank under the Municipal Savings Banks (War Loan Investment) Act, 1916 (being the only Corporation to do so), and propose to take powers to form a new Municipal Savings and Housing Bank to take over the existing bank, and to add to it a housing side. We thought it desirable, therefore, to obtain evidence from Birmingham as to their past experience, and new proposals.

51. The provisions of the Municipal Savings Banks (War Loan Investment) Act, 1916, may be briefly summarised as follows:—

- (1) The Council of any Borough whose population is not less than 250,000 is empowered, with the consent of the Treasury, to establish and maintain a Savings Bank, and to receive deposits, and guarantee the payment of interest on, and the repayment of, such deposits, and for that purpose to charge its local rates or funds.
- (2) The bank may not receive any deposits except from employees through their employers.
- (3) The bank may not receive any deposit which makes a sum standing in the name of any depositor exceed £200.
- (4) The bank must be wound up three months after the termination of the war.
- (5) All sums belonging to the bank, except such as are required to meet current liabilities, must be invested through the National Debt Commissioners in securities issued for the purposes of the war, *i.e.*, in Treasury Bills or Ways-and-Means advances.
- (6) The accounts of the bank have to be kept separate from all other accounts of the Council, and no money paid into the bank may be used for any purpose of the Council other than that of the bank.
- (7) The rate of interest payable on deposits is subject to the approval of the Treasury.
- (8) No depositor may withdraw more than £1 without giving seven days' notice.
- (9) The bank must be carried on in accordance with regulations made by the Treasury.

* We have taken the term "Housing Bank" to mean an institution which obtains funds by way of deposit, loan or otherwise for Housing purposes, and which makes advances to depositors, builders, or others building or purchasing houses.

52. We have been informed that two or three other Corporations in addition to Birmingham, in particular Glasgow and Newcastle-upon-Tyne, considered the question of forming such a bank and that some of the reasons why they did not proceed were—

- (a) the fact that in the meantime War Savings Associations had been established;
- (b) that organised Labour was opposed to savings passing through employers;
- (c) that the organisation would have to be brought to an end three months after the termination of the War, and,
- (d) the restriction on investments.

One of the reasons, moreover, why Birmingham, unlike other large towns, has made use of this Act is no doubt the fact that there has been no Savings Bank in Birmingham since 1864.

53. Mr. Alderman Neville Chamberlain, M.P., ex-Lord Mayor of Birmingham, Mr. Arthur Collins, the Birmingham City Treasurer, and Mr. J. P. Hilton, the Manager of the Birmingham Corporation Savings Bank, attended to give evidence before the Sub-Committee. Mr. Chamberlain was of opinion that the Birmingham Savings Bank had been a considerable success. It had, however, been hampered by various restrictions, the nature of which is indicated in paragraph 55 (2). The bank had collected £395,000 from 31,000 depositors. Its investments amounted to £180,000, and there was £50,000 in hand. There had been an excess of expenditure over income in each year of the bank's existence, but such excess has been a diminishing quantity.

54. Mr. Chamberlain stated that the operations of the Birmingham Bank had been prejudicially affected by the restriction on investment. He attributed the excess of expenditure over income to the fact that the National Debt Commissioners had interpreted the sub-section dealing with investment as empowering them to invest money of the bank only in Treasury Bills and Ways-and-Means advances. Thus the bank's money earned only a low rate of interest. If the money could have been invested in War Bonds or War Loan, there would have been an excess of income over expenditure.

55. Mr. Chamberlain summarised the new proposals of the Birmingham Corporation as follows:—

- (1) That there should be a Municipal Bank with a Savings side and a Housing side. It would take over the existing bank.
- (2) So far as the Savings side was concerned, the existing restrictions should be removed or modified in the following manner:—
 - (a) The existing limit of £200 should be removed. They would probably have to agree to some limit, and he would be satisfied if a £500 limit was imposed. One suggestion was that for ordinary deposits withdrawable at 7 days' notice the £200 limit might remain, but that there should be a special investment section for deposits up to £500, subject to one month's notice. A rather higher rate of interest would be paid on money in the investment section.
 - (b) The restriction that depositors must be employees and contribute through their employers should be removed. Generally speaking, it was only proposed that the bank should cater for the working classes, and he did not think that the middle classes, who had accounts at the Joint Stock Banks, would transfer their accounts to the Municipal Bank.
 - (c) The existing restrictions as to investment should be modified so as to enable investments to be made on mortgage of house property and in Government Securities, etc.
- (3) On the Housing side, the bank would practically act as a building society. When depositors had accumulated sufficient money to provide, say, 25 per cent. of the cost of a house which they wished to purchase, they would be able to obtain from the bank a loan of the remainder. The bank would only lend to depositors, and would impose a limit on the amount it lent. Generally speaking, the bank would only lend to people purchasing the houses in which they live or wished to live, but he was not prepared to exclude the man wanting to buy a pair of houses, one of which he inhabited. It was not proposed, however, to make loans to people wishing to purchase a number of houses.
- (4) Loans would be made for the purpose of purchasing any houses of a value not exceeding £600. In the case of new houses built after the war by a Public Utility Society, or possibly the Corporation, power should be given to transfer to the purchaser the State's contribution towards the difference between the value of the house at the end of the transition period and the amount of loan outstanding. If this power were not given, he did not think that people would buy until after the transition period, whereas they wanted to encourage people to buy as soon as possible, so as to increase the financial resources for building purposes. Where a man bought his house capital would be set free for further building.

56. We have since had before us the provisions in the Bill of the Birmingham Corporation dealing with the matter. From these it would appear that the Corporation seeks wide powers to form a Municipal Savings Bank with a Housing department, on such lines, subject to certain statutory regulations, as the Corporation may determine. The Bill does not contain any of the chief restrictions contained in the Municipal Savings Banks (War Loan Investment) Act, 1916, and in particular it omits the restrictions on the class of depositor, and on the amount which an individual may deposit, and the requirements that deposits shall be made only by employees through their employers, and it gives freedom to invest the bank's funds in any trustee securities (including securities of the Corporation).

The Bill further empowers the Corporation to make advances upon the security of freehold, copyhold or leasehold estate by way of mortgage to any depositor in the bank desiring to purchase or acquire a dwelling house or dwelling houses within the City.

57. We have referred at some length to the special case of Birmingham for the reasons mentioned in paragraph 50 above. We do not wish to be taken to express any views upon the merits of the particular proposals made in regard to Birmingham. We desire, however, to record our opinion that it is desirable that the larger municipalities generally should be empowered to establish municipal organisations of the nature of Housing Banks,* which would attract the savings of the working classes and allow of the funds

* Some of our members consider that the name "Bank" cannot properly be applied to an organisation of this character.

being devoted to assisting depositors to purchase houses for their own occupation, or, under conditions properly safeguarded, to advancing money to persons or bodies building houses for the working classes within the municipal area or on land adjacent thereto. We believe that there are many small investors who would be more willing to deposit their savings with their municipality than with, say, a building society or even the State. We believe, too, that the prospect of one day owning their homes would provide a strong motive for accumulating savings. In this way thrift would be stimulated, and more capital provided for housing.

58 We therefore recommend—

That with the object of providing money for housing purposes the Municipal Savings Banks (War Loan Investment) Act, 1916, should be continued, its scope being widened and its provision amended in the following respects:—

- (1) *The powers under the Act should be granted to boroughs with a population of not less than 100,000.*
- (2) *The powers of investment should be extended to Government securities generally.*
- (3) *The limit for any one depositor should be £500.*
- (4) *The restrictions as to a depositor being in employment and the deposits being only made through the employer should be removed.*
- (5) *The rate of interest payable on deposits should be within the discretion of the Borough Council.*
- (6) *Power should be given to utilise such part of the funds of the bank as are not required to meet current liabilities, in making advances upon the security of freehold, copyhold or leasehold estate by way of mortgage (1) to any depositor in the bank desiring to purchase a dwelling house for his own occupation, situate within the municipal area or adjacent thereto, not exceeding £500 in value, or in the case of a leasehold house where the unexpired term is less than 99 years, £400; or (2) to any person or body building similar houses under a scheme approved by the borough.*
- (7) *Power should be given to borrow for the purposes of the Bank with the approval of the Local Government Board.*
- (8) *The Bank should be carried on subject to certain regulations to be scheduled in the amending Act, and to rules approved by the Local Government Board and Chief Registrar of Friendly Societies.*

State Housing Bank.

59. We have come to the conclusion that the present loan and credit facilities, with the additions and improvements we have recommended, are adequate.

We therefore recommend—

That the setting up of a State Housing Bank is, in our opinion, unnecessary.

SECTION II.

SUBSIDIES.

60. In the foregoing paragraphs of this part of this Report we have confined our consideration to the best methods of obtaining advances of money for building, as distinguished from subsidies properly so called. We now proceed to consider the question of subsidies.

61. There are obvious difficulties in making grants out of public funds to private persons and bodies, other than Public Utility Societies and Housing and other Trusts; nevertheless we believe that without subsidies such persons and bodies (and in particular the private builder) are unlikely to build working-class houses during the continuance of abnormal conditions save in exceptional circumstances. A small number of houses may be built or purchased by persons otherwise unable to obtain houses for occupation, and certain employers who are in urgent need of housing accommodation for their employees, and are not able or willing to form Public Utility Societies for the purpose, may be prepared to face an inevitable loss. Moreover, the loan facilities recommended in Section I may encourage building at a date earlier than would otherwise be the case; but, so far as we can judge, loan facilities by themselves will for some time be quite inadequate.

BUILDERS

62. In the past more than 90 per cent. of working-class houses have been built by private enterprise, mostly by private builders. The usual plan has been for a builder to purchase an estate, or several sites according to the scale of his business, and to build a few houses at a time. He has obtained temporary financial assistance from a bank, a solicitor, a builder's merchant, or a building society, and has sold the houses as soon as possible after completion. It has been essential to the continuance of his business that he should have a ready sale. Only in this way could he turn over his capital. He almost always expected to make some profit on the retailing of the land, which he had usually purchased wholesale. In many cases we understand he sold the houses at cost and made his profit by the creation of improved ground rents. In some cases the houses were purchased for the owners' own occupation. In the majority of cases, however, they were purchased as an investment.

63. It is clear that houses can only be produced in this way if there is a sufficient demand for their purchase; and in view of the conditions referred to in our Interim Report it is unlikely that there will be any such demand during the emergency period. It is scarcely reasonable to believe that houses built during that period will be purchased at cost price as an investment, and though the great shortage may induce purchasers in certain instances to pay very high prices in order to obtain houses for their own occupation, the decision of the Government to subsidise municipal houses will militate against such purchase in the case of working-class houses, because persons wanting such houses will know that by waiting a little while they may hope to rent as good houses at much less annual cost.

64. We must assume therefore that, without special assistance, builders will not be able to continue to produce houses as they did before the war. On the other hand these builders have in many cases purchased and developed sites, and accumulated experience, which they are willing to utilise for building working-class houses, provided a fair profit can be assured to them. If at the present juncture no advantage is taken of their co-operation, we think the urgent task of providing the necessary houses will be delayed.

65. We fully recognise that it is the settled policy of the Government to utilise the Local Authorities—~~together~~, we hope, with Public Utility Societies—as the principal channels through which the necessary houses are to be provided during the emergency period. We are also aware that the supply of building materials may in the immediate future be insufficient to utilise fully the building capacity of all those who have previously been engaged in this work. Moreover it is clear that private enterprise, when receiving financial facilities of any kind from public funds, cannot be allowed the same freedom of action as in the past, and this fact alone must result in a restriction of activity in this direction. But notwithstanding these conditions we are convinced that it is desirable in the public interest to find some method of encouraging and stimulating private builders generally to take a prompt and active part in pushing on the construction of houses so urgently required in almost every part of the country.

66. We have therefore carefully considered what methods are practicable for achieving this result, consistently with the declared policy of the Government.

67. In the first place it would not be sufficient to offer to make good to the builders out of public funds a part only of the loss which must necessarily be involved in the construction of working-class houses during the emergency period. Builders cannot be expected to carry on their business except with a reasonable prospect of profit. To obtain any effective result it would be necessary therefore to offer the builders either a complete guarantee against loss, or a bonus of ascertained amount sufficient to attract them.

Such an offer of public money would be very capable of exploitation and would have to be carefully safeguarded. It would be necessary to ensure that the houses built were of suitable kind and quality. For this purpose approval of the site and of the plans of lay-out and design, and careful supervision of the building and the materials used, would have to be insisted upon. But even this would not be sufficient. If a bonus were given, it would be possible for builders in some cases to take advantage of the abnormal shortage to obtain such a high price that it would, combined with the bonus, give them an excessive profit. This would also apply, temporarily at any rate, to rents. Both selling price and rents would therefore have to be subject to approval. If, as would perhaps be more likely, the assistance took the form of a guarantee against loss, the usual incentives to economy would not be present and the whole question of cost would have to be carefully gone into. Further, the knowledge that any deficiency in selling price would be made good out of public funds would tend to lower that price, and would leave opportunity for collusion between a prospective purchaser and any builder who wished to do as much building as possible and chose to be unscrupulous. Finally it must be remembered that the subsidy would be one to investors, whether builders or purchasers (the special case of persons purchasing for their own occupation is rather different and is dealt with later on). If control of price and rent were not perpetuated, the possibility of excessive profit would remain. If it were continued in a sufficiently drastic form, investors would not be attracted.

It seems to us therefore that, having regard to the danger of exploitation and the difficulties of administration, the granting of subsidies direct to builders is impracticable, even if on general grounds we were prepared to recommend it.

68. It may indeed be argued that the desired object of encouraging private enterprise could be satisfactorily attained by Local Authorities engaging builders to build houses under contract, as it would be possible for any builder to take advantage of a Local Authority's invitation to tender. We would, however, point out that the contract for all the houses required would often be placed with a single builder; and that even if, in cases where any considerable number of houses is to be built, the work is spread amongst several builders (as we recommend), the result of such a system would be, in general, to exclude the small builders from a share in the work. In some cases these builders do not possess the knowledge and experience necessary to make tenders upon the basis of elaborate specifications. They have not the necessary free capital to finance the building of more than a few houses at a time. They are accustomed to make their profits by reason of their personal attention and freedom from hampering restrictions and their ability to use materials and processes which are economical and suitable to the district. Finally, a builder often has a building estate or building sites on his hands, partly or wholly developed, of which he must dispose in order to release his capital for further business; and though in some cases he might be able to sell this land to the Local Authority, in general, if he consented to work as a contractor, it would be left on his hands.

69. For these and other reasons, reliance upon the system of contracting to the plans and specifications of Local Authorities would probably exclude a large number of the smaller builders. If, however, the most speedy results are to be achieved, we think some method must be devised which, while safeguarding in full the public interests, will yet provide scope for the initiative and enterprise of responsible builders who are for any reason unable or unwilling to take contracts from the Local Authority. We believe that this can, to a certain extent, be done by a Local Authority agreeing beforehand to purchase approved houses to be erected by builders.

THE PURCHASE OF NEW HOUSES BY LOCAL AUTHORITIES.

70. Under Sec. 57 (2) of the Housing of the Working Classes Act, 1890, power is given to a Local Authority to contract for the purchase of any houses for the working classes "already or hereafter to be built." In the past very little advantage appears to have been taken of this provision. We assume that the present offer of Government assistance would apply equally to new houses purchased under this power as to houses built by the Local Authorities themselves, and we think the power might be more freely utilised. For instance, a Local Authority might call a meeting of all the recognised builders in its area and explain to them the urgent need for housing and the type of lay-out and design of house required, and might offer

to consider contracts for the purchase of houses erected by them. It would then be open to the builders, on their own initiative, to prepare plans and submit them to the Local Authority for its approval. If the site and the plans were approved, and a fair method of remuneration (whether a fixed price, or approved cost plus a lump sum or a percentage) were agreed upon, the Local Authority could then enter into a provisional contract to purchase the houses when erected under its supervision and completed to its satisfaction.

If there is any doubt as to whether the present power is wide enough to cover such an arrangement, this can be made clear in any amending legislation.

71. It may be argued that this would be tantamount to the building of houses for the Local Authority on contract. In a sense it would be so, but with these important differences—

- (a) That it would leave the initiative with the builder. He would feel that he need not await the pleasure of the Local Authority, but could himself get out a suitable scheme. This would be important both from the point of view of the builder and the public, for it would mean that a greater volume of ability and effort would be directed towards the common end of producing suitable houses in adequate quantities than would otherwise be the case if the initiative rested wholly with the Local Authority.
- (b) That it would permit of a number of smaller builders working simultaneously.
- (c) That it would enable a builder to make use of his own land, probably already partially or wholly developed.
- (d) That it would not interfere with the freedom of the builder as regards the development of part of his estate by the erection of shops or houses for the middle classes, by which, indeed, the preparation of a scheme for working-class houses on part of the land might be facilitated.
- (e) That it might permit of a more elastic method of building, the builder being allowed to work, within proper limits, in his own way, with the knowledge that unless he produced a suitable house the purchase would not be completed.

We therefore recommend—

That it should be made clear that Local Authorities have power to arrange with builders to purchase houses to be thereafter built by such builders to the approval of the Local Authorities, and, further, that the State assistance promised will apply to such houses; and Local Authorities should be encouraged to make full use of this power.

METHODS OF PLACING CONTRACTS BY LOCAL AUTHORITIES.

72. While we are of opinion that any system of contracting to the plans and specifications of Local Authorities would by itself be insufficient to utilise all the services properly available for house building, and that a wider scheme is necessary, we think it extremely important that, where a considerable number of houses are to be built in a district, the Local Authority should, so far as can be done without sacrifice of proper economy, spread its contracts amongst several responsible builders who have had experience of building working-class houses, rather than grant one contract for a large number of houses to a single contractor. It should be remembered that in the past the small builder has built the majority of small houses, and that the large contractor has tended to confine himself to other classes of building; and it may be found that there is a valid economic reason for this, and that economy may be secured (and at the same time a greater number of builders be encouraged to build) by not making the unit of organisation too large. This applies with special force to the country districts where the houses needed will be scattered over the Authority's area, and where the local builder is often the most appropriate agent to employ. We would urge, therefore, that, before placing its contracts, a Local Authority should take these matters into account. We would, moreover, suggest that in proper cases large contractors should be permitted to place sub-contracts with smaller builders.

PROSPECTIVE OCCUPYING OWNERS.

73. We have considered a suggestion that, under certain safeguards, subsidies should be granted to persons purchasing or building for their own occupation houses of a defined class.

74. We have dealt in Section I of this part of this Report with the loan facilities offered under the Small Dwellings Acquisition Act, 1899, and have recommended that those facilities should be extended. The conditions likely to obtain during the emergency period make it, however, improbable that these facilities will often be taken advantage of in the case of new houses sold at, or near, cost price; for the reason that not only will the cost be high and possibly prohibitive, but that by so purchasing the owner would sacrifice the advantage which he would otherwise have received as tenant of a subsidised house. It has been represented to us that in such a case he should have the benefit of a subsidy corresponding to that enjoyed by the tenant of a municipal subsidised house, and that with proper safeguards the probability of exploitation would be very small indeed, while the supply of housing would be materially increased and other advantages obtained. Apart from the question of general policy, there are practical difficulties in any such scheme. We desire, however, to point out the advantages of selling to owners for their own occupation, and among them the following:—

- (a) That the Treasury or the Local Authority, instead of having to wait for 60 to 80 years, will receive their capital back in 20 or 30 years, in the case of loans under the Small Dwellings Acquisition Act, and at once in the case of mortgages obtained from Building Societies or other private sources.
- (b) That the building of houses will be stimulated and additional capital made available.
- (c) That anyone who has accumulated savings during the war or, being a soldier or sailor, receives arrears of pay or a gratuity on demobilisation, will have an opportunity to invest this money in the purchase of his own house; others will be stimulated to thrift with a like object.
- (d) That the existence of a number of occupying-owners may materially assist towards economic rents being obtained for new municipal housing.

75. These advantages could be attained to some extent by empowering Local Authorities and Public Utility Societies, with the approval of the Central Authority in both cases, to sell the new houses to prospective occupying-owners and to include in their claims for the State subsidy any capital loss thereby

sustained. Among other things, a certain amount of additional private capital would be obtained from the purchasers, and, in some cases, from their mortgagees, and the burden on public funds correspondingly lessened. Further, a greater number of houses might be built in anticipation of, or as a result of, such sales. We are of opinion, therefore, that the following proposal is worthy of consideration, namely:—

- (1) That Local Authorities and Public Utility Societies should be empowered, with the approval of the Central Authority, to sell houses, built or purchased by them, to persons purchasing for their own occupation, and that any loss incurred thereby should rank for the State subsidy.
- (2) That these powers should be subject to the following restrictions:—
 - (a) They should extend only to houses not exceeding £500 in value, or in the case of leasehold houses for less than 99 years unexpired, £400.
 - (b) It should be a condition of any sale that the owner should reside in the house; and that, on an owner desiring to sell or ceasing to reside, the Local Authority, or Public Utility Society, as the case may be, should have the right of pre-emption at a figure to be fixed by valuation, not exceeding the net price paid by the first purchaser, after making due allowance for depreciation or additional value due to improvements.

76. The question of whether, if the Local Authority is to sell, it should part with its freehold interest in the houses built or purchased by it, is a matter involving some controversy. We recognise that there is in some quarters a strong feeling against a public authority ever parting with the freehold interest in land which it has once obtained, and there is, moreover, a strong reason for its retention if only because of the control it gives over the user of the land. On the other hand we understand that there are districts where there is a strong prejudice against the purchase of leasehold property, even where the freehold is vested in a public body, and a rigid insistence on the retention of the freehold in these cases might defeat the object in view. Again, in an area where a Town Planning Scheme is in operation there are such wide powers of control that the retention of the freehold may not for this purpose be necessary. On the whole we think that if the above proposals be adopted it will be best to leave the matter to be determined by each Local Authority, in consultation with the Central Authority, and in the light of the particular circumstances in the different areas.

77. It has also been suggested to us that the Government should go a step further than the proposal set out in para. 75, and should empower Local Authorities in proper cases to grant a subsidy, under suitable restrictions, in respect of houses built by private builders under schemes approved by the Local Authority, and sold direct by the builders to persons purchasing for their own occupation; the Local Authorities recovering from the Government a like proportion of the subsidy in this case as in the case of houses provided by them. We are, however, of opinion that this latter proposal is impracticable, for reasons similar to, though less weighty perhaps than, those stated above (in para. 67) in regard to subsidies to builders.

OTHER PERSONS AND BODIES.

78. Apart from the private builder there remain for consideration the following:—

- (a) Landowners, building for the equipment of their farms and estates;
- (b) Employers (including landowners) building to house their employees;
- (c) Co-operative Societies not falling within the definition of Public Utility Societies;
- (d) Companies and bodies, such as the Improved Industrial Dwellings Company, Limited, formed for the purpose of building improved dwellings for the working classes;
- (e) Other investors in new house property.

It will be clear from the foregoing that we cannot recommend subsidies being given to any of these. It will be open to landowners and employers, if necessary, to form Public Utility Societies and to obtain the assistance offered to such Societies. If landowners or employers insist upon the houses belonging to them, and being "tied houses," then we think they must bear the full cost, and must regard the houses as part of their "machinery of production." Co-operative Societies can, by limiting their interest and dividend on capital by their rules, become Public Utility Societies. The other bodies, referred to in clause (d), can form Public Utility Societies for their further operations. We do not propose to recommend that subsidies should be given to ordinary investors in house property.

INDIRECT ASSISTANCE.

79. In para. 44 of our Interim Report we recommended that Local Authorities should be empowered to purchase land and to lease it to Public Utility Societies.

We recommend—

That the powers of Local Authorities to purchase and lease land to Public Utility Societies recommended in our Interim Report should be extended so as to enable them to lease land purchased by them to private builders and other individuals and bodies.

80. We have had put before us suggestions of various ways in which indirect help might be given to builders, and as these are in some cases analogous to the question of subsidies we refer to them here. Thus, for example, it is urged on the builders' behalf that the existing rating system is a great handicap on all new building or improvement of any kind, and that steps should be taken to throw burdens which are national or semi-national in their character on to the National Exchequer, and to raise the remaining funds necessary for local services upon a more equitable basis than the present one. It is suggested in some quarters that a local income tax should be substituted for the present rates; in others that rates should be levied on site values. Suggestions have also been made for differential rating in favour of small houses, and in particular in favour of the new houses. Again, representations have been made in favour of the repeal or amendment of Part I. of the Finance (1909–10) Act, 1910, and in particular of the provision which was the subject of the decision in the Lumsden case. Reference has also been made to the unnecessarily stringent requirements of building bye-laws in many cases. Suggestions have also been made in favour of the Local Authorities bearing all cost of road-making, and, again, of the Government retailing building materials at cost or less than cost price.

Many of these matters have had, or are having, the consideration of other Committees, and most of them do not appear to us, to fall within the terms of our reference. We mention them, however, because they have an important bearing upon the question of housing in the future, and we think that some of them merit the attention of the Government.

PART III.

New Methods of Raising Capital by the State for Housing Purposes.

81. Several of the proposals made by us involve advances of money by the State. We have therefore directed our attention to possible means by which the State could raise money by means other than those which were normally adopted before the war.

HOUSING SAVINGS CERTIFICATES.

82. We have had placed before us some proposals formulated by the National War Savings Committee. A Sub-Committee of that Committee was set up for the purpose of considering what facilities should be provided for the small investor after the war. The Report of this Sub-Committee contained the following suggestions:—

“We think it is clear that the State should continue to encourage saving after the war by offering special facilities to the small investor in Government securities. The habit of saving has, as a result of the War Savings movement, been formed by numerous persons of all classes who had not previously acquired it, and an organisation has been developed for this purpose which covers the entire country. This habit ought not to be allowed to die out, or the existing machinery to be ‘scrapped,’ if it can be avoided.

“We see no reason to suppose that the State will at any time be unable to use profitably the money of the small investors, as it now uses that of the Savings Bank depositor. But this will be most emphatically true in the period immediately following the restoration of peace. The ordinary borrowing capacity of the State will be severely taxed by the necessity of renewing, and wherever possible consolidating, the enormous floating debt created during the war, and these operations will have to be carried out in competition with demands for capital which will arise from all quarters. Large State loans for public utility services such as Housing of the Working Classes and other projects of social urgency are therefore likely to be difficult, if not impossible, for a considerable period.

“We think it worthy of serious consideration whether a plan might be adopted for applying the proceeds of post-war borrowing from the small investor directly to such purposes, and so not only securing more rapid progress with urgently necessary social improvements than is otherwise likely to be practicable, but also providing a special motive for saving—the improvement of conditions closely affecting the daily life of the classes to which the appeal is made.”

83. We received evidence as to these proposals in July last from Sir Robert Kindersley and Sir Theodore Chambers, Chairman and Controller, respectively, of the National War Savings Committee.

Sir Robert Kindersley pointed out that there had been a large amount of saving during the war, and said that it was extremely desirable to encourage its continuance after the war. At present the purposes of the war afforded a strong incentive for saving; this, however, would be removed when the war came to an end, and his Committee did not think that the funding of the floating debt at the conclusion of the war would be a very attractive object to place before the people to induce them to save. It was, therefore, necessary to have some direct and attractive object upon which the money saved could be expended. This should be an object of capital nature (such as Housing) as opposed to one of ordinary annual expenditure (such as Education). His Committee suggested, therefore, that after the war Housing Savings Certificates might be issued on similar lines to War Savings Certificates. They should be five-year Certificates. He said that the Certificates would have to be issued on the State credit; any other method would involve the Committee having to go into the security in each case. It was essential that the public should be given a safe investment. The produce of the issue of Housing Savings Certificates would be paid into a special Housing Fund and utilised for housing purposes. His Committee had decided against the idea that the money raised in a particular area should be earmarked for that area. If the Treasury approved, it would, of course, be possible that the money collected should be paid direct into a State Housing Bank or Fund. But it must be clearly understood that the War Savings Committee could only collect the money, and could take no responsibility for its allocation.

84. The amount which would be obtainable by the issue of Housing Savings Certificates after the war, of course, was a matter of speculation. His Committee hoped in the near future to be raising on War Savings Certificates as much as £4,000,000 per week, but it was unlikely that after the war the amount would be as high. A certain amount depended on whether encashments of certificates would have to be deducted from the amounts raised on new certificates.

Many demands would be made on the Treasury after the war, and undoubtedly the issue of Housing Savings Certificates would greatly assist in ensuring sufficient capital for housing purposes. Saving was largely a habit, and the money so obtained would probably not be otherwise obtainable for the State. Where War Savings Certificates were being taken up, it was also found that there was an increase in Post Office Savings Bank deposits and deposits in the Trustees Savings Bank. Competition in savings produced more savings.

85. *Without committing ourselves to details, we are of opinion that Sir Robert Kindersley's scheme is founded on sound principles, and that his proposals for the immediate issue of Housing Savings Certificates deserves the careful consideration of the Government.*

86. We have recapitulated our principal conclusions and recommendations below for convenience of reference.

87. In presenting this Report, we desire to testify to the great ability and industry of our Secretary, Mr. Wallace, whose services have been of the utmost value to us.

HENRY HOBHOUSE (*Chairman*).

RICHD. BARROW.

J. A. E. DICKINSON

JAMES EDMONDSON.

THOS. GOODWIN.

H. E. HAWARD.

J. GEO. HEAD.

R. H. MARSH.

EDMUND H. PARKER.

RICHARD L. REIS

E. A. STRAUSS.

WILLIAM WALLACE,

Secretary.

5th February, 1919.

SUMMARY OF PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS.

PART I.

Housing and Other Trusts.

(1) *That Housing Trusts, not trading for profit, which are approved by the Central Authority, should receive assistance by way of subsidy to an extent equivalent to that granted to Public Utility Societies. (Para. 3 to 5.)*

(2) *That Charitable Trusts, other than Housing Trusts, undertaking the provision of dwellings for the working classes should, in approved cases, have similar assistance to that given to Housing Trusts, and on the same conditions. (Para. 6.)*

(3) *That the safeguards in such cases should be:—*

1. That the Housing Scheme (including plans, lay-out and building contracts) proposed to be assisted should be approved by the Central Authority;

2. That rents should be approved by the Central Authority; and

3. That the books and accounts of the Trust, as far as they relate to the scheme, should be subject to inspection and audit by the Central Authority. (Para. 7.)

PART II.

Bodies and Persons other than Public Utility Societies and Housing Trusts.

SECTION I.

LOAN AND CREDIT FACILITIES.

(4) *That existing agencies should be utilised as far as possible. (Para. 11.)*

BUILDING SOCIETIES.

(5) *That—*

(a) *In suitable cases the State should supplement the funds of Building Societies by depositing money with them for advances on houses built subsequently to the termination of the war. It should only be placed on deposit with the Societies provided that the latter also make advances from their own funds on such new houses in the proportion of £2 from their own funds to every £1 advanced by the State. (Para. 24.)*

(b) *Local Authorities should be empowered, with the approval of the Central Authority, to guarantee the repayment of mortgages made by approved Building Societies upon houses built hereafter,*

- where the advance made exceeds two-thirds of the value of such houses; such guarantee not to exceed 80 per cent. of the cost thereof, and to remain operative only so long as the outstanding loan is in excess of two-thirds of the value of the houses for the time being. (Para. 25.)
- (c) These facilities should only be given in the case of Building Societies approved by the Central or the Local Authority, as the case may be. (Paras. 26 and 27.)
 - (d) Building Societies should be empowered to place on deposit with each other any surplus funds which they may have accumulated. (Para. 28.)
 - (e) The facilities recommended in (a) and (b) should only be given in respect of loans on houses up to a value of £500 in the case of freehold houses and houses where the unexpired term of the lease is not less than 99 years, and in other cases up to a value of £400. (Para. 29.)

CO-OPERATIVE SOCIETIES.

(6) That where the Co-operative Wholesale Society has advanced money on mortgage to any member of a Co-operative Society (either directly or through that Society) to enable him to purchase a house, the State should, upon the Wholesale Society undertaking to be responsible for repayment of principal and interest, lend to the Wholesale Society a sum (not exceeding the amount advanced by the Wholesale Society) equivalent to the amount by which any such advance (together with the amount advanced on any prior mortgage) exceeds two-thirds of the value of any such house and does not exceed 80 per cent. of the purchase price.

The Co-operative Wholesale Society should also have the right to the same facilities in regard to State deposits as those recommended in para. 24 in the case of Building Societies (that is to say, deposits in the proportion of £1 of the State's money for every £2 of the Society's money advanced on mortgage).

These facilities should only be given in regard to mortgages upon houses built hereafter and not exceeding in value the figures recommended above in regard to Building Societies. (Para. 35.)

LANDS IMPROVEMENT COMPANY.

(7) That the Improvement of Land Acts should be amended so as to permit of the Lands Improvement Company charging interest on loans at a rate not exceeding 6 per cent. subject to Income Tax, or $4\frac{1}{2}$ per cent. free of Income Tax. (Para. 42.)

LOCAL AUTHORITIES.

SMALL DWELLINGS ACQUISITION ACT, 1899.

(8) That the Small Dwellings Acquisition Act should be amended as follows:—

- (a) In view of the increased cost of building, the present limit of value of £400 should be increased to £500 in the case of freehold houses and leasehold houses where at least 99 years of the term remains unexpired, the present limit of £400 being retained in the case of other leasehold houses.
- (b) In the case of all future mortgages, loans should be permitted up to 85 per cent. of value, in place of the present limit of 80 per cent. of value.
- (c) In the special case of new houses built after the war, Local Authorities should be empowered for a period of seven years after the termination of the war to advance up to either 85 per cent. of the value or 80 per cent. of the cost to the first purchaser, whichever shall be the greater.
- (d) The maximum loan limit of £300 in the case of freeholds and leaseholds for 99 years unexpired, and of £240 in the case of other houses, should be abolished.
- (e) Local Authorities should be empowered to reconvey a mortgage, made under the Act, by a simple receipt endorsed on the mortgage deed, in the same way as Building Societies may now do. (Para. 46.)

LOANS TO PERSONS OUTSIDE THE SMALL DWELLINGS ACQUISITION ACT.

(9) That Local Authorities should be empowered to make advances to any persons or bodies building houses for the working classes, situate within the municipal area or on land adjacent thereto, under schemes approved by the Local Authority.

The limits in regard to the maximum value of such houses should be the same in this case as those recommended in para. 8 (a) above, but the advance should not in any case exceed 75 per cent. of the value. (Para. 47.)

HOUSING BANKS.

MUNICIPAL HOUSING BANKS.

(10) That the larger municipalities should be empowered to establish municipal organisations of the nature of Housing Banks which would attract the savings of the working classes and provide funds for housing.

That, therefore, the Municipal Savings Banks (War Loan Investment) Act, 1916, should be continued, its scope being widened and its provisions amended in the following respects:—

- (1) The powers under the Act should be granted to boroughs with a population of not less than 100,000.
- (2) The powers of investment should be extended to Government securities generally.
- (3) The limit for any one depositor should be £500.
- (4) The restrictions as to a depositor being in employment and the deposits being only made through the employer should be removed.

- (5) *The rate of interest payable on deposits should be within the discretion of the Borough Council.*
- (6) *Power should be given to utilise such part of the funds of the Bank as are not required to meet current liabilities, in making advances upon the security of freehold, copyhold, or leasehold estate by way of mortgage (1) to any depositor in the Bank desiring to purchase a dwelling house for his own occupation, situate within the municipal area or adjacent thereto, not exceeding £500 in value, or, in the case of a leasehold house where the unexpired term is less than 99 years, £400; or (2) to any person or body building similar houses under a scheme approved by the borough.*
- (7) *Power should be given to borrow for the purposes of the Bank with the approval of the Local Government Board.*
- (8) *The Bank should be carried on subject to certain regulations to be scheduled in the amending Act and to rules approved by the Local Government Board and Chief Registrar of Friendly Societies. (Para. 58.)*

STATE HOUSING BANK.

- (11) *That the setting up of a State Housing Bank is unnecessary. (Para. 59.)*

SECTION II.

SUBSIDIES.

- (12) *That without subsidies the building of working-class houses by private enterprise is unlikely save in exceptional circumstances. (Paras. 61 to 64.)*

BUILDERS.

- (13) *That it is impracticable to offer subsidies to private builders. (Para. 67.)*
- (14) *That, on the other hand, reliance merely upon the system of contracting to the plans and specifications of Local Authorities will exclude a large number of the smaller builders whose services should be utilised so far as practicable. (Paras. 68 and 69.)*

PURCHASE BY LOCAL AUTHORITIES.

- (15) *That the co-operation of the smaller builders may, to a certain extent, be obtained by Local Authorities agreeing beforehand with builders to purchase houses to be thereafter erected by such builders under schemes approved by the Local Authorities; the power to do so should be made clear and Local Authorities be encouraged to make full use of it. (Paras. 70 and 71.)*

SPREADING OF LOCAL AUTHORITIES' CONTRACTS.

- (16) *That, apart from this, in placing their ordinary contracts, Local Authorities should consider how far, consistently with proper economy, they can spread their contracts amongst builders. (Para. 72.)*

PROSPECTIVE OCCUPYING-OWNERS.

- (17) *That the following proposal is worthy of consideration:—*
 - 1. *That Local Authorities and Public Utility Societies should be empowered, with the approval of the Central Authority, to sell houses, built or purchased by them, to persons purchasing for their own occupation, and that any loss incurred thereby should rank for the State subsidy.*
 - 2. *That these powers should be subject to the following restrictions:—*
 - (a) *They should extend only to houses not exceeding £500 in value, or, in the case of leasehold houses for less than 99 years unexpired, £400.*
 - (b) *It should be a condition of any sale that the owner should reside in the house, and that on an owner desiring to sell, or ceasing to reside, the Local Authority or Public Utility Society, as the case may be, should have the right of pre-emption at a figure to be fixed by valuation, not exceeding the net price paid by the first purchaser, after making due allowance for depreciation or additional value due to improvements. (Paras. 73 to 76.)*

OTHER PERSONS AND BODIES.

- (18) *That it is impracticable to offer subsidies to the persons and bodies mentioned in para. 76.*

INDIRECT ASSISTANCE.

- (19) *That the powers to Local Authorities to purchase and lease land to Public Utility Societies, recommended in our Interim Report, should be extended so as to enable them to lease land purchased by them to private builders and other individuals and bodies. (Para. 79.)*

PART III.

Housing Saving Certificates.

- (20) *That the proposal of the National War Savings Committee to issue Housing Savings Certificates immediately, on the model of the War Savings Certificates, is founded on sound principles and deserves the careful consideration of the Government. (Paras. 82 to 85.)*