

2009-11

# "A Grave Question": The Children Act and Public House Regulation, c. 1908-1939

Moss, Stella

Moss, S. (2009) "A Grave Question": The Children Act and Public House Regulation, c. 1908-1939', *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3(2), pp.98-117. Available at: <https://pearl.plymouth.ac.uk/handle/10026.1/8846>  
<http://hdl.handle.net/10026.1/8846>

---

SOLON Crimes and Misdemeanours  
University of Plymouth

---

*All content in PEARL is protected by copyright law. Author manuscripts are made available in accordance with publisher policies. Please cite only the published version using the details provided on the item record or document. In the absence of an open licence (e.g. Creative Commons), permissions for further reuse of content should be sought from the publisher or author.*

## **“A GRAVE QUESTION”: THE CHILDREN ACT AND PUBLIC HOUSE REGULATION, C. 1908-1939**

***Stella Moss***<sup>1</sup>

### **Abstract**

This article considers the impact of the Children Act 1908 on the regulation of public houses in the period c.1908-39. The Act banned minors under 14 years old from public bars in the attempt to protect them from what were seen by reformers as the inimical influences of licensed premises. The article examines the impact of the Act, illuminating efforts to ensure its strict upkeep during the Great War. Also explored are the tensions surrounding the Act, and in particular its failure to address problems such as the continued presence of children in the vicinity of licensed premises, typically by pub entrances. Finally, the article considers interwar pro-trade lobbying for the revocation of the 1908 ban as part of a wider campaign encouraging family recreation in pubs.

**Keywords:** regulation of public houses, children on licensed premises, liquor licensing, temperance

### **Introduction**

The practice of allowing children in public houses is most disastrous. The lessons which they learn at so tender an age are rarely, if ever forgotten, and consequently they cannot have the same chance in life as a child brought up in a respectable home.<sup>2</sup>

In his report to a government enquiry about female drinking habits, James Cann, Chief Constable of Bristol, made plain his convictions about the damaging effects of public houses on children. Conducted in 1907, the survey of leading police officials focussed on the prevalence of pub-going among women, with the widespread practice of taking children into licensed premises a cause of particular concern. Cann and several other Chief Constables were troubled about the impact on children of the drunkenness, rowdiness, sexual impropriety and swearing found in many public houses. G.G. Tarry, Chief Constable of Leeds, recorded his concern about the ‘injury to their moral tone by bringing them into contact with scenes and language that

---

<sup>1</sup> Stella Moss is a postdoctoral researcher at the University of Oxford  
[stella.moss@history.ox.ac.uk](mailto:stella.moss@history.ox.ac.uk)

<sup>2</sup> Parliamentary Papers (hereafter PP), Information Obtained from Certain Police Forces as to the Frequenting of Public-Houses by Women and Children (1908) 3813, p.5

cannot be anything but injurious to an impressionable child.<sup>3</sup> It was thought that such conduct had a corrupting influence, habituating children to dissoluteness, and shaping their moral codes. Moreover, there were fears that exposure to heavy drinking cultures at an early age would normalise such conduct and render many children more likely to adopt similar habits in later life. It followed that mothers who willingly exposed their children to these damaging influences were castigated as neglectful and irresponsible. A further strand of criticism centred on the idea that mothers sometimes gave their children small quantities of alcohol, typically with the aim of pacifying them. Birmingham's Chief Constable raised concerns about such practices, underlining the grave problems caused when women gave their young children sips of beer to make them 'sleepy and quiet.' Such habits could have lethal consequences, he contended.<sup>4</sup>

The disquiet expressed by the Chief Constables was linked to, and shaped by, wider concerns about children's presence in licensed premises. Temperance activists had long campaigned for reform, arguing that the presence of babies and infants was not only morally reprehensible, but a cause of social ruin. In an era when eugenic concerns were central to many anti-drink polemics, the practice of pacifying children with alcohol provoked alarm. Even minute quantities of liquor could cast the innocent child on a downward spiral towards life-long addiction, so reformers claimed. Temperance organisations like the Band of Hope campaigned for tighter legislative controls to protect children. It was claimed that existing laws, and especially the 1886 ban on under-13s from consuming liquor in on-licensed premises, were inadequate if the wider problems of children's presence in pubs were to be tackled effectively.<sup>5</sup>

As Mariana Valverde has observed, the focus on maternal drinking was central to many Edwardian anti-drink campaigns.<sup>6</sup> Given the deeply-rooted cultural imperatives which idealised mothers as caregivers and moral guides, the notion that many mothers saw fit to take their children into pubs provoked substantial disquiet. Anti-drink lobbying for new laws to prevent such practices, together with the 1907 enquiry,

---

<sup>3</sup> Ibid, p.6

<sup>4</sup> Ibid, p.4

<sup>5</sup> J.W. Hopkins, *Band of Hope Manual of Instruction* (Richard J. James, 1907). Intoxicating Liquor (Sales to Children) Act 1886 s.49. Other laws prevented children from being employed as singers and musicians in licensed premises, but only after 9 pm: Prevention of Cruelty to Children Act 1904 s.2

<sup>6</sup> Maria Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (Cambridge University Press, 1998) pp.76-94. For discussion of maternal drinking in earlier periods, see, for instance, Jessica Warner and Frank Ivis, 'Gin and Gender in Early Eighteenth-century London,' *Eighteenth Century Life*, 24 (2000) 85-105

helped to bring the issue to the mainstream political agenda. A host of temperance activists, child welfare campaigners and social reformers joined forces to demand action, as David Gutzke has shown. George Sim, the writer and publicist, produced a series of influential articles illuminating the moral and social dangers of allowing children access to public bars. With a groundswell of support for an overhaul of the existing legal apparatus, the Children Act 1908 included new restrictions on minors in licensed premises.<sup>7</sup>

In contrast to the scholarly attention paid to concerns about drink and children in the period before 1908, the impact of the Act has been ignored by scholars. This article seeks to address this imbalance, as well as contributing to historiographical debates about child welfare and popular recreation.<sup>8</sup> Beginning with an examination of the Act itself, the article discusses the tensions about the workings of the restrictions that emerged during the First World War. This is followed by an examination of the interwar debates about the failures of the 1908 law, and pro-trade lobbying for a new approach to child welfare. While the issue of minors' access to, and presence in, licensed premises is the main focus, there is some discussion of the practice of pacifying babies and small children with drink. The wider issue of juvenile drinking in this period is beyond the scope of this article, deserving its own full investigation.<sup>9</sup> While the Children Act was aimed in part at protecting children from the undesirable influences of licensed premises, it was often thought to have created as many problems as it solved. Not only was it often ignored by licensees and flouted openly by pub-goers, but even when the very letter of the law was upheld, the 1908 regulations generated unanticipated tensions about parental responsibility.

---

<sup>7</sup> David Gutzke, 'The Cry of the Children: The Edwardian Medical Campaign against Maternal Drinking,' *British Journal of Addiction*, vol.79 (1984) 71-84

<sup>8</sup> On child welfare, see Deborah Dwork, *War is Good for Babies and Other Young Children: A History of the Infant and Child Welfare Movement in England, 1898-1918* (Tavistock, 1987); Gisela Bock and Pat Thane (eds.) *Maternity and Gender Policies: Women and the Rise of European Welfare States, 1880s-1950s* (Routledge, 1991); and Pamela Cox, *Gender, Justice and Welfare: Bad Girls in Britain 1900-50* (Palgrave, 2003). The misplaced contention that women were absent from pubs in the period before the 1950s remains common: see, for example, Julie-Marie Strange, 'Leisure,' in Francesca Carnevali and Julie-Marie Strange (eds.) *Twentieth-Century Britain: Economic, Cultural and Social Change* (Pearson, 2007) p.203. David Gutzke, by contrast, has gone some way to considering gendered drinking cultures: see Gutzke, *Pubs and Progressives: Reinventing the Public House in England, 1896-1960* (Northern Illinois University Press, 2006).

<sup>9</sup> This important topic requires greater investigation, but for initial discussion, see Stella M. Moss, 'Cultures of Women's Drinking and the English Public House, 1914-39' unpublished DPhil thesis, University of Oxford 2008 pp.140-54.

## **1 The New Restrictions and their Reception**

With the aim of defending and upholding child welfare, section 120 of the Act prohibited children under 14 from the public bars of licensed premises. Publicans found guilty of infringing this restriction would be fined up to 40shillings in the first instance, and an amount not exceeding £5 for subsequent offences.<sup>10</sup> The new regulations did permit the presence of children in rooms without any kind of bar facilities, though such amenities were lacking in many pubs, especially small, street corner premises in urban areas, where often there were just one or two simple bar-rooms.<sup>11</sup> While section 120 related to licensed premises generally, fears for child welfare were very much focussed on the public house as a site of potential threat and dangerous influence. The Act also made it unlawful to give alcohol to children under five except for medical purposes. Infringement was punishable by a fine not exceeding £3.<sup>12</sup>

Despite the widespread support for legal reforms, it became apparent that the new restrictions fostered various unforeseen tensions. Certainly there was a disjuncture between laws governing public bars and off-licence arrangements. Under the Child Messenger Act 1901, minors under the age of 14 were permitted to enter public bars to obtain drink for consumption off the premises, provided the vessels used were corked or sealed at the point of sale (though in practice, unsealed jugs were often used).<sup>13</sup> The Children Act in effect overruled this provision, except for those premises which possessed a separate off-sales counter, typically known as a 'jug and bottle.' A host of sources, including numerous autobiographies, confirm that many children were sent to obtain beer in this manner, parents considering this a suitable and appropriate task for their sons and daughters.<sup>14</sup> Though collecting liquor in this fashion was entirely legal, when entering an off-sales department, children were exposed to many of the same sights and sounds as would be found in the public bars. Over the coming years, tensions about the uneven influence of licensing laws in relation to minors provoked sustained controversy.

---

<sup>10</sup> Children Act 1908 s.120

<sup>11</sup> George List, *Pub Survey* (Brendlin, n.d. [1938?]) p.16

<sup>12</sup> Children Act 1908, s.119

<sup>13</sup> Intoxicating Liquors (Sale to Children) Act 1901

<sup>14</sup> See, for example, Alice Foley, *A Bolton Childhood* (Manchester University Extra Mural Department, 1973) p.10

In the years immediately after the introduction of the Act, evidence of successful reform was mixed. Despite the threat of punishment and ultimately losing their licence, many publicans were prepared to ignore the new law, doubtless inspired by the desire to retain the custom of women who had long been used to taking in their offspring. In Barrow, for instance, babies and infants remained a common sight in many premises, with some locals claiming to be unaware of the recent legislative changes. Often women would call in for just one quick drink, typically during the day when police inspection of premises was less likely.<sup>15</sup> Thus while the Act was thought to have made some impression on drinking cultures, it was apparent that in many communities children might be regularly found in pub bars.

It was with the coming of war in 1914 that the restrictions were enforced with greater strictness, the outbreak of hostilities ushering in a period of unprecedented alcohol regulation more generally. Fears about increased drinking among troops were widespread, alongside alarm about escalating drunkenness among munitions workers. In response, the Central Control Board (Liquor Traffic) [CCB], was established in spring 1915. It introduced a raft of exacting regulations, with pub opening times slashed from around twenty hours to five a day.<sup>16</sup> Treating - buying drinks for others - was regarded as a 'cause of excessive drinking,' and placed under a general ban.<sup>17</sup> These and other restrictions brought about a marked change in drinking habits, with beer consumption, for instance, falling from a total of 34,193,000 barrels in 1914 to 12,791,000 in 1918.<sup>18</sup>

Predictably in this climate of strict licensing regulation, the influence of the Children Act was paid greater attention. Certainly the war witnessed a renewal of concerns about alcohol's damaging impact on family life. Welfare reformers aired anxieties about increasing drinking among women; a trend which they claimed was linked to the higher wages many women earned in munitions factories, and, in the case of servicemen's wives, their separation allowances.<sup>19</sup> Fears were widespread that these

---

<sup>15</sup> University of Lancaster, Centre for North-West Regional Studies, Elizabeth Roberts Archive, Mr P1B; Mrs M6B

<sup>16</sup> PP Fourth Report of the Central Control Board (Liquor Traffic) (1918) Cmd. 9055, xi

<sup>17</sup> The National Archives (hereafter NA) HO 185/230: CCB Memorandum to the Ministry of Munitions, 2 Aug 1915, p.2

<sup>18</sup> PP Statistics as to the Operation and Administration of the Laws relating to the Sale of Intoxicating Liquor in England and Wales for the Year 1918, (1919) Cmd. 352, vol.LI.413, p.3

<sup>19</sup> Henry Carter, *The Control of the Drink Trade: A Contribution to National Efficiency, 1915-17* (Longmans, 1918) p.89

developments would lead to greater neglect of children, prompting fresh scrutiny about the workings of the 1908 law.

The new wartime women's police and patrols were mandated to pay particular attention to the issue of children's presence in public houses.<sup>20</sup> Both policewomen and patrollers were engaged in promoting the social and moral welfare of civilians, particularly women and children. Police and patrollers surveyed public houses, discouraging insobriety and ensuring the strict upkeep of the law. They were unequivocal in their response to any contravention of the Children Act. In late 1915, while on patrol in a 'large provincial town,' policewomen found 'two small children standing in the bar of a public house.' They tried to claim they were over 14, but even the landlord admitted they looked much younger. While the publican received a fine for serving them, the children's parents were admonished by the policewomen for failing to keep their offspring away from public houses.<sup>21</sup> In January 1916, a Sergeant Beausire of London's Paddington Patrol insisted on marching home a young boy she had found playing in a bar. His mother had been in the pub, but had left him there and returned home. Her irresponsible conduct earned the woman swift reprimand from the patroller.<sup>22</sup> The involvement of women police and patrollers, then, marked a new stage in regulating the space of the pub in relation to child welfare.

In spite of the censure meted out by policewomen and patrollers, some women continued to take their children into pubs. One oral history interviewee, a Mrs Beale, remembered being taken as a four-year-old in 1916 to a local pub in Southampton while her mother enjoyed a glass of whisky with friends. She understood and accepted, even at that early age, that in her mother's eyes this was infinitely preferable to leaving her at home. Beale said she liked going to the pub, being fussed over by the grown-ups and shown the 'pictures on the walls.'<sup>23</sup> Although such testimony is certainly rare, it offers telling alternative insights into the lived realities of women's wartime pub cultures and their influence on young children - though of

---

<sup>20</sup> See Louise Jackson, *Women Police: Gender, Welfare and Surveillance in the Twentieth Century* (Manchester University Press, 2006) and Claire A. Culleton, *Working-class Culture, Women and Britain, 1914-21* (Macmillan, 2000) for more on the development of women police and patrollers

<sup>21</sup> Imperial War Museum (hereafter IWM): Women's Work Collection 1914-24: EMP 43/93: 'The Women Police Service: An Account of Its Aims and Report for 1915-16,' pp.15-16

<sup>22</sup> IWM DPB WWC EMP 43/94: 'Extract from Report of a Policewoman 1917,' p.29

<sup>23</sup> IWM Sound Archive, no. 7437, N. Beale.

course any claims about the benign influence of licensed premises would have been rejected outright by hostile temperance reformers and many welfare workers.

Notwithstanding the best efforts of policewomen and patrollers, it became clear that the 1908 restrictions had failed to resolve many difficulties about protecting children from the negative influence of licensed premises. The coming of war saw growing anxieties about children being left at home while their mothers went drinking in pubs. The Manchester City Mission, for instance, claimed that children were 'often left at home for hours.' While few women were thought to leave babies and small infants, there remained considerable disquiet at the prospect of young children, under the age of ten, being left without adult supervision.<sup>24</sup>

Other fears related to the continued practice of depositing children in pub doorways or on nearby pavements. Unaffected by the Children Act, this widespread habit was thought to have dire consequences. Temperance campaigners had long drawn on emotionally-charged images of women waiting outside pubs for their husbands who were inside, draining away the household income.<sup>25</sup> The war, however, saw a new preoccupation with a dereliction of maternal duty, rendered all the more problematic in a time of national crisis. Deplored as wilful neglect, the practice of making children wait outside was condemned on health grounds. The Medical Officer for East Ham, for instance, warned local women about the risks of 'bronchitis and other respiratory diseases.'<sup>26</sup> The Women's Total Abstinence Union was unequivocal in its condemnation, evoking a provocative image of 'miserably-clad children,' who asked "What time [do] they turn the mothers out of the pubs? We are so cold and hungry."<sup>27</sup> Those women thought to be ill-treating their children were subject to sharp rebuke from female police and patrollers:

The mother who habitually leaves her child outside the public house finds it of little use to plead over-fatigue as the necessity for a 'drop o'beer,' when the very vigilant policewoman calls at the door 'Who is the mother of the baby in pink crying outside?'<sup>28</sup>

---

<sup>24</sup> Carter, *Control of the Drink Trade*, p.89

<sup>25</sup> See, for instance, J. Livesey, 'An Address to Husbands and Fathers,' *The Staunch Teetotaller*, no. 7 (July 1867) 97-9

<sup>26</sup> *White Ribbon*, vol. 20 (Oct 1915) p.99

<sup>27</sup> Cited in Sir John Kirk, 'Alcoholism and Child Welfare in War Time,' *British Journal of Inebriety*, vol. 14 (April 1917) p.145

<sup>28</sup> IWM DPB WWC EMP 44/36: 'Newspaper Cuttings: Women Police Patrols, *The Common Cause*, 1918'



The fact such practices were not in contravention of the 1908 law did little to circumvent alarm about wanton negligence.

In order to keep their children with them, some mothers preferred to meet in the backyards of pubs. While their conduct did not contravene the Children Act, landlords who permitted such behaviour were breaking other laws, since yards were not covered under the term of on-licences. Sometimes children, including babies in perambulators, would be left to wait in the yard while their mothers went into the main bar-rooms. The CCB was determined to eradicate such habits: its Women's Advisory Committee was adamant that 'publicans should not be allowed to provide ... shelter where children can be left whilst their mothers are at the bar.'<sup>29</sup> Local licensing authorities were encouraged to be strict on these issues. In February 1916 a Bristol magistrate lambasted 35 local publicans for providing designated waiting areas for children, seeing this as an 'inducement to drink.'<sup>30</sup> Vigilant regulation, over and above the terms of the Children Act, was considered necessary if minors were to be protected more adequately from unnecessary discomfort and dangerous influences.

Temperance and social reform groups made considerable efforts to provide counter-attractions to pubs, hoping to draw women away by offering them alternative kinds of recreation. The importance of 'dry' amenities had been underscored by numerous Victorian and Edwardian reformers, including university settlement leaders and the founders of working men's clubs, who considered non-alcoholic forms of leisure of primary importance in the pursuit of more rational and socially uplifting forms of recreation.<sup>31</sup> Building on these traditions, wartime campaigners considered the promotion of 'dry' amenities central to the protection of children from the negative influence of the pub. The British Women's Temperance Association devoted great energy to the development of its tea rooms, designed to attract working-class women, and mothers in particular. It was anticipated that the inclusion of 'baby gardens' replete with toys would demonstrate 'the advantage of frequenting these rooms in preference to the public house,' with children welcomed into a safe, nurturing environment.<sup>32</sup> Another well-known venture aimed partly at drawing women away from local pubs was the maternal and infant welfare centre founded by Sylvia Pankhurst in the East End. Founded in the premises of a former pub, the

---

<sup>29</sup> NA HO 185/258 CCB Women's Advisory Committee Report, p.12

<sup>30</sup> *White Ribbon*, vol. 20 (Feb 1916) p.26

<sup>31</sup> For discussion, see Brad Beaven, *Leisure, Citizenship and Working-class Men in Britain, 1850-1945* (Manchester University Press, 2005)

<sup>32</sup> *White Ribbon*, vol.18 (Dec 1914) pp.185-6

Gunmakers' Arms, few can have missed the significance of its new name, the Mothers' Arms. Alongside a clinic and day nursery, the refreshment facilities soon proved popular with local mothers and their children.<sup>33</sup>

Overall, the war years saw protracted debates about the inimical influence of alcohol on child welfare. Numerous reformers contended that a worrying number of women were unable to maintain family life in the absence of their husbands away at the Front. Many temperance advocates and child welfare campaigners called for ameliorative reform in the face of what they claimed was the fracturing of family life caused by maternal insobriety.<sup>34</sup> In response to these fears in late 1915, the CCB launched inquiries into the extent of female insobriety and the associated problems of child neglect. It is significant that, in contrast with the claims of many anti-drink campaigners, the CCB's Women's Advisory Committee concluded that although more women had begun to patronise pubs since the outbreak of war, the vast majority drank in moderation, never reaching the point of inebriation.<sup>35</sup> Although some mothers were known to be spending their wages and separation allowances in pubs, in the majority of cases this was not linked to a neglect of their children. Indeed, the Committee concluded that in many cases 'the cumulative evidence of children better clothed and fed and homes improved ... is overwhelming.'<sup>36</sup> For the CCB at least there was a sense that, while there remained certain tensions - especially in relation to children being left on pub doorsteps - there had been an improvement since 1914 in the regulation of drinking spaces. In particular women police and patrollers had done a great deal to promote children's welfare. Nevertheless, as became clear in the post-war years, controversy over the impact of the Children Act was far from resolved.

---

<sup>33</sup> E. Sylvia Pankhurst, *The Suffragette Movement: An Intimate Account of Persons and Ideals* (Longmans, 1931) p.592

<sup>34</sup> Other debates about social instability centred on wartime juvenile delinquency. See, for instance, Cecil Leeson, *The Child and the War: Being Notes on Juvenile Delinquency* (P.S. King, 1917)

<sup>35</sup> NA, HO 185/258, CCB Women's Advisory Committee Report, p.18

<sup>36</sup> *Ibid.*, p.4 The influential social reformer Eleanor Rathbone argued that the separation allowance scheme had a stabilising effect on working-class family life, considering it to be the 'largest experiment in the state endowment of maternity that the world has ever seen': Eleanor Rathbone, *The Disinherited Family: A Plea for the Endowment of the Family* (Edward Arnold, 1924) p.58. For a classic account of health-related developments at this time, see Jay Winter, *The Great War and the British People* (Macmillan, 1985)

## 2 Lobbying in the Interwar Years: Integration, not Separation?

Even before the end of the war, it was widely acknowledged that the CCB's restrictions had had a profound impact on drinking habits, forging a culture of comparatively restrained and moderate consumption.<sup>37</sup> Numerous social surveys reflected on this shift, with the *New Survey of London Life and Leisure* (1935) contending that 'where once frequent drunkenness was half admired, it is now regarded as rather squalid and ridiculous.'<sup>38</sup> While these shifts were welcomed by social reformers, there was still considerable controversy about the need to protect minors from the inimical effects of public houses. In the immediate post-war years, there emerged a campaign to increase the legal drinking age from 14 to 18. Rooted in fears about the deleterious effects of alcohol on the physical and psychological development of adolescents, and associated with concerns about juvenile delinquency, there emerged a movement in favour of legislative reform, led by the teetotal Tory MP Lady Astor (Plymouth). Their efforts were rewarded in 1923 when 18 was adopted as the age at which individuals could purchase liquor for consumption in on-licensed premises.<sup>39</sup> While the debates over juvenile drinking were largely separate from deliberations about the impact of the Children Act, in broad terms these developments underlined the need for continued regulation of public houses so as to promote the well-being of those too young and vulnerable to navigate its potential dangers for themselves.

Reflecting on the impact of the 1908 laws, numerous social reformers were convinced of its benefits. T.R. Ackroyd, President of the National Council of Christian Workers Among Poor Children, considered that the Act had generated a changes in social attitudes:

The educative effect of legislation is not the least of its valuable effect, sometimes even more valuable than its deterrent and punitive effects. The outcome of the ... Children Act has been to create a widespread public opinion that liquor and the child should be kept as far apart as possible.<sup>40</sup>

---

<sup>37</sup> PP, Royal Commission on Licensing (England and Wales) 1929-31, (1931-32) Cmd. 3988, vol.xi: Majority Report: paras.30-32

<sup>38</sup> B. Nicholson, 'Drink' in H. Llewellyn Smith (ed.) *The New Survey of London Life and Labour*, vol.ix (P.S. King, 1935) p.250

<sup>39</sup> Intoxicating Liquor (Sales to Persons under Eighteen) Act 1923. Lady Astor was the first woman MP to take her seat in the Commons, becoming a leading support of child welfare legislation: Maurice Collis, *Nancy Astor* (Faber, 1960). On fears about the dangers of juvenile drinking, see C.C. Weeks, *Adolescence and Alcohol: The Case for the Prohibition of the Sale of Intoxicating Liquors to Young Persons* (Temperance Council of Christian Churches, 1922)

<sup>40</sup> PP Royal Commission on Licensing, Minutes of Evidence (HMSO, 1932) Cmd. 3988 para.26, 991 (16)

Nevertheless, the twenties and thirties saw continuing anxieties, with the Edwardian reforms often seen as inadequate in dealing with a range of prevailing habits and customs. Many critiques about child welfare were characterised by discursive continuities with wartime objections, especially in relation to minors being left outside pubs. Likewise, the accusation that mothers neglected their children in favour of pub-going remained a source of conflict and gossip in many local communities, as well as a point of controversy with reformers.<sup>41</sup> Across the country, alleyways and yards continued to be used by mothers. In an influential survey of drinking cultures, Ernest Selley observed, for instance, that 'on a fine Saturday night in Coventry and Gloucester ... backyards are crammed with women, children and perambulators.' Selley reflected on the framing of the 1908 laws, noting that, with such gatherings not in contravention of the Children Act, 'the spirit of the law is being defeated in a way not anticipated by the law makers.'<sup>42</sup>

Depositing children on pub doorsteps remained commonplace. One East End man recalled occasionally seeing babies left in perambulators given milk laced with 'Guinness to keep them quiet.'<sup>43</sup> Although far less common than at the turn of the century, predictably such practices met with consternation. In 1931, the Metropolitan police charged one Annie Gibbett with giving intoxicating liquor to her two-year-old on the pavement outside the Grove Tavern, Nine Elms. The officers' report observed that 'the child was in a perambulator beside her, a glass half full of stout in the child's hands from which it (the child) was drinking while the mother watching.' Brought before the magistrates for contravening section 119 of the Children Act, Gibbett maintained she 'did not know' this was a crime. With the woman given a small fine, the police afterwards observed that, although not a widespread offence, the 'proceedings may have a good effect on the neighbourhood.'<sup>44</sup> While debate about the 1908 laws centred primarily on the prohibition of minors from bar-rooms, this case serves as a useful reminder of the continued concern about other sections of the Children Act also designed to protect vulnerable infants and babies from the inimical effects of drink.

---

<sup>41</sup> Jerry White, *The Worst Street in North London: Campbell Bunk Islington, Between the Wars* (Routledge, 1986) p.98

<sup>42</sup> Ernest Selley, *The English Public House As it Is* (Longmans, 1927) p.126

<sup>43</sup> Age Exchange, *Fifty Years Ago: Memories of the 1930s* (Age Exchange, n.d. [1985]) p.4

<sup>44</sup> NA, MEPO 2/4531

Throughout the interwar years, although many parents refused to leave very young babies, it remained commonplace to see older children, aged from, say, seven upwards, waiting outside licensed premises. In an era when street-based recreation was central to most working-class children's lives, many thought this practice socially and morally acceptable.<sup>45</sup> Although numerous reformers regarded the custom as absolutely neglectful, many parents were conscious of their responsibilities and refused to leave their offspring outside for more than a few minutes. One Bethnal Green woman recollected that her father had a 'poor opinion of people who left kids outside pubs all evening, so he would only stop for one drink, bringing us out a big arrowroot biscuit to munch while he and Mum had their drink.'<sup>46</sup> This kind of evidence not only reveals a sense of reflection about parental duty, but also points to the involvement of some fathers in these decisions. While debates about child welfare and licensed premises continued to relate mainly to mothers, with the growing cultures of mixed drinking that emerged in the interwar years came a greater sense of responsibility among some fathers at least in relation to protecting their children from the adult world of the public house.<sup>47</sup>

Notwithstanding both the manifest legal impediments and the widespread welfarist objections, some parents - usually mothers - continued to take their offspring into bar-rooms, often because of a lack of alternative child care. Alec Thompson recalled seeing infants in bar-rooms on the Isle of Dogs, asserting that 'they had them on their laps ... [or] asleep on the floor.'<sup>48</sup> As Claire Langhamer has observed, recreational opportunities for a great many working-class mothers were very limited in the interwar years, so often the chance to join friends for a quick drink was greatly valued.<sup>49</sup> That countless fathers saw fit to leave their family while they enjoyed regular, even nightly, trips to the local pub, was considered unjust by some mothers. One exasperated woman in Salford grew so weary of remaining at home that one night she marched into the vault - by convention the room occupied wholly by male drinkers - taking the children with her. She 'plonked [the] two kids on the counter,'

---

<sup>45</sup> Richard Roberts, *The Classic Slum: Salford Life in the First Quarter of the Century* (Penguin, 1990 edn.) pp.153-4

<sup>46</sup> Doris M. Bailey, *Children of the Green: A True Story of Childhood in Bethnal Green 1922-1937* (Stepney Books, 1981) p.68

<sup>47</sup> On mixed drinking see, for example, Mass-Observation, *The Pub and the People: A Worktown Study* (Victor Gollancz, 1943) p.146

<sup>48</sup> Island History Trust Archive, Isle of Dogs: Oral History Interview TR/092

<sup>49</sup> Claire Langhamer, *Women's Leisure in England, 1920-60* (Manchester University Press, 2000) pp.95-6

telling her spouse, “Here y’are ... you look after ’em.”<sup>50</sup> Since, as Andrew Davies has shown, the vault was a highly masculinised space, this kind of protest had notable social impact in a small local community.<sup>51</sup> While such actions were certainly unusual, overall, it is clear that childcare arrangements were an important factor in many families when it came to making decisions about children being taken into pubs.

The interwar years saw extensive debates about the provision of alternative accommodation for children in pubs away from bar-rooms proper. In many seaside resorts, for instance, publicans provided family rooms where children might accompany their parents. Given that minors were often taken along on charabanc trips to the coast, licensees knew that separate amenities must be made available if they were to keep within the law while allowing children inside. In the 1920s in Southend many premises developed family rooms so as to capture trade from the many day-trippers who visited from the capital. Doris Bailey’s reflections on childhood outings give an insight into these experiences:

The big pubs ... had a sort of gallery in the yard, lined with benches. There we would ... eat our bread ... while Dad went down to get a couple of pints. We’d enjoy all the excitement down below where the outings would be gathered ... wearing saucy hats, showing their knickers, and singing ... They’d be drunk of course, but safely up there in the balcony, we’d be out of harm’s way and could laugh at all the fun.<sup>52</sup>

Such practices provoked consternation, not least because with children away from the bar, their presence was not illegal. The Rev. Frank Chambers, a Methodist minister in Southend, contended that many children ‘suffered’ as a result of these family rooms, arguing that there should be ‘no children in the precincts of licensing premises.’<sup>53</sup>

Further reflections on these kinds of arrangements were made to the Royal Commission on Licensing (1929-32), the first major enquiry into licensing laws for a generation. A host of witnesses addressed the issue, ranging from temperance leaders to trade representatives. The Commissioners deliberated at length as to the problems associated with the Children Act. Several legislative proposals aimed at

---

<sup>50</sup> Andrew Davies, *Leisure, Gender and Poverty: Working-class Culture in Salford and Manchester, 1900-1939* (Open University Press, 1992) p.53

<sup>51</sup> *Ibid*, pp. 64-5

<sup>52</sup> Bailey, *Children of the Green*, p.45

<sup>53</sup> PP Royal Commission on Licensing, Evidence, para.28,460 (Appendix I: I-3)

dealing with the various apparent problems were rejected, including the absolute exclusion of children from in and around licensed premises, and the imposition of financial penalties on parents who left children outside pubs. Although not easy to establish, the answer, it was claimed, lay in integration, not separation; that is, in improving pub standards to such a level that the presence of minors no longer generated concerns about exposure to drunkenness and immorality.<sup>54</sup>

Emerging at the turn of the century, and gathering momentum during the war, pub 'improvement' grew in significance throughout the interwar period.<sup>55</sup> In the attempt to move away from perceptions of pubs as drinking dens, 'improvement' was generally taken to mean the renovation of existing pubs or the building of new premises in line with ideas about open and attractive facilities and the provision of additional non-alcoholic recreations. The ethos of 'improvement' centred on moderate consumption, with inebriation strongly discouraged. Premises were to have one or two large rooms, sometimes with separate bar facilities, so customers could relax in comfortable lounge surroundings. This was in sharp contrast with older designs often featuring a single bar and perhaps one or two small drinking compartments, typically known as 'snugs,' where customers were shielded from the view of staff. Dining facilities were accorded particular importance in the attempt to attract couples and families, while in many premises, especially in suburban areas, backyards were replaced with gardens.<sup>56</sup> Many pub 'improvers' were motivated by the desire to inculcate new standards of respectable recreation, and as such it is significant that the question of children's presence in pubs was often a leading preoccupation.

Numerous trade groups argued in favour of the expansion of separate children's facilities and dining amenities in order to make licensed premises more welcoming to families. The Fellowship of Freedom and Reform [FFR] worked to overturn the perception that pubs had a morally corrosive effect on children. 'Drink is not the bogeyman and the improvement of the public house on a family basis will be a real contribution to child welfare,' it claimed.<sup>57</sup> The idea that the 1908 Act exposed children to unnecessary discomfort and risk was emphasised. A satirical ditty

---

<sup>54</sup> PP Royal Commission on Licensing, Majority Report, para.677

<sup>55</sup> Ernest Edwin Williams, *The New Public-House* (Chapman and Hall, 1924). For further discussion, see Gutzke, *Pubs and Progressives*

<sup>56</sup> PP Royal Commission on Licensing, Majority Report, para.207

<sup>57</sup> *Monthly Bulletin*, vol.2 (Aug 1932) p.117

proclaimed:

They say it's all right, but it does seem queer,  
That me and my pram should be left out here.<sup>58</sup>

In the early 1930s, the Labour politician Leah Manning lent her support to the FFR's campaign. In an article in its journal, she reflected on the problems that by then were synonymous with the 1908 Act. In particular she dubbed any welfare reformer who railed against pub-going among mothers a 'righteous Pharisee': 'inside the mother tries to enjoy her glass of beer, but her mind is really on the infant stranded on the pavement outside.'<sup>59</sup> For Manning, class differences were especially acute, since many middle- and upper-class women were able to leave their offspring with a nanny during a night out with their spouses or friends. Such inequalities confirmed her conviction that the development of family rooms constituted a greatly preferable 'alternative to the baby on the pavement.'<sup>60</sup>

In a similar vein, The True Temperance Association (TTA), another leading trade group, lobbied for change. Its Women's Committee devoted particular energy to a campaign for legislative reform, arguing that the Children Act was a 'hindrance' to the development of the pub as a 'family resort.' It considered that in 'improved' premises, even the bar-rooms themselves would be 'perfectly proper for children.'<sup>61</sup> In February 1936 the TTA held a conference on children and pub regulation, with delegates asserting that their presence had a 'steadying effect' on adults.<sup>62</sup> TTA sympathiser and Conservative MP (East Islington), Thelma Cazalet maintained that the Children Act was 'lop-sided.' 'It is a grave question whether, by excluding children, we are not levelling down, instead of levelling up, the character of licensed premises,' she contended.<sup>63</sup> A conference resolution was passed urging that pubs 'should be improved to provide an eating and drinking house, including a children's room or garden where possible, to which men, women and children could resort as a social club.'<sup>64</sup> Thus, for the TTA the issue of children's welfare lay at the very heart of

---

<sup>58</sup> *Monthly Bulletin*, vol. 1 (March 1931) p. 9

<sup>59</sup> *Monthly Bulletin*, vol. 4 (Nov 1933) p. 4. Manning was elected to East Islington in February 1931, but lost the seat in October. She returned to the Commons in 1945, representing Epping, by which time she was well known for her promotion of child welfare issues in Parliament

<sup>60</sup> *Monthly Bulletin*, vol. 4 (Nov 1933) p.5

<sup>61</sup> Royal Commission on Licensing, Evidence, para.32,868 (12)

<sup>62</sup> *True Temperance Quarterly*, no. 14 (May 1936) p.24

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*



'improvement,' helping to cement the idea that the most socially advanced premises should be suitable for families, not just couples, and still less men alone.

Linked to these debates about family-oriented amenities was the controversy about the provision of children's waiting areas. The Royal Commissioners had claimed that separate children's waiting areas away from bars failed to provide a 'proper solution of the difficulty in all cases.'<sup>65</sup> Many in the trade disagreed, since for them, this offered a feasible and not prohibitively expensive way of attracting women drinkers and family groups. Children's areas took on various guises, ranging from unadorned rooms with simple furniture to elaborate outdoor playgrounds. The rationale was two-fold: firstly, if children were being made to wait they should do so in safety and comfort; and secondly that the provision of such amenities would appeal to those who otherwise avoided pubs because of childcare difficulties. The number of premises offering these facilities is impossible to ascertain, owing to a lack of reliable data, either from official sources or from trade records. It is clear, however, that the issue remained an important aspect of 'improvement' throughout the interwar years.<sup>66</sup>

The inclusion of children's rooms and play areas was subject, along with other architectural alterations, to the approval of licensing magistrates. It is significant that by the 1930s many were more willing to approve specific and additional provision for minors, among them W. Broderick, of London's South Western Police Court, who urged other metropolitan benches to follow suit.<sup>67</sup> Particular emphasis was placed on the strict upkeep of the law, with the trade underlining the fact that minors would be kept well away from bars. Hence at the Park Royal Hotel, near the Hangar Hill estate in London, brewers Barclay Perkins stressed that the new children's room was to be 'quite separate from the main building.'<sup>68</sup> The location of children's areas by gardens, especially at the rear of premises, was common. At the Robin Hood in Becontree, Whitbread provided a popular playground with lavatories and a sweetshop. Pub architect Basil Oliver applauded the fact that these 'facilities for safely "parking" children ... put an end to the unedifying sight of unhappy youngsters waiting

---

<sup>65</sup> Royal Commission on Licensing, Majority Report, para.680

<sup>66</sup> Basil Oliver, *The Renaissance of the English Public House* (Faber and Faber, 1947) pp.84, 113

<sup>67</sup> Royal Commission on Licensing, Evidence, para.5906

<sup>68</sup> Oliver, *English Public House*, p.139

outside.<sup>69</sup> While such enterprises promoted children's welfare, brewers doubtless were inspired by more than just progressive principles. With children occupied and content, parents were more inclined to relax, spending more time and therefore more money in the pub - so the thinking ran.<sup>70</sup>

That children's areas were often associated with premises on new housing estates was significant, given the wider community-building ethos which typically underpinned the development of these new pubs. While around a third of all pubs underwent 'improvement' in the interwar years - through renovation or rebuilding - the pubs developed on suburban estates were very much promoted as family-friendly venues.<sup>71</sup> London's County Council was especially active in this regard. The Downham Tavern on the Becontree estate offered extensive entertainments for children, including variety shows and pantomimes.<sup>72</sup> The Morden Tavern in south London offered not only an impressive playground, but also a kiosk where milk and other wholesome refreshments were sold, with the provision of food seen as a boon for welfare provision.<sup>73</sup>

Many of those lobbying for family-orientated venues and children's amenities drew on comparisons with European licensed premises. W. Broderick, for one, observing that there was 'no question' of excluding children from continental licensed cafés.<sup>74</sup> The atmosphere of the café was seen as greatly preferable to the worst type of unreformed pub by many lobbyists, with the enjoyment of a drink or two along with a meal seen as a definite deterrent against drunkenness. Certainly the cultures of moderate drinking prevailing in French cafés, for example, were thought to be underpinned by the presence of families. Appearing as a witness before the Royal Commission, the Chief Constable of Newcastle, Frederick Crawley, was adamant that this culture helped to deter 'excess and drunkenness,' adding that there was no

---

<sup>69</sup> *Ibid*, p.95

<sup>70</sup> On progressivism and children's facilities, see Gutzke, *Pubs and Progressives*, pp.144-7. Evidence about the trade's commercial preoccupations is, however, plentiful. For discussion about the profits gained from providing soda drinks and ice cream for families, for instance, see H.H. Greenaway, 'The Bar: Equipment, Furniture and Arrangement,' in William Bently Capper (ed.) *Licensed Houses and their Management*, vol.i (Caxton, 1923 edn.) p.59

<sup>71</sup> Gutzke, *Pubs and Progressives*, pp. 246-8. By contrast, some new estates like Liverpool's Norris Green remained unlicensed in this period, with local authorities convinced of the social benefits of non-alcoholic recreation. See Royal Commission on Licensing, Evidence, paras.2971-73

<sup>72</sup> Age Exchange, *Just Like The Country* (Age Exchange, 1991) p.88

<sup>73</sup> *True Temperance Quarterly*, no. 8 (Nov 1934) p.21

<sup>74</sup> Royal Commission on Licensing, Evidence, para.5906

sense of 'odium' attached these venues.<sup>75</sup> In response to suggestions that the continental café system ran counter to native social imperatives and the centuries-old traditions of the public house, Crawley observed:

If it is said that if the British public taste would not appreciate such premises, then I would reply that no public taste is permanent; it is altering daily, and can be altered in any direction if sufficient attraction is shown.<sup>76</sup>

Mrs Arthur Shadwell, chair of the TTA's Women's Committee, was adamant that a shift towards emulating European-style habits would reap rich rewards in terms of child welfare. With the development of 'family gathering places and centres of harmless amusement,' minors would no longer be exposed to many of the difficult situations that the Children Act had failed to resolve, she claimed.<sup>77</sup>

Predictably, the idea of couples taking small infants to the pub for a meal left some aghast. B.C. Brough, a North Staffordshire magistrate, maintained that children had no place in and around public houses. He argued for the introduction of heavy penalties on those leaving their children to go drinking. It mattered not, he said, whether they were left on pavements or in dedicated waiting rooms - licensed premises were no place for the young. Moreover, the prospect of swings and sweetshops was, he argued, anathema to the promotion of child welfare.<sup>78</sup> By contrast, others were convinced of the benefits of family facilities, among them Cecil Chapman, a well-known magistrate and social reformer. He contended that no pub 'should be allowed to exist that men and women and children could not go into it with impunity.' He considered the Children Act to be 'a blot on the civilisation of England,' such were the problems and tensions it had generated, and welcomed the reform of pubs as a significant development for child welfare in working-class communities.<sup>79</sup> Overall, then, the issue of children's presence in and around public houses remained deeply controversial throughout the 1920s and 1930s. With the Royal Commissioners unable to settle the question, the Children and Young Persons Act 1933 brought about no changes to the existing law, to the disappointment of

---

<sup>75</sup> *Ibid*, paras.8238,8239

<sup>76</sup> *Ibid*, para.8238

<sup>77</sup> *Ibid*, 32, 868 (11). European anti-drink activists shared British reformers' concerns about the damaging influence of alcohol on children. On the French case, see Patricia Prestwich, *Drink and the Politics of Social Reform: Antialcoholism in France since 1870* (Society for the Promotion of Science and Scholarship, 1988) pp.180-81. Particular concerns about the Children Act and minors' presence in public houses meant, however, that temperance lobbying in this country often took a separate form in this period

<sup>78</sup> Royal Commission on Licensing, Evidence, para.6776

<sup>79</sup> *Ibid*, paras.18,992-3

commentators who wished to see either stricter laws or the dismantling of the 1908 restrictions.<sup>80</sup> It appeared that, despite the difficulties associated with the Children Act, a new settlement could not be reached and so the Edwardian legislative framework remained on the statute books.

### **Conclusion: Continued Dilemmas?**

The Children Act 1908 had a lasting impact on debates about child welfare and the protection of vulnerable minors from the inimical effects of drinking and drunkenness in public houses. The development of 'improved' pubs from the 1920s set in train a new emphasis on providing facilities suitable for children, which, although by no means uncontroversial at the time, became increasingly influential over the coming decades. In the years after 1945, publicans devoted greater effort to the development of catering facilities, with the links between pub food and family recreation growing in significance. Although still associated primarily with 'improved'-style premises, by the 1960s dining amenities were much more widespread.<sup>81</sup> Nevertheless, the issue of keeping minors out of bar-rooms proper remained central to the regulation of public houses, with the Licensing Act 1964 again consolidating existing laws.<sup>82</sup>

From the 1970s there was a demise of the gendered ordering of space in pubs that had characterised many pubs (typically non-'improved' premises) since the late-nineteenth century. The traditional vault, from where women had been barred by entrenched social convention, began to be used by both sexes.<sup>83</sup> The predominance of mixed drinking in all rooms of the pub, together with the continued emphasis on family recreation, added to the idea that children ought to be able to accompany their parents. In an important break with established conventions, in the late 1980s a 'children's certificate' scheme was established. After passing a licensing inspection, publicans could obtain proof that their bar-rooms were suitable for children, thereby gaining dispensation from the law banning under-18s.<sup>84</sup> Trade groups like the Campaign for Real Ale were keen to promote family-friendly premises, helping to break down residual tensions about children's presence.<sup>85</sup>

---

<sup>80</sup> Children and Young Persons Act 1933, ss.5 and 6

<sup>81</sup> *The Times*, 26 July 1967, p.2

<sup>82</sup> Licensing Act 1964, s.168

<sup>83</sup> Valerie Hey, *Patriarchy and Pub Culture* (Tavistock, 1986); Moira Plant, *Women and Alcohol: Contemporary and Historical Perspectives* (Free Association 1997)

<sup>84</sup> For discussion, see Paul Jennings, *The Local: A History of the English Pub* (Tempus, 2007) p.226

<sup>85</sup> Jill Adam, *The Best Pubs for Families* (CAMRA, 1990)

Although building on these developments, the Licensing Act 2003 marked a major watershed in laws governing minors' presence in pubs. By far the most important legislative reform for a century, the Act removed the need for certification permitting minors in bars. Instead, the Act established the founding principle that all bars should be fit for children accompanied by adults.<sup>86</sup> While one of the four stated objectives of the new law was the 'promotion of child welfare,' the major changes instituted by the Act stirred renewed controversy about the potential dangers to minors found in public houses. Certainly concerns about the 'conflicting signals' sent by allowing children into bars resonated with criticisms made about the 1908 laws.<sup>87</sup> With the state mindful of the many 'sensitive' issues at hand, a century on from the 1908 Act it was clear that the question of how best to protect children in and around licensed premises remained a source of social and political contention.<sup>88</sup>

Public houses, along with adult alcohol consumption, and excessive drinking in particular, have long been seen as a potential threat to children's well-being.<sup>89</sup> The banning of children from bars under the Children Act 1908 proved to be a controversial attempt to safeguard minors' welfare, with the law often flouted openly with the consent of landlords who were convinced that such an approach was preferable to seeing children on the streets waiting for their parents. In the face of these developments, many reformers railed at what they saw as a wanton disregard for children's safety. Typically this was seen as all the more shocking in relation to maternal drinking, as the debates of the Great War made clear. Though change was often slow, the interwar years saw a growing emphasis on pub 'improvement' as a means of protecting minors, and indeed raising general standards. Overall, 1908 law had a mixed reception. It was often seen as creating perhaps as many problems as it solved, or at least failing to deal comprehensively with the complex issues surrounding child welfare and the regulation of the complex space of the public house. Such tensions notwithstanding, it is clear that the Children Act helped to shape ideas about the need to address children's welfare needs in and around licensed premises - ideas that remain influential a century later.

---

<sup>86</sup> Licensing Act 2003, s.145. Local authorities were mandated to exempt premises deemed manifestly unfit for minors, such as pubs admitting only over-25s

<sup>87</sup> Hansard, HC debates (6<sup>th</sup> Series) vol. 407, 165, 16 June 2003

<sup>88</sup> For further consideration see Kerry Barker and Susan Cavender, *Licensing: The New Law* (Jordans, 2005 edn.) pp. 9-12, 110

<sup>89</sup> On contemporary discussions, see Malcolm Hill and Kay Tisdall, 'Children and Health,' in Harry Hendrick (ed.) *Child Welfare and Social Policy: An Essential Reader* (Policy Press, 2005), pp.301-21