

LONDON BOROUGH OF TOWER HAMLETS**DECISIONS OF THE COUNCIL****HELD AT 7.00 P.M. ON WEDNESDAY, 20 JANUARY 2021****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Bex White

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Regarding Motion 12.1 relating to Care Full Pay, the Speaker noted that a number of Members had recorded membership of the GMB Union in their register of interests. Whilst he noted this declaration, he had been advised that all Members may participate in the debate and vote on this item. (This motion was not debated due to lack of time)

Councillor Kahar Chowdhury declared a Non - Disclosable Pecuniary Interest (Non DPI) in Agenda item, 12.1 Motion regarding Care Full Pay. This was on the basis of his wife's employment in the care sector (although she was not directly impacted by the motion content). He also declared a Non DPI in Agenda Item 8, Opposition Motion for debate from the Conservative Group - regarding Houses in Multiple Occupation (HMO). The Councillor declared this on the basis that he might apply for a HMO licence in the future. He indicated that would leave the meeting for the consideration of this item

Councillor Denise Jones declared a Non - DPI in the following agenda items. This was on the basis that she had a small business in the Borough:

- Agenda Item 7, Administration Motion for debate - regarding the Government must protect businesses and livelihoods in Tower Hamlets
- Agenda Item 12.2, Motion regarding Working from Home threat to the finances of Tower Hamlets

Councillor Ayas Miah declared a Non – DPI in Agenda Item 7, Administration Motion for debate - regarding the Government must protect businesses and livelihoods in Tower Hamlets. This was on the basis that his brother had a small business in the Borough. He also declared a Non - DPI in Agenda Item 8, Opposition Motion for Debate from the Conservative Group - regarding Houses in Multiple Occupation (HMO). The Councillor declared this on the basis that he intended to apply for an HMO licence.

Councillor Motin Uz - Zaman declared a Non – DPI in Agenda Item 7, Administration Motion for debate - regarding the Government must protect

businesses and livelihoods in Tower Hamlets. This was on the basis that he had a business. He also declared a Non - DPI in Agenda Item 8, Opposition Motion for Debate from the Conservative Group - regarding Houses in Multiple Occupation (HMO). The Councillor declared this on the basis that he held an HMO licence.

Councillor Val Whitehead declared a Non – DPI interest in Agenda Item 7, Administration Motion for Debate - regarding the Government must protect businesses and livelihoods in Tower Hamlets. This was on the basis that she had a small business in the Borough. She indicated that would leave the meeting for the consideration of this item

The following Councillors also declared a Non - DPI interest in Agenda Item 8, Opposition Motion for Debate from the Conservative Group - regarding Houses in Multiple Occupation (HMO) as they or a partner held a HMO licence:

- Councillor Asma Islam (partner held a HMO licence). Absent from the meeting for the voting on this item.
- Councillor Leema Qureshi – owned properties and may apply for a HMO licence in the future
- Councillor Zenith Rahman.
- Councillor Helal Uddin (wife held an HMO licence). He was absent from the meeting for the vote on this item.
- Councillor Abdul Ullah (partner held an HMO licence). Indicated that he would not participate in the debate and the vote on this item.

3. MINUTES

DECISION:

1. That the unrestricted minutes of the Meeting of the Council held on Wednesday 18th November 2020 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE

Please see the minutes.

5. TO RECEIVE PETITIONS

5.1 Petition regarding Improve the safety and amenity of the Thames Path at the gate to KEMP (King Edward Memorial Park)

Edwin Whipp and others addressed the meeting on behalf of the petitioners, and responded to questions from Members. Councillor Sabina Akhtar, Cabinet Member for Culture, Arts and Brexit then responded to the petition.

DECISION

1. That the petition be referred to the Corporate Director, Place, for a written response within 28 days.

(Action by: Ann Sutcliffe, Corporate Director, Place)

5.2 Petition regarding Stop the trial of all the time bus lanes

Azad Miah addressed the meeting on behalf of the petitioners and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition.

DECISION

1. That the petition be referred to the Corporate Director, Place for a written response within 28 days.

(Action by: Ann Sutcliffe, Corporate Director, Place)

5.3 Petition regarding stop the structurally discriminating consultation process on Liveable street programme

Mohammad Rakib addressed the meeting on behalf of the petitioners, and responded to questions from Members. The Council debated the issues and Mayor John Biggs responded to the matters raised in the Petition.

During the debate, Councillor Rabina Khan **moved** and Councillor Andrew Wood **seconded** a motion (as set out below).

This Council notes:

1. The petition presented to the full council by residents, which has gathered over 2,100 signatures stating that they have been discriminated against by the Liveable Streets' Contractor, PCL Consult.
2. The petition and the residents supporting the petition state that they have been directly and indirectly discriminated against on the basis of their protective characteristics of race, faith, gender, disability, age and socio-economic inequalities.
3. That the petition represents not a single isolated incident, but over 2,500 individual complaints covering all demographics and all geographic areas that make up the diverse community of Tower

- Hamlets. Representing institutional and systematic discrimination by PCL Consult, the Tower Hamlets Council contractor.
4. That protective characteristics are protected by law under the Equality Act of 2010 and Tower Hamlets Council has a Public Sector Equality Duty to ensure that its residents are not discriminated against on the basis of their protective characteristics.
 5. The MacPherson principles of the Stephen Lawrence Inquiry, which states that all complaints about incidents of racism should be recorded and investigated as such when they are perceived by the complainant or someone else as acts of racism.
 6. The Equality Act 2010 incorporates the MacPherson Principle to cover all protected characteristics in the Act
 7. In 2020, the following related petitions were on the Council's website:
 - 2,127 signatures so far on the Council website for the petition "Stop the structurally discriminating consultation process on Liveable Streets" programme, which ends on 31st January 2021
 - 1,724 signatures for a "Petition to allow residents' vehicles and taxis access through the Wapping Bus Gate during operating times"
 - 1,668 signatures for "Stop The Burdett Road Entrapment!"
 - 514 signatures for a petition to "Re-Open Old Ford Road"
 - 2,365 signatures to "Get the local council to stop using the blunt instrument of road closures to stop rat running through Tower Hamlets"
 - That these are the largest petitions on the Council website in 2020 together with petitions regarding Whitechapel Bell Foundry, parking mini-zone change and the Community Language Service

This Council further notes:

1. To date, the Council has spent £1 million on the Liveable Streets' consultation programme. At a time of national crisis with our borough having to make cuts left, right and centre, it is inexcusable for this council to continue to spend one more penny on a flawed and divisive programme, which has only paid lip service to the required consultations.
2. The cost of such a scheme is unreasonable at a time when the Council is having to borrow money to deliver its Town Hall programme.
3. A Judicial Review was granted against Tower Hamlets Council in the High Court for indirect discrimination against Black, Asian and Ethnic Minority community projects in 2019. Judge Roger ter Haar QC stated: "I am particularly concerned about the indirect discrimination in the case."
4. There are clear flaws in the Equality Impact Assessment. The report states that people with the protected characteristics of disability and age, "limiting or reducing car provision could have a negative impact on this group. Naturally, road closures would have this effect.

5. It then states that there would be “no impact”.
6. The report states that car users “may be required to take an alternative route” without considering the affect on older and disabled residents. This has not been investigated and no evidence has been provided.
7. The EQIA assessment has deliberately been omitted vital feedback to fit the PCL Consult’s agenda.
8. East End Enquirer’s investigation identified that only one of the seven Liveable Streets’ schemes (in Bow) had an Equality Impact Assessment undertaken. which was carried out by Council officers directly involved in the scheme, or external consultants hired to deliver the scheme.
9. The report titled “Report on Structural Discrimination in the Liveable Streets’ Consultations” by Cllr Puru Miah.
10. That the High Court has today 20th January handed down two judgments in R (UTAG & LTDA) v Transport for London & Mayor of London [2021] EWHC 72 (Admin) and R (UTAG & LTDA) v Transport for London & Mayor of London [2021] EWHC 73 (Admin) which quashed the Mayor of London's Streetspace Plan and TfL’s Bishopsgate Traffic Management Order, The High Court Judge held that the Mayor and TfL had failed to have regard to the status and unique role of London taxis in formulating the Streetspace Plan and Guidance and on this basis alone she held both to be unlawful. Also mentioned was a lack of an Equality Impact Assessment.

This Council resolves:

1. That Equality Impact Assessments (EIA) are:
 - Always carried out on schemes that change residents’ daily lives
 - Carried out by individuals not involved in the delivery of projects and who lack expertise in this specialist area, and not undertaken by those who have a personal/professional or commercial commitment to the projects’ delivery.
 - That they be centralised (perhaps within Public Health) into one department that does the EQIA for all Council projects to ensure standardisation, expertise and independence.
 - That the Council makes clear that if a project fails, or partially fails its EIA, it be suspended and rethought.
2. That the Council looks again at how it consults residents and why it does so:
 - That for locally specific consultations, the Council sends – via Royal Mail – consultation documents to those blocks that are difficult to access.
 - That the Council provides consultation information in other languages

- That where external companies are used in consultations, they do not have a commercial interest in its outcome, and that their commercial interest is to ensure a fair response.
 - That the Council provides a mechanism for returning consultation materials that are not online
 - That the Council makes clear under what circumstances and by whom consultation responses are not taken up
3. To test the use of electronic camera-controlled gates that allow the following vehicle types through:
- Local residents (based on the postcode of the vehicle registration e.g. E1W)
 - Licensed taxis (hackney carriages) based on the rules that TfL use for their bus lanes
 - Electric vehicles (vehicle types can be confirmed via the DVLA as TfL currently do)
 - Royal Mail (this is an easy visual check)
 - All ambulances
 - All school or special needs buses
 - TfL buses
 - Last mile related delivery vehicles (to be defined)
4. That the £65 penalty charge will more than cover the costs of such a scheme, both the implementation and administration (see Blackwall bus gate).
5. To expand the provision of live air quality monitor sensors across the Borough, as the four sensors we have are not in places where people live, work or study, but either in parks or right next to main roads. The Council's own Love Your Neighbourhood app routinely shows air quality in the borough as being low (low meaning low levels of pollutants). To treat the petition and the signature as a complaint of discrimination of protected characteristics of residents and investigate it as such.
6. To treat the petition and the signature as a complaint of discrimination of protected characteristics of residents and investigate it as such.
7. That Council's safeguarding measures should be implemented, and PCL Consult should be suspended pending investigation to protect members of the public.

This motion moved by Councillor Rabina Khan was put to a vote and was **defeated**

During the debate, Councillor Dan Tomlinson **moved** and Councillor Asma Islam **seconded** a motion (as set out in the resolution below).

The motion moved by Councillor Tomlinson was put to a vote and was **agreed**

DECISION

This Council notes:

1. Tower Hamlets' status as a busy Inner London borough provides us with immense challenges as well as a great opportunities in terms of transport.
2. We have more vehicles passing through the borough each day than anywhere else in the country, with many drivers from other boroughs cutting through Tower Hamlets, and at the same time we are one of the most well-connected boroughs in London when it comes to public transport.
3. Many local vehicle journeys are essential for the economic life of our borough, business owners and taxi drivers contribute to the local economy and at this time of economic hardship we need to do all we can protect and support businesses.
4. Further, although 1 in 3 local car trips in the borough are for journeys less than 1.2 miles, there are many reasons why local residents may need to make journeys via car.
5. However, it is not sufficient to simply blame our congestion and poor air quality on outsiders. There are too many local vehicle journeys that are short and could be better carried out by other means. The school run sees massive traffic flows at many schools and it is often tempting to get in the car for very short journeys when other choices could be made.
6. We must recognise how significant the health impacts of pollution are – particularly in a borough like Tower Hamlets with such a young population. We know that even though we have one of the lowest rates of car ownership of anywhere in the UK, 77% of the population in Tower Hamlets live in areas that exceed recommended limits for air pollution.
7. The introduction of school and play streets which recognises the needs of our young population and enables us to create areas where children can safely walk or wheel to and from school.

This Council further notes that:

1. The 2018 Tower Hamlets Labour local election manifesto, whose commitments and policies were adopted into our local Strategic Plan, stated:

'Tower Hamlets has many main arterial roads going through it, serving the strategic Transport for London road network. Through-traffic should by and large stick to these main roads but many of our residential neighbourhoods have seen huge increases in rat-running traffic, making them more dangerous, noisy and polluted. We will create low traffic neighbourhoods,

keeping through-traffic to main roads, in any residential area where residents want them, with an ambition to have started on at least half of the borough's neighbourhoods by 2022.'

and

'We recognise that many residents need their cars - for work, for family – but we recognise too that levels of congestion and poor air quality mean that something must change. Electric and lower emissions cars will help, although for many those are not easy to afford and Government must help through a scrappage scheme or other measures. We will recognise the many essential reasons residents and businesses have for driving in our borough, including for family and employment reasons, and will respect and facilitate these.'

2. The Liveable Streets programme was introduced in 2018 with the stated aim to:

'improve the look and feel of public spaces in neighbourhoods across the borough and make it easier, safer and more convenient to get around by foot, bike and public transport.'

and

'to reduce people making 'rat runs' and shortcuts through residential streets to encourage more sustainable journeys and to improve air quality and road safety.'

3. The Liveable Streets programme, as with equivalent schemes in other areas, has seen polarised debate with very strong views on different sides.
4. That the implementation of bus gates and road closures in particular have significantly divided views.

This Council believes:

1. There is an urgent need to improve air quality in Tower Hamlets, and we need to do all we can to make residential streets safer for everyone, particularly for children and pedestrians.
2. That a vital part of the Liveable Streets scheme is about making our communities safer for everyone.
3. That we need to reduce 'through traffic' from other boroughs, whilst recognising that many local vehicle journeys are essential for our local residents, but also that for real change to happen local drivers need to use their cars less often too.
4. That our streets and roads are in need of investment, and that Liveable Streets is delivering such investment following detailed and wide consultation.
5. That any large changes we make to the way roads work will be controversial, but that doing nothing and letting the current situation continue is also not an option.

6. That the Mayor and Cabinet Member should review how we engage with residents on Liveable Streets to identify how we could engage more.

This Council resolves:

1. To ensure that we meet our 2018 manifesto commitment.
2. To continue to listen to all residents via detailed and open consultation when making changes to the way our roads work, making sure that views from across our diverse community are heard and considered in full.

Response to the Petition

1. That the petition be referred to the Corporate Director, Place for a written response within 28 days.

(Action by: Ann Sutcliffe, Corporate Director, Place)

6. MAYOR'S REPORT

The Mayor presented his report to the Council. Following which:

- Councillor Peter Golds, Leader of the Conservative Group, responded briefly to the Mayor's report.
- The Mayor responded briefly

7. ADMINISTRATION MOTION DEBATE

Administration Motion for debate regarding the Government must protect businesses and livelihoods in Tower Hamlets

Mayor John Biggs **moved** and Councillor Motin Uz-Zaman **seconded** the motion as printed in the agenda.

Councillor Andrew Wood **moved** and Councillor Peter Golds **seconded** the following amendment to the motion to be debated.

Additions in Bold and Underlined.
Deletions struckthrough

This council notes:

1. A further national lockdown requires additional economic support across all sectors.
2. The Office for Budget Responsibility does not expect GDP to recover to pre-pandemic levels until late 2022.
3. Universal Credit – a lifeline to around 43,000 **26,788 people not in employment and 14,380 in employment for a total of 41,170 Tower Hamlets residents as at October 2020** people in the borough – ~~is due to be cut by £20 in April.~~ **That the £20 per week increase in Universal Credit which started in March 2020 has not yet been**

- confirmed beyond April 2021 with government Ministers apparently in dispute over whether to end or extend it.**
4. As a Council we've stepped up to support our businesses and distributed over a **£194.3** million pounds to businesses **from the government.**
 5. **The Council has received £62.5 million in additional grants from government in 2020/21 to help combat COVID. That the latest report to the Overview & Scrutiny Committee (calculated just before the 3rd national lockdown started) that money received by the Council exceeds the cost of COVID by £3.6 million.**
 6. **That the unemployment rate for Tower Hamlets residents was 8.9% in November 2020 versus 3.4% in November 2019.**

This Council believes:

- That there is a potential catastrophic growth in unemployment and poverty for which we cannot prepare without adequate support from Government. To support families and individuals the Government must:
 1. avoid cliff edges and last-minute announcements and consider extending the furlough scheme beyond the end of April, further extending the bans on evictions and repossessions, and mortgage holidays
 2. maintain the £20 per week uplift to Universal Credit ~~which is currently due to be cut in April~~ **whose extension beyond April 2021 has not yet been confirmed** and which is a real lifeline to those that receive it and the local businesses where it is spent.
 3. set out additional support for the self-employed and working parents impacted by the closure of schools.
 4. give councils the resources to properly cover discretionary payments for the ***£500 isolation scheme, as boroughs like Tower Hamlets have seen a high uptake.***
- As well as the impact on families and individuals, the continuing impact on our economy and businesses is deeply concerning. London's economy will continue to be severely impacted and is at risk from a ~~triple~~ **quadruple** whammy' of the pandemic, **working from home**, Brexit and the Government's ~~so called~~ **'levelling up' agenda to shift resources to the more deprived working class areas of the north of England.**
- Small businesses are the lifeblood of our economy in Tower Hamlets.
- Inner London faces specific challenges of reduced footfall and areas like the City Fringe and Canary Wharf will have to adapt and require specific support.
- The Government must take further action to support businesses, including:
 1. extending the current VAT relief scheme for the whole of 2021 and extending the business rates relief scheme.
 2. expanding the grants programme delivered by local authorities and adjust it so it is based on the number of

businesses within a borough rather than the number of residents.

3. providing targeted support to night-time economy businesses.

This council resolves:

1. To call on the government to set out a comprehensive plan to protect jobs and support our economy.
2. **To set out a comprehensive plan for how Tower Hamlets Council will use its capacity and resources to protect jobs and support the Tower Hamlets economy.**
3. For the Mayor and lead Cabinet member to write to the Chancellor making the case for the interventions listed above.
4. **For the Mayor and lead Cabinet member to communicate to residents how they intend to support businesses and jobs in the Borough.**
5. **To investigate whether the population of Tower Hamlets has declined due to the return home of many workers hard hit by the pandemic and whether that change is permanent or not?**
6. To continue to lobby the Government for adequate economic support and work with our business community.
7. **To set up a Commission (modelled on the Brexit and BAME Commission) to examine the threat of working from home to existing businesses, the changes to the economy post-Brexit and post-COVID and how we can adapt to both. How can we make Tower Hamlets the best place in the UK to open new businesses?**
8. **A clear focus on making the growth areas in Tower Hamlets more attractive places for businesses, workers and residents, to retain those we have and to attract new ones. That like other Boroughs we will need to be more pro-active in creating great places that are not “soulless” but which rather offer the best combination of business, leisure and sports opportunities.**
9. To lobby for adequate support for individuals and families affected by the economic impact of Covid-19.
10. **To have a clear focus on making Tower Hamlets the best place to live and work in London.**

Following debate, the amendment was put to a vote and was **defeated**.

The motion was put to a vote and was **agreed**.

DECISION:

This Council notes:

1. A further national lockdown requires additional economic support across all sectors.
2. The Office for Budget Responsibility does not expect GDP to recover to pre-pandemic levels until late 2022.
3. Universal Credit – a lifeline to around 43,000 people in the borough – is due to be cut by £20 in April.

4. As a council we've stepped up to support our businesses and distributed over a million pounds to businesses.

This Council believes:

- That there is a potential catastrophic growth in unemployment and poverty for which we cannot prepare without adequate support from Government. To support families and individuals the Government must:
 1. avoid cliff edges and last-minute announcements and consider extending the furlough scheme beyond the end of April, further extending the bans on evictions and repossessions, and mortgage holidays
 2. maintain the £20 per week uplift to Universal Credit which is currently due to be cut in April and which is a real lifeline to those that receive it and the local businesses where it is spent.
 3. set out additional support for the self-employed and working parents impacted by the closure of schools.
 4. give councils the resources to properly cover discretionary payments for the £500 isolation scheme, as boroughs like Tower Hamlets have seen a high uptake.
- As well as the impact on families and individuals, the continuing impact on our economy and businesses is deeply concerning. London's economy will continue to be severely impacted and is at risk from a 'triple whammy' of the pandemic, Brexit and the Government's so called 'levelling up' agenda.
- Small businesses are the lifeblood of our economy in Tower Hamlets.
- Inner London faces specific challenges of reduced footfall and areas like the City Fringe and Canary Wharf will have to adapt and require specific support.
- The Government must take further action to support businesses, including:
 1. extending the current VAT relief scheme for the whole of 2021 and extending the business rates relief scheme.
 2. expanding the grants programme delivered by local authorities and adjust it so it is based on the number of businesses within a borough rather than the number of residents.
 3. providing targeted support to night-time economy businesses.

This Council resolves:

1. To call on the government to set out a comprehensive plan to protect jobs and support our economy.
2. For the Mayor and lead Cabinet member to write to the Chancellor making the case for the interventions listed above.

3. To continue to lobby the Government for adequate economic support and work with our business community.
4. To lobby for adequate support for individuals and families affected by the economic impact of Covid-19.

(**Action by:** Kevin Bartle Interim Corporate Director - Resources (Section 151 Officer/Mayor's Office)

8. OPPOSITION MOTION DEBATE

Opposition Motion for Debate - From the Conservative Group - Regarding Houses in Multiple Occupation (HMO)

Councillor Peter Golds **moved** and Councillor Andrew Wood **seconded** the motion as printed in the agenda.

Councillor Sirajul Islam **moved** and Councillor Eve McQuillan **seconded** an amendment to the motion to be debated, as set out in below.

Added text underlined
Deleted text scored out

This council notes that for several decades a house or flat occupied by three or more unrelated persons who do not form a single household and share common amenities is defined as a House of Multiple Occupation (HMO), most recently under Sections 254, 257 and 258 of the Housing Act 2004. With five or more residents sharing common amenities, there is a requirement for the property to be licensed by the local authority.

The council further notes that there are approximately 9,000 such properties in Tower Hamlets with just half of these licensed as HMOs, with two licensing schemes known as Mandatory and Additional Licensing.

HMOs, where of good quality, make an important contribution to the private rented sector (PRS) by catering for different housing needs, including for some key workers, and by contributing to the overall provision of affordable or private rented stock. Meeting these housing needs are essential, not least as vital services including schools and hospitals are clear that the high housing costs in London make recruitment difficult.

While nationally many HMO tenants are students, in areas with high rents such as Tower Hamlets tenants are often young working people living in flatshares in order to meet high rent costs.

The council notes that from 1st January 2021 any person seeking an HMO licence in the borough will need to seek planning permission for this purpose, under what is known as an Article 4 Direction. This change was driven by a number of local authorities led by Newcastle upon Tyne City Council to protect the housing mix in particular areas of the City.

An Article 4 Direction allows local authorities to ~~remove~~ withdraw specified permitted development rights across a defined area. ~~in some circumstances~~ The use of an Article 4 Direction is that any proposed development that is within the scope of the Direction cannot be carried out under permitted development and will require a planning application to be submitted to the Council. This will enable the Council to consider the proposal in terms of its acceptability in planning terms. Article 4 Directions ~~and~~ must be accompanied by a plan that clearly shows the area that is subject to the direction, and the extent of the area needs to be based upon evidence.

~~Elsewhere councils are aiming to manage HMOs better by improving residents' standard of living and maintaining mixed communities. This is due to studies that show that a concentration of HMOs can be associated with the following issues:~~

- ~~• poor standards of accommodation~~
- ~~• loss of local character~~
- ~~• reduction in environmental quality~~
- ~~• increased noise complaints~~
- ~~• increased anti-social behaviour~~
- ~~• loss of single family dwelling houses~~
- ~~• increased levels of crime~~
- ~~• increased pressures on car parking~~
- ~~• increased pressure upon local services~~
- ~~• changes to local retail provision~~

Despite restrictions on what actions can be taken, the council can take over the management of individual HMOs to prevent ASB and introduce a “selective licensing scheme” if residents of several houses in an area are behaving anti-socially. The result of this would require all landlords of properties in a specific area to have licenses showing that they meet “minimum standards.”

The Council operates three private sector licencing schemes: selective licensing for any private rented property in Weavers/Whitechapel/Weavers wards, mandatory HMO licensing for larger HMOS (5 renters or more) and an additional licensing scheme for smaller HMOs (3 renters or more) across the Borough apart from the selective area.

~~The Council notes that this change can also be traced to other concerns relating to a proliferation of HMOs. In December 2018 a rogue landlord in north west London was jointly prosecuted by the Boroughs of Brent and Harrow for operating sub-standard HMOs and received a record fine of £1.5million by the Courts. Other London boroughs including Lewisham have been extremely pro-active in their regulation of HMOs.~~

The Council notes that parts of the Isle of Dogs are seeing increasing numbers of family homes turned into HMOs and dramatically changing the area. In one case in a small square of town houses, all but one house in the development has been taken over and converted to HMO use by a single developer. Family houses have been extended outwards, upwards and further upwards with dormer windows and the rooms rented to students. A student

hostel of 80 -100 rooms would require planning permission with conditions, payment of CIL and a Section 106 agreement. This change of use has avoided all of these elements. The effect has been to achieve an extended student facility by stealth, in a small square to the detriment of neighbours in the adjoining streets. Residents have noted that the gardens of the once individual properties have been combined and believe that this development should be considered commercial as opposed to single properties.

As a result locally we also face problems with;

- Council tax is per property and does not reflect the number of adults now residing in each property
- Loss of affordable homes in the planning process
- Loss of S106, CIL, New Homes Bonus as new properties are not being built to meet this demand
- School place planning becomes problematic as we lose family size homes with no replacement
- Water pressure – numerous adults in a family sized property consume more resources than single families
- Rubbish removal is increased
- Transport provision is affected

The council is using its licencing and planning powers to seek to ensure HMO's meet certain standards and to manage the impacts of HMOs on local areas. The HMO Article 4 Direction, now in force, requires new HMOs to apply for planning permission. Through the planning process, matters such as the cumulative impacts (number of HMOs in the area), the suitability of the proposed location (accessibility levels), housing design (quality) and management (addressing ASB and crime) can be explored in assessing the suitability of the proposed use.

The council notes that many of ~~these~~ the past conversions are by the same developer and that London Renters have protested as to the management of these properties as well as nearby residents who are affected by them.

The Council further notes that that the Newcastle upon Tyne Article 4 Direction was to protect housing mix in a defined area.

The Council legally has to consult interested parties when issuing licencing but can only refuse a licence in very specific circumstances.

Once a property is licenced a copy of that licence remains in the premises and under its conditions requires the landlord to provide minimum standards of conditions, management, amenities and tenancy behaviour.

The Council resolves to:

- Continue to stand up for renters in HMOs.
- Lobby the Government to allow us to extend licencing schemes more broadly, and to lobby for a mandatory licencing scheme to be introduced for short term lets including Airbnb.
- Support the Mayor of London's campaign to introduce rent controls.

- Request that the Overview and Scrutiny Committee considers what further measures the council could take to support renters and minimise any potential negative impacts from HMOs.
- Update Note that the register of licensed properties used as HMOs is updated monthly and ensure that all 9,000 are correctly registered.
- Ensure Note that the register is accessible to enquirers by listing all properties by alphabetical address in an initial section and a second section listing details of each owner with a list of their properties as it is published in an Excel format.
- Ensure that HMRC are aware of this list of landlords with HMO's.
- Ensures the planning process reflects and protects the housing mix of each area of the borough.
- Note that following the introduction of the Article 4 direction, any new small scale HMOs require planning permission, but this does not necessarily mean that there will be any physical changes to a dwelling and homes may be HMOs for a short period and then revert to family homes.
- Note that decent quality homes for sharers are an important part of the borough's housing mix.
- Ensures that reports to the planning committee identify applications as potential HMOs. This will enable officers and members to consider the housing mix as opposed to approving what appears to be a simple extension.
- Note that those that are extending homes with a view to occupation as an HMO will need to apply for planning permission for that use. It would be unlawful for the planning committees to speculate on the future use of a property if that is not the subject of the application and requires permission in its own right.
- Explore whether available resources allow us to That the Council write directly (ideally via personally addressed mail (if registered on the electoral register) to each HMO tenant occupant making them aware of the rules that apply to their landlords and how and where to complain if the landlord is not following the rules.—This should be done every few years given the turnover in such properties.
- Note that when a licence is issued a copy of the licence should be displayed within the property detailing the conditions that the licence holder must comply with.
- Encourage via the planning process the provision of dedicated accommodation e.g. for students to meet this demand rather than rely on private individuals changing the demographic mix of Tower Hamlets by buying up scarce family homes.
- Note that the demand for housing in Tower Hamlets is high and available properties are relatively scarce.
- Change the parking rules so that HMO's have access to only one parking permit per property.
- Finally note that the council should seek continue to work with residents and councillors to protect the interests of residents and future tenants in the licensing and approving of HMOs.

Following debate, the amendment was put to a vote and was **agreed**

The motion as amended was put to a vote and was **agreed**

DECISION

This council notes that for several decades a house or flat occupied by three or more unrelated persons who do not form a single household and share common amenities is defined as a House of Multiple Occupation (HMO), most recently under Sections 254, 257 and 258 of the Housing Act 2004. With five or more residents sharing common amenities, there is a requirement for the property to be licensed by the local authority.

The council further notes that there are approximately 9,000 such properties in Tower Hamlets with just half of these licensed as HMOs, with two licensing schemes known as Mandatory and Additional Licensing.

HMOs, where of good quality, make an important contribution to the private rented sector (PRS) by catering for different housing needs, including for some key workers, and by contributing to the overall provision of affordable or private rented stock. Meeting these housing needs are essential, not least as vital services including schools and hospitals are clear that the high housing costs in London make recruitment difficult.

While nationally many HMO tenants are students, in areas with high rents such as Tower Hamlets tenants are often young working people living in flatshares in order to meet high rent costs.

The council notes that from 1st January 2021 any person seeking an HMO licence in the borough will need to seek planning permission for this purpose, under what is known as an Article 4 Direction. This change was driven by a number of local authorities led by Newcastle upon Tyne City Council to protect the housing mix in particular areas of the City.

An Article 4 Direction allows local authorities to withdraw specified permitted development rights across a defined area. The use of an Article 4 Direction is that any proposed development that is within the scope of the Direction cannot be carried out under permitted development and will require a planning application to be submitted to the Council. This will enable the Council to consider the proposal in terms of its acceptability in planning terms. Article 4 Directions must be accompanied by a plan that clearly shows the area that is subject to the direction, and the extent of the area needs to be based upon evidence.

Despite restrictions on what actions can be taken, the council can take over the management of individual HMOs to prevent ASB and introduce a “selective licensing scheme” if residents of several houses in an area are behaving anti-socially. The result of this would require all landlords of properties in a specific area to have licenses showing that they meet “minimum standards.”

The Council operates three private sector licencing schemes: selective licensing for any private rented property in Weavers/Whitechapel/Weavers wards, mandatory HMO licensing for larger HMOS (5 renters or more) and an

additional licensing scheme for smaller HMOs (3 renters or more) across the Borough apart from the selective area.

The Council notes that parts of the Isle of Dogs are seeing increasing numbers of family homes turned into HMOs and dramatically changing the area. In one case in a small square of town houses, all but one house in the development has been taken over and converted to HMO use by a single developer. Family houses have been extended outwards, upwards and further upwards with dormer windows and the rooms rented to students. A student hostel of 80 -100 rooms would require planning permission with conditions, payment of CIL and a Section 106 agreement. This change of use has avoided all of these elements. The effect has been to achieve an extended student facility by stealth, in a small square to the detriment of neighbours in the adjoining streets. Residents have noted that the gardens of the once individual properties have been combined and believe that this development should be considered commercial as opposed to single properties.

As a result locally we also face problems with;

- Council tax is per property and does not reflect the number of adults now residing in each property
- Loss of affordable homes in the planning process
- Loss of S106, CIL, New Homes Bonus as new properties are not being built to meet this demand
- School place planning becomes problematic as we lose family size homes with no replacement
- Water pressure – numerous adults in a family sized property consume more resources than single families
- Rubbish removal is increased
- Transport provision is affected

The council is using its licencing and planning powers to seek to ensure HMO's meet certain standards and to manage the impacts of HMOs on local areas. The HMO Article 4 Direction, now in force, requires new HMOs to apply for planning permission. Through the planning process, matters such as the cumulative impacts (number of HMOs in the area), the suitability of the proposed location (accessibility levels), housing design (quality) and management (addressing ASB and crime) can be explored in assessing the suitability of the proposed use.

The council notes that many of the past conversions are by the same developer and that London Renters have protested as to the management of these properties as well as nearby residents who are affected by them.

The Council further notes that that the Newcastle upon Tyne Article 4 Direction was to protect housing mix in a defined area.

The Council legally has to consult interested parties when issuing licensing but can only refuse a licence in very specific circumstances.

Once a property is licenced a copy of that licence remains in the premises and under its conditions requires the landlord to provide minimum standards of conditions, management, amenities and tenancy behaviour.

The Council resolves to:

- Continue to stand up for renters in HMOs.
- Lobby the Government to allow us to extend licensing schemes more broadly, and to lobby for a mandatory licensing scheme to be introduced for short term lets including Airbnb.
- Support the Mayor of London's campaign to introduce rent controls.
- Request that the Overview and Scrutiny Committee considers what further measures the council could take to support renters and minimise any potential negative impacts from HMOs.
- Note that the register of licensed properties used as HMOs is updated monthly
- Note that the register is accessible to enquirers as it is published in an Excel format.
- Ensure that HMRC are aware of this list of landlords with HMO's.
- Note that following the introduction of the Article 4 direction, any new small scale HMOs require planning permission, but this does not necessarily mean that there will be any physical changes to a dwelling and homes may be HMOs for a short period and then revert to family homes.
- Note that decent quality homes for sharers are an important part of the borough's housing mix.
- Note that those that are extending homes with a view to occupation as an HMO will need to apply for planning permission for that use. It would be unlawful for the planning committees to speculate on the future use of a property if that is not the subject of the application and requires permission in its own right.
- Explore whether available resources allow us to write directly (ideally via personally addressed mail (if registered on the electoral register) to each HMO tenant occupant making them aware of the rules that apply to their landlords and how and where to complain if the landlord is not following the rules.
- Note that when a licence is issued a copy of the licence should be displayed within the property detailing the conditions that the licence holder must comply with.
- Note that the demand for housing in Tower Hamlets is high and available properties are relatively scarce.
- Finally note that the council should continue to work with residents and councillors to protect the interests of residents and future tenants in the licensing and approving of HMOs.

(Action by: Ann Sutcliffe, Corporate Director, Place)

9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**9.1 Report of General Purposes Committee, Senior Management Review**

The Council considered a report of the General Purposes Committee on the Senior Management Review. Council noted the exempt/restricted appendices.

DECISION:

1. To note the report to the General Purposes Committee including the implications in respect of existing Statutory Officer posts and confirm no objection to the proposed dismissal of the existing statutory officer post holders on the grounds of redundancy.

(**Action by:** Kevin Bartle, Interim Corporate Director - Resources (Section 151 Officer))

10. OTHER BUSINESS

None

11. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

The following questions and in each case supplementary questions were put (except where indicated) and were responded to by the Mayor or relevant Executive Member.

- 11.2. Question from Councillor Peter Golds, seeking clarification on action to address ASB on parking bays on Blasker Walk.
- 11.3 Question from Councillor Victoria Obaze regarding the work of the Covid Ambassadors in ensuring compliance with Covid restrictions. (No supplementary question was asked)
- 11.4 Question from Councillor Andrew Wood about water services in the Isle of Dogs and South Poplar.
- 11.5 Question from Councillor Gabriela Salva Macallan about the Liveable Streets Programme and its impact on small businesses
- 11.6 Question from Councillor Kahar Chowdhury regarding the work of Covid Champions in supporting the community through the pandemic. (No supplementary question was asked)

Question 11.1 was not put due to the absence of the questioner. Questions 11. 7 -11.17 were not put due to lack of time. A written response would be provided to these questions. (Note the written responses will follow)

(**Action by:**—Matthew Mannion, Head of Democratic Services to arrange written responses)

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

No motions were considered due to lack of time.

The meeting ended at 10.20 p.m.