Housing the Workers in London

Housing Legislation
1850-1914

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Housing Legislation in the 1800s

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1. The Victorian and Edwardian Building Acts

The authority, whether the Parish, Vestry, District or Metropolitan Board of Works (MBW), had to follow the strict controls introduced by various housing Acts. The story of the various Acts is one of well-meaning ideals, but poorly defined, and with patchy execution by local authorities. They culminated in the *1890 Housing of the Working Classes Act* which addressed most of the faults in earlier Acts.

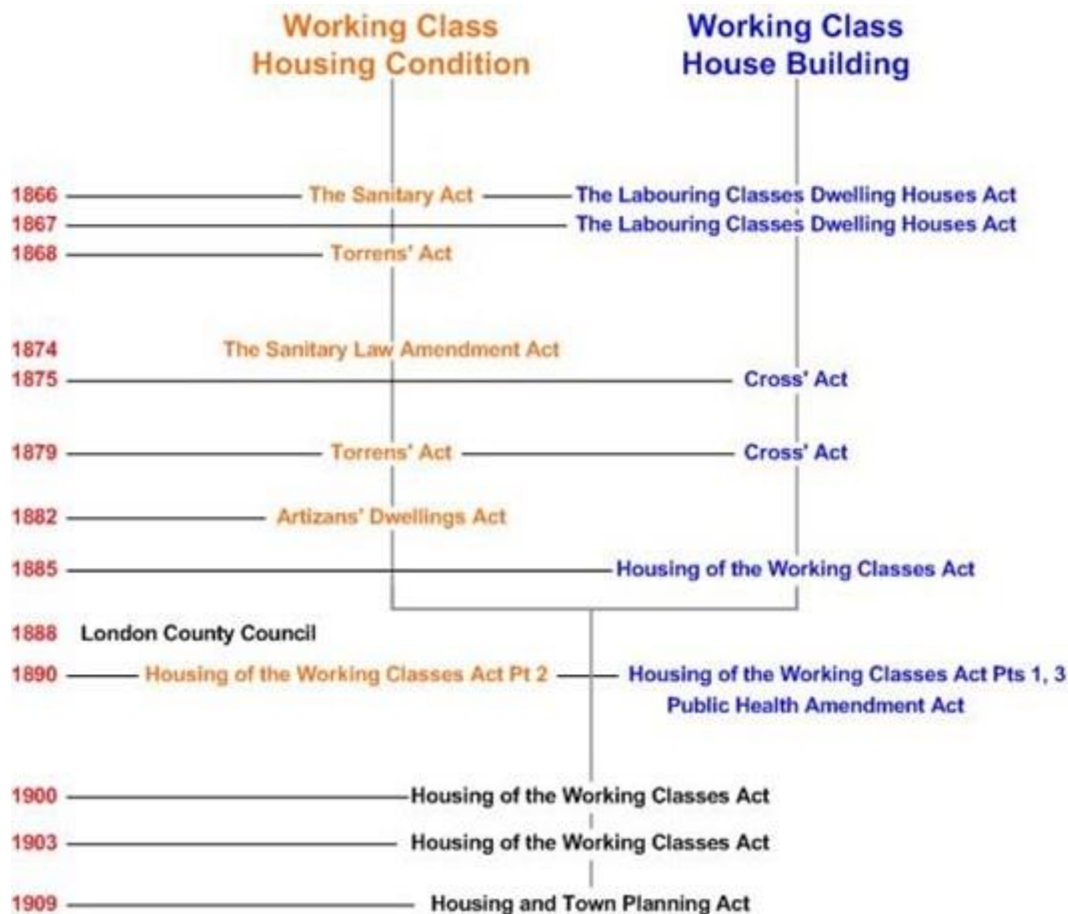

Fig. 1: Timeline of the Housing Acts

Until 1868, the responsibility for the condition of housing was with the vestry or district, which did not have powers to enforce owners to make improvements[1]. As a result, the *Torrens' Act* of 1868 was introduced[2]. This Act (named after Mr W. M. Torrens, MP for Finsbury) imposed responsibility for all housing upon the owners who were compelled, by the local authority, to demolish or repair insanitary dwellings and to keep their properties in a habitable state. If the owner did not do so within 3 months of the report on the property by the local Medical Officer then the Act required the authority to do so. The Act's weaknesses were fourfold: 1) any cost not recovered from the owner had to be recovered from the local ratepayers; 2) there was no requirement on the authority to use the cleared land; 3) the Medical Officer who inspected property and made recommendations was employed by the controlling vestry or district and; 4) local landowners were often on the board of the vestry or district and were not always keen for their Medical Officer to be vigilant. As a result, many local authorities chose not to implement the Act effectively.

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Alongside the Acts to control existing housing, a set of Acts was introduced in the 1860s to control the clearance of slums and to build replacement dwellings for the working-classes. The first attempt was the *Cross' Act* of 1875, named after Sir Richard Assheton Cross (later Viscount Cross). This Act (officially the *Artizans' and Labourers' Dwellings Improvement Act)* tried to address some of the failings of the previous Acts, particularly the *Labouring Classes Dwelling Houses Acts* of 1866 and 1867. Responsibility for carrying out the Act in London was with the Metropolitan Board of Works and the City Commissioners of Sewers. They requested that the local Medical Officer of Health for the vestry or district should prepare a report comparing the mortality rate for the area in question with those for the parish and for London as a whole. Justification for clearance was usually based solely on high mortality rates. If the authority in question deemed that there was a case for demolition they initiated the scheme and funded the compulsory purchase of freeholds. After demolition, the land would be sold to private developers and trusts for them to erect working class housing in the cleared area or the close vicinity for the same number believed to be displaced. The *Cross' Act* proved costly to administer and the compensation procedure was open to abuse by the landowners, so it was hastily amended in 1879 to improve the controls, relax the restriction on where the re-housing should be, and to reduce the opportunity to abuse the system. This brought the *Cross' Act* (for slum areas) in line with the *Torrens' Act* (for slum housing) although the confusion was such that where the volume of housing in question was small, either Act could be invoked.

The result was that, by 1879, there were two main Acts, much amended, that either controlled the quality of specific housing occupied by the working classes (*Torrens*), or larger areas of housing occupied by the same (*Cross'*). Neither Act properly addressed the issue of what happens to those displaced by any demolition, although the *Cross' Act* was meant to compel the relevant authority to provide working-class housing for the number displaced. The *Cross' Act* also had a long administrative path to follow between inspection and construction and this inevitably increased costs and reduced the desirability to follow the Act. This long administrative path meant that much of the working-class housing that replaced demolished slums was usually erected some years after the clearance, was too expensive to rent by the poorest of those displaced and had tenancy rules that were often not acceptable to prospective tenants. This was a common occurrence and some major slums were cleared and replaced by high quality working-class or artisan dwellings that had rents and tenancy regulations that the poorest were unable, or unwilling, to accept. The tenants were usually artisans or the more skilled of the labourers, and voluntarily moved into the property from nearby private housing. Most tenants considered this move to be one of 'moving up the housing ladder'.

Following the lack of success of the Acts to improve the housing of the working classes in London, a Select Committee was formed in 1881 to report on the situation. Their recommendations resulted in the 1882 *Artizans' Dwellings Act* which aimed, with mixed success, to improve the procedures for purchase, demolition and re-housing. There was little in the 1882 Act that could be considered an improvement over the earlier Acts other than combining them. There was confusion over the interpretation of the existing Acts and as late as 1884 the various interested parties were debating their contents. These interpretations included a discussion in the House of Commons by a number of experts, including Sir R Assheton Cross and Sir Sydney Waterlow, over whether the previous Acts allowed for re-housing of all displaced or "*not less than one half*". Cross, whose Act was in question, stated he couldn't find anything in his Act about housing "*not less than one half*"[3]. What had happened was that the 1881 Select Committee had confused everyone with a suggestion of relaxing the rules to re-house the same numbers as displaced, but somebody seems to have interpreted this to mean "*not less than one half*". Despite what many eminent historians state, nowhere in any of the Acts is there a statement that instructs authorities that they can house only half those displaced. With eminent figures in Parliament arguing over the interpretation

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of the Acts it was no wonder that these Acts were not as successful as planned. However, as Anthony Wohl states, "*Given all these difficulties it is highly commendable and quite amazing that the Metropolitan Board of Works accomplished so much.*"[4].

These earlier Acts also failed to address the problem of overcrowding. They were aimed at housing condition and not occupation density. To be able to control overcrowding the authorities were obliged to look to the Sanitary Act of 1866 and its various later amendments. This Act was quite detailed in its definition of how Lodging House occupation could be controlled and what constituted 'overcrowding', but did not specify a simple way to consistently measure overcrowding. The first clue as to a definition came from the Royal Commission of 1884-5 that the district and vestries had been compelled to address overcrowding in tenement houses and suppress the occupation of rooms by more than two adults of different sexes. Here is the first clue as to the source of a universal measure used in London that stated that each room should not be occupied by more than 2 people (although still of different sex at this point)[5]. This simple rule can easily be expanded to state that, say, a 2 roomed tenement or dwelling should not house more than four people. At last the authorities had a way of measuring the requirements of new housing. If a slum was cleared and 500 people had to be re-housed, the replacement housing must consist of dwellings totalling 250 rooms or more. The architects now had one of the key parameters they needed to design the required housing.

Coinciding with the formation of the LCC in 1889 was the replacement of all the earlier Acts by the *1890 Housing of the Working Classes Act*. This addressed many of the failings in the earlier Acts. This new Act was in many parts but the first three parts were significant. Parts I and II replaced the *Cross'* and *Torrens* Acts respectively, and Part III was new and enabled local authorities to build on cleared land; something they had been unable to do until this Act. Even so, the Act did not give authorities carte blanche permission to build what and where they wanted. For example, the Act could not be used to allow authorities to build their own housing on land remaining vacant prior to 1890. It did, however, allow them the swap land so that a cleared site could be sold commercially if there was another site close by that could be used for the housing.

The relevant governing body regulating housing built under the differing parts of the Acts is also important to understand. Housing built under Part I had to be approved by the Secretary of State. Housing built under Part II had to be approved by the Local Government Board. Clearance schemes under these first two parts required a local Act of Parliament to be passed. Housing built under Part III of the Act did not require permission from a higher authority, or a local Act, but the housing was required to meet or exceed the minimum standards for housing at the time.

Two significant extensions to the 1890 Act enhanced the options for the LCC. The first was in 1900 and enabled the LCC to purchase land for housing outside the metropolitan boundaries and this would prove very useful for the planned Garden Estates and much use of this ability was made by the LCC over the next 50 years. The second useful amendment was the *Housing & Town Planning Act* of 1909 which enabled the LCC to compulsory purchase housing it considered necessary for clearance.

Using the 1890 Act the Council strove to improve the lives of the working class Londoners by choosing to build quality housing for the workers. The costs of these building schemes were often high and could not be hidden in the Council's accounts and so they were obligated to achieve a financial return through rents as the debt could not be placed on the ratepayers. The rents applied were therefore often a little higher than those of housing nearby and most of the

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displaced population from the slums were either unable or unwilling to take up new tenancies. These high rents were at direct odds with the stated aim of the Council building programme which was: "*The rents to be charged for the dwellings erected in connection with any specified housing scheme or area shall not exceed those ruling in the neighbourhood, and shall be so fixed that after providing for outgoings, interest, and sinking fund charges there shall be no charge on the county rate in respect of the dwellings on such area or scheme, and all such dwellings shall be so designed that the cost of erection may not exceed a sum which will enable the Council to carry out the foregoing conditions. The interest and sinking fund charges shall be calculated upon the cost of erection, plus the value of the site, subject to the obligation to build dwellings for the working classes upon it*."[6].

It should be borne in mind that the majority of low earners rented small and unhealthy tenements, many one-roomed, for as much as 1 shilling a day. Yet a two-roomed sanitary and modern LCC tenement may have cost as little as 5 shillings a week. But the LCC had rules that many potential tenants were unable or unwilling to comply with, the main ones being: regular rent; no sub-letting; and no taking in or hanging out of washing. The restriction of not taking in washing prevented a common source of income for wives, although not all building managers imposed this rule strictly. There are also un-proven articles, particularly in the press, stating that the LCC deliberately blocked applications from some tenants they considered unsuitable. This is nothing new, but goes against the claims of the Council to be building for all working classes. However, it is clear from many minutes and papers that the Council were targeting the decent working man; not the drunk, the disorderly or disreputable, of which there were many in London.

For the impact of these Acts to be assessed, they need to be put in context of the volume of housing required and being built. London was a very large city and the needs of the residents were varied but mainly centred on the need for adequate housing in the right place at the right rent.

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Footnotes

[1] A vestry boundary was usually aligned to one parish but a district was larger and often consisted of a number of parishes. All vestries and districts were incorporated in London boroughs in 1900.
[2] The use of punctuation in the titles of the Acts throughout this paper is as submitted to Parliament
[3] Hansard; 7th March 1884; vol 285; cc827-52
[4] Wohl, Anthony S; The Eternal Slum; Edward Arnold; 1977; p133
[5] C. J. Stewart; The Housing Question in London; LCC; 1900; p.71
[6] C. J. Stewart; The Housing Question in London; LCC; 1900

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