

THE POST-WAR PLANNING OF PUBLIC HOUSES WITH PARTICULAR REFERENCE TO THE CITY OF LONDON

For over 400 years, governments have tried to discourage excessive alcoholic drinking mainly by controlling the number and standards of outlets through which drink could be sold. Taxation has also of course been used as a deterrent, besides providing a major source of revenue — no more so than with today's high rate of duty.

Control has largely been organised by a system of licences granted by Justices of the Peace, and this arrangement goes back to 1552, since when the evolution of the law has been governed by two main objectives: (1) to control the amount of drinking, and (2) to protect the public against any monopolistic exploitation that might be associated with the granting of licences.

However between 1830 and 1869 the Justices' powers were partially removed when beer houses could operate merely on payment for an excise licence and without a justices' licence. This relaxation led to a large increase in the number of public houses and in the third quarter of the 19th century, there was great concern at the squalid condition of many houses, the difficulty of effective supervision by the police, and the extent of drunkenness. An Act of 1869 resolved the powers of the Justices and this was followed by a drop in the number of houses throughout the country of some 20% by 1899.

A Royal Commission in 1899 reported that 'a large reduction is to be desired because it would facilitate effective supervision by the police and would diminish competition and improve the status of both the premises and the licensees. This produced a further drop of some 25% throughout the country.

As a result of this further move to reduce the number of on-licences, there was a reduction in the City of London of 130 public houses and beer-houses between 1905 and 1934, the equivalent of a 33% drop.

However in the space of 8 months between 31st December 1942 and 31st August 1943, 96 on-licences were closed in the City of London through enemy action and 6 for other war circumstances.

The desire of Government to regulate the number and nature of on-licences surfaced again when in 1942 Herbert Morrison then Home Secretary set up a Committee to "consider what will be the best means of ensuring when rebuilding is practicable that the provision of public houses in place of those destroyed or damaged by enemy action shall be planned with due regard to local requirements and in harmony with proposals for redevelopment and reconstruction, and that for this

purpose due attention shall be given to questions of reducing and redistributing licences; and in particular to consider how best to co-ordinate the functions exercised by authorities responsible for schemes of reconstruction and development and the functions . . . exercised by the Licensing Justices”.

This Committee, known as the Morris Committee after Mr. John W. Morris, its chairman, reported in February 1944 (Cmd. 6504), and among its recommendations was a suggestion that there should be set up Licensing Planning Committees comprising an equal number of Licensing Justices and representatives of the Local Authority. Licensing Planning Committees would operate in areas of serious war damage and give advice on the replacement, reduction and redistribution of licences in harmony with proposals for reconstruction and redevelopment. The Morris Committee envisaged that the main function of the Licensing Planning Committee would be to secure a proper redistribution of licences by means of a power to remove licences to new sites over a wide field.

This form of removal was called a planning removal, and ultimately the Licensing Planning Committee issued certificates of non-objection to proposed removals, and this became a pre-requisite before application was made to the licensing justices for the actual removal of the licence. On a certificate of non-objection being granted by the Licensing Planning Committee, the Justices were restricted to their being satisfied that the applicant was a fit and proper person to be the holder of a Justices Licence and that the premises were fit and convenient.

The Morris Committee recognised the special position of the City in that account would have to be taken of the great variation between the day-time and the night-time population. Before the war the night-time population was only some ten thousand whereas the day population was at least half a million. The City Licensing authorities stated in evidence that if similar conditions obtained after the war, the pre-war total of licensed accommodation would not be excessive for the needs of the day-time population.

The main recommendations of the Morris Committee were incorporated in the Licensing Planning (Temporary Provisions) Acts 1945 and 1946 consolidated into the Licensing Act 1953, amended in the 1961 Act, and repealed in its entirety except for one section by the 1964 Licensing Act. However there was set up for Inner London in 1945 the County of London Licensing Planning Committee with seven sub-committees including the City of London Licensing Planning Sub-Committee and the licensing planning legislation enacted in 1945 was carried forward in the subsequent Acts.

The Licensing Planning Committee was charged with the duty of

reviewing the circumstances of their area, and to try to secure that the number, nature and distribution of the licensed premises in the area, the accommodation provided in them and the facilities given in them for obtaining food, accorded with local requirements, regard being had in particular to any redevelopment or proposed redevelopment of the area. The Licensing Planning Committee was also given power to consult with interested parties before making recommendations.

In the Administrative County of London a Licensing Planning Committee was duly set up comprising a Chairman appointed by the Secretary of State and 12 members appointed from among their number by the court of quarter sessions for the county and 12 members appointed one each by the councils of the inner London Boroughs. The City of London had special provision as the Secretary of State prescribed members from the licensing justices and members appointed by the Common Council.

The City Sub-Committee first met on 1st January 1949 and during the following 10 years reviewed about two-thirds of the City in great detail, covering in effect that part of the City which had suffered serious war damage. The licence of a public house (or beer or beer and wine house) which was demolished or closed through war damage was put in suspense and when the City Sub-Committee started work in 1949 there were 226 licenses operating and 102 licences in suspense, a total of 328.

For the purposes of reviewing the licensing of the City the Sub-Committee used a formula of 1 licensed house per 1600 of day-time population which at that time was estimated to be 470,000 persons. They also considered that 100 yards was a reasonable maximum distance for a worker to walk to a public house but this has been difficult to achieve for historical reasons and the inability to persuade some developers to incorporate houses within office and other developments.

In the first 10 years some licensed houses had been disposed of for redevelopment, other leases had expired, and by 1959 there were 216 open and trading and 55 in suspense, a total of 271. On the basis of 1 per 1600 day-time population 296 licensed houses would be required, but it was considered that because the state of development was then such as virtually to preclude any increase on those already planned, and also for economic reasons that a total of 260 was more realistic.

The major interested party in the replanning of licensed houses in the City was and still is the Brewery Companies owning the greater part of them and other free traders. Consequently in November 1944 the London Brewers working collectively appointed a Consultant, Mr. J.P. Rhys, FRICS, MTPI, to act on their behalf in discussions with Licensing

Planning Committees and Local Authorities. On 4th July 1950 Mr. Rhys was joined by Mr. B.J. Brown, FRICS, and in 1961 Mr. Brown became sole Consultant upon the retirement of Mr. Rhys.

The economic problem of reinstating licensed houses was giving much concern and although in 1959 the London Brewers agreed that 260 licensed houses was about right on the anticipated day-time population, they said that unless this was resolved, the target figure was unlikely to be achieved.

In the event the day-time population of the City began to fall following the Government's proposals for the removal of industry and commerce to the New and Expanded Towns, voluntary dispersal and computerisation, and in 1961 was 390,000 and in 1971 was 340,000. Currently it is estimated to be just 300,000 people.

However the economic problem still remained and as a consequence Brewers were forced to abandon any thought of taking premises on important road frontages, and reverted to side street locations and basements.

The post war years have also seen a change in drinking habits and there has been a growth of wine bars providing good quality food as well. Public houses now provide food of all descriptions from the bar snack to the formal restaurant service. Licences have been more readily granted and most restaurants now serve beers, wines and spirits. There has also been a considerable growth in private clubs either within staff restaurants or as a separate operations. The growth of tourism has resulted in a river-side locations for public houses being sought and there are now floating licensed restaurants and public houses moored close to the river bank.

Within the City of London in 1980 there were 252 public houses, wine bars, staff restaurants, public restaurants, and station refreshment rooms all with Justices 'On' Licences. In addition there were 71 licensed restaurants (where liquor is provided ancillary to a main meal); and 48 Club licences. It will thus be seen that the forecast of 260 in 1959 compares favourably with the 1980 figures of 252.

The Government has decided to end licensing planning in Inner London in April 1982 and there is general agreement by the Licensing Planning Committees, the Brewers, and other parties concerned that it has been a worthwhile exercise.