

[Search Help](#)

[HANSARD 1803–2005](#) → [1940s](#) → [1947](#) → [March 1947](#) → [6 March 1947](#) → [Lords Sitting](#)

CIVIC RESTAURANTS BILL.

HL Deb 06 March 1947 vol 146 cc170-96

4.7 P.m.

Order of the Day for the Second Reading read.

LORD HENDERSON My Lords, this Bill is small in size but important in its social purpose. Its primary object is to enable local authorities to continue, under general legislation, the services of public meals at present provided by British Restaurants and also, without seeking Private Act powers, to engage in the catering trade and to carry on such other activities as are ancillary to their catering service. Under the stress of war, important developments took place in both the economic and social life of the nation. One of the most notable was the extension of communal feeding centres, the primary object of which was to secure minimum nutritional standards for that large part of the population hitherto unaccustomed to take substantial meals away from home. This was secured through the school meals service, industrial canteens and British Restaurants. It is, I am sure, recognized in all parts of the House that this three-fold communal feeding service made a powerful contribution to maintaining the nation's health, morale and efficiency during the war years.

I would like to pay a sincere tribute to Lord Woolton, who initiated the British Restaurants scheme, and to his successor, Lord Llewellyn, who continued its development. As is well known, the central object of the service was to ensure that workers could obtain at least one hot nutritious meal a day at a reasonable price. At the peak point during the war, in May, 1943, there were over 2,000 British Restaurants and they were serving over 500,000 meals a day. To-day there are still about 1,200 of these restaurants in operation, and the greater part of these will be taken over from the Ministry of Food at the end of the current financial year. It is already clear that the Civic Restaurant service will continue in most of the important towns and cities and in a good many of the urban and rural districts.

The middle and upper income groups have long been familiar with the advantages, convenience and social pleasure that "eating out" provides. But while they have enjoyed adequate facilities there has been relatively little provision for the lower income group to get good and cheap meals in comfortable and pleasing conditions. During the war, however, "eating out" has been an almost daily practice of millions of working men and women, and this habit, acquired in war time, may be expected to become a part of the normal pattern of life for considerable numbers of them. The Government have accepted responsibility for the health and welfare of the population, and the Ministry of Food are broadly responsible for the nutrition of the people. A Civic Restaurant service will be a valuable part of the machinery of an enlightened nutritional policy.

It should be clearly understood that this Bill does not represent an attempt on the part of the Minister to foist upon the local authorities responsibilities which they are reluctant to accept. The contrary is the case. Approaches were made to the Minister during 1945 by the Association of Municipal Corporations (representing the boroughs and county boroughs in England and Wales) and by the L.C.C. During the early part of last year consultations with the representative local authority organizations of England and Wales, and later on with those of Scotland, took place on future policy concerning British Restaurants, and the Bill now before the House, in substance, is broadly an agreed Bill.

The classes of local authorities by whom the powers conferred by the Bill may be exercised are specified. It is also provided that any one of them may delegate its powers in respect of the whole of its area or any part of it to another local authority. Local authorities exercising these enabling powers, whether directly or by delegation, will be Civic Restaurant authorities. These authorities may continue or start restaurants to supply meals and refreshments to the

public. As regards ancillary activities, the Bill leaves it to their discretion whether there is a demand for breakfasts and evening meals, or morning coffee and afternoon teas. Already many British Restaurants offer a "cash and carry" service by which customers may buy the same food as is served at restaurants and take it home. They may also send out bulk meals in heat-preserving containers to schools, to factories, to building sites, and other groups of workers. These are some of the ancillary activities which local authorities may carry on as part of their catering services.

Civic Restaurant authorities in England and Wales, but not in Scotland, are to be subject to the existing law as regards supplying alcoholic liquor. This Bill does not empower them to sell liquor. It simply places authorities in exactly the same position as other caterers. An authority which wishes to apply for a licence may do so, but it will rest with the licensing magistrates whether a licence is granted or not, and what restrictions are to be imposed if a licence is granted. We all appreciate that local authorities and licensing Benches are responsible public bodies and may be relied upon to have full regard to local public feeling and public interest. As your Lordships are aware, local authorities have been given compulsory purchase powers for certain of their activities. The Bill gives Civic Restaurant authorities the same powers for the acquisition of land for the purposes of the Bill, but the speedy procedure of Section 2 of the Land Acquisition Act, 1946, will not be available to them.

Fears have been expressed that a Civic Restaurant authority might, under the Bill, compulsorily acquire an existing catering establishment. I hope it will allay any fears that may be entertained by any of your Lordships on this matter when I say that an explicit assurance was given in another place that neither the Minister of Food nor the Minister of Health would be a party to unconscionable practices in this connexion. The importance of this assurance lies in the fact that a Civic Restaurant authority require the approval of the Minister of Health before they can carry through compulsory purchase proceedings. Civic Restaurant authorities will also be given authority under Section 26 of the Requisitioned Land and War Works Act, 1945, the effect of which is that the value of the war works carried out shall not be taken into account when arriving at the price to be paid for the land.

The Bill envisages that Civic Restaurant authorities will run their catering activities on a self-supporting basis. The representative associations of local authorities are fully in accord with the Government on this important principle. The civic restaurant authority must keep careful accounts of their undertaking. These accounts must be kept in a way prescribed by the Minister of Food, and the authority must run their restaurants over a reasonable period so as to make both ends meet and not be a charge on the rates. The civic restaurant account must comprise all transactions relating to the undertaking, including provision for interest and repayment of capital, proper apportionments of administrative and office expenses and, as regards property owned by the local authority which is used by a civic restaurant, a proper commercial rent must be charged.

If a civic restaurant authority incur a deficit in respect of each of three consecutive financial years, the power to run restaurants will lapse at the expiration of six months from the end of the last year. The Minister will have discretionary power to authorize a local authority to continue their undertaking if they have incurred a loss over three years, if he considers that the undertaking can, within a reasonable period, be made self-supporting. The Minister may impose conditions if he allows an undertaking so to continue. The Minister can also authorize the re-starting of an undertaking which has been closed owing to a deficit over the prescribed period, if he considers that changed conditions locally justify it.

Now a word about Scotland. Noble Lords from across the Border will be especially interested to hear how the Bill applies to Scotland. The enabling powers for Scotland are identical to those which apply in England and Wales, but Scotland is excluded from the operation of the liquor provision of the Bill. This is for two reasons: First, owing to the constitution of the licensing courts in Scotland it would be impossible to convene a court on which town or county councillors did not sit; secondly, there is a general feeling in Scotland that local authorities should not engage in the liquor trade. There are no local authorities at present holding licences in Scotland, whereas in England it has been common practice for local authorities to apply for licences.

The provisions as to delegation work somewhat differently in Scotland, since the local authority structure is different. In Scotland the two primary Civic Restaurant authorities are county councils and town councils. County councils are brought in because Scotland has no body parallel to the rural district council of England and Wales. In another place an Amendment was promised which would empower county councils in Scotland to delegate to a district council, and to empower a district council to appeal to the Minister of Food where a county council might unreasonably refuse either to exercise its powers or to delegate. An Amendment to achieve this will therefore be moved on the Committee stage.

The Bill, as I have already stated, envisages that Civic Restaurants shall be operated on a self-supporting basis. Should losses in connexion with Civic Restaurant authorities arise, they would have to be met from the rate fund. Due to the difference in rating structure in Scotland, the Bill provides that in Scotland any losses shall fall equally upon owners and occupiers. I have tried to explain, as briefly as possible, the main principles of the Bill. I will only add, as a final word, that I am glad to have the opportunity of moving this Bill which provides a permanent foundation for a most desirable and necessary social service. I beg to move that this Bill be read a second time.

Moved that the Bill be now read 2^a.—(Lord Henderson.)

4.22 p.m.

LORD LLEWELLIN My Lords, I should like to start by congratulating the noble Lord who has just sat down on the very succinct yet full way in which he has explained this Bill to us. I would like also to thank him—and I know that I may do so on behalf of my noble friend Lord Woolton—for the kindly references he has made to the noble Lord, Lord Woolton, and myself. As the noble Lord, Lord Henderson, said, British Restaurants played a good and worthy part in the feeding of the people during the war. They were absolutely necessary during that time. I was one of those who hoped, some two years after the war had ended, that there would not then be the same need for them that there was in time of war. But so far—and nobody can deny this—peace has not brought with it prosperity; indeed, rather the reverse. I do not think anyone can really dispute that as a nation we are worse off for food at the present moment than we were in the days of war. Indeed (in case I am not thought to be impartial in a matter of this sort) I see that Mr. Fitzgerald, the Secretary of the International Emergency Food Council, whom I have the honour of knowing because I was associated with him in the war food administration in Washington during the war, said yesterday that the nutritional value of the British diet is lower than it was a year ago. There may be different views expressed as to why this has happened, but those are the unfortunate facts. Looking ahead, indeed, I am not quite certain—although I am one of those who go through life as an optimist—that we have seen the worst days.

In times of scarcity the British restaurants were certainly a good stand-by, and I think it is as well to examine why that was so and what gave rise to the daily habit—as I think the noble Lord called it—of so many people going to the British Restaurants. A few went because their times of duty did not fit in with the time at which the family meal was being served. Quite a number went because of evacuation—evacuation not only of families and homes, but of offices. Moreover, there were the considerably increased numbers who went, not to the very large factories, but to small factories up and down the country. It was people from small factories who used British Restaurants most. The large factories in nearly every case—and, indeed, we encouraged it—ran their own canteens. A third reason why they went was largely that the wife was working as well as the husband, and was not there to cook a meal at home. A fourth—and I believe the main—reason why most people went and still go, was because it was a very convenient way of supplementing the meagre rations that came into the home every week.

I do not think it right to say that private catering interests could not have supplied these meals. I hope nobody will start to run down the enterprise of the people of this country, or to say that we are lacking in enterprise, because in these times we want to show to the world that that is a quality which we do not lack. When supplies were abundant in the past, private catering establishments have always produced what people needed and what they could pay for. Normally—and we may as well all realize this—the great bulk of the people who work in factories or offices in days

of peace like to get home to their own fireside to have a meal, and for "the missus," or mother, or whoever she is, to cook it for them. They much prefer that to going out for their meals. But, as I say, when these offices were evacuated to country districts, and when small factories greatly increased their staffs, there was a demand for lunches, for teas or for suppers which had never arisen in those places before. Indeed, at that time the people who were willing to establish restaurants had the greatest possible difficulty in getting staff to do so. It was very difficult for all of them; there was a shortage of people to cook, to wait at table, or even to manage these restaurants.

We shall be wrong to think that if we set up more restaurants we are going to get more food; and I do not suppose anybody in this House expects that. It is only a question of food being distributed in a different way and through a different channel. Frankly, what I like least about the general principles of this Bill is that we are perhaps going to encourage many of these local authorities to start Civic Restaurants at a time when there are quite a number of people out of the Services who want to start businesses of their own, and who are being denied a licence because there are not adequate foodstuffs to go to more than the existing catering establishments. The theory of some noble Lords opposite is that you are much happier if you are working for the State or for a local authority than if you are doing anything else. But I believe that the happiness of a great number of people in this country exists to-day, and will for long exist, in having the opportunity of working for themselves and being their own bosses. I do not like the idea of not being able to give these men licences to open establishments when we are encouraging local authorities to open civic restaurants.

It is quite true that to-day, with all the rationing difficulties, and so on, there are some districts in which private enterprise has not as yet opened a sufficient number of establishments. To that extent this Bill has some merit, and I think it would be wrong for this House to do other than give it a Second Reading. But what are the basic principles upon which these restaurants, if set up, should be run? The first is that where there are not sufficient facilities in existence, local authorities may step in and supply wholesome meals; and the second is, I think, that they should be put in a position to do so in fair competition—but no more than that—with others doing the same job in the neighbourhood, all of whom are ratepayers. Therefore I ask myself whether this Bill enables the local authorities to carry out those two principles and nothing more.

Everyone will agree, I think, that practically all the British Restaurants provide a good wholesome meal. I notice that in opening the debate in another place the Minister of Food said this Bill had a primary purpose which might simply be described as the enabling of local authorities, if they so wished, to continue the service of supplying adequate meals and other similar activities which they are now undertaking under the general title of British Restaurants. Then he justified the Bill by an extract from the recommendation of the National Council of Social Service, which said that the British Restaurant service, which had grown up as part of a national feeding policy in war-time, should now be overhauled and made a better and more effective part of a national food policy which would help to keep the nation fit for the constructive tasks of peace. The Minister said that the object of this small measure was precisely to enable local authorities to do that. That was the claim he made for the Bill.

But it enables local authorities to do a great deal more than that; it enables them to apply for a full retail licence for beers and spirits. It is quite true that they have to apply to the Licensing Justices, but in my view the words "and may carry on such activities incidental or ancillary to the activities aforesaid as they consider necessary or expedient" take this measure much too far in that direction. Perhaps other noble Lords have had, as I have had, letters from the Free Churches, from the Church of England Temperance Society and other bodies who do not want, as I do not want, to see British Restaurants turned into public houses. Under the present provision they can apply to open a "four ale bar." I have never quite known what a "four ale bar" is and what the four ales are. From my limited experience, I suppose they are mild, bitter, nut brown and I suppose the fourth is some kind of audit ale or possibly stout. At any rate, these restaurants are given the power under this Bill to go in for activities such as that.

To do that would be to transform completely the British Restaurants as we know them. In the course of the time, some twenty-one months, during which I was Minister of Food, I visited a lot of them from as far south-west as Cornwall to

as far north as Inverness. I was proud of the kind of people I saw going into them. They were places where one could get a reasonable meal of good nutritive value and at a moderate price, with a cup of tea, cocoa or coffee. I am not one to say that it does any great harm for a man to have a glass of beer with his supper, because I do it myself; but I do think the extension of these facilities to enable cocktail bars to be run, or even the ordinary bar one finds in a public house, is going much too far. The British Restaurants have all along been places—and I am proud to think they have been—to which women could go who would not think of going into a public bar or a saloon bar, and where they could take their children as well. That is the kind of institution which they ought to be kept.

My fear is that if this provision remains in the Bill as it is drafted, quite a number of them may not remain this kind of place at all. When we come to the Committee stage of this Bill I intend to put down an Amendment limiting the applications for Justices' Licences to licences to serve intoxicating liquor with a meal. I believe that will be quite sufficient to enable anything that the Minister wants to be done to be carried out within the terms of this Measure. I very much hope that the Government will be able to see their way to accept that. It is not essential to the Bill to try to convert these British Restaurants in the way that the Bill as at present drafted would allow to be done. There was a struggle in another place, but they never thought out this compromise solution. It is in a House like this that we might easily hit upon a happy compromise which we could send back for acceptance by another place. Another point about this Bill is that it is not absolutely vital. British Restaurants would not cease if it failed to pass, because they could still go on for a period—I forget how long—under the Defence Regulations. They are going on quite happily to-day and they could well go on under the Defence Regulations without having this Bill at all.

Before I pass from this licensing point I should like to say that it seems to me that an anomaly might well grow up, and it is one which has been recognized by the noble Lord in what he had to say about Scotland. He said that because of the constitution of Licensing Benches in Scotland—if that is what they call them there—they could not compose a Bench at all because none of the local authority people could sit. I think it is important that they should not sit. If the local authorities are going to apply for licences they ought to be in the same position as a person who owns or manages an hotel. Only the week before last I was sitting on a Licensing Bench. Before we went into court, the clerk quite properly read to us the appropriate section—Section 40—of the Licensing Act, 1910. One of our number said: "Does that apply to anybody who has an interest in an hotel?" The clerk replied: "Yes, if the hotel is in this licensing district, or in an adjoining licensing district." The other then said: "Then I cannot sit on this Bench, and I can go back and do a little work in my garden." So he never sat. It is important that that point should be laid down, and I feel doubtful whether the words of Section 40 of the 1910 Act really cover it. I think it would be wrong, if licences are being applied for by a local authority, for members of that local authority to sit on the Bench, and that ought to be stated in the Statute. It is far more awkward for Justices if it is left to them to decide whether it is a matter of etiquette to sit, and I think that that, like the other disqualification, ought to be put into the Bill.

There is another point I wish to make. In a great number of cases Churches of all denominations, and other religious bodies, were very good and gave up their parish hall; in some cases, they gave up a whole church. I was in a church in Edinburgh which was used entirely as a British Restaurant; in other places one finds the crypt of the church so used. It would offend the conscience of a lot of church people if a licence were sought for those buildings, and I believe that we ought, somewhere in the Bill, to insert words to the effect that no such licence will be applied for without the written consent of those who could sell the freehold of the property. If they have no conscience, and would not mind it still being their property and a licence being given for it, by all means let a licence be given, just as it may be given in respect of any other place, but not if it is a church building, perhaps founded on the donations of a strict teetotaler in the past, or somebody like that. I think that in this regard also your Lordships' House might well suggest an Amendment to the other place.

I come now to my second principle, the question of fair competition. In times past municipal authorities were precluded from trading at all, but we are now allowing them to trade. I am one of those who think that if we do that, then they ought not to be placed in a more favourable position than those with whom they are competing. On this matter I would refer your Lordships to Clause 2 of the Bill, which gives the authorities power to requisition a

particular building for this purpose. Although it may sound absurd, and it is quite true it can be done only if the Minister of Health agrees, there is nothing in this Bill to prevent the Westminster City Council coming along and saying: "We would like to run a civic restaurant at Lyons Corner House, and so we will requisition it." They requisition it, of course, at the 1939 value, plus whatever addition is allowed—I think one is allowed an addition of 50 or 60 per cent. It can be done, and I do not think it should be possible to do that kind of thing under a Bill. Nor do I think that the authorities ought to be able to go in, even to a place which is not a catering establishment, and take some business which happens to be opposite the bus stop, or something like that. If they want a building they should be prepared to go and buy it, like anybody else, at its market value.

There will be cases where, unless any alteration made in the Bill is made carefully, you may find that you are hampering proper town development. I do not want to do that. I am not saying, for instance, that if the City Corporation of Coventry are going to re-develop some of that bombed area around the Cathedral tower, which most of your Lordships have probably seen, and there was a restaurant on it, they should not requisition that restaurant, or requisition other buildings to develop as a whole. I think most of us would agree upon that point. Having done that, I would not mind them putting up a Civic Restaurant, if they want one, on part of that re-developed site, because that might be the right place for it. I am concerned only with a case where the building is in occupation and is not being dealt with as part of a development plan. The authority should not then have the power to come in and turn out some person who is carrying on a business, or indeed living in that building.

I think my noble friend said that explicit assurances have been given by the Minister of Health and by the Minister of Food that no such unconscionable practice will take place, but I believe in having these things in the Bill. I am not saying that either the Minister of Health or the Minister of Food will go back on a pledge like that—I do not think they would—but Ministers come and Ministers go. Also, any person who reads the Bill has the right to know what is going to happen, and what Parliament intends. If we do not intend that such incidents should happen, let us make some little provision in the Bill to see that they never can happen. Let the local authorities who run these British Restaurants do so on the same basis as those who are running similar establishments.

My final observation relates to Clause 3. When the necessary facilities are not available, then it may well be right to run a Civic Restaurant. But it is wrong, either from some municipal pride or some other reason, to continue a restaurant which does not pay, because if a restaurant does not pay it means that there is not a real service of that sort to provide—unless your management is thoroughly bad, which I hope it will not be. It would mean that one, two, ten or twenty people only, who support that restaurant, are doing so by having their meals subsidized at the expense of the other ratepayers of the borough. The principle I have mentioned is recognized in Clause 3, and I am glad to think that it is. I may say, in passing, that I consider the words of this clause need some strengthening, and we shall be putting down an Amendment to that end, in a similar way to the method adopted in this House over the Coal Industry Nationalization Bill.

May I say, in conclusion, that although we shall not divide on this Bill to-day—and I hope we shall not have to divide on any Amendment to it—this seems to me to be a Bill which we can improve in this House, to bring it into line with what is expected by a large body of fair-minded and temperate people in this country. If we can do that we shall again have justified our existence and I am quite certain we shall then have produced a Bill which can go forth with almost unanimous assent from this House.

4.51 p.m.

LORD AMULREE My Lords, I do not want to take up very much of your Lordships' time by talking about the general principles behind the Bill, but there are two rather useful services now being run to which I would draw your Lordships' attention. I think they might conceivably come under Clause 1 of the Bill, which applies to various activities and ancillary services. The first I had in mind was the London Counties Division of the Red Cross. For a certain time they have been running a very valuable service of meals and canteens. They cover about seventeen boroughs. They take food from, I think, six or seven British Restaurants, and deliver it to old people who can neither

do their shopping nor go to restaurants. They give them a certain number of meals a week. I do not think they visit them each day, because they feel, quite properly, that it would be a pity if people came to rely entirely on a meal service coming round, since if it broke down it would be a catastrophe. But they take from two to four meals a week to these old people. That is a very valuable function which might well be extended under the Civic Restaurants.

The second point I have in mind concerns the Invalid Kitchens of London. These perform services which are not quite the same. They are meant to take meals to sick people, rather than to the old, but during the last few years they have had an increasing number of old people on their books. At the same time they provide a place where sick people, or people on special diets, can be fed and from which special diets can be taken round to people's houses. That kind of service is fairly expensive, but one point struck me, a month or two ago, when I presided over a conference of the London Council of Social Service, which deals with all sorts of official and voluntary bodies interested in food. We received a great deal of evidence that people were being admitted to hospital—old people particularly—because they were getting insufficient food. Once they were put to bed and were given a meal, they improved enormously, and many were able very soon to return to their homes. If you are going to admit people to beds in hospitals when they are scarce, it will be much more expensive than running some kind of mobile kitchen.

In conclusion, may I remind your Lordships that a point brought out in the Report of the Nuffield Foundation on the Care of the Aged—it was emphasized in paragraph 135—was that a great many people did not get enough food, not because their rations were not sufficient, but because they could not go out to shop, or they had difficulty in standing in queues? Moreover, some of these people had the curious idea that it did not matter what they ate when they were old, and were quite content to go on living on bread, butter, jam and tea. They seemed to think that if they could eke these out it would be enough for them. If it is possible to include under the Bill services of the kind I have mentioned, a great deal can be done for a very large number of people.

4.55 P.m.

VISCOUNT STANS_GATE My Lords, I should like to say a word in support of the Bill. I like the Bill because it is an extension of municipal trading, and I was delighted to see the progress that has been made in its acceptance by the Opposition Front Bench. One casts one's mind back over the last fifty years and thinks of the struggle the municipalities made to extend and use the right to co-operate for the benefit of citizens, starting with trams, going on to transport, building, housing, and, among other things, libraries, parks, and so forth. This is by far the biggest step in the way of municipal trading, and it has received a general welcome in this House. Support is, of course, forthcoming on all sides, and it is not necessary for me to speak further on that aspect. There is, I think, one defect in the Bill. The Government made a great mistake in giving too little consideration to the question of liquor licences in these restaurants. After all, these restaurants have continued all through the war and have served a very useful purpose, and I was not aware of any demand then for liquor licences. Why, therefore, introduce them at this moment?

It is a complete reversal of our old idea and approach to the drink problem. When I was a boy, the drink problem was a very different thing. In the East End of London where I lived there was always an inferno when the small public houses were closed. The idea then was that licensing facilities for drink should be reduced, and it was a curious thing in the drink trade that when the number was reduced compensation for the houses closed came from the other licensees.

A NOBLE LORD: It was called the Compensation Fund.

VISCOUNT STANS_GATE It was Mr. Balfour, I think, who started it. When the noble Viscount, Lord Samuel, introduced the Children Bill, the idea was that if you refused the facilities for drink you would tackle the problem. I am not sure now, looking at things with more experience, that that was the complete solution. The approach now, with improved education, better methods of entertainment, and general higher standards of intelligence, I suppose one may say, is rather different, and people like myself do not feel the same shudder when they see a pot of beer put on the table. It is a great concession. It may be a reasonable thing to allow, but it creates a new and powerful interest which

will come into the field and apply for licences. I do not know what the Benches of magistrates will do, but formerly new applicants had to prove the need. Now, when the local authority says: "We want a licence," one imagines that the effect will be largely to increase the number of licences. I am told that when you exclude the local authorities and others interested from the Bench, there will be a difficulty in finding people to sit on the Bench. I do not know whether that is so or not; it is certainly not so in London.

Why did the Government find it necessary to propose this change? With a certain amount of Conservative support and also substantial opposition—with a good deal of opposition, too, from our own side—why did they find it necessary? It was partly for the reason that I gave—that people regard this teetotal stuff as completely out of date, a relic of Victorian austerity that ought to be forgotten. They may be quite right. I hate to use the phrase "profit motive" in addressing the present Front Bench, but is it not possible—indeed I believe it is true—that some local authorities, feeling that they cannot make these concerns pay, in view of what they will have to do under the Bill, by simply serving a "cut from the joint and two veg.," will try to make up their takings from the bar? That is a very great temptation. We have always been told that private licensees do not encourage you to go into their establishments and ask for a cup of tea because there is no profit in it. That is a real difficulty. You cannot turn a public-house into a real restaurant because a man has to make his balance sheet come out right. That will apply to local authorities just as much as it does in the case of private licensees. I would like my noble friend who is interested in this matter (I know how very deep his feelings are because his father was very much interested) to cross-examine himself on this question as to whether we have not allowed those dreadful words which we usually put in inverted commas, "profit motive," to creep into the immaculate programme of the Government.

There was another point mentioned by the noble Lord, Lord Llewellyn, with which I am sure my noble friend will be able to deal. I am not learned in the Law but I have made inquiries from lawyers, and I think that what I am going to say on this matter is accurate. The Defence Regulation which gives power to requisition was prolonged for five years by the Supplies and Services (Transitional Powers) Act, 1941⁵, and therefore it remains within the power of the Minister of Food to instruct the Clerk of the London County Council—not the London County Council but the Clerk, as his agent—to requisition premises; and then they become a Civic Restaurant. That has happened, and, as the noble Lord, Lord Llewellyn, has said, in a number of cases it has happened with church premises. It is not speaking too strongly to say that it would be a monstrous thing to take advantage of the public spirit of a local vicar, or any local churchman, who has given his school for the purpose of a Civic Restaurant, and say that, whether he likes it or not, the place is to be turned into licensed premises. I do not think anybody would stand for that.

I have had a case in point brought to my own notice, The Congregational Union of England and Wales have a large building, the Memorial Hall, in Farringdon Street. It is a fine building. They were asked to allow it to be used as a Civic Restaurant and they consented. I went there on Tuesday and had a meal. I waited for twenty minutes before I could get in, as there was a very long queue. The meal I had was quite simple but good and very cheap. It was very interesting to see the restaurant working. Undoubtedly it is performing a useful public service. The Congregational Union allow their main staircase to be crowded by myself and many other people queueing up, and they put their library at the disposal of the authorities in order that meals can be served. But to ask the Congregational Union of England and Wales for permission to set up in their library in the Memorial Hall licensed premises—you might perhaps call them "The Strachey Arms"—would be a most unreasonable thing to do.

I would beg my noble friend who is in charge of the Bill not to ask us to be satisfied with the ipse dixit of a Minister. Ministers are admirable people, but they come and go, and policy changes. It is no good—and the noble and learned Viscount, Lord Simon, will confirm me in this—going into Court and saying: "Somebody said this in Parliament." What the Judge will go upon is what is written down—though I must say, in this connexion, that I remember at the recent trial of Mr. John L. Lewis in America, that the Judge explained that he based part of what he said in his judgment on what he knew had happened in Congress. But that is not the way things are done here. In this country, judgment is given according to the written Act. Therefore, I think it is not unreasonable to ask my noble friend to put into the Bill some safeguard such as I have suggested. In general terms, I welcome the Bill, because I believe that it is

right, as a general thing, to give any municipal body the opportunity to advance their civic interests in whatever way they may think best.

5.6 p.m.

LORD ROCHESTER My Lords, I have no desire to detain your Lordships for more than a very few minutes this evening, especially in view of the speeches which have been made by my noble friends Lord Llewellyn and Viscount Stansgate, and also because the matters about which I am primarily concerned are matters that are essentially Committee points. Nevertheless, they are points which prevent me supporting the Bill in its present form. I confess that I am at a loss to understand why the Government, despite all protests and appeals, should have taken the official initiative in securing the deletion of the words that were inserted in the Standing Committee in another place, and by so doing making provision for licences to be applied for in respect of civic restaurants. That, in my judgment is deplorable. Why this official imprimare of the drink trade? British Restaurants have rendered yeoman service during the war years without any such powers as are now being sought in this Bill. Civic Restaurants, as they are henceforward to be known, will be used, as they have been in the past, by large numbers of very young and adolescent persons, and the provision of intoxicating liquor facilities will be a potential menace of the gravest kind. No shred of evidence has been produced, so far as I know, of any public demand for this innovation. On the contrary, the evidence has all been on the other side.

What makes the proposal still more regrettable is that many of us had hoped that these Civic Restaurants might in time have served as community centres and as youth clubs, especially in the evenings; but if this Bill reaches the Statute Book in anything like its present form, any such hopes are doomed. I should like to ask the Government whether they would favourably consider the insertion of some limiting words to ensure that intoxicating liquor should not be on sale in what are termed community centres or, at the very least, not at a community centre where any part of the cost of running the centre is defrayed by a grant contributed by the Board of Education. It is my intention to put down some such Amendment on the Committee stage.

I wish very strongly to support what the noble Lord, Lord Llewellyn, and the noble Viscount, Lord Stansgate, said as regards the granting of this power to local authorities. Further, as a Free Churchman, I am dismayed that, as it is at present drawn, the Bill will empower local authorities to apply for licences for premises belonging to Christian Churches, in the case of requisitioned premises at present used as British Restaurants and later to be used as Civic Restaurants. Objection to this possibility is not, I believe, confined to Free Churchmen, for I understand that the right reverend Prelate, the Lord Bishop of London, if he had been able to be present this evening, would have spoken in favour of some such Amendment. I submit that no application for a licence should be permitted in respect of any requisitioned premises, to whomsoever they belong, without the prior written consent of the owner or trustees of such premises. So far as I am concerned, I cannot see my way to support the Second Reading of this Bill in its present form. That, to me, is a matter of very genuine regret, as apart from this fatal blemish the Bill might well be of immense social value. I confess that I had hoped great things from these Civic Restaurants: more especially that they might prove counter-attractions to public-houses. Instead, they may prove little more than competitors. I submit that the Government have no mandate for this retrograde step of allowing intoxicating liquor in Civic Restaurants, whether on a permissive basis or otherwise. I never heard it so much as mentioned at the Election which put this Government in power. I do appeal that this matter shall be considered in the light of what has been said in your Lordships' House this afternoon.

LORD HENDERSON My Lords, I must express my thanks to the House for the way this Bill has been received this afternoon, and for the expression of hope made by the noble Lord, Lord Llewellyn, that your Lordships would give it a Second Reading. There were one or two points which called for an answer at this stage. and I will deal with them in the order they arose. The noble Lord, Lord Llewellyn, seemed to be under the impression that Civic Restaurants may be expanded in competition with private traders. This is not the case so long as shortages and licensing exist. The noble Lord referred to the fact that ex-Service men had to obtain a licence from the local Food Office. The position is

that, so long as the present food and licensing restrictions remain, a local authority wishing to set up a new Civic Restaurant would have to satisfy the Food Control Committee as to the consumer need for the restaurant. The Food Control Committee hold the scales evenly between all applicants, and a local authority would be required to show the same measure of need as would a private caterer.

Then the noble Lord raised the question about the provision in the Bill regarding liquor, and he indicated that it was his intention on the Committee stage to submit an Amendment. I am grateful to the noble Lord for giving me notice of his intention, and I can assure him that whatever Amendment he puts down will be properly considered between now and the Committee stage. I thought that he misunderstood one statement which I made with reference to the licensing Benches in Scotland. What I said was that it was almost impossible to get a licensing Bench in Scotland upon which there were not county and town councillors. I rather gather that the noble Lord took the view that I was suggesting that it would be all right for interested persons to sit on those Benches.

LORD LLEWELLIN I cannot have made myself clear. What I said was that I thought the noble Lord, by his reference to Scotland, had recognized the importance of interested people not sitting.

LORD HENDERSON I am glad to have been wrong in my understanding of the noble Lord's statement, but I understand the general practice in this country is that interested persons do not sit on the Bench.

LORD LLEWELLIN It is more than a practice; it is in the Statute.

LORD HENDERSON If the interested persons are not on the Bench, then the point which I understand was at issue—the probability that local authorities would have an advantage when they went forward with an application—does not arise. Two or three noble Lords have raised the question of Civil Restaurants occupying church premises and under the Bill, when it becomes an Act, being able to apply for licences. My noble friend Viscount Stansgate thought that if this were permitted, and if such restaurants were to get licences and serve liquor, it would be monstrous. Speaking for myself, I think it would be monstrous; and I do not believe the Government would take any different view. I have gone into this matter, and I am not sure that it is necessary for the noble Lord who suggested the moving of an Amendment on the Committee stage to take that action. It is anticipated that after December 31, 1947, no religious premises, except with the agreement of the church authorities concerned, will be held by requisition for Civic Restaurant purposes. Where these premises are held by agreement, a clause in that agreement could preclude the sale of intoxicating liquor. It is highly improbable that an authority would apply for a licence in respect of religious premises held by requisition, because—

LORD LLEWELLIN We want to make it certain.

LORD HENDERSON If the noble Lord would let me finish my sentence—because there are only nine months to go before de-requisition takes place.

LORD ROCHESTER May I ask the noble Lord this question? Is he safeguarding the point of re-requisitioning?

LORD HENDERSON In the event of a local authority making application for a licence in that period the Minister of Food would make representations to the committee, and in the event of their failing to withdraw the application he would immediately de-requisition the premises. I am glad to be able to give this complete assurance to the House: that liquor will not be served in Civic Restaurants on such premises. The noble Lord made reference to acquisition, and I think the way in which he stated the case is really What the Bill seeks to achieve. There is no intention—and this has been made very clear in another place—of using the powers of compulsory acquisition to take over the premises of another caterer. The noble Lord cited an illustration, but there is ample safeguard, because before that action could be carried through it would require the approval of the Minister of Health, who is acting in this matter on behalf of the Minister of Food; and the Minister of Food would not agree to that being done. The powers are required in the particular case to which the noble Lord referred: where some development plan might be held up because of the

existence of some small restaurant or fish-shop, or whatever it might be, and without these powers the local authority could be held up to ransom.

LORD LLEWELLIN I suggested that it would not be beyond the ingenuity of man or, at any rate, the ingenuity of noble Lords, so to frame an Amendment that that could not happen. I do not want that to happen, but I do want the safeguard, and I think it ought to be put in the Statute.

LORD HENDERSON That is a matter which I understand the noble Lord proposes to deal with on the Committee stage, and there is no need for me to pursue the matter any further now. With regard to the question which the noble Lord, Lord Rochester, directed to me, I may say that the Government are not agreeing to further requisitioning of religious premises. The noble Lord, Lord Amulree, raised a question as to whether it was possible for the London Red Cross Society—I think that was the organization to which he referred—to carry on their present work of taking meals round to aged people. The Bill provides for that sort of help, and it will be quite possible for them to carry on when Civic Restaurants are established. I think I have dealt with the main points that have been raised, and I hope your Lordships are now in a mood to give the Bill its Second Reading.

5.25 p.m.

VISCOUNT SIMON My Lords, I wonder if the noble Lord would forgive me. I have to apologize because, though I was intending to say a word or two, at the moment when the noble Lord preceding Lord Henderson sat down I was making certain inquiries. It is no fault of the noble Lord at all. It is I who crave mercy. I wanted to point out, on the subject of the licensing of Civic Restaurants, that many of them have, in fact, been in existence for a number of years. They have been a great success, and I entirely confirm what was said about them by my noble friend Viscount Stansgate. I join thoroughly in the view that it is a good thing to make such a service permanent. But, though they have existed and have done such good work ever since 1941, there is not one of them at this moment that has a licence to sell intoxicating drink. The success which they have attained, if I understand rightly, has been attained without that addition. It may be that that was because the Government were advised either that they would not get a licence or were not likely to get a licence. But it is a fact, and it seems to me a fact of some importance, that this very successful service, which undoubtedly has rendered so much valuable help to people who needed it, has been carried on ever since it was started without any question of the grant of a licence for the sale of intoxicating drink.

The second thing I want to point out is this. If one looks at this Bill, it really creates a most curious situation as between England and Scotland. It is a Bill which applies to England and Scotland alike. All its clauses—the scheme of it—are common to Edinburgh and to London. Yet, when you look at the bottom of the first page of the Bill you find these words: “>"A civic restaurant authority shall, in carrying on any activities under this section, be subject to all enactments and rules of law relating thereto, including, in England and Wales, the enactments relating to the sale of intoxicating liquor...” If this Bill is passed as it is, we shall have this rather curious situation: that we are permanently authorizing Civic Restaurants in Scotland, not one of which can have a licence, and yet providing that, if you are on the other side of the line the Civic Restaurants may have a licence. Is not that so?

VISCOUNT ADDISON That is right.

VISCOUNT SIMON It seems very odd. I do not know whether it is an insult to Scotland or a favour to England. But how can you have a Bill dealing with a great social service such as this is, and will become, which starts with the proposition that the law as to the supply of intoxicating drink, and the right to apply for such permission, shall be that in Scotland you shall never be allowed to apply, whereas in England you may? At a later stage I would like to see if that is not really a consideration of some moment. I will not inquire for the moment why the proviso was put in at line 15 as follows: “Provided that this subsection shall not authorize the grant of a certificate under the Licensing (Scotland) Acts, 1903 to 1934, for the sale of exciseable liquor in any such restaurant in Scotland.” I would not presume for one moment to inquire why in another place the Government should have, to that extent, either deprived their Scottish supporters of drink or conceded something to Scottish temperance enthusiasm. Still, there it is, and it

does seem to me a most odd thing that a Civic Restaurant in Carlisle may apply for and get leave to sell intoxicating liquor, but in the case of a Civic Restaurant in Dumfries the law of the land will be that it is not allowed to sell intoxicating liquor at all.

May I respectfully say how very much I sympathize with the speech, both argumentative and amusing, of my noble friend, Viscount Stansgate, on the back bench on the other side of the House. I think it would be monstrous, and I gather that the noble Lord, Lord Henderson, also thinks it would be monstrous, if there should be the slightest risk of the granting of a licence in respect of the schoolrooms, the halls and, in some cases, even the chapel itself, of one of the religious authorities of the country. "Monstrous" was the adjective adopted by my noble friend Lord Henderson. But how characteristic it is, when we all agree that this would be monstrous, and when it is quite easy to provide against it in the text of an Act of Parliament, that we should be told (which was all the noble Lord could say at the moment) "That is no reason for putting it in an Act of Parliament. Why, good gracious me, the present Minister of Food and the Minister of Health will see that this does not happen." There never was a plainer case in which we are invited to choose between accepting the assurances—which of course I accept—of Ministers on a very vital matter and putting a provision to that effect in the Bill. I cannot feel much doubt that this House at least, if it agrees that such a thing would be monstrous, would provide against it in the Bill. And surely that is the proper way.

One final word on what is perhaps more a technical matter. I am not quite sure if the noble Lord in charge of the Bill had the point quite clearly in mind. Of course, nobody can sit and decide any judicial issue in a Court if he has an interest on one side and presumably, therefore, a certain interest against the other. Here, in the House of Lords, if a case arises which involves a party in which one of us has an interest, we at once say that this interest exists—for instance, that we hold shares in the company. In fact, it is the law of the land; it is not a question of it not being quite a nice thing to do. The point is: if it could be shown that a decision had been arrived at by a tribunal, which had what the law calls an "interest" the decision would not be valid.

It is of the essence of justice in this country that it should, so far as possible, be impartial in that sense. And as regards those who have an interest in the sale of intoxicating liquor there is in terms, as every Lord Chancellor knows very well, an actual disqualification in the Act. Perhaps I may read just a few words from Section 40 of the Licensing (Consolidation) Act, 1910. It says this: ">"No justice shall act for any purpose under this Act, or be capable of being appointed a member of any committee for the purposes of this Act, who is or is in partnership with or holds any share in any company, which is a common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, in the licensing district or in the district or districts adjoining to that in which that justice usually acts." There is an express provision that you shall not sit in that class of case. That means that on an application to the Licensing Bench for a licence for a particular Civic Restaurant, in the first place, nobody interested within that definition could sit, and secondly, I suppose, no member of the local authority could sit. It would be a very select body indeed to decide this matter between the local authority and the licensing interests, because neither one nor the other could possibly be party to the decision.

I am very much relieved to hear that in the estimate of the noble Lord the number of cases where these applications will be made is likely to be small. But it does appear to me that there is a very serious argument to be considered as to whether it is really necessary to make this provision for the possibility of getting a licence at all. I apologize for intervening after the noble Lord had made his reply. It was not intentional, and I hope I have said nothing which makes it necessary for him to reply again. I only desire to be as clear as I can on one or two matters which will arise in a very serious shape when we come to the Committee stage.

On Question, Bill read 2^a, and committed to a Committee of the Whole House.