

REPORT.

PUBLIC HEALTH ACTS (AMENDMENT) BILL [H.L.].

Ordered to be printed 25th July 1905.

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1905.

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R E P O R T

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

PUBLIC HEALTH ACTS (AMENDMENT)

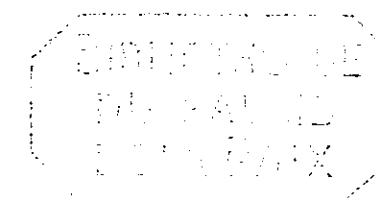
BILL [H.L.];

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.



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ORDER OF REFERENCE.

PUBLIC HEALTH ACTS (AMENDMENT) BILL [H.L.]

Die Jovis, 11^o Maii 1905.

Order of the Day for the Second Reading, read: *Moved*, That the Bill be now read 2^a; *agreed* to Bill read 2^a accordingly, and *referred* to a Select Committee.

Die Veneris, 26^o Maii 1905.

Select Committee on: The Lords following were named of the Select Committee:

Lord Zouche of Haryugworth.	Lord Hylton.
Lord Digby.	Lord Burghclere.
Lord Kenyon.	Lord Allerton.
Lord Stanley of Alderley.	

The Committee to appoint their own Chairman.

Die Lunæ, 29^o Maii 1905.

Select Committee to meet on *Friday* next, at Twelve o'clock.

Die Martis, 27^o Junii 1905.

The evidence taken before the Select Committee from time to time to be *printed*, but no copies to be delivered out, except to members of the Committee, and such other persons as the Committee shall think fit, until further order.

REPORT.

BY THE SELECT COMMITTEE appointed to consider the PUBLIC HEALTH ACTS (AMENDMENT) BILL (H.L.), and to report to the House.

ORDERED TO REPORT :—

THAT the COMMITTEE have met and considered the said Bill and have examined witnesses and have ordered the said Bill to be reported to Your Lordships with some Amendments.

And the COMMITTEE have directed the Minutes of Proceedings to be laid before your Lordships.

25 July 1905.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE
COMMITTEE.

Die Veneris, 2^o Junii 1905.

LORDS PRESENT :

Lord Zouche of Haryngworth.	Lord Hylton.
Lord Digby.	Lord Burghclere.
Lord Kenyon.	Lord Allerton.
Lord Stanley of Alderley.	

The Order of Reference is read.

It is moved, That the Lord Allerton do take the Chair.

The same is *agreed to*.

The Course of Proceedings is considered.

It is moved, That the Committee be an open one.

The same is *agreed to*.

Ordered, That the Committee be adjourned to Tuesday the 27th instant, at Eleven o'clock.

Die Martis, 27^o Junii 1905.

LORDS PRESENT :

Lord Zouche of Haryngworth.	Lord Hylton.
Lord Digby.	Lord Burghclere.
Lord Kenyon.	Lord Allerton.
Lord Stanley of Alderley.	

The Lord ALLERTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday, the 2nd instant, are read.

The following Witnesses are called in and examined, viz.: Mr. *H. C. Monro*, Sir *W. Chance*, Mr. *Alexander R. Stenning*, Mr. *Elliot D. Till*, Mr. *A. H. Clough*, Mr. *H. A. Powell* and Sir *W. Grantham*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock.

Die Lunæ, 3^o Julii 1905.

LORDS PRESENT :

Lord Zouche of Haryngworth.	Lord Stanley of Alderley.
Lord Digby.	Lord Hylton.
Lord Kenyon.	Lord Allerton.

The Lord ALLERTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in and examined, viz.: Mr. *C. Turnor*, Mr. *T. Turner*, Dr. *J. Thresh*, Mr. *L. Ridge* and Mr. *R. W. Schultz*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at Eleven o'clock.

Die Jovis, 6^o Julii 1905.

LORDS PRESENT:

Lord Zouche of Haryngworth.		Lord Hylton.
Lord Digby.		Lord Burghclere.
Lord Kenyon.		Lord Allerton.

The Lord ALLERTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The following Witnesses are called in and examined, viz.: *H. F. Parsons, M.D., Mr. Kitchen, Mr. Aubrey, Mr. A. D. Greatorex, Major Craigie, Mr. W. Webb, Mr. J. Dewhurst and Mr. F. Massie.* (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Friday, the 14th instant at Eleven o'clock.

Die Veneris, 14^o Julii 1905.

LORDS PRESENT:

Lord Zouche of Haryngworth.		Lord Stanley of Alderley.
Lord Digby.		Lord Hylton.
Lord Kenyon.		Lord Burghclere.

The Lord ALLERTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Thursday, the 6th instant, are read.

The following Witnesses are called in and examined, viz., *Mr. Robert A. Read, Mr. Montagu Harris, and Mr. Arthur J. Lees.* (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday, the 25th instant, at Eleven o'clock.

Die Martis, 25^o Julii 1905.

LORDS PRESENT:

Lord Digby.		Lord Burghclere.
Lord Kenyon.		Lord Hylton.
Lord Stanley of Alderley.		

The Lord ALLERTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday, the 14th instant, are read.

The Title of the Bill is read and postponed.

The Preamble of the Bill is read and postponed.

Clause 1 is read and *agreed to*.

Clause 2 is read and *agreed to* with amendments.

Clause 3 is read and *agreed to*.

Clause 4 is read.

Then it was moved by the Lord ALLERTON to leave out Clause 4.

The same is *agreed to*

Clause 5 is read.

Then it was moved by the Lord ALLERTON to leave out Clause 5.

The same is *agreed to*.

It is proposed by the Lord ALLERTON to insert the following new Clause, viz.:

(4.) Where any bye-laws made under the provisions of the Public Health Acts are in force in any County District, and the Local Government Board shall find the same to be unsuited to the district, or to any particular parish or parishes in the district, or to operate contrary to the public interest, the Local Government Board may by Order disallow any of such bye-laws in respect of the whole of the district, or of any parish or parishes therein, or provide that any buildings or class or kind of buildings shall be exempt from the operation of all or any of such bye-laws as from and after the date provided in that behalf in any such Order.

It is moved by the Lord Burghclere in line 2 of the said clause to leave out (the Local Government Board).

On Question:—

<i>Contents, 2.</i>	<i>Non-Contents, 4.</i>
Lord Burghclere.	Lord Digby.
Lord Stanley of Alderley.	Lord Kenyon.
	Lord Hylton.
	Lord Allerton.

It is resolved in the Negative.

Then the said new Clause is *agreed to*.

Then it is moved by the Lord Allerton to insert the following new Clause, viz.:

(5.) Where any person is aggrieved by the requirement of any bye-law, or the refusal of the Council of any County District to approve any plan submitted in pursuance of any bye-law, such person may by summons obtain the decision of a Court of Summary Jurisdiction on the validity of such bye-law, subject, nevertheless, to an appeal to a Court of Quarter Sessions.

The same is *agreed to*.

The Preamble and Title are again read and *agreed to*.

Ordered, That the Bill be reported, with Amendments, to the House.

MINUTES OF EVIDENCE.

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LORDS PRESENT:

Lord ZOUCHE.	Lord HYLTON.
Lord DIGBY.	Lord BURGHCLERE.
Lord KENYON.	Lord ALLERTON.
Lord STANLEY OF ALDERLEY.	

LORD ALLERTON IN THE CHAIR.

MR. HORACE CECIL MONRO, c.B., is called in; and Examined as follows:—

Chairman.

Chairman—continued.

1. You are an assistant secretary of the Local Government Board?—Yes.

2. You have charge of the Department which deals with bye-laws?—That is so.

3. Bye-laws, I understand, to be made on a variety of subjects, and the present Bill deals only with one section of them?—That is so. Bye-laws can be made under the Public Health Acts by local authorities on a number of subjects—removal of house refuse, slaughter-houses, public walks, pleasure grounds, and a good many others. The present Bill professes to deal only with bye-laws on the subject of new buildings.

4. Does it touch new streets?—It does not actually touch new streets, but new streets and buildings are grouped together in the Public Health Act; they are dealt with under the same section.

5. Does the jurisdiction of the Local Government Board in this matter extend to the whole of the United Kingdom?—No; only to England and Wales. These particular sections of the Public Health Act do not touch the metropolis.

6. This Bill does not touch London?—The Bill does not touch the metropolis either.

7. Nor Scotland nor Ireland?—No.

8. London is dealt with under the Metropolitan Building Acts?—Yes, these bye-laws do not apply in London at all.

9. Nor the Public Health Acts?—No.

10. By whom may the bye-laws be made?—By urban district councils and by rural district councils.

11. Are there many of those authorities?—Yes, urban district councils consist of councils of county boroughs, councils of non-county boroughs, and councils of other urban districts. The numbers (0.9.)

are: county boroughs, 71; non-county boroughs, 253; urban districts, 810; making a total of 1,134. Those are all urban districts.

12. Do you call a county borough an urban district?—For this purpose it is.

13. Will this apply then to the whole of the county boroughs?—Yes.

Lord Stanley of Alderley.

14. It is not to apply where there is an Act of Parliament as distinct from bye-laws?—There may be cases in which local Acts of Parliament render these bye-laws inapplicable, but I am only speaking of the general law apart from any local Act. There are some local Acts which contain provisions on the same subjects as these bye-laws, and in those cases the local authorities cannot make bye-laws on those subjects.

Chairman.

15. Does that mean where the local authority possesses its power directly from Parliament for the purpose of making bye-laws they would not be touched by this Bill?—I think they would not be touched by this Bill. This Bill only deals with bye-laws under the Public Health Acts.

16. You told us about the number of the urban district councils?—Yes. The whole of the country outside London which is not included in urban districts is under the jurisdiction of rural district councils. The number of rural district councils is 668. Therefore the total number of authorities who can make bye-laws with regard to new streets and buildings is 1,802 at the present time.

17. Does that mean that there are 1,802 local authorities to whom the Bill would apply?—Yes,

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Mr. HORACE CECIL MONRO, C.B.

[Continued.]

Chairman—continued.

1,802 local authorities capable of making bye-laws.

18. Can you tell us how many of those authorities have made bye-laws on the subject of new buildings?—Borough councils, 297 out of 324; urban district councils, 749 out of 810; rural district councils, 442 out of 668; making a total of 1,468.

Lord Kenyon.

19. County boroughs and non-county boroughs you group together?—Yes.

Lord Stanley of Alderley.

20. There are probably at least twenty county boroughs who have local Acts of Parliament?—Probably.

Chairman.

21. You cannot distinguish them?—No. I should say it is probable that there are at least twenty who have Acts of Parliament, but whether the Acts of Parliament are sufficient to exclude bye-laws under the Public Health Acts I should think is rather doubtful.

22. You say, "exclude," but if they had powers to make bye-laws directly from Parliament would they not make their bye-laws in that form rather than under the Public Health Act?—I think the local Act would usually deal with the subject of bye-laws by express provisions. The local Act would not usually give them powers to make bye-laws on the same subject as the Public Health Act gives power.

23. But in that case there might be local authorities who come to the Local Government Board to obtain their authority to make bye-laws under the Public Health Acts, and at the same time have power from Parliament to make bye-laws in regard to some of the matters?—That might be so. The sort of case which I think is most common is a case where a local authority has an Act which we will say provides for the air space about buildings. If the local Act provides for that subject, the Local Government Board would say they cannot make bye-laws on that subject. They might make bye-laws on any other part of the section but not on that particular subject.

24. If they had a special Act which gave them larger powers than they would get by coming to you under the Public Health Acts they would prefer to keep their own?—Quite so.

25. How are these bye-laws made?—They are made under the common seal of the local authority. They require to be confirmed by the Local Government Board and until they have been submitted to the Local Government Board and confirmed, they have no legal effect.

26. Have the Local Government Board always been the legal authority to confirm this class of bye-law?—Ever since 1871 when the Department was created. Before that time, bye-laws on more or less similar subjects which could be made under the Local Government Act of 1858

Chairman—continued.

were subject to the confirmation of the Home Secretary. When the Local Government Board was formed they took over that duty of the Home Secretary.

27. How are these bye-laws enforceable?—Section 183 of the Public Health Act, 1875, authorises a local authority in its bye-laws to impose penalties not exceeding £5 for each offence, and for a continuing offence 40s. a day. These offences are prosecuted before a Court of Summary Jurisdiction.

28. By a local authority?—Or by an individual—usually it would be the local authority.

Lord Digby.

29. A single individual?—Yes.

Lord Kenyon.

30. A rate-payer or something of that sort?—Presumably a person who was aggrieved by an infringement.

Chairman.

31. Will you state the statutory provisions under which these bye-laws are made?—There are two sections. The first is Section 157 of the Public Health Act of 1875, which says: "Every urban authority may make bye-laws 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 connection 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." Perhaps I need not read further from that section at present. Those are the subjects. Then there is Section 23 of the Public Health Acts (Amendment) Act, 1890, which says: "Section 157 of the Public Health Act 1875"—the section I have just read—"shall be extended so as to empower every urban authority to make bye-laws with respect to the following matters."

32. These are supplemental?—Yes, supplemental. "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 connection with dwelling-houses; and the provision in connection 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." That is the complete list of subjects upon which an urban authority can make bye-laws as regards new streets and buildings.

33. Have

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Mr. HORACE CECIL MONRO, C.B.

[Continued.]

Chairman—continued.

33. Have these authorities, under these Acts, any power to make bye-laws with regard to water supply?—No.

34. There is a reference, I see, as to flushing and so on, but I do not see where the water comes from?—There is a provision in the Public Health (Water) Act, 1878, Section 6, which says: "It shall not be lawful in any rural district for the owner of any dwelling-house, which may be erected after the date of the commencement of this Act, or of any dwelling-house which after that date may be pulled down to or below the ground floor and rebuilt, to occupy the same, or cause or permit the same to be occupied, unless and until he has obtained from the sanitary authority of the district a certificate that there is provided, within a reasonable distance of the house, such an available supply of wholesome water as may appear to such authority, on the report of their inspector of nuisances or of their medical officer of health, to be sufficient for the consumption and use for domestic purposes of the inmates of the house."

Lord Stanley of Alderley.

35. Does that cover urban and rural districts?—There is a provision which says it may be applied to urban districts.

Lord Hylton.

36. I think in the case of new cottages or houses being built in rural districts, at present where there are bye-laws, the plans that are deposited have to show where the water supply will come from?—Yes. They cannot be occupied until they have a certificate from the district council that there is water.

Lord Kenyon.

37. That is apart from bye-laws, surely?—Quite so, but the bye-laws deal with that by providing that persons about to build shall show where the water is coming from before they build the house.

Chairman.

38. Is there anything in the Bill which will in any way affect the water supply question?—No, nothing. I think, perhaps, I might say this, the provision about keeping waterclosets supplied with sufficient water for flushing, only applies to waterclosets which are in existence. It does not require waterclosets to be made.

39. Do the sections of the Public Health Act, 1875, and the Public Health Acts (Amendment) Act, 1890, apply only to urban authorities?—Previous to 1890 a rural district council could not make bye-laws at all under Section 157 of the Public Health Act until they had been invested by the Local Government Board with the necessary powers. There is a provision in the Public Health Act, 1875, Section 276, which authorises the Local Government Board, on the application of a rural district, or persons rated to the relief of the poor

Chairman—continued.

whose assessment amounts to one-tenth of the rateable value of the district, to issue an order declaring any provisions of the Public Health Act which are in force in urban districts, to be in force in rural districts, or in any contributory place of the rural district and invest the rural authority with all or any of the powers and liabilities of an urban authority.

40. Then that really is the power under which the Local Government Board may invest the rural authority and the urban authority with the power to make these bye-laws?—The urban authority gets it under the Act. The rural authority can only get it if it is authorised by an Order.

Lord Stanley of Alderley.

41. Is Section 276 still law?—Yes.

42. It has not been superseded by any wider powers?—No.

Chairman.

43. I understand the effect of an Order of this kind is to put the rural district council in the position of an urban district council as regards the power to make bye-laws?—That is so, to the extent to which the Order goes. The Order applies to certain sections and also applies to certain areas; that is to say, the Order would put in force Section 157 of the Public Health Act in respect of one parish or two parishes or the whole district.

44. In other words, it would prescribe the powers and define the area?—Yes.

Lord Stanley of Alderley.

45. Formerly, I think, rural district councils had the power to mark out an arbitrary area which was populous, but you use the word "parish." Is it usual for a rural authority to apply for these powers over a rural area such as a parish?—The words in the section are "a contributory place," which means, ordinarily, a parish, or, if a special drainage district were set up, the words would apply to the special drainage district.

46. Supposing a colliery village put up in the middle of a parish, would they limit it to that and not to the whole parish?—Not very commonly. Those special drainage districts, where they are necessary, are useful, but they are rather confusing because they form a new area of local government, and add to the complication of things.

47. The tendency is, if they want it for part of a parish, to make them take in the whole of the parish?—Usually.

Lord Hylton.

48. With reference to that question just put you about the dividing off of a so-called populous area in a not very populous rural district, is it not the fact that now rural district councils are extremely averse to dividing up the unity of

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Mr. HORACE CECIL MONRO, C.B.

[Continued.]

Lord Hylton—continued.

of their district. I have here a report of a discussion which took place at a meeting of the Reigate Rural District Council on the reading of a letter from the assistant secretary of the Local Government Board—that is yourself, I suppose?—Probably.

49. I do not know whether your attention has been called to it?—I have here an extract from a letter from that same District Council.

50. Is it not the fact that in your experience at the Local Government Board that when you have endeavoured to point out to a rural district council that it is a great mistake on their part to want to apply urban powers to the whole of their district, where perhaps only a corner is urban in character, you have found the greatest opposition on the part of the district authorities, and that in fact they have refused to meet your views in that way?—I do not usually see the cases of application for urban powers; they do not come into my department until the time for making bye-laws. The fact that the District Council had urban powers throughout the whole parish would not necessarily compel them to make bye-laws for the whole of that parish.

51. Will you just look at that report (*handing the same to the witness*)?—I have a letter here from the Reigate Rural District Council, which I thought was rather germane to this subject. It is the letter they wrote to the Local Government Board in which they set out their reasons why they did not want to have bye-laws allowing wooden houses in their district. I expect this was probably the result of this discussion.

52. Do you see in this letter that you urge on them to divide off practically their populous district, and non-populous district, and they have I suppose as a matter of fact, declined to meet you?—They have.

53. Is that rather the policy of the rural district councils now that they decline to meet your views?—Some of them do. It is rather a vexed question. Some of them are not prepared to do it.

54. I think the whole question is very vexed?—Yes.

Lord Stanley of Alderley.

55. May I take it that they do not so much mind dividing off a parish or a township from the whole area, but object to making a new or arbitrary line which does not coincide with an existing parish boundary?—In the case Lord Hylton is talking about, I imagine the Local Government Board wrote, saying, "Will not you have what we call the rural model in force in parts of your district, which are rural and, if you think a more stringent code is necessary in the more urban parts of your district, have it there and confine it to those parts." I gather from that discussion, which is borne out by the letter I have here, that they said, no; they thought it was desirable to have one code throughout the district. It may have arisen, but I do not think the question of dividing a parish necessarily arose.

Lord Stanley of Alderley—continued.

56. I thought you yourself agreed it was undesirable to make a new and arbitrary area not corresponding with an existing local government area?—Quite so. The Local Government Board does not encourage the creation of these special drainage districts, but the creation of special drainage districts does not necessarily mean carving out an area for the purpose of bye-laws.

57. It is necessary for existence of the rate?—But there is no rate under the bye-laws. It is merely a liability of builders.

Lord Hylton.

58. I think this is rather an important point, and I should like to read a paragraph from this letter of the Local Government Board on this question. The point is this: One paragraph of the letter of the Local Government Board to the Reigate District Council runs as follows: "At the same time the Board direct me to state that the Board consider that their Rural Model Code, of which copies are enclosed, is generally sufficient for places which are rural in character, and I am to inquire whether the district Council are satisfied that so comprehensive a series as that proposed—" that evidently is proposed by the district council—"is needed throughout the whole rural district"—that is evidently the Rural District of Reigate—"parts of which seem to be thinly populated." Then the discussion took place, and evidently, as I think you admit, the district council did not fall in, and would not fall in, with your views?—That is so.

Chairman.

59. What happened with regard to the application itself?—I have here a letter which I imagine is the letter that they wrote in reply. "The Council are of opinion that their district, owing its proximity to the Metropolis, and the fact that it is throughout of a residential character, is one to which the powers of an urban authority under the Public Health Act, 1875, in this matter have been properly made applicable, and although possibly in the less populous parts of the district the provisions of the Model Bye-laws for securing the prevention of fires are of minor importance, the Council do not think that they would be justified in failing to take advantage of the powers with which they have been invested for securing the stability of buildings and for purposes of health."

60. But this appears to have been a case where the bye-laws had been made applicable to the whole of the district?—This is a case where they had applied for the powers of an urban district council under Section 157.

61. Which had been granted?—Which had been granted, and an Order issued.

62. How does the question arise—on some application to modify them?—No, the Order does not give them the bye-laws at all, but gives them the power of making the bye-laws.

63. And they did not exercise it?—They then came with a proposal to make the bye-laws, and they proposed a comprehensive series. The Local Government

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Mr. HORACE CECIL MONRO, C.B.

[Continued.]

Chairman—continued.

Government Board suggested that they might, at any rate confine the comprehensive series to the more populous parts of the district.

Lord Stanley of Alderley.

64. Have you any policy now at the Local Government Board as to a minimum population which you set up as an independent urban sanitary district?—No, urban districts now are set up by county councils.

65. They report to you?—They make the Order setting up the urban district, and then the Order comes to the Local Government Board to be confirmed.

66. You might have a new seaside place, with only perhaps at present seven or eight hundred people, but with streets being laid out. In many cases they would apply formally to be an urban district?—Yes.

67. If it thinks it good not to be a limited district it then brings in the rural district?—Yes.

68. Then would the rural district apply the bye-laws as for 50,000 people or set up a special district by itself?—They could apply the bye-laws to the town. They need not set up a special drainage district for the purpose. They could make an arbitrary boundary for the purpose of the bye-laws, though I should say that the Local Government Board always state, if a separate area for bye-laws is to be made, it should be an area which is definable with natural boundaries of some kind.

69. But we see as in this Reigate case that the tendency rather is, in many cases, to say, "No, if we apply for part we will have the whole," and they rather fight against specialising any part of their district?—We find there is some disinclination of that kind.

Lord Hylton.

70. In this case of Reigate, where the Rural District Council have practically refused to meet your views or answer your suggestion, many parts of it were thinly populated, and it is a fact that there are parishes of an absolutely rural character, where, I think, the rateable value and population, although it is not more than twenty miles from London, are as small and low as they might be in Westmoreland or Cumberland—places on the North Downs like Chaldon and so on. There are very remote parishes there?—I do not know the district personally, but I quite believe it is so. I suppose the view the District Council take is, "We say we are more or less within the ring of London Suburban districts, and we will have bye-laws ready for the jerry builder if he comes."

71. If he comes 100 years hence or 200 years hence—because I think there is no possibility of his coming at present?—I do not know.

Chairman.

72. Could you make clear to us what the position is at present with regard to this district. So far as I am able to gather, the Order to

Chairman—continued.

make bye-laws has been made, but the Local Government Board has not confirmed the application for bye-laws over this area?—I am not sure whether the bye-laws have been confirmed now.

73. Then who have given way—the Local Government Board or the local authority?—The Local Government Board have not the knowledge of all the localities. We always put it to a rural district council, when they come for bye-laws, that they should consider what bye-laws are suitable.

74. And you throw upon the local authority therefore, the responsibility for taking bye-laws which may be burdensome to the district?—Yes.

Lord Burghclere.

75. The Local Government Board, as I understand, have no power of insisting on a special set of bye-laws being adopted, but have the power of refusing the bye-laws presented by the District Council?—That is so.

76. And that is the position of Reigate?—That is the position of Reigate.

Lord Stanley of Alderley.

77. Suppose when once you have given a district council the power to make bye-laws, you feel you have passed into a state of persuasion rather than an Order, when they submit bye-laws which are within the scope of their powers?—Before issuing an Order we always ask what the reasons of it are, and whether building is developing or likely to develop in the district, and if they say, yes, that is so, then an Order is issued. We cannot hold an inquiry and investigate each case specially.

78. I suppose a rural district does not exhaust its authority of submitting bye-laws of an urban character for a particular part of a district; they can always come afterwards and submit special bye-laws for another part of their district?—Quite so.

79. It is not like exercising Parliamentary power once for all, which exhausts their right?—Not the least. They can alter the bye-laws, amend them, or repeal them.

Lord Hylton.

80. But you cannot alter them when you have sanctioned them?—No.

81. If the Board had reason to think afterwards that perhaps it had been a little misled by the district council as to the character of the neighbourhood, and so on, once you have sanctioned these bye-laws you have no power to alter them?—We have no power to alter them.

Chairman.

82. You have power to alter them with their consent?—They can alter them with our consent.

Lord Burghclere.

83. Have you any power to cancel the bye-laws after you have once confirmed them?—No power.

84. I

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[Continued.]

Lord Kenyon.

84. I take it you only make suggestions?—If an individual writes up and says the bye-laws are oppressive, we should write to the local authority and ask them to consider the matter. They have power to alter them of course.

Chairman.

85. Have many Orders been issued putting the section into force which confers upon the rural districts the powers of urban districts?—Yes, a good many. I could not give the exact number, because, if I made the inquiry, I should find that a good many were in respect of the same districts, and the districts had been altered, and so on, but some hundreds have been issued.

86. Do the Local Government Board make inquiry before giving these powers?—Yes. They make inquiry whether building operations are in progress or likely to develop shortly, and if the local authorities say they are, they give them the powers.

87. Is that an inquiry made after notice in the district?—No, it is an inquiry by letter.

88. From the applicants?—Yes, the application, practically in all cases, comes from the rural district council.

89. Did the Public Health Act, 1890, make any alteration in this matter?—Yes. Up to 1890 a rural district council could not make any bye-laws without getting an Order, but now under the Act of 1890, Section 23, Sub-section (3), a rural district council is allowed without the intervention of the Local Government Board, by adopting the provisions of Part 3 of that Act so far as they are applicable to rural districts, to get the power to make bye-laws for certain purposes connected with new buildings.

90. Are the certain purposes prescribed?—Yes, they are not the full powers of an urban district council. These are the subjects upon which every rural district council which adopts this Act may make bye-laws:—1. The structure of walls and foundations of new buildings for purposes of health. 2. The structure of floors. 3. The height of rooms to be used for human habitation. 4. The keeping of water-closets supplied with sufficient water for flushing. 5. The sufficiency of the space about buildings to secure free circulation of air and the ventilation and drainage of buildings. 6. Water-closets, earth closets, privies, cesspools, and ashpits in connection with buildings. 7. The closing of buildings or parts of buildings unfit for human habitation and the prohibition of their use for human habitation. 8. The submission of plans and notices.

91. Are these set out in the Act?—Not exactly; I have picked them out.

92. That is a comprehensive description of the alterations made?—Yes.

Lord Stanley of Alderley.

93. You have mentioned in detail what you find under head 5. As to the drainage of buildings, would that enable a rural authority to

Lord Stanley of Alderley—continued.

make a bye-law for the drainage of a single farm or a cottage on a comprehensive plan?—No, it only provides that, if a drain is put in, it shall be provided with certain appurtenances; it shall have ventilation and be properly laid in straight lines and so on. It does not enable the local authority to require drainage.

94. Then, if they made a bye-law in respect of drainage of buildings, it would not apply to existing buildings unless they had already some kind of drain?—It would only apply where new drains were put down after the bye-laws came into force.

95. If there was no outbreak of enteric fever in a farmhouse, and they found old drains which were very bad, it would not enable them to require those drains to be reconstructed?—No, there is a statutory enactment in the Public Health Act enabling them to do that, but, if a new drain was put down, it would have to be put down in compliance with the bye-laws.

Chairman.

96. Would it not enable a local authority where there were no drains to order drains to be put down?—No.

Lord Stanley of Alderley.

97. The sanitary officer goes and sees them and requires them to be put straight?—Yes, I think they are always subject to that.

Chairman.

98. Does the process of adoption give the full powers of an urban district?—No, not the full powers. There are some powers which can only be given by an Order of the Local Government Board still.

99. You have more or less stated what those subjects are?—Yes.

100. Do you wish to add anything?—The subjects on which bye-laws cannot be made by a rural district council without an order of the Local Government Board are: 1. Level width and construction of new streets and their sewerage, and the provision in connection with the laying out of new streets of secondary means of access, where necessary, for the purpose of removal of house refuse and other matters. 2. The structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and prevention of fire; the structure of hearths and staircases. 3. The paving of yards and open spaces in connection with dwelling-houses. That is the remainder of the two sections I read, which cannot be adopted by a rural district council.

Lord Stanley of Alderley.

101. Supposing a man was opening up a quarry or some works, and building a row of twenty cottages in a rural parish, unless the Local Government Board gave the power the district council could not insist upon the ashpits and secondary access

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[Continued.]

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access for clearing out those cottages?—The rural district council could by obtaining the necessary powers.

102. And by getting the sanction of the Local Government Board?—And getting bye-laws.

103. But *proprio vigore* it could do nothing?—No.

Chairman.

104. Do I understand that the power still remains of investing a rural district council with the complete powers of an urban district council with regard to these bye-laws?—Yes.

105. What are the subjects on which bye-laws cannot be made by a rural district council without an order of the Local Government Board?—Those are the subjects which I have just given.

106. What is the distinction between the two sections, so far as the control of structural materials is concerned?—Amongst the bye-law-making powers which the rural district council can possess by adopting the Act of 1890, is one dealing with the structure of walls and foundations of new buildings for purposes of health. The power under Section 157 of the Public Health Act is rather wider; it extends to making bye-laws for the construction of walls, foundations, roofs, and chimneys of new buildings for securing stability and prevention of fire, as well as for the purposes of health. Stability and fire prevention are not amongst the things which the rural council can by adoption secure.

107. Have the Local Government Board issued a model series of bye-laws on the subject of new streets and buildings?—Yes.

108. When were these model bye-laws drawn up?—They were originally drawn up after the Act of 1875 was passed. The series was completed in 1877.

109. There has been no revision since 1877?—Yes, they have been revised since 1877.

110. Modified or enlarged?—Modified and enlarged—made rather more flexible and less rigid.

111. Was this model prepared under advice?—It was prepared in the legal department of the Local Government Board and under the advice of the medical and architectural advisers of the Board.

Lord Burghclere.

112. Are there bye-laws specially for the rural districts as well as for urban districts?—There are now. I have copies of the two models here.

Lord Kenyon.

113. This Act proposes to apply to those?—To both urban and rural districts.

Chairman.

114. Was the model submitted to any competent authority outside the Local Government Board?—The series was sent in draft to the Royal Institute of British Architects. They made a few suggestions, and generally they approved the series. I (0.9.)

Chairman—continued.

do not know whether it would be interesting to read one or two passages from the Report of the Committee of the Institute written in 1877. The Local Government Board have been rather attacked sometimes for issuing this series, which is thought to be too stringent, but I find that the Institute of British Architects thought it did not go far enough. They pointed out that there were varying requirements in different districts, and said: "As a remedy for such evils the advantage to be derived from a uniform code of building regulations is strongly urged on all sides, and it is obvious that if such a code be established and recognised by law it should have the fullest range and should not be limited in its scope as proposed to the terms of the Public Health Act by a strict interpretation of its 157th Section. With the exception of this unfortunate limitation, which is greatly to be regretted, your Committee desire to express their high approval of the manner in which the model bye-laws have been drafted." Then they go on to say that they think "All previous legislation, whether of a public or local character, and all their existing bye-laws would be repealed or superseded, and a definite and uniform system would be established throughout the country." Then they say: "It is not desirable that any discretionary power to depart from a literal interpretation of the bye-laws should be vested in any local authority as this would tend to diminish the advantage derived from their general adoption, and might afford opportunity for the exercise of personal influence." That is signed by Sir Charles Barry and Mr. Job Whichcord. It will be seen that they were in favour then of having stringent provisions uniformly throughout the whole country.

Lord Hylton.

115. That has never come about?—No.
116. There are many districts in which there are no bye-laws at all?—Quite so.

Chairman.

117. This Bill we are considering is rather an indication in the opposite direction?—Exactly.

118. Was the intention of the Local Government Board in framing a model series that it should be a guide to local authorities?—Yes, it was intended to show them what they could do under the Act, and to be a sort of guide to get some degree of uniformity; otherwise they would be proposing a number of bye-laws which might be *ultra vires* or illegal.

119. Do you see any evidence that it has effected that object?—I think it has, certainly.

Lord Hylton.

120. How would you make that correspond with the facts of the Reigate case, where you called their attention to the advisability of not adopting a stringent code in the less populous areas, and yet your suggestion seemed to have no effect?—I understand the Lord Chairman was asking whether the fact of having a model helped them

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[Continued.]

Lord Hylton—continued.

them to adopt these clauses. The Reigate people adopted the clauses of the model.

Chairman.

121. Was it not in the direction of getting more or less uniformity throughout?—The Reigate District Council adopted, as I understand more or less, the urban model. We suggested that for parts of the district they might have adopted the rural model.

Lord Hylton.

122. But they did not?—They did not.

Chairman.

123. I think you told us the original model series is now in use?—The original model series, modified and brought up to date, is still in use—that is the one called "New Streets and Buildings No. 4."

124. Is there any shorter model series now in use?—Yes, this model series "4a."

125. Is that limited to any particular councils?—It is made primarily for rural district councils. It deals with not quite all but most of the subjects on which they can make bye-laws.

126. Are the powers less stringent than in urban districts?—They are not so extensive.

Lord Stanley of Alderley.

127. "4a" is for rural districts?—Yes.

128. Do you find in your experience that, as regards the local authorities sending up schemes, there is a tendency to make them more or less stringent than the model bye-laws, so far as there is any tendency at all?—Sometimes one way and sometimes the other.

129. But there is no indication of policy that you can see?—I do not think so. I should think in the urban districts the tendency is rather to make them more stringent.

Chairman.

130. To take more powers?—To take more powers, yes.

131. Do the bye-laws actually made differ very much from the model bye-laws?—They are generally on the lines of the model series. They not infrequently have some new clauses or variations.

132. Is that to meet particular cases or differences in districts?—Yes, for example, sometimes they put in a special clause, if it is a manufacturing district with big chimneys in it, dealing with the construction of those chimneys, or a clause dealing with the floors and staircases in houses built in flats. There is nothing of that kind in the model. Or sometimes where they have a separate system of drainage for sewage and storm water, they will provide that each house, which is built and has drains, shall have separate drains.

133. Does that mean duplicate drains?—Yes.

134. What is the practice of the Local Government Board in dealing with applications for confirmations of bye-laws?—They encourage them

Chairman—continued.

always to send them up on forms like *this (producing the same)* which have a large margin, and direct that they should send up their proposals before they actually make the bye-laws, showing any alterations they want in the margin.

135. But they must send their proposals before the local authority can make them?—No, the section says the local authority make the bye-laws, and they do not come into force before they are confirmed by the Local Government Board, but, as a matter of convenience, we say to the local authority, "You send up your proposals on this form and we will then revise them," and the correspondence takes place on this form. Then when the series is provisionally settled they go through the formal stage of making the bye-laws under their common seal. Then they have to advertise the fact that they have made a series of bye-laws and that they are proposing to apply for confirmation. That advertisement has to be issued a month before they make their application. During that month the bye-laws lie at the district council's office and are open to inspection, and during that month objections are sometimes made to them; but at the end of the month, if they apply to us and no objections have been received, the bye-laws would be confirmed.

136. In the event of objections having been received what happens?—We should communicate with the district council and ask their observations, and they would reply.

137. Would there be any inquiry locally?—There might be a local inquiry if important questions were raised or if the objections were pressed.

138. But the bye-laws are not operative until they have been confirmed?—No.

Lord Zouche.

139. As a matter of fact where objections are made to these bye-laws and a discussion takes place do the Local Government Board ever alter them in conformity with the objections, or are the objections as a matter of fact generally overruled?—The Local Government Board, if they thought there was substance in the objections, would suggest that they should be altered. The alterations would be made by the local authority.

Chairman.

140. Have you any case of that kind where that has been done?—Yes.

141. Then there are cases where, by arrangement, the local authority and the Local Government Board have agreed to modifications?—Yes. There was a series the other day, I remember—I do not think it is finished yet—where some architects in the district objected to some of the bye-laws, and so we suggested that the local authority should have a conference with the architects and discuss the thing.

142. Who has the power to object?—Anybody.

143. Anybody being a ratepayer?—There is nothing about objecting in the Act, but a month is allowed to lapse in which the bye-laws are open to inspection by any ratepayer, so practically anybody might object.

144. Where

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[Continued.]

Lord Burghclere.

144. Where are the provisional bye-laws to be seen?—At the office of the district council.

Lord Hylton.

145. I suppose that is not very well known perhaps. Is care taken that it should be well known to all the people? You do not trouble yourselves, I suppose?—We only see that the statutory provisions are observed.

Chairman.

146. I thought you said they had to be advertised?—Yes.

147. In that advertisement it would be stated that they were open to inspection?—Yes.

Lord Burghclere.

148. Advertised before they are confirmed?—Yes, a month before.

Lord Hylton.

149. In a local paper?—Yes.

Lord Stanley of Alderley.

150. I suppose a person is entitled to get a copy at a moderate charge?—Yes.

Lord Kenyon.

151. All that, I suppose, is under the provisions of one of these Acts?—Under the Public Health Act, 1875.

Chairman.

152. Upon what lines do the Local Government Board proceed in revising draft bye-laws which depart from the model forms?—There are two or three considerations which have to be borne in mind. First, that the bye-laws should be more or less definite in their terms, so that people who are going to build should know what is required of them. For that reason we are accustomed to object to bye-laws in a general form—bye-laws which allow discretionary power to the local authority. For example, there is an old bye-law, which I found which we should object to now-a-days, which says that an ashpit should be constructed of such size and dimensions, and in such manner as may be approved by the local authority. We say that is too indefinite.

Lord Zouche.

153. Supposing you make that objection, and they refuse to adopt that suggestion, what would happen?—We should refuse to confirm it.

Lord Hylton.

154. But the Local Government Board do not appear to do so. It seems rather to give way, because I had a letter from Mr. Long when he was President of the Local Government Board in November, 1902, and he says there the series are

(0.9.)

Lord Hylton—continued.

usually forwarded in draft, and some proposals that are made are ruled out as unreasonable or beyond the powers of the authority?—Yes.

155. That Reigate case I quite accidentally came across in the paper. I suppose it is typical of a good many. There you rather gave us to understand that you thought some of their proposals were unreasonable, but when they insisted on them you assented to them?—This kind of bye-law we should say would be upset in a court of law.

Lord Stanley of Alderley.

156. That is about the size of the ashpits?—Yes, we should say it is uncertain. Then on the question of reasonableness again, if they propose a bye-law which we think is, *ipso facto*, unreasonable we should object to it on the ground that, if it was brought into Court, the Court would probably quash it.

Chairman.

157. You would object and adhere to your objections?—Yes, decline to confirm it.

158. You cannot say the thing is unreasonable if you have passed it a week before somewhere else?—Quite so.

159. It is a question of policy rather than reasonableness?—Yes. Reasonableness is the second point, and the third is whether it is within the terms of the section. They not infrequently make bye-laws which we say are not covered by the words of the section.

160. If there is a difference of opinion in such a case as that, it is rather a legal question?—Yes.

161. What happens then?—We should consult our legal adviser and, if he advised it was not within the section, we should say we were advised that we could not confirm it.

162. Is there anything further you wish to say on that?—Another point is, whether the bye-laws is covered by existing enactments. Sometimes the local authority propose a bye-law and we say this subject is dealt with by a statutory enactment. There is a provision in No. 10 of these model series of bye-laws which prevents a man from building a new building on any site which has been filled up with refuse or impregnated with animal or vegetable matter—from building on a refuse tip. There is a provision in the Public Health Acts (Amendment) Act, 1890, which is more or less to the same effect. Section 25 of that Act says: "It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with faecal, animal, or vegetable matter." So, if the local authority has adopted this Act and that section is in force, we should say you cannot make bye-laws on that subject.

163. You would say they have already the powers?—Yes, the powers exist. They have the same penalties.

164. When a bye-law is made, can it be readily altered?—It can only be altered by a subsequent bye-law which has to be made after the same formalities.

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[Continued.]

Chairman—continued.

165. The new bye-laws in fact must cancel the old?—Yes.

166. That can only be made on the application of the local authority?—Yes.

167. Do you think yourself, from the experience you have had, that a little more elasticity there is desirable?—The local authorities always have the responsibility. I do not quite see how it could be otherwise unless there is to be a power of quashing the bye-law.

168. In the hands of whom?—The Local Government Board or some authority. It would be rather awkward I think to say that the local authority may make the bye-laws and then some other authority may come in and take them away. They have the power of altering them themselves.

Lord Stanley of Alderley.

169. But is your certificate conclusive? May not a person aggrieved challenge them in a Court of Justice and if found to be *ultra vires* they would be quashed?—Certainly.

170. Your action does not give them legislative sanction; it is only so far as you go you pass them?—Quit so.

Lord Kenyon.

171. A person aggrieved cou'd not attack them on the point of reasonableness or want of reason?—Yes.

Lord Stanley of Alderley.

172. He would have to show in a Court of Justice that the thing was unreasonable?—Yes.

Lord Hylton.

173. I suppose you admit that it would not be unreasonable for an Act of Parliament to override a local authority?—Nothing Parliament does is unreasonable!

174. Parliament is above a district council—Yes.

Lord Kenyon.

175. Supposing some person felt he would like to appeal against the operation of some section of this Act, because it affected him he imagined in an unreasonable way, although the district council or the urban council had the power to enforce that, what appeal has he got?—He has got no appeal unless he takes the case into Court and proposes to have the bye-law upset on the ground that it is unreasonable.

176. The whole bye-law would have to be upset?—Yes, the whole bye-law so far as it was regarded as unreasonable. There have been cases. There was a case not very long ago where a bye-law which required brick or stone buildings in a rural district was appealed against and taken into Court, and the Court held that the bye-law could not be upset on the ground of being unreasonable generally, but that it was open to the Court before whom the prosecution for infringement came if they thought that really no harm was done and the

Lord Kenyon—continued.

matter was of a more or less technical kind to dismiss the case under a provision of the Summary Jurisdiction Act.

Lord Burghclere.

177. In confirming by-laws I conclude that the policy of the Local Government Board is in the direction of caution and stringency rather than the reverse, because eventually, of course, if anything happened they might be blamed?—Yes, we try to see that the by-laws are sufficiently stringent to set up good canons of building, and, at the same time, we do our best to see that they shall not be unreasonable. Of course, there will be hard cases always.

Chairman.

178. Do you find many cases where you have to add to the stringency of the provisions made by the local authority?—Not very frequently. We should say that the model upon which they are framed is sufficiently stringent.

179. When the bye-laws are made, what is the method in which they operate?—Section 157 of the Public Health Act—the part I did not read before—goes on to say that they “may further provide for the observance of such bye-laws 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 bye-laws.” All these series contain clauses requiring persons who intend to build to send notice to an authority of their intention, and plans showing the building they propose to erect, and such details as will let the surveyor see whether the bye-laws are complied with or not.

180. In a difference arising between the local authority and a builder as regards the application of a particular bye-law or power, is there any appeal?—No, there is no tribunal to settle the difference between a builder and a local authority. The builder, if he goes on at his own risk, is liable to be proceeded against for an infringement, and then the magistrate will decide whether he is right or wrong.

181. Are the local authorities in these cases usually advised by some professional adviser?—They act on the advice of their surveyor, who is the officer who generally has the plans submitted to him.

182. Is he usually a man who is a technical expert?—Of course there are a good many surveyors who are technical experts, but no doubt there are some who are not.

Lord Kenyon.

183. You do not exercise any supervision over that?—No.

184. Is

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Lord Stanley of Alderley.

184. Is it usual for four or five rural district councils in parts of a county to employ the same surveyor or a separate man for each?—A separate man for each.

185. You do not find a leading man in a county town is employed?—I do not know that is commonly done. It would not be a bad plan if it were done.

Lord Hylton.

186. I think sometimes the surveyors in rural districts are retired farmers, and so on?—There is no control over the appointment of a surveyor, and they may appoint anybody.

Lord Zouche.

187. That is the same surveyor that looks after the roads, I presume?—Not necessarily. Very often it is the same man.

Lord Hylton.

188. And inspector of nuisances too?—He may be inspector of nuisances as well.

Lord Stanley of Alderley.

189. To a certain extent the health officer would have something to say in advising them?—Very likely he would. There is nothing in the Statute which compels them to employ or consult any particular officer, but, as a matter of practice I think, the man they call their surveyor is the man usually employed.

190. And their clerk, I dare say, advises them too?—The clerk, sometimes.

Lord Kenyon.

191. Does it occur to you that any qualification would be a good thing?—No doubt it would be a good thing, but I expect the rural district councils would say, “We cannot afford to pay a highly expert man; we must put up with the best man for the money we can afford to spend.”

Chairman.

192. Do all series of bye-laws contain clauses on these subjects?—Yes.

193. Is the local authority required to approve or disapprove the plans?—Yes. Section 158 of the Public Health Act requires the authority where a notice or plan or description of any work has been laid before them in accordance with the bye-law to “signify in writing, within one month their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any bye-law of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.” And then they may recover any expenses they incur in the removal

Chairman—continued.

of any works executed contrary to the bye-laws from the person executing the work or from the person causing it to be executed.

194. Have the local authority any power to waive compliance with their bye-laws in particular cases?—No. It has been decided by the Courts that, in absence of express provisions in the bye-laws authorising a dispensation, they have no power to waive compliance.

Lord Stanley of Alderley.

195. But, as a matter of fact, if they do not enforce their own bye-laws, is there any remedy for connivance? Could you proceed by indictment?—I think by mandamus to compel them to enforce their bye-laws.

Lord Hylton.

196. Is not there a legal decision that any ratepayer may require them to enforce them?—Yes, I imagine his method of procedure would be by mandamus.

Chairman.

197. Is it to be understood then that all bye-laws are universally enforced?—The Local Government Board have not to do with the enforcement of the bye-laws when they are once confirmed; that is outside the purview of the Local Government Board; but we, from letters we receive, know that they are not altogether enforced.

198. Complaints are made sometimes?—Complaints are made sometimes that the bye-laws are not enforced, and someone who is aggrieved complains.

Lord Hylton.

199. One man who had a bye-law enforced against him, I suppose, might complain that it was not enforced against his neighbour, or such a case as that?—Yes, I have heard of such cases.

Chairman.

200. Would you say that want of elasticity in the bye-laws has led to any difficulty as far as you know?—Yes, I have no doubt the Committee will hear from the promoters of the Bill that it has led to difficulties. How frequent those difficulties are it is rather difficult to say. The Local Government Board do not have to deal with these cases and so we cannot say how many there are, but we do hear of them.

201. Elasticity would rather tend against uniformity?—Yes. Elasticity may be in several ways. You might have elasticity by having bye-laws of the kind I mentioned before, where the houses are to be built subject to the approval of the authority, or you could have a power given to the local authority to dispense with bye-laws in particular cases.

202. That would be somewhat dangerous?—I think it would and it would open the door to a good deal of dissatisfaction.

203. Possibly

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[Continued.]

Chairman—continued.

203. Possibly favouritism?—Possibly favouritism. There certainly would be allegations of favouritism.

Lord Hylton.

204. Or you might have elasticity like this Bill suggests; in the case of isolated buildings at a distance from others, with no danger of fire and so on, they should be exempt?—Yes, no doubt that would be another alternative.

Chairman.

205. But that would be really more a prescribed elasticity than one which depended upon the discretion of a local authority?—If would be a particular relaxation rather than a general elasticity.

206. Applicable to all?—Yes.

207. Do you think bye-laws do create any hardships. Have you any knowledge of that?—Judging from the official correspondence I think that the chief grievance which individuals have against the bye-laws is against those which require walls to be built of brick or stone or some other non-combustible material. Sometimes we hear of people having a difficulty in complying with the provisions about open spaces.

208. Do you have compliants that it adds to the cost and makes it difficult to provide dwellings which can be afforded by the inhabitants?—Yes, that allegation is made. I really do not know and have never been able to find out what exactly is the difference in cost. A wooden house is cheaper to build to begin with, probably, but perhaps not so very much cheaper than brick and stone where brick and stone is fairly cheap, but no doubt it costs more to keep up, so what the difference is in the long run, it is rather difficult to say.

Lord Hylton.

209. You say, where brick and stone is fairly cheap. Take the case of cottages for working people: It is well-known they can only pay a small rent. Would not you be inclined to say that nowadays cottage building in brick and stone was not fairly cheap?—I am aware that the price has gone up.

210. It has risen a good deal?—It has risen a good deal, but I noticed the other day an extract from the Report of the Medical Officer of Health of the Guildford Rural District in which he says that in his district there were fourteen parishes without any bye-laws, and four parishes with bye-laws. He says that in all but four of the parishes of the district, builders are at liberty to put up cottages of wood and other materials other than brick, as they please, but no one has yet done so.

Chairman.

211. That is to say, in the districts where they might have adopted wood, they had not done so?—Yes. So I think, that if wooden houses were conspicuously cheaper and equally good, they would be built.

Chairman—continued.

212. A good deal depends upon the carriage and cost of material?—A great deal.

Lord Hylton.

213. Is that Guildford officer the same medical officer of health who reported that in the non-bye-law districts, cottages could be built so as to pay a rent of sixpence a week less than in the parishes where the bye-laws were?—I think that must be the same man.

214. The Medical Officer of Health of the Guildford Rural District Council?—Yes.

215. Have you a full account of his speech there?—No, only an extract.

216. He worked out that owing to the requirements of the bye-laws in the bye-law parishes, the rents were 6d. a week dearer for the cottages?—Yes.

Chairman.

217. Have the Local Government Board done anything to meet the grievance, if there is any of the bye-laws?—This series for rural districts contains no provisions with regard to the structure of walls.

218. Is that what you call stability?—That is stability. This is limited to purposes of health.

219. This is in the rural districts?—Yes, the only provisions in regard to walls or foundations for purposes of health which are included here are the provisions that where the dampness of the site or the nature of the soil renders such precaution necessary the whole of the ground surface shall be covered with a layer of concrete. Also that the walls of every new dwelling-house shall have a damp-course at not less than six inches above the surface of the ground. That would require a man to put footings of brick or stone with a damp-course, and then put his wooden structure upon the top of that; he could not put a wooden house straight on the ground.

220. Have many local authorities adopted relaxing bye-laws of this kind?—About 130 rural district councils have adopted bye-laws of this kind. Besides that, there are thirty-one cases which we have noted of district councils who have adopted exempting bye-laws—have got a more stringent series, but with a clause in it exempting small houses, not more than two together of limited size, from the requirements of brick or stone.

221. Then that gives them a little more elasticity?—Yes.

222. Do you think there is any tendency for a clause of that kind to be inserted in bye-laws that are now applied for?—These clauses have been in use for the last few years, and we frequently try to get the district council to take them. If it is a rural district council and they will not take the rural model series, then we try and get them to take an exemption clause.

223. Does it come within your knowledge to what extent that exemption clause is put into operation?—No, I really could not say.

224. We

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[Continued.]

Chairman—continued.

224. We shall probably hear that from some others who can say?—Yes.

225. I suppose it is mainly in the rural districts that these clauses have been adopted?—Almost all. I think there are six small urban district councils which have adopted such an exemption clause.

226. Generally speaking, is it the case that bye-laws in force in the various districts do not contain clauses of this kind?—That is so. In the great majority of existing bye-laws there are no clauses of that kind.

227. Since it has been made known within the last two years that an exempting clause of this kind might be inserted in the bye-laws, has any case come before your notice where bye-laws, previously passed and confirmed by you, have been sought to have such a clause added to them?—That is so.

228. It would appear, therefore, that, at all events in such cases, the district council thought the clause was a useful one and would not meet a possible grievance?—Yes.

229. It is open to anybody to come to you to ask you to add that?—Yes.

230. And the tendency would be for the Local Government Board to agree?—Certainly.

Lord Kenyon.

231. But it would have to come from the council?—Yes.

Lord Stanley of Alderley.

232. Can an urban council, which has a considerable area of purely rural land—say 1,000 acres or more—within it, have milder bye-laws for that section of their district, or, being an urban council, must they have urban bye-laws right through?—They can have a more stringent code for the town and a less stringent code for the rural area.

233. It can have a milder set of bye-laws for the rural part?—Yes.

Chairman.

234. But they must define it beforehand and it must be stated in the bye-laws themselves?—Yes, and we should say it would have to be a fairly defined area.

Lord Burghclere.

235. If such a provision were put in the bye laws as has been adumbrated by discussion now—and it seems to me to be important—have you any reason to think if the Local Government Board made such a clause necessary for the confirmation of the bye-laws, that there would be any objection in the rural districts?—Some rural districts would object to having it, no doubt. The difficulty always is that a rural district and an urban district are not really districts which are wholly urban or wholly rural. If a rural district were a place where houses were only built isolated, there would not be much difficulty,

Lord Burghclere—continued.

but rural districts are always gradually growing urban.

236. But the clause would provide the consent of the local authority to such an exemption. The exemption would be there on the consent of the local authority and, in these growing districts it is obvious that the local authority would not give their consent, but, in the more rural districts, it would?—The clause, as provided now, does not make its operation dependent upon the consent of the district council, but on the complying with the requirements of the clause as to isolation.

237. The elasticity that we were talking about just now, it seemed to me, might be met in that direction?—It is quite possible.

238. You might say the cases of isolated buildings are exempt from certain provisions of the bye-laws with the consent of the local authority, because, as I understand from you, all local bye-laws are binding upon the local authority and cannot be repealed by the Local Government Board when once passed?—Not repealed, unless by a subsequent bye-law—by going through the same process again.

Chairman.

239. You put it rather higher than that, because you say they have no power to do otherwise than enforce them?—Yes.

Lord Burghclere.

240. But if you, as the Local Government Board, were to say: "Before we confirm these bye-laws we should like to see a clause in which, in regard to isolated buildings, they are exempt from the operation of the bye-laws with the consent of the local authority." That might surely lead somewhat in the direction of this Bill without going so far?—Yes. A clause of that kind would be perfectly legal, I think. I am speaking without knowledge as to whether local authorities would like such a clause.

241. You have no reason to think they would dislike it?—If it was subject to their consent, they would probably not object.

Lord Zouche.

242. A local district authority may adopt bye-laws in some of their parishes comprised in the district and not in others?—Yes.

243. And that is always so?—Yes.

Chairman.

244. And further, they may adopt a more stringent code in one of their districts and a less-stringent one in another?—Yes.

245. May we take it that, in the great majority of districts in England and Wales where bye-laws are enforced, dwelling-houses cannot be built of anything except brick or stone or other incombustible material?—Yes, that is so at the present time. The great majority of bye-laws do not allow any other material but brick or stone or some other incombustible material.

246. Would

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[Continued.]

Chairman—continued.

246. Would an iron frame filled in with earth and plaster be incombustible, in your opinion?—The ordinary corrugated iron building would not.

247. I mean steel frames?—Steel framing has not at present come into this country sufficiently for us to have a clause in our model allowing it, but there is a note in the model.

248. It is coming?—I suppose it is coming.

Lord Stanley of Alderley.

249. Take an old town like Chester, with old timber houses, which cost more than brick and stone, but where for fashion and appearance people build timber houses—in places like Chester, Shrewsbury, and so on?—Yes, I think you will find in the larger model there is a special clause. On page 17 in Clause 14b, there is a special proviso which allows in the case of houses 15 feet from an adjoining building timber framing properly put together and spaces between the timbers filled in with solid brick work or other incombustible material.

250. I see new houses are put up in Chester, quite in the street, keeping up the old character and type?—They may have some particular bye-law in Chester without this fifteen feet exemption.

Lord Burghclere.

251. Timber is only allowed to be put in front of brickwork?—Yes, four and a half inches of brickwork at the back.

252. So it is really a brick house with timber put on in front?—Yes.

Chairman.

253. If this Bill were passed, do you think this condition of things would be altered?—The Bill would allow houses with a certain degree of isolation to be built without any requirements as to the materials of which the walls were composed.

254. Complete isolation as regards the house itself?—Yes, it is to be isolated in accordance with Clause 2: "Any building not being a public building or factory (or which, being a public building or factory, is one storey only in height and is without any gallery), which is situated at a distance from every boundary of the curtilage thereof of not less than fifteen feet, or, if the height of the building measured from the ground base thereof to the spring of the roof exceeds fifteen feet, at a distance from every boundary of the curtilage thereof at least equal to such height, and also at a distance from any other building of not less than thirty feet."

255. That means complete isolation?—Yes, but it allows two houses to be built together, counting as one.

256. This is both in urban and rural districts?—Yes.

Lord Hylton.

257. In the London Building Act, 1894, is there not some similar provision?—I think there is a provision under which the local authority are allowed to permit temporary wooden houses.

Lord Hylton—continued.

There is a little house close by the Ritz Hotel in Piccadilly which I see has been put up—only a temporary building.

Chairman.

258. Have you anything else that occurs to you to add?—I do not think so, my Lord; I do not know whether you wish me to make any comment on the details of the Bill.

259. The drafting of the Bill or as regards the particulars?—As regards the particulars.

260. We shall be glad to have any opinion you wish to express as to any objections or improvements to be effected?—Perhaps I might first say that I think the title would be better if it were "Public Health Acts (Building Bye-laws) Act."

261. That would correspond also with the side notes of the clauses?—Yes.

262. It is intended, I think. In clause 2, for example, the side note is "Exemption of certain buildings from building bye-laws"?—Yes. Then, with regard to the second clause, that is open to the same objection on the ground of its want of elasticity. There may be cases, I think, where this might be found undesirable. I do not know at all what view the local authorities will take of it. I understand the Committee are likely to hear representatives of the local authorities about it, and perhaps it would be as well to leave it and see what they have to say.

263. Shall we have anybody from the Local Government Board, after the case has been made for the promoters of the Bill, and the local authorities have been heard against it?—If your Lordships wish it. Perhaps some representatives of our medical and architectural staffs might state their views.

264. I do not know that it would be a bad thing, if you have any particular points to now state them, because they would have an opportunity of either confirming them or pointing out their defects. As I understand, you say generally, as regards Clause 2, that you think it is rigid and that it applies to everything which comes within this description?—Yes, it clears away by a stroke of the pen a number of bye-laws which have been adopted in various localities with a view to the circumstances of those localities.

265. And, perhaps, with varying stringency?—Yes. Then with regard to bye-laws from which they propose to exempt these buildings, those bye-laws would be bye-laws not with respect to health. For instance, the bye-laws with regard to the structure of walls and foundations which are included in the rural model ought not, I think, to be excluded.

266. You mean the case such as you gave where a damp-course is insisted on on damp ground and so on?—Yes. Then, as to the ventilation of buildings, I think the notice and deposit of plans from which these buildings are to be exempt, should only refer to the particular bye-laws from which they get exemption. That is to say, it is proposed by Clause 4 that all bye-laws with regard to closets, ashpits and cesspools shall apply.

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[Continued.]

Chairman—continued.

apply. The man who is going to build his house ought to send in plans showing that the bye-laws in regard to these matters are complied with.

267. I thought that was the intention?—I believe that is the intention, but I do not think the wording quite carries it out.

Lord Stanley of Alderley.

268. There would not be any great harm in requiring a man to deposit all his plans, although, in fact, the local authority could only take objection to such part of the plans as were not exempt from their interference. He must have his plans drawn up, so why is he prejudiced by depositing them?—He would not be prejudiced. He would be allowed to deposit plans, but I do not think it would be necessary for him to deposit plans showing that the house was to be built of brick and stone, if that was not a necessary requirement.

269. The specification for the builder would include all that?—Very likely.

Chairman.

270. Is there any other point you wish to add?—The words "fire-resisting material," in Sub-Clause 4 of Clause 2, are rather vague. I think they ought to be defined. Then Clause 4 I do not think is really wanted. If the bye-laws from which the building is exempt are defined in Clause 2, the other bye-laws will naturally apply.

271. Therefore, you think it better to omit it, if not wanted?—I think so, or, at any rate, to put it rather that "nothing in this Act shall exempt any building from the operation of any bye-law other than those in respect of which exemption is granted," so as to make the two clauses mutually exclusive.

272. Is there anything in Clause 5 upon which you wish to comment?—Clause 5, I think, will probably be objected to by the local authorities, and I think also it is objectionable from the point of view of the Local Government Board.

273. Is that because it gives the power of appeal to a too limited number?—No, I think it is because it is rather too wide. It allows any five ratepayers to go to the Local Government Board and ask them to hold an inquiry with regard to the operation and effect of any bye-laws, and, after the inquiry, to disallow the bye-laws and direct that any bye-laws specified in the Order shall be substituted for the bye-laws disallowed. That is rather a strong order, I think.

274. You think the penalty of £50 is not sufficient protection against trivial objections?—I think you would very often be able to get five people who would raise the question. The cases which would come before the Local Government Board would be cases where the local authorities refuse to alter their bye-laws. But I think if any clause of this kind is to be included, it might be made to apply to specified bye-laws—that is, that the particular type of bye-laws to which it should apply should be specified.

(O.9.)

Chairman—continued.

275. Do you mean specified in the Act?—Yes. I do not know what the promoters would say as to what bye-laws they have in their mind. So far as bye-laws, with regard to structure are concerned, a man could by isolating his house get exemption under the earlier clauses of the Bill, I am not quite sure which other bye-laws they would wish removed.

Lord Stanley of Alderley.

276. Clause 5 would practically put every local authority in England under the thumb of the Local Government Board?—Yes, I think it may be taken for granted that the local authority would not like that.

277. It would be very easy to find five people in a district—builders and others—to complain of the bye-laws, and so practically to make the Local Government Board masters throughout England?—I think practically it would, and it might overwhelm the Local Government Board with work.

Lord Kenyon.

278. Do you think the procedure would be expensive?—It would involve sending someone down to the locality and holding an inquiry. Of course, the cases would be cases where the district council were not themselves prepared to alter the bye-laws and I can quite imagine the position of the Local Government Board would be rather a peculiar one, because they would be asked to annul bye-laws which they had themselves confirmed in the face of the objection of the district council who had made them.

Lord Zouche.

279. Should you think it an improvement if a greater number than five ratepayers were inserted?—I do not know. You can generally get a number of people to sign a petition without much trouble.

Chairman.

280. Your objection to it is rather in principle?—Yes.

Lord Kenyon.

281. Do you think a reference could be made to any other tribunal?—There is no tribunal in existence at the present time, I think. In London there is a tribunal which deals with cases of this kind.

Chairman.

282. What is that tribunal?—It is a tribunal under the London Building Acts, and it consists of three men who are appointed, one by the Surveyors' Institution, one by the Royal Institute of British Architects, and one by the Home Secretary.

283. Is that under Statute?—Yes, but they sit in London and only deal with London cases.

284. Are they used?—I believe so.

C

285. Does

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[Continued.]

Chairman—continued.

285. Does it operate satisfactorily?—So far as I know. We have officially nothing to do with it at all.

286. Do you think that some little elasticity, or some power of appeal is undesirable? Do you think that Clause 5, for instance, and all that it proposes to do, is quite unnecessary, and that there are no cases where difficulties might be met by some appeal?—No, I do not say at all that there are not cases, but the difficulty I think is to suggest how the appeal shall be made. There are certain to be hard cases, and if hard cases could be dealt with easily by some tribunal, no doubt it would ease matters very much, but the difficulty is what is the tribunal to be.

Lord Kenyon.

287. At present the aggrieved party would have to go to law and take it to a Petty Sessional Court?—Yes.

288. Could not there be some higher court, say Quarter Sessions, which would not mean very expensive procedure?—That of course is possible. I think the Local Government Board are rather looking to this Committee to see if they could suggest something.

Lord Hylton.

289. You used the words "hard cases," and I suppose given that, you, both as an individual and as an important public official, admit that it is right for Parliament to endeavour to alleviate hard cases if possible?—Quite so. I should be very glad if some means could be found for dealing with hard cases. But the natural way of dealing with hard cases, which is to allow the local authority to give a dispensation, is open to danger, no doubt.

Lord Zouche.

290. Have you considered the question of possible appeal to the County Council?—Yes. The County Councils have not all got technical advisers, and there is a certain feeling, particularly on the part of the urban district councils, who do not like to be put under the control of the county council.

Lord Stanley of Alderley.

291. You would have a great opposition supposing you take the great boroughs, just under county boroughs, like Ashton-under-Lyne; they would not like to be taken before the Lancashire County Council if they could help it?—No, they would not like it. There is always a difficulty in that matter.

292. And they are very active in Parliament, too?—Yes.

Chairman.

293. No plan has suggested itself to you by which a tribunal might be constituted for these hard cases?—No.

Lord Stanley of Alderley.

294. Is not a hard case rather the case of a sort of equitable dispensation from an enforcement of bye-laws, whereas Clause 5 would annihilate the bye-law altogether?—It would annihilate the particular bye-law and authorise the Local Government Board to substitute some other bye-law, if they liked, until the district council had made a fresh bye-law.

295. That would be general legislation instead of relief for a particular case?—Quite so. It is quite apart from the relaxation of individual cases.

Chairman.

296. Is the clause open to this objection? Do you think that one group of five ratepayers having appealed, another five ratepayers might try a little later either on that or some other bye-law, and keep you constantly going?—They might do that, of course, but I suppose the sort of case which is contemplated by that clause is that an application would be made in some cases like the case Lord Hylton has mentioned, where a rural district council has got a more or less urban code enforced, and the Local Government Board would be asked to say "Will you replace this urban code by your rural code?" That would present a good deal of difficulty. No doubt there are parts of a district where the building is growing. I suppose in a rural district, where building is developing and a town is springing up, that is the place where a strict code of bye-laws is really more necessary than anywhere else.

Lord Burghclere.

297. Did I understand you to say that there were considerable objections to giving dispensing powers to local authorities on certain specified subjects?—It has not been the practice of the Local Government Board to give dispensation on any of the subjects in those bye-laws. There are occasionally forms of bye-laws in which dispensing powers are given.

298. But do you think there exist reasons which would make it undesirable that dispensing powers should be given to the local authorities, provided those dispensing powers are confined to specified subjects, such as the structural object of this Bill for instance?—I do not think there is any inherent objection to that.

Chairman.

299. Could not that be done under the exempting clause you refer to?—It could be done, but it would not have general application until all the local authorities come up for bye-laws.

300. It would be a general application with regard to a particular district to which it applied?—Yes, but I mean if what Lord Burghclere suggests was done merely by bye-laws, it would be only case by case as the bye-laws came up.

Lord Burghclere.

301. I understand that, but in your mind there is no inherent objection to that—no suspicion that it

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[Continued.]

Lord Burghclere—continued.

it might bring about undesirable results in the cases where such a scheme was adopted?—I do not suppose it would. It is possible to imagine it.

302. Yes, but I should think there is no reason to think it would be undesirable?—No.

Lord Stanley of Alderley.

303. You have a large number of cases now where an authority has powers which it is not bound to exercise. For instance, as to width of streets. A local authority may take power to have streets forty feet wide, but may pass a street thirty-four feet wide?—They have no power to do it. If the bye-law says the streets are to be forty feet wide they could be compelled by mandamus to require that the street should be forty feet wide, but, as a matter of fact, I have no doubt they do allow streets of a less width.

304. Either in an extension of an old street to follow up the line of frontage, or in a back street they treat that as a maximum and pass a street of less width?—That might be done.

305. If it was treated as a maximum with power to diminish in cases where they thought the traffic did not require it and they submitted such a bye-law, you would pass it?—Usually we should not. The practice of the Local Government Board for the last thirty years has been to object to these dispensing powers.

306. But do you see any objection in a small country town if they secure that the main arteries and roads by which the traffic comes should be of a proper width, that little by-streets off that road should be of less width?—I do not see any particular objection from the point of view of traffic, but personally I am rather in favour of having the streets wide when you are laying the streets out.

Chairman.

307. Is not their practice to rather prescribe the minimum than the maximum width of streets?—Yes, the minimum width.

308. Therefore, what is accomplished with regard to main roads is either by general agreement, by compensation or general arrangement amongst themselves?—Yes.

309. You prescribe, as I understand, the minimum width?—Yes.

310. When you say they have no power to depart from their bye-laws in the case you put, if

Chairman—continued.

their bye-laws say their streets should be forty feet wide that really would be the minimum width?—Yes.

Lord Stanley of Alderley.

311. And you could not ask for any more in the most crowded thoroughfares?—Quite so.

Lord Hylton.

312. There are a certain number of cases where the Local Government Board, when applications have been made to them, have rather over-ridden the bye-laws of district councils and allowed houses of materials different to what is specified by the bye-laws?—I do not quite understand.

313. Does not the Local Government Board still exercise in some cases a sort of dispensing power?—No.

314. You say you cannot go behind the bye-laws?—No. We have sometimes had cases where a local authority does want to do something which their bye-laws will not permit, and then we have said, "The only way to do this is to get a bye-law exempting this particular work from the ordinary bye-law."

Chairman.

315. In the event of a district to which bye-laws have not been applied, or made, what would happen?—There would be no provisions.

316. Therefore you would not come in at all?—No.

Lord Stanley of Alderley.

317. You are aware that in London there is a very large power exercised, I think, by the architect of the London County Council in dispensing with strict compliance with the line of building frontage, and things like that?—Yes, that is a statutory power he has.

318. In a large area like that, with a responsible authority, you see no objection to dispensing powers?—No.

319. The objection is in the case of small areas and little local influences?—That is rather the difficulty I think.

The witness is directed to withdraw.

Sir WILLIAM CHANCE, BART., is called in; and Examined as follows:—

Chairman.

320. Are you the Chairman of the Building Bye-laws Reform Association?—Yes.

321. Have you been so since its inception in 1902?—Yes.

322. What has called the association into existence?—It came into existence in this way. I myself was a sufferer under building bye-laws, and about the end of 1901 I and one or two (0.9.)

Chairman—continued.

others held meetings in London at the house of a certain gentleman and we went very carefully through the urban bye-laws of which great complaint was made in rural districts. We had a good many meetings, and finally we were able to draw up a set of bye-laws which we thought would be more suitable for rural districts. But, just at that moment when we had done that, the new rural

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[Continued.]

Chairman—continued.

rural models of the Local Government Board were published. That met us to a very large extent, but still there were various articles, if you will remember, in the papers at that time—in *Country Life* especially, in the *Spectator*, *The Times*, and other papers—and a great many people then gave vent to their complaints against the hardships inflicted upon them by the existing bye-laws. At the end of 1902 we met together and said the only thing was to try and join together and form an association. The association came into being in that way, and in its first annual report, which I believe is before your Lordships, you will find the names of the President, vice-President, and the Council.

323. You are an association for the purpose of trying to get a reform of the law in this respect?—That is so.

324. Is this the first attempt at legislation by means of the introduction of a Bill?—I believe so, so far as our association is concerned.

325. Who is the President of the association?—The Duke of Westminster.

326. Is there a council and officers?—Yes, and vice-Presidents. There is a list in the beginning of the report.

327. I see the name of the President of the Local Government Board among the names of the vice-Presidents?—Yes, he was not President of the Local Government Board at that time.

Lord Kenyon.

328. Is he still vice-President?—He has not resigned.

Chairman.

329. You framed certain bye-laws, or endeavoured to revise them, and the result is the Bill which is now before the Committee?—No, the Bill really was the work of time. We began to meet together as a Council; some of us knew each other very well; others did not know each other very well, and it took a little time to talk over the question to see what was to be done. We did revise the bye-laws, No. IV., for rural districts which is before your Lordships. We found them objectionable in several particulars, and drew up a draft form of bye-laws which we thought preferable. Then we thought it might be possible to get some exemption clause, exempting certain buildings which were isolated from the operation of the bye-laws. But we felt there would be difficulty in doing that, owing to the possible objections of district councils to adopting that exempting clause, so we determined to see if we could not try and draw up a Bill which would relieve a number of these people who now complain from the hardships inflicted by the existing bye-laws. So this Bill came into being.

330. You submitted it, I understand, to Mr. Walter Long who was at that time President of the Local Government Board, and, as the Local Government Board did not see its way to adopting the Bill, you got some other member to take it up?—That was so. I should like to say that Mr. Long

Chairman—continued.

was exceedingly kind to us and extremely sympathetic.

331. You prepared a memorandum in support of the Bill and copies of that, I understand, are with us. In your opinion is there a public necessity for some Bill of this kind to remove the difficulties under which building is carried on at present?—I think it is very difficult to see how those hardships can be removed in any other way than by an Act of Parliament.

332. In your view would it greatly encourage the erection of cottages?—That is my hope and I am almost convinced it would.

333. Do you think it adds to the cost of them at present?—Undoubtedly. May I say on that, that I think it is a great point to secure in the country garden ground immediately around a cottage. I think the Bill would encourage landlords, by freeing them from the clauses of the building bye-laws, not only in the country but perhaps in small towns and villages, to build cottages which would have a certain amount of open space around them, by which the people themselves would be able, instead of going some distance to some allotment ground, to have their own allotments around their own cottages. That is what influenced the promoters of this Bill to a very large extent. They thought it was a thing to be encouraged, and it would be a kind of reward to a landowner, if he wanted to free himself from the restrictive bye-laws, for supplying the necessary land attached to the particular cottage. I should like to say that, at the present time, you often find in a village that there is some small shopman who has made money and has a little capital to invest and who will buy a small amount of ground in that village and will crowd that as full as he possibly can with cottages with just the very minimum of air space that the bye-laws allow. Then the next thing which will happen is that some unfortunate landowner who lives in the neighbourhood will be come down upon to provide allotments for these people. Some very valuable field may be taken which he may not like to lose. I hope that our Bill will do something to prevent that, which I think is a very great evil; not only the crowding of cottages together in a village as is done now but also an adjoining owner of land being punished for the fault of somebody else.

334. I do not see quite how the Bill is going to affect the question of providing allotments?—No, but I mean that this Bill, will, I hope, encourage cottages to be built having a sufficient amount of ground immediately around them.

335. You then go on to set out what you think are reasons for desiring the relief proposed by the Bill. You think there is some injustice inflicted by the enforcement of building regulations regardless of different conditions?—I think that must be common knowledge to everybody who lives in the country. I have suffered myself from it and other people have suffered.

336. Would you give a discretionary power to the local authority?—No, I should not give a discretion, because I think it would open the door

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[Continued.]

Chairman—continued.

door in any local bodies to possible jobbery. I do not think they ought to have a discretion, but still I say it is a very great hardship that these bye-laws, which are hard and fast, should be imposed on anybody, absolutely regardless of what the surroundings may be—open space, land around, or whatever it may be. You are absolutely bound to carry out the bye-laws. If you do not, you are summoned and it is very unpleasant. That was what I was thinking of when I talked about injustice.

337. Would there be some difficulty in drawing a boundary line in the case of urban districts?—Yes, I think there is a great difficulty in drawing a boundary line as it is now. I think Mr. Monro mentioned that it is possible to draw a boundary line, but as it works out practically at the present time, in any rural district it is taken as the parish. One parish adopts the bye-laws and perhaps another does not want them and is relieved. I do not say it could not be done, but there is a great difficulty in drawing a boundary line between a particularly crowded area and the area immediately adjacent, and to say one should be subject to bye-laws and the other should not. I think our Bill will get over that difficulty to a large extent.

338. You speak of sanitary authorities having adopted more than one set of bye-laws?—That is to say one set applicable to the urban portion of their district, and the other to the rural portion?—That is so.

339. You would rather favour that?—I entirely favour that, but at the same time, I must point out that in my union there are certain parishes, subject to what are known as the urban bye-laws—the old bye-laws; another parish, such as Haslemere, has these new model bye-laws; and other parishes have no bye-laws at all. It is almost impossible to see why one parish of my union should be subject to these bye-laws and others not, and *vice versa*.

340. Would not it depend partly upon the population of the districts respectively?—Undoubtedly.

341. Would not you say more stringent bye-laws would be necessary in a thickly populated district in order to secure provisions of health?—In towns I am not against bye-laws at all, and I do think they do want some bye-laws, but you do not want them inflicted on a rural district which is practically country.

342. You think it would be desirable to give the country the same powers as London possesses as to the exemption of certain buildings?—I think so, so far as regards the power to be freed from bye-laws in an isolated area.

343. Have you anything to say with regard to the working of building bye-laws in urban districts?—I cannot speak from my own knowledge, but I have been told that in some cases local authorities have been very hard put to it to build houses for the working classes by the operation of their own bye-laws. I have heard that

Chairman—continued.

Liverpool as a case in point where they have had great difficulties, and Guildford is another case.

344. You mean at a price which would pay?—Yes, that is at a reasonable price.

Lord Hylton.

345. Was there a case at Richmond?—I have no doubt it has happened in other cases.

Lord Stanley of Alderley.

346. You desire to see local authorities building?—No, I do not, but in fact they do.

347. I thought you put it as a grievance that they were hampered in their action in desiring to build?—I am putting it against these hard and fast bye-laws.

Chairman.

348. You are only seeking to illustrate that they found difficulty when they came to put them into operation themselves?—I put it, if they suffer, how much more must other people suffer.

Lord Stanley of Alderley.

349. Not that your amendment would enable them to build?—Not by any means.

Chairman.

350. You had a case of your own I believe?—Yes, and I have photographs here which I think might interest your Lordships. I built my house round a courtyard, and I wanted very much to have what we call an overhang on one side by which, instead of getting what is now a passage, I should have got something more like a gallery. A neighbour of mine, only half a mile from me, was able to proceed with such a projection and I was not, simply because there were no bye-laws in that district and there were in mine. It is very convenient no doubt, not only in cottages but in houses generally, to enlarge your first floor space by building out over a ground floor and you cannot do it unless you do it in stone or brick. You cannot throw out your oak supports and so on and build a frame-work upon them. I am thinking of Chester and so on where it has been done.

Lord Kenyon.

351. You mean in the Rows?—Yes.

Chairman.

352. You can use timber if you put brick in between?—Yes, but there is all the extra expense.

Lord Kenyon.

353. You only wanted oak posts?—I wanted a wooden projection resting on oak projecting beams.

354. You

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[Continued.]

Lord Stanley of Alderley.

354. You feel that the Horse Shoe Cloisters at Windsor would be illegal at the present time?—All those old buildings would be illegal at the present day, because you cannot build them under these bye-laws.

Chairman.

355. Are you a member of a rural district council yourself?—I have been a member of my council now for a very short time. At our meeting last Thursday two most glaring cases of injustice such as I have described came up. In one case a gentleman wanted to build a cottage, but he was utilising some old barns the second storey of which had been used as a carpenters' shop and in other ways. He was going to build with brick and build a really good cottage, but unfortunately this was part of a series of barns for agricultural purposes. The roof of barn on one side of this yard would cover part of the proposed cottage. It came before our committee. They would have liked to give him the relief; they knew what they were going to do was an absolute absurdity. They said, "If you do this you must pull down the barn because you have not sufficient open space at the rear." That particular wall against which the barn rested was a brick wall; there were no windows opening into it; but it had not an open lateral space according to the bye-law along the whole of the back.

356. You felt yourselves as a rural district council hampered by your own bye-laws?—I told them I should bring the case before the Select Committee. Then there was another case—two cases. A builder was building a most delightful house in the village of Bramley. He was told first of all that his windows were not large enough for the rooms. In the country we feel it is a great hardship that bye-laws, intended for towns where there is not sufficient light, should be applied to the country where you are practically open all round. But you have to put a window into a room the size of which depends upon the floor area of the room.

357. Is it not open to your Council to go to the Local Government Board and ask them to modify these bye-laws in the direction which your council might think they should be modified?—I hope they will, and I hope perhaps I may do something to induce them, but they have not done so yet and there will be a great difficulty I apprehend.

Lord Hylton.

358. District councils, I believe, as a rule, do not care to have more to do with the Local Government Board than they can help. They are rather chary of great delays taking place and correspondence. I am told it disgusts the district councils that it takes them sometimes two years to get an answer, and so on?—There is not the least doubt about it, and with regard to what Mr. Monro has said, I know district councils have sent up bye-laws which they think proper for their

Lord Hylton—continued.

districts. The Local Government Board have sent back their model bye-laws and said, "You must have this or nothing." I do not think the spirit of the Local Government Board is quite the same as in the past. I think now they recognise that great hardships have been and are inflicted by the bye-laws, and would be inclined to view an alteration of the bye-laws making them less restrictive more favourably.

Chairman.

359. I think Mr. Monro rather indicated that their modification, where it was suggested, was one giving greater elasticity rather than greater stringency. In the case he illustrated, where they ultimately gave way, it was because the local authority refused to have the bye-laws made more elastic?—I think now the Local Government Board are acting much more, as I consider, reasonably in that way than they did before. I can quite imagine that a case of that kind might happen.

Lord Stanley of Alderley.

360. Is it not the case that, unless you are prepared to accept what I may call a discretion which might be arbitrary, you would have, even in rural districts, to make such minute bye-laws to cover different cases that your authority would feel overwhelmed with the detail. As to the question of the size of windows and size of rooms, a large bedroom in a private house might have a window adequate without working out the floor space. But if you build an institution like Dr. Barnardo's Home, with a great dormitory where you knew children were put in according to the floor space, would you then feel that the size of windows with reference to the size of the room would be necessary?—That may be so.

361. Therefore you either fall back upon some rough-and-ready rule, more or less to cover all, or have a discretion which would lead to wrangling—why should Jones be favoured and not Smith?—Yes. We do not have Barnardo's Homes in the country.

362. But there are institutions built?—Yes, but nowadays I do not think you want bye-laws as to the size of windows. No man is going to build a room without a window. He makes it large enough. I am talking of the country, not of the town. In a town it might be necessary on account of getting sufficient light, but in the country I do not see that you want bye-laws as to the size of windows at all. See how ludicrous it is. You have the size of your window dependent on your floor area. It does not matter how high you build your room or how low. In my own house I have a window which passed somehow or other, and which gives ample light.

363. Still, the use you make of your room will vary the reasonableness of the bye-law. A dormitory in which the floor space is used to the whole extent is very different to a room twenty feet square where only one person sleeps?—Yes, and I object to a bye-law, applying to both those cases, which is hard and fast.

364. All

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[Continued.]

Chairman.

364. All this leads you strongly to say that the powers contained in Clause 5 should be conferred on the Local Government Board. You have heard the Local Government Board, through Mr. Monro say that they are a little doubtful of the advantage which that would be?—Yes.

365. Does that modify your view at all?—No. I do not think it does. I think Clause 5 is a most excellent clause and is very much wanted.

366. Even though the Local Government Board were overwhelmed with work?—Yes, I think they must undertake it if they choose to have these bye-laws.

Lord Kenyon.

367. Have you any alternative suggestion: supposing the Local Government Board refused, or rather were disinclined to take this?—No, I suppose we must try for it.

368. You have no alternative?—I do not think so.

369. Such as the tribunal that we heard sits in London?—Possibly, if it were a tribunal of appeal it would be very satisfactory, but I do not think myself a tribunal of appeal is wanted. I think it would not be right to give a local sanitary authority powers to go outside its own bye-laws, but I do think there might possibly be an appeal from them to the bench of magistrates. It has never been tried. The magistrates come from a wide area and many of them have no interest whatever in the question, and I think in that way you would get the necessary relief, with very little expense of any kind, and without setting up a new tribunal.

Lord Stanley of Alderley.

370. Quarter Sessions, not Petty Sessions?—I mean Petty Sessions.

371. That is not a very different area from a rural district council?—A Petty Sessions contains a number of districts.

372. In your county, perhaps, but in many counties they do not?—I am talking of a Petty Sessional county bench of magistrates. Supposing you want to build, as you think, in accordance with the bye-laws, and the local sanitary authority tells you your plans are not in accordance with the bye-laws, in order to bring the point to an issue, you have to defy the bye-laws and build. There is no power now to enable you to go and fight the plans out. It seems to me a very desirable change would be that, after the plans had been submitted and the inspector or surveyor tells you "these plans are not in accordance with the bye-laws," and you say "I think they are," that the issue be fought on that. In order to bring the point of law to a test you actually have to build in defiance of the bye-laws at the risk possibly, if you are not successful of being ordered to pull down. It seems to me that little reform would give a good deal of relief. I do not see why it should not be fought out before a bench of magistrates.

Chairman.

373. Your Bill would not meet that case which you now state unless buildings were one storey high only?—Perhaps I am going a little beyond the Bill. I wanted to bring out the point.

Lord Stanley of Alderley.

374. Instead of a summons and a fine for disobedience you might hold to your notice of determination to build and make the opposing authority go to the magistrates for a sort of injunction to restrain you?—I think so.

Lord Hylton.

375. With regard to Clause 5 do not you think that the fears of Mr. Monro, that the Local Government Board would be overwhelmed with work if Clause 5 were included in the Bill, would prove false, and that what would happen, would be that the district councils, knowing that there was this power in the hands of the ratepayers, would be inclined to be rather more reasonable than they are at present?—I quite agree with that.

376. And that the ratepayers would be given a little more influence, so to speak, or chance of rather more influence in these matters?—I think so.

377. Therefore, although there would be the power of appealing to the Local Government Board, yet the Local Government Board would not be troubled in many instances?—What I feel also is that the ratepayers would not move in the matter antagonistically to the district council, but probably go to the members and talk to them about it. I think very likely the thing would be settled. I know in my own district council we do feel that we, having to adhere to these hard and fast bye-laws, are put in a very difficult position, and it would help us very much if we could, by either appeal to the Bench or using this clause, get some kind of decision on the point. I do not see that necessarily there should be any antagonism between the particular rural district council and the Local Government Board.

Chairman.

378. Do you think your opinions are shared by your colleagues on the council?—I have given the two cases which we had before us last Thursday. We have a Bye-Law's Committee, every member of which said the same thing—"How absurd it is, but we are bound to carry it out; otherwise we shall have one law for one, and another for another; we must have one law for all." I should like to say generally on the bye-laws that the principle of building bye-laws ought to be to protect the man who cannot defend himself, but also relieve the man who can defend himself. I can find my architect and builder, but another man, a poor man, cannot. I think the whole bye-laws have gone outside their proper domain altogether in that way.

379. Do

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[Continued.]

Lord Stanley of Alderley.

379. Do you think your Clause 2, really deals with what you could call properly isolated buildings, which would enable two semi-detached houses in the suburbs of a town to be built with only fifteen feet round each, that is to say about 900 feet of vacant land?—That would depend on the size of the house. You are not thinking of cottages. The length from the base of the house to the wall of the curtilage has to depend on the size of the house.

380. Supposing a 20-foot house, a two storey house, that would be 1,600 feet only?—Yes.

381. It would be nothing appreciable for a garden to a cottage?—But surely anybody building that class of house, which is rather a good class of house, would probably be a man who would like more land.

382. This is not a clause which covers the case of an isolated farm or pair of cottages in the country, but covers the approaches to a town with the usual semi-detached houses along it?—Yes.

383. You are bringing them very close to each other, but that is a matter of detail, you may say, for the Committee. Do not you think the space you allow round is very small?—I do not think so, because you cannot pass through the villages outside London now without seeing rows of houses close to each other without any space, all built of brick, it is true, and also supposed to have proper ventilation. I suppose, if you were laying out a street or anything of that kind and wanted to build cottages, you would much rather see some cottages, whether in pairs or not, with about thirty feet between them. It is thirty feet if you are laying out now—fifteen feet each, that is the minimum.

384. It seems to me to be a very small space to claim that the area should cease to be of the urban type?—Then the question of cost comes in. To those who support the Bill it seems that fifteen feet would be a fair minimum. It is on each side and probably you would carry the garden considerably to the rear.

Chairman.

385. It is only one storey?—Public buildings of one storey, but private buildings and cottages of two storeys—any sized house so long as the distance from the base of the wall to the curtilage is equal to the height from the ground to the eaves.

Lord Zouche.

386. Do you anticipate there will be any difficulty with respect to this Bill in the case of a district altering its nature. Say houses have got exemption by means of this Bill if it passes into law on account of their having space round them, and so forth, and they are in a country district, and the district afterwards changes its nature and becomes an urban district or a town, and houses are gradually building up rather thickly around, then you have these houses which, from their former condition have been exempt from these bye-laws, and you would have the new houses around them probably subject to the bye-laws,

Lord Zouche—continued.

would that occasion difficulty?—I do not see that it should. In fact I think that is one of the reliefs which the Bill gives on account of the spreading out of a town or large village into the country. It is a great relief to build your house isolated. There it is and it is not subject to any bye-laws in the future if the place increased.

387. You do not see any difficulty?—No, I do not see any difficulty. I think it is one of the merits of this Bill to preserve those houses.

388. On Clause 5, would you suggest any alteration as to these five ratepayers. Would you say that they should be ratepayers of any particular amount?—I think £50 and the costs, if you are unsuccessful, is sufficient.

389. You think that would be enough, but of course ratepayers do not necessarily pay rates; it may be anybody? I do not think a man who did not pay rates would like to put his hands in his pockets for £10.

Lord Stanley of Alderley.

390. If a builder were going to fight the local council he would get five labourers to sign, and would say:—"I will stand the £50"?—I do not think they would fight unless it was a good case.

391. But it might be one man's fight?—I have no objection to extending the five to ten if it is thought better to have a larger number.

Lord Digby.

392. Are you aware whether your council have ever considered the matter of applying for any relief or amendment?—They have.

393. They have only considered it, not set in an application?—They have not done so since I have been a member of the district council; but some of the members did move to get them made much less restrictive, and there were a certain number of the members on the district council who objected to it, and they could not carry through their necessary amendments owing to the objections of the majority of the council.

Chairman.

394. Have you anything else to add?—I should like the Committee to understand that I make no attack whatever on district councils or their officials. I believe that in most cases they are simply anxious to carry out for the public good the duties cast upon them, as they believe them, for public health and safety's sake. It is the impossibility, under present conditions, of carrying out these duties in a rational manner which gives rise, in my opinion, to the difficulties indicated. I think they are really a very deserving body of men. I do not want to feel that anything I have said is any reflection on our surveyor, who does his best. I do not think he likes the bye-laws better than any of us, but he has to carry them out.

The witness is directed to withdraw.

After a short adjournment.

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Mr. ALEXANDER ROSE STENNING, is called in; and Examined as follows:—

Chairman.

395. You live at East Grinstead, in Sussex?—Yes.

396. You are a Justice of the Peace for Sussex?—Yes.

397. You are an architect and surveyor, and a member of the council of the Surveyors' Institution?—Yes. My office is 121, Cannon Street. I am also a Fellow of the Royal Institute of British Architects.

398. You have had great experience, therefore, in connection with building and building bye-laws?—Yes.

399. You have specially endeavoured to ascertain the true feeling in reference to building bye-laws in rural and urban districts?—Yes, I have had practice in both.

400. What is the result which you have arrived at in regard to your inquiries. Is there any harm done, do you think?—Yes, harm is done in preventing building very often in consequence of the stringency of the existing bye-laws.

401. Is that due to the increased cost?—Yes, I think so. The difficulty is that urban bye-laws are so applied to rural districts. The East Grinstead district is a large one, and there they have the urban bye-laws applying to entirely rural districts, and great hardships are, no doubt, thrown upon the people in consequence of those very stringent bye-laws. In the same way in less populous districts such as Limsfield, where I have a great deal to do with one large estate, the bye-laws are sometimes very harsh and difficult to deal with. That, again, embraces rural districts. At Chislehurst too.

402. Is that a case where the urban bye-laws are applied to a large district, including what you call the rural district?—Yes, they have only one set of bye-laws.

403. Has the attention of the local authority ever been called to that?—I think so. I have often discussed it with them both at East Grinstead and Godstone.

404. They adhere to the view that it is better?—They do not say that. They say they are obliged to adopt these bye-laws. That is the only way they can do anything. They must take the whole or none. In both those cases the bye-laws were granted before the rural bye-laws of 1904, and they have not changed them.

405. But it is open to them to approach the Local Government Board, and ask to have them modified?—Yes, then came in the difficulty as to the arrangements of the districts—the rural district and the urban district—what district you would elect to have which should have urban powers, and what district you would elect to have rural powers.

406. There is probably no district where you could draw an arbitrary line which would not include a little of both?—I do not think you could. After thinking it over a great deal, I read a paper at the Institution of Surveyors, of which I have

(0.9.)

Chairman—continued.

brought two copies. I tried to put my views there as well as I could, looking upon it as a public man, and also as a professional man.

407. Will you try and make clear to us what are the difficulties in the case to which you have referred. You say that, in this district, urban bye-laws are applied to districts which are, in fact, rural districts?—Yes.

408. You say the difficulty is in drawing a line, even supposing that they were willing to adopt the two sets of bye-laws. What is the difficulty—making them conform with any parish boundaries?—Yes, doing that, and from time to time districts grow up. The urban district extends and the rural districts grow up to the urban, and, therefore, there would be constant changes.

409. But what is the way of meeting that difficulty, because that would go on everywhere?—I agree.

410. Would you be in favour of a discretionary power being given to the local authority?—No, I think it can be done by one code of bye-laws. The three principal things, which I think you will find I mentioned in my paper, are stability, sanitation and prevention of spread of fire. Those apply everywhere. Those are three common objects and having got that I think all districts ought to have exactly the same. Then, if you apply exemptions in the same way as we have in London in the Metropolitan area you exempt buildings where they are a certain distance away from adjoining properties. In the Metropolitan district, for instance, if I am thirty feet away from my neighbour, and eight feet from a street, I can put up a wooden building. It is a thing not very generally known.

Lord Zouche.

411. Under the present Act?—Yes, under the London Building Act, 1894, Section 201 and Sections 10 and 11. Under the Act of 1855 I built a house, but, under the Building Act of 1894, which I had a good deal to do with in Committee, the same exemptions were continued.

Lord Stanley of Alderley.

412. But you cannot put up an iron building without a yearly license?—Yes, if you are thirty feet away from the boundary and eight feet away from the street.

413. The School Board always had to pay for the yearly license for putting up iron buildings?—If you read that section you will see that it is provided, and you can do what you like. I know it, because I erected a wooden house for a Scotchman. He said, "Why should not we build a wooden house?" I said, "I see no reason why we should not." This was done at Grove Park, in the Metropolitan area. Of course, you have to have a large space. I built that house over twenty years ago, and it is standing to-day, and is a perfectly good house.

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414. Those

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Mr. ALEXANDER ROSE STENNING.

[Continued.]

Lord Zouche.

414. Those that are built must have thirty feet at least all round them?—It must be a certain size in one occupation, and distant at the least eight feet from the nearest street, and at least thirty feet from the nearest building and land of any adjoining owner.

Chairman.

415. It must not abut on the street?—No, only eight feet set back. That is very little. It means if you are building a house, for instance in a park, of 100 acres, at the present time you cannot put that building up without going to the district council if they have the urban bye-laws. It is a new building, and according to the bye-laws that is not exempt. If you build a house in an acre of land which is quite isolated you cannot do it without going to the district councils. It really puts the whole of the building, as I think Mr. Justice Grantham once said, entirely under the control of the district council. A landowner cannot do what he likes on his own property.

416. That is the object of all building bye-laws?—To prevent a man doing what he likes on his own property?

Lord Stanley of Alderley.

417. To give the power to the district council?—That is the effect of it—that you cannot do what you like with your own; but really I do not think any good comes from it in that way.

Chairman.

418. I do not quite follow what is in your mind with regard to the application of the power which you say, exists within the Metropolitan area giving a similar power to rural districts?—If I may put it in this way I have prepared a plan to indicate what is intended by the clause. It is fifteen feet each side. I have shown a road thirty feet wide. Very few roads, especially in rural districts, are thirty feet wide. You could, according to the Bill, construct a pair of cottages leaving fifteen feet. Those buildings would be thirty feet away, so there would be no fear of the spread of fire.

Lord Stanley of Alderley.

419. Those are one storey buildings?—Two storey buildings.

420. Then they would have to have more than fifteen feet?—I do not think the Bill goes quite far enough, and I make it two storeys. If you have thirty feet between buildings you prevent spread of fire. That is all you want.

421. You have less, I see, according to the Bill?—You can have fifteen feet up to the eaves and part of a storey in the roofs—fifteen feet or the equivalent.

422. This plan shows less protection to the public than the Bill shows?—Yes, it does really.

423. What if this building were more than fifteen feet high?—Then you would want to be further back from the road.

Lord Stanley of Alderley—continued.

424. The Bill gives greater protection?—Yes. On this plan I have shown a thirty feet road and fifteen feet to the eaves. It gives a very good area all round the house if you have fifteen by fifty feet.

Chairman.

425. What is the advantage there which would be gained by the person building?—He could do what he liked.

426. Would it result in less cost to him?—I think it would.

427. If not what would be the advantage of putting up such dwellings? We are told that they are hindered by reason of the cost, and that the cost is increased by reason of the bye-laws?—I think in many cases it does away with heavy cartage, especially in rural districts, timber being much lighter to cart than stone and brick and much easier to get at. One finds all over the country wooden cottages standing for hundreds of years in a good state of preservation to-day, and in my opinion they made much warmer and better houses than brick.

Lord Stanley of Alderley.

428. Would you build them in the American style, clinker built outside and lined with planks inside?—If you have weather boards overlapping one another, as you should do, and properly prepared and plastered inside.

429. An inner lining of wood?—Plaster it on the inside of the framing. On the outside boarding, and inside lath and plaster. Therefore you get two skins and get an air space which, in my opinion, is valuable both as regards heat and cold.

Chairman.

430. And it would be a non-conductor?—Yes.

431. Are those two cottages of fifteen feet frontage each?—Yes, twenty-four feet deep and a back addition of ten feet—a common type of cottage. This being a rural district and urban bye-laws being applicable, where would you be if a man wanted to build on that boundary?—He would have at once to comply with the urban bye-laws and construct his house of brick; he would buy that land knowing he was under that disability. This land has given up . . . (Explaining the plan.)

Lord Stanley of Alderley.

432. Would you allow a man to utilise his land on the assumption that the next man would again leave fifteen feet vacant?—Yes, certainly.

433. Because you ought really in order to make him safe in the future, to leave thirty feet?—Yes.

434. He has got leave to build his house on the supposition that the house will be thirty feet from the next building, but if he does not own the land beyond he ought to leave thirty feet?—Only fifteen feet.

435. But the obligation in the Bill is that he shall leave thirty feet between him and the next house?

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[Continued.]

Lord Stanley of Alderley—continued.

house?—Yes, that would have to be done here. A practical man would want to give it a little consideration, but with one code of bye-laws applying to all districts this man would buy his land and would say: "I cannot build a wooden house unless I give up fifteen feet of land."

Chairman.

436. If he followed the same plan as this he could do it?—He could do it, and you could get good open space and ventilation all round the building by this plan.

437. If you did save anything in the cost of building there is the cost of additional land?—Yes.

Lord Stanley of Alderley.

438. What is the total depth you show—the only compulsory depth?—Fifty feet by thirty, that is 1,500 feet.

439. About sixteen feet by seventy is the usual size for streets in London?—You can meet all requirements, sixty feet deep, including all the buildings, by fifteen feet.

440. They are usually about seventeen feet?—Plans come before me giving a good deal less. Again, here, supposing you had to build a pair of cottages on an estate where you really wanted them, if these exemptions were in force you could erect those cottages with anything you liked, and not obliged to erect them in brick. If you put them up now, though they may be quite isolated and there is no fear of fire at all, you have still to build them in brick. That is where the hardship comes in.

441. Has thatch become illegal?—Thatch has become illegal. I think Mr. Albert Pell brought that before Mr. Long when we had that deputation to him. He said all the picturesque cottages that used to exist about the country are gradually being swept away, and in one case where he had erected cottages on an estate with a thatched roof he had to take it off and put on slates, before he could get his certificate of occupation. Sometimes you are very hardly hit indeed. I am afraid I am an offender about the question of depositing plans, in an addition to a house. My house was a detached house and I put a small addition on to it. They said, "It is a new building and you must comply with the bye-laws." I said, "It is not a new building." They wanted me to deposit a block plan forty-four feet to the inch showing my neighbours 600 or 700 yards away. It is absurd in a country place to ask that to be done.

Chairman.

442. You are in the position of a passive resister?—I am at the present time; and I have a case on for a client of mine. I say I will conform to the law in every way, but they must not ask me to do anything which is against the law.

443. You have considered the effect of the proposed exemption provided in Clause 2 of the (0.9.)

Chairman—continued.

Bill, and you think that cottages and other houses could be erected which would offer many advantages which, in the case of houses under existing bye-laws, could not afford to be provided?—I do think so.

444. You think small dwellings could be provided at a less cost than now?—I do. I speak as a professional on that point. I have had to consider it.

445. Have you considered the possible effect of Clause 5 which is as to the representation of the rateayers?—I think that would work reasonably. I do not see any objection to it. It would give a number of ratepayers an opportunity of bringing any objections they had to the bye-laws before the Local Government Board as a Court of Appeal. I think there ought to be a Court of Appeal on all matters, and I should like to emphasise that very much.

Lord Stanley of Alderley.

446. It is not quite a Court of Appeal?—A tribunal of appeal.

447. It is new legislation, because it is not an appeal in individual cases; you are proposing to challenge any one or more of the bye-laws by five people?—Yes.

448. It need not be arising out of a *lis pendens* but might simply be on theories?—A man would hardly ride his hobby so hard as that.

449. It is not an appeal. It is a challenge?—It is a challenge.

Lord Digby.

450. What Court do you say there should be?—That is a matter I have not made up my own mind about. I have sometimes thought it ought to be the petty sessions. I do not know how far the county council could be brought in. I have heard some members say they would object to have additional labours put upon their shoulders and they have quite enough to do, but in my opinion the county council would be the proper authority. You would go to the county town. The county council has a competent surveyor, a man of experience, of course, to advise them, and a competent clerk, so that you would get then a proper opinion, or a reasonable opinion given.

Lord Stanley of Alderley.

451. The county council is not yet what I might call a bye-law authority neither for building bye-laws nor sanitary bye-laws?—No.

452. It has not a standing committee dealing with buildings?—That is true.

453. In a municipal corporation or a county borough they have their borough surveyor and officials and a committee familiar with this question, but a county council has not yet had the general administration to educate them in working a thing of that sort?—But on a question of appeal you will have a particular point which you are appealing against, and on which you want common

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[Continued.]

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common sense to come in, and four or five members of a county council coming from another district would be quite able to deal with it.

454. No doubt they would have some practical knowledge?—Yes, and have the assistance behind them of their own county surveyor to whom they might go on a question of construction, for instance.

455. If they had to do that, they would have to learn how to do the work?—Yes.

Chairman.

456. But a considerable town would probably object to having the county council brought in?—Many of these towns have their own authorities, and they could be exempt—towns of a certain population. They do in many cases have their own bye-laws and their own building Acts.

Lord Stanley of Alderley.

457. A town or seaside resort like Southport, for instance, which wanted to attract people would not like, if they had a high standard, that a jerry builder could go to the county and get them to relax the bye-laws?—I do not think that is likely to occur. These are matters of appeal. The effect of having the tribunal of appeal in London has been that it has worked satisfactorily.

458. You have a good body in London, I agree?—Although they had a great deal of work to do when first started they have very little to do now, because they have established that certain things are to be done and people know what their decisions practically are. I do not think there would be many cases of appeal. I think the fact that there is an opportunity of appeal would deter people from fighting.

Chairman.

459. It is the fact as regards London that the Council, of which we have heard, have little work to do?—Yes, I know them very well and have been before them. Our Institution sends one of its members to that body and he was telling me that they have nearly got to that point. There is a little question on now, because of the Bill which is being considered in the other House as to the alteration of that tribunal, and I think cases do not go to them pending this legislation. But that it has given satisfaction by its decisions I know personally.

Lord Stanley of Alderley.

460. Besides this tribunal, has not the architect of the London County Council large powers?—Very large.

461. And there are the district surveyors, who are professional men?—Yes.

462. You have different conditions in London. You have the trained surveyors of the district, and the architect of the County Council, and the Tribunal. You could not have anything like that for the country?—No, and I do not think the

Lord Stanley of Alderley—continued.

same questions would arise. I can quite fancy in my own mind that a code of building bye-laws might be considered which would have very few questions which ought to come to a question of appeal. I would have an appeal in the case of the width of the roads, which has been mentioned. I think there some discretion ought to be allowed. A back street does not want to be of the same width as a main thoroughfare, or one likely to become a main thoroughfare. On that I think an appeal to the county council would be a most excellent matter to go to them for decision. I suggest in my paper that some streets may be twenty or twenty-four feet wide providing there was a building frontage line and the houses did not abut on the fence. You would have the air space by the houses being set back.

463. Also limiting the height of the houses, say to a 45 degree rule?—I should never have less than forty feet between the cottages on each side of the road. Now you have a forty feet road and you can build right up to that frontage. It seems to me—and I have advised several landowners about it—that to make this forty or thirty-six feet road where you are only going to have cottages on one side and no cottages on the other because of the formation of the land is unreasonable, it is a question of looking at the expense.

464. It is cheaper for the local authority to keep up a narrower road if the rest is forecourt?—Yes, you get the air space and everything provided for, and do not have the initial cost of making it nor the cost of maintenance afterwards, and I think that is an item which is very often overlooked.

Chairman.

465. You appear to be in favour of an universal code of bye-laws?—Yes. I do not see any particular distinctions in districts. You want to provide for stability. That applies everywhere, whether you have a brick or a stone wall, and there are certain standard thicknesses.

466. Does that mean you would not have more stringent bye-laws in the case of an urban district than in the case of a rural district?—No, I do not think it is necessary.

Lord Stanley of Alderley.

467. You take the density of the houses on the ground, and not the character of the administration of the local authority?—Yes. Then you want to prevent the spread of fire.

468. You would allow Devonshire House in London to be built of wood because it is isolated, but you would not allow in a village two cottages to be so?—Yes.

469. It is the exact position of one house which makes the difference?—That would be so. It is the congregation of the buildings.

Chairman.

470. You point out that the Local Government Board has no power to recall its bye-laws at present.

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[Continued.]

Chairman—continued.

present. Would you give it power to recall them?—They cannot do it.

471. You think it desirable that they should have the power to recall them?—Yes, that is my point.

Lord Hylton.

472. You want to replace them by more modern suitable bye-laws?—Yes. Take both Limpsfield in the Godstone Union and East Grinstead—two authorities which I have most to do with—one I reside in, and in the other I am developing a very large estate of Mr. Leveson-Gower. I think there they ought to have some bye-laws. They told me they could not get the Local Government Board to assent to any alteration of the urban bye-laws.

473. The unfortunate occupier and owner falls to the ground between the two?—Yes, it is very difficult to get authorities to see it.

Lord Stanley of Alderley.

474. Do you think if the Local Government Board were of opinion on reports made to it that bye-laws were unsuitable for a place, you could get over the difficulty of a purely administrative authority over-riding a local authority by treating it as a Provisional Order, letting it lie on the Table of Parliament so that Parliament should really be the authority?—It might work in that way.

475. Then you could not say to a representative authority you are over-ridden by a Department, but it would be by the House of Commons?—Yes. I think machinery of that sort perhaps might work.

Lord Zouche.

476. You mentioned in your paper, I think, that it should be compulsory on every authority to adopt the bye-laws which should be uniform throughout the country. I suppose you mean there should be a code of laws which would in those variations suit different conditions of things. At the first blush that would rather look like the same kind of bye-laws to an urban and rural district?—Yes, I do say so.

Chairman.

477. You would try to get this elastic power by exemptions?—Yes, make your bye-laws complete. There are three things: stability, prevention of fire, and sanitation.

Lord Stanley of Alderley.

478. Uniformity of conditions, no matter what is the area?—Yes.

Lord Zouche.

479. Providing certain exemptions?—Yes, as regards stability, for instance, and spread of fire, and sanitation, they would be universal throughout. I will combine the rural bye-laws which, I think, generally are reasonable, and to which I see no objection.

Lord Zouche—continued.

480. But those exemptions would be stated in the code?—Exactly as in the London Building Act. Then all buildings a certain distance from neighbours could be built as a man liked. I think you can trust people generally to build substantially. People are not foolish enough to lay out their money unreasonably.

481. As to cost of buildings erected, under these exemptions in wood, the first cost would be less than in brick and stone?—Yes.

482. Would you, or not, require large outlay in repairs as time went on, so that it would ultimately cost more than if you started with a more solid material?—That is a point to be considered, but I think if you can build a cottage which will produce you 6 or 7 per cent. or 7 or 8 per cent. for your money (which is possible if you work with cheaper materials), you have, to a certain extent, or ought to have, some money put on one side to meet those extra repairs. Then, I think, the tendency of to-day is to go faster than three or four hundred years ago, and building to-day is not so good as it used to be. What we have to do in rural districts is to erect buildings for the labourers to live in who can afford to pay a reasonable rent. Then the additional cost of repairs would be spread over a greater number of years.

483. My point was that the yearly rent would come to an end after a time. It might be a profitable thing at first, but if your building is not going to last, the transaction is rather a finite one?—Yes, if that were the case.

Chairman.

484. And unless he is going to pay a rent which is not only to provide a return on the shorter life, but even possibly meet a greater amount of repairs, then a rent has to be charged even higher than in the other case, and, therefore, as regards the expenditure, you do not provide a dwelling at less cost?—I think that would work itself out. I think it would leaven up. I was trying to think how you could apportion it by way of a rental and what return you could get upon it. If you put it that you could build a brick cottage for £200, and I think it would be possible to erect wooden ones for £150, you save 25 per cent. at once of the cost.

485. You do not save anything on the land?—No, not on the land.

486. You spend a little more on the land?—But then, in the country where you can only get £10, £15, or £20 an acre for your land, it is not worth considering whether you have ten cottages or twenty on it.

Lord Zouche.

487. Are you contemplating a double or single cottage?—A double cottage.

488. What sort of cottage?—Each cottage with three bedrooms and a living room. And a kitchen behind with a scullery.

489. Built

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[Continued.]

Lord Zouche—continued.

489. Built entirely of wood?—Yes, except the fireplace and dividing wall. If you build a pair of cottages almost square you get them in with your party wall and your fireplace, and build all round with wood.

490. Have you had experience of such wooden cottages which have been built a fair number of years?—I only mentioned the wooden house which I had to do with myself—that was a considerable house—I think it cost £1,700 altogether—for a gentleman's residence. I have only been lately called in by the present owners to look it over, and there the timbers are as good as when they put in. That is twenty-five years ago, but of course, it has been painted from time to time.

Mr. ELLIOTT DOWNS TILL, is called in; and Examined as follows:—

Chairman.

492. Have you given attention to this question?—I have.

493. Have you found any difficulties under the existing system of bye-laws?—Very great difficulties.

494. You think that the present system of hard and fast regulations involves needless expense, and discourages the erection of proper cottages for the rural labourer?—Undoubtedly, in my opinion.

495. You think insistence or one kind of material for the walls and of fixed dimensions is fatal to experiment, and that there is no incentive to discover cheaper methods of construction which would make cottage building remunerative and lower the rent for the rural labourer. Have you had experience of building cottages for rural labourers?—Yes, I have built several, attempting to use wood, and I have been opposed.

496. You have had personal experience of the operation of these bye-laws in 1898. What were you attempting at that time to build in the way of accommodation?—Two wooden bungalows. One in a free parish, and one in my own parish.

497. Were these for the purpose of letting?—Yes.

498. They were objected to?—The one in my own parish, which was under bye-laws, I had to pull down. Appealing to the rural district council, they said they wished to be reasonable, and if I would appeal to the Local Government Board and get some relief they would help me. Therefore, I felt that under the circumstances I could not appeal to the Local Government Board and at the same time be a breaker of the law. I had not finished it, and I pulled it down. I settled all questions of contention and then when I came to the council again to ask them for the adoption of the concession they refused to help me.

499. The parish of Eynsford was a parish in which the bye-laws rule?—Yes.

500. The other was sixteen feet away, but in a parish where bye-laws did not exist—Farningham?—Yes.

Lord Zouche—continued.

In Sussex they have a large number of timber cottages, which have been standing for years and years with weather boarding. They are repaired from time to time.

Lord Stanley of Alderley.

491. In the rural parts of America all the houses and farms are built of wood. Do you know how they wear?—No. You come across barns which have been up for over hundreds of years and there the weather boarding is good and the timber is good.

The witness is directed to withdraw.

Chairman—continued.

501. Were they both rural districts?—Both.

502. Then subsequently you built another bungalow which did not infringe the Local Government Board concession. How did you manage to do that? Was that in the same district?—In the same parish, in the same district; but in the meantime two other rural districts adjoining had adopted the Local Government Board concession which enabled them to build in wood and my building, though it infringed the existing bye-laws in the parish, did not infringe the concession which I knew the Local Government Board were willing to grant to any district that applied for it.

503. Then you were prosecuted by the rural district council, and were mulcted in £15 costs, because you would not demolish a building which according to your view, was perfectly competent for you to erect under a concession which the Local Government Board had made?—Exactly. Showing, I contend, indisposition to yield on the part of a rural district council where they are opposed.

504. Was the rural district council taking action in this particular case in order to maintain consistency in their district. Would this otherwise have been the only exemption from the rule?—Yes.

505. They felt impelled, I suppose, to enforce their own bye-laws?—Yes, so they said, although they had already promised to help me if I appealed to the Local Government Board.

506. You appealed to the Local Government Board?—Yes.

507. Then you think they withdrew from some promise they had made to help you?—Yes, I do.

508. Was there any explanation of that?—No explanation.

509. Subsequently the Local Government Board intervened—in what way?—I think the intervention arose originally through a correspondence in the *Times* to which Lord Hylton, I think, contributed a letter.

510. Was

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Mr. ELLIOTT DOWNS TILL.

[Continued.]

Chairman—continued.

510. Was the intervention on the initiative of the Local Government Board?—I think so.

511. They made a concession to use wood?—They allowed it, I will not say they put pressure on the local authority, but they sent to inquire into the question, and the result was that the rural district council then said they would adopt the concession which they had refused me before. This other bungalow I built to test this question on which this prosecution arose.

512. Could you repeat that now?—I could repeat that now.

513. Because the local authority accepted, or adopted, the concession made by the Local Government Board and modified their bye-laws?—Giving an exemption under certain conditions of isolation which, I say, are excessive, making it a dead letter because it requires so much frontage for a small cottage where land is dear.

Lord Burghclere.

514. Do you say land is dear where this occurred?—Yes.

515. Is that in consequence of the place being in a position to extend, or is it purely a rural district?—The land is held by wealthy people, and being near London they contend they can get a high price for it. The back land, of course, is not so expensive, because it is distant from the station, but near a station the land is dear.

Lord Digby.

516. It depends on the frontage?—Yes. It makes it impossible to build on a road frontage where you have to give an isolation in our case equal to 120 feet for a small cottage.

Lord Stanley of Alderley.

517. The frontage there is too valuable?—Yes, too valuable.

Chairman.

518. Therefore, to use all wood with a condition of that kind attached to it would not enable you to build a cottage cheaper in wood than in any other material?—No, not taking the cost of land into consideration.

519. Would that apply in every case? Would not you expect to have conditions of isolation if you were to be granted these exemptions. Would you think it right to ask for exemptions from bye-laws if there was any danger of infringing the principles of stability, or safety, or sanitary conditions, or fire. Would not you think it necessary that the local authority should insist upon isolation if concessions were to be made as regard the material to be used?—Undoubtedly some isolation, but not an excessive one.

520. You think the area of isolation in this case much too large?—Much too large—it is larger than in the heart of London.

521. Land would not be quite as dear in the country as in London?—No, but I mean you can

Chairman—continued.

build in London thirty feet away from an adjoining building. And we cannot do that in our parish, which is a rural parish.

Lord Hylton.

522. Are you thirty miles from London?—Twenty.

Lord Burghclere.

523. Is it a villa population?—It has a village population of 1,000.

524. A villa population near the station?—Of villa population it has very little—scarcely any.

Lord Hylton.

525. But I dare say there is a difficulty of housing the working class?—Very great difficulty.

526. Many of the old cottages are turned into little "Saturday to Monday" places?—No. The old cottages get pulled down or get bought by a man who wants to improve his house, so gradually the cottages get reduced. Then the people in our village in some cases, although land at the back is only letting for ten or fifteen shillings an acre, are living under worse conditions almost than in a slum in London. Our inducement was to try to provide increased accommodation, which we have done to some extent.

527. Then you found yourself thwarted?—Exactly. Another case I have not mentioned is the purchasing of a row of old wooden houses built, perhaps, 100 years ago, which was condemned because it was unfit for human habitation. I bought those houses, and then attempted to renew them, and attempted to build wooden annexes for wash-houses. I was interrupted there, because they said, if it is not an old foundation you must not build in wood. Eventually they waived that difficulty. But there is great difficulty in initiating any new kind of construction. For instance, I tried to build in concrete, and then I was met at once by the difficulty as to concrete. For a one storey building a very low wall and low roof would have done with four and a half to six inches at the utmost, but I had to put in nine inches of concrete, which was fatal to the experiment as regards the cost. You have to put in 30 to 40 per cent. more material than would be necessary. All this prevents experiment, and it reduces the building which is done in our parish to one dead level—brick with slate roof—and the tendency is to build in terraces which ruins a picturesque place. My contention is that one of the great points against these uniform hard and fast bye-laws is that they are fatal to experiment.

Lord Stanley of Alderley.

528. Did you make a calculation as to the relative cost of building a three bedroom cottage as you would like to build it say a bungalow of timber—or, to satisfy the bye-laws, a bungalow

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[Continued.]

Lord Stanley of Alderley—continued.

of brick and slate?—Not a very exact one. Those two instances I gave were begun on a £100 basis.

529. Did they have three bedrooms?—Three bedrooms, but I admit we had to improve them to some extent, so that it increased the cost.

530. You did not get out a calculation to see if you could get the same cubic accommodation for any relative reduction of price?—I did not. The great difficulty is to provide a labourer with a cottage at what I call a reasonable rent. There is no doubt it cannot be done to pay—not to get what Mr. Stenning said, that is 5, or 6, or 7 per cent. It is a very great hardship on the labourer. I built those cottages in wood, but since then I have built some under the bye-laws. The bye-law building will cost at least 30 to 40 per cent. more, and you have to charge a proportionate rent. It is true that in the end brick is more substantial and does not require so much repair. But it is with the present difficulty you have to deal.

531. Leaving out the future generation?—I am not thinking of the future. Your Lordship might afford a Turkey carpet, and another man furnishing has to be content with a very much cheaper one, and one which will not last. To a certain extent I think that ought to be considered in house building. You have to provide for the present, and you cannot do it under the bye-laws at a reasonable rent.

Lord Kenyon.

532. Have you considered whether it would be possible to make regulations which would allow for experiment in ornamental building without allowing jerry-building?—I think by the exemption of certain buildings with proper isolation.

533. Jerry-building may be isolated?—I do not think a jerry-builder would attempt to build that kind of thing. You discourage the people who want to provide housing for the labourer.

Chairman.

534. But if it is cheaper to build in that form would not the jerry-builder be apt to adopt it?—I do not think so.

535. I thought cheapness was the principal inducement?—Yes, but it would not induce him

Mr. ARTHUR HUGH CLOUGH, is called in; and Examined as follows:—

Chairman.

544. You are a landowner, and you own land in eleven parishes in Wiltshire, Hampshire, Oxfordshire, Sussex, and Hertfordshire?—Yes.

545. You have had some experience in building cottages?—I have been building for some time.

546. That means in one district and another, I suppose?—Yes.

547. Are they all within the same building regulations?—I suppose there are eight or nine different regulations—there are some free from regulations, and some under urban bye-laws.

Chairman—continued.

to build and give ground. The jerry-builders' idea is to put the maximum number of buildings on the minimum area.

Lord Stanley of Alderley.

536. Supposing a railway contractor, was making a new railway, and wanted to put up cottage accommodation for his navvies for two or three years. I suppose the natural way would be to do so with corrugated iron or timber buildings?—Undoubtedly.

537. Equally under the bye-laws would he be required to build with brick and slate?—I cannot answer whether exemption would be given in a case like that.

538. Under the Railway Companies Act perhaps?—Railway companies are exempt from bye-laws.

Chairman.

539. It would not be the railway company in that case, but the contractor?—I cannot answer that.

Lord Stanley of Alderley.

540. There must be plenty of cases where there is some temporary work and a man would want temporary accommodation and be glad to put up something which would last for five years, say?—I cannot call to mind any. We have the small pox hospital which was built all in wood.

Lord Burghelere.

541. Are you able to tell us what the average rent of an ordinary labourer's cottage is in your part?—5s., 6s., and in some cases as much as 7s. a week.

542. If you had built these cottages would you have been able to let them at a less rent?—Undoubtedly.

543. Was that your purpose?—Yes, that was my purpose.

The witness is directed to withdraw.

Chairman—continued.

548. You have built thirteen cottages in the borough of Christchurch, Hants?—Yes, that is under urban bye-laws in a street.

549. Then you have built a number of cottages in the parish of Burley in the district of Lyminster, and you are building at the Garden City near Hitchin?—Yes.

550. What does "under the new model rural code" in your proof mean?—The code of 1901.

551. You are a member of two district councils?—Yes.

552. Ycu.

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Mr. ARTHUR HUGH CLOUGH.

[Continued.]

Chairman—continued.

552. You have frequent opportunities of seeing plans submitted to and dealt with by the local surveyor of these councils. Have you had any difficulties upon the district councils of which you are a member?—Yes, I have had long contests with them going on for some years and then I thought it was easier to get elected on them, and I have less difficulty now that I am on them.

Lord Hylton.

553. You move them better from within?—It appears to me that on most councils nobody knows anything about building, and if you state the case personally they will at any rate consider it; otherwise, it may not be considered.

Chairman.

554. Apart from your own personal questions, do you, as members of the district councils see evidence that difficulties do arise with regard to these bye-laws generally. In other words, have other cases come before these district councils since you have been a member of them, in which people have complained of difficulties arising preventing them from building buildings which they otherwise would have done?—They are districts in which there is really not much building. I am really the principal builder in both.

555. Therefore, if any difficulties did arise in those districts, they would be rather likely to arise in your own case?—Yes.

556. You think a sufficient provision of cottages in rural districts will not be secured simply by removing the restrictions of the building bye-laws. What other points do you think are necessary?—I think the introduction of the Code of 1901 will make a considerable difference.

557. It will facilitate matters?—Yes. I am building near Salisbury, in a district where the rural district council, after considering it carefully, decided that the introduction of a code of bye-laws would check building, so they decided not to introduce a code. I find it very much easier to build there; I have built there in wood and in brick, and am now building in chalk. I could not build in chalk in any other district that I have to do with.

558. Would you agree to this view, that if exemptions were to be granted they should be conditioned with additional space as regards the surroundings and isolation?—I quite agree to that.

559. You told us you have had experience of building in these different materials. It would be interesting if you could tell us what your experience is as regards the relative cost. Do you find it is cheaper in all districts to use material other than bricks, or do you find it cheaper to use some materials in one district, and other materials in others?—It varies very much indeed. For example, I am building for an exhibition at the Garden City several cottages: most of them contain brickwork but one is entirely of wood. At the Garden City bricks are exceptionally cheap,

(0.9.)

Chairman—continued.

about half the price I am used to, and it then becomes on the whole cheaper to build in brick.

560. Are the bricks made in the district?—They are made in a factory in the district.

Lord Stanley of Alderley.

561. What is the price there?—About 22s. a thousand.

Chairman.

562. That is on the spot?—At a station close by. Usually, in southern counties I pay 36s.

563. You do find that selection of the material would more or less depend upon what is cheapest in each district?—Certainly.

564. For example, at the Garden City you would not build with wood even if permitted?—I think wood is a thing you can standardise more. You can send a wooden cottage ready-made from a distance, and the buyer will know exactly what he has got to pay; you cannot do that with a brick cottage.

565. You can carry them more easily?—Yes.

566. You would like to emphasise the difficulty of inducing rural district councils to repeal their existing urban bye-laws, and to adopt the new rural model. Is that because of a strong feeling on the part of these district council men that the stringent bye-laws are the best for the district? I think really the chief reason is that they do not like taking the trouble. They only meet once a month, sit for two or three hours, and there is always much more business than they can do. If there is any question of bye-laws, it is put off to a special meeting. It is very difficult to get people to come to a special meeting. The alteration of bye-laws is necessarily a very long and difficult thing; there are so many clauses and so much correspondence with the Local Government Board. One instance is this: I have been pressing the Christchurch Council for about four or five years to alter their bye-laws, and we are still corresponding about it with the Local Government Board. We take about six months to answer a letter. They wrote us a long letter in July, 1905.

567. And it takes you six months to answer it?—It does.

568. Then it is not surprising if it takes the Local Government Board some time to get through their business. You have not succeeded in persuading the council yet?—The change will come some time. The last letter in July was answered in March. They held several special meetings, but at three there was no quorum.

569. That is an easy way of postponing it?—It is a way they like very much.

Lord Kenyon.

570. Do not you ever work without a quorum and get your proceedings confirmed at the next meeting?—You see I am the only member, or the only member but one, who at all wishes for a change.

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571. You

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Mr. ARTHUR HUGH CLOUGH.

[Continued.]

Chairman.

571. You say there are no means of compelling authorities where more stringent bye-laws are in existence, to adopt the 1901 model?—No. I approached another council, the East Grinstead Council, and saw the clerk, and he said to me: "Of course it would be unfair to people who had built cottages under the old model. They have invested their money in an expensive way, and it would induce competition by people who could build more cheaply, and which would be unfair to the capital sunk in cottages."

Lord Stanley of Alderley.

572. Do you think that is a common feeling underlying the objection?—I do not.

573. That is a mere local feeling?—They dislike change. I do not think bye-laws are unpopular with builders, but they are unpopular with landowners, and architects, and small men who wish to build for themselves. I do not think the local builder objects to them much.

Chairman.

574. (Chairman.) You think then that if the proposed Bill passed into law good isolated cottages could be supplied for labourers who, otherwise, would live in rows of houses in streets in the country towns?—I think all these things help. I think the stringency of the bye-laws is an obstruction. I should like to lay stress on the point that the variety of bye-laws makes it impossible to lay down a rule to provide patterns of cottages which would be, on the whole, the cheapest to adopt. What one would wish is that the Board of Agriculture should issue advice as to cost price, showing exactly what cottages could be built for. The constant variety of bye-laws makes that impossible.

575. But you get a variety of cottages according to the district very often?—I should like the Board of Agriculture to issue those patterns of cottages giving every item of price. I, myself, could provide a good four-roomed wooden cottage for about £110. I think one could provide that in almost any district.

576. Exclusive of land?—Exclusive of land.

577. Brick would cost you £130 or £140?—I think a cottage at this exhibition at Garden City could be built for £110 in brick.

Lord Kenyon.

578. Four rooms—two bed-rooms?—Yes.

Lord Digby.

579. In one particular spot—not anywhere?—I was speaking of bricks at 22s. a thousand.

Lord Burghclere.

580. It depends upon the price of the bricks and carriage?—Yes.

Lord Stanley of Alderley.

581. That is cottages with two bed rooms and two living rooms?—Two up and two down, and it includes a closet.

Lord Digby.

582. You are connected with several councils, and, apparently there is not very much enthusiasm in the different councils with which you are connected, with regard to amending these bye-laws?—I do not find any.

Lord Burghclere.

583. Are these districts in which you have built those cottages purely rural districts?—The district in which I have most difficulty is the district of Christchurch, which is bordering on the New Forest, a very wild part, in which a considerable number of people have no houses at all—half-gypsies, who are anxious to have houses, and have none.

584. Are you an employer of labour?—I employ about 150 people.

585. On the land?—In different ways.

586. Are these cottages for rural labourers?—Yes.

587. Entirely agricultural estate labourers?—I am building in Sussex and people turn up from all directions wanting houses. They are of all sorts—a good many are agricultural labourers, and others engaged in the various pursuits of the country, especially building.

588. Could you tell me what is the average price of an agricultural labourer's cottage in this part of the world you are referring to—the rent per week?—It varies extremely. In Christchurch it is in a town.

589. But in the rural district of Christchurch, to which you are referring, in which you say cottages are wanted, could you tell me what the rent per week is of an ordinary agricultural labourer's cottage—the average?—It does depend very much on the man, but sometimes it is as low as 2s. or 2s. 6d., and sometimes as high as 4s. 6d.

590. As regards these cottages, you propose to build for £110 and so on, what did you propose to charge for them. What would you propose to fix the rent at per week for a labourer?—I think about 2s. 9d. would be a paying price.

Lord Kenyon.

591. I think there is an exhibition of cheap cottages to be held?—That is the one I am speaking of, at the Garden City.

Lord Stanley of Alderley.

592. Has that begun yet?—Yes.

593. It is open now?—It is being built and will be opened about the end of July.

Chairman.

594. They have just opened a station there?—Yes.

595. I

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Mr. ARTHUR HUGH CLOUGH.

[Continued.]

Lord Zouche.

595. I think there are several companies of landowners, and so on, formed for the purpose of building cottages and other things in connection with the Government making loans through the Board of Agriculture, and so on. Do you know whether they insist before they lend money upon any particular material being used in cottages?—Yes, I have negotiated on plans approved by the Board of Agriculture. You cannot build in wood. I have raised that point with the Board of Agriculture, but they have not at present agreed to building in wood under any circumstances.

596. Would not that be rather a drawback in your view, because I suppose a great many people who want to build cottages would want to borrow money for it?—I think the Board of Agriculture are willing to change their minds, but want a lead. It is beginning to be recognised that wooden cottages are very satisfactory. I have stayed myself in America in a wooden house 150 years old—older than the Revolution.

Chairman.

597. Do you know whether the insurance companies charge a higher premium in the case of wooden cottages?—I think the difference is 2s. 6d. and 1s. 6d. per £100.

598. Is there anything else you wish to add?—I should like to add that there is considerable difficulty in dividing a district into urban and rural. In one of these districts I have to deal with the Local Government Board have been pressing them, and they found it so extremely difficult to draw the line that they finally gave up the suggestion, although one part is very rural, and one part is considerably urban.

599. Is the difficulty of drawing the line due to a desire to observe some either natural or

Chairman—continued.

parochial boundaries?—I think there is a general desire to be fair, and it obviously is not fair to say that one side of the road is urban and the other rural. It is a logical difficulty, rather than a practical difficulty, so that practically, although it is desirable, they will not do it.

600. That would point in your view to this, that more or less universal bye-laws with exemptions would meet the case better than distinctions in districts?—It is more possible to get that done, I should think. I might mention that we have been in correspondence with the Local Government Board about the alteration of our bye-laws and they put their foot down firmly on this point and say, if you have any bye-laws about the road you must have a bye-law making the road thirty-six feet wide. We do not mind your having no bye-laws as to roads at all. You may make the whole code under the rural model, but if you say anything about roads they must be not less than thirty-six feet. Practically, all our county roads are far narrower, and a width of twenty feet would be handsome.

601. But that difficulty would be overcome or evaded by not adopting bye-laws as regards roads?—I was rather mentioning that as a way the Local Government Board does raise difficulties in altering bye-laws.

602. It is conceivable that they may think it undesirable to set the precedence of bye-laws which permit of roads of less than thirty-six feet wide?—Of course, that is so; but still the result is that all the obsolete bye-laws remain in force. You must put a thirty-six feet road in extremely wild country districts where there are scarcely any houses.

The witness is directed to withdraw.

Mr. HERBERT ANDREWS POWELL, is called in; and Examined as follows:—

Chairman.

603. You are a resident in Artington parish in the Guildford Rural District and chairman of the Artington Parish Council?—Yes.

604. You are also a member for the parish of Artington on the Guildford Rural District Council, and a member of the Surrey County Council, representing a division comprising Artington and other parishes?—That is so.

605. You appear in support of the Bill, and you think it will obviate the unreasonable restrictions imposed by urban bye-laws on materials and the methods of building?—Yes.

606. Would you limit it to the case of isolated houses?—Houses and cottages, because the Bill provides only for isolated houses.

607. You think timber framing and plaster, weather-tiling on timber and plaster, might be permitted?—Undoubtedly. They are not permitted under the present bye-laws in force in the parish of Artington.

608. In the case of cottages the Bill will afford (0.9)

Chairman—continued.

relief from similar restrictions and restrictions respecting dimensions of rooms. Does all that point to a less cost?—I do not want to say much about cost in my evidence, because other witnesses before you are very much better advocates than I am, but I want to press very much a different point of view to that which has been put before you so much, so far—that is the point of view of landowners and estate owners who do not care much what their cottages cost, but are very particular as to the traditional methods of building on their own estates. I quote my own parish as representing that.

609. As representing what one might call the fashion of the district that they observe?—To follow the particular tradition of the district, and of themselves and their families. Of course, cost comes in to a certain extent, because a cottage built with a light superstructure of timber framing and plaster, or weather-tiling on timber, is less expensive than a cottage, the whole superstructure of which is of brick, as insisted on by the bye-laws.

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610. Have

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Mr. HERBERT ANDREWS POWELL.

[Continued.]

Chairman—continued.

610. Have you had any personal experience of difficulties under the bye-laws?—I quote one in a district not far from myself. I was a trustee concerned in the building of a large house close to Dorking, just at the edge of the Dorking Urban District. The house was not built in one respect in compliance with the bye-laws. I quote this as a single case of hardship which has come under my observation. The bye-laws required the footings of this house to be half as thick again as the base of the wall where it entered the ground. This is a large house, costing some £15,000, and the walls are very substantial, and at the point of entry into the ground they were actually twenty-two inches thick. They were in fact carried down twenty-two inches thick on to a heavy base of concrete, which extended under the whole of the house. We, and our architect, considered this applied absolutely with the spirit of the bye-laws.

611. Did you know that it did not comply with the letter?—Yes, we knew that.

612. But you persisted?—We persisted. Persistence was the only means we had of carrying our point.

613. Was this discovered after you had done some building?—I fancy we knew in the first instance. I came into the business when it was half built, after the death of the owner. It had been known from the first, and we considered that these walls complied with the spirit of the bye-laws, in that they were absolutely sound and substantial.

614. Therefore you preferred to make the experiment and risk the costs?—Yes. When the house was nearly finished, the Dorking District Council summoned us before the Petty Sessional Bench for an Order that we should comply with the bye-laws, and their surveyor was put into the box, and our counsel asked the surveyor one question: "Is this house as strong as a castle," and their surveyor said, "It is as strong as a castle." The magistrates on hearing his evidence dismissed the case as absurd, and the house was finished. Our only method of complying with the bye-laws at that time would have been to under-pin the whole of the house and go to the expense of a good many hundred pounds, and put in an entirely unnecessary brick footing.

615. With regard to the urban building bye-laws in rural districts, you give cases and show that in a certain parish with a certain acreage and population, of ninety-three houses, sixty-five are cottages?—Yes. The acreage of our parish is 2,385, and the population 427, which gives roughly one inhabitant to six acres. That shows the character of the place.

616. What inference do you draw from that?—Firstly, that we are a parish of an entirely rural character, and that we are under urban bye-laws.

617. And that they are inapplicable to your district?—Yes, and in actual fact I claim they have stopped cottage building in our area, because I am able to show that every since the imposition of the bye-laws, which was as far back as 1885, by the guardians then acting as a sanitary author-

Chairman—continued.

ity, not a single cottage has been erected in the present area of the parish.

618. And the unhoused surplus seek accommodation elsewhere?—That is so. Part of them have to seek accommodation within the borough of Guildford, and those at the other end of the parish have to seek accommodation within or near the borough of Godalming.

619. Not because they get houses cheaper, but because they can only get them there?—Yes, the houses in Guildford are dear and insufficient. The Corporation at present has adopted the Housing Act, and is taking steps to borrow money for the erection of workmen's dwellings. I am sorry to say they were going to apply for £15,000, but have modified their scheme and are applying for about £4,000 now.

620. Is that in order to meet a demand which you contend is created by reason of the stringency of their bye-laws?—It is to meet the demand for cottages, undoubtedly.

621. It would be otherwise provided but for the stringency of their bye-laws?—I think the rural districts, immediately surrounding would be likely to supply a part of that demand if we were not under the stringent urban bye-laws.

622. The cottages that exist, you say, are comfortable and commodious?—Yes, they are admirable.

623. They are largely constructed after the traditional methods of timber and plaster, brick-nogging and weather-tiling?—Yes. They are excellent cottages and have always been kept in a state of good repair; some are 400 years old.

624. You cite those, I presume, to show that it would be possible to build timber cottages which would be permanent and comfortable?—Undoubtedly. I cite them as all being in non-compliance with the present bye-laws in force.

625. Your evidence is chiefly on the effect the bye-laws have on landlords in their capacity of cottage builders. I presume you mean by that a landowner who has to provide cottages for the people about him?—The people on his estate.

626. That hardship would inflict upon him an additional cost?—Partly additional cost and partly friction and expense, and delay in getting plans passed, and the necessity for submitting them to local authorities, and probably long correspondence.

627. In fact, do you say they tend to retard the building of suitable cottages?—I have no doubt they do.

628. You say they resent the obligation to submit plans to the local authorities, but would you think it would be right in such a district that anybody should be allowed to build according to his own sweet will without submitting any plans?—I think our experience has shown in the past that the absence of plans has produced a series of very excellent cottages on all the estates.

629. I agree; but supposing I, as a jerry-builder, should seek to exercise that traditional practice?

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Mr. HERBERT ANDREWS POWELL.

[Continued.]

Chairman—continued.

practice?—I do not think a jerry builder could exercise his power in our district because the land is too expensive and is not for sale.

Lord Stanley of Alderley.

630. But you are proposing an Amendment of the general law applying to all England, and not only to Arcadia?—True; but I distinctly set out to prove the hardship which our own parish under my own eyes has suffered.

Lord Kenyon.

631. You cannot suggest any means which would catch the jerry-builder and yet allow the landowner to build decent cottages?—I think the present Bill would be one method, because it would make it necessary for the jerry-builder to buy a certain amount of land round his cottages.

Chairman.

632. He would not have the privilege of building houses without submitting the plans, even under your bye-laws?—Not without submitting plans of the sanitation, I understand.

Lord Burghclere.

633. You say landowners are prevented from building cottages on their own estates. You are speaking mainly for your own part of the world and not for England in general?—I am speaking for my own part.

634. As to the obligation to submit plans to local authorities, experience having taught them the difficulties that attend getting good plans accepted, are there no representatives of local landowners on your local authorities?—We have a few, but they are in a very great minority.

635. Is there any difficulty in them or their representatives getting upon the local authorities of your district?—I think there would be a difficulty of getting a substantial representation.

Lord Stanley of Alderley.

636. Do you find that they are not listened to and have not much weight?—On the contrary, I think their influence is great.

Lord Kenyon.

637. Are they unwilling to serve?—They are sometimes unwilling and sometimes unable to serve.

Lord Stanley of Alderley.

638. You have some on your councils, and you say they are influential?—Yes. Certainly in the case of my parish, which is owned by two landowners mainly, both of them are distinctly unable to serve. One is Lord Onslow. We have had the medical officers' Report for the Guildford rural district put in by Mr. Monro, I think, in which it was said that in the opinion of the medical

Lord Stanley of Alderley—continued.

officer the fact of there being bye-laws, or no bye-laws, in the various parishes of the district did not affect the building in the district. I very distinctly protest against that.

639. You differ from that?—I differ distinctly. I think the Report is very misleading, and drawn up from insufficient data. I should like, if I may, to cite one parish in our district not under the bye-laws, very similar to our own, which is under the bye-laws—the parish of Shere—including the village of Holmbury St. Mary. The owner of the village, or almost all the village, has in the last seven or eight years built twenty-two new cottages at a cost, exclusive of land, of about £8,500.

Chairman.

640. That is £400 a cottage?—It is. He says, "I have pulled down thirteen which were not fit for living in, and with two exceptions, where the tenant is wholly undesirable, I have put those whose dwellings were destroyed into the new cottages at the old rentals." He adds also that he has added to and repaired six other cottages at a collective cost of £930.

641. Is that in a district where bye-laws do not exist?—They do not exist.

642. Then he seems to spend as much money as he likes?—I wish to put it in as evidence. He does not care how much money he spends. I asked, "What would have been your attitude if you had to submit all your cottage plans to local authorities?" and he said to me on the spot, "I do not think I should have built," and he writes this: "I submit details as to the work done by me in re-cottaging our village and that certainly would not have been undertaken except in a very grudging spirit, and to a comparatively small extent, if I had had interference from the local body, prescribing a particular form of building, or dictating to me in any particular."

Lord Stanley of Alderley.

643. Do you think his cottages would have failed to pass the bye-laws if they existed?—I have no doubt that they infringed the bye-laws in several respects as to materials.

Lord Zouche.

644. Did I understand you to say the local authority are building cottages themselves?—That is in the neighbouring Borough of Guildford who have adopted the Housing Act and are proposing to build cottages themselves.

Chairman.

645. They are seeking powers to borrow money?—Yes.

Lord Burghclere.

646. Would it meet your objections if your local authority were to adopt the model bye-laws for

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Mr. HERBERT ANDREWS POWELL.

[Continued.]

Lord Burghclere—continued.

for rural districts which have been issued by the Local Government Board?—I admit at once that as a code it is a far more favourable code to cottage building than the bye-laws in force at present.

647. But it would not meet entirely your difficulties?—Not entirely. There would be still submission of plans.

The Hon. Sir WILLIAM GRANTHAM is called in; and Examined as follows:—

Chairman.

649. You want to say something about this Bill or to give us some of your experience with regard to building bye-laws?—I think this Bill will be a most useful Bill. Probably, if I had had to draft it I might have made it a little more drastic, but we must be content with what we can get and I think it is a very useful Bill indeed. I should like to take up a question put by a noble Lord on my right with regard to the model bye-laws to show why I think this Bill is so valuable, namely, as to the powers of the Local Government Board on representation and report to disallow bye-laws after confirmation when found unsuitable to the district in respect of which they apply. At the present time, so far as I understand, the Local Government Board feel a great difficulty, almost an impossibility, in altering bye-laws which they have once passed. My view of the model bye-laws is that they are a vast improvement on the old bye-laws, and I think that Mr. Long, or the authorities of the Local Government Board, are entitled to the very greatest credit for having drafted such a set, but strange to say, they are so drafted that they are absolutely inconsistent with their intentions in certain parts, clearly by omissions to strike out words which do not apply at all to the rural districts, but were intended to apply to the urban districts. To show you what I mean, and to emphasise the point, I have with me the ordinary bye-laws made by the rural district of Newport Pagnell—though I might take any of the ordinary country bye-laws, which you will find are urban bye-laws—the old bye-laws; Section 98 of them refers to a house being built in a street.

650. Probably they were adopted before the rural bye-laws were got out?—Yes. Before the model rural bye-laws. Although the old bye-laws are called rural bye-laws they are practically urban bye-laws. I wish to show where the Local Government Board fell into error, probably through not noticing it, and why therefore they ought to have power to amend their bye-laws. This is a similar section to the one you find in all the ordinary bye-laws throughout England at the present time. They are ordering plans to be sent in for building houses in streets and they state that there shall be a block plan which shall be drawn in duplicate to a scale of not less than one inch to every forty-four feet. If you will look at an

Lord Hylton.

648. Did not that medical officer of health mention that there was a difference in the rent of houses built in a district with bye-laws, and the rent of houses built in a district without bye-laws?—Yes; but I think it is entirely a matter of guess work. He mentioned sixpence a week which is a very important sum to the labourer.

The witness is directed to withdraw.

Chairman—continued.

Ordnance Survey map you will quite understand why they say it should be one inch to every forty-four feet. You are there dealing with houses in a town or in a street and you have only on your plans a very small space for each house and you must draw everything very fine—a quarter of an inch may indicate a house or building, but when you are dealing with houses in the country you do not want anything so small, and in the model bye-laws they have stated that your plan, other than the block plan, is to be sent in of one inch to every eight feet, instead of forty-four feet. Your block plan for a cottage is therefore about half an inch long by a quarter of an inch wide, yet that is what these model bye-laws deliberately insist on your doing. It is quite evident, of course, that that ought to have been struck out, but the Local Government Board seem to think that they have no power to amend it. Therefore you must send in this absurd plan according to these bye-laws before even you begin to build your cottage. But to show the absurdity of their requirements about plans in a particular case which was somewhat celebrated last Christmas, it was actually found that I had not complied with the bye-laws because my plans did not show the details of fourteen bye-laws in reference to the building of an ash-pit and an earth closet, neither of which was necessary to be built, the space on which I was to describe those details being only about half an inch by an inch. Yet, the magistrates excused themselves for not dismissing the summons because I had not shown the details of these fourteen bye-laws in that small space. I merely took up the question put by the noble Lord to show why this Bill is so important, in order to give power to withdraw bye-laws if they have been so drawn that they ought to be amended. There are other points too in these bye-laws which will require re-consideration, but I will not refer to them any more, if you have appreciated the point why it is important there should be power to reconsider bye-laws after they have been passed. With regard to the main principle of this Bill—that is exempting cottages with sufficient space round them—I think, considering in the London bye-laws there is that power, in is extraordinary that it should not be given it country

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Hon. Sir WILLIAM GRANTHAM.

[Continued.]

Chairman—continued.

country districts. I think every local board—certainly the rural district council with which I have had anything to do—will say: “We quite admit there ought to be no bye-laws for the pure country districts generally, but as in a particular part of our rural district we think there are going to be a lot of small cottages put up, we have been obliged to have these bye-laws over the whole area, merely for the purpose of controlling that small district.” If it is necessary to have the bye-laws over the whole area in order to control a very limited area, surely it is very desirable, as power is proposed to be given by this Bill, that you should have power to exempt from these bye-laws cottages and houses which cannot be any danger to, or create any difficulty for, their neighbours. That is one of the most valuable provisions, I think, of the Bill.

651. You know it is not necessary for them to adopt those bye-laws. It is open to them to adopt the rural bye-laws for the less populated districts if they wish to do so?—But I say it is not necessary to have any bye-laws at all in the purely rural districts. In many places they do not want bye-laws for the rural district generally, but only because they think, as I have just said, there is going to be building of a small character in a particular district—perhaps one hundredth part of it. I know it happened to be so in my own district, because the members in the rural district council told me that they did not want bye-laws, but as some of them thought there was going to be building of small houses in a particular part, they were obliged to bring the whole area under bye-laws. If that is so you ought to have every exemption you possibly can. What is proposed by this Bill is something by which by no possibility could anyone be injured, particularly as by this Bill it is proposed to retain all the sanitary clauses with power to see that cottages wherever built are built in a sanitary manner. You must remember that the bye-laws at the present time in most rural districts are not these model bye-laws but the old-fashioned urban district bye-laws. In my judgment in every single district in England the old urban bye-laws, where applied to rural districts, ought compulsorily to be withdrawn. There is not a rural district in England that ought to be governed by the old urban bye-laws.

652. When you say withdrawn, I understand you to mean on application to the Local Government Board there should be power for them to reconsider, and if they should so decide, to modify?—Certainly, and to withdraw them.

653. But not of their own initiative to call back particular bye-laws and alter them at their will?—Well, perhaps not. But I feel so strongly the unsuitability of urban bye-laws for country districts that, in my judgment, in every case they ought to be withdrawn unless the country district has ceased to be a country district by the new buildings which have been completed.

654. I understand you press the point that the Local Government Board themselves say that they cannot alter bye-laws which they have once

Chairman—continued.

sanctioned except on the application of the people to whom their sanction has been given?—I do not think they have power to alter them at present without such application.

Lord Hylton.

655. We had it in evidence from the Local Government Board representative that they had no power?—That is what I believe is the case, and that is why it is so important that powers should be given to them, because the very fact that on their own initiative they produced these model bye-laws, which are absolutely inconsistent with the urban bye-laws, shows that they are alive to the great injury which has resulted from the application of urban bye-laws to these country districts. It is a case of omission. The law was passed in 1875, without anybody realising what was to be the result of it. That is why I am so anxious, if this Bill should pass, to give them power to make any alteration that experience shows should be made.

Lord Burghclere.

656. The Local Government Board has no power to issue bye-laws itself. The initiation and adoption rests with the local authority?—That is so I am not quite sure whether under this Bill this provision I suggest could be incorporated, or not, but I think the present system by which the rural district council can themselves apply for bye-laws without any practical intimation being given to the people of the district, is a very bad one. You will find that in many cases rural bye-laws come into force and not one person in a thousand has the slightest idea of it.

657. I thought they had to be advertised?—Yes, but who reads the advertisements? Not one person in a thousand knows it.

Chairman.

658. How would you make it known?—In a much more public manner than one advertisement—by notices on the church and chapel doors, and longer notice to be given in every parish, and special notice to every parish council in the district.

Lord Stanley of Alderley.

659. More people read the newspapers than go to church?—They do not read advertisements; but if they see a special notice on the church doors, or chapel doors, they see something, and somebody says “have you heard about that,” and in that way it gets known. That is only one way. At the present time I am certain that not one in a thousand knows anything about it.

Lord Zouche.

660. At the present time there is no local notice beyond the advertisement?—As far as I know, none whatever. There is, I think, one advertisement required in a month. Then without any objection being raised (as there is no one really to object) they apply to the Local Government Board and the bye-laws are put in force.

661. Copies

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Hon. Sir WILLIAM GRANTHAM.

[Continued.]

Chairman.

661. Copies of the bye-laws are deposited; but your point is, that though they may be at the local office nobody knows that they are there?—I know in my own instance if it had only been known they would never have been passed for a moment, because members of the district council themselves told me they did not want them at all, but one or two thought it was desirable, because of a certain little spot where they feared small dwellings would be run up, and they became law without anyone knowing anything about it.

Lord Stanley of Alderley.

662. A rural district in the technical sense may be a district having a good many urban areas within it—where houses are congregated in streets. Take the county of Durham, for example: There may be pit villages already existing, or springing up, and a pit village with, perhaps, 1,000 houses would be a very suitable place to come under stringent regulations as to space?—I do not say at all whether any alteration should be made there; it is a matter for the Local Government Board. I am dealing with what we ordinarily speak of as rural districts where you provide cottages for the ordinary labouring man, not of Durham, or any other pit districts, where you have to accommodate a very large number of men in a limited space.

663. But a rural district is practically the old Poor Law area with the urban sanitary districts taken out?—To a certain extent, yes; and yet in most cases urban bye-laws are applied to those rural parts of the old Poor Law area from which the urban parts have been taken out. I know something about these pit villages in Durham, and I suppose they have been built under bye-laws. I should be very sorry to have to live in them.

664. Many of them were built before bye-laws?—Some of them; but a good many not.

665. You cannot, by calling it a rural district, exclude the need for such legislation as is suitable for a district with streets?—I do not at all. Where they have made the mistake in the model bye-laws is in not eliminating in the rural districts where there are no streets that which applies to streets.

666. I am quite sure there could be no rural district in England which has not some place with a street in it?—But the division here would not affect that, because where houses were close together they could not have that exemption.

667. But you are talking of a wider line than the building line?—That gets over that difficulty. Why I think it is so desirable that this proposed alteration should be made is because of the way these bye-laws are originally drawn. The rural councillors are a law unto themselves; there is no appeal. Some of you have often heard the expression that we lawyers, particularly the Judges of the Courts of First Instance, use "Thank God there is a House of Lords." We are subject to appeal and we think it is very much for our benefit that we are. But here there is no appeal at all, though the bye-laws contain most extraordinary

Lord Stanley of Alderley—continued.

and drastic provisions, which have caused an immense deal of wrong. The rural council say, "That house must come down; it is insanitary"; or, "You are not building according to the bye-laws." There is really no appeal, for the officer of the rural district council first intimates that it is wrong in his view, and then all you can do is to appeal to the council, the masters of these officers. Considering they leave everything to their officers, according to my own experience, they naturally confirm what the officer has said. That is very wrong. In my judgment, before the house should be pulled down, or they are able to fine a person, there should be some appeal to some authority who would be able to control these people. My experience is that the county councils of England are one of the best bodies ever instituted. They have not only, as a rule, good men of wide experience, but officers of a different class. Their surveyors are higher class men than the rural district council can afford to pay. I have had experience of appeals to county councils from the rural district councils. There is no expense incurred at all. It is done as well as it is possible to do a thing. In one case a rural council would not do a certain road. The appeal to the county council did not cost anything. They went into the matter thoroughly, and the whole thing was properly arranged. In my little case as to whether or not the plans were sufficient, which again I think ought to have been the subject of appeal to another authority, it cost £600 to fight that question. My own costs were over £300, and the other side have already admitted £200 out of pocket expenses alone, besides a general lawyer's bill, of all of which I have to pay my share. That shows you the difference. I offered to refer the whole question to a surveyor—the proper tribunal, I should have thought. They said, "No, we will go before the magistrates." The magistrates, unfortunately, have amongst their body a good many *ex officio* gentlemen who are chairmen of these very local boards, and I leave it to you to judge whether that is an unprejudiced tribunal.

Chairman.

668. What court of appeal have you in your mind?—The county council. I undertake to say that there would not be half the questions raised if it was known there was an appeal.

Lord Hylton.

669. The power of appeal would not cause appeals, but deter them?—Almost absolutely stop them.

Lord Stanley of Alderley.

670. You consider that under the present law the district council, if they are satisfied that their bye-law means something, have the power to waive its obligations, or is it their legal duty to enforce what they understand to be the bye-law?—They have a legal duty to enforce the bye-law, as they say, but it is not necessary to enforce it as they have done in a great many cases. Might I read the clause in regard to fining before

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before the magistrates, which has led to a great deal of bitterness and illegality, in my mind. It is Section 50, under the head of Penalties, and it says: "Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of five pounds and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the council. Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law." The result is that the magistrates suppose and they are told that they are obliged to inflict some penalty or other, but, as a matter of fact, by the Summary Jurisdiction Act, the magistrates are not bound to inflict any penalty at all, or any punishment at all, in cases which come before them where a technical offence only has been committed. But under this bye-law the magistrates are told, "you must inflict a penalty," and they do because they think they must, and then they also mulct them in costs. The result of it is that the clerks bring people before the magistrates, I think, in a most iniquitous way. To show you what I mean, a clergyman, a neighbour of mine, for the very purpose of building a cottage for the benefit of his district, built it under the management of his land agent. He worked from beginning to end with the approval of the surveyor of the district council, for six months probably, and just at the last, owing to a mere omission, his land agent forgot to apply for the ordinary certificate to occupy. Everything had been done with the approval of the district surveyor throughout, but because he forgot that and the tenant was most anxious to go into the cottage, this clergyman was brought before the magistrates and fined half a crown and costs, and it goes all over the world that a clergyman has been fined for disobeying the law. There was no necessity for it. A simple letter would have remedied the omission. The magistrates ought to have dismissed it; but thought and were told they were bound by this bye-law to fine him. And, as a rule, the person proceeded against has no solicitor to defend him. Take the case of an ordinary builder—and that is why I fought my case as I did—he cannot afford to fight these cases, and rather than fight them he lets the matter go by the board, and is fined whatever the amount may be and costs. It is often a serious thing for him. The result is that they will not face the expense and trouble, and they give up building. That is another reason it is desirable that these bye-laws should be modified and the Local Government Board should have power to modify them. Then with regard to plans; under rural bye-laws they are absolutely useless and not required at all. If you send in your plan and if your plan is in accordance with what they call their bye-laws it does not, in any way, enable you to build contrary to their bye-laws nor ensure your building according to them; (0.9.)

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you must build according to their bye-laws whatever your plans are, and therefore whether you send in a plan or not it does not make any difference. Their surveyor has to look at your building as it goes on, and the plan, however good it is, does not and cannot cover everything in your proposed building. Under the urban bye-laws you have to send in a complete surveyor's plan, giving the whole details of everything, but under the model bye-laws it is admitted it is not necessary to do that, for all they require is a plan indicating generally the character of the house you intend to build according to the bye-laws, which only control the sanitary details of the building. But what is the good of that? Their surveyor looks at the house and not at the plans as it goes on and the result is that there is not the slightest value in those plans. You probably do not want them yourself. These cottages are built without plans. The owners' workmen build them, and it is quite unnecessary to have a plan while it brings in a bone of contention, as in my case, as to whether or not the plan is what is called a proper plan. In my own case they insisted on having a complete plan drawn by a surveyor, notwithstanding that the bye-laws did not entitle them to it, and they refused to look at my plans at all, telling me to have them prepared by a surveyor. I went to the Local Government Board, and they said: "You are not bound to give a complete plan; your plan indicates all that is necessary." Notwithstanding that, the council set themselves above the Local Government Board and said: "It is not a complete plan, and we will not have it. What is the good of a plan unless it is complete?" Then they used the argument that you cannot alter your building as you go on and therefore they must have a plan to see whether or not you are altering it. I said: "That is bad law. Do you mean to say I cannot improve my cottage as I go on?" And they said: "Certainly not," and they quoted a case which apparently confirmed their view, but without knowing it I stated it must be wrong. I said, "Let me look at it." The late Lord Coleridge was one of the judges. On looking at it I found the judges had so held, but in that case nobody had appeared to argue it on behalf of the builder, for, as I said before, parties cannot afford the expense of employing counsel; therefore nobody appeared for the builder, and as the counsel for the local authority said the law was so and so, and there was nobody on the other side to say the contrary, although the magistrates had refused to convict, the judges said: "Yes, the magistrates must convict," though they were quite wrong, for by the Summary Jurisdiction Act magistrates are not bound to convict if the offence is only a technical or a trivial one, but the poor builder not being able to afford the expense of counsel or solicitor to appear for him the wrong judgment was given.

Chairman.

671. A man who built a house without a staircase in it would not have been allowed to alter it, and

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and put one in it?—Not according to their contention. I do not object to these model bye-laws if they are modified in the way I suggested. They are an enormous improvement on the old ones. They give much greater latitude, and allow you to build of any materials you like at your own cost, and I think under them with a little modification every safeguard that ought to be provided for the working man is provided, and, so long as you have not to send in plans before-hand there is sufficient liberty to the person building. A good many things formerly required are I think quite unnecessary and might be cut down very much indeed by the experience which the Local Government Board have had recently. I believe the Local Government Board are very desirous of assisting the public and owners of property in building. When we talk about owners of property this question affects the small builder very much more than it does gentlemen in your position who can afford to build houses, and fight these questions. You should see the letters I have had from all parts of England, from little builders who are the people chiefly suffering from these restrictions. They have a little money, and would like to build a house for themselves and one to let, and if they save a little more money, they would like to build another—the very class of building we want to promote, and the people we want to support. These bye-laws stop them because of their restrictions. They cannot afford to fight these questions, and the result of it is a vast number of houses which otherwise would be built, are not built. So strongly do some local boards feel on this question that there is an instance with which I am very familiar of a very powerful rural district council composed of all the leading men in the district who very properly have stuck to their duty to their county, and deliberately allowed houses to be built in breach of their own bye-laws. They knew their bye-laws would not allow it, but they said: "No; so important is it that houses of this class should be built that we will allow it." They did it. It was quite wrong and quite contrary to law, but they did it because they saw the injustice and injury that was being done to their district. I do not know that I ought to detain you longer. The last part of my suggested evidence has, perhaps, hardly anything to do with this Bill, but I drew my notes of it before I had fully seen the Bill, and I merely put that in as a bit of my experience. I have found cases where a good deal of money goes into a cottage in the shape of wages—much more money than is supposed—where children are earning wages, and where therefore they can afford to pay more for a good cottage than a bad one.

Lord Kenyon.

672. With regard to Clause 5 at the end of the Bill, Mr. Monro said he did not think the Local Government Board would care to undertake the duties thrown upon it by that clause and, in fact, it would very largely add to the work of the Department. Do you think in substitution of that you would suggest an appeal to the county council?—I look on these two matters as quite different:

Lord Kenyon—continued.

power to the Local Government Board to disallow bye-laws, and substitute others is not a question of appeal at all.

673. But is it not possible that some special tribunal might even settle a question as to the applicability of the bye-laws?—Yes, it is possible; but I do not know what better tribunal you could have than the Local Government Board. It seems to me it is their duty. I am sure Mr. Monro will forgive me for saying so, though I know they have plenty of work to do, as most public departments have.

674. They would have to hold an inquiry which would cost a good deal of money?—No.

675. That is what they say?—It would cost a certain amount, probably, but there are local inquiries constantly about various things. This is very much more important than a great many of the local inquiries. You have a local inquiry as to drainage. When this matter was once considered I should think there would be no difficulty. I know many cases where the Rural District Council themselves want to have their bye-laws altered.

676. Why do not they apply? They can now?—Can they substitute others?

677—8. Certainly? Then what is it the Local Government Board are objecting to?

Lord Stanley of Alderley.

679. They object to having to make an inquiry themselves; and they object that any five people should set them in motion; and they object to taking upon themselves the responsibility of over-riding the local authority, and over-ruling bye-laws which they, themselves, have held to be reasonable?—It may be that might require some little modification so that if the inquiry had once been held, it should not be held again. There should not be power to apply to them twice. But it may turn out that what they thought reasonable is not reasonable in the particular district.

Chairman.

680. Is not the real importance of your evidence this—that rural areas should be exempt from obligations which should only be applicable to crowded areas?—It is.

681. And that the law of proper housing, and so forth, should follow the type of area?—Certainly.

682. Therefore, the Bill which you are supporting by this question of isolation, and so forth, does provide an easy way of building in districts where the population does not require a special building. Is not that the essential thing?—Certainly.

683. Whether the district is called rural or urban, the character of the requirements should depend upon the character of the building in a particular part of the district?—Yes; and if you have greater publicity and inquiry in the district before the bye-laws are granted, then I think it would not be necessary to have the fifth clause in the present form.

684. But

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Lord Kenyon.

684. But you want a court of appeal?—Yes, for the alleged offences.

Lord Stanley of Alderley.

685. For that you suggest the county council?—Yes. My experience of the county councils is that they do their work so well.

Lord Hyllton.

686. They have an officer in the county surveyor who would be their technical adviser?—Yes, and as a rule they are very good men—broad-minded—and their work takes them all over the county and they are not so much confined to one district as the rural council's surveyor is.

Lord Zouche.

687. Would the county council have a special committee told off to attend to this matter?—That would be a matter for the county council. But practically that is what they would do, because in the case I spoke of, they summoned a special committee of gentlemen not connected with the immediate district who went down and viewed, and everything was done as well for both sides as it could possibly be done. They viewed the matter locally, and it did not cost sixpence.

Chairman.

688. The Bill as drawn would not give you what you suggest, namely, an appeal to the county council?—No, it would not. It would want a little amendment in that respect.

Lord Stanley of Alderley.

689. I can quite understand an appeal to the county council in what I may call a typical county, but in a populous district, would you think any big towns—mentioning, for instance, Durham, West Hartlepool, or Darlington—would be equally ready to allow their affairs to be taken to the county council in a big borough, not a county borough. You have a different type of people?—I have not that quite before me, because I am dealing with the county council of an ordinary country county. I do not think there will be difficulty, taking the instance you give. The Durham County Council is a very broad-minded county council. I know some of the members of that council are very good men.

690. But there is a strong feeling of self-government in the boroughs?—Yes; these are matters not so much of local jealousy as of whether or not there is an infringement of the bye-laws.

691. If you take Scarborough and the North Riding, the Scarborough people think they can manage their own affairs?—That is very true, but I do not think you would find there is any real objection.

*The witness is directed to withdraw.**Ordered*—That this Committee be adjourned to Monday next, at Eleven o'clock.