



Meeting of the

# Tower Hamlets Council

## Agenda

**Wednesday, 16 November 2022 at 7.00 p.m.**

### **VENUE**

Council Chamber, 1<sup>st</sup> Floor,  
Town Hall, Mulberry Place,  
5 Clove Crescent,  
London E14 2BG

### **Meeting Webcast**

The meeting is being webcast for viewing through the Council's webcast system.  
<http://towerhamlets.public-i.tv/core/portal/home>. The press and public are encouraged to watch the meeting on line.

### **Democratic Services Contact:**

Matthew Mannion, Head of Democratic Services

Tel: 020 7364 4651, E-mail: [matthew.mannion@towerhamlets.gov.uk](mailto:matthew.mannion@towerhamlets.gov.uk)



## Chief Executive's Office

Democratic Services  
Tower Hamlets Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel      **020 7364 4651**

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **To the Mayor and Councillors of the London Borough of Tower Hamlets**

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.00 p.m.** on **WEDNESDAY, 16 NOVEMBER 2022**

Will Tuckley  
Chief Executive



## Public Information

### Viewing Council Meetings

Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

### Meeting Webcast and Public attendance

The meeting is being webcast for viewing through the Council's webcast system. <http://towerhamlets.public-i.tv/core/portal/home> The press and public are encouraged to watch this meeting on line

**Please note:** It is also possible to attend meetings in person. Places in the public gallery are allocated on a first come, first served basis from the reception at the Town Hall on the day of the meeting.

### Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available on the Modern.Gov, Windows, iPad and Android apps.



QR code for  
smart phone  
users

## **Public Information**

The meeting is being held at the Council's Town Hall.

Full Council is made up of the Mayor and the 45 Councillors. It's responsibilities include: deciding the Council's overall policies and setting the budget for the year. It also appoints the Council's Committees at the Annual Meeting. In addition, the Council provides opportunities to discuss local issues and is a means by which the Mayor and Cabinet can be held to account in public

The agenda for this ordinary Council meetings comprises:

- Apologies for absence from Members
- Declarations of Interests.
- Minutes of the previous meeting.
- Announcements from the Speaker or the Chief Executive of the Council.
- Petitions for presentation (over 30 signatures) or for debate (over 2000 signatures). A maximum of 4 Petitions that meet the criteria may be discussed taken in the order of receipt.
- Mayor's report followed by Opposition Leader's response. Written report (if any) to be published shortly before the meeting.
- Main Motion debates (including any amendments received)
- Reports requiring Full Council approval
- Member Questions (30 minutes). Questions not put to receive a written response.
- Motions from Members received on notice (including any amendments received). Consideration of these subject to time constraints.
- Any Urgent motions from Members.

Further details on the process for considering these items is set out on the covering reports in the agenda.

### **How can I watch the meeting?**

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet.

### **Public Attendance and Conduct at Meetings**

The public may also watch the Council meeting in the public gallery. To attend please collect a ticket from reception at the town hall. We request that you show courtesy to all present and do not interrupt the meeting. The intention is not to specifically webcast members of the public, however, it is possible that you may be filmed in the background. By attending the meeting you are agreeing to this condition.

Please also switch off mobile phones or turn them on silent.

If you are scheduled to present a petition in person at the meeting, please sit in the reserved seating in the front row. You will be called to address the meeting at the appropriate time

If the fire alarm rings please follow the instructions of the Facilities Staff who will direct you to the exits.



### **Procedure at the meeting.**

Just before the start of the meeting, the macebearer will ask everyone to be upstanding for the Speaker. The Speaker of the Council is the Chair of the meeting and is in charge of the debate. Their role is to control the meeting, including the order of speakers, and to ensure that the business is carried out properly. The Speaker will confirm the expected meeting etiquette for Council meeting, including the following:

- The Speaker will determine the order of speakers - usually from a list of speakers.
- That any online participants must mute their microphones when not speaking.
- Such participants should also switch off their cameras when not speaking.
- All Members may contribute to the discussions, but only the Members physically present in the chamber may vote on items requiring a decision.

### **Order of business**

The Speaker may agree to change the order of business at the meeting. In addition, the Speaker may adjourn the meeting for a period of time or agree an extension to the time limit for the meeting (by up to half hour beyond the three-hour limit). To change the order of business, a Member will need to formally move a motion seeking approval for the requested change. Any such motions will be put to the vote.

### **Voting**

The items requiring a decision will normally be determined by a show of hands or an electronic vote (by Members present in the meeting room). If there are an equal number of votes for and against an item of business, the Speaker will have a second or casting vote.

### **Decisions and Minutes**

The decisions will be published on the website 2 days after the meeting. The draft minutes will be published around 10 working days after the meeting.

### **Publication of Agenda papers.**

Electronic copies of the Council agenda will be published on the Council's Website on the relevant Committee pages at least five clear working days before the meeting.

To view meeting papers and to be alerted when agendas have been published visit: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee). Council documents are also available on 'Mod.Gov' iPad, Android and Windows tablet apps downloadable for free from their respective app stores.

### **Publication of tabled papers**

Any additional documents (such as the Mayor's report, amendments to motions and urgent motions) will normally be published on the Council meeting website either shortly before or during the meeting.



# London Borough of Tower Hamlets

## Council

Wednesday, 16 November 2022

7.00 p.m.

### PAGE NUMBER

#### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

9 - 10

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine; whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interests form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services.

#### 3. MINUTES

11 - 48

To confirm as a correct record of the proceedings the unrestricted minutes of the Ordinary Meeting of the Council held on Wednesday 5 October 2022.

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

#### 5. TO RECEIVE PETITIONS

49 - 50

The Council Procedure Rules provide for a maximum of four petitions to be discussed at an Ordinary Meeting of the Council.

The attached report presents the received petitions to be discussed. Should any additional petitions be received they will be listed to be noted



but not discussed.

## 6. **MAYOR'S REPORT**

The Council's Constitution provides for the Elected Mayor to give a report at each Ordinary Council Meeting.

A maximum of six minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the leaders of the opposition groups to respond for up to two minutes each should they so wish. Following those contributions, the Mayor may reply for up to two minutes.

## 7. **ADMINISTRATION MOTION DEBATE** 51 - 54

To debate a Motion submitted by the Administration in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.

## 8. **OPPOSITION MOTION DEBATE** 55 - 56

To debate a Motion submitted by the Opposition Group in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.

## 9. **REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

### 9.1 **Report of the Executive: Gambling Policy 2022-2025** 57 - 218

To consider, under the Council's Budget and Policy Framework, the report submitted by the Executive proposing the Council's Gambling Policy for 2022-25.

### 9.2 **Report of the General Purposes Committee: Recommendations on Implementation of Special Severance Payments Regulations** 219 - 236

To consider the report of the General Purposes Committee on the Implementation of Special Severance Payments Regulations.

## 10. **OTHER BUSINESS**

### 10.1 **Roman Road Bow Neighbourhood Plan – Post-Referendum Adoption.** Please enter Reference 1 237 - 300

To consider the report of the Corporate Director, Place on adoption of the Roman Road Bow Neighbourhood Plan.



**10 .2 Update of the Protocol for the Identification of Contaminated Land 2022** **301 - 406**

To consider the report of the Corporate Director, Place on the Identification of Contaminated Land.

**10 .3 Appointment of Co-Optees of the Standards Advisory Committee** **407 - 410**

To consider the report of the Director of Legal and Monitoring Officer seeking the appointment of two Co-optees to the Standards Advisory Committee.

**10 .4 Amendments to the Member Allowances Scheme** **411 - 414**

To consider the report of the Director of Legal and Monitoring Officer on proposed amendments to the Member Allowances Scheme.

**11. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL** **415 - 420**

The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.

**12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL** **421 - 428**

The motions submitted by Councillors for debate at this meeting are set out in the attached report.





# Agenda Item 2

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Director of Legal and Monitoring Officer, Tel: 0207 364 4348.

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE COUNCIL**

**HELD AT 7.03 P.M. ON WEDNESDAY, 5 OCTOBER 2022**

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Mayor Lutfur Rahman	Councillor Kabir Hussain
Councillor Faroque Ahmed	Councillor Kamrul Hussain
Councillor Kabir Ahmed	Councillor Shubo Hussain
Councillor Leelu Ahmed	Councillor Asma Islam
Councillor Musthak Ahmed	Councillor Sirajul Islam
Councillor Saied Ahmed	Councillor Ahmodul Kabir
Councillor Shafi Ahmed	Councillor Saif Uddin Khaled
Councillor Ohid Ahmed	Councillor Ahmodur Khan
Councillor Sabina Akhtar	Councillor Sabina Khan
Councillor Amina Ali	Councillor Amy Lee
Councillor Asma Begum	Councillor Abdul Malik
Councillor Maisha Begum	Councillor Abdul Mannan
Councillor Nathalie Bienfait	Councillor Ana Miah
Councillor Mufeedah Bustin	Councillor Ayas Miah
Councillor Bodrul Choudhury	Councillor Harun Miah
Councillor Gulam Kibria Choudhury	Councillor Amin Rahman
Councillor Jahed Choudhury	Councillor Rebaka Sultana
Councillor Abu Chowdhury	Councillor Maium Talukdar
Councillor Mohammad Chowdhury	Councillor Bellal Uddin
Councillor Marc Francis	Councillor Abdal Ullah
Councillor Peter Golds	Councillor Abdul Wahid
Councillor Iqbal Hossain	

**Members Present Virtually:**

Councillor Rachel Blake  
Councillor James King

**SPEAKER IN THE CHAIR****The Speaker of the Council, Councillor Shafi Ahmed in the Chair**

The Speaker of the Council provided his update to the Council. He advised that he was pleased to have been able to participate in many events and activities in the community over the last couple of months.

**Passing of Her Majesty Queen Elizabeth II**

The Speaker reported that he had attended various community events to mark the passing of the Queen and expressed his sincere thanks and gratitude to all involved. He had attended a memorial service at All Saints in Poplar, which included representatives from the Council, the inter faith forum and the local community. He then asked those present to join him in standing for a two minute silence to remember the late Queen.

He had led the proclamation of King Charles III. He wished the new King every success as he took on his role.

Other highlights included:

- The Council's parks and open spaces service had won an award for City of the Year 2022 at the London in Bloom awards ceremony, which was hosted in the Borough.
- He had attended the Asian restaurant and takeaway awards, an industry which was very important to the borough. He was delighted once again to see Tower Hamlets businesses being nominated.
- He had met various community groups and organisations at annual events and celebrations and had also enjoyed getting to know more civic colleagues from other boroughs

Finally, he wished to pay tribute to the young men who had rescued residents from a fire at Bentworth Court, Bethnal Green; Sakariye, Zakariya and Saeed. He commended their bravery and thanked them for their selfless actions.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Suluk Ahmed.

Apologies for lateness were received by Councillor Rachel Blake.

It was noted that due to exceptional circumstances Councillor James King was joining the meeting remotely.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

Following the receipt of a written request from a significant number of Members, the Monitoring Officer had agreed, in line with the Member Code of

Conduct, to grant a general dispensation to all Councillors on Agenda Item 8 'Opposition Motion for Debate on Support for Small Businesses in the Face of the Energy Bill Crisis' as without the dispensation a large number of Members would have to declare a Pecuniary Interest and leave the room for the debate and this would impede the 'transaction of the business' as well as 'impact the representation of the different political groups on the body conducting the business so as to alter the outcome of any vote on the matter'.

Councillor Shubo Hussain declared a non-disclosable non-pecuniary interest in Agenda Item 10.1 'Spitalfields Neighbourhood Plan' as he had a coffee shop on the boundary of the respective area.

### **3. MINUTES**

#### **RESOLVED:**

1. That the unrestricted minutes of the Ordinary Council meeting held on Wednesday 27 July 2022 be approved and signed by the Speaker as a correct record of proceedings.

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

The Chief Executive provided his regular update regarding the following issues:

- The Council would be marking the following events and milestones in the coming weeks
  - Black History Month in October,
  - National Customer Services Week
  - National Hate Crime Week
  - World Mental Health Day on 10th October.
- Preparations were well advanced for the Bow Neighbourhood Planning Referendum. Polling day would be Thursday 13 October 2022.
- Matthew Eady, the new Director of Children's Commissioning and Culture, would join the Council on 1 November 2022.
- He congratulated staff across Tower Hamlets, and particularly those in the Council, who received awards in the inaugural THT integrated care awards on 29 September and announced that the Team of specialist Teachers of the Deaf had been nominated for a Barts Health Allied Health Profession Day Award.
- The Council had received 8 gold awards at the London in Bloom awards for 2022 on 21 September, including the Large Park Award for Victoria Park and large cemetery, heritage and conservation awards for Tower Hamlets Cemetery Park. The Council was named category winner for Town/City of the Year.

## **5. TO RECEIVE PETITIONS**

### **5.1 Petition regarding CCTV on Gill Street**

Lucilia Branco, Denise Otto and Shabul Zaman addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Ohid Ahmed, Cabinet Member for Safer Communities responded to the matters raised in the petition. He stated that the Council was committed to its investment plan to upgrade and replace all old cameras with a new high tech cameras. Whist deployable CCTV had recently been deployed in Gill Street. There were good reasons why CCTV installation there was not ideal and an alternative method of addressing ASB in that location would be explored.

#### **RESOLVED:**

1. That the petition be referred to the Corporate Director, Health, Adults and Communities for a written response within 28 days.

### **5.2 Petition regarding Barleymow Estate**

Derrick Cutler and Aftab Uddin addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding responded to the matters raised in the petition. He acknowledged the difficulties faced by residents and the inadequate response of the previous administration. He explained that the delays related to a number of factors, but work should be completed by February 2024. The Council would be monitoring the situation to ensure this.

#### **RESOLVED:**

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

### **5.3 Petition regarding Antisocial Behaviour in and around Cambridge Heath Station**

Ana Monzon, Anna Bosley and Chris Aria Tree addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Ohid Ahmed, Cabinet Member for Safer Communities responded to the matters raised in the petition. He stated that the current situation was a result of a lack of police presence in the street and a lack of investment from the previous administration. The petition had been raised with the local police. The Council under his administration had committed to significant investment in drug treatment, rehabilitation and recovery programs, and would work with police and partner organisations to tackle drug related crimes.

**RESOLVED:**

1. That the petition be referred to the Corporate Director, Health, Adults and Communities for a written response within 28 days.

**5.4 Petition regarding Save our Safer Streets**

Simon Ramsay, Jane Harris and Shaheena Parvin, addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Kabir Hussain, Cabinet Member for Environment and Climate Emergency responded to the matters raised in the petition. He stated that the Council was putting a robust consultation process in place to listen to all views on this matter and forge a solution that would unify the community and not pit one group against another. He urged Members to support his motion in response to the petition.

Following presentation of the petition Members held a debate on the issue. Two motions were tabled for consideration.

The First motion was Proposed by Councillor Asma Islam and seconded by Councillor Sirajul Islam

**This Council notes that:**

- Tower Hamlets has one of the highest levels of motor vehicle traffic in the country so there is a need to reduce vehicle use, as the Mayor said in his 28 September 2022 announcement. This is largely due to vehicles travelling through the borough, because Tower Hamlets has the lowest levels of car ownership in London with approximately only one third of households having access to a car. With the average lung capacity of a child in Tower Hamlets five per cent less than the national average, the Council's aim to tackle low air quality in the borough is important. With transport making up a significant portion of the borough's pollution, the trend towards an increase in vehicle miles in Tower Hamlets must be reversed.
- The implementation of the Liveable Streets was started by the previous Labour administration to reduce traffic and pollution in residential areas in Tower Hamlets, to create safer and more people-friendly and connected neighbourhoods. The target outcome was for all of our residents to enjoy a better environment with cleaner air and less noise and to find it easier and safer to walk and cycle locally.
- While the Liveable Streets schemes that were adopted were targeted at some of the more deprived residential areas in the borough, where there was the most need for capital improvements and had been developed following a thorough consultation with local residents, all areas across the borough should not have been treated the same and should have been directed by community support.
- School Streets, which was developed alongside the Liveable Streets programme, had the

aim of identifying improvements such as removing areas where idling cars congregate and reducing traffic levels near schools significantly, making local children both healthier and safer. This policy was a big success and led to a 30% reduction in pollution near schools.

**This Council further notes that:**

- 3,094 local people signed the “Save Our Safer Streets in Tower Hamlets” petition, which is the second-highest number of people to complete a petition on the council’s website ever, and the most with regard to any road scheme. There is clearly a significant number of local people who feel strongly that the Liveable Streets schemes are working enough that they are campaigning extensively for their retention.
- A climate emergency has been declared by the council in 2019. The Mayor has an ambition for Tower Hamlets to be the greenest borough in London, including being a “net zero borough as soon as possible”. Actions to support a transition away from private car use and towards sustainable travel options including public transport, walking and cycling have to be part of that process.
- Transport for London has written to the Mayor of Tower Hamlets expressing concern about the complete closure of Liveable Streets, which could be detrimental to the local environment.
- Healthcare professionals, including the Leaders of Bart’s NHS Trust, have also written to the Mayor in response to his proposals, to express their concerns about the lack of evidence for his proposals, set against the established public health evidence that schemes which promote walking and cycling are “necessary measures in our response to both climate change and health inequalities.”
- Schools across the borough have also opposed the Mayor’s complete opening of the roads amid concerns that it will increase air pollution in the area.

**This Council resolves:**

- To remove Liveable Streets from the October cabinet agenda, to allow the council and the Mayor sufficient time to explore each scheme against consultation results, evidence and consultation views, including local health services and TfL.
- To ask the Mayor to seriously take into consideration the use of ANPR cameras to enable selective closure, allowing vulnerable residents and emergency service access, while discouraging through-traffic..
- To publish the results from the public consultations which finished on 7 August 2022 for transparency, as there has already been more than enough time to analyse the results fully. And to publish any evidence to support the council’s claims about the impacts of the Liveable Streets schemes to date.



- To create a working task force for each of the Liveable Streets schemes, with residents, ward councillors, local businesses, key stakeholders and officers, in order to find out what is working in the scheme and to develop bespoke solutions to issues in each area, where these are needed. The list of areas should include areas where implementations have already been removed and where the original plans were never implemented fully.
- To engage in a meaningful dialogue with TfL and GLA to discuss wider issues such as traffic calming, public transport and pedestrian and cyclist safety, which will support the council's 2019 Transport Strategy commitment to achieve 90% of journeys in the borough to be made by walking, cycling and public transport by 2041.
- To ask the Mayor to consider carefully the financial implications attached to removing the Liveable Streets schemes and what other urgent priorities could be funded instead.
- To implement any changes to Liveable Streets schemes on a case-by-case basis and ensure each scheme is guided by each area's diverse communities and stakeholders, along with thorough research and engagement mentioned above.

The second motion was proposed by Cllr Kabir Ahmed and seconded by Abu Choudhury:

**Council notes:**

- That In May, the people of Tower Hamlets demonstrated their desire for change, by voting overwhelmingly for Lutfur Rahman as Mayor and the Aspire Party as the largest Party on the Council.
- That the people of Tower Hamlets put their trust in a transformative Manifesto that offered real hope and a real vision for how we could rebuild our Borough.
- That this Manifesto listened to the people of Tower Hamlets, and put their needs and wishes first.
  - That one of the central pledges of this Manifesto was to get Tower Hamlets moving by removing the road closures implemented across the Borough by the previous administration.
  - That these closures have impacted thousands of working people in Tower Hamlets – from delivery drivers, to taxis and small businesses, carers – registered or otherwise – and people with commitments across the Borough, during a cost of living crisis.
  - That the Mayor is committed to ensuring that Tower Hamlets becomes a net-zero Borough as soon as possible, and has already initiated work on delivering the central pledges of his and his Administration's climate and energy offer.

**Council believes:**

- That it is right to consult residents and stakeholders – including the emergency services and businesses – on any decision to remove these road closures.
- That such a public opinion survey has recently come to a conclusion, receiving thousands of responses from across the Borough.
- That any decision to remove or retain these closures, before considering the results of these public opinion surveys, would pre-empt the right of such residents and stakeholders to have their voices fairly heard.
- That need to understand why people use their cars, what the barriers to public transport are for some, and how we can support them to move away from car usage.
- That this Mayor wants to represent all residents of this Borough and engage with them on this issue in an inclusive way.

**Council resolves:**

- To wait for all evidence gathered during these public opinion surveys to be analysed and considered with due diligence and process before any decision on the removal of these closures takes place.

Following debate the Motion **moved** by Councillor Asma Islam was put to a vote and was **defeated**.

The Motion **moved** Councillor Kabir Ahmed was put to a vote and was **agreed**.

**RESOLVED:****Council notes:**

- That In May, the people of Tower Hamlets demonstrated their desire for change, by voting overwhelmingly for Lutfur Rahman as Mayor and the Aspire Party as the largest Party on the Council.
- That the people of Tower Hamlets put their trust in a transformative Manifesto that offered real hope and a real vision for how we could rebuild our Borough.
- That this Manifesto listened to the people of Tower Hamlets, and put their needs and wishes first.
- That one of the central pledges of this Manifesto was to get Tower Hamlets moving by removing the road closures implemented across the Borough by the previous administration.

- That these closures have impacted thousands of working people in Tower Hamlets – from delivery drivers, to taxis and small businesses, carers – registered or otherwise – and people with commitments across the Borough, during a cost of living crisis.
- That the Mayor is committed to ensuring that Tower Hamlets becomes a net-zero Borough as soon as possible, and has already initiated work on delivering the central pledges of his and his Administration's climate and energy offer.

**Council believes:**

- That it is right to consult residents and stakeholders – including the emergency services and businesses – on any decision to remove these road closures.
- That such a public opinion survey has recently come to a conclusion, receiving thousands of responses from across the Borough.
- That any decision to remove or retain these closures, before considering the results of these public opinion surveys, would pre-empt the right of such residents and stakeholders to have their voices fairly heard.
- That need to understand why people use their cars, what the barriers to public transport are for some, and how we can support them to move away from car usage.
- That this Mayor wants to represent all residents of this Borough and engage with them on this issue in an inclusive way.

**Council resolves:**

- To wait for all evidence gathered during these public opinion surveys to be analysed and considered with due diligence and process before any decision on the removal of these closures takes place.

**6. MAYOR'S REPORT**

Mayor Lutfur Rahman presented his verbal report to Council.

The Opposition Group Leader, Councillor Sirajul Islam then responded briefly to the Mayor's report.

Mayor Rahman provided concluding remarks.

## TRIBUTE TO QUEEN ELIZABETH II

In tribute to the passing of Her Majesty the Queen, the Speaker invited political group representatives to offer thoughts and reflections on her reign. Councillors offered reflections on her dedication, her extraordinary length of service and shared personal memories of times they had the privilege to meet Her Late Majesty, reflecting on her warmth and grace. Each also offered best wishes to King Charles III for his reign.

## 7. ADMINISTRATION MOTION DEBATE

Under Procedure Rule 12.1 (g), Councillor Kabir Ahmed gave notice that he was withdrawing his original motion for debate.

Under Procedure Rule 12.1 (n) he requested that Procedure Rule 11.2 be waived to allow the submission of an urgent motion to take its place. This request was seconded by Councillor Harun Miah. The Speaker accepted the reasons for urgency and put the proposal to the vote and it was **agreed**.

Councillor Kabir Ahmed **moved** and Councillor Abu Choudhury **seconded** the urgent motion as printed in the tabled papers supplement.

### **This Council notes:**

- The worrying developments in the UK's economy and its impact on the housing market, and the threat this poses to freeholders, leaseholders and private and social renters alike.
- That several independent think-tanks and commentators have pointed to the potential 'tipping point' for those looking to both buy and sell on the property ladder, with others speculating that the market could be heading for 'disaster'.
- That this is having a knock on effect for businesses – many of them Small and Medium Enterprises – who rely on a healthy and equitable market, including construction and utilities firms.
- That should the current downward and precarious trajectory of the market continue, a 'perfect storm' of a surge in borrowing costs and a concurrent slowdown in economic growth could trigger a complete market collapse, plunging millions into economic precarity during a heightening cost of living crisis.

### **This Council believes:**

- That all levels of government – from national to local – should do everything in their power to proactively tackle this slump through innovation, investment and support for residents of all stripes.

- That now, more than ever, there needs to be an increase in the building of social housing to alleviate the pressures on the private rented sector, freehold and leasehold markets.
- That local authorities, where possible, should aim to maximise their social housebuilding programme, and protect as many as possible from the threats currently being witnessed.
- That in times of crisis, fiscal and developmental bravery, boldness and courage is required to ensure that residents are not sucked into the 'perfect storm' threatening the UK's Housing Market.

**This Council resolves:**

- To continue to proactively seek opportunities to maximise social and affordable house building, to help ease the pressures of the housing market on those with low and medium incomes.
- To begin this process by producing and implementing a developmental *Masterplan* for the Spitalfields and Banglatown area, wherein the maximisation of social and affordable housing will be a priority.
- To follow this model to ensure that local communities around Tower Hamlets are included in these developments, and are able to remain in their areas, regardless of any external pressures resultant from housing crises, prospective or realised.
- That Officers should begin the development of a *Masterplan* for the Spitalfields and Banglatown area in cooperation and conjunction with the Council's Executive.
- That an update on the progress of this development should be given at the next meeting of the Council's Cabinet.

Councillor Asma Islam **moved** and Councillor Marc Francis **seconded** a proposed amendment to the urgent motion as printed in the tabled papers supplement.

Additions underlined

Deletions struck through

**This Council notes:**

- The worrying developments in the UK's economy and its impact on the housing market, and the threat this poses to freeholders, leaseholders and private and social renters alike.

- That several independent think-tanks and commentators have pointed to the potential ‘tipping point’ for those looking to both buy and sell on the property ladder, with others speculating that the market could be heading for ‘disaster’.
- That this is having a knock on effect for businesses – many of them Small and Medium Enterprises – who rely on a healthy and equitable market, including construction and utilities firms.
- That should the current downward and precarious trajectory of the market continue, a ‘perfect storm’ of a surge in borrowing costs and a concurrent slowdown in economic growth could trigger a complete market collapse, plunging millions into economic precarity during a heightening cost of living crisis.

**This Council further notes:**

- The previous Labour administration’s work in building Council homes, which saw over 1,000 additional homes delivered during that time. However, more needs to be done to combat Government inaction.

**This Council believes:**

- That all levels of government – from national to local – should do everything in their power to proactively tackle this slump through innovation, investment and support for residents of all stripes.
- That local authorities across the UK urgently needs a Labour Government in power to prioritise and support the rebuilding of our social housing stock and bring homes back into the ownership of local councils and communities, with home ownership opened up to millions more.
- That the current social housing stock needs to be reviewed and improvements considered alongside a program of housebuilding to ensure that the right to live in a home fit for human habitation is non-negotiable.
- That now, more than ever, there needs to be an increase in the building of social housing to alleviate the pressures on the private rented sector, freehold and leasehold markets.
- That local authorities, where possible, should aim to maximise their social housebuilding programme, and protect as many as possible from the threats currently being witnessed.
- That in these times of crisis, fiscal and developmental bravery economic turmoil, boldness and courage is required to ensure that residents are protected from the threats to are not sucked into the ‘perfect storm’ threatening the UK’s Housing Market.

**This Council resolves:**

- To continue to proactively seek opportunities to maximise social and affordable house building, to help ease the pressures of the housing market on those with low and medium incomes.
- To urgently look at the current social housing stock in the borough and immediately improve the quality of the housing, including providing better insulation to address fuel poverty in these difficult times.
- To do a review of the Spitalfields and Banglatown area in conjunction with the local communities and local businesses regarding its current state and to assess the negative impacts that could come from private developments related to anti-social behaviour, waste collection and the night economy.
- To begin this process by producing and implementing a developmental *Masterplan* for the Spitalfields and Banglatown area, wherein the maximisation of social and affordable housing will be a priority.
- To follow this model to ensure that local communities around Tower Hamlets are included in these developments, and are able to remain in their areas, regardless of any external pressures resultant from housing crises, prospective or realised.
- That Officers should begin the development of a *Masterplan* for the Spitalfields and Banglatown area in cooperation and conjunction with the Council's Executive.
- That an update on the progress of this development should be given at the next meeting of the Council's Cabinet.
- To set up a cross-party working group to look at developing Masterplans to all areas of Tower Hamlets, working with communities, businesses and the local Councillors.

Following debate, the amendment **moved** by Councillor Asma Islam was put to the vote and was **defeated**.

The motion as **moved** by Councillor Kabir Ahmed was put to the vote and was **agreed**.

**RESOLVED:****This Council notes:**

- The worrying developments in the UK's economy and its impact on the housing market, and the threat this poses to freeholders, leaseholders and private and social renters alike.

- That several independent think-tanks and commentators have pointed to the potential ‘tipping point’ for those looking to both buy and sell on the property ladder, with others speculating that the market could be heading for ‘disaster’.
- That this is having a knock on effect for businesses – many of them Small and Medium Enterprises – who rely on a healthy and equitable market, including construction and utilities firms.
- That should the current downward and precarious trajectory of the market continue, a ‘perfect storm’ of a surge in borrowing costs and a concurrent slowdown in economic growth could trigger a complete market collapse, plunging millions into economic precarity during a heightening cost of living crisis.

**This Council believes:**

- That all levels of government – from national to local – should do everything in their power to proactively tackle this slump through innovation, investment and support for residents of all stripes.
- That now, more than ever, there needs to be an increase in the building of social housing to alleviate the pressures on the private rented sector, freehold and leasehold markets.
- That local authorities, where possible, should aim to maximise their social housebuilding programme, and protect as many as possible from the threats currently being witnessed.
- That in times of crisis, fiscal and developmental bravery, boldness and courage is required to ensure that residents are not sucked into the ‘perfect storm’ threatening the UK’s Housing Market.

**This Council resolves:**

- To continue to proactively seek opportunities to maximise social and affordable house building, to help ease the pressures of the housing market on those with low and medium incomes.
- To begin this process by producing and implementing a developmental *Masterplan* for the Spitalfields and Banglatown area, wherein the maximisation of social and affordable housing will be a priority.
- To follow this model to ensure that local communities around Tower Hamlets are included in these developments, and are able to remain in their areas, regardless of any external pressures resultant from housing crises, prospective or realised.



- That Officers should begin the development of a *Masterplan* for the Spitalfields and Banglatown area in cooperation and conjunction with the Council's Executive.
- That an update on the progress of this development should be given at the next meeting of the Council's Cabinet.

## 8. OPPOSITION MOTION DEBATE

Councillor Sirajul Islam **moved** and Councillor Sabina Akhtar **seconded** the motion as set out on the agenda.

Councillor Abu Choudhury **moved** and Councillor Bodrul Choudhury **seconded** a proposed amendment to the motion as set out in the tabled papers supplement:

Additions underlined  
Deletions struckthrough

### This Council notes:

- The devastating impact the huge energy bills increase has had on small businesses across the borough, where many are now concerned that they will have to close due to the unreasonable cost.
- Small businesses are only recently recovering from the long term effects of the lockdowns due to the Covid-19 pandemic.
- The loss of small businesses across our borough will have a very negative affect on the local economy and residents who are already struggling in the face of the Cost of Living Crisis.

### This Council believes:

- It is vital that innovative measures are immediately adopted – both at a Government level and at a Local Authority level - to support local businesses in the face of the Cost of Living Crisis, so local businesses, local jobs and local high streets are protected to benefit local residents.
- That schemes such as the Mayor's Energy Fund and Cost of Living package, that will benefit 7,000 households for the former and 27,000 residents for the latter, should be supported by all members of this Council and topped up as and when required.

### This Council resolves to:

- Request the Mayor
  - To explore Immediately set up a Small Business Hardship Fund to help small businesses in the borough in these times of economic crisis a Business Rates rebate for small businesses with Central Government to help offset the huge increase in cost of energy bills.
  - ~~Provide Business Rates relief to small businesses to help offset the huge increase in the cost of energy bills.~~

- To continue providing support for small and medium enterprises, including the recently announced £28million dividend for Tower Hamlets' SMEs in the Mayor's Covid Additional Relief Fund, benefiting 850 businesses across the Borough.
- Work with the local Chambers of Commerce, community groups and business networks to establish a plan going forward on how to protect local businesses.

Following debate, the amendment **moved** by Councillor Abu Choudhury was put to a vote and was **agreed**.

The motion as amended by Councillor Abu Choudhury was put to a vote and was **agreed**.

## **RESOLVED**

### **This Council notes:**

- The devastating impact the huge energy bills increase has had on small businesses across the borough, where many are now concerned that they will have to close due to the unreasonable cost.
- Small businesses are only recently recovering from the long term effects of the lockdowns due to the Covid-19 pandemic.
- The loss of small businesses across our borough will have a very negative affect on the local economy and residents who are already struggling in the face of the Cost of Living Crisis.

### **This Council believes:**

- It is vital that innovative measures are immediately adopted – both at a Government level and at a Local Authority level - to support local businesses in the face of the Cost of Living Crisis, so local businesses, local jobs and local high streets are protected to benefit local residents.
- That schemes such as the Mayor's Energy Fund and Cost of Living package, that will benefit 7,000 households for the former and 27,000 residents for the latter, should be supported by all members of this Council and topped up as and when required.

### **This Council resolves to:**

- Request the Mayor
  - To explore a Business Rates rebate for small businesses with Central Government to help offset the huge increase in cost of energy bills.
  - To continue providing support for small and medium enterprises, including the recently announced £28million dividend for Tower Hamlets' SMEs in the Mayor's Covid Additional Relief Fund, benefiting 850 businesses across the Borough.
  - Work with the local Chambers of Commerce, community groups and business networks to establish a plan going forward on how to protect local businesses.

## 9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

Nil items.

## 10. OTHER BUSINESS

### 10.1 Spitalfields Neighbourhood Plan – Post-Referendum Adoption

The Council considered the report of the Corporate Director, Place.

Councillor Kabir Ahmed **moved** and Councillor Harun Miah **seconded** a motion not to adopt the neighbourhood plan as part of the development plan for the area as:

- There was a high turnout amongst the business community and most respondents voted against the plan. The resident turnout, narrowly in favour, was far lower.
- The Mayor and the. Aspire group had ambitions and a transformative vision for Spitalfields and Banglatown. This would recognise the historic and cultural significance of the area and would preserve and enrich these aspects. It would guard against gentrification and commercialisation, which presented an existential threat to many in Tower Hamlets.

During discussion, the Council heard views from members in support of the motion which included:

- The proposed plan was exclusionary. The Plan's designers had little regard for the cultural diversity of the area.
- The plan would interfere with the normal Council processes for planning applications, which ensured all stakeholders in the affected area are consulted.

The Council heard views against the motion which included:

- The result of the business vote should not be relied on as there were concerns regarding the legality of the business vote which were subject to investigation.
- The Council should not go against the will of residents, as evidenced by the result of the residents' vote, which was in favour of the plan.

Councillor Maium Talukdar **moved** a procedural motion "that under Procedure Rule 16.5. the names for and against the motion or abstaining from voting be taken down in writing and entered into the minutes. The motion was **agreed**.

The Mayor and Councillors recorded their votes on the motion as follows:-

### RESOLVED

1. To note the results of the Spitalfields Neighbourhood Plan referendums.

2. To agree not to adopt the neighbourhood plan as part of the development plan for the area.
3. To agree to set out the reasons for the above Recommendation 2 in a decision statement.

<b>Vote to decide not to adopt the Spitalfields Neighbourhood Plan (Report)</b>	
Councillor Faroque Ahmed	For
Councillor Kabir Ahmed	For
Councillor Leelu Ahmed	For
Councillor Musthak Ahmed	For
Councillor Saied Ahmed	For
Councillor Shafi Ahmed	For
Councillor Ohid Ahmed	For
Councillor Sabina Akhtar	For
Councillor Amina Ali	For
Councillor Asma Begum	For
Councillor Maisha Begum	For
Councillor Nathalie Bienfait	Against
Councillor Mufeedah Bustin	For
Councillor Bodrul Choudhury	For
Councillor Gulam Kibria Choudhury	For
Councillor Jahed Choudhury	For
Councillor Abu Chowdhury	For
Councillor Mohammad Chowdhury	For
Councillor Marc Francis	For
Councillor Peter Golds	Against
Councillor Iqbal Hossain	For
Councillor Kabir Hussain	For
Councillor Kamrul Hussain	For
Councillor Shubo Hussain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Ahmodul Kabir	For
Councillor Saif Uddin Khaled	For
Councillor Ahmodur Khan	For
Councillor Sabina Khan	For
Councillor Amy Lee	For
Councillor Abdul Malik	For
Councillor Abdul Mannan	For
Councillor Ana Miah	For
Councillor Ayas Miah	For
Councillor Harun Miah	For
Councillor Amin Rahman	For
Mayor Lutfur Rahman	For
Councillor Rebaka Sultana	For
Councillor Maium Talukdar	For
Councillor Bellal Uddin	For

Councillor Abdal Ullah	For
Councillor Abdul Wahid	For
<b>Carried</b>	

## 11. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

The following question and supplementary question was put and responded to by the relevant Cabinet Member.

### 11.1 Question from Councillor Bodrul Choudhury on the progress of an Independent Council-wide Investigation.

Following on from last Full Council, could the Lead Member update the chamber on progress with the independent Council-wide investigation? Can the Lead Member tell us who has been appointed and set out a timeline for delivery?

#### Response from Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living

The Mayor was briefed by 16th of August as requested to outline delivery and provide assurance about improvement work. We are rapidly progressing reviews in the areas highlighted in the area of finance the council has commissioned worth technical accounting solutions to examine progress since the errors arose in 2018/2019 and highlight any gaps. Errors that arose in the supervision of the previous administration on the other side of this chamber. This administration take this very seriously. And a report is due to be shared with the officers in early October and will then be shared with Members. This follows the 2019 review when a finance improvement plan was implemented. On the youth justice service, a full diagnostic review has been commissioned to be carried out by two Youth Justice board approved and experienced improvement consultants to be completed February 2023.

#### Supplementary question from Councillor Bodrul Choudhury

Why were the accounts not audited for 6 years?

#### Councillor Saied Ahmed's response to supplementary question

This Council has a comprehensive Improvement Program, which provides assurance through our performance management framework, audit and external inspection regime. This includes corporate and public reporting, including audit committee, and Overview and Scrutiny and a commitment to an LGA corporate peer review next year to continue to drive improvement across all our services. It is important that audit papers are signed off. Now we are picking up the mess that we were left behind by the previous administration. We are working extensively hard with KPMG and Deloitte to make sure the accounts are signed off from 2017 onwards. So we are at a stage whereby the upcoming Audit Committee, we may be in a position to sign off the first two years.

Questions 11.2 to 11.27 were not put due to lack of time (Note: The written responses are included in Appendix 'A' to these minutes.)

**12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL**

No motions were considered due to lack of time.

The meeting ended at 10.03 p.m.

Speaker of the Council

## **Responses to Questions not put at the Council meeting on 5 October 2022**

### **11.2 Question from Councillor Rachel Blake**

Will the Mayor or Lead Member provide the options appraisal analysis for removing much needed Council Homes schemes from the Capital Programme instead of other sources of funding?

#### **Response:**

The Capital Programme as approved is able support a specified level of funding for housing schemes.

Due to the significant inflationary increases experienced in recent months with building costs and supplies chains a number of schemes have exceeded their pre-tender budgetary levels.

In order to progress schemes to tender and start on site priority is given to those that are either most advanced, for example, that need to start on site due to planning permission expiry, those delivering the most homes or those where certain forms of funding are at risk.

To remain within the overall budgetary envelope this means that a rescheduling of priority has to be made.

The Council has an ambitious plan for delivering much-needed homes, as set out in our Strategic Plan, and we remain absolutely committed to delivering that.

### **11.3 Question from Councillor Abdul Wahid**

The number of incidents concerning violent crime in the Borough is shocking. Following on from the issues outlined in Her Majesty's Inspectorate of Probation Report – Inspection of Youth Offending Services, can the Lead Member or Mayor update Council on the measures he will be putting in place to tackle this surge?

#### **Response:**

There have been a number of measures put in place to respond to the youth violence incidences across the borough. There are now 5 full time support workers offering intensive one to one support to children who are victims and or perpetrators of violence. We develop disruption plans for all children who have been involved in a violent incidence to ensure join up and work across agencies. The support workers within the exploitation team have all been allocated secondary schools across the borough and are providing awareness assemblies to schools who have requested it. A training program is offered through the Learning Academy and delivered by Exploitation to raise awareness of serious youth violence across of London Borough of Tower Hamlets to professionals working with young people.

Community Safety and the Exploitation Service have further developed the Neighbourhood tasking meeting to have a youth section. Through the monitoring of locations done through data we are able to develop cross agency plans to make spaces and places safer for young people. There have been several developments in this area of work to ensure that information and intelligence is shared and understood across agencies. Partnership weekly briefing developed where information, incidences and intelligence is shared weekly across the partnership and tasks and actions are clearly undertaken and documented. Mapping meetings have been undertaken for all violent incidences across the borough to ensure oversight of locations, themes, and risks these are shared through the Multi-Agency Child Exploitation Panel.

Youth Justice, Youth Services, Children's Social Care and Exploitation are working together to further develop services offered young people to ensure that they are offered intensive support across the spectrum of need which is part of the development of the wider adolescent offer.

#### **11.4 Question from Councillor Maisha Begum**

I understand the Mayor will be significantly expanding the Mayor's Office. Can the Mayor tell us how many additional people he is recruiting and at what cost to the Council?

#### **Response:**

The Mayor was elected on a transformative, ambitious Manifesto, after seven years of failures, empty promises and inability to support and deliver for the residents of Tower Hamlets. The Mayor is recruiting a team to facilitate the delivery of all of his 126 pledges, that will see real change and rebuilding improve the lives of all of the Borough's residents. This team will enable the Mayor and his Cabinet to build on the already strong connections with the diverse communities in Tower Hamlets; it will enable him to reinstate and improve the Borough's public services – from care, to youth services and employment opportunities – and enable the delivery more homebuilding, community services, safer streets and much needed economic and social support for residents of the Borough that has been evidently lacking over the past seven years.

I must confess, that I find there is great irony in the tone with which this question has been asked. To accuse the Mayor of 'significantly expanding' his office, when the Tower Hamlets Labour Group across from me oversaw one of the largest fire and rehire schemes in the history of Local Government, alongside wholesale cuts to critical public services, makes this question difficult to take seriously. This Mayor – demonstrated in the statement made by my colleague concerning the withdrawn motion – is committed to keeping the staff of this Council employed, but more importantly, supported in their roles, and these appointments will ensure that they are.

However, as the Mayor has nothing to hide, he will be recruiting new members of staff – comprised of both full time and part-time roles. These staff members include 11 additional caseworkers, additional Executive Support Assistants and additional



Cabinet Support Officers – positions that are critical in the delivery of the aforementioned gap in services presided over by the previous administration. The Mayor now holds 2 weekly surgeries, and has been averaging over 120 visits from residents for each, alongside a huge amount of casework that comes directly to his Office. As this cost of living crisis rages on these positions – alongside the appointment of experts from a diverse range of backgrounds including, Women and Equalities, the Somali community, social inclusion and policy and research – will ensure that the people of Tower Hamlets will no longer face delay and frustration in waiting for critical services, and are integral to the delivery of the Mayor’s transformational vision for our Borough.

### **11.5 Cllr Abdul Mannan**

Can the lead member clarify the situation regarding large sums of money that were lent to other Local Authorities during the previous Administration, while at the same time cuts to services and staff were taking place? Will the Council be receiving these funds back anytime soon? Surely, they are better spent on the residents of our Borough during this Cost-of-Living crisis rather than laying idle in the coffers of other Local Authorities?

#### **Response:**

Spend on residents and services form part of the Council’s budget and this is separate from Treasury Management, which is managing cashflow each day to keep it safe and ensure money is available when the Council needs to use it. Holding money in the bank, in deposits with other Local Authorities or in funds are part of daily cash management and do not reduce the budget available for spend on services.

Compared to alternative places to hold cash, local authorities remain amongst the safest places available to hold money with, due to the organisations being ultimately linked to the UK Government.

With £1.5bn gross annual expenditure, on any given day the Council will hold a significant cash balance. Some sources of this include:

- Pending creditor payments
- Capital grants unspent
- S106/CIL cash
- Schools’ balances
- Ring fenced HRA cash balances
- Earmarked/ring fenced revenue grants
- Receipts in advance of spend including grants from Government
- Business Rates pending payment to government

Part of the treasury management operation is to ensure cash is available when needed. Monies not immediately required are invested in low-risk counterparties or instruments, keeping funds secure with adequate access to the cash prioritised, before considering investment return. This is in line with DLUHC Guidance, which states that when entering into treasury management investments, local authorities

should consider security, liquidity and yield in that order of importance. The council carefully reviews which authorities it would consider depositing funds with, carries out financial checks, takes expert advice, obtains approval to its investment strategy from full Council and it is also ratified by the council's Chief Finance Officer before being progressed.

The Council has always ensured it diversifies where it holds its cash, to reduce risks of losing money if one of those counterparties were to fail, and investment are held in line with the Council's treasury management strategy. Investments have been in Money Market Funds (MMF), local authorities (LA), banks, building societies, strategic pooled funds, cash plus funds, UK Government Debt management agency (DMO), callable deposits with banks and building societies and structured deposits. The Council's treasury management strategy includes limits for each type of investments as well as maximum amounts that can be invested with each counterparty.

At present the Council has two deposits with other Local Authorities: Liverpool City Council £10m maturing on 1st May 2023 interest earned by council £30,915.07. Doncaster Metropolitan Borough Council £5m maturing on 14 November 2022 interest earned by council £60,082.19. Each local authority pays in full principal and interest on maturity.

#### **11.6 Question from Asma Islam**

Can the Mayor tell us if ANPR cameras were considered as an option when consulting with officers before approving to consult residents on removing Liveable Streets schemes?

#### **Response:**

As part of the ongoing review of Liveable Streets schemes, the Mayor and officers have been considering all options available, including the use of ANPR. Options will continue to be considered during the decision-making process.

#### **11.7 Question from Councillor Kamrul Hussein**

Could the Lead Member provide Council with an update on how the Mayor's pledge to build affordable housing is progressing following on from his first one hundred days in charge?

#### **Response:**

Between the 9th of May and the 27th of September 2022, there have been 324 completions of affordable homes. There are another 537 due for completion within this financial year, and another 1,640 currently forecast for next year.

#### **11.8 Question from Councillor Asma Begum**

It is understood that the Mayor and Lead Member are reviewing the LIF programme. Could the Mayor/Lead Member confirm:

- a) When the outcomes of that review will be published, and
- b) that the principles of the LIF programme (ie. a minimum of 25% of CIL earned in the area will be spent in the area, and projects based on residents' suggestions), will continue?

**Response:**

The council is currently reviewing how it uses available funding to best deliver infrastructure, housing and other improvements to benefit local people and support delivery of the Strategic Plan.

The Neighbourhood Community Infrastructure Levy (NCIL) - known locally as the Local Infrastructure Fund (LIF) – is an important part of delivering for local communities and dealing with the impact of development. We are reviewing it to ensure it delivers on our local priorities.

The government set out regulations and guidance on NCIL, including the level (15% - 25%) and the need for consultation with the public. Any amendment to the council's approach to using NCIL will accord with these requirements.

At the current time, it is not possible to provide a timetable for the review, but we will continue to keep members updated.

**11.9 Question from Councillor Musthak Ahmed**

This Cost-of-Living crisis has seen the poorest and most vulnerable in Tower Hamlets hit hardest. Can the Mayor/Lead Member provide Council with an update on what measures have been put in place to ease the economic burden on those who are least to blame for this crisis?

**Response:**

The council is making direct payments to help low-income residents most acutely impacted by the cost of living crisis, totaling more than £5m.

Letters explaining how to access funds will start to go out to the majority of recipients in September, with payments for FSM eligible children expected to follow in November. Anyone who receives a letter will then have three months to withdraw funds from their local Post Office.

The Mayor's Energy Fund and direct payments made as part of the Mayor's cost of living relief package will provide money directly to residents – a cash first response for our most vulnerable to make sure people can continue to meet their food and energy needs over the winter.

Tower Hamlets has some of the highest rates of child and pensioner poverty in the UK so support will be targeted at those groups, with payments to all recipients of pension credit and a per child payment for FSM eligible households.

In addition we will be identifying and supporting hard to reach cohorts - like those with younger children eligible for the healthy start scheme, and the borough's most vulnerable single residents living in shared accommodation and alone. These measures will run alongside central government programmes including Cost of Living payments to Universal Credit recipients, pensioners and those with disabilities, as well as council tax rebates and the energy bills support scheme.

We will also continue to fund initiatives designed to support those in crisis and tackle the root cause issues that keep people below the poverty line – including the Mayor's free school meals, council tax reductions, discretionary housing payments, uniform grants and the residents support scheme.

We continue to support income maximisation by funding the Tower Hamlets Community Advice Network (THCAN) advice network and maintaining the Tackling Poverty Outreach team. Food insecurity is mitigated by our FOOD Store pantry initiative, now operating at seven sites, and the Holiday Activities and Food programme that provides hundreds of thousands of hot meals to children over the school holidays while also tackling social isolation.

In addition we continue to fund the LBTH Food Hub, a pioneering project that provides repurposed food directly to 62 VCS organisations that help provide a safety net for those in need in the borough.

#### **11.10 Question from Councillor Amy Lee**

Could the Mayor confirm if the Council submitted a formal representation to TFL in regard to the proposed bus routes cuts?

#### **Response:**

Yes, a formal response to the TfL Central London Bus Review was submitted on 05/08/22 setting out the council's concerns on impacts the proposed reductions to the network would have on local residents. TfL's consultation report and their proposed next steps are due to be published at some point within the next 3 months.

#### **11.11 Question from Councillor Amin Rahman**

Could the Lead Member provide an update on the recently published Ofsted report following an inspection of the Borough's children's services?

#### **Response:**

Ofsted undertook a focused visit in July 2022 and published their findings in a letter on 31st August 2022. The focus of their visit was in relation to the support that we provide to the children that we care for, otherwise known as our Corporate Parenting responsibilities. They recognised the positive support that is provided to this cohort of children stating, "Children in care in Tower Hamlets benefit from committed social workers who build positive relationships with them and understand their needs and wishes well." The published letter highlights a number of key strengths including:

Children's needs are being met well and they are helped to progress and improve their experiences.

Our staff has felt well supported through the pandemic and valued by the organisation. Social workers are highly positive about the leadership and organisational culture in Tower Hamlets.

Children are enabled to build effective and supportive relationships with committed, skilled, and highly motivated social workers.

Thresholds are appropriate for children coming into care and appropriate placements are provided to meet their needs.

Children receive very effective support from the virtual school.

Disabled children's needs are prioritised, and the quality of their lives improved.

Children in custody have their needs met and careful planning minimises risks.

The Corporate Parenting Board provides effective scrutiny and is focused upon improvements.

Leadership has clear understanding of our services and our improvement priorities.

Political leaders and senior officers share strong ambition and aspiration for our children, and political leaders are committed to ensuring resources are available to drive ongoing improvement.

Ofsted did not find any areas for "priority action." They did however make a couple of recommendations which we are actioning:

Oversight of the work with children who go missing and are at risk of exploitation  
Use of Family Group Conferences when children are subject to care proceedings  
Ofsted recognised that we are ambitious in our plans for further improvement but agreed with the programme that we had developed and felt that our improvement plan contained the right areas of focus.

#### **11.12 Question from Councillor Abdal Ullah**

Could the Mayor and Lead Member provide an update on the progress of the much-needed London Docks School in St Katherine's and Wapping Ward, and confirm if the school will be completed by the initial projection date of September 2023?

#### **Response:**

The build project for the school's permanent site is now scheduled for completion in Autumn 2024. The school would therefore need to open on an interim site, for the duration of the 2023/24 school year, before moving to occupy its permanent accommodation.

All construction projects are under severe pressure due to external factors and this has caused some delay to the original estimated date.

#### **11.13 Question from Councillor Ahmodur Khan**

Could the Mayor provide us with an update on the decision taken to bring all of the Borough's leisure services in-house?

**Response:**

Officers, led by a dedicated project director, have commenced work on the insourcing of the Leisure Service, establishing the full governance structure for delivering this project, and identifying the budget required to resource this work. Workstreams have been established to lead on each specific strand of the project, based on both the Council's experience of insourcing the waste service and the London Borough of Southwark's own leisure insourcing programme. Officers are identifying all of the resource requirements to bring the service in-house by 1 May 2024, and where additional support may be needed to provide expert technical guidance. The cost of this support has been included in the budget.

The key objectives for this initial phase of the project are:

- To agree the operating model for the insourced Leisure Service, in particular to ensure all users, staff and visitors will be safe when using our leisure facilities.
- To identify the most effective IT solution for managing bookings and taking payments.
- To commence the recruitment of the permanent management team for the insourced service.
- To develop the detailed budget for the service, building on work already completed during the options appraisal stage in spring 2022.

Progress will continue to be reported to the Cabinet Member and Mayor through regular briefings.

**11.14 Question from Councillor Mufedah Bustin**

Could the Lead Member update the council on progress in delivering the new school building for George Green's secondary school on the Island?

**Response:**

The George Green Secondary School Rebuild scheme is in progress and is now at the design phase. The proposed design sees the school building move from its current location to where the sports pitch is currently located, with the pitch moved to the location of the car park. The new school will be built in three phases: with phase one seeing the development of the main school building and phase two and three delivering the sixth form block, MUGA and sports pitch.

The design teams are currently preparing the scheme for submission to the Planning Authority. In conjunction with this phase of works, the project team is also working with the relevant stakeholders to enable efficient and speedy progression and delivery, maximising opportunities for cost efficiencies.

The proposed start on site date is September 2023 (Phase 1), with an anticipated completion date of the school year 2025/26.

**11.15 Question from Councillor Jahed Choudhury**

Many residents have complained about the constantly shocking levels of filth, vermin and rubbish on Tower Hamlets' streets. Please could the Lead Member or the Mayor provide Council with an update on measures being taken to ensure our residents don't have to suffer such levels of uncleanliness?

**Response:**

Officers are working on a new plan for cleansing and enforcement in the borough, that will meet the Mayor's pledge to wage war on fly tipping and to provide a clean borough.

As well as a revised schedule of street cleansing, with an increased focus on evening and night time cleaning, our enforcement team will be targeting the areas with the highest number of flytips and will be issuing £400 fines for anyone caught dumping waste on our streets illegally. 252 FPNs have been issued between May and Aug 2022.

Complementing our tough stance on irresponsible and antisocial behaviour by individuals and businesses, we hope that through community engagement and education we can significantly reduce fly tipping and the significant cost to residents.

The plan will be phased in over the coming weeks and months and the impact of the change closely monitored for improvement.

**11.16 Question from Councillor Leelu Ahmed**

Will the Mayor follow Westminster Council's example, and seize dumped e-bikes and e-scooters that are cluttering streets in the borough?

**Response:**

A London-wide e-scooter rental trial is taking place – see Electric scooters - Transport for London ([tfl.gov.uk](https://tfl.gov.uk)) for further details. This covers Tower Hamlets on a limited basis with parking of e-scooters restricted to a small number of sites at Canary Wharf and on TfL land only – no trial scooters can be left on council owned land. Privately owned e-scooters are illegal on public roads, and officers are in contact with the Metropolitan Police regarding enforcement.

With regards to dockless e-bikes, officers are closely monitoring Westminster Council's approach to enforcement and its effectiveness via the borough officer pan-London dockless working group. Officers are also reporting issues directly to the operators themselves.

**11.17 Question from Councillor Ahmodul Kabir**

Could the Mayor provide us with a timeline of when the new Town Hall will be completed, and when Council services can expect to move into the new facilities?

**Response:**

The new Town Hall build works are expected to be completed by the end of October 2022, with fit out and move programme to follow on to January 2023. Staff and services will be moving in phases subject to the thorough and highly important testing and commissioning stage.

#### **11.18 Question from Councillor Faroque Ahmed**

I have been receiving complaints from concerned residents and business owners about the untidy waste left on the streets on Whitechapel Road and has not been cleared for the last few months. Could the Lead Member provide an update on how he is going to tackle this as soon as possible?

#### **Response:**

Officers are working on a new plan for cleansing and enforcement in the borough, that will meet the Mayor's pledge to wage war on fly tipping and to provide a clean borough. As well as a revised schedule of street cleansing, with an increase focus on evening and night time cleaning, our enforcement team will be targeting the areas with the highest number of flytips and will be issuing £400 fines for anyone caught dumping waste on our streets illegally – 252 FPNs have been issued between May and Aug 2022.

Complementing our tough stance on irresponsible and antisocial behaviour by individual and businesses, we hope that through community engagement, education we can significantly reduce fly tipping and the significant cost to residents.

The plan will be phased in over the coming weeks and months and the impact of the change closely monitored for improvement.

Specifically, at the Whitechapel Market area, we have recently started a pilot to improve the management of market trader waste and tackle the high levels of fly tipping in the area. Whilst this is still early days, we expect it to greatly reduce the amount of waste deposited in the area and improve the streetscape.

#### **11.19 Question from Councillor Harun Miah**

Can the Mayor provide Council with an update on his plans to make Tower Hamlets a greener and cleaner Borough?

#### **Response:**

The Mayoral Greener Future for Tower Hamlets programme is an umbrella for all policy delivery for a Clean and Green Future. The programme has four themes as follows;

- Mayor's Energy Fund: This will now include the Carbon Fund which is collected through s106 for carbon offsetting from new developments, projects delivered from these funds will include Energy Grants for Schools, Small Businesses, Community Groups and Residents
- Mayor's Advisory Board for Climate Change: Through the Partnership Executive Group (PEG)



In addition to the work we are undertaking to improve the cleansing regimes and prevention of fly tipping, we are very pleased that Tower Hamlets has been awarded 'Tree Cities of the World' status for our dedication to urban and community forestry, tree-planting, and biodiversity.

In the last five years, Tower Hamlets Council has planted approximately 7,800 trees in our streets and across our parks.

The Mayor has committed to a programme of planting even more trees in our borough, including with a £1.5 million fund for tree-planting so all our residents can enjoy the benefits of trees and the improvement to the environment.

#### **11.20 Question from Councillor Marc Francis**

Will the Mayor and Lead Member update me on the progress of the review of the Car Free Zone / Permit Transfer Scheme policies initiated by former Councillor Kahar Choudhury in late-2021?

#### **Response:**

A review of the PTS policy is nearing completion and will be taken through the decision-making process in the near future.

#### **11.21 Question from Councillor Ana Miah**

Sport and culture have played an historic role in the tradition and identity of our Borough. Can the Mayor tell us more about his plan to encourage young people in the Borough to use sport to take them onto better things?

#### **Response:**

The Council is financially supporting the delivery of school sport, the London Youth Games, the School Games and the elite school sport pathway through district and borough teams for gifted and talented students. This programme enables inter-borough competitions between primary and secondary schools, young people with SEND as well as training and competitions against other London boroughs and districts. Leadership, and volunteering opportunities are also included as part of the programme.

The Council has just completed an extremely successful Summer Programme that provided a variety of sporting activity for children and young people ranging from adventurous activities such as canoeing and climbing to football and basketball. To assist families with the 'cost of living' crisis, free nutritional food was also provided with each activity.

The Council also provides certified and accredited courses / training for young people through the Duke of Edinburgh and Community Sports Leaders Award.

Looking ahead, officers are working with the Mayor and Lead Member to develop proposals for a significant investment in our youth provision, which will include a specific element to promote sporting activities for young people.

### **11.22 Question from Councillor James King**

Will the Mayor provide an update on the structural work on Malting and Brewster Houses?

#### **Response:**

Following a Cabinet decision to undertake structural works to the two blocks, Wates was awarded the works contract in May 2021.

The delays we have experienced relate to a number of factors, mainly contractual related to the contract awarded to Wates, and this has led to unforeseeable delays THH have resolved all the outstanding matters and the works are likely to commence in September 2022 and complete in February 2024.

Some works have already taken place on site, for example lift overhauls. Work is also well advanced in identifying and refurbishing the temporary accommodation into which residents will move into whilst works are undertaken in their flats. Residents on the 11th and 12th floors will be rehoused temporarily for the duration of the project and six households are planned to be permanently re-housed due to overcrowding and medical issues.

Forty-two properties have been earmarked to support the decanting process. On site respite facilities will be available for residents to use during the works.

### **11.23 Question from Councillor Bellal Uddin**

Following the death of HRH Queen Elizabeth II, will the Mayor endorse the Aspire Group's suggestion for a memorial to the Queen at the new Town Hall?

#### **Response:**

The Queen spent many, many years as Head of State of the UK. If there is appetite for a memorial at the Town Hall then I will not object to its construction and would support any memorial agreed by this Council.

### **11.24 Question from Councillor Mohammad Chowdhury**

Tower Hamlets council has been providing lower skilled training which doesn't encourage or provide higher skilled work opportunities. The cost of living set to increase to the highest amount in 10 years. Upskilling is a proven method of mitigating the impact of inflation for the individual, local communities and wider society.

What is the Council's plan to provide opportunities for residents to move into high skilled professional roles?

## **Response:**

The employment and skills service is delivering a number of projects designed to support residents into more aspirational work in the short, medium and long-term which are listed below.

However, to set the context, further education qualifications above Level 2 are not delivered by the council; they are delivered by FE colleges and other providers who are funded by the government to deliver them. Idea Store Learning, the council's adult and community learning provision, delivers a range of training to approximately 4,500 residents each year, translating into 6000 learner registrations (i.e. individuals taking more than one course). Idea Store Learning is funded by the Adult Education Budget (AEB) and is the largest provider of ESOL and functional skills courses in the borough, after New City College. The AEB funding has been devolved from the Department for Education to the GLA and is linked to qualifications that already exist, and must be taught to a syllabus. Idea Store Learning direct their AEB funding to learners who are at entry level or have not yet achieved their Level 2 qualifications in ESOL, English, Maths and/or Digital Skills. These qualification courses are aimed at supporting learners who are furthest from the labour market and those learners who have barriers to progression into higher level qualifications or employment.

The council's employment support service, Workpath, focuses its limited resources on supporting people furthest from the labour market into work and the majority of the 2000 residents who use the service each year have multiple barriers to employment. Barriers include: a lack of basic employability skills, ESOL needs, health, disabilities, mental health issues, debt, long term worklessness and a lack of basic skills in English and maths, which they are supported to overcome. These basic barriers need to be removed before clients can be supported into upskilling to Level 3 and higher.

The strategic work being delivered by the Employment & Skills service to secure an inclusive economy includes:

### **LIFT Digital Hub – GLA Mayoral Academies Programme**

The E&S team is delivering the LIFT Digital Hub as part of the GLA funded Mayoral Academies Programme. The MAP aims to support Londoners into good work in growth industry sectors with job creation potential and that are key to London's recovery. LBTH and LIFT successfully secured MAP Funding of £250k over 2 years to deliver the LIFT Digital Hub across TH, Camden, Hackney and Islington. The Academy is focusing on this thriving sector, spanning the breadth of front end, back end and business roles, and reflecting industry demand. Key areas of focus will include software engineering, web development, cyber security, digital marketing, data analytics, business analysis, tech consulting. The team is working with employers, booking insight sessions for the wider staff team, and running outreach sessions to promote opportunities to a wider audience.

### **Central London Forward: Strategic Development Fund**

Led by our own New City College, we are working at a sub-regional level on a collaboration between employers, equipment manufacturers, industry standard

bodies and education providers to create low carbon technology learning labs. Through these, people will have access to contemporary equipment and skilled staff, so they can enter and develop a career in low carbon technologies. Starting with the delivery of conversion courses for current electricians and plumbers, the project then seeks to develop pathways for people wishing to enter the industry as either an initial job or as a career change. Learning courses are being aligned to industry standards by working with MCS, so people can be confident they will meet the required level of industry competence to install and maintain low carbon energy technology. This work will also provide a best practice framework for the Corporation of London's Skills for a Sustainable Skyline Taskforce, which is mapping over the next three years, development and skills needs to achieve carbon net zero across London development, and which seeks to ensure that London residents will benefit from the resultant skills accelerators.

#### Supported Employment - Intermediate Labour Market programmes

The Supported Employment Programmes team delivers a range of intermediate labour market programmes, i.e. paid work experience with mandatory training over 4 to 6 months. ILM programmes still support those most in need and with significant barriers, but whilst they are expensive to deliver, have a retention and progression rate as high as 76% (national average is @ 55%). The combination of work experience with mandatory training allows people to prove themselves and to develop both personal and workplace skills simultaneously. Target groups for various programmes include women, over 50s, Through Care, 16-24yrs, SEND. Programmes depend upon available funding, but the delivery focus for 2022/23 is on:

- An ESF funded cohort of 10
- 10 x creative and cultural apprenticeships
- 10 x creative and cultural internships
- 10 x SEND apprentices
- 50 Plus programme
- DWP funded Supported Employment (SEND) programme for a cohort of 60 over two years

#### Creative Enterprise Zone

The CEZ which encompasses Hackney Wick and Fish Island is delivering the following outcomes:

- Protection and creation of permanent, affordable creative workspace and live-work spaces at below market rents;
- Development, delivery and implementation of proactive, pro-cultural statutory and non-statutory policy approaches;
- Providing innovative, effective business support to artists, sole traders, micro and small creative businesses to support their resilience and growth;
- Developing career pathways and progression opportunities into the creative industries and supporting sectors, building a pipeline of local talent through accessible skills and training;
- Embedding creative production in communities through engagement activities that create vibrant, socially inclusive and integrated places.

The new (July 2022) Careers & Social Mobility team has picked up work related to “Bridging the Divide” and the Race Equality Action Plan to raise and expand the careers opportunities for our young people. Some key areas of work are:

- Careers Curated Website - Research and scoping for the new curated website is well under way with a view to launching in the autumn term. Providing careers information and resources from a range of partners. Youth Council consulted and engaged.
- Leaders Forum - The Leaders Forum is a key recommendation from the 2021 Equalities Commission and aligns with the Mayor’s proposals to write to all businesses in the borough to re-engage and negotiate ‘better/higher skilled’ roles for residents. This is part of a wider effort to maximise our opportunity with partners. “Assemble a Leaders' Forum which brings together organisations in Canary Wharf and City of London to deliver a range of initiatives to support Black, Asian and Minority Ethnic young people into work, increase the representation of Black, Asian and Minority Ethnic residents in senior positions, and unblock systemic barriers within organisations”.

The Leaders Forum will support and guide a mixed programme of work based on the following:

- o Mentoring commitments
- o Internship commitments
- o Apprenticeship commitments
- o Experience of the Workplace and curriculum support, including challenge events and soft skills training
- o Develop guidance and resources for businesses to review their CSR programmes
- o Creating Safe spaces in the workplace for meaningful dialogue to take place
- o Developing and piloting New Methods of Recruitment

- 6 x Borough-wide Careers Fairs each year – delivered over the academic year from Oct 2022. Dates and venues secured from NCC, UEL, QMU, CWG, London Met, as well as input from various public and private partners. Full programmes are still being developed but each fair will host @ 2000 young people from our secondary schools across the borough.

- The Summer School – university (UEL, QMUL, London Met) summer schools being promoted to the schools again from May in order to get young people booked into sessions.

- BAME Mentoring - contract awarded to The Switch. Their development work began May 2022 with mentoring work beginning from Sept term 2022. 400 young people over two years. Discussion underway to develop a generic and co-produced offer of mentoring to support more young people.

- CEZ - The Careers & Employment Support officer will pick up delivery of the CEZ employment outputs with the Supported Employment Team (SEP). 10 x CCI apprenticeships and 10 x CCI paid internships.

In addition to the work the teams are undertaking, the Mayor is currently writing to the top businesses in the borough to re-engage and negotiate “better/higher paid” roles for residents as part of the Council’s effort to maximise our opportunities with partners.

#### **11.25 Question from Councillor Abdul Malik**

Could the Mayor explain how he plans to strengthen the Trade Union voice in the decision-making processes in Tower Hamlets, and how these changes can be locked in constitutionally?

**Response:**

Trade Unions are an integral and invaluable vehicle in the social, political and economic furtherment of working people, and this administration recognizes their importance and the importance of ensuring their voice is heard and considered in any decisions taken by the Council. The Mayor has already held several meetings with the recognized Trade Unions in this Council, and continues to liaise and consult with them on all policy decisions that could impact council employees – front line or otherwise.

The Mayor is confident that this relationship will continue to grow, and is pleased to announce that he will be extending an invitation for representatives from the Council's three recognized Trade Unions to update the administration's monthly cabinet meeting, where they will be able to share concerns, ideas and suggestions to the Executive.

**11.26 Question from Councillor Peter Golds**

The revised traffic scheme on Preston's Road will have a serious impact on residents and business on the Isle of Dogs. It has been known for years that the traffic Island close to Yabsley Street has regularly been the location of many accidents. Will the Mayor outline when and what level of consultation was undertaken prior to the commencement of these works and what happened as a result of the consultation on what appears to be a different scheme?

**Response:**

The works that started on the 19th September on Prestons Road are Section 278 Highway works for the Wood Wharf development and therefore are not being financed by the Council, they are purely to facilitate the access to Wood Wharf.

The S278 works cover an area from the Blue Bridge to approximately 40m north of Managers Street and is not the scheme previously consulted on for Prestons Road. The consultation for the Vision 0 scheme took place on June 21.

**11.27 Question from Councillor Nathalie Bienfait**

Could the Executive outline what they are currently doing to start work on insulating council homes in the borough? Could they also outline any work they are undertaking to understand the current state of home insulation in the borough's council homes?

**Response:**

THH, who manage the council's housing stock, has delivered insulation works to over 2,200 flats and houses which has been funded through a number of initiatives including Community Energy Saving Programme (CESP), Energy Company Obligation (ECO) and Carbon Emission Reduction Target (CERT) funding schemes.

THH are exploring funding sources and engaged in the Retrofit London Housing Action Plan to deliver the boroughs objective of reaching an average EPC B rating across all London domestic properties. The financial implications require further investigation as significant additional funding will be required to achieve EPC B by 2030 (SAP 81).

THH are looking at opportunities to carry out insulation improvements as part of any building safety/fire safety work and upgrade properties to achieve EPC B rating.


Tower Hamlets is a member of the Retrofit London Housing Action Plan, through this action plan London Councils is working to leverage significant private sector finance to support green initiatives, including retrofit projects across the country. The Council is also working on a number of other funding opportunities including the Social Housing Decarbonisation Fund and Local Authority Delivery Scheme to retrofit homes in the borough.

The Mayor's Greener Future for Tower Hamlets programme will set up a Mayor's Advisory Board for Climate Change, this board will have the remit to work with and engage all housing providers in the borough to work together to retrofit and improve the energy efficiency of all homes in the borough.

This page is intentionally left blank



# Agenda Item 5

Non-Executive Report of the:  <b>Council</b>  16 <sup>th</sup> November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Petitions to Council</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All wards

## SUMMARY

1. This report sets out details of the valid petitions submitted for presentation and debate at this Council meeting. The text of the petitions received are set out in the attached report.
2. The Council's Constitution provides for up to four petitions to be heard at each ordinary Council meeting. These are taken in order of receipt, except that petitions for debate (those in excess of 2,000 signatures) will take precedence. Should more than four petitions be received, all remaining petitions will be listed to be formally noted by Council.
  - a. There are two petitions to be heard
    - i. Asking for the removal of road closures
    - ii. Request for improved cleaning
  - b. There are no petitions to be debated or noted.

## **PETITIONS TO BE HEARD**

3. For Petitions listed as to be heard:
  - a. Petitioners may address the meeting for no more than 3 minutes.
  - b. Members may then question the petitioners for a further 4 minutes.
  - c. Finally, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the petition for up to 2 minutes. The petition will then be referred to the relevant Corporate Director for attention who will provide a written response within 28 days of the date of the meeting.
4. Members, other than a Cabinet Member or Committee Chair responding at the end of the item, should confine their contributions to questions and not make statements or attempt to debate.
5. Responses to all petitions will be sent to the lead petitioner and displayed on the Council's website.


### **5.1 Petition regarding the removal of road closures**

We the undersigned call for the Mayor to follow through and undo the road closures which have increased traffic, congestion, made the life of residents especially the disabled / elderly difficult and prevented the emergency services access whilst bringing no benefit to the borough whatsoever. Residents are not rat runners.

### **5.2 Petition regarding improved street cleaning**

We, the undersigned, who either live, work or use facilities in Tower Hamlets hereby petition for a step change in cleaning especially Vallance Road, Brick Lane, Whitechapel High Street, Whitechapel Market and Old Montague Street. We request regular deep cleaning, involving of shopkeepers and businesses in the clean agenda as well as investment in our parks and open spaces so the quality of life can improve.

# Agenda Item 7

Non-Executive Report of the:  <b>COUNCIL</b>  16 <sup>th</sup> November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Motion for debate submitted by the Administration</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All wards

## SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one specific Motion submitted by the Administration. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. The Administration Motion is submitted by the Aspire Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

## MOTION

Set out overleaf is the motion that has been submitted.

## 7 – ADMINISTRATION MOTION FOR DEBATE – MOTION ON EDUCATION

Proposed by Cllr Maium Kabir Ahmed  
Seconded by Cllr Musthak Ahmed

### This Council notes:

- That education is something that has always been close to the heart of the current Mayor's vision for Tower Hamlets, since entering public office, and serves as the bedrock for thousands to progress and escape poverty.
- That during his previous term, the current Mayor introduced free school meals for all primary school children; introduced the Mayor's Education Maintenance Allowance; introduced the Mayor's University Bursary; invested millions in extracurricular youth services; and continued and enhanced a community language scheme to promote second language skills across the Borough's communities. Several new schools were also built, including St Paul's Way and Bow School, and countless others were improved as part of the Mayor's £380million *Building Schools for the Future* programme.
- That Tower Hamlets had some of the best urban schools in the world under the Mayor's last administration, with wholesale refurbishment, expansion and rebuilding taking place.
- That despite this historic investment and prioritisation of education in Tower Hamlets, the previous administration stripped back and reversed several of these initiatives, leaving education services in the Borough under-resourced, lacking in investment and care, and undervalued.
- That education in the Borough has not accelerated as it should have over the past seven years. Tower Hamlets is behind Islington, Newham, Southwark, Waltham Forest, Redbridge, Lewisham and Lambeth for the % of students staying in education post-18. This is unacceptable.
- That in Newham alone, one school (NCS) sends more pupils to Oxford and Cambridge than all the Schools in Tower Hamlets combined.
- That many of the Borough's best and most promising students are opting to leave the Borough to improve their life chances. This represents a 'brain drain' of the Borough's brightest and best.
- That, for these reasons, education was once again a central tenet of Mayor Lutfur Rahman's transformative *Manifesto*, which was overwhelmingly endorsed by the people of Tower Hamlets in May of this year.
- That the Mayor and his administration have already introduced two key pieces of policy – the reintroduction of the Mayor's Education Maintenance Allowance, and the Mayor's University Bursary – to accelerate education in Tower Hamlets, as approved at a meeting of the Council's Cabinet on October 26th.
- That there is a shortage of teachers in positions of leadership from a background that incorporates protected characteristics, and reflects the social and ethnic diversity of Tower Hamlets.

**This Council believes:**


- That the students of Tower Hamlets are among the hardest working in the whole country, and deserve as much support as is possible.
- That despite the best efforts of teachers, students, parents and schools in the Borough, Tower Hamlets remains somewhat behind other London Boroughs in terms of performance and top-grade attainment.
- That the Borough's students deserve to realise their dreams and aspirations by having access to the best educational services and facilities on offer.
- That the students of Tower Hamlets need to see teachers in positions of leadership that represents the diversity of the Borough.
- That foundational success alone is not sufficient – education must be accelerated to ensure that Tower Hamlet's young people can access the country's top further educational institutions.
- That more support is therefore required to ensure that Tower Hamlets students can compete with the best performers, not only in London, but across the UK.
- That this should represent a step change in the leadership and management of the Borough's educational services.

**This Council resolves:**

- That the acceleration of educational attainment – from GCSE to University admission – will remain one of the key areas for policy development as part of the Mayor and his administration's vision for Tower Hamlets.
- That to hasten the delivery of excellent educational facilities and services, the Mayor's Leadership Team will oversee the development and delivery of a transformation of the Borough's educational attainment.
- That the Mayor and the Council will establish an Institution of Academic Excellence in Tower Hamlets, to accelerate widespread admission to Oxbridge and Russell Group Universities, while raising all other educational services to this benchmarked standard.
- That the Mayor and the Council will promote the employment of Teachers with protected characteristics into positions of leadership.
- That Officers are instructed to begin the planning of a project to deliver this Institute for Academic Excellence, with a plan to be presented at the first available Cabinet meeting of the Council.

This page is intentionally left blank

# Agenda Item 8

Non-Executive Report of the:  <b>COUNCIL</b>  16 <sup>th</sup> November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of, Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Motion for debate submitted by an Opposition Group</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All wards

## SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one Motion submitted by an Opposition Group. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. In accordance with Council Procedure Rule 11, submission of the Opposition Motion for Debate will alternate in sequence between the opposition groups. This Opposition Motion is submitted by the Labour Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

## MOTION

Set out overleaf is the motion that has been submitted.

## **8 – OPPOSITION MOTION FOR DEBATE – MOTION ON SCHOOL STREETS**

Proposer: Councillor Asma Begum

Seconder: Councillor Amy Lee

### **This Council notes that:**

- Tower Hamlets has one of the highest levels of motor vehicle traffic in the country, partly due to vehicles travelling through the borough, and the average lung capacity of a child in Tower Hamlets is up to 10 per cent less than the national average.
- The Air Quality Action Plan 2022-2027 was presented at a meeting of the Mayor's Cabinet meeting on Wednesday 26<sup>th</sup> October 2022 which stated in its research that 'studies, including one carried out in Tower Hamlets, show that children's health is being negatively affected living in highly polluted areas. Children in Tower Hamlets have reduced lung function, which they may never recover.'
- The previous Labour administration introduced 26 School Streets across the borough, an initiative to improve air quality for children by reducing car traffic around schools. This policy was largely successful, resulting in a 30% reduction in pollution near schools and there are now 547 School Streets across nearly every London borough.
- After a thorough consultation and a local campaign headed by parents, teachers and young people in the area, a School Street was installed at Chisenhale Primary School in order to prevent excess car pollution and keep the local schoolchildren and residents safe.
- Despite the scheme having proved successful with large community support, the Mayor of Tower Hamlets has announced that he will remove the School Streets without prior consultation.


### **This Council believes that:**

- The local community has made it clear that they want to keep the School Street at Chisenhale Primary School, and their concerns must be heard.

### **This Council therefore resolves:**

- To call on the Mayor of Tower Hamlets to immediately reverse the decision to close the School Street at Chisenhale Primary School.
- To call on the Mayor of Tower Hamlets to hold a public meeting with parents, local residents, teachers, Ward Councillors and school children about possible alternatives.
- To ensure that in future each School Streets scheme is carefully considered on a case-by-case basis and with thorough consultation with the local community before any action is taken which may cause distress to local residents.



<p>Decision Report Cover Sheet:</p> <p style="text-align: center;"><b>Council</b></p> <p style="text-align: center;">16 November 2022</p>	 <p style="text-align: center;"><b>TOWER HAMLETS</b></p>
<p><b>Cover Report of:</b> Matthew Mannion, Head of Democratic Services</p> <p><b>Main Report:</b> Ann Sutcliffe, Corporate Director, Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Cover report of: Gambling Policy 2022-25</b></p>	

<p><b>Wards affected</b></p>	<p>All Wards</p>
------------------------------	------------------

## Summary

At its meeting on 26 November 2022, the Cabinet considered the report on the Council's Gambling Policy for 2022-25. This report was considered under the Budget and Policy Framework.

Following discussion, the Cabinet agreed to forward the report to Council for decision. The report is attached to this cover sheet.

As part of the Budget and Policy Framework process, the report was also considered by the Overview and Scrutiny Committee (OSC) who had no additional comments to make.

## Recommendations:

The Council is recommended to:

1. Approve and adopt the Gambling Policy for 2022-25.

This page is intentionally left blank

<b>Cabinet</b>  <b>26 October 2022</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Ann Sutcliffe, Corporate Director Place	<b>Classification:</b> Unrestricted
<b>Gambling Policy 2022 - 2025</b>	

<b>Lead Member</b>	Cllr Kabir Hussain – Lead Member Environment and the Climate Emergency
<b>Originating Officer(s)</b>	David Tolley, Head of Environmental Health and Trading Standards
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	This report is part of the Budget and Policy Framework and will be determined by Council.
<b>Forward Plan Notice Published</b>	30 <sup>th</sup> May 2022
<b>Reason for Key Decision</b>	Impact on Wards
<b>Strategic Plan Priority / Outcome</b>	A Borough that our residents are proud of and love to live in

### Executive Summary

As a Licensing Authority the Council must review the existing Gambling Policy and adopt a new policy in November 2022, as one of the responsibilities it has to regulate ‘high street’ premises under the Gambling Act 2005. The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.

The Act requires Licensing Authorities to aim to permit the use of premises for gambling in so far as it is in accordance with the regulatory framework (any codes of practice and Gambling Commission guidance) This means that the council can only refuse gambling that is not in accordance with the codes of practice and guidance and cannot for example ban gambling or specific forms of gambling.

Subject to agreement the Policy will be presented to Full Council for adoption under the provisions set out by the Council’s Constitution

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. To recommend to Full Council the adoption of the revised Gambling Policy

### **1 REASONS FOR THE DECISIONS**

- 1.1 All relevant local authorities are required under the Gambling Act to review their gambling policy.
- 1.2 The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.
- 1.3 A statutory consultation process must take place prior to the adoption of the revised Gambling Policy by Full Council.

### **2 ALTERNATIVE OPTIONS**

- 2.1 Pursuant to the Gambling Act 2005, the Council is a responsible authority for the licensing of premises used for gambling. If the Council did not have a policy, it would be acting ultra vires with regards to any decisions it makes determining gambling premises licences.
- 2.2 The Gambling Commission has laid down guidance which the Council must have regards to carrying out their functions under the Act, including setting their Gambling Policy. Departure from the guidance without good reason could leave the council at risk of judicial challenge. The Gambling Commission guidance has been followed in drafting the revised Gambling Policy. The policy focuses on the elements covered by the licensing objectives.

### **3 DETAILS OF THE REPORT**

- 3.1 The Gambling Act 2005 gives local authorities a range of responsibilities relating to gambling. The Gambling Policy states how the Licensing Authority will exercise this responsibility.
- 3.2 This policy covers the following:
  - How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
  - The main licensing objective for the authority is protecting the vulnerable.
  - The Licensing Authority approach to regulation
  - The scheme of delegation

- 3.3 The Gambling Policy complies with guidance issued by the Gambling Commission.
- 3.4 Members should note that some of the major issues and concerns about gambling are not addressed in the policy or by the approach of the consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime.
- 3.5 All applicants and licence holder must promote the three licensing objectives. This Policy is written with the view to promoting the three licensing objectives of the 2005 Act. These objectives are:
- i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - ii. Ensuring that gambling is conducted in a fair and open way; and
  - iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The Council does not have the powers within its Gambling Policy to regulate on-line gambling sites. All gambling websites trading with, or advertising to, consumers in Britain must have a Gambling Operators licence and a Remote Gambling Licence both issued by the Gambling Commission. Remote-Gambling is regulated by the Gambling Commission and Local Authorities do not hold any powers under the act in respect of Remote Gambling (i.e., Online Gambling).
- 3.7 The responsibilities the Council has under the Gambling Act 2005 have not been controversial. At the time of writing this report there are 49 Gambling Premises (42 Betting Shops and 7 Adult Gaming Centres (AGCs)), which have licences granted by this Authority. This shows a 38% reduction in Licensed Gambling Premises since 2019. These businesses are nearly all national companies that have conducted their business within the legal framework. Furthermore they will have had an Operator Licence issued by the Gambling Commission. The number of premises in a particular area is not a ground for objection.
- 3.8 Betting shops were removed from their previous A2 use class and made a 'sui generis' use i.e. a planning use class on their own. As such planning permission is now required to change the use from any other use to a betting shop. Planning powers cannot control existing betting shops if they have already opened up under a permitted change of use before the recent changes to the use class order moving betting shops from A2 to 'sui generis.' However, any further change of use applications for a betting shop would be subject to a planning application. Part 1 (Policy D.TC5) of the Tower Hamlets' Development Control Service's Local Plan 2031, specifically mentions Betting Shops. As a result, applicants for a Gambling Licence needs to consider the Local Plan if applying for a new Betting Shop Licence.

- 3.9 We have not experienced the same volume of applications in gambling as we have in other areas of licensing. There have been three new applications for Gambling Premises Licences since 2019 and these were all for AGCs. Two attracted representations and came before Licensing Sub-Committee, which granted one with additional conditions and refused the other. However, the latter successfully appealed to the Magistrates' Court, which granted the licence with additional conditions. The third applicant agreed additional conditions with the Police and no representations were made.
- 3.10 Licensing authorities do not have the powers to refuse new applications unless doing so would undermine one or more of the licensing objectives. The requirement for operators to prepare local risk assessments in relation to their premises also means that licensing authorities need to set out their expectations within their statements of Gambling Policy.
- 3.11 The consultation period took place from the 7<sup>th</sup> March to the 29<sup>th</sup> May 2022. The draft reviewed policy and table of changes were publicised online along with a survey questionnaire. The Responsible Authorities were written to along with those currently holding Gambling Licences issued by the Authority. Further wider consultation was completed that included writing to Councillors, Resident Associations, and a variety of interested parties. A full list of consultees is detailed in **Appendix One**.
- 3.12 The changes made to the Gambling Policy are detailed within **Appendix Two** (Table of Changes). The changes covered the following areas:
- Updates to Policy's approach toward the objective of "Protecting children and other vulnerable people from being harmed or exploited by gambling".
  - Referral to Planning Authority's Local Plan, and clarification of the Licensing Authority expectation on applicants about planning permission.
  - Relevant Representations Section added.
  - Paragraphs on Bingo in Clubs and Licensed Premises added.
  - Appeals Section added.
  - Small Society Lotteries section added.
  - Annex 5 Local Area Profile
- 3.13 During the consultation process responses were received from two Council services one gambling operator. Furthermore 14 of the 53 responders to the online survey made comments on the reviewed policy. These representations and comments are detailed in **Appendix Three**. We have reviewed the comments made therein and have made changes to the original consulted document in relation to the following:
- Location and Local Risk Assessments (Public Health)  
Policy now encourages applicants to speak to Public Health when producing their local risk assessments. This will assist applicants to consider any local risks relevant to the part of the borough they are intending to operate in and put in place policies and procedure to mitigate such risks.

- Updates to sections of Children and Vulnerable Persons (Violence Against Women and Girls Team)

Changes to the wording in the sections relating to vulnerable persons and an encouragement for the applicant to speak to the Council's VAWGs Service in respect to any guidance or training they can provide to applicants to better protect vulnerable persons.

- Consideration of Planning links and CSE (Paddy Power)

Responder felt that the mention of Planning and directing applicants to consider planning was not appropriate since they are separate regimes. They made a similar comment about the policy's mention of Child Sexual Exploitation (CSE) in that this was not relevant to the objective under the Gambling Act 2005. No changes were made as a result of these comments.

- Applicants for AGCs encouraged to consider voluntarily adopting the similar hours permitted hours of operation as betting shops, in this case 7:00 am to 10:00 pm every day. Change made to reflect the comments on opening hours made during the consultation.

3.14 Most existing AGCs are subject to planning conditions that control opening hours. If there are reported breaches of opening hours, the Planning Service will investigate and seek to ensure opening hours are complied with. Where there are persistent breaches, there are powers available under Section 187a of the Town and Country planning Act 1990, to serve a breach of condition notice (BCN). There is no right to appeal a BCN and failure to comply can lead to a prosecution through the Courts.

3.15 For planning purposes AGCs are sui generis. This means that planning permission is always required to change the use of a premises to a new gaming centre. The Council's Local Plan policies seek to restrict any new facilities to the Central Activity Zone (areas around Aldgate, Bishopsgate and the Tower of London), Canary Wharf and district centres (Bethnal Green Road, Roman Road, Brick Lane, Whitechapel, Watney Market, Chrisp Street and Crossharbour). Planning policies resist changes of use where there is an over concentration of similar uses; where the site is near a school or sensitive community, cultural or social facilities or where the proposal would detrimentally impact the amenity and character of the area.

3.16 Results from the online survey can be found in **Appendix Four** – Let's Talk Survey Response Report, and **Appendix Five**, Let's Talk Summary Report.

3.17 It is proposed that the current 'no casino' resolution that is currently in the existing policy remains.

3.18 The revised Gambling Policy that is due to take effect from December 2022, if agreed, is detailed within **Appendix Six**.

3.19 An Equalities checklist has been undertaken and is at **Appendix Seven**.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 The Equalities Impact Assessment has been reviewed in respect of this policy and no specific impacts have been identified. An additional section “Equality & Inclusion in Gambling Premises has been added to address the Public Sector Equality Duty and to link to the Council’s Equality Policy.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration.
- 5.2 Best Value: The Gambling policy details the regulatory approach to gambling establishments with the Borough. The fees imposed for the licence are set by government and have been adopted by the Licensing Committee. The fees cover the cost of regulating and administrating the Gambling Policy.
- 5.3 Crime Reduction: One of the key licensing objectives is to prevent gambling from being a source of crime and disorder. The policy supports and assists with crime and disorder reduction by controlling those who are able to offer gambling to members of the public and imposing conditions on relevant premises licences.
- 5.4 Safeguarding: A statutory licensing objective of the Gambling Policy concerns the protection of children and other vulnerable persons from being harmed or exploited by gambling. The Policy details how regulation through licensing promotes this objective.
- 5.5 Risk Management: There are no risk management issues with the revised policy or the consultation process.
- 5.6 Environmental and consultation implications: There are no negative environmental impacts about this policy or the consultation process

#### **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no financial implications emanating from this report which seeks to review and adopt a revised gambling policy from November 2022

#### **7 COMMENTS OF LEGAL SERVICES**

- 7.1 Section 349(1) of the Gambling Act 2005 requires each local authority to prepare and publish, at least every three years, a statement of principles (a Gambling Policy) to be applied in the exercise of their functions under the Act.
- 7.2 The content and form of the policy is prescribed by Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and



Wales) Regulations 2006. Regulation 7 deals with the publication requirements, which stipulate that the statement of principles be published in the prescribed manner for at least four weeks before the statement comes into effect.

- 7.3 Before publishing that statement of principles the authority must consult in accordance with section 349(3). The statutory consultees are the Commissioner of the Metropolitan Police, one or more persons who appear to the authority to represent the interests of people carrying on gambling business in the authority's area, and one or more people who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authority's functions under the Act.
- 7.4 The principles of effective consultation require that: consultation be carried out when proposals are at formative stage; the consultees must be given sufficient and accurate information and reasons so as to be allow for proper consideration; adequate time be given for responding; the fruits of the consultation must be conscientiously taken into account when making the decision.
- 7.5 Section 149 of the Equality Act 2010 requires the authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act, to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between those who share a relevant protected characteristic and those who do not. The relevant protected characteristics are: age; disability gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The duty must be complied with at the time that the decision under consideration, in this case the recommendation to adopt the Policy, is taken. It is not a duty to achieve a particular result, however.(do you still need the last sentence?)
- 7.6 The decision to approve the Statement of Gambling Principles is expressly stated in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as being a function that cannot be the responsibility of the executive. The Full Council must decide to approve the Statement. Cabinet only has power to recommend this Statement of Principles to full Council for decision

---

## **Linked Reports, Appendices and Background Documents**

**Linked Report**  
NONE

## **Appendices**

- Appendix One: List of Consultees
- Appendix Two: Statement of Gambling Policy review – Proposed Changes 2019-2022
- Appendix Three: Responses to the Gambling Policy Consultation
- Appendix Four: Online Survey feedback
- Appendix Five: Online Survey Summary
- Appendix Six: Proposed Gambling Policy 2022 - 2025
- Appendix Seven: Equalities Impact Checklist

## **Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

NONE

### **Officer contact details for documents:**

N/A

## **Appendix One**

### **List of consultees:**

#### **Authorities/Bodies**

- The Gambling Commission
- Metropolitan Police Service
- HMRC
- The London Fire Brigade
- Mayor's office for Policing and Crime (MOPAC)
- The Institute of Licensing (IoL)
- Adult Care Service, London Borough of Tower Hamlets
- Council of Mosques
- NSPCC
- Tower Hamlets Clinical Commissioning Group (THCCG), NHS
- The Young Mayor, London Borough of Tower Hamlets
- Maritime and Coastguard Agency (MCGA)
- The Environment Agency
- The Canal and River Trust
- Health and Safety Executive (HSE)
- London Legacy Development Corporation
- Port of London Authority
- Licensing, Environmental Health and Trading Standards Service
- Health and Safety, Environmental Health and Trading Standards Service
- Trading Standards, Environmental Health and Trading Standards Service
- Public Health Service, London Borough of Tower Hamlets
- Child Protection, London Borough of Tower Hamlets
- Environmental Health, Environmental Health and Trading Standards Service
- Community Safety, London Borough of Tower Hamlets
- Planning and Building Control Service, London Borough of Tower Hamlets
- Violence Against Women and Girls (VAWAG) Service, London Borough of Tower Hamlets
- Growth and Economic Development, London Borough of Tower Hamlets
- Employment and Enterprise, London Borough of Tower Hamlets
- Licensing, London Borough of Hackney
- Licensing, London Borough of Southwark

- Licensing, City of London Corporation
- Licensing, London Borough of Lewisham
- Licensing, Royal Borough of Greenwich
- Licensing, London Borough of Newham

#### **Gambling Operators/Businesses:**

- Carousel Amusements
- Greenwich Leisure Limited (GLL)
- Merkur Cashino
- Gala Coral Group
- Joe Jennings
- William Hill
- Paddy Power
- Roar Betting
- Tote Betting
- Two Way Media

#### **Gambling Support Services**

- GamCare
- Responsible Gambling Trust

#### **Businesses**

- All Gambling Premises Licence Holders (Gambling Act 2005) in the Borough

#### **Licensing Committee Members**

#### **Resident Groups/Associations**

- St Georges Residents Association
- SPIRE
- Ezra Street Residents

## Appendix Two

### Statement of Gambling Policy Review – Proposed Changes 2022 - 2025

Section/Page	Addition/Deletion	Rationale
All	Paragraph numbering to changes as per the new changes to the documents	Formatting as part of the review and update.
Page 1	Add: Front page with LBTH Logo and “ <i>The London Borough of Tower Hamlets, Gambling Policy 2022 – 2025</i> ” “ <i>Effective 14<sup>th</sup> December 2022</i> ” then	Current policy has now front page.
Page 2	New Contents Page	To reflect changes, note the numbers are added as if the deletions have been removed.
Page 4	<p>Para 1.3 Changed from: This Policy replaces the previous one published on 5<sup>th</sup> December 2016 and covers the period from 5<sup>th</sup> December 2019 to 4<sup>th</sup> December 2022.</p> <p>To: <i>This Policy replaces the previous one published on 14<sup>th</sup> December 2022 and covers the period from 14<sup>th</sup> December 2022 to 13<sup>th</sup> December 2025.</i></p>	Update to new policy dates.

Page 4	<p>Insert new para below para 1.4:  <i>The definition of ‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery:</i></p> <ul style="list-style-type: none"> <li>• <i>gaming means playing a game of chance for a prize</i></li> <li>• <i>betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not</i></li> <li>• <i>a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.</i></li> </ul>	Provides definition of Gambling under the 2005 Act.
Page 4	<p>Move Para 1.5:  <i>This Policy is written with the view to promoting the three licensing objectives of the 2005 Act:</i></p> <ol style="list-style-type: none"> <li><i>i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</i></li> <li><i>ii. Ensuring that gambling is conducted in a fair and open way; and</i></li> <li><i>iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.</i></li> </ol> <p>To page 6 to sit under “<b>Policy Statement</b>” to become the third para (now para 2.3).</p>	Better flow, and in compliance more with Gambling Commission Guidance on Statement of Licensing Policy.
Page 4	<p>Delete (previously para 1.6):  <i>As part of this licensing authority’s approach to reduce gambling-related harm we support the Government proposals to reduce the maximum stakes for Fixed Odds Betting Terminals (FOBTs) to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.</i></p>	Old, no longer relevant to include as no forms part of the legislation.

Page 4 (5 on reviewed policy)	<p>Para 1.7 (now 1.6) delete last sentence “A map of the geographical area of the borough can be found in Annex 1 and this shows where Gambling premises licences have been issued within the borough.”</p> <p>Replace with:  <i>“The Council publishes Borough and Area profiles – ward profiles on its website:  <a href="https://www.towerhamlets.gov.uk/lqnl/community_and_living/borough_statistics/Borough_profile.aspx">https://www.towerhamlets.gov.uk/lqnl/community_and_living/borough_statistics/Borough_profile.aspx</a>”</i></p>	Update to borough description and future proof by linking to borough profiles which will be updated.
Page 5	Para 1.8 (now 1.7) replace “Annex 2” with “ <b>Annex 1</b> ”	Update to Annexes
Page 5	Below Para 1.7 insert “ <b>Consultation</b> ”.	In line with Gambling Commission Guidance on Statement of Gambling Policy
Page 5	<p>Amend Para (old) 1.10 below to add the new dates for the consultation.  <i>The consultation took place between [insert date] and [insert date]. The results of the consultation are summarised in <b>Annex 3</b></i></p> <p>Amend Para (old) 1.11 to the below:  <i>The policy was approved at a meeting of the Full Council on [insert date] and published via our website (see link below). It is also available in the Town Hall and Idea Stores within the Borough.  [Insert link]</i></p>	Update for new Policy.

Page 6 (6 on reviewed Policy)	<p>Para 2.2 amend sub paras a) to d) to read as below:</p> <p><i>a) in accordance with any relevant code of practice issued under section 24 of the 2005 Act,</i></p> <p><i>b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act,</i></p> <p><i>c) reasonably consistent with the licensing objectives, subject to a) and b) above,</i></p> <p><i>d) in accordance with this Policy and with reference to our Local Area Profile, subject to a) to c) above.</i></p>	Improve clarity.
Page 6 (7 on reviewed Policy)	<p>After Para 2.3 (now 2.4) Add:</p> <p><b>3 Equality &amp; Inclusion in Gambling Premises</b></p> <p>As per Tower Hamlets Equality Policy, we want Tower Hamlets to be a place where people have equal access to opportunities and where inequality is actively tackled. Tower Hamlets Equality Policy recognises that this can only be done by working with our partners to advance equality, promote good community relations and tackle discrimination. The Council believes that diversity of our community is one of our greatest strengths and assets. We value the strength that comes with difference and the positive contribution that diversity brings to our community. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit the borough. The Equality Policy seeks to embed equality throughout the council's plans, services and activities to ensure it is a key driver for everything we do.</p> <p>It is unlawful for any gambling venue to discriminate against anyone based on race, sex, sexual orientation, age, or any of the protected characteristics under the Equality Act 2010. Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 (2010 Act) and relevant guidance for businesses, which can be found on the Equality &amp; Human Rights Commission website. The 2010 Act makes discrimination against</p>	Link to Councils Equality Policy and consider PSED.



any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

The Council must have regard to its public sector equality duty under the 2010 Act. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- our expectations on licensed venues to promote equality & inclusivity.

There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics).
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff, which is regularly refreshed.

	<p>This Authority will use the Licensing Process to ensure both Operators and the Council are compliant in carrying out their legal obligations. This includes:</p> <ul style="list-style-type: none"> <li>• determining licensing applications and reviews.</li> <li>• making representations as a responsible authority.</li> <li>• applying for reviews in appropriate circumstances.</li> <li>• defending appeal decisions.</li> </ul> <p>In essence this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.</p>	
Page 7 (9 on revised Policy)	<p>After Para 3.2 Add <b>5 Tower Hamlets Plan</b></p> <p>Change para numbers accordingly. Below above para 3.3 (now 5.1) Add the below sentence to the end of the para: <i>This policy also takes into consideration the Tower Hamlets Plan 2018-2023 and the Annual Report (2021), which sets out key areas of focus going forward.</i></p> <p>Amend Para 3.4 (now 5.2) to the below: <i>The commitment of Tower Hamlets Plan is Building a stronger, more inclusive and fairer borough.</i></p> <p>Amend Para 3.5 (now 5.4) to Add “<i>and the Annual Report (2021)</i>” after “Tower Hamlets Plan”.</p>	Update and to link in with Annual Report done in 2021.

Page 7 (10 on revised Policy)	<p>Add and addition Para below para 3.5 (now 5.3):  <i>Whilst Tower Hamlets recognises that Gambling Licensing and Planning are two separate regimes, it expects applicants to have any the necessary Planning Permissions in place at the time of their Gambling Application. See Part B Paragraph 2 for more information. In respect of this applicant should have regard for Tower Hamlets Local Plan 2031:</i>  <a href="https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx">https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx</a></p> <p><i>In particular, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.</i></p>	Link to Tower Hamlets Local Plan 2031.
Page 8 (10 on Revised Policy)	<p>Para 4.3 (now 6.3) Replace Local Safeguarding Children Board with:  <i>Safeguarding Children’s Partnership</i></p> <p>Safeguarding Children’s Partnership</p>	Change notified by Corporate Leadership Team
Page 9 (12 on Revised Policy)	<p>After section 5 “Interested Parties” (now 7) insert new Heading and three Paras as per below:</p> <p><b>8 Relevant representation</b></p> <p><i>Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Gaming Policy.</i></p> <p><i>The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks</i></p>	Better clarity for readers on Representations

	<p><i>the representations are vexatious, frivolous or will certainly not influence the authority's determination of the application. Where the Licensing Authority determine that a representation is vexatious, frivolous or will not influence the authority's determination of the application, we will notify the interested person or responsible authority who making such a representation of this determination.</i></p> <p><i>Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.</i></p>	
Page 10 (13 on revised Policy)	Amend Para 6.3 (now 9.3). Change 2019 to "2022" and change 2022 to "2025".	Reflect new policy timeline.
Page 10 (13 on revised Policy)	Para 6.6 (now 9.6) add sub para g) " <i>Health and Safety Inspector</i> ".	Allow for sharing where necessary and appropriate with Health and Safety Inspectors of the Service.
Page 12 (15 on revised policy)	<p>Amend Para 7.8 (now 10.8) from:</p> <p>We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. We will not routinely carry out full premises inspections and the frequency of inspections will be determined on risk-based criteria with high- risk operations receiving more attention than premises deemed to be of low risks.</p> <p>To:</p> <p><i>We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. Inspections will be risk based</i></p>	Better clarity on our approach to inspections of Gambling Premises and our approach where reasonable access is not provided.

	<p><i>and established on:</i></p> <ul style="list-style-type: none"> <li>• <i>the Licensing objectives</i></li> <li>• <i>relevant Codes of Practice</i></li> <li>• <i>Guidance</i></li> <li>• <i>the Policy</i></li> </ul> <p>Add two additional paras below the new para above:  <i>We may inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.</i></p> <p><i>Any inspections undertaken will be by the Licensing Authority and/or a relevant responsible authority. Where the applicant has not allowed reasonable access permission will normally be refused. The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.</i></p>	
Page 14 (19 on revised Policy)	<p>Under Para 8.11 (now 11.11) “<b>Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling</b>” add new para as below:</p> <p><i>In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:</i></p> <ul style="list-style-type: none"> <li>• <i>restrictions on advertising and style of the premises where premises cater solely or</i></li> </ul>	Clarity and strengthening of our approach to this objective and more in line with Gambling Commission Guidance.

	<p><i>mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children;</i></p> <ul style="list-style-type: none"> <li>• <i>restrictions on layout or on where certain machines may be in operation.</i></li> </ul>	
Page 15 (19 on revised Policy)	<p>Under Para 8.12 (now 11.13) Add below Paras:  <i>When determining an application to grant or review a premises licence, regard may be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.</i></p> <p><i>The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate in its policies how they might overcome licensing objective concerns, this will be taken into account. Applicants may wish to consult with Tower Hamlets Connect in regard to assist in determining locations of vulnerable persons premises.</i></p>	Update to how we approach applications near to locations that could impact the Objective of Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 15 (19 on revised Policy)	<p>Para 8.12 (now 11.16) Change para to the below and make it a separate number Para:  <i>As there is a difference between children and vulnerable persons, we have separated the rest of this section it into Children and vulnerable people.</i></p>	Better clarity due to additions above.
Page 17/18 (22 on	<p>Para 8.23, (now Para 11.27, k).          Replace "Violence" with "Abuse"</p>	Consultation response from VAWG Team

revised policy)		
Page 18 (22 on revised policy)	<p>Para 8.25, (now Para 11.29). Delete “This” and Add “<i>When dealing with gambling premises applications this</i>”</p> <p>After the Word “visit” Delete “when dealing with premises applications”</p>	Consultation response from VAWG Team
Page 18 (23 on revised policy)	<p>Para 8.27 (now 11.31) Replace “encourages” to “expects”.</p> <p>Add below sentence to the bottom of the para: <i>We also expect operators to have policies in place that reflect the Gambling Commission’s National Strategy to Reduce Gambling Harms.</i></p>	Strengthen policy on approach to applicants preventing Gambling Related Harms. More in line with Gambling Commission Guidance.
Page 18 (23 on revised policy)	<p>After Para 8.27, (now para 11.31) Add following Para:</p> <p><i>“We would also encourage operators to consider any relevant policies produced by the Council’s Violence Against Women and Girls (VAWG) Service. In particular any training offered by this service in respect of this issue. For more information, please see the link to this service’s web page below:</i></p> <p><a href="https://www.towerhamlets.gov.uk/lqnl/community_and_living/community_safety_crime_prevention/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx">https://www.towerhamlets.gov.uk/lqnl/community_and_living/community_safety_crime_prevention/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</a>”</p>	Consultation response from VAWG Team
Page 19 (24 on revised Policy)	<p>Under Para 2.1 Insert the below heading and three paras:</p> <p><i>Planning</i></p>	Ensure Applicants do not breach

	<p><i>Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.</i></p> <p><i>As stated in the Tower Hamlets Plan section of the Introduction above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.</i></p> <p><i>There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the Gambling hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.</i></p>	Planning Policies and Legislation
Page 22 (revised, moved location – 23 to 25)	<p>Move “<b>12 Location and Local Risk Assessments</b>” (pages 28 to 30 – Old) to sit above <b>3 Premises</b>. To read as below:  <b>3 Location and Local Risk Assessments</b></p> <p><i>This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.</i></p>	Gives policy better flow, as this section fits in this section rather than where it currently sits. This will assist the reader.



*It is the licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums should not normally be licensed. However any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.*

*The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.*

*From 6<sup>th</sup> April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under the Social Responsibility (SR) code, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures to mitigate those risks.*

*In making local risk assessments, applicants and licensees must take into account relevant matters identified in the following information sources:*

- *This Policy*
- *Tower Hamlets Local Area Profile*  
*([https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/borough\\_statistics/Area\\_profiles.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Area_profiles.aspx))*
- *Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits*  
*([https://www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/Local\\_plan/local\\_plan.aspx](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx))*
- *The Greater London Authority (GLA) – Ward Profile Tool*

<https://data.london.gov.uk/dataset/ward-profiles-and-atlas>)

*The LCCP states that licensees must undertake a local risk assessment when applying for a new premises licence and this must be reviewed and update as necessary:*

- a) to take account of significant changes in local circumstance, including those identified in this policy;*
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;*
- c) when applying for a variation of a premises licence; and;*
- d) in any case, undertake a local assessment when applying for a new premises licence.*

*Licence holders are also required to provide this licensing authority with a copy of their local risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the local risk assessment at any other time, for example, when we are inspecting premises.*

*Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their local risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their local risk assessment available to responsible authorities and interested parties.*

*The licensing authority expects the local risk assessment to consider as a minimum issues presented by the local landscape, such as;*

- Exposure to vulnerable groups;*
- Identification of local specific risks;*
- Type of footfall – children, visitors, families, residents;*
- Educational facilities;*
- Community Centers;*

- *Homelessness /rough sleeper hostels, provision of support services.*

*In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.*

*Other matters that the assessment may include:*

- *The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.*
- *Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.*
- *The layout of the premises so that staff have an unobstructed view of persons using the premises;*
- *The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.*
- *Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.*
- *The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.*
- *Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.*

	<p>To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria. In connection with this the Council recognises the Gambling Commissions National Strategy to Reduce Gambling Harms, and supports the two strategy aims:</p> <ul style="list-style-type: none"> <li>• <b>Prevention and Education</b> – making significant progress towards a clear public health prevention plan which includes the right mix of interventions.</li> <li>• <b>Treatment and Support</b> – delivering truly national treatment and support options that meet the needs of users.</li> </ul> <p>The full Strategy can be viewed here:  <a href="http://www.reducinggamblingharms.org/">http://www.reducinggamblingharms.org/</a></p> <p>Licence holders and Operators should have regard to this Strategy when undertaking their local risk assessment.</p>	
Page 22 (25/28 on revised policy)	<p>After the move of the above <b>12 Location and Local Risk Assessments</b></p> <p>Add additional para to at the end:  <i>"Public Health</i></p> <p><i>The Council's Public Health Service has advised that the demographics of Tower Hamlets and local data demonstrate that there are relatively high levels of vulnerability to gambling related harm within the borough's population. As a result of this applicants are expected to consider Public Health's deprivation map in on our Local Area Profile page (see link above). This map identifies the areas of the borough that have high levels deprivation. Where applications for gambling premises fall within these areas of high deprivation applications are expected to contact the Council's Public Health Service, via the email below, prior to making an application.</i></p> <ul style="list-style-type: none"> <li>• <a href="mailto:PublicHealthLicensing@towerhamlets.gov.uk">PublicHealthLicensing@towerhamlets.gov.uk</a></li> </ul>	Consultation with Public Health and Online Survey Results

	<i>This will assist applicants to demonstrate in their local risk assessments that their application will not undermine the Gambling Objectives and would not add to the already high levels of deprivation experienced by residents in this area. Where applicants fail to demonstrate this in the local risk assessments the Council's Public Health Service may object to application within these areas."</i>	
Page 19 (28 Revised Policy)	Below Para 3.3 (now 4.3) add new Para: <i>As per Social Responsibility Code Provision 3.5.6 all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. This Authority expects applicants to provide details of this in their application.</i>	Reflect changes to Social Responsibility Code and requirement to offer self-exclusion schemes.
Page 20 (29 on revised Policy)	Heading <b>4 Adult Gaming Centres (AGCs)</b> para 4.1 (now para 5.1), Add the below two sentences to the bottom of this para: <i>We will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. Applicants must consider locations in regards to whether the area may have unsupervised children, and be able to demonstrate how they intend to ensure children do not gain access to the premises.</i>	Clarifies our approach to promoting Objective - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 20 (29/30 on revised policy)	After para 4.2 (now 5.2) insert below new para:  <i>The consultation survey completed when this policy was reviewed asked a question on hours of operation for AGCs. The Responses to this survey question indicated that they would like to see AGCs within Tower Hamlets limit their gambling times to the following:</i>  <ul style="list-style-type: none"> <li>Monday to Sunday 07:00 hours to 22:00 hours</li> </ul>	To promote results of consultation survey.

	<p><i>The Council recognises that the Gambling Act 2005 does not permit a licensing authority to limit gambling activity times unless specified in legislation, codes of practice, or where evidence supports such a limit in order to promote the Gambling Objectives. Nevertheless, we would encourage applicants for AGC Premises to consider the above times when making their application, and review whether they would be willing to accept these times and limit the required gambling activity times in the application to those specified above.</i></p>	
Page 21 (30 of revised Policy)	<p>Heading <b>5 Licensed Family Entertainment Centres (FECs)</b> Para 5.1 (now 6.1), After last but one sentence Add below sentence:  <i>This will require applicants and license holders being able to demonstrate that staffing and supervision arrangements are in place to meet this requirement.</i></p>	Clarity on our expectation on applicants for such Licences in terms of preventing to certain Gaming machines.
Page 22 (31 of revised Policy)	<p>Replace Para 5.3 (now 6.3) with:  <i>This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.</i></p>	Future proof policy, in view of possible updates from Gambling Commission
Page 22 (31 of revised Policy)	<p>Under Heading <b>7 (now 8) Bingo Premises</b> Add new para:  <i>Though the Act does not give a statutory definition of Bingo, two types of bingo are commonly understood. These are:</i></p> <ul style="list-style-type: none"> <li>• <i>Cash bingo – stakes paid make up the cash prizes that are won.</i></li> <li>• <i>Prize bingo – various forms of prizes are won, not directly related to the stakes paid.</i></li> </ul>	Clarity on what commonly constitutes Bingo.

Page 22 (32 on revised Policy)	Before Para 7.3 (now 8.4) Add the below to the end of Para 7.2 (now 8.3): <i>These gaming machines must remain within the licensed area covered by the premises licence.</i>	Reflect changes to technology and Gambling Commission Guidance.
Page 23 (32 on revised Policy)	Para 7.3 (now 8.4) Add below sentence to end of para: <i>Licence holders and applicants must also be aware of the restrictions placed upon children and young persons working in Bingo Premises.</i>	More in line with Gambling Commission Guidance
Page 23 (33 on revised Policy)	After Para 7.5 (now 8.6) Add below: <u><i>Bingo in Clubs and Alcohol-licensed Premises</i></u>  <i>Part 12 of the Act permits Bingo on alcohol licensed premises and in clubs and miners' welfare institutes. There are specific Regulations that provide the rules in relation to this (The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007, The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be allowed under this legislation and a bingo operating licence will have to be obtained from the Commission for future bingo games. This threshold is reached if the bingo played during any seven-day period exceeds £2000 (either in money taken or prizes awarded) once in a year.</i>  <i>Where this Licensing Authority becomes aware of a alcohol licensed premises or clubs are playing bingo during a course of a week which involves significant stakes and prizes, that makes if possible that the £2000 sin seven day threshold is being exceeded, we will immediately inform the Gambling Commission.</i>	Give policy stance on Bingo in Clubs and Alcohol Licensed Premises, in line with Gambling Commission Guidance.

Page 23 (33 Reviewed Policy)	Below Heading: <b>8 (now 9) Betting Premises</b> , Add new Para below: <i>Children and young people are not permitted to access betting premises. Licence holders and applicants should be able to demonstrate that they have sufficient procedures in place to ensure that children are not permitted into betting premises. This will involve appropriate training in regards to challenging persons who appear under age.</i>	Legal point, however flows more in line with our stance on promoting objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Page 31 (38 on Revised Policy)	Para 13.2, Replace “Generally” (beginning of Para) with “ <i>Where</i> ”. Para 13.2 Delete “Normally”.	Clarity on our approach.
Page 33 (40 on Revised Policy)	Para 16.5, on the fourth bullet point, replace “stickers” with “posters”	Consultation response from VAWG Team
Page 35 (43 of Revised Policy)	Para 18.1 Last sentence, after the “regard to” Add “ <i>the Act,</i> ” and Delete “Our”.	Act was missing.
Page 36 (43 of Revised Policy)	Para 18.2, Delete last bullet point.	Already stated prior to this.
Page 36 (43 on Revised Policy)	Para 18.5, last sentence after “application” Add: <i>, provide written notice of their application to the premises licence holder and to all responsible authorities.</i>	Old sentence did not make sense.
Page 36 (44 of Revised Policy)	Para 18.10, After the word “following” Add “ <i>of our decision</i> ”.	Better clarity



<p>Page 37 (44/45 of Revised Policy)</p>	<p>After para 18.10 Add below new Heading and Paras: <b>19 Appeals</b></p> <p>In relation to applications for premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, and review applications, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates' court within 21 days of receiving notice of the Authority's decision.</p> <p>In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the Authority's decision with the magistrates' court within 21 days of receiving notice of the Authority's decision.</p> <p>A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrates' court.</p>	<p>Missing from current policy.</p>
<p>Page 39/40 (47/48 of Revised Policy)</p>	<p>Replace Paras 2.4 and 2.5 with the below paras:</p> <p><i>As per this Policy this licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</i></p> <p><i>This Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder. When determining such an application we will have regard to our local area profile and consider:</i></p> <ul style="list-style-type: none"> <li><i>a) appropriate measures / training for staff as regards suspected truant school children on the premises.</i></li> <li><i>b) measures / training covering how staff would deal with unsupervised very young</i></li> </ul>	<p>Better clarity and flow.</p>

	<p><i>children being on the premises, or children causing perceived problems on / around the premises.</i></p> <ul style="list-style-type: none"> <li><i>c) applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs.</i></li> <li><i>d) applicant’s Disclosure and Barring Service check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years.</i></li> <li><i>e) any supporting documentation as to the design and layout of the premises.</i></li> <li><i>f) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable.</i></li> <li><i>g) any objections raised by the police relevant to the licensing objectives.</i></li> </ul> <p><i>The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application these permits.</i></p> <p><i>It is this licensing authority’s view that premises close to schools, playgrounds, or other educational establishments such as museums and places of worship should not normally be licensed. As a result we will take location into account when considering and application for a permit for a UFEC premises.</i></p>	
<p>Page 40 (48 of Revised Policy)</p>	<p>Para 2.6, (now 2.7) before “plan” Add “scaled”. Then Add (at the end of the para) to also include new Para 2.8.:  <i>This plan should include:</i></p> <ul style="list-style-type: none"> <li><i>a) location of entrances and exits</i></li> <li><i>b) number and positions of Category D machines</i></li> <li><i>c) location of lighting inside and outside</i></li> </ul>	<p>Changed to ensure scaled plan is provided as per Guidance. Change to details what we expect in the plan and what we expect</p>

	<ul style="list-style-type: none"> <li>d) <i>location of CCTV</i></li> <li>e) <i>the amount of space around gaming machines to prevent jostling of players or intimidation</i></li> <li>f) <i>location and supervision of Automated Teller Machines</i></li> <li>g) <i>the location of appropriate clear and prominent notices and barriers</i></li> </ul> <p><i>This Licensing Authority expects that applications for UFECs should normally be accompanied by an assessment of how the applicant will promote the Gambling Licensing Objectives. This should demonstrate such matters as:</i></p> <ul style="list-style-type: none"> <li>a) <i>numbers of staff employed and on duty at any given time</i></li> <li>b) <i>details of opening hours</i></li> <li>c) <i>details of Proof of Age schemes</i></li> <li>d) <i>adoption of appropriate measures/training for staff as regards suspected truanting school children on the premises</i></li> <li>e) <i>evidence of staff training by way of a Premises Logbook, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises</i></li> <li>f) <i>evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.</i></li> </ul>	<p>in the assessment of promoting the gambling objectives.</p>
<p>Page 40 (Page 49 of Revised Policy)</p>	<p>Para 3.1 change second para to 3.2 and amend to the following:</p> <p><i>Premises wishing to take advantage of this automatic entitlement need to give written notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee. This notice must be from the person/organisation that holds the premises licence (under the Licensing Act 2003), and if the person/organisation ceases to be the holder of this Premises Licence , the automatic entitlement for the two gaming machines also ceases. Premises Licences under the Licensing Act 2003 that have a condition requiring alcohol to be sold as ancillary to food are excluded from automatic entitlement to have gaming</i></p>	

	<i>machines.</i>	
Page 41 (49 on Revised Policy)	<p>Para 3.2 (now 3.3). Last para, last sentence, Add “<i>of the Licensing Committee or Sub-Committee</i>” after the word “hearing”.</p> <p>Para 3.3 (now 3.4) after the word “two” in the first sentence, Add “<i>category C or D gaming</i>”. Then after the word “two” further along in the same sentence, Add “<i>gaming</i>”. In the last sentence after the word “two” Add “<i>gaming</i>”.</p>	Better clarity.
Page 42 (50 on Revised Policy)	<p>Delete para 3.6 (now 3.7) and replace below:  <i>This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be an emphasis on the need to protect children and vulnerable persons from harmed or being exploited by gambling as detailed in paragraph 3.5 (b) above. Measures which will satisfy the authority in respect of this are:</i></p> <ul style="list-style-type: none"> <li>• <i>that there will be no access to under 18s.</i></li> <li>• <i>the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines to ensure they are not being used by those under 18.</i></li> <li>• <i>Notices and signage.</i></li> </ul>	Better flow
Page 43 (51 on Revised Policy)	<p>Para 4.5, Add below to start at the end of the last sentence of para 4.5.  <i>As such the plan should include:</i></p> <ul style="list-style-type: none"> <li>a) <i>location of entrances and exits</i></li> <li>b) <i>location of lighting inside and outside</i></li> <li>c) <i>location of CCTV</i></li> <li>d) <i>the location of appropriate clear and prominent notices and barriers</i></li> </ul>	Gives better clarity on what we want to see in the plan
Page 47 (56 on Revised Policy)	<p>After Para 7.3 Add the below section:  <b>8 Small Society Lotteries</b></p>	Previously not included. Needed to provide our policy

	<p><i>Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:</i></p> <ul style="list-style-type: none"> <li><i>• licensed lotteries (requiring an operating licence from the Gambling Commission) and,</i></li> <li><i>• exempt lotteries (including small society lotteries registered by the Licensing Authority).</i></li> </ul> <p><i>Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.</i></p> <p><i>Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.</i></p> <p><i>Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.</i></p> <p><i>Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.</i></p> <p><i>The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make</i></p>	<p>approach to Small Society Lotteries.</p>
--	---	---

*available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing.*

*The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.*

*The Licensing Authority may refuse an application for registration if in their opinion:*

- the applicant is not a non-commercial society*
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or*
- information provided in or with the application for registration is false or misleading.*

*The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.*

*Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.*

	<p><i>The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.</i></p> <p><i>Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.</i></p>	
Page 51 (60 of revised Policy)	<p>Annex 1, Delete: "Map of London Borough of Tower Hamlets showing where Gambling Premises Licences have been issued"</p> <p>Annex 1 to start with "List of consultees"</p>	Maps to be taken out of policy to enable then to be update via local area profile section on Council's website.
Page 52 (61-63 of revised Policy)	Delete List of Consultees (now Annex 1) and add new list once Consultation completed.	Update in light of consultation.
Page 55 (64-74 of the revised Policy)	Annex 3 (now Annex 2). Replace with new table of responses.	Update in light of consultation.
Page 69 (79 on revised Policy)	Annex 6 (now 5), Add the following after last para:	Add more information to assist applicants in

	<p><i>We also provide maps in addition to those found in our Area Profiles, which detail community safety incidents and vulnerability data. These will be added to the website link below annually; however, they can also be obtained by emailing <a href="mailto:Licensing@towerhamlets.gov.uk">Licensing@towerhamlets.gov.uk</a>. <a href="https://www.towerhamlets.gov.uk/lgnl/business/licences/gambling_act_2005.aspx">https://www.towerhamlets.gov.uk/lgnl/business/licences/gambling_act_2005.aspx</a></i></p>	<p>carrying out their local area risk assessments.</p>
--	--	--



## Appendix Three

### Responses to the Gambling Policy Consultation 2022

Body or Organisation	Summary of issues	Response (where relevant)
Licensing, City of London Corporation	No Comment.	No response required
	<ul style="list-style-type: none"> <li>• <b>To align language</b> with local and national VAWG Strategy, so changing terminology to domestic abuse rather than domestic violence, so that this incorporates all forms of abuse including economic and coercive control. Can link to the Domestic Abuse Act 2021 statutory definition.</li> <li>• <b>Accountability and responsibility</b> - Gambling addiction will be treated, like any other addiction, as an illness. However, it is important there is emphasis that this is not used by perpetrators as an excuse or cause for abuse. This is in the same way as we do not accept alcohol/substance misuse as an excuse or cause of abusive behaviour. A statement or adapting the language to that effect by the council is important.</li> <li>• Following on from above point, perhaps an impact assessment to learn from the intersections of disadvantage. For example, where gambling/financial abuse further undercuts those experiencing abuse. Consideration around the expectations of who within the relationship is expected to “manage” this issue, it should be the perpetrator not the victim.</li> <li>• <b>Support and signposting</b> - There needs to be clear referral pathways for people struggling with gambling behaviours, as it is essential to provide support for an illness. However, this is also so</li> </ul>	<p>Policy Amended - Para 9.27 changed from Domestic Violence to Domestic Abuse.</p> <p>Policy not Amended - The policy is in relation to how the Council regulates gambling licensing under the Gambling Act 2005, we cannot go beyond what the act or Gambling Commission Guidance Permits. Furthermore, the act has a clause that states that Licensing Authorities should aim to permit gambling.</p> <p>Policy not Amended - All operators must have local area risk assessments place controls to protect vulnerable people and promote the licensing objectives at the premises. Furthermore, in completing this they are expected to have regard to our local area profiles, which have been added to in this policy, see annex 6.</p> <p>Policy not Amended - This is covered, page 21 para 10.31.</p>

	<p>that perpetrators do not hide behind the excuse that there is no help available. It is another means of taking accountability and allows us to give clear advice to victim/survivors.</p> <ul style="list-style-type: none"> <li>• A link to the VAWG Service Directory could be added which includes support numbers, pathways for professionals, victims, abusers, including training opportunities. www.towerhamlets.gov.uk/VAWG ServiceDirectory</li> </ul> <p>The following has been added below para 9.31:</p> <p><i>We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular, any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:</i></p> <p><a href="https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx">https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</a></p> <ul style="list-style-type: none"> <li>• If you wanted something more specific to just abusers, this link includes GamCare and Respect Support services for perpetrators of abuse/abusers (towerhamlets.gov.uk)</li> <li>• "No Casino Policy" - Similar to an ideal of TH being a zero SEV borough, consideration around a "no casino" policy across the borough.</li> <li>• <b>Gamcare references</b> – Gamcare no longer offer stickers, but posters are available to order. Recommend changing 'stickers' to 'posters'. Suggest rephrasing as "All ATM or other cash terminals to be</li> </ul>	<p>Policy Amended to add para under para 10.31.</p> <p>Policy not Amended - covered in para 10.31</p> <p>Policy not Amended - no casino policy already in place - see page 29.</p> <p>Policy Amended.</p>
--	--	---

	<p><i>separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed;” (16.5, bullet point 4)</i></p> <ul style="list-style-type: none"> <li>• Recommend altering the wording to reflect that GamCare can support applicants through their training for gambling industry staff. Suggest rephrasing as “<i>Applicants may wish to seek support with their applications from the Crime Reduction Officer and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance.</i>” (Annex 4: Gambling Best Practice Guide, second last bullet point)</li> </ul>	<p>Policy Amended.</p>
	<p>Public health is fully supportive of the draft policy for the following reasons:</p> <ul style="list-style-type: none"> <li>• This policy addresses an issue of local public health importance and inequalities in Tower Hamlets.</li> <li>• This policy is in line with the strategic priorities for us as a council (Tower Hamlets Local Plan), our partners (Tower Hamlets Together - Health and Wellbeing Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment.</li> <li>• This policy draws on national and international evidence and best practice.</li> <li>• Public Health specifically supports Section 9.11 – 9.27, outlining how children and vulnerable persons will be protected from gambling related harm within the limitations of this policy.</li> <li>• Public Health specifically supports Section 12.10 which suggests including training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning</li> </ul>	<p>No Response needed.</p>

	<p>of premises affects this in their risk assessments. As well as section provision of signage and documents games rules, gambling care providers and other relevant information in both English and the other prominent first language for that locality. Section 12.10 also highlights the importance of advertisement not to target those underage i.e. in window displays.</p> <ul style="list-style-type: none"> <li>Public health supports Section 12.1 – 12.11 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses.</li> </ul> <p>Public Health Recommendations:</p> <ul style="list-style-type: none"> <li>Do not permit any additional betting shops to open in areas of clustering as outlined on Figure 2 in the areas of St. Peter’s, Whitechapel North/Spitalfields and Banglatown South and in Bow.</li> </ul> <p>The available evidence shows that a multi-pronged approach is needed to successfully tackle gambling harm. The provisions in this policy therefore must be accompanied by additional action. We recommend that LBTH Licensing and Safety invest in work with local operators to encourage them to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> <li>Protection of staff and lone working are addressed within the operators’ risk assessment.</li> <li>All operators are encouraged and</li> </ul>	<p>Note that unlike the Licensing Act 2003 Authorities cannot seek to reduce premises in certain areas.</p> <p>Policy Amended in line with the results of the online survey: Paras added to “Location and Local Risk Assessments” this is to encourage applicants to speak to Public Health prior to their application so that they can use Public Health’s data to produce a suitable Local Areas Risk Assessment to ensure promotion of the gambling objective; Protecting children and other vulnerable people from being harmed or exploited by gambling.</p> <p>Policy no Amended. These examples are already included see para 16.5, page 40.</p>
--	---	---

	<p>supported with materials where applicable to provide suggestions outlined in section 16.5 as normal practice, such as:</p> <ul style="list-style-type: none"> <li>- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets - Self-exclusion forms available</li> <li>- The odds clearly displayed on all fixed odds machines</li> <li>- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation)</li> <li>- Helpline information prominently displayed</li> <li>- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated</li> <li>- Posters with details of GamCare's (or replacement organisation) telephone number and website.</li> </ul> <ul style="list-style-type: none"> <li>• Operators should provide healthy lifestyle information in their premises linked to gambling e.g. leaflets regarding alcohol consumption and providing clear direction to local support for mental health problems, addictions, and debt advice. These leaflets should signpost to, and use wording from, independent support organisations rather than industry-funded organisations.</li> <li>• Operators should reduce advertising (I.e. window displays) especially to children at least in line with the Senet Group's set of Commitments as best practice. This should be demonstrated in their risk assessments.</li> </ul>	<p>Policy not Amended – The Gambling Act 2005 does not permit Authorities to add items that do not relate to Gambling or the Gambling Objectives. Public Health can object to a Licence to ask applicants to voluntarily add such things as a condition.</p> <p>Policy not Amended – already included in the Policy, top of page 25.</p> <p>Public Health receive weekly lists of</p>
--	---	---

	<ul style="list-style-type: none"> <li>Finally, since gambling is increasingly recognised as involving public health concerns, the Authority should continue to work with Public Health to foster close working relationships over the life course of this policy to ensure that the health of Tower Hamlets residents is promoted within the context of licensed gambling establishments.</li> </ul>	<p>Licensing Applications, we would expect that they would contact us and review the application where they had concerns. Where there is concern that the gambling objectives are not being promoted, objections can be made.</p>
<p>Power Leisure Bookmakers Limited (Paddy Power)</p>	<p><b>Part A - 9.21 Objective 3 – protecting children and vulnerable persons from harm</b></p> <p>Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation has no direct relevance to this objective and no evidence has been provided to support the inclusion of this content with the policy statement.</p> <p>The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act 2005. As children are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – see LCCP code provision 3.2.7 and 3.2.8.</p> <p>The policy itself, also undermines the inclusion of this commentary as it earlier states <i>‘In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or</i></p>	<p>Policy not Amended – Some Gambling Premises are permitted to allow children in, e.g. Pubs with Gaming Machines. The policy does not seek to place Child Sexual Exploitation (CSE) measures as conditions on their Licences etc. The Policy simply expects and encourages Gambling Premises to be aware of the signs of CSE. This is to assist in preventing CSE from occurring in all parts of the Borough.</p>

	<p><i>exploited by gambling</i>'.</p> <p>It should be noted that the Gambling Commission guidance states: a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies preures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling'. We suggest that the policy is amended to reflect this.</p> <p>Paddy Power is a responsible operator and implements measures to address local risks that to activities that would take place within their premises.</p> <p><b>Part B - 2. Duplication with other regulatory regimes and licensing objectives - planning</b></p> <p><i>'Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.</i></p> <p><i>As stated above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.'</i></p> <p>Whilst we acknowledge that appropriate planning permission must ultimately be obtained for any proposed premises, section 210 of the Gambling Act 2005 prescribes that the Licensing Authority shall not have regard to whether or not planning or building approval will be obtained.</p>	<p>Policy not Amended – this does not seek to suggest that any application would be refused/rejected if appropriate planning permission had been obtained. It is to advice applicants to ensure that they speak to Planning so that they can be sure that any measure place in their application or supporting documents does not inadvertently breach any planning legislation. Furthermore that they speak to Planning particularly in respect of New Betting Shops to avoid the cost of a Gambling Act application if they are likely to achieve the correct planning permissions to enable them to carry out Gambling Activities.</p>
--	--	---

	<p>In consideration of the correct legal requirements under the licensing regime, as identified at paragraph 2.2, we suggest that any reference to obtaining planning permission prior to submission of a licence application or at the time a licence application is made be removed in its entirety or at least amended to reflect the correct legal position that the authority might expect applicants to 'obtain' appropriate planning or other relevant permissions.</p> <p>Paragraph 2.3 of the policy invites applicants to consider Policy D.TC5 of the Local Plan 2031 before making an application for a Gambling Premises Licence. We acknowledge that information regarding local profile is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessment enables the implementation of appropriate policies and procedures to mitigate any risks identified. However, any reference to a presumption of refusal or resistance to an application under the Gambling Act 2005 would be in direct contravention of the legal test provided by section 153. Whilst some of the considerations identified in Policy D.TC5 may be appropriate under the planning regime, their inclusion within or reference to the Council's Statement of Principles not only seek to undermine the principles of the Act itself, but also potentially jeopardise any determination made by the Authority. As an example, any decision under the Act which gave weight to inappropriate policy considerations such as a general reference to an over concentration of similar venues would expose such a decision to immediate challenge. We therefore recommend that the draft policy be amended to correctly identify the principles that would be applied under the Gambling Act 2005 and not considerations relevant to other regimes or Council</p>	
--	--	--



	policy.	
Resident 1	There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.
Resident 2	These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)	As above in reference to hours for adult gaming centres. In reference to controls on proximity this would need to be done via objection where the applicant fails to demonstrate in their application that the application will promote the gambling objectives.  Advertisements and helplines etc. already covered in the policy.
Resident 3	existing gambling in the borough should all be shut down on public health grounds	Public Health is not a gambling objective thus licences cannot be refused or revoked on this basis.
Resident 4	I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.	This is aimed at the legislation, which is not being considered here, and is out of scope in regard to this policy.
Resident 5	Please oppose all gambling as strenuously as possible	The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives.
Resident 6	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 7	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.  Public Health in the Council are consulted, though they are not a responsible authority under the act.
Resident 8	I support the proposed changes	No comment needed.
Resident 9	Does not go far enough to discourage	The Act means Licensing Authorities

	gambling, which is dangerous for everyone (not just children and vulnerable people).	must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives. We cannot discourage gambling premises under the Act.
Resident 10	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 11	Again, I've not see your draft statement.	No comment needed.
Resident 12	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.  However, if the application or a licence premises is failing to promote the gambling objectives then a review can be applied for or in the case of a new application an objection made.
Resident 13	Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool	The Act means Licensing Authorities must aim to permit. Reduction of gambling harms is already covered, and Gambling Operators must demonstrate this under their Operators Licence and Premises licence.
Resident 14	Gambling has no value to society and leads to further deprivation and ASB.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.



# Take the survey

---

## **SURVEY RESPONSE REPORT**

07 March 2022 - 29 May 2022

### **PROJECT NAME:**

Gambling Policy Review Consultation 2022

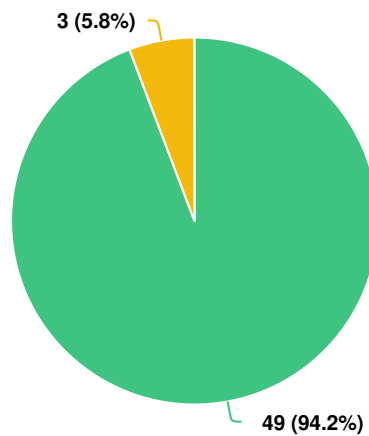


---

# SURVEY QUESTIONS

---

**Q1** Are you a resident, business or from an organisation?

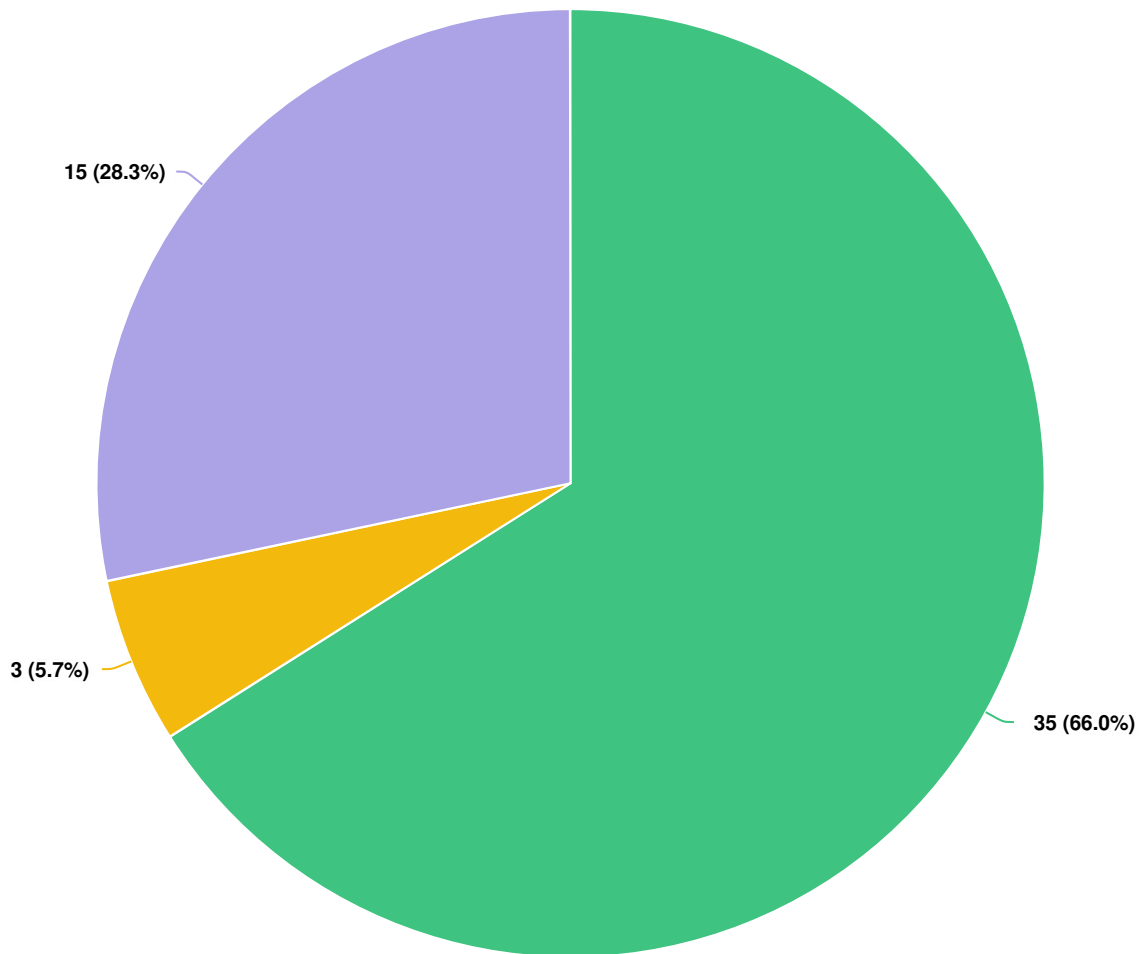


**Question options**

- Resident
- Business

*Optional question (52 response(s), 1 skipped)*  
*Question type: Radio Button Question*

**Q2** Do you think that Gambling Premises in the borough have increased ASB, which can be linked to them?



**Question options**

- Yes
- No
- Don't know

Optional question (53 response(s), 0 skipped)  
Question type: Radio Button Question

**Q3** | If you have concerns over certain premises or areas in the borough, please list these here

Screen Name Redacted 3/08/2022 09:10 AM	Casino Slots - Whitechapel Rd
Screen Name Redacted 3/16/2022 06:05 PM	Don't know
Screen Name Redacted 4/05/2022 08:43 AM	gambling den on mare street opposite Iceland
Screen Name Redacted 4/06/2022 03:42 PM	Eastern end of Poplar High St
Screen Name Redacted 4/12/2022 03:21 PM	Look at any local high street in Tower Hamlets, they have several gambling premises that is in easy access to vulnerable people who are addicted to gambling.
Screen Name Redacted 4/21/2022 07:37 PM	If you look at Chrisp Street Market the betting shops have very long opening hours and are always full. They deliberately put a betting shop right next to the Post Office where people are collecting their benefits. It's predatory and it's happening all over the country.
Screen Name Redacted 4/21/2022 08:13 PM	No concerns
Screen Name Redacted 4/21/2022 08:13 PM	Tower hamlets
Screen Name Redacted 4/21/2022 09:21 PM	Too many gambling shops on Bethnal Green road
Screen Name Redacted 4/21/2022 10:11 PM	Whitechapel
Screen Name Redacted 4/22/2022 01:50 AM	Gambling premises

---

Screen Name Redacted Yes Bethnal Green high street

4/22/2022 07:41 AM

Screen Name Redacted 6 Martha St, London E1 2ER is at Shadwell DLR and bus stop. where  
a large number of children and commuters congregate / pass.

4/25/2022 06:21 PM

Screen Name Redacted NONE

5/07/2022 03:54 PM

Screen Name Redacted There is a new one opened in Roman Rd where the Credit Union  
office used to be just near Iceland

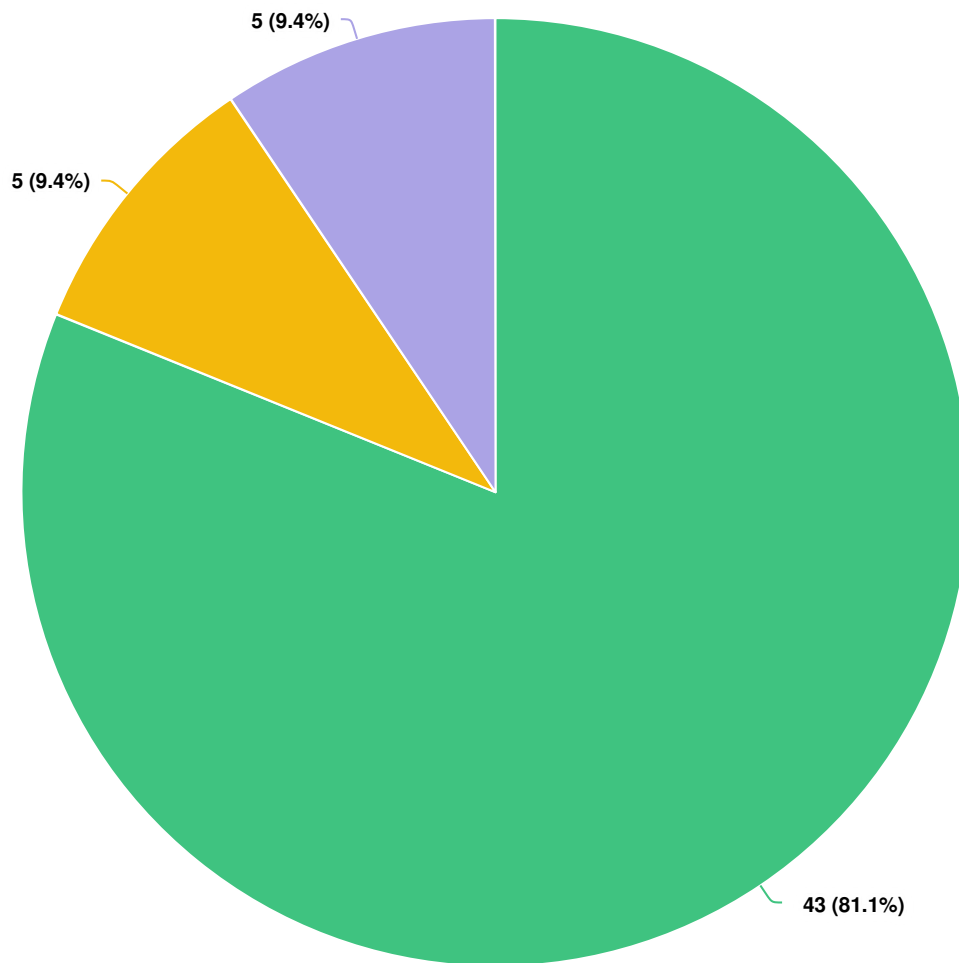
5/28/2022 08:20 PM

**Optional question** (15 response(s), 38 skipped)

**Question type:** Essay Question



**Q4** Do you think Adult Gaming Centres (these are not Betting Shops, but premises that have gaming machines that give cash prizes) should have set restricted hours they can open?



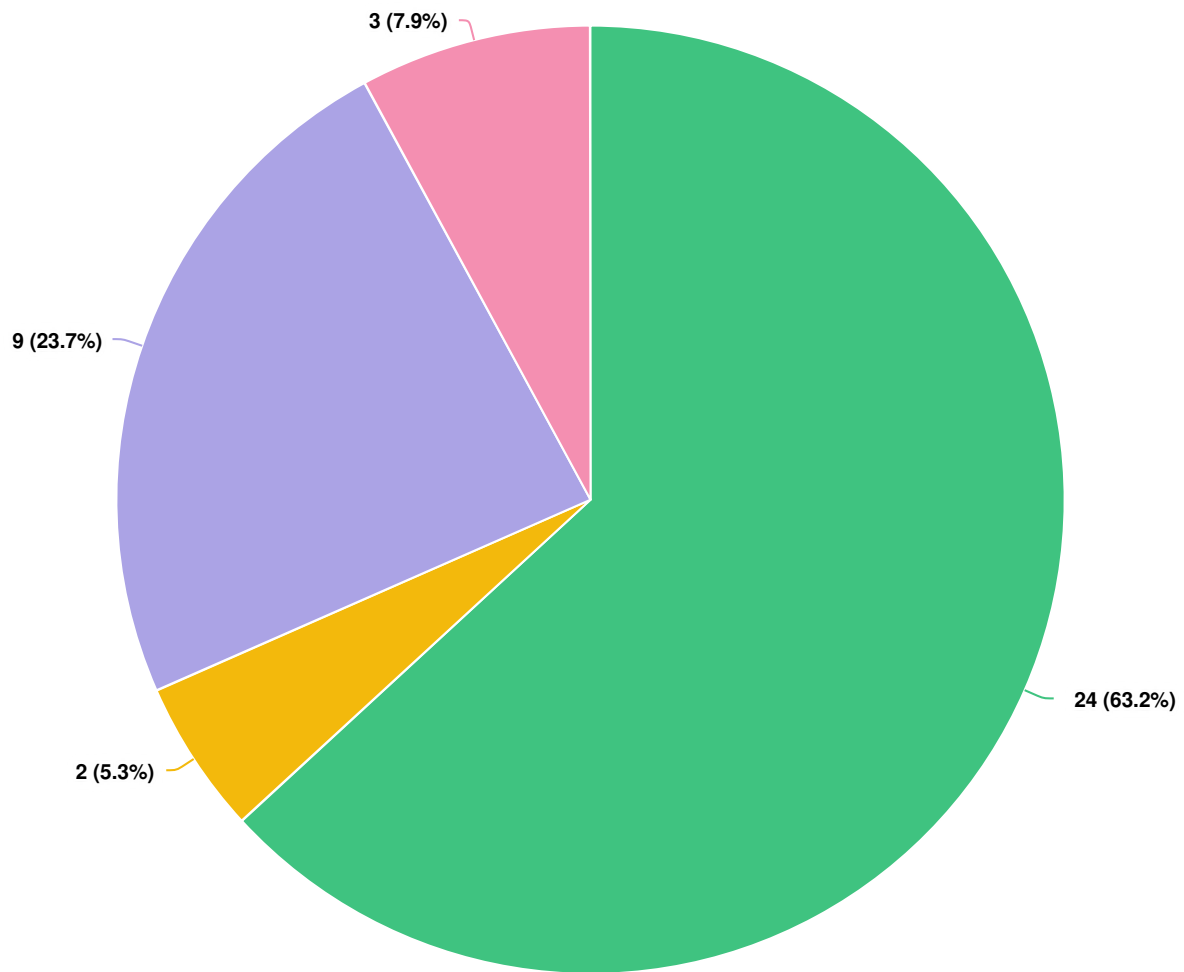
**Question options**

- Yes
- No
- Don't know

Optional question (53 response(s), 0 skipped)

Question type: Radio Button Question

**Q5** If you answered yes to the previous question, what hours do you feel are appropriate for gambling to be permitted in these premises?

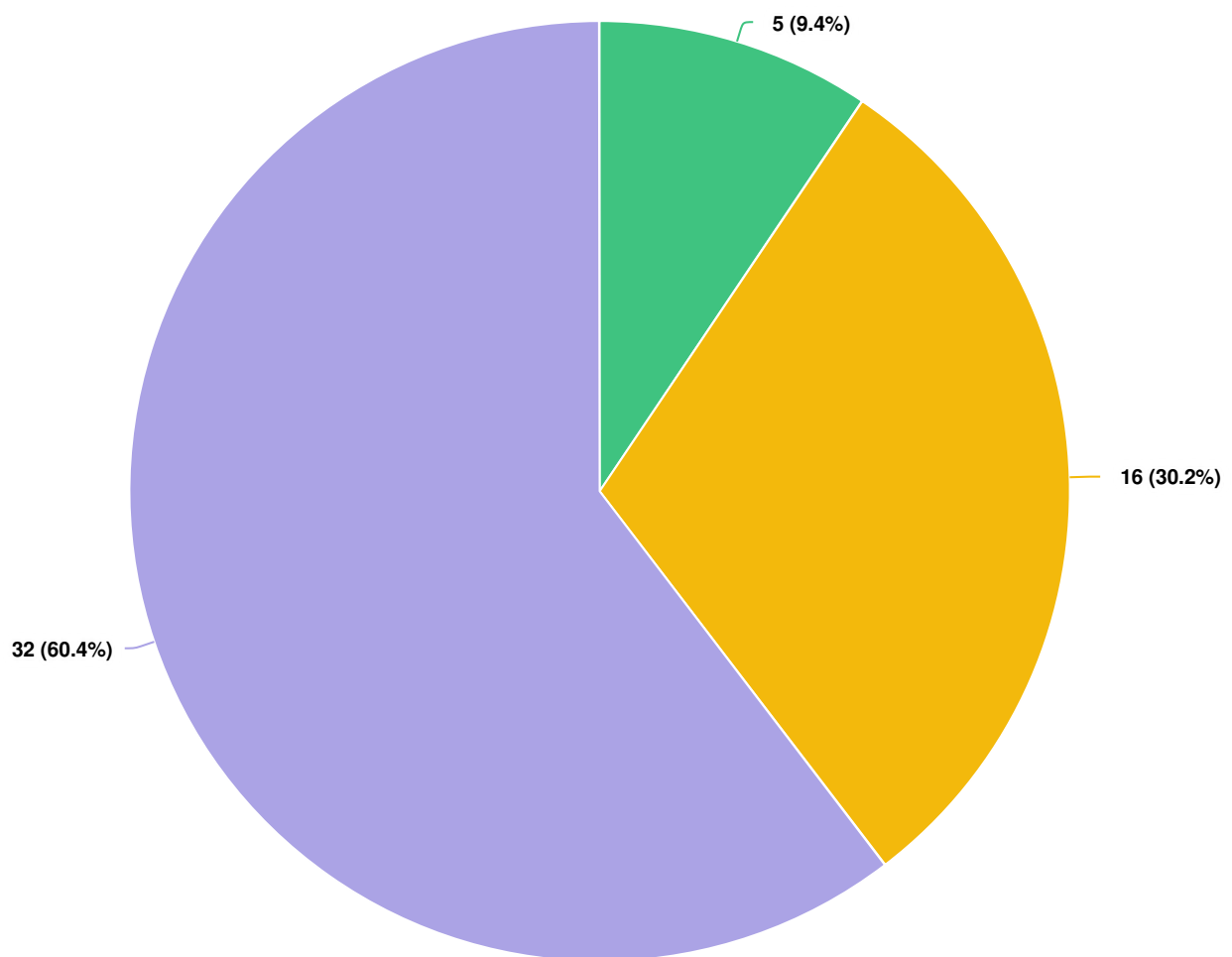


**Question options**

- 7am to 10pm every day
- 8am to 11pm every day
- 9am to midnight every day
- 6am to 11.30pm Monday to Thursday; 6am to midnight Friday and Saturday; 6am to 10.30pm Sunday

Optional question (38 response(s), 15 skipped)  
Question type: Radio Button Question

**Q6** Are there are certain areas in the borough that permitting a gambling premises would be in conflict with the objective to protect children and other vulnerable people from being harmed or exploited by gambling?



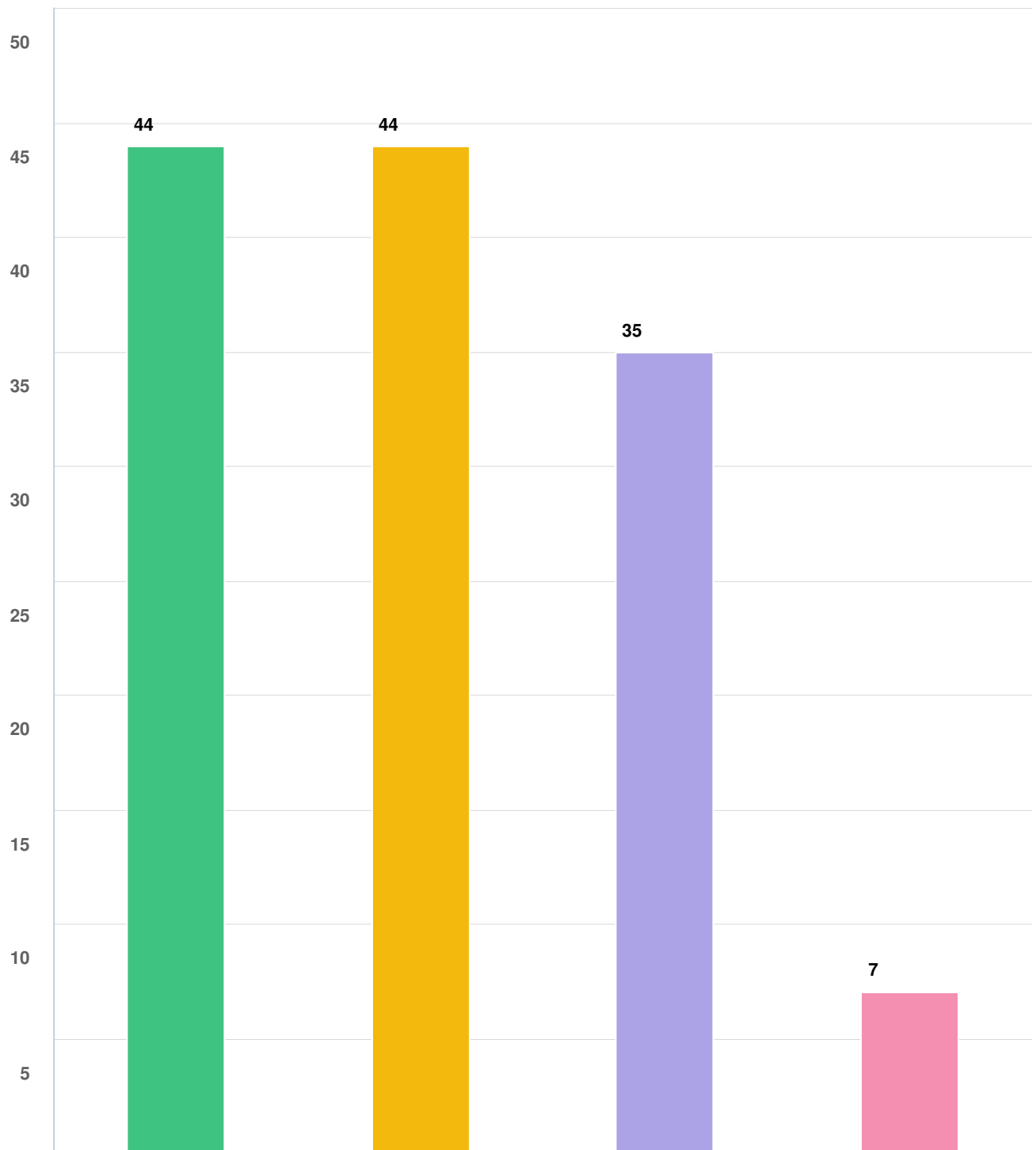
**Question options**

- No
- Don't know
- Yes, please state where and the reasons why

Optional question (53 response(s), 0 skipped)

Question type: Radio Button Question

**Q7** Do you have any concerns about people under the age of 18 being permitted to gambling in the following places (tick all that apply).



**Question options**

- Betting shops
- Adult gaming centres
- Pubs
- Other premises (please specify)

Optional question (48 response(s), 5 skipped)

Question type: Checkbox Question

**Q8** It is proposed that Public Health and the Responsible Authority will object to applications in areas with high deprivation. The applicant will need to demonstrate that their application will not add to the issue. Public Health are proposing to provide maps to show the areas of high deprivation to assist applicants. Please provide your comments about this below.

Screen Name Redacted  
3/08/2022 09:10 AM

Strongly agree that new applications should not be granted for areas with high deprivation.

Screen Name Redacted  
3/15/2022 04:56 PM

This is helpful

Screen Name Redacted  
3/16/2022 06:05 PM

Agree

Screen Name Redacted  
4/04/2022 12:39 PM

They shouldn't be allowed near schools and places of worship, youth venues, markets etc. Children and young people shouldn't be exposed to gambling.

Screen Name Redacted  
4/04/2022 01:11 PM

I feel a map would stigmatise the issue and will make those most at risk of gambling addiction more likely to continue to travel to those sites. There should be wider governance of such sites nationwide to restrict hours and provide more support to those at risk.

Screen Name Redacted  
4/04/2022 01:50 PM

This is a good idea. Especially in Whitechapel as discussed previously. It is encouraging homelessness and it preys on vulnerable people with limited means.

Screen Name Redacted  
4/05/2022 08:43 AM

Existing gambling shops in high deprivation areas should be closed

Screen Name Redacted  
4/06/2022 03:42 PM

Retail space is already limited in much of the Tower Hamlets borough. Gambling and betting stores with large corporations and profits behind them are well placed to price out alternative use cases. Given the negative social value these kind of businesses impose on a neighbourhood, planning permission should be as hard as possible.

Screen Name Redacted  
4/12/2022 03:21 PM

Public health the responsible authority need to be more proactive about protecting vulnerable people from being exploited by gambling premises in highly deprived area by taxing gambling premises to pay

for support services for children, vulnerable people and those who are exploited by gambling.

Screen Name Redacted

4/21/2022 07:37 PM

Yes please! If we could also please ensure that you're only allowed to have so many betting shops in one area that would also greatly help

Screen Name Redacted

4/21/2022 07:40 PM

Agree. Gambling and Gaming shops historically have popped up in deprived areas, adding to social issues and antisocial behaviour and people gathering outside them. This should be illegal and I consider it immoral.

Screen Name Redacted

4/21/2022 07:57 PM

I fully support this measure

Screen Name Redacted

4/21/2022 08:13 PM

I think it is a bad idea for public health to get involved in such decision making. It is not their job to decide who can engage in an activity or not. Nor should they treat areas of high deprivation differently (or even assigning a deprived status to an area in order to then treat it other than other areas)

Screen Name Redacted

4/21/2022 08:07 PM

All gambling exploits young people - my own 25 year old is not deprived but is still having to make up over a year for losses made from gambling over the new year

Screen Name Redacted

4/21/2022 08:13 PM

Disgraceful about objections

Screen Name Redacted

4/21/2022 08:23 PM

The more information available the better. However, it's clear to me that these businesses prey on the deprived and vulnerable and should not be permitted to operate at all.

Screen Name Redacted

4/21/2022 08:54 PM

Agree with this

Screen Name Redacted

4/21/2022 09:14 PM

I support this proposal. Empirical evidence suggests that people living in deprived areas are susceptible and vulnerable to 'problem' gambling, adding to their social/emotional/financial difficulties.

Screen Name Redacted

4/21/2022 09:16 PM

I wholeheartedly agree and think that for this reason applications should be rejected for the borough of Tower Hamlets

Screen Name Redacted 4/21/2022 10:02 PM	I support the proposal
Screen Name Redacted 4/21/2022 09:27 PM	Good plan.
Screen Name Redacted 4/21/2022 09:47 PM	Applicants cannot possibly demonstrate that if their application is successful it will not add to deprivation, though they will claim that.
Screen Name Redacted 4/21/2022 09:55 PM	This sounds like a good idea, but should apply to the whole of Tower Hamlets, not just areas with high deprivation.
Screen Name Redacted 4/21/2022 10:10 PM	I agree as there are already too many gambling areas of Tower Hamlets where there is high levels of poverty and vulnerable adults.
Screen Name Redacted 4/21/2022 10:17 PM	Agree. In fact we shouldn't have any at all.
Screen Name Redacted 4/21/2022 11:43 PM	I think there are more pressing issues, alcoholism and drug usage in high deprivation areas is more pressing than Gambling.
Screen Name Redacted 4/22/2022 04:15 AM	Definitely best to keep these services out of poverty high areas. Tower Hamlets is steeped in inequality with huge pockets of poverty and benefits the most from NOT having these services.
Screen Name Redacted 4/22/2022 07:34 AM	Vulnerable people take all shapes and forms, it is not just an economic factor.
Screen Name Redacted 4/22/2022 07:41 AM	I wish this were the case another has just been permitted in the last week in tower hamlets on a street with 5 others already in place. It's obscene
Screen Name Redacted 4/22/2022 08:21 AM	If you have to have a statement like this then you know full well they are of no benefit to our community at all. They increase misery and hardship. If they are allowed to be there vulnerable people will use them.

Screen Name Redacted

4/22/2022 09:05 AM

It's not appropriate at all to promote or provide gambling in areas of high deprivation

Screen Name Redacted

4/22/2022 09:10 AM

There is no need for there to be multiple gambling/betting shops in a small area. For people who have a gambling problem I imagine it would be very difficult to kick the habit with this enticement always 'in their face' whenever they walk down the road, and encourages others to develop dysfunctional habits. I have watched bethnal green road over the space of 20 years become a long strip of gambling shops. I think this is very concerning in an area such as E2 with so many estates and people in need. In terms of urban planning it also robs the high street of other types of shops that would serve the community better.

Screen Name Redacted

4/22/2022 10:24 AM

Rather than further stigmatising already marginalised populations, licensing of premises for gambling should be conditioned on a demonstration of adequate community provision of all other potential services for which the premises could otherwise be licensed. Gambling should only be licensed after all other community needs have been met. Due to the inherent nature of the business model, gambling businesses are often able to outbid other potential tenants for streetfront retail space which would offer more valuable community services. Regulatory policy should seek to rebalance the playing field.

Screen Name Redacted

4/22/2022 12:14 PM

It would be good to see them actively demonstrate how they will reduce the issue of high deprivation.

Screen Name Redacted

4/22/2022 03:02 PM

Most of tower hamlets has high depravation, it shouldn't be allowed for most of the Borough.

Screen Name Redacted

4/23/2022 11:14 AM

we are already having issues about ASB during weekends and any holidays (Bank holiday etc). As residence we are aware of rubbish (empty bottles, used drug balloons etc) and broken bottles - broken bus stop glasses - or other windows every time there is a holiday or weekend break. Most of the time it is too much to clean in one day that those rubbish are there for days. Again as residence we are covering all the damages via our council tax. Those people are coming to our neighbourhood from elsewhere and yet residences are the one who foot the bill of their damages. It is almost impossible to go to sleep early during weekends and holidays, until 1 or 2 AM in the morning. So yes, I do not want betting or gambling places around my home. They do attract all the wrong people. I do feel sorry for



them but also please remember that a healthy person will not spend time and money on these. I do not feel safe around betting and gambling places.

Screen Name Redacted

4/25/2022 11:51 AM

Would this not cover the majority of the borough?

Screen Name Redacted

4/25/2022 12:17 PM

In LBTH deprived postcodes/wards are immediately next to wealthier ones. Walking across a notional boundary will make no difference to anyone with a gambling problem. The whole borough should be controlled in this way.

Screen Name Redacted

4/25/2022 06:21 PM

I wholly support this approach. However, it should mean other areas (with less deprivation) see a rise in establishments.

Screen Name Redacted

4/28/2022 08:40 AM

Agreed

Screen Name Redacted

5/07/2022 03:54 PM

How do you define High Deprivation ? Just lining in an area shouldn't stop you deciding what you do with your money . This is restrictive legislation to protect a minority at the expense of the majority who don't have an issue with their gambling

Screen Name Redacted

5/25/2022 09:20 PM

Sounds sensible.

Screen Name Redacted

5/27/2022 07:31 AM

This amounts to a ban on new applications being approved as all of our borough has high deprivation indicators. That will protect existing outlets and create a worse situation where competition is removed and residents are treated worse.

Screen Name Redacted

5/27/2022 08:05 AM

There should be a one out one in policy. Looking to reduce the number of licences in the long term

Screen Name Redacted

5/28/2022 08:20 PM

Good idea

**Optional question** (45 response(s), 8 skipped)

**Question type:** Essay Question

**Q9 Please use this space below to provide any comments on our Table of Changes.**

Screen Name Redacted 3/08/2022 09:10 AM	n/a
Screen Name Redacted 3/16/2022 06:05 PM	What is this?
Screen Name Redacted 4/04/2022 01:11 PM	The hours of operation are consistently too long - suggest these cease at 9pm or earlier. There is zero reason for a betting shop to be open at 6am.
Screen Name Redacted 4/05/2022 08:43 AM	they do not go far enough existing gambling licences in high deprivation areas should be cancelled or not renewed
Screen Name Redacted 4/21/2022 08:07 PM	All gambling should be banned - it is unfair exploitation
Screen Name Redacted 4/21/2022 08:13 PM	Not to open a more new gambling places in Tower hamlets area
Screen Name Redacted 4/21/2022 08:23 PM	Please oppose gambling as strenuously as possible
Screen Name Redacted 4/21/2022 09:14 PM	The changes make good sense, and are clearly stated.
Screen Name Redacted 4/21/2022 09:47 PM	Advertising of gambling establishments should not be allowed on local billboards.
Screen Name Redacted 4/21/2022 09:55 PM	The additional emphasis on protection of children and vulnerable people sounds like a good idea.
Screen Name Redacted 4/21/2022 10:17 PM	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.
Screen Name Redacted 4/22/2022 09:05 AM	I don't know what that is?

Screen Name Redacted

4/22/2022 12:14 PM

I've not seen your table of changes

Screen Name Redacted

4/23/2022 11:14 AM

As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.

Screen Name Redacted

5/28/2022 08:20 PM

The Council used to have a byelaw that gaming machines were not allowed in premises near schools- what has happened to this? The new place in Roman Rd near Iceland is near Old Ford School and Mulberry 6th form.

**Optional question** (15 response(s), 38 skipped)

**Question type:** Essay Question

**Q10 | Please use this space below to provide any comments on our Draft Statement of Gambling Policy 2022-2025.**

Screen Name Redacted

3/08/2022 09:10 AM

n/a

Screen Name Redacted

3/16/2022 06:05 PM

There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar

Screen Name Redacted

4/04/2022 01:11 PM

These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)

Screen Name Redacted

4/05/2022 08:43 AM

existing gambling in the borough should all be shut down on public health grounds

---

Screen Name Redacted 4/21/2022 08:13 PM	I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.
Screen Name Redacted 4/21/2022 08:13 PM	Na
Screen Name Redacted 4/21/2022 08:23 PM	Please oppose all gambling as strenuously as possible
Screen Name Redacted 4/21/2022 09:14 PM	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).
Screen Name Redacted 4/21/2022 09:16 PM	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm
Screen Name Redacted 4/21/2022 10:02 PM	I support the proposed changes
Screen Name Redacted 4/21/2022 09:55 PM	Does not go far enough to discourage gambling, which is dangerous for everyone (not just children and vulnerable people).
Screen Name Redacted 4/21/2022 10:17 PM	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.
Screen Name Redacted 4/22/2022 12:14 PM	Again, I've not see your draft statement.
Screen Name Redacted 4/23/2022 11:14 AM	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each

---

customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.

Screen Name Redacted

4/25/2022 12:17 PM

Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool

Screen Name Redacted

4/28/2022 08:40 AM

Gambling has no value to society and leads to further deprivation and ASB.

**Optional question** (16 response(s), 37 skipped)

**Question type:** Essay Question

This page is intentionally left blank

# Summary Report

07 March 2022 - 29 May 2022

## Let's Talk Tower Hamlets

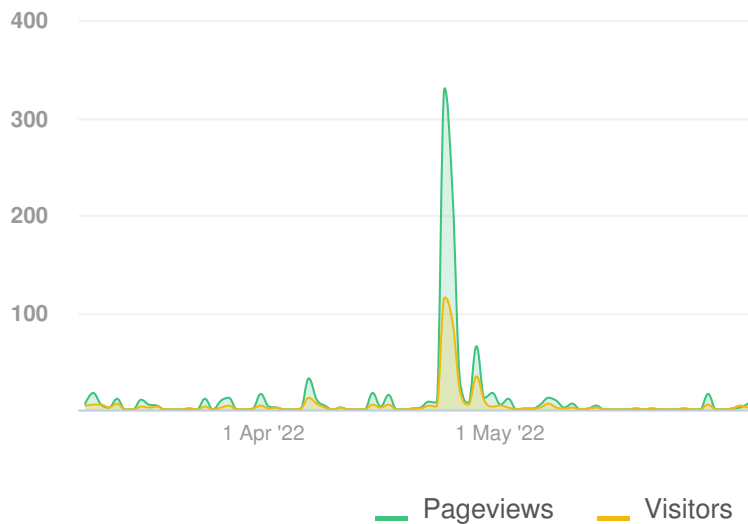
PROJECTS SELECTED: 1

Gambling Policy Review Consultation 2022

FULL LIST AT THE END OF THE REPORT



### Visitors Summary



### Highlights

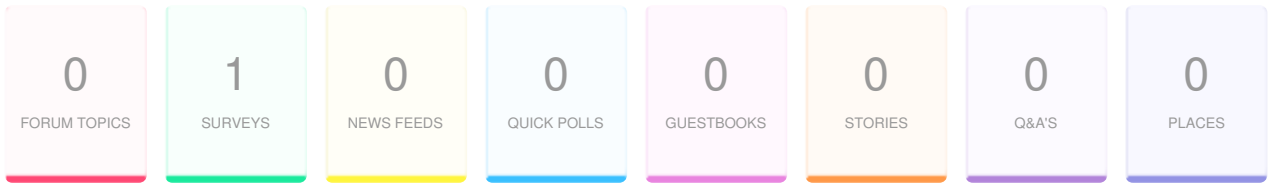
TOTAL VISITS	MAX VISITORS PER DAY	
451	115	
NEW REGISTRATIONS		
16		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
53	171	362

## PARTICIPANT SUMMARY

<b>ENGAGED</b>	<b>53 ENGAGED PARTICIPANTS</b>			(%)
	Registered	Unverified	Anonymous	
<b>INFORMED</b>	Contributed on Forums	0	0	0
	Participated in Surveys	53	0	0
	Contributed to Newsfeeds	0	0	0
	Participated in Quick Polls	0	0	0
<b>AWARE</b>	Posted on Guestbooks	0	0	0
	Contributed to Stories	0	0	0
	Asked Questions	0	0	0
	Placed Pins on Places	0	0	0
	Contributed to Ideas	0	0	0
	<i>* A single engaged participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Gambling Policy Review Co... 53 (14.6%)				
<b>ENGAGED</b>	<b>171 INFORMED PARTICIPANTS</b>			(%)
	Participants			
<b>INFORMED</b>	Viewed a video	0		
	Viewed a photo	0		
	Downloaded a document	59		
	Visited the Key Dates page	2		
<b>AWARE</b>	Visited an FAQ list Page	0		
	Visited Instagram Page	0		
	Visited Multiple Project Pages	102		
	Contributed to a tool (engaged)	53		
	<i>* A single informed participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Gambling Policy Review Co... 171 (47.2%)				
<b>ENGAGED</b>	<b>362 AWARE PARTICIPANTS</b>			
	Participants			
<b>INFORMED</b>	Visited at least one Page	362		
<b>AWARE</b>				
	<i>* Aware user could have also performed an Informed or Engaged Action</i>			<i>* Total list of unique visitors to the project</i>
Gambling Policy Review Co... 362				



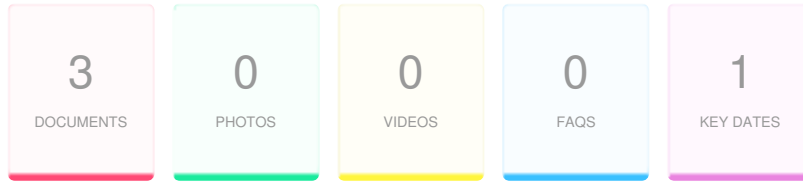
## ENGAGEMENT TOOLS SUMMARY



SURVEYS SUMMARY	
1	Surveys
53	Contributors
53	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS
<p>53</p> <p>Contributors to</p> <p><a href="#">Take the survey</a></p>

## INFORMATION WIDGET SUMMARY



DOCUMENTS	
3	Documents
59	Visitors
96	Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS		
48 Downloads	38 Downloads	10 Downloads
Draft Statement of Gambling Policy 2022-2025	Table of Changes to Statement of Gambling Policy	Statement of Gambling Policy 2019-2022

KEY DATES	
1	Key Dates
2	Visitors
2	Views

TOP 3 KEY DATES BASED ON VIEWS
2 Views
Gambling Policy Review Consultation 2022

## TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
Inks.gd	185
t.co	20
www.google.com	17
m.facebook.com	8
www.bing.com	7
www.towerhamlets.gov.uk	7
romanroadlondon.com	6
lm.facebook.com	4
www.google.co.uk	3
admin.govdelivery.com	1
towerhamlets.newsweaver.com	1

## SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Gambling Policy Review Consultation 2022	362	171	53



## **Gambling Act 2005**

### **The London Borough of Tower Hamlets Gambling Policy** **2022- 2025**

**Effective 15<sup>th</sup> December 2022**

## Contents

Item	Page
Summary of Local Authority Gambling Policy	3
<b>Part A – Introduction, Statements and Licensing Objectives</b>	
1. Introduction, Geographical Area, and Consultation	4/6
2. Policy Statement	6
3. Equality & Inclusion in Gambling Premises	7/8
4. Licensing authority functions	8/9
5. Tower Hamlets Plan	9/10
6. Competent Body for Protection of Children from Harm	10
7. Interested parties	11/12
8. Relevant representations	12
9. Exchange of information	12/13
10. Inspection, Compliance, and Enforcement	14-16
11. Licensing Objectives	16-23
<b>Part B - Premises licences and Other issues</b>	
1. General Principles	24
2. Duplication with other regulatory regimes and licensing objectives	24
3. Location and Local Area Risk Assessments	25-28
4. Premises	28/29
5. Adult Gaming Centres (AGC)	29/30
6. Licensed Family Entertainment Centres (FEC)	30/31
7. Casinos	31
8. Bingo Premises, Bingo in Clubs and Alcohol-licensed premises	31-33
9. Betting Premises	33/34
10. Tracks	34-36
11. Travelling Fairs	36
12. Provisional Statements	37/38
13. The Application and Decision Making Process	38
14. Representations and Hearings	39
15. Licence Fees	39
16. Conditions, Conditions we cannot attached to licence	40-42
17. Door Supervisors	42
18. Reviews	43/44
19. Appeals	44/45
<b>Part C – Permits / Temporary and Occasional Use Notices</b>	
1. Permits and Notices	46/47
2. Unlicensed Family Entertainment Centre Gaming Machines	47/48
3. Alcohol Licensed Premises Gaming Machine (Notifications and Permits)	49/50
4. Prize Gaming Permits	51/52
5. Club Gaming and Club Gaming Machine Permits	52-54
6. Temporary Use Notices	54/55
7. Occasional Use Notices	55
8. Small Society Lotteries	56/57
<b>Part D – Scheme of Delegation</b>	
1. Administration and Exercise	58
2. Delegation of Functions (Table of Delegations of Licensing Functions)	59
<b>Annexes</b>	
<b>Annex 1</b> - A list of consultees	61-63
<b>Annex 2</b> –Consultation responses	64-74
<b>Annex 3</b> –Gambling Best Practice Guide	75
<b>Annex 4</b> Sample conditions	76-78
<b>Annex 5</b> Local Area Profiles	79

## Summary of Local Authority Gambling Policy

1. Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy following consultation.
2. The following policy was adopted after consultation, including but not confined to the consultation required by the legislation.
3. The policy has to be reviewed every three years and consequently it is now being sent out for a new round of consultation. Again, the consultation will include but not be confined to the statutory consultation.
4. The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
5. There are three licensing objectives set out in the Act, as follows:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable people from being harmed or exploited by gambling
6. The main area of involvement for the licensing authority is protecting the vulnerable, and the licensing policy is largely devoted to seeking to achieve this, across the range of premises licences and permits which the authority will administer.
7. The licensing authority approach to enforcement is defined.
8. The scheme of delegation that defines the responsibility for decision making, administration and enforcement is also included.

## **PART A – Introduction, Statements, and Licensing Objectives**

### **1. Introduction**

- 1.1 This Policy sets out the principals the London Borough of Tower Hamlets (Licensing Authority) will apply in exercising our function under the Gambling Act 2005 (the 2005 Act).
- 1.2 The term ‘Licensing Authority’ will be used in all future references to ‘the London Borough of Tower Hamlets’ in this Policy.
- 1.3 This Policy replaces the previous one published on 14<sup>th</sup> December 2022 and covers the period from 14<sup>th</sup> December 2022 to 13<sup>th</sup> December 2025.
- 1.4 The Licensing Authority will formally review this Policy every three years, as required by the 2005 Act. However, during this period, we will keep it under review which will allow us to make any revisions we consider appropriate.
- 1.5 The definition of ‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery:
  - gaming means playing a game of chance for a prize
  - betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
  - a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.



## Tower Hamlets Geographical Area

- 1.6 This Policy applies to the whole of the London Borough of Tower Hamlets. The borough is a single tier authority on the East side of inner London covering an area of approximately 19 kilometers squared. It extends from Victoria Park in the north down to the Isle of Dogs in the South and extends from the A12 in the east to Brick Lane and the Tower of London in the west. The Council publishes Borough and Area profiles – ward profiles on its website:  
[https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/borough\\_statistics/Borough\\_profile.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx)
- 1.7 The Licensing Authority has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations consulted is provided in **Annex 1** of the Policy adopted by the Licensing Authority. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.

## Consultation

- 1.8 The 2005 Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
  - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.9 The consultation took place between 7<sup>th</sup> March 2022 and 29<sup>th</sup> May 2022. The results of the consultation are summarised in **Annex 3**.
- 1.10 The policy was approved at a meeting of the Full Council on 16<sup>th</sup> November 2022 and published via our website, see link for full details:  
<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=13182>
- It is also available in the Town Hall and Idea Stores within the Borough.
- 1.11 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the 2005 Act.
- 1.12 We would like to encourage the highest standards within premises that hold a licence under the 2005 Act. To assist with this we have produced a 'Gambling Best Practice Guide' to assist both new applicants and existing operators.

- 1.13 The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.

## **2 Policy Statement**

- 2.1 In producing this licensing policy the Licensing Authority has had regard to the 2005 Act and the guidance and codes of practice issued by the Gambling Commission and responses to the consultation on this policy.
- 2.2 In accordance with our legal duty under the 2005 Act when exercising our licensing functions we shall aim to permit the use of premises for gambling in so far as we consider it to be:
- a) in accordance with any relevant code of practice issued under section 24 of the 2005 Act,
  - b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act,
  - c) reasonably consistent with the licensing objectives, subject to a) and b) above,
  - d) in accordance with this Policy and with reference to our Local Area Profile, subject to a) to c) above.
- 2.3 This Policy is written with the view to promoting the three licensing objectives of the 2005 Act:
- i. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - ii. Ensuring that gambling is conducted in a fair and open way; and
  - iii. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 This means that where possible we will aim to moderate the impact of gambling on the Borough for example by attaching conditions to licences, rather than aiming to prevent it all together. Nonetheless, we retain the discretion not to grant a premises licence where we consider that the application is not in keeping with the matters listed in paragraph 2.2 above.

### 3 Equality & Inclusion in Gambling Premises

- 3.1 As per Tower Hamlets Equality Policy, we want Tower Hamlets to be a place where people have equal access to opportunities and where inequality is actively tackled. Tower Hamlets Equality Policy recognises that this can only be done by working with our partners to advance equality, promote good community relations and tackle discrimination. The Council believes that diversity of our community is one of our greatest strengths and assets. We value the strength that comes with difference and the positive contribution that diversity brings to our community. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit the borough. The Equality Policy seeks to embed equality throughout the council's plans, services and activities to ensure it is a key driver for everything we do.
- 3.2 It is unlawful for any gambling venue to discriminate against anyone based on race, sex, sexual orientation, age, or any of the protected characteristics under the Equality Act 2010. Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 (2010 Act) and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website. The 2010 Act makes discrimination against any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.
- 3.3 The Council must have regard to its public sector equality duty under the 2010 Act. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - our expectations on licensed venues to promote equality & inclusivity.
- 3.4 There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:
- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics).

- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff, which is regularly refreshed.

3.5 This Authority will use the Licensing Process to ensure both Operators and the Council are compliant in carrying out their legal obligations. This includes:

- determining licensing applications and reviews.
- making representations as a responsible authority.
- applying for reviews in appropriate circumstances.
- defending appeal decisions.

3.6 In essence this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

#### **4 Licensing Authority Functions**

4.1 This Licensing Authority functions under the 2005 Act is limited to the following:

- a) Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- b) Issue Provisional Statements ("in principle" licences where premises are not yet developed);
- c) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for profit" basis);
- e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centers (Premises where low level gambling is permitted for children);
- f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- h) Register small society lotteries below prescribed thresholds;
- i) Issue Prize Gaming Permits;
- j) Receive and Endorse Temporary Use Notices;

- k) Receive Occasional Use Notices;
- l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- m) Maintain registers of the permits and licences that are issued under these functions;

This list may be added to on the advice of the Gambling Commission.

4.2 This licensing authority does not have powers to deal with any of the following as these fall within the remit of the Gambling Commission:

- a) remote gambling (Remote gambling is via the internet or interactive television),
- b) the National Lottery,
- c) operating licences,
- d) personal functional licences ,
- e) personal management licences,
- f) gambling software,
- g) football pools,
- h) gaming machine manufacturers,
- i) gaming machine suppliers,
- j) gambling advertisements on television or other media,
- k) the number of gaming machines that can be used on premises,
- l) the value of the stakes or prizes allowed on gaming machines.

## 5 Tower Hamlets Plan

5.1 This policy has also taken into consideration the Tower Hamlets Plan 2018 - 23, which sets out the Tower Hamlets Partnership's five year vision for the borough, articulating local aspirations, needs and priorities. It informs all other strategies and delivery plans of the partnership, including the council's Strategic Plan. This policy also takes into consideration the Tower Hamlets Plan 2018-2023 and the Annual Report (2021), which sets out key areas of focus going forward.

5.2 The commitment of Tower Hamlets Plan is Building a stronger, more inclusive and fairer borough.

5.3 From this it has created four themes that it will focus on:

- a better deal for children and young people: aspiration, education and skills
- good jobs and employment
- strong, resilient, and safe communities
- better health and wellbeing.

To view the Tower Hamlets Plan and the Annual Report (2021) please see the link below:

[https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/community\\_plan/tower\\_hamlets\\_plan.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_plan/tower_hamlets_plan.aspx)

- 5.4 Whilst Tower Hamlets recognises that Gambling Licensing and Planning are two separate regimes, it expects applicants to have any the necessary Planning Permissions in place at the time of their Gambling Application. See Part B Paragraph 2 for more information. In respect of this applicant should have regard for Tower Hamlets Local Plan 2031:

[https://www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/Local\\_plan/local\\_plan.aspx](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx)

In particular, applicants for new betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.

## **6 Competent body for the protection of children from harm**

- 6.1 The Licensing Authority is required to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm. When making this decision we have also had regard to Part 6 of the Gambling Commission Guidance issued under section 25 of the 2005 Act.
- 6.2 In making our decision we have decided the body must be:
- a) responsible for child protection matters for an area covering the whole of the licensing authority's area (the whole of the Tower Hamlets);
  - b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.3 The Licensing Authority is satisfied that the Safeguarding Children's Partnership fulfils these requirements and have therefore designated Board as the competent body to advise on matters concerning the protection of children from harm or exploitation.
- 6.4 The contact details of all the responsible authorities are found on the Council's website at [www.towerhamlets.gov.uk/licensing](http://www.towerhamlets.gov.uk/licensing).

## 7 Interested parties

- 7.1 This essential means those parties who can make representations in about licence applications or apply for a review of an existing licence.
- 7.2 The 2005 Act defines Interested Parties as persons who, in the opinion of the licensing authority:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities,
  - c) represents persons who satisfy paragraph (a) or (b)
- 7.3 Licensing authorities are required to state in their policies the principles to be applied to determine whether a person is an interested party in relation to 6.1 above.
- 7.4 This Licensing Authority when determining whether a person is an interested party will consider each case upon its merits. In doing so we may consider relevant factors into account such as:
- a) the size of the premises, and nature of the activities taking place (as a larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities).
  - b) the distance of the premises from the usual residence or workplace of the person making the representation.
  - c) the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
  - d) the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 7.5 The Licensing Authority will not apply a rigid rule to its decision making in regards to determining what constitutes an interested party, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. For instance, when deciding whether a person or organisation "has business interests" we will adopt a broad interpretation to include for example partnerships, charities, faith groups, and medical practices.
- 7.6 We will follow the Gambling Commission's Guidance and regard such bodies as trade associations and trade unions, and residents' and tenants' associations as interested parties. However, these bodies must be able demonstrate that they have a member who can be classed as an interested party under the 2005 Act i.e., paragraph 6.2 (a) above.

- 7.7 We will consider democratically elected persons such as Councillors and MP's as Interested parties on the condition that they provide written evidence that such elected persons 'represents' someone falls under the description in paragraph 6.2 above. A letter from one of these persons, requesting the representation will be sufficient.
- 7.8 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role, they will not be able to be part of the decision making process. If they are a member of the Committee, they must withdraw for any hearing relating to the application.

## **8 Relevant representation**

- 8.1 Representations relating to an application will be considered as admissible where they are made by an interested party or responsible authority. The Licensing Authority will then normally only consider that representations are relevant where they relate to the licensing objectives, the Guidance, the Codes of Practice or the Statement of Gaming Policy.
- 8.2 The Licensing Authority may determine an application without a hearing despite having received representations from interested parties or responsible authorities where it thinks the representations are vexatious, frivolous or will certainly not influence the authority's determination of the application. Where the Licensing Authority determine that a representation is vexatious, frivolous or will not influence the authority's determination of the application, we will notify the interested person or responsible authority who making such a representation of this determination.
- 8.3 Anyone making representations on an application should note that their details will be made available to the applicant in the interest of fairness and to allow for negotiation. In the event of a hearing being held, representations will form part of a public document.

## **9 Exchange of Information**

- 9.1 Licensing Authorities are required to set out their approach to the exchange of information with the Gambling Commission and other persons. As such this section details how this Licensing Authority's policy deals with the control and exchange of information that has been gained in carrying out its duties and responsibilities under the 2005 Act.
- 9.2 The Gambling Commission can require licensing authorities to provide specific information where it forms part of a register maintained under the 2005 Act or is in the possession of the Licensing Authority in connection with the provision of the 2005 Act. As part of this exchange of information this licensing authority like all others are required to submit a return to the Gambling Commission at the end of each financial year. The information we submit as part of this return is as follows:



- permits issued,
- temporary use notices issued,
- occasional use notices issued,
- premises inspections conducted,
- reasons for and outcomes of reviews.

This data is subsequently included in the Department for Communities and Local Government Single Data List.

- 9.3 This policy covers the years 2022 to 2025 and we appreciate that the Gambling Commission within this period could change its requirements. Therefore, this licensing authority will provide any other information requested to the Gambling Commission, provided it falls within the parameters detailed in paragraph 6.1 above.
- 9.4 The principle that this licensing authority applies when exchanging information with the Gambling Commission or other persons in respect of our functions under the 2005 Act is that we will act in accordance with the provisions under this legislation and the provisions of the Data Protection Act 1998 and any other associated legislation.
- 9.5 The licensing authority will have regard to any guidance issued by the Gambling Commission and the Information Commissioner to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 9.6 The Licensing Authority may exchange information with other persons listed below for the use of exercising our functions under the 2005 Act:
- a) constable or police force
  - b) an enforcement officer
  - c) a licensing authority
  - d) HMRC
  - e) the First Tier Tribunal
  - f) the Secretary of State
  - g) Health and Safety Inspector

We do not currently have any protocols with these persons however if we do adopt an information exchange protocol with any persons it will be made available if requested.

## 10 Inspection, compliance, and enforcement

- 10.1 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which we authorise, e.g., Granting Gaming Machine Permits in alcohol Licensed Premises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by this licensing authority but will be notified to the Gambling Commission.
- 10.2 As per the 2005 Act and Gambling Commission Guidance this section details this licensing authority's principles that will apply in exercising our functions concerning inspection, compliance and enforcement functions, and instigating criminal proceedings.
- 10.3 This Licensing Authority's general principles of enforcement are set out in our Enforcement Policy, which follows the principals of the Enforcement Concordat. In addition, we will be guided by the Gambling Commission's Guidance for local authorities and will have regard for the Regulators Code. Therefore, we will endeavour to be:
- a) **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
  - b) **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - c) **Consistent:** rules and standards must be joined up and implemented fairly;
  - d) **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - e) **Targeted:** regulation should be focused on the problem, and minimise side effects
  - f) **Avoid duplication** with other regulatory regimes so far as possible.
- 10.4 The licensing authority expects premises licence holders to be fully aware of, and keep to, the terms of their licence. Where Licence holders fail to adhere to the terms of their licence we will take appropriate enforcement action to ensure compliance. We will pay particular attention in this respect where there are concerns that the licensing objective relating to children is not being met in full.
- 10.5 This licensing authority also intends to monitor non-licensed gambling and is especially concerned to stop non-destination gambling by children and young adults. Non destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public such as public houses.

- 10.6 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions. Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing service and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for hard copies).
- 10.7 We recognise that bookmakers and other operators may have a number of premises within Tower Hamlets. In order to ensure that compliance issues are recognised and dealt with at the earliest possible stage, operators are requested to give This licensing authority a single named contact., who should be a senior individual, and whom we will contact first should any compliance queries or issues arise. We will, however, reserves the right to institute proceedings, or take other action as necessary and consistent with our general policies.
- 10.8 We will base our inspections and enforcement activity on the principles of risk assessment, a graduated response and the targeting of problem premises. Inspections will be risk based and established on:
- the Licensing objectives
  - relevant Codes of Practice
  - Guidance
  - the Policy
- 10.9 We may inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.
- Any inspections undertaken will be by the Licensing Authority and/or a relevant responsible authority. Where the applicant has not allowed reasonable access permission will normally be refused. The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.
- 10.10 We use the templates inspection forms produced by the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership.
- 10.11 During visits/inspections the Council may request that operators / premises share:-
- Local area risk assessments

This information will help the Council to get a clearer picture of which premises may be experiencing issues, meaning that the inspection and enforcement activity is appropriately structured, and targeted. In some circumstances and where proportionate to do so the Council may also request premises share:

- test purchasing results (subject to the terms of primary authority agreements) ;
- incidents in premises, which managers are likely to be required to report to head office;
- information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.

Such request to share such data will be in consultation with the Operators, and the Gambling Commission.

10.12 As per Gambling Commission Guidance and Codes of Practice, Operators are required to share their risk assessments with licensing authority when they are applying for a new premises licence or applying to vary an existing premises licence, and at the request of this licensing authority, such as when we are inspecting a premises.

10.13 Additionally, responsible authorities and interested parties under the 2005 Act may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives.

## **11 The Licensing Objectives**

11.1 The 2005 Act sets out three licensing objectives, and in exercising its functions under the 2005 Act this licensing authority must have regard to these licensing objectives, which are:

- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- 2) Ensuring that gambling is conducted in a fair and open way;
- 3) Protecting children and other vulnerable people from being harmed or exploited by gambling.

11.2 This licensing authority expects operators to implement measures to mitigate risks to the licensing objectives and to consider and address measures contained in this section when preparing their risk assessments. Operators should also have regard to our local area profile, which will identify possible existing or emerging risks within Tower Hamlets.

- 11.3 The Gambling Commission's guidance emphasises that moral objections to gambling, or a view that it is generally undesirable are not licensing objectives and cannot inform any decisions by the licensing authority. Moreover, neither public safety nor public nuisance are licensing objectives and so cannot be considered when determining applications. These issues will largely be dealt with by the Council's Environmental Health Service via other primary legislation.
- 11.4 This licensing authority recognises that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-
- in accordance with any relevant code of practice issued by the Gambling Commission,
  - in accordance with any relevant guidance issued by the Gambling Commission,
  - reasonably consistent with the licensing objectives in accordance with the authority's statement of licensing policy.
- 11.5 We will not consider whether the applicant is suitable to apply for a premises licence because the Gambling Commission would have already addressed this issue when granting the operator's licence. However, if any issues arise during the application process or after we have granted a licence that causes us to question the suitability of the applicant or licence holder, we will bring this to the attention of the Commission.
- 11.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) (Social Responsibility Code) require gambling premises to undertake a local risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Annex 6.
- 11.7 The risk assessment is required to be shared with the Council where there is a new application and or a variation to an existing premises licence.

**Objective 1: *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime***

- 11.8 When considering applications, we will always take the location of the premises into account with regard to the crime and disorder objective. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm as are indicated in our local area profile.
- 11.9 When preparing their risk assessments, we expect applicants to consider the following measures:

- a) measures or actions to address crime and disorder issues around the design, layout or the look and feel of the premises. This may include steps to 'design out crime' such as changing layout, positioning of registers, CCTV, lighting and so on,
- b) measures to address the reoccurrence of any historical crime and disorder issues,
- c) changes to opening hours, where it is felt that amending them would address or reduce the specific concern around crime and disorder,
- d) whether the licensee should participate in any relevant council strategy that relates (or have aspects relating) to crime and disorder,
- e) whether training should be given to staff around crime prevention measures appropriate to the premises,
- f) where premises are subject to age restrictions, whether additional procedures or measures could be put in place to conduct age verification checks, better supervision of entrances/age restricted machines, or to ensure there is better segregation between age restricted areas of the premises,
- g) whether the premises has door supervisors or security,
- h) if the licence or variation is granted, the likelihood that the grant will result in violence, public disorder or problems in respect of policing.

This list is not exhaustive and simply indicates the types of measures that operators should consider in relation to crime and disorder.

**Objective 2: *Ensuring that gambling is conducted in a fair and open way***

- 11.10 This licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission, as the way gambling products are provided are subject to the conditions of the operator licence or personal licences. This will not be the case if the licensing authority becomes involved in licensing betting track operators, or if we suspect that gambling is not being conducted in a fair and open way. In both cases we will bring this to the attention of the Gambling Commission.

**Objective 3: *Protecting children and other vulnerable persons from being harmed or exploited by gambling***

- 11.11 In consultation with Public Health within this Council gambling related harms could be defined as “the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and societies”, as suggested by the Responsible Strategy Gambling Board. These harms affect resources, relationships and health. The impact from them may be short-lived but can be durable, having enduring consequences and exacerbating existing inequalities.

11.12 In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling. This means preventing them from taking part in gambling and having restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children. The Licensing Authority will therefore judge the merits of each application before considering whether specific measures are required such as:

- restrictions on advertising and style of the premises where premises cater solely or mainly for adults so that gambling products are not aimed at children or advertised in such a way to make them particularly attractive to children;
- restrictions on layout or on where certain machines may be in operation.

11.13 This Licensing Authority is will always take the location of the premises into account with regard to the children and vulnerable persons licensing objective when considering applications. We will have particular regard to premises situated in areas of Tower Hamlets that represent a higher risk of potential vulnerability to gambling-related harm where this is indicated in our local area profile.

11.14 When determining an application to grant or review a premises licence, regard may be given to the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate. These may include schools, vulnerable adult centres, addiction centres, day centres or services used by vulnerable adults or residential areas where there may be a high concentration of families with children. It may also include school routes and places that attract unaccompanied children for recreation and leisure.

11.15 The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be decided on its merits and may depend in part on the type of gambling proposed. Therefore, if an applicant can effectively demonstrate in its policies how they might overcome licensing objective concerns, this will be taken into account. Applicants may wish to consult with Tower Hamlets Connect in regard to assist in determining locations of vulnerable persons premises.

11.16 As there is a difference between children and vulnerable persons, we have separated the rest of this section it into Children and vulnerable people.

### Children

11.17 Protecting children from being harmed or exploited by gambling means:  
a) preventing children from taking part in gambling and,

- b) restricting activities such as advertising, so that gambling products are not aimed at or appear attractive to children.

11.18 To ensure the above we will pay particular attention to licence applications for premises situated near schools or areas where there may be a high concentration of children or families. We will expect applicants to have carefully considered their operation and any potential for exposing children and young people to gambling. Where the Gambling Premises requires a restriction to not admit persons under 18 to the gambling premises or area operators should demonstrate policies and procedures that will prevent children and young people from entering such premises/area or partaking in gambling activities.

11.19 When considering the operators risk assessment, we will assess the measures the operator has in place to mitigate the risks to this licensing objective. Following which we will decide whether further specific measures are required at particular premises such as

- a) supervision of entrances to the premises
- b) supervision of gaming machines and
- c) the separation of certain areas within the premises

11.20 Where category C, B or A machines are on offer in premises to which children are admitted we will ensure:

- a) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective in preventing access other than through a designated entrance,
- b) the premises has appropriate signage indicating that access to that area where such machines are located is restricted to persons under the age of 18
- c) only adults are admitted to the area where the machines are located
- d) access to the area where the machines are located is supervised
- e) the area where the machines are located is arranged so that the staff or the licence holder can observe it.

Separate requirements apply to alcohol-licensed premises that hold a gaming machine permit. These are detailed later on in this Policy.

#### Safeguarding against Child Sexual exploitation (CSE)

11.21 The Council acknowledges that CSE awareness does not just apply to children on licensed premises, particularly as children are not permitted to access most gambling premises. However, applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.



- 11.22 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of promoting this objective (Objective 3) but also Objective 1 above. Measures may include, but are not limited to:
- awareness training for staff;
  - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
  - close monitoring of patrons as they leave the premises;
  - recording and reporting concerns to the police.
- 11.23 The Council expects applicants to be aware of ‘risk indicators’ of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
  - children in the company of a group of older persons;
  - children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
  - children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
  - children leaving the locality of the premises with older persons, particularly with a group of older persons;
  - children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.
- 11.24 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it believes that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

### Vulnerable People

- 11.25 This Licensing Authority does not seek to stop particular groups of adults from gambling or gaming in the same way that we seek to stop children. However, we are concerned about the potential for vulnerable people to be harmed or exploited by gambling.
- 11.26 The Gambling Commission Guidance does not seek to define ‘vulnerable persons’ however, for regulatory purposes, it does assume that vulnerable persons includes the following:
- a) people who gamble more than they want to,
  - b) people who gamble beyond their means,
  - c) people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

- 11.27 This Licensing Authority recognises that there are many serious issues that can be a consequence of problem gambling, and therefore presents a greater risk of harm to vulnerable persons. These can include but are not limited to:
- a) job loss and absenteeism,
  - b) poor work/study performance,
  - c) stress depression and anxiety,
  - d) suicide,
  - e) poor health,
  - f) financial hardship, debts and bankruptcy,
  - g) resorting to crime/theft and imprisonment,
  - h) neglect of family,
  - i) impacts on others,
  - j) relationship breakdown,
  - k) domestic abuse.
- 11.28 Problem gambling, particularly with the young, can sometimes be an indication of other issues, such as anti-social behaviour problems. When we become aware of issues associated with problem gambling and vulnerable people, we will seek to work closely with the gambling premises operator, the Gambling Commission and other relevant services within the Council.
- 11.29 When dealing with gambling premises applications this Licensing Authority will have regard to our local area profile and pay particular attention to applications for premises near venues where, for example, Gamblers Anonymous groups (or similar) meet, residential homes, hospitals, or other premises where vulnerable as per paragraph 9.27 above reside or visit. In considering the above, we will base our decision on whether the proximity of the premises to the vulnerable group is likely to present a risk to this licensing objective. Where we have relevant evidence, we may consider the likelihood of vulnerable people using the premises, whether they have other reason to be in the proximity or not. This could be, as an example, through complaints made to us or through representations made about an application.
- 11.30 When determining an application and this issue is raised, we will also take into account the operator's risk assessment and assess the controls that are in place (or will be in place) to protect vulnerable people and promote the licensing objectives at the premises. Depending on the circumstances, we may have particular regard to:
- a) the size of the premises,
  - b) staffing levels at the premises,
  - c) procedures in place to identify a vulnerable person and to stop a vulnerable person from gambling,
  - d) the location and type of gaming machines on the premises,
  - e) arrangements in place to supervise the gaming machines.

- 11.31 This Licensing Authority expects operators to consider participation in voluntary best practice or certification schemes, such as GamCare's Safer Gambling Standard to assist in their promotion of the objective of Protecting children and other vulnerable persons from being harmed or exploited by gambling. We also expect operators to have policies in place that reflect the Gambling Commission's National Strategy to Reduce Gambling Harms.
- 11.32 We would also encourage operators to consider any relevant policies produced by the Council's Violence Against Women and Girls (VAWG) Service. In particular any training offered by this service in respect of this issue. For more information, please see the link to this service's web page below:  
[https://www.towerhamlets.gov.uk/ignl/community\\_and\\_living/community\\_safety\\_crime\\_preve/domestic\\_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx](https://www.towerhamlets.gov.uk/ignl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx)

## **PART B - Premises Licences and other matters**

### **1 General Principles**

- 1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

### **2 Duplication with other regulatory regimes and licensing objectives**

- 2.1 This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The 2005 Act makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law when considering applications. However, we will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

#### Planning

- 2.2 Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the premises in place at the time of the Gambling application.
- 2.3 As stated in the Tower Hamlets Plan section of the Introduction above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.
- 2.4 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the Gambling hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

### 3 Location and Local Risk Assessments

- 3.1 This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 3.2 It is the licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums should not normally be licensed. However, any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.
- 3.3 The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.
- 3.4 From 6th April 2016, the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) made it a requirement under the Social Responsibility (SR) code, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures to mitigate those risks.
- 3.5 In making local risk assessments, applicants and licensees must take into account relevant matters identified in the following information sources:
- This Policy
  - Tower Hamlets Local Area Profile ([https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/borough\\_statistics/Area\\_profiles.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Area_profiles.aspx))
  - Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits ([https://www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/Local\\_plan/local\\_plan.aspx](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx))
  - The Greater London Authority (GLA) – Ward Profile Tool (<https://data.london.gov.uk/dataset/ward-profiles-and-atlas>)
- 3.6 The LCCP states that licensees must undertake a local risk assessment when applying for a new premises licence and this must be reviewed and updated as necessary:

- a) to take account of significant changes in local circumstance, including those identified in this policy;
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c) when applying for a variation of a premises licence; and;
  - d) in any case, undertake a local assessment when applying for a new premises licence.
- 3.7 Licence holders are also required to provide this licensing authority with a copy of their local risk assessment when applying for a premises licence or applying for a variation to an existing premises licence. We can also request a copy of the local risk assessment at any other time, for example, when we are inspecting premises.
- 3.8 Where concerns exist or new risks emerge we may ask a licence holder to provide a copy of their local risk assessment, setting out the measures they have in place to address specific concerns. Licence holders may wish to consider the benefit of making their local risk assessment available to responsible authorities and interested parties.
- 3.9 The licensing authority expects the local risk assessment to consider as a minimum issues presented by the local landscape, such as;
- Exposure to vulnerable groups;
  - Identification of local specific risks;
  - Type of footfall – children, visitors, families, residents;
  - Educational facilities;
  - Community Centers;
  - Homelessness /rough sleeper hostels, provision of support services.
- 3.10 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 3.11 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
  - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
  - The layout of the premises so that staff have an unobstructed view of persons using the premises;

- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

3.12 To assist operators, Annex 6 sets out the Council's Gambling Local Area Profiles criteria. In connection with this the Council recognises the Gambling Commissions National Strategy to Reduce Gambling Harms, and supports the two strategy aims:

- **Prevention and Education** – making significant progress towards a clear public health prevention plan which includes the right mix of interventions.
- **Treatment and Support** – delivering truly national treatment and support options that meet the needs of users.

The full Strategy can be viewed here:

<http://www.reducinggamblingharms.org/>

Licence holders and Operators should have regard to this Strategy when undertaking their local risk assessment.

### Public Health

3.13 The Council's Public Health Service has advised that the demographics of Tower Hamlets and local data demonstrate that there are relatively high levels of vulnerability to gambling related harm within the borough's population. As a result of this applicants are expected to consider Public Health's deprivation map in on our Local Area Profile page (see link above). This map identifies the areas of the borough that have high levels deprivation. Where applications for gambling premises fall within these areas of high deprivation applications are expected to contact the Council's Public Health Service, via the email below, prior to making an application.

- [PublicHealthLicensing@towerhamlets.gov.uk](mailto:PublicHealthLicensing@towerhamlets.gov.uk)

This will assist applicants to demonstrate in their local risk assessments that their application will not undermine the Gambling Objectives and would not add to the already high levels of deprivation experienced by residents in this area. Where applicants fail to demonstrate this in the local risk assessments the Council's Public Health Service may object to application within these areas.

#### **4 Premises**

- 4.1 Premises are defined in the 2005 Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building. Different parts of the building can reasonably regarded as being separate premises will always be a question of fact in the circumstances. However, areas of a building that is artificially or temporarily separate can be properly regarded as different premises.
- 4.2 A premises licences can authorise the provision of facilities for the following types of premises :
- a) casino
  - b) bingo
  - c) betting, including tracks and premises used by betting intermediaries
  - d) adult gaming centre (AGC)
  - e) licensed family entertainment centre (FEC)
- 4.3 The processing of applications for premises licences is our main function in terms of local gambling regulation and a key means by which we can ensure that risks to the licensing objectives are mitigated effectively.
- 4.4 As per Social Responsibility Code Provision 3.5.6 all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. This Authority expects applicants to provide details of this in their application.
- 4.5 This licensing authority will take particular note of the Gambling Commission's Guidance to local authorities that: -
- "Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area"



- "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), especially if this raises issues in relation to children. There will be specific issues that authorities should consider where children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act."

## 5 Adult Gaming Centres (AGCs)

- 5.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. We will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. Applicants must consider locations in regards to whether the area may have unsupervised children, and be able to demonstrate how they intend to ensure children do not gain access to the premises.

Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare

- 5.2 This list is neither mandatory nor exhaustive and is merely indicative.

- 5.3 The consultation survey completed when this policy was reviewed asked a question on hours of operation for AGCs. The Responses to this survey question indicated that they would like to see AGCs within Tower Hamlets limit their gambling times to the following:

- Monday to Sunday 07:00 hours to 22:00 hours

The Council recognises that the Gambling Act 2005 does not permit a licensing authority to limit gambling activity times unless specified in legislation, codes of practice, or where evidence supports such a limit in order to promote the Gambling Objectives. Nevertheless, we would encourage applicants for AGC Premises to consider the above times when making their application, and review whether they would be willing to accept these times and limit the required gambling activity times in the application to those specified above.

5.4 An AGC premises is entitled to the following allocation of gaming machines:

**If the licence was granted on or after 13 July 2011:**

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

**If the licence was granted before 13 July 2011:**

- a) four category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

**6 Licensed Family Entertainment Centers (FECs)**

6.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. This will require applicants and license holders being able to demonstrate that staffing and supervision arrangements are in place to meet this requirement. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, is it merely indicative.

- 6.2 An FEC are allowed any number of Category C or D gaming machines. However, where children and young persons are permitted to enter an FEC and may use category D machines. Persons under the age of 18 years are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machines, so that under-18s do not have access to them.
- 6.3 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **7 Casinos**

- 7.1 Section 166 of the 2005 Act, allows licensing authorities to resolve not to issue casino premises licences. This licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences. This was decided by Full Council on 18<sup>th</sup> September 2013.

## **8 Bingo Premises**

- 8.1 Though the Act does not give a statutory definition of Bingo, two types of bingo are commonly understood. These are:
- Cash bingo – stakes paid make up the cash prizes that are won.
  - Prize bingo – various forms of prizes are won, not directly related to the stakes paid.
- 8.2 Gambling Commission Guidance identifies Bingo as “equal chance gaming” and has published its view on what Bingo is and how it differs from other forms of gambling. To aid applicants we have attached this advice note to this policy, see Annex 4. However, it must be stressed that this advice note from the Gambling Commission does not alter the meaning of Bingo as described in the 2005 Act. It merely seeks to offers the advice to help bingo operators avoid creating and offering products that the Gambling Commission considers to be casino games, lotteries or fixed odds betting.
- 8.3 A bingo premises licence allows the primary activity of bingo and the following allocation of gaming machines

### **If the licence was granted on or after 13 July 2011:**

- a) a maximum of 20% of the total number of gaming machines which are available for use on the premises may be category B3 or B4 (but not B3A) machines
- b) any number of Category C or D machines

**If the licence was granted before 13 July 2011:**

- a) eight category B3 or B4 (but not B3A) machines, or 20% of the total number of gaming machines which are available for use on the premises, whichever is the greater
- b) any number of Category C or D machines

These gaming machines must remain within the licensed area covered by the premises licence.

- 8.4 Bingo premises and children/young persons (persons under 18 years). Children and Young persons are allowed into Bingo Premises. However where a premises allows children/young persons into the premises they are not permitted to participate in Bingo. Moreover where the premises has Category B or C gaming machines available for use these must be separated from where children/young persons are permitted. Licence holders and applicants must also be aware of the restrictions placed upon children and young persons working in Bingo Premises.
- 8.5 As per Gambling Permission Guidance this licensing authority will follow the Social Responsibility Code, which states that all licensees must ensure that their policies and procedures take account of the structure and layout of their premises in order to prevent underage gambling. This may include effective measure to ensure:
  - all category B or C gaming machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where these machines are located are supervised;
  - the area where these machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.";
  - Effective monitoring procedures to ensure that children do not participate in bingo.
- 8.6 This licensing authority is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

### Bingo in Clubs and Alcohol-licensed Premises

- 8.7 Part 12 of the Act permits Bingo on alcohol licensed premises and in clubs and miners' welfare institutes. There are specific Regulations that provide the rules in relation to this (The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007, The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be allowed under this legislation and a bingo operating licence will have to be obtained from the Commission for future bingo games. This threshold is reached if the bingo played during any seven-day period exceeds £2000 (either in money taken or prizes awarded) once in a year.
- 8.8 Where this Licensing Authority becomes aware of an alcohol licensed premises or clubs are playing bingo during a course of a week which involves significant stakes and prizes, that makes it possible that the £2000 in seven day threshold is being exceeded, we will immediately inform the Gambling Commission.

## **9 Betting Premises**

- 9.1 Children and young people are not permitted to access betting premises. Licence holders and applicants should be able to demonstrate that they have sufficient procedures in place to ensure that children are not permitted into betting premises. This will involve appropriate training in regards to challenging persons who appear under age.
- 9.2 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 9.3 We expect such premises to have clear policies and procedures in place to ensure that staff have clear line of sight to ensure staff can monitor the use of Betting Machines to ensure that vulnerable such as problem gamblers can be identified and dealt with as per operators Social Responsibilities Policies and Procedures. This will mean that staff within such premises should be appropriately trained to identifies such persons and know their employers policies and procedures to enable them to correctly assist vulnerable persons to reduce the risk of gambling related harm.
- 9.4 A betting premises licence allows the primary activity of betting and the following allocation of gaming machines
- a) Maximum of four gaming machines of categories B2, B3, B4, C or D (excluding category B3A).

- 9.5 Holders of a Betting Premises licence are permitted (at our discretion) to have betting machines, known as Self-service Betting Terminals (SSBTs). A SSBT is different from a gaming machine as it is designed or adapted to allow betting on “real events”. For example, some premises may have betting machines that accept bets on live events, such as horse racing as a substitute for placing a bet in person over the counter.
- 9.6 Licensing Authorities have powers to restrict the number of SSBTs in certain premises (Betting Premises and Casinos). This restriction is done via adding conditions to the premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, this licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people. We will also consider the nature of SSBT and the circumstances by which they are made available. This may include:
- a) the size of the premises
  - b) the number of counter positions available for transactions; and/or
  - c) the number of staff to monitor the use of the machines by children and young persons or vulnerable people.
  - d) whether the machines have been, or are likely to be used in breach of the licensing objectives.

## **10 Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters**

- 10.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 10.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided
- 10.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV

- Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours
  - Self-baring schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 10.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 10.5 Track Premises are permitted to have the following gaming machines in the following circumstances:
- a) Where the owners hold both a Track Premises Licence and a Pool Betting Operating Licence (issued by the Gambling Commission) they may site up to four category B2 to D machines on the track;
  - b) Tracks that hold an alcohol licence are automatically entitled under s.282 of the 2005 Act to have two gaming machines of category C or D (please note to activate this entitlement the premises must notify the licensing authority, see Part C below for more information);
  - c) Track premises that fall into both a and b above, i.e. have an alcohol licence and hold both a Track Premises and Pool Betting Operating Licences are may have six gaming machines (two via the alcohol licence and four via the premises/operating licences).
- 10.6 Track Premises that hold a Pool Betting Licence will have conditions that the operator must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these. As a result this licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18s to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 10.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

- 10.8 Applications and plans - This licensing authority awaits regulations setting- out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on- course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." And that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 10.9 This licensing authority also notes that in the Gambling Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **11 Travelling Fairs**

- 11.1 It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. This will be decided on the condition that the statutory requirement that the facilities for gambling must be ancillary amusement at the fair and not its main purpose.
- 11.2 The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.
- 11.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair in that it must not be on a site that has been used for fairs on more than 27 days per calendar year.
- 11.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held. This is regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.



## 12 Provisional Statements

- 12.1 Developers may wish to apply for a provisional statement before entering into a contract to buy or lease property or land. This may allow the developer to judge whether a development is worth taking forward in light of the need to obtain a premises Licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 12.2 A person can to make an application for a provisional statement in respect of premises that they:
- expect to construct,
  - expect to alter or,
  - expect to acquire a right to occupy.
- 12.3 Whilst applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 12.4 In circumstances where an applicant has also applied to the Gambling Commission for an operating licence, the Gambling Commission has stated that licensing authorities should not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.
- 12.5 The process for considering an application for a provisional statement is the same as that for a premises licence application and thus must be accompanied by plans and the prescribed fee. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 12.6 Following the construction, alteration or acquirement of the premises for which the provisional statement relates to, the licence holder may subsequently apply for a premises licence. The Licensing Authority will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.

- 12.7 In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional statement application stage;
  - b) which in our opinion reflect a change in the operator's circumstances; or
  - c) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan. We can discuss any concerns we may have with the applicant before making a decision.

### **13 The application and decision making process**

- 13.1 When this Licensing we receives an application for a premises licence, we must consult interested parties and responsible authorities as set out in Part A above. These interested persons/responsible authorities can make comments about applications for premises licences, which are known formally as 'representations'.
- 13.2 Where we receive a valid representation, i.e. it relates to either the licensing objectives, matters in this Policy or the Gambling Commissions Codes or Practice or Guidance, we will refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. In determining applications, the Committee shall aim to permit the use of premises for gambling in so far as we consider it to be:
- a) in accordance with any relevant Code of Practice or guidance issued by the Gambling Commission,
  - b) reasonably consistent with the licensing objectives,
  - c) in accordance with this Policy.
- 13.3 The Committee cannot consider any of the following when determining an application:
- a) moral objections (Licensing Authorities cannot base their decision on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in within their area),
  - b) planning (as detailed earlier in this policy Licensing Authorities cannot have regard to planning or building control permissions or any planning restrictions when deterring applications under the 2005 Act),
  - c) demand (Licensing Authorities cannot take into account issues around the demand for gambling premises).

## **14 Representations and Hearings**

- 14.1 Where this licensing authority receives a representation from an interested party or responsible authority, we must first confirm that it is a valid representation.
- 14.2 For a representation to be valid it must be:
- a) Made by an Interested Party or a Responsible Authority,
  - b) Not be considered to be vexatious or frivolous,
  - c) Be relevant to application,
  - d) Detail how the application will negatively affect one or more of the licensing objectives.
- 14.3 Where an interested party or responsible authority makes a valid representation as mentioned above section 7, Part A above we will refer the application to the Licensing Committee or Sub-Committee for determination at a hearing. Those who have made a valid representation should attend the hearing as failure to do so could reduce the weight that the Committee places on representation. Where an interested person makes a representation and wishes to be represented by another person or organisation at the hearing, they must give this licensing authority a written notice requesting to be represented by that person or organisation.
- 14.4 Interested parties and responsible authorities can make representations about licence applications, or apply for a to review an existing licence (see below).
- 14.5 As detailed in Section 5 of Part A above Trade associations, trade unions and residents and tenants' associations can be interested parties, if they can demonstrate they are representing a member who lives sufficiently close to the premises, or is likely to be affected by the activities being applied for. Similarly Elected Councillors and MPs may also be interested parties provided they are acting on behalf of their constituents see Section 5 of Part A above for more information.

## **15 Licence fees**

- 15.1 This Licensing Authority will calculate and collect fees from gambling operators to meet the costs of carrying out our licensing functions under the 2005 Act. The intention of the government is that fees will cover our costs for administration (including hearings and appeals), inspection and enforcement of the licensing regime. Current fees are available on our website.

## 16 Conditions

- 16.1 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises: and
  - reasonable in all other respects.
- 16.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures, this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas.
- 16.3 We will not duplicate any conditions or requirements attached to a premises licence by the Gambling Act, Gambling Commission Codes of Practice or Secretary of State (unless they are default conditions that we may substitute accordingly) or conditions attached to an operator's licence or personal licence.
- 16.4 The following are some but not all matters that operators are likely to be required to comply with by virtue of the 2005 Act, Regulations, mandatory conditions, default conditions or Codes of Practice:
- a) Proof of Age schemes,
  - b) CCTV,
  - c) supervision of entrances and machine areas,
  - d) physical separation of areas,
  - e) whether the premises may hold a licence to provide alcohol,
  - f) location of entry to the premises,
  - g) notices and signage about persons under 18 years of age not entering the premises,
  - h) opening hours,
  - i) self-barring schemes and,
  - j) provision of information leaflets and helpline number of gambling self- help organisations.
- 16.5 There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. The licensing authority will consider the following specific measures in relation to all licensed premises, to the extent that they are relevant to a specific application:
- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets;
  - Self-exclusion forms available;

- The odds clearly displayed on all fixed odds machines;
- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed;
- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated;
- Posters with details of GamCare's (or replacement organisation) telephone number and website.

The above list is not exhaustive.

- 16.6 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of Gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 16.7 This licensing authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 16.8 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 16.9 This licensing authority is aware that betting tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

## Conditions we cannot attach to licences

16.10 It is recognised that there are conditions which the licensing authority cannot attach to premises licences which are:

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition,
- b) conditions that relate to gaming machine categories, numbers, or method of operation;
- c) conditions which provide that membership of a club or body be required (the 2005 Act) specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- d) conditions in relation to stakes, fees, winning or prizes

Applicants will however need to demonstrate social responsibility and adhere to best practice in the protection of the vulnerable.

## 17 Door Supervisors

17.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

17.2 The Private Security Industry Act 2001 regulates the private security industry in England, Wales and Scotland, and is responsible for licensing individuals working within the various industry sectors. The majority of persons employed to work as door supervisors at premises licensed for gambling and carrying out the functions listed under Schedule 2 Part 1 of the above act, will need to be licensed by the SIA.

17.3 The above requirement however is relaxed when applied to door supervisors for casinos and bingo halls. Where contracted staff are employed as door supervisors at casinos or bingo halls, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors these premises are exempt from these requirements. Irrespective of this provision this licensing authority will require door supervisors used at these premises to be licensed.

17.4 For other premises, where supervision of entrances/machines is appropriate any requirements for door supervisors or others will be on a case by case basis. In general betting offices will not require door supervisors for the protection of the public. A door supervisor will only be required if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## 18 Reviews

- 18.1 This Licensing Authority may review a premises licence; or an interested party or responsible authority may apply to review a premises licence. When determining whether to initiate a review, we shall have regard to the Act, this Policy, Gambling Commission Guidance and the Council's Enforcement Policy.
- 18.2 This licensing authority will decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this policy.
- 18.3 We will also consider whether the request is frivolous, vexatious, will 'certainly not' cause this licensing authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review (i.e. it is repetitive).
- 18.4 The licensing authority may initiate a review of a particular premises licence, or particular class of premises licence where it is appropriate, for instance if:
- a) it has reason to suspect that premises licence conditions are not being observed,
  - b) the premises is operating outside of the principles set out in the licensing authority's statement of policy,
  - c) there is evidence to suggest that compliance with the licensing objectives is at risk,
  - d) for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.
- 18.5 Applications for a review of a premises licence must be submitted to the Licensing Authority on a prescribed form. The application must also state the reasons what the review is being requested, together with any supporting information and documents. The applicant must also, within 7 days of making their application, provide written notice of their application to the premises licence holder and to all responsible authorities.

- 18.6 Once this licensing authority receives a valid application for a review, responsible authorities and interested parties can make representations during a 28-day period. This period begins seven days after we receive the application. We will publish notice of the application within seven days of receipt, in line with the Gambling Act 2005 (Premises Licences)(Review) Regulations 2007. Within this seven day period the applicant must provide a written notice of their application to the licence holder and all responsible authorities. Failure to do this will halt the application process until this notice is received by these parties.
- 18.7 We will carry out the review hearing as soon as possible after the 28-day period for making representations has passed. The review hearing will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:
- a) add, remove or amend a licence condition imposed by us
  - b) exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion
  - c) suspend the premises licence for a period not exceeding three months and
  - d) revoke the premises licence.
- 18.8 In determining what action, if any, we should take following a review, we will have regard to any relevant representations and the principles set out in paragraph 2.2 of the Part A, policy statement above.
- 18.9 This licensing authority may also initiate a review of a premises licence because a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.10 Once we have completed the review will notify the following of our decision as soon as possible:
- a) the licence holder,
  - b) the applicant for review (if any),
  - c) the Gambling Commission,
  - d) any person who made representations,
  - e) the chief officer of police, and
  - f) Her Majesty's Commissioners for Revenue and Customs.

## **19 Appeals**

- 19.1 In relation to applications for premises licences, club gaming permits, club machine permits, and alcohol licensed premises gaming machines, and review applications, any party to a Licensing Authority decision who is aggrieved by that decision may lodge an appeal to the magistrates' court within 21 days of receiving notice of the Authority's decision.



- 19.2 In relation to decisions on FEC gaming machine permits and travelling fairs, the applicant can lodge an appeal against the Authority's decision with the magistrates' court within 21 days of receiving notice of the Authority's decision.
- 19.3 A person giving notice of a TUN or those entitled to receive a copy of a TUN may lodge an appeal within 14 days from receipt of decision to the magistrates' court.

## **PART C - Permits / Temporary & Occasional Use Notice**

### **1 Permits and Notices**

- 1.1 A permit or notice is required when premises provide a gambling facility, but either the stakes and prizes are very low, or gambling is not the main function of the premises.
- 1.2 This licensing authority is responsible for issuing and receiving the following types of permits and notices:
- a) gaming machine permit
  - b) prize gaming permit
  - c) club gaming and club machine permit
  - d) unlicensed family entertainment centre permit
  - e) travelling fairs
  - f) temporary use notice
  - g) occasional use notice
- 1.3 We have chosen not included specific details of the stakes and prizes for the various permits and have only provided minimal information regarding the numbers of permitted machines, because the government may change this information during the life of this Policy. We advise readers to refer our website or the Gambling Commission's website for up to date information.
- 1.4 Permits and Notices often related to the Gaming Machines available for use in unlicensed premises under the 2005 act. These Gaming Machines are commonly referred to as 'fruit machines' or 'one arm bandits' and fall into categories depending on the stake required to play them and the value of the maximum prize available. Generally,
- a) Category A machines have no limits on prizes or stakes but would only be permitted at a regional casino.
  - b) Category B machines can be provided in casinos, betting premises, bingo premises, adult gaming centres and private members clubs. These machines can give a much higher prize and there is a restriction on the number of machines allowed in those premises.
  - c) Category C machines are the type most commonly found in pubs and have a maximum prize value that is significantly lower than category B.
  - d) Category D machines are the type commonly found in amusement arcades and have lower value prizes and stakes. These may also include "Crane Grab" machines. Some of these are incorrectly labelled as "Skill Machine". Machines fitted with a compensator, which allows it to be converted from a skill machine to a gaming machine, are classified as a gaming machine and need to be clearly marked as such.

1.5 Furthermore, detailed guidance on Permits and Notices is available on The Gambling Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

1.6 It should be noted that a licensing authority can only grant or refuse a permit. It cannot attach conditions to permits.

## **2 Unlicensed Family Entertainment Center (UFEC) Gaming Machine Permits**

2.1 These are premises, which do not hold a premises licence but wishes to provide gaming machines. To provide gaming machines it must apply to this licensing authority for this permit. A UFEC is likely to cater to families, including unaccompanied children and young persons and are likely to be arcade style premises. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

2.2 The Gambling Commission's Guidance for local authorities also states: "In their three-year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permit. Licensing authorities will want to give weight to child protection issues." In connection with this where premises are likely to appeal to children and young persons, this Licensing Authority in considering matters relating to protection of children from being harmed or exploited by gambling will, where necessary, consult Local Safeguarding Children Board.

2.3 The licensing authority can only grant an application for a permit if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centers (UFEC), and if the chief officer of police has been consulted on the application.

2.4 As per this Policy this licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

2.5 This Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder. When determining such an application we will have regard to our local area profile and consider:

- a) appropriate measures / training for staff as regards suspected truant school children on the premises.
- b) measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- c) applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs.

- d) applicant's Disclosure and Barring Service check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years.
- e) any supporting documentation as to the design and layout of the premises.
- f) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable.
- g) any objections raised by the police relevant to the licensing objectives.

The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application these permits.

- 2.6 It is this licensing authority's view that premises close to schools, playgrounds, or other educational establishments such as museums and places of worship should not normally be licensed. As a result, we will take location into account when considering and application for a permit for a UFEC premises.
- 2.7 This Licensing Authority, as encouraged by the Gambling Commissions Guidance, requires that a scaled plan for the unlicensed Family Entertainment Centers (UFEC) be submitted with the application for a permit. This plan should include:
- a) location of entrances and exits
  - b) number and positions of Category D machines
  - c) location of lighting inside and outside
  - d) location of CCTV
  - e) the amount of space around gaming machines to prevent jostling of players or intimidation
  - f) location and supervision of Automated Teller Machines
  - g) the location of appropriate clear and prominent notices and barriers
- 2.8 This Licensing Authority expects that applications for UFECs should normally be accompanied by an assessment of how the applicant will promote the Gambling Licensing Objectives. This should demonstrate such matters as:
- a) numbers of staff employed and on duty at any given time
  - b) details of opening hours
  - c) details of Proof of Age schemes
  - d) adoption of appropriate measures/training for staff as regards suspected truanting school children on the premises
  - e) evidence of staff training by way of a Premises Logbook, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
  - f) evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.

### 3 (Alcohol) Licensed premises gaming machine

#### Notifications

- 3.1 There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises under the Licensing Act 2003, to automatically entitlement to have 2 gaming machines of categories C or D. Full definitions of the Gaming Machine Categories can be found on the Gambling Commission's website.
- 3.2 Premises wishing to take advantage of this automatic entitlement need to give written notice to the licensing authority of their intention to make gaming machines available for use and must pay the prescribed fee. This notice must be from the person/organisation that holds the premises licence (under the Licensing Act 2003), and if the person/organisation ceases to be the holder of this Premises Licence, the automatic entitlement for the two gaming machines also ceases. Premises Licences under the Licensing Act 2003 that have a condition requiring alcohol to be sold as ancillary to food are excluded from automatic entitlement to have gaming machines.
- 3.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - b) gaming has taken place on the premises that breaches a condition of section 282 of the 2005 Act (for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming;
  - c) the premises are mainly used for gaming; or
  - d) an offence under the 2005 Act has been committed on the premises.

In this situation, we will give the licence holder at least 21 days' notice of our intention to make remove this entitlement and consider any representations they may wish to make. Where requested by the licence holder we will hold a hearing of the Licensing Committee or Sub-Committee before we make a final determination.

#### Permits

- 3.4 If a premises wishes to exceed the automatic entitlement of two category C or D gaming machines, they must apply to us for a permit for more than two gaming machines. This permit replaces the automatic entitlement to two gaming machines and is not an addition to it.

- 3.5 This licensing authority will consider such applications based upon the licensing objectives, the Gambling Commissions Guidance, and any other matters that we think relevant.
- 3.6 We will decide each application on its own merits but generally:
- a) We may consider the size of premises and whether the numbers of machines applied for is appropriate in light of the licensing objectives and whether the premises is being “mainly used” for gambling.
  - b) We shall have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to provide sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines and that the permit holder can comply the Gambling Commission’s Codes of Practice.
  - c) Whether there are any issues in the premises history relating to the gambling licensing objectives that the Licensing Authority should properly consider when deciding whether to grant a permit.
- 3.7 This licensing authority considers that “such matters” will be decided on a case-by-case basis but generally there will be an emphasis on the need to protect children and vulnerable persons from harmed or being exploited by gambling as detailed in paragraph 3.5 (b) above. Measures which will satisfy the authority in respect of this are:
- that there will be no access to under 18s.
  - the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines to ensure they are not being used by those under 18.
  - Notices and signage.
- 3.8 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 3.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 3.10 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. However, we cannot attach any other conditions.
- 3.11 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### 4 Prize Gaming Permits

- 4.1 Prize gaming takes place when the number of people playing does not determine the nature and size of the prize, or the amount paid for or raised by the gaming. The operator determines the prize before play commences.
- 4.2 The licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 4.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.
- 4.4 In line with Gambling Commission Guidance this licensing authority will take location into account when considering an application for a permit for Prize Gaming, and when determining such an application will have regard to our local area profile and consider whether:
- a) the applicant clearly understands the limits to stakes and prizes that they propose to offer, and the gaming is within the law,
  - b) the premises where gaming is proposed to be offered is not situated in the vicinity of areas that may overly attract young people, such as schools, after school care, parks or playgrounds,
  - c) the applicant has any relevant convictions,
  - d) that staff are trained to have a full understanding of the maximum stakes and prizes.
  - e) the offering of gaming is in accordance with the licensing objectives. This may include whether offering gaming on the premises is likely to attract or perpetuate issues around crime and disorder in the area or issues around children and young people or the vulnerable,
  - f) the police have raised any objections relevant to the licensing objectives.

The above list is not exhaustive, but an indication of the types of issues that we may consider when we receive an application for a prize gaming permit.

- 4.5 This Licensing Authority, as encouraged by the Gambling Commissions Guidance, require that a plan for the unlicensed Family Entertainment Centers (UFEC) be submitted with the application for a permit. As such the plan should include:
- a) location of entrances and exits
  - b) location of lighting inside and outside

- c) location of CCTV
  - d) the location of appropriate clear and prominent notices and barriers
- 4.6 Where premises are likely to appeal to children and young persons, this Licensing Authority in considering matters relating to protection of children from being harmed or exploited by gambling will where necessary consult Local Safeguarding Children Board.
- 4.7 It should be noted that although the licensing authority cannot attach conditions, there are conditions in the 2005 which the permit holder must comply. These conditions are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## **5 Club Gaming and Club Machines Permits**

- 5.1 As per the Gambling Commission Guidance, a Licensing Authority may grant or refuse the permit, but it cannot attach conditions to them. Licensing Authorities must also inform the applicant, the Gambling Commission and the police of the outcome of the application for a permit and any objections made.
- 5.2 Licensing Authorities may only refuse an application for a permit on the following grounds:
- i. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - ii. the applicant's premises are used wholly or mainly by children and/or young persons;
  - iii. an offence under the 2005 Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - iv. a permit held by the applicant has been cancelled in the previous ten years; or
  - v. an objection has been lodged by the Commission or the police.



- 5.3 There is also a ‘fast-track’ procedure available under the 2005 Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for licensing authorities states: “Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced.” And “The grounds on which an application under the process may be refused are:
- i. that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the 2005 Act;
  - ii. in addition to the prescribed gaming, the applicant provides facilities for other gaming;
  - iii. a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”
- 5.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 5.5 For the most up to date information in regards to Club Gaming and Club Machine Permits please see the Gambling Commissions Website.

### **Club Gaming Permits**

- 5.6 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit
- 5.7 Miners’ welfare clubs are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust, which has received fund from one or a number of mining organisations.
- 5.8 A members clubs must:
- a) have at least 25 members,
  - b) be established for, and conducted wholly or mainly for, purposes other than gaming (unless gaming is permitted by separate regulations),
  - c) be permanent in nature,
  - d) not established to make a profit; and
  - e) controlled by its members equally.
- 5.9 Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

- 5.10 The Club Gaming Permit will enable the premises to provide a total maximum of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement of the permit also allows equal chance gaming and games of chance, such as Pontoon. For detailed and up-to-date list of permissions, stakes and prizes please see the Gambling Commission's website.
- 5.11 A club gaming permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.

### **Club Machine Permit**

- 5.12 Members clubs and miners' welfare institutes may choose to apply for the club machine permit if they do not want to have the full gaming provided by a club gaming permit. In addition, commercial clubs may also apply for a club machine permit.
- 5.13 Commercial clubs are members clubs established for profit, such as snooker clubs.
- 5.14 A club machine permit allows a total maximum number of three (3) gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 5.15 Before granting the permit the licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age
- 5.16 A club machine permit lasts for ten years unless it ceases to have effect because it is surrendered, cancelled or forfeited.

## **6 Temporary Use Notices (TUN)**

- 6.1 Temporary Use Notices (TUNs) allow the use of premises to be use for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN could include hotels, conference centres and sporting venues. Licensing Authorities can only grant a TUN to a person or company holding a relevant operating licence issued by the Gambling Commission.
- 6.2 There are certain restrictions to the type of Gambling that a TUN can cover, these restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence, this licensing authority will therefore give consideration as to whether the form of gambling being offered on the premises will be

remote, non-remote, or both, and whether this is in compliance with the operating licence,

- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises,
- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner,
- gaming machines may not be made available under a TUN.

6.3 In considering whether a place falls within the definition of "a set of premises", we will have regard to the Guidance and consider the individual facts on their merits but, amongst other things, we will have particular regard to the ownership, occupation and control of the premises.

6.4 This licensing authority will object to a Temporary Use Notice (TUN) application if it appears that regular gambling is taking place in locations they could be described as one set of premises, as recommended by the Gambling Commission Guidance.

6.5 Please note that cash games, which are games where each hand provides a winner, are not permitted under a TUN. Furthermore, a TUN cannot be granted for 21 days in respect of each of its exhibition halls.

6.6 In respect of a vessel, TUN's may be granted for a vessel but only if it is a passenger vessel or one that is situated in a fixed place. The latter would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake).

## **7 Occasional Use Notices**

7.1 An Occasional Use Notice permits betting on a sporting event or race at a track on eight days or fewer in a calendar year without the need for a full premises licence. It therefore allows temporary and infrequent events such as point-to-point racing to take place and for bets to be taken on the outcome.

7.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice, i.e. whether applicant is licensed as a betting operator and has appropriate permission from the Gambling Commission to use tracks for conducting betting.

7.3 We will the also decide what constitutes a track, sporting event or race on a case-by-case basis. In doing so we will follow the Gambling Commission's guidance in relation to tracks.

## 8 Small Society Lotteries

- 8.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission) and,
  - exempt lotteries (including small society lotteries registered by the Licensing Authority).
- 8.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission.
- 8.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.
- 8.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 8.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Guidance.
- 8.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of their registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information manually but preferably electronically by emailing [licensing@yowerhamlets.gov.uk](mailto:licensing@yowerhamlets.gov.uk).

- 8.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 8.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
  - information provided in or with the application for registration is false or misleading.
- 8.9 The Licensing Authority will ask applicants to complete an application form setting out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society.
- 8.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available its procedures on how it handles representations.
- 8.11 The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration in the same manner it would be minded to refuse registration.
- 8.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an operator's licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

## **PART D - Administration, Exercise and Delegation of Functions**

### **1 Administration and Exercise**

- 1.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 1.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications where no representations have been made has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. The decisions cannot be reversed.
- 1.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 1.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

## 2 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>MATTER TO BE DEALT WITH</b>	<b>BY WHOM</b>
<p>Three year licensing policy (responsibility shared with Cabinet)</p> <p>Policy to permit or not to permit casinos</p>	<p><b>THE FULL COUNCIL</b></p>
<p>Fee Setting- (but when appropriate Corporate Director)</p> <p>Application - for a premises licence, variation of a premises licence, transfer of a premises licence, application for a provisional statement in connection with a premises, in all cases where representations have been received and not withdrawn. Review- of a premises licence.</p> <p>Application for, or cancellation of club gaming /club machine permits where representations have been received and not withdrawn</p> <p>Decision to give a counter notice to a temporary use notice</p>	<p><b>LICENSING COMMITTEE / SUB-COMMITTEE</b></p>
<p>For a premises licence, variation of a premises licence, transfer of a premises, application for a provisional statement in connection with a premises, in all cases where no representations have been received/ or representations have been withdrawn.</p> <p>Application for a club gaming machine/ club machine permit where no representations received/ representations have been withdrawn.</p> <p>Applications for other permits</p> <p>Cancellation of licensed premises gaming machine permits</p> <p>Consideration of temporary use notice</p>	<p><b>OFFICERS</b></p>

## Annexes

- Annex 1** List of consultees.
- Annex 2** Results of Consultation (Including Responses where needed)
- Annex 3** Gambling Best Practice Guide
- Annex 4** Sample conditions
- Annex 5** Local area profiles



## Annex 1

### List of consultees:

#### Authorities/Bodies

- The Gambling Commission
- Metropolitan Police Service
- HMRC
- The London Fire Brigade
- Mayor's office for Policing and Crime (MOPAC)
- The Institute of Licensing (IoL)
- Adult Care Service, London Borough of Tower Hamlets
- Council of Mosques
- NSPCC
- Tower Hamlets Clinical Commissioning Group (THCCG), NHS
- The Young Mayor, London Borough of Tower Hamlets
- Maritime and Coastguard Agency (MCGA)
- The Environment Agency
- The Canal and River Trust
- Health and Safety Executive (HSE)
- London Legacy Development Corporation
- Port of London Authority
- Licensing, Environmental Health and Trading Standards Service
- Health and Safety, Environmental Health and Trading Standards Service
- Trading Standards, Environmental Health and Trading Standards Service
- Public Health Service, London Borough of Tower Hamlets
- Child Protection, London Borough of Tower Hamlets
- Environmental Health, Environmental Health and Trading Standards Service
- Community Safety, London Borough of Tower Hamlets
- Planning and Building Control Service, London Borough of Tower Hamlets
- Violence Against Women and Girls (VAWAG) Service, London Borough of Tower Hamlets
- Growth and Economic Development, London Borough of Tower Hamlets
- Employment and Enterprise, London Borough of Tower Hamlets

- Licensing, London Borough of Hackney
- Licensing, London Borough of Southwark
- Licensing, City of London Corporation
- Licensing, London Borough of Lewisham
- Licensing, Royal Borough of Greenwich
- Licensing, London Borough of Newham

#### **Gambling Operators/Businesses:**

- Carousel Amusements
- Greenwich Leisure Limited (GLL)
- Merkur Cashino
- Gala Coral Group
- Joe Jennings
- William Hill
- Paddy Power
- Roar Betting
- Tote Betting
- Two Way Media

#### **Gambling Support Services**

- GamCare
- Responsible Gambling Trust

#### **Businesses**

- All Gambling Premises Licence Holders (Gambling Act 2005) in the Borough

#### **Councillors**

- Licensing Committee Members
- Councillor Asma Islam
- Councillor Sirajul Islam
- Councillor Motin Uz-Zaman
- Members Bulletin



## **Resident Groups/Associations**

- St Georges Residents Association
- SPIRE
- Ezra Street Residents

## Annex 2

### Responses to the Gambling Policy Consultation 2021:

Body or Organisation	Summary of issues	Response (where relevant)
Licensing, City of London Corporation	No Comment.	No response required
	<ul style="list-style-type: none"> <li>• <b>To align language</b> with local and national VAWG Strategy, so changing terminology to domestic abuse rather than domestic violence, so that this incorporates all forms of abuse including economic and coercive control. Can link to the Domestic Abuse Act 2021 statutory definition.</li> <li>• <b>Accountability and responsibility</b> - Gambling addiction will be treated, like any other addiction, as an illness. However, it is important there is emphasis that this is not used by perpetrators as an excuse or cause for abuse. This is in the same way as we do not accept alcohol/substance misuse as an excuse or cause of abusive behaviour. A statement or adapting the language to that effect by the council is important.</li> <li>• Following on from above point, perhaps an impact assessment to learn from the intersections of disadvantage. For example, where gambling/financial abuse further undercuts those experiencing abuse. Consideration around the expectations of who within the relationship is expected to “manage” this issue, it should be the perpetrator not the victim.</li> <li>• <b>Support and signposting</b> - There needs to be clear referral pathways for people struggling with gambling behaviours, as it is</li> </ul>	<p>Policy Amended - Para 9.27 changed from Domestic Violence to Domestic Abuse.</p> <p>Policy not Amended - The policy is in relation to how the Council regulates gambling licensing under the Gambling Act 2005, we cannot go beyond what the act or Gambling Commission Guidance Permits. Furthermore, the act has a clause that states that Licensing Authorities should aim to permit gambling.</p> <p>Policy not Amended - All operators must have local area risk assessments place controls to protect vulnerable people and promote the licensing objectives at the premises. Furthermore, in completing this they are expected to have regard to our local area profiles, which have been added to in this policy, see annex 6.</p> <p>Policy not Amended - This is covered in page 21, para 10.31.</p>

	<p>essential to provide support for an illness. However, this is also so that perpetrators do not hide behind the excuse that there is no help available. It is another means of taking accountability and allows us to give clear advice to victim/survivors.</p> <ul style="list-style-type: none"> <li>• A link to the VAWG Service Directory could be added which includes support numbers, pathways for professionals, victims, abusers, including training opportunities. www.towerhamlets.gov.uk/VAWGServiceDirectory</li> </ul> <p>The following has been added below para 9.31:</p> <p><i>We would also encourage operators to consider any relevant policies produced by the Council’s Violence Against Women and Girls (VAWG) Service. In particular, any training offered by this service in respect of this issue. For more information, please see the link to this service’s web page below:</i></p> <p><a href="https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx">https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/VAWG-Service-Directory.aspx</a></p> <ul style="list-style-type: none"> <li>• If you wanted something more specific to just abusers, this link includes GamCare and Respect Support services for perpetrators of abuse/abusers (towerhamlets.gov.uk)</li> <li>• “No Casino Policy” - Similar to an ideal of TH being a zero SEV borough, consideration around a “no casino” policy across the borough.</li> <li>• <b>Gamcare references</b> – Gamcare no longer offer stickers, but</li> </ul>	<p>Policy Amended to add para under para 10.31.</p> <p>Policy not Amended - covered in para 10.31.</p> <p>Policy not Amended - no casino policy already in place - see page 29.</p> <p>Policy Amended.</p>
--	--	--

	<p>posters are available to order. Recommend changing 'stickers' to 'posters'.</p> <p>Suggest rephrasing as <i>"All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display posters with GamCare (or replacement organisation) Helpline information prominently displayed,"</i> (16.5, bullet point 4)</p> <ul style="list-style-type: none"> <li>• Recommend altering the wording to reflect that GamCare can support applicants through their training for gambling industry staff. Suggest rephrasing as <i>"Applicants may wish to seek support with their applications from the Crime Reduction Officer and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance."</i> (Annex 4: Gambling Best Practice Guide, second last bullet point)</li> </ul>	<p>Policy Amended.</p>
	<p>Public health is fully supportive of the draft policy for the following reasons:</p> <ul style="list-style-type: none"> <li>• This policy addresses an issue of local public health importance and inequalities in Tower Hamlets.</li> <li>• This policy is in line with the strategic priorities for us as a council (Tower Hamlets Local Plan), our partners (Tower Hamlets Together - Health and Wellbeing Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment.</li> <li>• This policy draws on national and international evidence and best practice.</li> <li>• Public Health specifically supports Section 9.11 – 9.27, outlining how children and vulnerable persons will be protected from gambling related harm within the limitations</li> </ul>	<p>No Response needed.</p>

	<p>of this policy.</p> <ul style="list-style-type: none"> <li>Public Health specifically supports Section 12.10 which suggests including training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this in their risk assessments. As well as section provision of signage and documents games rules, gambling care providers and other relevant information in both English and the other prominent first language for that locality. Section 12.10 also highlights the importance of advertisement not to target those underage i.e. in window displays.</li> <li>Public health supports Section 12.1 – 12.11 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses.</li> </ul> <p>Public Health Recommendations:</p> <ul style="list-style-type: none"> <li>Do not permit any additional betting shops to open in areas of clustering as outlined on Figure 2 in the areas of St. Peter's, Whitechapel North/Spitalfields and Banglatown South and in Bow.</li> </ul> <p>The available evidence shows that a multi-pronged approach is needed to successfully tackle gambling harm. The provisions in this policy therefore must be accompanied by</p>	<p>Note that unlike the Licensing Act 2003 Authorities cannot seek to reduce premises in certain areas.</p> <p>Policy Amended in line with the results of the online survey:          Paras added to "Location and Local Risk Assessments" this is to encourage applicants to speak to Public Health prior to their application so that they can use Public Health's data to produce a suitable Local Areas Risk Assessment to ensure promotion of the gambling objective; Protecting children and other vulnerable people from being harmed or exploited by gambling.</p> <p>Policy no Amended. These examples are already included see para 16.5, page 40.</p>
--	---	--

	<p>additional action. We recommend that LBTH Licensing and Safety invest in work with local operators to encourage them to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> <li>• Protection of staff and lone working are addressed within the operators' risk assessment.</li> <li>• All operators are encouraged and supported with materials where applicable to provide suggestions outlined in section 16.5 as normal practice, such as: <ul style="list-style-type: none"> <li>- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets</li> <li>- Self-exclusion forms available</li> <li>- The odds clearly displayed on all fixed odds machines</li> <li>- All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation)</li> <li>- Helpline information prominently displayed</li> <li>- There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated</li> <li>- Posters with details of GamCare's (or replacement organisation) telephone number and website.</li> </ul> </li> <li>• Operators should provide healthy lifestyle information in their premises linked to gambling e.g. leaflets regarding alcohol consumption and providing clear direction to local support for</li> </ul>	<p>Policy not Amended – The Gambling Act 2005 does not permit Authorities to add items that do not relate to Gambling or the Gambling Objectives. Public Health can object to a Licence to ask applicants to voluntarily add such things as a condition.</p>
--	--	--



	<p>mental health problems, addictions, and debt advice. These leaflets should signpost to, and use wording from, independent support organisations rather than industry-funded organisations.</p> <ul style="list-style-type: none"> <li>• Operators should reduce advertising (I.e. window displays) especially to children at least in line with the Senet Group’s set of Commitments as best practice. This should be demonstrated in their risk assessments.</li> <li>• Finally, since gambling is increasingly recognised as involving public health concerns, the Authority should continue to work with Public Health to foster close working relationships over the life course of this policy to ensure that the health of Tower Hamlets residents is promoted within the context of licensed gambling establishments.</li> </ul>	<p>Policy not Amended – already included in the Policy, top of page 25.</p> <p>Public Health receive weekly lists of Licensing Applications, we would expect that they would contact us and review the application where they had concerns. Where there is concern that the gambling objectives are not being promoted, objections can be made.</p>
<p>Power Leisure Bookmakers Limited (Paddy Power)</p>	<p><b>Part A - 9.21 Objective 3 – protecting children and vulnerable persons from harm</b></p> <p>Whilst we acknowledge that protecting children from harm is fundamental, references to child sexual exploitation has no direct relevance to this objective and no evidence has been provided to support the inclusion of this content with the policy statement.</p> <p>The Authority should recognise that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. Whilst we agree that licence holders and all businesses should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objective under the Gambling Act 2005. As children</p>	<p>Policy not Amended – Some Gambling Premises are permitted to allow children in, e.g. Pubs with Gaming Machines. The policy does not seek to place Child Sexual Exploitation (CSE) measures as conditions on their Licences etc. The Policy simply expects and encourages Gambling Premises to be aware of the signs of CSE. This is to assist in preventing CSE from occurring in all parts of the Borough.</p>

	<p>are not permitted into betting premises, there would already be the appropriate policies and procedures in place (for example, age verification/restricted access) to mitigate the risks of them being harmed or exploited by gambling – see LCCP code provision 3.2.7 and 3.2.8.</p> <p>The policy itself, also undermines the inclusion of this commentary as it earlier states <i>'In relation to children, it should be noted that the Gambling Commission has stated that this objective is explicitly to protect them from being harmed or exploited by gambling'</i>.</p> <p>It should be noted that the Gambling Commission guidance states: a licensing authority may identify the safeguarding as a key priority...in which case its statement would set out those policies preures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling'. We suggest that the policy is amended to reflect this.</p> <p>Paddy Power is a responsible operator and implements measures to address local risks that to activities that would take place within their premises.</p> <p><b>Part B - 2. Duplication with other regulatory regimes and licensing objectives - planning</b></p> <p><i>'Gambling Licensing and Planning are two separate regimes. Tower Hamlets as a Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, we would generally expect applicants to have planning and other permissions, such as any compliance with Building Control, required for lawful operation of the</i></p>	<p>Policy not Amended – this does not seek to suggest that any application would be refused/rejected if appropriate planning permission had been obtained. It is to advice applicants to ensure that they speak to Planning so that they can be sure that any measure place in their application or supporting documents does not inadvertently breach any planning legislation. Furthermore that they speak to Planning particularly in respect of New Betting Shops to avoid the cost of a Gambling Act application if they are likely to achieve the correct planning permissions to enable them</p>
--	---	---

	<p><i>premises in place at the time of the Gambling application.</i></p> <p><i>As stated above, applicants for New betting offices/shops are expected to have considered Policies Part 1 (Policy D.TC5) of the Local Plan 2031, before making an application for a Gambling Premises Licence.'</i></p> <p>Whilst we acknowledge that appropriate planning permission must ultimately be obtained for any proposed premises, section 210 of the Gambling Act 2005 prescribes that the Licensing Authority shall not have regard to whether or not planning or building approval will be obtained.</p> <p>In consideration of the correct legal requirements under the licensing regime, as identified at paragraph 2.2, we suggest that any reference to obtaining planning permission prior to submission of a licence application or at the time a licence application is made be removed in its entirety or at least amended to reflect the correct legal position that the authority might expect applicants to 'obtain' appropriate planning or other relevant permissions.</p> <p>Paragraph 2.3 of the policy invites applicants to consider Policy D.TC5 of the Local Plan 2031 before making an application for a Gambling Premises Licence. We acknowledge that information regarding local profile is an important tool to assist operators identifying potential risks to the Licensing Objectives under the Act. Evidenced led assessment enables the implementation of appropriate policies and procedures to mitigate any risks identified. However, any reference to a presumption of refusal or resistance to an application under the Gambling Act 2005 would be in direct contravention of the legal test provided by section 153. Whilst some</p>	<p>to carry out Gambling Activities.</p>
--	---	--

	<p>of the considerations identified in Policy D.TC5 may be appropriate under the planning regime, their inclusion within or reference to the Council's Statement of Principles not only seek to undermine the principles of the Act itself, but also potentially jeopardise any determination made by the Authority. As an example, any decision under the Act which gave weight to inappropriate policy considerations such as a general reference to an over concentration of similar venues would expose such a decision to immediate challenge. We therefore recommend that the draft policy be amended to correctly identify the principles that would be applied under the Gambling Act 2005 and not considerations relevant to other regimes or Council policy.</p>	
Resident 1	<p>There are too many facilities where gambling is too easy and accessible. I would suggest tighter limits on opening hours for arcades or similar</p>	<p>Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.</p>
Resident 2	<p>These polices do not go far enough in protecting society in the first instance (reducing hours, controlling proximity / advertisement of location) OR in holding gambling centres accountable for behaviours (delivering support, advertising helplines, declining service)</p>	<p>As above in reference to hours for adult gaming centres. In reference to controls on proximity this would need to be done via objection where the applicant fails to demonstrate in their application that the application will promote the gambling objectives.</p> <p>Advertisements and helplines etc. already covered in the policy.</p>
Resident 3	<p>existing gambling in the borough should all be shut down on public health grounds</p>	<p>Public Health is not a gambling objective thus licences cannot be refused or revoked on this basis.</p>
Resident 4	<p>I am opposed to this draft. It is too extensive. I think there should only be minimal regulations pertaining to gambling, or to any legitimate business activity.</p>	<p>This is aimed at the legislation, which is not being considered here, and is out of scope in regard to this policy.</p>
Resident 5	<p>Please oppose all gambling as strenuously as possible</p>	<p>The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives.</p>

Resident 6	The policy embodies improvements to the existing policy. However, personally I think the restrictions on gambling do not go far enough... Betting companies have huge economic power, and for too long they have enjoyed 'light touch' regulation. Their super-profits - derived from 'rigged' gaming through the use of clever algorithms to fleece punters - are evidence of this apparent freedom to 'print money', making their owners fortunes. I would like to see much tougher regulation in our Borough (TH).	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 7	Healthcare professionals should be specifically consulted (mental health workers especially working in addiction and local GPs) as they see directly the harms gambling establishments inflict on vulnerable people. I also think that the licensing hours should be restricted eg 5pm-10pm	Policy amended to encourage this, whilst noting that we cannot set a blanket limit on for these venues under the Act.  Public Health in the Council are consulted, though they are not a responsible authority under the act.
Resident 8	I support the proposed changes	No comment needed.
Resident 9	Does not go far enough to discourage gambling, which is dangerous for everyone (not just children and vulnerable people).	The Act means Licensing Authorities must aim to permit. Applications can only be refused where they fail to promote/undermine the gambling objectives. We cannot discourage gambling premises under the Act.
Resident 10	Gambling is harmful to citizens, is anti ethical. It preys on vulnerable people.	This relates to the legislation on Gambling and is out of scope of what this policy can consider.
Resident 11	Again, I've not see your draft statement.	No comment needed.
Resident 12	As long as anybody can get in and spend as much as they want, those premises will create nothing but trouble. Many lives will be affected by the lost of money and those people can do any thing in a moment of despair. There should be a personal limit for each customer. I do not know how they can do these. But otherwise it is impossible to protect residence as well as customers and workers. I  Take the survey : Survey Report for 07 March 2022 to 29 May 2022 Page 17 of 18	This relates to the legislation on Gambling and is out of scope of what this policy can consider.  However, if the application or a licence premises is failing to promote the gambling objectives then a review can be applied for or in the case of a new application an objection made.

	<p>still remember the customer who killed betting shop employe. He was a known person, kinda friendly face until one day he did the killing. When you open places like this, good business does not want to be around. Only the ones who wants to exploit those people will be opening shops. This not Tower Hamlets that we want.</p>	
Resident 13	<p>Gambling is an under-estimated public harm, exploiting people who cannot afford or manage a "flutter". The borough has a public health duty to reduce harm to residents' financial and emotional wellbeing, and strict controls on gambling outlets is its most effective tool</p>	<p>The Act means Licensing Authorities must aim to permit. Reduction of gambling harms is already covered, and Gambling Operators must demonstrate this under their Operators Licence and Premises licence.</p>
Resident 14	<p>Gambling has no value to society and leads to further deprivation and ASB.</p>	<p>This relates to the legislation on Gambling and is out of scope of what this policy can consider.</p>

## Annex 3: Gambling Best Practice Guide

We expect all Gambling premises in the Borough to carry out the measures listed in this Best Practice Guide along with the measures detailed in the main Policy.

This guide is about businesses that promote gambling have the responsibility in protecting the vulnerable that may be exposed by their activities.

- All premises to hold and maintain a log of incidences and the handling of problem gambling that occur in the premises. This information should be shared with Licensing Officers on request. Relevant data that should be held include the date and a short description of the intervention in relation to voluntary/mandatory exclusions and whether individuals have tried to gain entry, attempts of those that are underage to gain entry whether with an adult or not. Any incident requiring an intervention from staff
- Staff should be aware on how to tackle irresponsible gambling and have sufficient knowledge on how to promote responsible gambling. Be able to signpost customers to support services with respect to problem gambling, financial management and debt advice. Leaflets on how to identify problem gambling should available for customers in the premises.
- Staff should be aware of the importance of social responsibility, the causes and consequences of problem gambling, intervention with vulnerable persons, dealing with the exclusion of problem gamblers and escalating them for advice or treatment.
- Staff should be aware of refusing customers entry due to alcohol or drugs, age verification processes, identifying forged ID, the importance of time and spend limits
- Staff to be familiar with the offences under the Gambling Act, the categories of gaming machines, the stakes and odds associated with each machine.
- Staff should also be aware of not encouraging customers to increase the amount or time they gamble, re-gamble winnings and chase losses.
- Staff to be excluded from gambling at the premises where they are employed and the premises to have a 'no tipping' rule.
- Applicants may wish to seek support with their applications from the Police and to seek GamCare training for their staff with a view to obtaining a certificate of training attendance.
- Where Fixed Odds Betting Terminals are installed within the premises they should be positioned in direct sight of a supervised counter.

## **Annex 4: Sample of premises licence conditions**

This Annex, reproduced from the Gambling Commission's Guidance to Licensing Authorities, provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. These are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of the Gambling Commission's Guidance to Licensing Authorities provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

### **1. Security**

- 1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.
- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.



1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

## **2. Anti-social behaviour**

2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.

2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.

2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.

2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.

2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.

2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.

2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.

2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

## **3. Underage controls**

3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.

3.2 Customers under 21 will have to provide ID.

3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy

3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.

3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert

system, to be put in place within 3 months from the date of the review.

3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one meter of the Adult Gaming Centre entrance.

#### **4. Player protection controls**

4.1 Prominent GamCare documentation will be displayed at the premises.

4.2 There shall be no cash point or ATM facilities on the premises.

4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.

4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.

4.5 All notices regarding gambling advice or support information within the vicinity of XXX must be translated into both simplified and local languages.

4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:

(a) The first member of staff is not positioned within the Cash Box or,

(b) The second member of staff is not on patrol

## Annex 5

### **Local Area Profiles**

The aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises.

The Council publishes Borough and Area profiles – ward profiles on its website at [https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/borough\\_statistics/Borough\\_profile.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/Borough_profile.aspx)

Some publically available sources of information to assist in operators completing a Local Area Profile include:

- a) Crime Mapping websites
- b) Ward profiles
- c) Websites or publications by local responsible authorities
- d) Websites or publications by local voluntary schemes and initiatives
- e) On-line mapping tools

The Council will expect applicants for grant of new or variation to existing licences to include full details of their risk assessment in compliance with Social Responsibility (SR code) 10.11 and Ordinary code provisions 10.1.2 (both effective from 6<sup>th</sup> April 2016).

We also provide maps in addition to those found in our Area Profiles, which detail community safety incidents and vulnerability data. These will be added to the website link below annually; however, they can also be obtained by emailing [Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk).  
[https://www.towerhamlets.gov.uk/lgnl/business/licences/gambling\\_act\\_2005.aspx](https://www.towerhamlets.gov.uk/lgnl/business/licences/gambling_act_2005.aspx)

This page is intentionally left blank

## Equality Impact Analysis Screening Tool

### Section 1: Introduction

<b>Name of proposal</b> For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
Statement of Gambling Policy 2022 Review
<b>Service area and Directorate responsible</b>
Place/Public Realm
<b>Name of completing officer</b>
Tom Lewis, Team Leader, Licensing and Safety, Environmental Health and Trading Standards
<b>Head of Service</b>
David Tolley, Head of Service, Environmental Health and Trading Standards

**The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with 'protected characteristics' and those without them
- Foster good relations between those with 'protected characteristics' and those without them

This Equality Impact Analysis provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above. For more information about the Council's commitment to equality, please visit the Council's [website](#).

### Section 2: Summary of proposal being screened

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

This is a Policy that the Council has a legal requirement to adopt under the Gambling Act 2005 and must review at least every 3 years. The policy sets out in detail how the licensing authority (Council) will discharge its licensing functions under the Gambling Act 2005.

There are three licensing objectives set out in the Gambling Act, as follows:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
2. Ensuring that gambling is conducted in a fair and open way
3. Protecting children and other vulnerable people from being harmed or exploited by gambling

The Licensing Authority's licensing powers under the Gambling Act 2005 are limited to premises, with operator and remote (online) gambling regulated by the Gambling Commission.

In considering the policy in view of the Equality Act 2010, though there could be a view that there may be an effect on religious/believe the reason for the policy is statutory. Therefore, in view of this and the new addition of "Equality & Inclusion in Gambling Premises" section, which discusses PSED and links the policy to the Council's Equality Policy, it does not appear that there are likely to be any adverse effects on people who share Protected Characteristics as defined by the 2010 Act.

### Section 3: Equality Impact Analysis screening

Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below?  Please consider the impact on overall communities, residents, service users and Council employees.  This should include people of different:	Yes	No	Comments
▪ <b>Sex</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ <b>Age</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ <b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ <b>Religion or Philosophical belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
▪ <b>Sexual Orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<ul style="list-style-type: none"> <li>▪ <b>Gender re-assignment status</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ People who have a <b>Disability</b> (physical, learning difficulties, mental health and medical conditions)</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ <b>Marriage and Civil Partnerships status</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ People who are <b>Pregnant and on Maternity</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>You should also consider:</p> <ul style="list-style-type: none"> <li>▪ <b>Parents and Carers</b></li> <li>▪ <b>Socio-economic status</b></li> <li>▪ People with different <b>Gender Identities</b> e.g. Gender fluid, Non-binary etc.</li> <li>▪ Other</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exception to this is if you can 'justify' the discrimination (Section 4).

## Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

## Section 5: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:

- The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.
- Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

### Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered **YES** to this question, please complete a full Equality Impact Analysis for the proposal

If you have answered **NO** to this question, please detail your reasons in the 'Comments' box below

Comments



The decision making body is recommended to:

- Agree the proposed Gambling Policy
- Note that the 'no casino' resolution remain within the Gambling Policy.

All local authorities have to review and adopt a gambling policy every three years which defines how they will administer and exercise their responsibilities under the Gambling Act 2005.

The Gambling Policy is prescribed by the central government and the Gambling Commission. The policy is compatible with this advice and guidance.

Some of the major issues and concerns about gambling, including gambling addiction, are not addressed in the policy, as the policy details how the licensing authority (Council) will discharge its licensing functions under the Gambling Act 2005.

The Gambling Policy states how the Licensing Authority will exercise its authority. This policy covers the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objective for the authority is protecting children, preventing crime and disorder and ensuring gambling is fair and open.
- The Licensing Authority approach to regulation.
- The scheme of delegation.

The licencing objectives remain including protecting children and the vulnerable, including 'people may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.'

The business operators will be requested to undertake local risk assessments in relation to their premises. It is expected that the local risk assessment will consider various issues including exposure to vulnerable groups, type of footfall (e.g., children, families), education facilities and homelessness/ rough sleeper hostels. The local risk assessment is also expected to identify how these risks will be mitigated and monitored.


Also, a statutory consultation process commenced on 7<sup>th</sup> March and 29<sup>th</sup> May 2022. The comments received have been analysed and incorporated into the policy where necessary.

The policy will be agreed by the full Council.

The policy includes a number of measures to prevent children from taking part in gambling and restriction of advertising so that gambling products are not aimed at or are attractive to children.

The licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas.

This page is intentionally left blank

Decision Report Cover Sheet:  <b>Council</b>  16 November 2022	 <b>TOWER HAMLETS</b>
<b>Cover Report of:</b> Matthew Mannion, Head of Democratic Services  <b>Main Report:</b> Kevin Bartle, Interim Corporate Director, Resources	<b>Classification:</b> Unrestricted
<b>Cover report of: Recommendation on Implementation of Special Severance Payments Regulations</b>	

<b>Wards affected</b>	All Wards
-----------------------	-----------

### Summary

At its meeting on 13 October 2022, the General Purposes Committee considered a report on the Special Severance Payments Regulations. Following discussion, the Committee agreed to forward the report to Council for decision. The report is attached to this cover sheet.

### Recommendations:

The Council is recommended to:

1. Note the revised process for Special Severance Payments.
2. Consider the revised 2022/23 pay policy statement and agree the policy for adoption.
3. Delegate to the Chief Executive, in consultation with the Director of Workforce, OD and Business Support and the Chair of the General Purposes Committee and Monitoring Officer, any further minor changes to the 2022/23 pay policy statement.

This page is intentionally left blank

Non-Executive Report of the:  <b>GP Committee</b>  13 October 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Musrat Zaman, Director of Workforce, OD and Business Support	<b>Classification:</b> Unrestricted
<b>Localism Act 2011 and Special Severance Payments</b>	

<b>Originating Officer(s)</b>	Pat Chen, Head of HR
<b>Wards affected</b>	All wards

## 1. EXECUTIVE SUMMARY

- 1.1 Section 38(1) of the Localism Act 2011 requires the full council to adopt and publish a pay policy statement for each financial year. Section 40(1) of the Act says that a relevant authority in England must, in performing its functions under section 38 or 39, have regard to any guidance issued or approved by the Secretary of State.
- 1.2 The guidance issued by the Secretary of State states that salaries on appointment and severance packages of more than £100,000 should be approved by full council. Currently, the approval for severance packages in excess of £100,000 is delegated to General Purposes Committee.
- 1.3 On 12 May 2022, the Secretary of State issued new statutory guidance on the making and disclosure of Special Severance Payments (SSP) by local authorities. SSP's are payments made to employees, officeholders, workers, contractors, and others outside of the statutory, contractual or other requirements when leaving employment in public service. Such payments may only be made where there is a convincing case that they are in the interests of taxpayers. In taking decisions, elected members must make all proper enquiries and consider all available material that can help in coming to a decision.
- 1.4 The new guidance is statutory and must be followed. It will require changes to the approval process for Special Severance Payments and will require a change to the Council's adopted Pay Policy.

## **Recommendations:**

The General Purposes Committee is recommended to:

- a) Note the revised process for Special Severance Payments.
- b) Consider the revised 2022/23 pay policy statement and recommend the policy for adoption by full council on 16 November 2022.
- c) Delegate to the Chief Executive, in consultation with the Director of Workforce, OD and Business Support, Chair of the GP Committee and Monitoring Officer, any further minor changes to the 2022/23 pay policy statement.

## **2. REASONS FOR THE DECISIONS**

- 2.1 The Localism Act 2011 received Royal Assent on 15 November 2011. Additionally, the 'Code of Recommended Practice for Local Authorities on Data Transparency' was published in September 2011, under Section 2 of the Local Government, Planning and Land Act 1980. The Code sets out key principles for local authorities in creating greater transparency through the publication of data. Supplementary guidance, 'Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act', was published on 20 February 2013. Further guidance on the making and disclosure of Special Severance Payments was published on 12 May 2022.
- 2.2 The Act's intention is to bring together the strands of increasing accountability, transparency and fairness, with regards to pay.
- 2.3 The provisions of the legislation require local authorities to adopt and publish a pay policy statement. Statements must be approved by full council and have regard to the guidance published by the Secretary of State. Authorities will be constrained by their policy statement, although the statement may be amended at any time by further resolution of full council.

## **3. ALTERNATIVE OPTIONS**

- 3.1 As the publication of a pay policy statement and the nature of its content is a legislative requirement, there are no alternative options.

## **4. DETAILS OF THE REPORT**

- 4.1. The Localism Act guidance (paragraphs 11-15) provides that authorities should offer full council the opportunity to vote on **severance packages** beyond the threshold of £100,000. This applies to the whole severance package and each component, including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid should be

set out clearly. This guidance continues to apply and is not affected by the new Special Severance Pay guidance. There is a distinction between a severance package and a Special Severance Payment. A process for each type of payment is required to be set out.

- 4.2. The table below sets out the authorisation process for Special Severance Payments as laid out in the new regulations.

Amount	Authorisation
Less than £20,000	Authorisation is according to the scheme of delegation
£20,000 to £100,000	Head of Paid Service with a clear record of the Mayor's approval and that of any other who has signed off the payment
£100,000 and above	Full Council

- 4.3. Payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Mayor's approval. We will also require the S.151 Officer and the Monitoring Officer to record their approval of the payment.

- 4.4. Payments below £20,000 must be approved according to the scheme of delegation as set out in the council constitution at Part D.

- 4.5. The following types of payments are likely to constitute an SSP:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

- 4.6. In addition, the following types of payment may be covered:

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

- 4.7. Payments which are **not** covered include:

- a) statutory redundancy payments

- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)
- e) payment for untaken annual leave
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation
- g) payments made as part of the ACAS Early Conciliation process
- h) payments made to compensate for injury or death of the worker
- i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

4.8. Currently, the approval for severance packages in excess of £100,000 is delegated to General Purposes Committee. **This process will change so these are approved by a vote of full council before staff leave the organisation.**

4.9. The pay policy statement will be amended at section 12.2 to reflect the new guidance (set out in Appendix 1), and internal processes will be revised to ensure proper recording of approval and monitoring of severance payments between £20,000 and £100,000 is in place.

4.10. The pay policy statement will be amended at section 12.4.1 to remove the discretion to re-employ staff within a two-year period who have left the organisation by reason of redundancy or early retirement and received a redundancy/severance payment.

4.11. Should any further minor changes to the 2022/23 pay policy statement be required, these amendments could be made by the Chief Executive, after consultation with the Director of Workforce, OD and Business Support, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the GP Committee for consideration.

## **5. EQUALITIES IMPLICATIONS**

5.1 The revised policies and practice will be recorded and monitored to assess any equalities impact.

## **6. OTHER STATUTORY IMPLICATIONS**



6.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

6.2 This report sets out the council's revised pay policy for 2022/23, which is required by law.

## **7. COMMENTS OF THE CHIEF FINANCE OFFICER**

7.1 There are no direct financial implications arising from this report.

7.2 The costs of meeting the Council's Pay Policy will need to be contained within existing staffing budgets agreed through the Annual Budget and MTFs process. The annual Employees budget for General Fund areas is circa £219m.

## **8. COMMENTS OF LEGAL SERVICES**

8.1 The main legal considerations regarding the Localism Act 2011 and the requirements of the statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England published on 12 May 2022 are set out in the body of the report.

8.2 Whilst there may be no approval requirements required for those elements of any severance package which do not constitute a special severance payment (as set out in 4.7 above), if any element of the severance payment falls within the definition of an SSP (as set out in 4.5 and 4.6 above) then regard must be had to the value of the entire payment when considering what authorisation is required.

---

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Draft Pay Policy Statement 2022/23

**List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

**Localism Act 2011**

**DCLG - Openness and Accountability in Local Pay: guidance under section 40 of the Localism Act**

**DCLG - ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’ Supplementary Guidance**

**DLUHC – Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England**

**Communities and Local Government - The Code of Recommended Practice for Local Authorities on Data Transparency**

**Officer contact details for documents:**

Musrat Zaman, Director of Workforce, OD and Business Support 020 7364 4922

# London Borough of Tower Hamlets

## Pay Policy statement 2022/2023

Document History	Version 2
Date Implemented	1 April 2022
Date Amended	16 November 2022



# Contents

1. Introduction .....	3
2. Definitions .....	3
3. Pay and grading structure .....	4
4. Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer remuneration.....	5
5. Salary packages.....	5
6. Lowest paid employees (excluding Schools based staff) .....	5
7. National pay bargaining.....	6
8. Starting salaries and salary progression .....	6
9. Additional payments and allowances.....	6
10. Pensions.....	7
11. Non-permanent workforce resources .....	7
12. Compensation for loss of office.....	8
13. Pay multiples / comparisons .....	9
14. Equality issues.....	9
15. Review.....	10

## 1. Introduction

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account the 'Use of severance agreements and 'off payroll' arrangements Guidance for local authorities" published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2021/2022 pay policy statement.

## 2. Definitions

- 2.1. All the posts in this section (2.1) are collectively referred to as **Chief Officer** in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989
- **Head of the Paid Service**, which is the post of Chief Executive
  - **Statutory Chief Officers**, which are:-
    - Corporate Director, Children and Culture
    - Corporate Director, Health, Adults and Community who is the Council's designated Director of Adults Social Services (and Deputy Chief Executive)
    - Corporate Director, Resources who is the Council's Chief Finance Officer under section 151 Local Government and Housing Act 1989 (the Director of Finance is the Deputy section 151 officer)
    - Director of Legal who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
    - Director of Public Health
  - **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-
    - The Corporate Director, Place
    - Directors that report to a Chief Officer.
- 2.2 The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 1 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 6 below).

### 3. Pay and grading structure

- 3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.
- 3.2 The rest of the workforce are employed on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.
- 3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.
- 3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.
- 3.5 For staff on NJC terms and conditions, the Council uses the national pay spine to determine its pay scale, which is now made up of lettered grades.
- 3.6 All roles are evaluated as follows i) Up to Grade O under the Greater London Provincial Council (GLPC) job evaluation scheme; ii) Grade P under a local variation to the GLPC job evaluation scheme; and iii) Above Grade P under the Joint Negotiating Committee for Chief Officers job evaluation scheme.
- 3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme and replaced spot points with narrow grade bands. This has been implemented by the Council. One of the key aims of the agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.
- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience. There may be exceptional circumstances where an individual may be appointed higher (e.g. to match a current salary) which would require the relevant evidence and appropriate approval.

## **4. Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer remuneration**

- 4.1 Pay for the Head of Paid Service; Corporate Director, Children and Culture; Corporate Director, Health, Adults and Community; Corporate Director, Resources; and Corporate Director, Place is made up of 3 elements:
- Basic pay (defined by a locally agreed grade)
  - London weighting allowance
  - Travel allowance payment
- 4.2 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections.
- 4.3 Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).
- 4.4 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [here](#).

## **5. Salary packages**

- 5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.
- 5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to General Purposes Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

## **6. Lowest paid employees (excluding Schools based staff)**

- 6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point, which is above the level of London Living Wage.
- 6.2 The Council's lowest paid non-London based employees are those who are paid on the lowest scale point, which is above the level of National Living Wage.
- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 01 April 2022 and as the London Living Wage rises in future years, the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

## **7. National pay bargaining**

- 7.1 Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.
- 7.2 The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.
- 7.3 National pay rates are set using a number of factors, including:
- The sector's ability to pay
  - Movement in market rates
  - Inflation levels
  - Other pay awards
  - The Government's policy position regarding public sector pay

## **8. Starting salaries and salary progression**

- 8.1 Starting salaries for staff shall be based on the lowest spinal column point of the grade, unless the individual is already earning more than this, in which case we will match their salary where this is available to match. Staff will only be placed on a higher spinal column point in exceptional circumstances. Directors can authorise appointment to one spinal column point higher. Appointment to a spinal column point above this is subject to evidence and a business case agreed before an offer is made to a candidate and in line with budget affordability. This must be pre-agreed by the relevant Head of HR/Senior HR Business Partner, on behalf of the Director of Workforce, OD and Business Support, ahead of offers being made. The exception to this provides the Chief Executive authority to agree and set pay for Corporate Directors and Directors in conjunction with the Director of Workforce, OD and Business Support.
- 8.2 There should be no increase in spinal points for staff directly matched to a post as part of internal restructuring. If staff are directly matched at the same grade, they should be on the same salary point. If staff are directly matched at a higher grade, it should be at the bottom spinal point of the new grade. If there is a cross over in spinal point between the old and new grade the individual stays at the same spinal point in the new grade.
- 8.3 For staff below Chief Officer level, incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

## **9. Additional payments and allowances**

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These



include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.

- 9.2 Staff undertaking additional duties to a more senior grade will receive payment as appropriate using clear criteria, and where a clear business need is identified.
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, and subject to tight eligibility criteria, for which appropriate approval must be obtained prior to any offer of employment.
- 9.4 The Council's Director of Workforce, OD and Business Support also has authority to agree the payment of market supplements and other payments for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met. (Details are set out in the Council's Market Supplement Policy and Recruitment and Retention Policy).
- 9.5 The Council does not currently operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved by the Head of Paid Service or a Corporate Director in consultation with the Monitoring Officer and Section 151 Officer and input from the Director of Workforce, OD and Business Support.

## **10. Pensions**

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.
- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

## **11. Non-permanent workforce resources**

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and interims, procured through approved third-party providers or the Council's agency contract.

- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one-person limited companies in all but the rarest of exceptions. Where such arrangements are used, the Council seeks to limit them to a maximum duration of 24 months.
- 11.3 Where it is necessary to engage a worker, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator.

## 12. Compensation for loss of office

### 12.1 *Financial terms for redundancy*

The Council has guidance linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension. The Handling Organisational Change policy does not apply to Chief Officers.

### 12.2 *Redundancy/special severance payments*

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance and pension/pension lump sum payments) will be subject to a vote of full council for approval.

Severance packages of £20,000 or more, but below £100,000 will be personally approved by the Head of Paid Service, with a clear record of the Mayor's approval. The S.151 Officer and the Monitoring Officer will also record their approval of the payment.

### 12.3 *Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

### 12.4 *Re-employment or re-engagement following redundancy/early retirement/receipt of compensation for loss of office*

Any member of staff who has left the Council by reason of redundancy or early retirement and received a redundancy/severance payment is required to have a gap before reemployment. The gap should be at least 2 years after the date of termination for all staff who left due to compulsory redundancy or voluntary redundancy before they can return, either as a directly employed member of staff, an agency worker or a consultant. This does not prevent them from working in Tower Hamlets Schools during this period.

12.4.1 If the Repayment of Public Sector Exit Payments Regulations 2016 come into force, any employee or office holder who earns above the threshold set out in the Regulations, will be required to repay in full or part, to the employer who made the payment, any exit payment they receive should they return to any part of the public sector (see the Regulations for a full list), either on or off payroll, within 12 months. This is in addition to the requirements already set out in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

12.4.2 If the Public Sector Exit Payment Regulations 2016 come into force, they will introduce a £95k cap on the total value of exit payments. This cap will include all forms of exit payment available to employees on leaving employment, for example cash lump sums, such as redundancy payments, the cost to the employer of funding early access to unreduced pensions ('pension strain'), severance payments, ex gratia payments and other non-financial benefits, such as additional paid leave. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

### **13. Pay multiples / comparisons**

13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.

13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-point between the highest and lowest) salary position of the non-schools workforce is 1:5.57.

13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:11.43.

13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:

- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
- Addressing its commitment to matching the London Living Wage for our lowest paid staff and encouraging the developmental progression for staff in the lowest graded roles.

### **14. Equality issues**

14.1 The policy elements described in this report derive from national terms and conditions and bargaining, or local discretion. The Council has a keen regard

for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

## **15. Review**

- 15.1 The Pay Policy Statement is reviewed annually and submitted to General Purposes Committee for noting and Council for approval. In the interests of improving accountability and transparency, all appointments made to posts attracting remuneration of £100,000 or more per annum and all severance packages of £100,000 or more during the previous financial year shall be highlighted to Full Council.
- 15.2 Should changes to the Pay Policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before adoption by Full Council.

<p><b>COUNCIL</b></p> <p>18 November 2022</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Ann Sutcliffe, Corporate Director, Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Roman Road Bow Neighbourhood Plan – Post-Referendum Adoption</b></p>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housing</b>
<b>Originating Officer(s)</b>	Marc Acton Fillion, Plan-Making Officer
<b>Wards affected</b>	Bow East, Bow West
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	-
<b>Reason for Key Decision</b>	Significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority
<b>Strategic Plan Priority / Outcome</b>	<p><b>1. People are aspirational, independent and have equal access to opportunities;</b></p> <p><b>2. A borough that our residents are proud of and love to live in</b></p>

**Executive Summary**

The examiner’s report on the Roman Road Bow Neighbourhood Plan was received by the Council and the Roman Road Bow Neighbourhood Forum on 31 May 2022, and recommended that the neighbourhood plan be sent to referendum with a number of modifications. The Council accepted this referendum and it was held on 13 October 2022. Following the outcome of the referendum, the Council must formally ‘make’ the neighbourhood plan and adopt it as part of the development plan for the borough.

**Recommendations:**

The Council is recommended:

1. To note the result of the Roman Road Bow Neighbourhood Plan referendum and adopt the neighbourhood plan, in line with the Planning and Compulsory Purchase Act 2004, Section 38A.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Roman Road Bow Neighbourhood Plan was submitted to the Council, consulted on, and independently examined in line with the provisions in the Town and Country Planning Act 1990, Schedule 4B and the Neighbourhood Planning (General) Regulations 2012. The recommendation of the independent examiner was that the neighbourhood plan be sent to referendum with a number of modifications. This recommendation was accepted by the Council.
- 1.2 The Roman Road Bow Neighbourhood Plan Referendum was held on 13 October 2022. Voters were asked the question: “Do you want the London Borough of Tower Hamlets to use the neighbourhood plan for the Roman Road Bow Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?”.
- 1.3 The result of the referendum was that 1,743 people voted ‘yes’ and 736 voted ‘no’, with 9 rejected ballots. This means that the neighbourhood plan was supported by 70.3% of the eligible votes cast.
- 1.4 The Planning and Compulsory Purchase Act 2004, Section 38A(4) requires that a local planning authority must formally make a neighbourhood plan if more than half of those voting in a relevant referendum approve the neighbourhood plan. The neighbourhood plan must be made as soon as reasonably practicable after the referendum, and within 8 weeks of the day after the referendum.
- 1.5 The exception to the 8 week timeline for making the neighbourhood plan is where a legal challenge has been raised in relation to the conduct of the referendum.
- 1.6 By making the neighbourhood plan, it will be formally adopted as part of the development plan for the borough and will be used in decision-making on all relevant planning applications.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Under the Planning and Compulsory Purchase Act 2004, Section 38A(6), a local planning authority can decline to make a neighbourhood plan following a successful referendum only if it considers the neighbourhood plan to breach, or be otherwise incompatible with, any EU obligations or any of the Convention rights under the Human Rights Act 1998. The reference to EU obligations can here be understood as those EU obligations that were transferred into UK law and have not been repealed since the UK left the EU.
- 2.2 The decision to send the neighbourhood plan to a referendum was taken by Cabinet on 1 August 2022. The report accompanying this decision

assessed whether the neighbourhood plan, as modified, would meet the basic conditions and legal obligations required of neighbourhood plans under the relevant legislation – which include conformity with EU obligations and Convention rights. The report concluded that it did.

- 2.3 There have been no further modifications to the neighbourhood plan since that decision, and it is therefore considered that the assessment from the previous report still applies, and the neighbourhood plan is not incompatible with any EU obligations or Convention rights.
- 2.4 Given this situation, while deciding not to make the neighbourhood plan is a potential alternative option, it is not the recommended option. Taking this option without strong justification as to why the plan fails to comply with EU obligations and Convention rights would open the Council up to intervention by the Secretary of State to force the neighbourhood plan to be made or potential legal challenge.

### **3. DETAILS OF THE REPORT**

3.1 This report provides an assessment of the referendum and adoption of the Roman Road Bow Neighbourhood Plan.

3.2 The content of this report is as follows:

- Section 4: provides an introduction to Neighbourhood Planning
- Section 5: outlines the relevant legislative framework and guidance
- Section 6: provides an assessment of the referendum and adoption of the Roman Road Bow Neighbourhood Plan

### **4. INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY-LED PROCESS**

4.1. The Localism Act 2011 amended the Town and Country Planning Act (TCPA) 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

4.2. The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012.

- 4.3. Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Order (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward proposals for that neighbourhood area.
- 4.4. NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances specified and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.
- 4.5. Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's Development Plan: the Tower Hamlets Local Plan (2020) and the London Plan (2021).
- 4.6. An NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory Development Plan (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.7. NDP policies are developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum. Following the Neighbourhood Planning Act 2016, an NDP must be given some weight in determining planning applications once it has passed examination – even before it has passed at a referendum.

### **Community Infrastructure Levy**

- 4.8. The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ('the CIL Regulations') were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's PPG on 6 March 2014.



- 4.9. The CIL Regulations, as explained by the Planning Practice Guidance (PPG), make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.
- 4.10. The Community Infrastructure Levy PPG states (at paragraph 145) that in areas where there is a 'made' NDP or NDO in place, 25% of CIL collected in the neighbourhood area should be spent in that area. Where there is a parish council in place, the money should be passed to the parish council for them to spend directly. Paragraph 146 states that "if there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding".
- 4.11. Therefore, where an NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25% proportion of CIL receipts will be spent. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

## **5. NEIGHBOURHOOD DEVELOPMENT PLANS: RELEVANT LEGISLATION AND GUIDANCE**

- 5.1. This section outlines the relevant legislative framework and guidance as they relate to the making of NDPs following a referendum.
- 5.2. In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act (PCPA) 2004, a local planning authority:
- (a) *Must make a neighbourhood development plan [...] if in each applicable referendum under [Schedule 4B of the TCPA 1990] more than half of those voting have voted in favour of the plan, and*
  - (b) *If paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held and, in any event, by such date as may be prescribed.*
- 5.3. Section 38A(6) of PCPA 2004 adds that:
- The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, and EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).*
- 5.4. The Planning Policy Guidance on Neighbourhood Planning issued by the government notes four particular EU obligations, as incorporated into UK law, that may be of particular relevance to neighbourhood planning. These are the Strategic Environmental Assessment Directive; the Environmental Impact Assessment Directive; the Habitats Directive; and the Wild Birds Directive (reference 41-078-20140306). The Environmental Impact Assessment

Directive would apply to neighbourhood development orders aimed at granting planning permission on a specific site; while the Strategic Environmental Assessment Directive would apply to plans for a wider area such as the Roman Road Bow Neighbourhood Plan. Although the UK has now left the EU, the requirements of these directives are still incorporated into UK law at this time.

- 5.5. The Neighbourhood Planning (General) Regulations 2012 prescribe a time limit for making a neighbourhood plan following a referendum. Regulation 18A (as inserted by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016) states:

*(1) The date prescribed for the purposes of Section 38A(4)(b) of the 2004 Act is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.*

- 5.6. This time limit does not apply if a legal challenge is brought in relation to the decision to hold a referendum or around the conduct of the referendum.
- 5.7. Following a decision to make a neighbourhood plan, the local planning authority must publish (and send to the qualifying body and any other parties who asked to be informed of the decision) a decision statement setting out the reasons for the decision. This is set out under PCPA Section 38A(9) and (10) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

## **6. NEIGHBOURHOOD DEVELOPMENT PLANS: MAKING THE ROMAN ROAD BOW NEIGHBOURHOOD PLAN**

- 6.1. This section provides an assessment of the proposal to make the Roman Road Bow Neighbourhood Plan, in relation to the legislation outlined above.

### **Outcome of the Referendum**

- 6.2. The referendum on the Roman Road Bow Neighbourhood Plan was held on 13 October 2022. The referendum area was the same as the Neighbourhood Planning Area, and all registered voters living within the Neighbourhood Planning Area were able to vote. The referendum asked the question: “Do you want the London Borough of Tower Hamlets to use the neighbourhood plan for the Roman Road Bow Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?”.
- 6.3. 2,488 votes were cast in the referendum, from an electorate of 20,260 people, giving a turnout of 12.28%. Of those voting, 1743 voted ‘yes’, 736 voted ‘no’, and 9 had their ballot papers rejected. Of the eligible votes cast, 70.3% were in favour of using the neighbourhood plan to help decide planning applications for the neighbourhood area.

## **EU Obligations and Convention Rights**

- 6.4. The question of whether the Roman Road Bow Neighbourhood Plan is compatible with EU obligations and other legal obligations such as Convention rights was considered in the report accompanying the Cabinet Decision of 1 August 2022 that agreed to send the neighbourhood plan to referendum.
- 6.5. It was noted that the examiner's report on the neighbourhood plan stated that "I have concluded that, subject to certain modifications, the plan would meet the legal requirements". The Cabinet report agreed with the examiner's assessment that the neighbourhood plan would meet the legal conditions for neighbourhood plans if the proposed recommendations were implemented. These recommended changes were implemented, and the modified version of the neighbourhood plan was the one considered at the referendum.
- 6.6. Requirements related to the Strategic Environmental Assessment, Habitats, and Wild Birds Directives were covered by a Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report prepared by the Council in August 2021. This report found that, given the proposals in the Roman Road Bow Neighbourhood Plan, a full Strategic Environmental Assessment or Habitats Regulation Assessment would not be required.
- 6.7. No changes of circumstance have taken place since the decision of 1 August 2022 to suggest that the neighbourhood plan no longer meets its legal obligations.

## **Deadline for Decision**

- 6.8. The referendum on the neighbourhood plan was held on 13 October 2022. Under the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), the decision on whether to make the neighbourhood plan should be taken by 8 December 2022.

## **Conclusion and Publicity**

- 6.9. Due to the above assessment, it is recommended that the Roman Road Bow Neighbourhood Plan should be made, and formally adopted as part of the development plan for the borough. The neighbourhood plan was supported by more than half of those voting in the referendum, with 70.3% in favour of using the plan to help decide planning applications in the neighbourhood planning area. The neighbourhood plan does not breach any EU or other legal obligations.
- 6.10. Following the making of the neighbourhood plan, it will be accorded full weight in planning decisions made for land within the Roman Road Bow Neighbourhood Planning Area. A copy of the neighbourhood plan and a map of the neighbourhood planning area have been attached to this report as appendices.

- 6.11. If the decision is taken to make the Roman Road Bow Neighbourhood Plan and formally adopt it as part of the development plan for the borough, a decision statement will be published on the Council's website and distributed to the Roman Road Bow Neighbourhood Forum and any other interested parties.

## **7. EQUALITIES IMPLICATIONS**

- 7.1. Officers have used the Council's Equality Impact Assessment Screening tool to consider impacts on people with the protected characteristics outlined in the Equalities Act 2010. It is considered that the proposals in this report do not have any adverse effects on people who share the protected characteristics and no further action is required.
- 7.2. The Roman Road Bow Neighbourhood Forum prepared an equalities impact assessment of the proposals in the neighbourhood plan, and included this in the Basic Conditions Statement dated September 2021, which formed part of the neighbourhood plan submission. The Basic Conditions Statement was part of the submission package considered by Cabinet on 24 November 2021; part of the Regulation 16 consultation on the neighbourhood plan held in December 2021 and January 2022 (see paragraph 8.2 below); and was considered by the examiner as part of the examination of the neighbourhood plan held between March and May 2022. No concerns were raised about the equalities impact assessment at any of these stages.

## **8. OTHER STATUTORY IMPLICATIONS**

- 8.1. This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
- 8.2. Consultations: The Roman Road Bow Neighbourhood Plan underwent three formal consultations earlier in the process. The first stage (known as 'Regulation 14' consultation) was held between March and April 2021, and organised by the neighbourhood forum. The responses to this consultation were used by the neighbourhood forum to update the neighbourhood plan, as set out in the Consultation Statement that was submitted alongside the neighbourhood plan for examination. Following a minor correction of the neighbourhood planning area boundaries, a second Regulation 14 consultation was held to invite representations on whether the boundary

change affected the content of the neighbourhood plan – this consultation was held between 5 July and 15 August 2021, and was also organised by the neighbourhood forum. Prior to the submission of the neighbourhood plan for examination, the Council arranged a second stage of consultation between December 2021 and January 2022 (known as ‘Regulation 16’ consultation). The responses from this consultation were submitted to the independent examiner of the plan for consideration as part of the examination process.

- 8.3. Environmental Implications: There is a statutory requirement to determine whether neighbourhood plans require a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA), and for such assessments to be undertaken if necessary. The Council undertook an SEA/HRA screening of the draft neighbourhood plan before submission for examination, and concluded that a full SEA or HRA was not required. This decision was published by the Council in August 2021.

## **9. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 9.1. There are no material financial implications emanating from this report which seeks the adoption of the Roman Road Bow neighbourhood plan.
- 9.2. Any costs associated with the referendum process and adoption of the plan will be met from within existing revenue budget provision.
- 9.3. There is no Parish Council in place for the Roman Road Bow area. As a result, the CIL regulations 2010 allow the Council to retain any CIL income collected from this area but it must reinvest 25% of this income back into the local community. Should the neighbourhood plan be adopted then this will need to be considered when allocating CIL funding.

## **10. COMMENTS OF LEGAL SERVICES**

- 10.1. Section 38A(4) of the Planning and Compulsory Purchase Act 2004(‘the 2004 Act’) defines a ‘neighbourhood development plan’ as a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan. Section 38A(4) of the 2004 Act also states that Schedule 4B of the Town and Country Planning Act 1990 (as amended) (‘TCPA 1990’) also applies to neighbourhood development plans.
- 10.2. The Roman Road Bow Neighbourhood Plan was submitted to the Council, consulted on, and independently examined in line with the provisions in Schedule 4B of the TCPA 1990, and the Neighbourhood Planning (General) Regulations 2012(as amended).
- 10.3. Pursuant to paragraph 12(4) and (5) of Schedule 4B of the TCPA 1990, the Council must hold a referendum on the making of a neighbourhood development plan.

- 10.4. Under s38A(4) of the 2004 Act, the Council must make a neighbourhood development plan if in any referendum held under Schedule 4B of the TCPA 1990, more than half of those voting have voted in favour of the plan. The Council must make any such plan as soon as reasonably practicable after the referendum is held and no later than the last day of the period of eight weeks beginning with the day immediately following that on which the referendum is held. This means that the Council will need to formally make the neighbourhood plan by 8 December 2022.
- 10.5. Pursuant to s38(6) of the 2004 Act, if the neighbourhood plan has been approved at the referendum, it will attain the same legal status as a local plan (and other documents that form part of the statutory development plan). At this point it will come into force as part of the statutory development plan and applications for planning permission in this neighbourhood area must be determined in accordance with this development plan, unless material considerations indicate otherwise.
- 10.6. Pursuant to sections 38A(9) and (10) of the PCPA 2004 and regulation 19 of the Neighbourhood Planning (General) Regulations 2012, following a decision to make a neighbourhood plan, the local planning authority must publish (and send to the qualifying body and any other parties who asked to be informed of the decision) a decision statement setting out the reasons for the decision.
- 10.7. Following the formal adoption of such plan, the neighbourhood area can benefit from the allocation of 25% of CIL receipts relating to planning permissions granted in the area. The council will hold these funds but will consult with local people on how best to spend the money which could include supporting infrastructure development and addressing any other demands that development places on the area
- 10.8. Under s61(N) of the Town and Country Planning Act 1990, a claim for judicial review questioning a decision to make a neighbourhood plan must be filed before the end of 6 weeks beginning on the day that the decision is published. Deferring the implementation of the neighbourhood plan until after the end of 6 week period for any claim to be filed will provide certainty to both officers and the development industry on the application of the adopted neighbourhood plan.
- 10.9. In terms of any implications of the proposed recommendations arising from the Equality Act 2010 paragraphs 7.1 and 7.2 of this report state that the Council has subjected the recommendations in this report to an Equalities Impact Assessment Screening Tool. It concludes that the proposals in this report do not have any adverse effects on people who share Protected Characteristics as defined in the Equality Act 2010 and no further action is required. Additionally, the Roman Road Bow Neighbourhood Forum prepared and submitted an Equalities Impact Assessment with the Basic Condition Statement dated September 2021, which formed part of the neighbourhood plan submission and which was considered both by the Council and the

independent Examiner with no issues being identified. Both documents concluded that no negative equalities impacts would arise from the implementation of the Neighbourhood Plan. The assessments therefore demonstrate that the Council has complied with and discharged the Public Sector Equality Duty in s149 of the Equality Act 2010.

10.10. Paragraph 8.2 of this report sets out the extent of the consultation exercises undertaken and demonstrates a fair and legally robust process.

---

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Roman Road Bow Neighbourhood Plan Examiner's Report and Referendum, Cabinet Report, 1 August 2022 - <http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=720&MId=13169&Ver=4>

### **Appendices**

- Appendix 1: Roman Road Bow Neighbourhood Plan
- Appendix 2: Map of Roman Road Bow Neighbourhood Planning Area

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

### **Officer contact details for documents:**

Marc Acton Filion, Senior Planning Officer, Plan-Making Team

This page is intentionally left blank



# ROMAN ROAD BOW NEIGHBOURHOOD PLAN 2021 - 2031

Referendum  
Version June 2022

*Public Works & London Metropolitan University*

# #1 >> CONTENT

## TABLE OF CONTENTS

Page 250

<b>LIST OF POLICIES AND NON-POLICY ACTIONS</b>	<b>4</b>	<b>VISION AND PLAN OBJECTIVES FOR ROMAN ROAD BOW</b>	<b>28</b>	<b>OBJECTIVE 3: BEAUTIFUL PUBLIC SPACES</b>	<b>50</b>	8.2 Policy on site allocations	68
<b>NON-POLICY ACTIONS</b>		<b>OBJECTIVE 1: THRIVING HIGH STREET AND LOCAL ECONOMY</b>		6.1 Summary of current Issues	50	8.3. Policy supporting Community-led housing	72
<b>WELCOME FROM THE CHAIR OF ROMAN ROAD NEIGHBOURHOOD FORUM</b>	<b>6</b>	4.1 Summary of current issues	32	6.2 Policy to enhance public realm spaces	50	8.4 Policy on low carbon housing	75
<b>INTRODUCTION</b>	<b>8</b>	4.2 Policy encouraging flexible use of premises	33	6.3 Policy to designate Local Green Spaces	53	<b>OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE</b>	<b>78</b>
1.1 Purpose of the plan	8	4.3 Site specific action: Bow House Business Centre	36	<b>OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE</b>	<b>58</b>	9.1 Summary of current Issues	78
1.2 Structure of the plan	8	4.4 Action for support to job seekers and local businesses	37	7.1 Summary of current Issues	58	9.2 Policy to create additional and improved sports and play facilities	78
1.3 Preparation of the plan	9	4.5 Action for local cross-sector collaboration	39	7.2 Policy for Bow Wharf waterway infrastructure conservation and enhancement	58	9.3 Action for new and improved youth facilities	80
1.4 Wider policy context	10	<b>OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING</b>	<b>40</b>	7.3 Policy for public houses to become locally designated heritage assets	61	9.4 Action to improve existing community centres	82
1.5 Monitoring the Plan	11	5.1 Summary of current issues	40	7.4 Action supporting opportunities for new types of Public House	65	9.5 Action to form a consortium of community groups	84
<b>LOCAL CONTEXT</b>	<b>12</b>	5.2 Policy to Improving safe walking and cycling routes	40	7.5 Action for wayfinding and an updated Bow Heritage Trail	66	9.6 Action to encourage Community Asset Transfer	85
1.6 Roman Road Bow Neighbourhood Plan area boundary	12	5.3 Action to improve walking and cycling provision	46	<b>OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING</b>	<b>68</b>	9.7 Action to improve accessibility to health and social care facilities	87
2.1 History of Bow	13			8.1 Summary of current issues	68	<b>PRIORITIES FOR COMMUNITY INTEREST LEVY (CIL)</b>	<b>90</b>
2.2 Profile of the community today	16					References	92
2.3 Opportunities and challenges in Roman Road Bow	18						

# LIST OF POLICIES

## **LIST OF POLICIES AND NON-POLICY ACTIONS**

### **Thriving high street and local economy**

Policy LE1: Encouraging flexible use of premises

### **Green streets that encourage walking and cycling**

Policy GS1: Improving safe walking and cycling routes

### **Beautiful public spaces**

Policy PS1: Enhancing public realm spaces  
Policy PS2: Designating Local Green Spaces

### **New life for our local heritage**

Policy HE1: Conserving and enhancing Bow Wharf

Policy HE2: Designating public houses as local heritage assets

### **High quality affordable housing**

Policy H1: Allocating sites for housing

Policy H2: Community led housing

Policy H3: Low carbon housing

### **Resilient and well-networked community infrastructure**

Policy CF1: Developing new and improved sports and play facilities

## **LIST OF NON-POLICY ACTIONS**

The following table summarises issues referred to in the neighbourhood plan which aren't directly related to land use. Tackling them has the potential to contribute to sustainable economic, social and environmental development in the neighbourhood area.

### **Non-land use issues to be addressed Thriving high street and local economy**

Site specific action LE2: Bow House Business Centre, 153-159 Bow Road E3 2SE

Action LE3: Sustained support for job seekers and local businesses

Action LE4: Local cross-sector collaboration

### **Green streets that encourage walking and cycling**

Action GS2: to improve safe walking and cycling

### **New life for our local heritage**

Action HE3: Opportunities for new types of Public House

Action HE4: Wayfinding and Bow Heritage Trail

### **Resilient and well-networked community infrastructure**

Action CF2: Developing new and improved youth facilities and support

Action CF3: Improving existing community centres

Action CF4: Partnership working

Action CF5: Community Asset Transfer and Assets of Community Value

Action CF6: Improving access to health and social care facilities

# >> INTRODUCTION

## Welcome from the Chair of Roman Road Bow Neighbourhood Forum

In February 2016 when Roman Road Trust first tabled the idea for preparing a neighbourhood plan at a public meeting, it wasn't the threat of large scale development that brought us together, but the opportunities that we all saw for engaging in a neighbourhood planning process that would create the means to bring new life to our high street and green spaces; to raise awareness about what is valuable about the community we live in - its ethnic diversity, its history of championing social change and the heritage of some of its architecture - public buildings, bridges, houses and pubs. We also recognised that the neighbourhood has some challenges: the impacts of traffic on air quality are making walking and cycling less appealing; a shortage of genuinely affordable and good quality homes; a narrow range of shops, empty retail units and a struggling market.

The Covid-19 pandemic has shone a spotlight on fissures that were already present in our neighbourhood's fabric - more retail units are under threat, there is less funding available to improve open spaces and community facilities, at a time when these have become more valued. At the same time, wider issues of climate change create local consequences that the plan can help to address.

This plan has been developed with those who live, work or study in the plan area. It will help determine planning decisions and shape Bow's physical environment. The plan will be part of the **Development Plan for Tower Hamlets**, which is comprised of the **London Plan 2021**, the **Tower Hamlets Local Plan 2031** and Neighbourhood Plans.

**Alex Holmes**

**Chair Roman Road Bow Neighbourhood  
Forum Committee**

The Forum would like to give special thanks to the following people who have given their time, support and expertise towards the development of the plan: Local residents - Sarah Allan, Eddie Blake, Sarah Bland, Gavin Cambridge, Janita Han, Patricia Hernandez, Alex Holmes, Amal Osman, Seth Pimlott, Will Tanner Tom Martin, Margaret McGinley, Mike Mitchell,, Natalya Palit, Lee Sargent, Tabitha Stapely, Rosie Vincent, John White, Nadia Wilkinson, Marco Zed.

Chris Bowden (Navigus Planning), Ellie Kuper-Thomas, Marc Acton Filion (LBTH), Steven Heywood (LBTH Plan Making Team), Daniella Ricci and Torange Khonsari (Public Works), Elena Besussi, Tse Wing Lam, David Maguire, Hui Yam ( Bartlett School of Planning UCL); Gabriella Cara, Mihir Kataria, Adriana Neamtu, Wahida Omar, Aman Rathour (QConsult team Queen Mary College).

# INTRODUCTION

## 1.1 Purpose of the plan

This is the Neighbourhood Plan for the Roman Road Bow Neighbourhood Area over the period from 2021 to 2031. The principal purpose of the Neighbourhood Plan is to guide development within the Neighbourhood Plan Area (NPA) and provide guidance to anyone wishing to submit a planning application for development in the NPA. The plan defines a vision for the NPA focussing on the local economy, connectivity, open space, heritage, housing and community infrastructure, and sets out how that vision will be realised through planning and controlling land use and development change over the plan period.

The Covid-19 pandemic has seriously impacted Bow and the local economy, whilst also demonstrating the resilience and cohesion of our local community. We believe the neighbourhood plan offers a framework that will help shape a sustainable future for Bow, whilst respecting our rich heritage.

## 1.2 Structure of the plan

The Plan comprises a vision for the area, and a set of objectives in thematic chapters. Each of the objectives presents a summary of issues followed by the different policies, actions and aspirations. These are respectively accompanied by their conformity with other policies and a justification.

The planning policies are in green boxes. Some of the Neighbourhood Plan policies are general and apply throughout the Plan area, whilst others are site or area-specific. In considering proposals for development, Tower Hamlets Council will apply all relevant policies in the Plan. It is therefore assumed that the Plan will be read as a whole, although some cross-referencing between Plan policies has been provided.

The process of producing the Neighbourhood Plan has identified a number of aspirations and actions which have not been included in the policies' sections. This is because these are not specifically related to land use matters and therefore sit outside the jurisdiction of a Neighbourhood Plan. These aspirations and actions will be addressed outside the Neighbourhood Plan process and are shown in yellow boxes.

Green box = Planning policies

Yellow box = aspirations and actions

## 1.3 Preparation of the plan

The Plan has been prepared by the community through the Roman Road Bow Neighbourhood Forum (RRBNF) Committee, formed in February 2016 after the first Neighbourhood Forum meeting, where the proposal to prepare a neighbourhood plan was put forward and discussed.

Tower Hamlets Council, as the local planning authority, designated the Roman Road Bow Neighbourhood Planning Area (NPA) in February 2017 and amended this in June 2021. The revised boundary excludes small areas of land adjacent to the A12 Blackwall Tunnel Road that lie within the London Legacy Development Corporation's

planning area.

The Council designated the Roman Road Bow Neighbourhood Planning Forum, (the body responsible for developing the plan), in August 2017.

The different topic areas in the Plan reflect matters that are important to the NPA's residents, businesses and community groups. The Forum Committee has sought to engage the local community at each stage of the preparation of the plan. See the accompanying Roman Road Bow Neighbourhood Plan Engagement Report <sup>1</sup>, prepared by Public Works, that forms part of the evidence base supporting the Plan's proposals and policies.



Fig. 1: General Meeting 2017 in The Common Room

## 1.4 Wider policy context

This Neighbourhood Plan has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended).

The Neighbourhood Plan, once adopted, will represent one part of the development plan for the neighbourhood area over the period 2021 to 2031, the other parts being the Tower Hamlets Local Plan 2031 and The London Plan 2021. The National Planning Policy Framework, representing national planning policy, is also a material consideration.

### 1.4.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out national planning policy and provides general guidance on a wide range of planning matters. It includes a presumption in favour of sustainable development, meaning that the development plan should seek to meet the needs of the borough for housing and other uses, and that planning proposals which accord with an up-to-date development plan should be approved. Where there are no policies relevant to the application, either within the Neighbourhood Plan or other relevant and up-to-date plans for the area, then Tower Hamlets

Council should grant permission unless material considerations indicate otherwise.

The NPPF outlines the purpose of neighbourhood planning: “[it] gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development...” (p10, para. 29, NPPF 2019). The NPPF establishes the framework for developing local plans and neighbourhood plans. It states that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” (p5, para. 9, NPPF 2019).

### 1.4.2 The London Plan 2021

A neighbourhood plan must be in general conformity with The London Plan. The London Plan contains detailed planning policy which must be applied, where relevant, to proposals in the Roman Road Bow Neighbourhood Plan Area unless there are very good reasons for not doing so.

The Roman Road Bow NPA falls within the London Plan’s Strategic Areas for Regeneration. Roman Road (East) has been classified as a district centre, with low commercial growth potential and incremental residential growth potential (p547, Table A1.1, The London Plan).

### 1.4.3 Tower Hamlets Local Plan 2031

Tower Hamlets Local Plan 2031 (p198, para 17.9) concerning sustainable places acknowledges the contribution of neighbourhood plans: “Neighbourhood plans may also shape the future planning of these areas at a neighbourhood level and developers and other relevant parties will need to consult with neighbourhood forums to inform development proposals in the neighbourhood planning areas.”

The Roman Road Bow NPA falls within the Central sub-area (p199, Tower Hamlets Local Plan). The NPA sits within Bow, one of nine character areas within the Central sub-area. There are no site allocations within the NPA or in close proximity.

There are 20 wards in Tower Hamlets local authority boundary. The NPA sits within two wards - Bow East and Bow West.

### Central Area Good Growth Supplementary Planning Document, Tower Hamlets Council August 2021

The Central Area, which includes Bow, is only one of four sub-areas in the borough that is not an Opportunity Area of high growth. However; “in order to meet future needs, the Central Area needs to accommodate 7,597 new homes, or 14% of the borough’s total, during the plan period.”<sup>1</sup>

The Central Area Good Growth SPD

provides guidance to help the council deliver this housing growth, focusing specifically on design guidance to ensure that new developments respect and enhance the well-established character of this part of the borough. In addition to helping the council deliver its vision for the Central Area, the SPD also supports Priority 2 of **Tower Hamlets Strategic Plan 2020-23:** “People live in a borough that is clean and green; People live in good quality affordable homes and well-designed neighbourhoods; People feel safer in their neighbourhoods and anti-social behaviour is tackled; People feel they are part of a cohesive and vibrant community.”<sup>2</sup>

## 1.5 Monitoring the Plan

Roman Road Bow Neighbourhood Forum, as the responsible body for the Neighbourhood Plan, will maintain and periodically revisit the Plan to ensure relevance and to monitor delivery.

## LOCAL CONTEXT

### 1.6 Roman Road Bow Neighbourhood Plan Area boundary

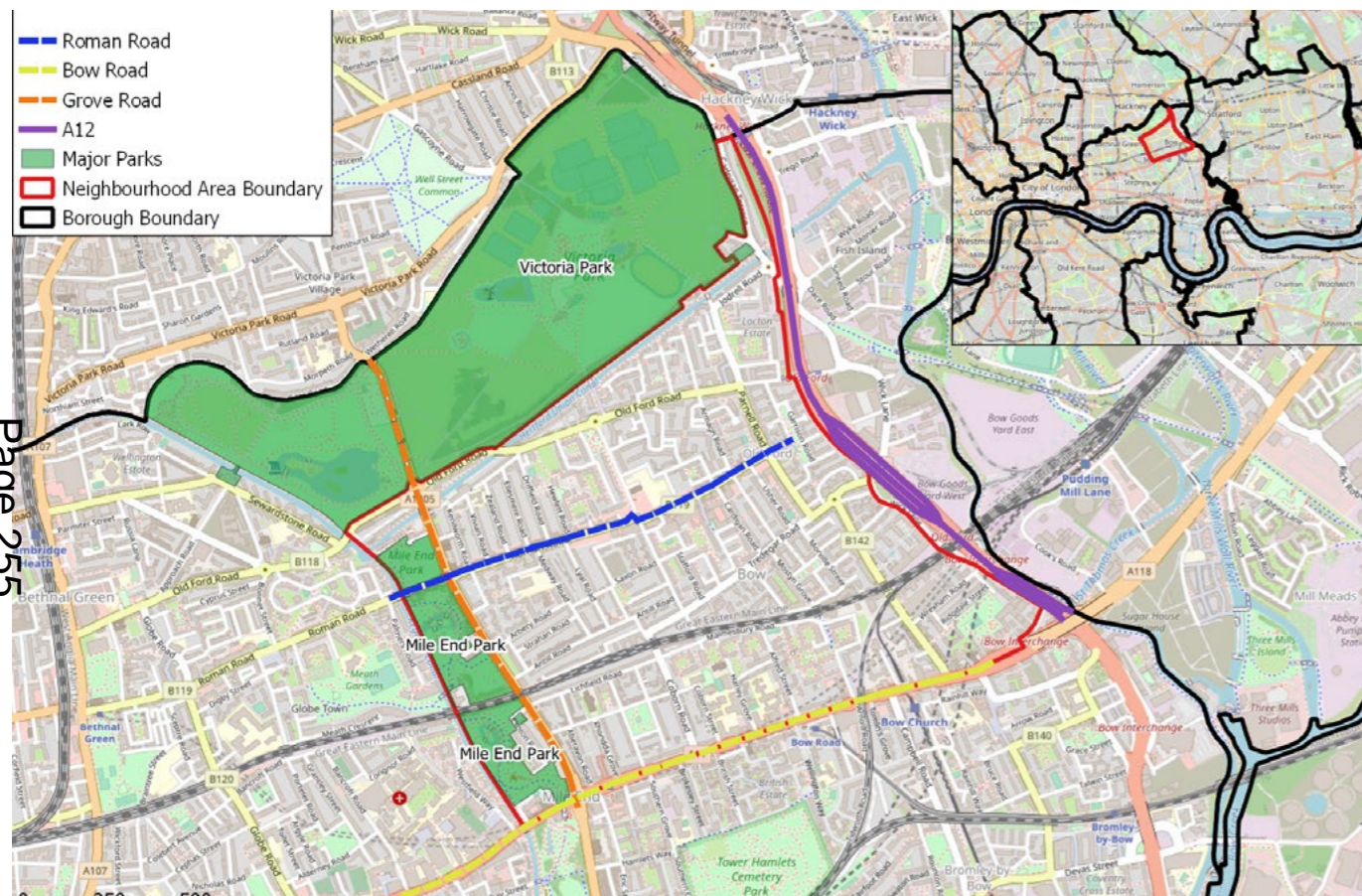


Fig. 2: Roman Road Bow Neighbourhood Plan Area boundary

The NPA is located between Globe Town to the west, Victoria Park to the north, Mile End to the south and Fish Island and the Olympic Park to the East. The A12 Blackwall Tunnel Road cuts through Bow north to south. Fish Island to the East is in a separate planning authority, the London Legacy Development Corporation (LLDC), formed in April 2012 to secure the

legacy of the 2012 Olympic Games. All LLDC land is excluded from the plan area.

The NPA is similar in boundary to the area identified as "Bow" in the Tower Hamlets Local Plan Sub Area 2: Central.

## 2.1 History of Bow

### 2.1.1 Economic character

London's docks had driven employment in Bow until their decline after the second world war and closure in the late 1960's. The docks represented east London's connection with trade and industry (The Bryant and May match factory, which closed in 1979, became one of East London's first urban renewal projects in 1988). For over 100 years, the economy of Roman Road Bow has been shaped by The Roman Road Market, which has been an important employer in

the area, sustaining local retail and businesses. The market once attracted visitors from across London, but has been in decline in recent years.

### 2.1.2 Urban character

The Central Area Good Growth SPD characterises the Bow area as a location which: "...generally has a finer grain to the west and a coarser grain to the east, with poorer permeability and legibility in and around post-war estates and more recent developments, and easier movement where Victorian and Georgian terraces are prevalent."<sup>3</sup>



Fig. 3: Bow's mixed urban fabric

## LOCAL CONTEXT

The varied character of street patterns, open spaces and homes in the NPA reflect Bow's rapid growth and change over 200 years. Georgian houses on Coburn Road and Tredegar Square are examples of the prosperity in Bow during the 1700's. The Victorian period saw rapid industrial growth with new road, rail and waterway infrastructure that today are assets as well as barriers to connectivity. Victoria Park, built in 1845 as a lung for the local population to escape the polluted east end air, is still a popular

and cherished green space. Post-war slum clearances saw the development of housing estates such as the Ranwell Estate and the Malmesbury Estate. Their layouts created new open spaces, many of them now under-used. Nearly 1,700 homes were built in the wider Bow area, including the NPA, between 2010-15. With little available land, the Council has focused on infill sites, demolishing Council owned buildings which no longer serve their original purpose, and re-building on these sites. Between



Fig. 4: Housing developments in Bow 2000 – 2015  
( <https://romanroadlondon.com/residential-housing-developments-bow/> )

2015-19 planning approval was granted to almost 170 new homes, including 106 age-restricted flats,<sup>4,5</sup> four townhouses<sup>6</sup> and 32 dwellings for market sale to cross-subsidise some of the age-restricted developments.

**2.1.3 Social and cultural identity**  
Bow has a rich history exemplifying the East End spirit of determination and resilience. It has been home to social reform movements such as the Suffragettes, and for centuries immigrants have settled here, shaping the area's local character and identity.



Fig. 5: Suffragette Mural , Lord Morpeth

Artists have established themselves in Bow since the East London Group in the 1920's, and continue to find a place here, producing and exhibiting their work. In Hackney Wick there is still a thriving community of artists, with 610 studios and up to five artists per studio. The LLDC, in preparing its plans for building new homes in Hackney Wick and Fish Island, realised they needed to accommodate growth without displacing the area's existing

working and creative community. There are concerns however that rising rental costs are driving some artists away. In writing the neighbourhood plan for Bow, we have sought to ensure we value and conserve our rich and diverse heritage, whilst supporting high quality, sustainable development.



### 2.2 Profile of the community today

2011 Census data shows the population of Bow East and Bow West wards was 27,720. Projected growth for 2018-2028 for part of Bow East, which includes Fish Island, is over 51%, with a slight fall predicted for most of Bow West. This is because there is little housing development planned in Bow West, while at the same time the average household size of the existing population is expected to fall as the population ages.

#### 2.2.1 Bow West Ward<sup>7</sup>

- 41% of residents were Black and Minority Ethnic (BME). This proportion was lower than the borough average of 54%
- Residents of Bangladeshi origin accounted for 21% of the population, also a lower proportion than the borough average
- The population aged 65 and over was almost 2% higher than the borough average, at 8%, with the under 16's forming 19% of the local population
- 33% of the ward's households were owner occupied. As a result, there were a correspondingly lower proportion of households who lived in socially rented accommodation (39%) or privately rented accommodation (28%)
- Renters as a whole account for 66% compared to the borough average of 72%

#### 2.2.2 Bow East Ward<sup>8</sup>

- 40% of residents in the ward were BME, 14% lower than the borough average of 54%
- Residents of Bangladeshi origin accounted for 17% of the population, a lower proportion than the borough average
- The population aged 65 and over was almost 1.5% higher than the borough average, at 7.4%, with the under 16's forming 17.5% of the local population, 2% lower than the borough average
- There was a higher than average proportion of socially rented properties and a higher than average proportion of private rented properties in this ward accounting for 73% of all properties in the ward



Fig. 6: Welcome banner outside Chisenhale School

## LOCAL CONTEXT

### 2.3 Opportunities and challenges in Roman Road Bow

A series of public engagement events run by the Forum Committee in 2018 and presented in more detail in the supporting evidence material, highlighted serious challenges that are described below.

**Comments gathered from a consultation with local communities conducted by the Forum in 2018. Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019)**

"Playground is uninspiring. How about improving the playground for the very little ones? Not much for toddlers to play here."

"There is inadequate visitor cycle parking along Roman Road. Adding additional sheffield stands would encourage sustainable transport."

"Protecting current and more green spaces. Planting trees and fruit trees can be helpful."

"Width of pavement adjacent to bus stop on eastern side of Grove Road is far too narrow, when there are many passengers waiting."

"Hostile and unsafe for pedestrians and cyclists with no pedestrian crossing."

"Mile End Park - neglected, unwelcoming."

"Poor streetscape and need more trees on Roman Road.."

"I love the pretty oversized iris on pedestrianised Eden Way. There are other flowers dotted around Bow but this is a favourite. More please!"

"Significant barrier for pedestrian and cyclist movement to the: green space of the Olympic Park and all of its health and leisure facilities."

## LOCAL CONTEXT

### 2.3.1 The local economy

#### Opportunities:

The Roman Road has an historic street market and a number of long established family businesses, shops and eating places. Roman Road East, as a designated District Centre, should be promoted as a vibrant hub containing a wide range of shops, services and employment. The Mile End Neighbourhood Centre and the Bow Road Neighbourhood Parade are also protected by designation within the town centre hierarchy. There are also a number of popular pubs such as Eleanor Arms, Lord Tredegar, Morgan Arms, The Coburn and the Palm Tree in Mile End Park.

#### Challenge:

There are a substantial number of empty retail units, particularly on Roman Road. Residents have commented on the narrow range of shops, lack of restaurants and almost no evening economy. The historic street market, while popular with some residents, no longer has the wider draw that it used to. Heavy traffic along St Stephen's Road and Tredegar Road discourages people from visiting the area. There are other underused local shopping parades, such as on Malmesbury Road.

### 2.3.2 Transport and connectivity

#### Opportunities:

The area has good transport connections, with Mile End and Bow Road tube stations and Bow Church DLR stations on its southern boundary, and is well served by bus routes.

#### Challenges:

There are limited cycle routes and cycle parking through the neighbourhood plan area. Many residents highlighted the poor pedestrian and cycle connections, such as Tredegar Road/A12 junction, as barriers to accessing the facilities of the Olympic Park.



Fig. 7: Former Co-op funeral care



Fig. 8: Crown Close pedestrian bridge

## LOCAL CONTEXT

The pedestrian environment is considered poor by many residents, who highlighted speeding commuter traffic, pollution and congestion as issues across the area. The market section of Roman Road is a one-way street on non-market days, making it less attractive for pedestrians.

Mile End and Bow Road underground stations lack step-free access. Fish Island has its own Area Action Plan, which highlights poor connectivity with the surrounding area: *“Enhancing connectivity between Fish Island and its surroundings to make a genuinely joined up place in East London will be essential to secure sustainable development and ensure that the communities in Tower Hamlets can enjoy the benefits flowing from the Olympic Legacy and Stratford City developments.”*<sup>9</sup>

### 2.3.3 Public realm and green spaces

#### Opportunities:

The Neighbourhood Plan Area is bounded by excellent large parks including Victoria Park to the north, Mile End Park to the West and The Olympic Park to the East. The Hertford Union canal runs along the edge of Victoria Park, which links with the Regent’s canal that runs along the edge of Mile End Park. All of these provide much appreciated amenity spaces.

Bow is privileged to have Growing Concerns garden centre locally, which can assist with the design and planting of gardening projects.

#### Challenge:

The maintenance of Mile End Park is under-resourced. There is anti-social behaviour along the canal towpath and in the park. Green spaces in housing estates are often under-used and unloved. Some parts of the area lack any green spaces or trees.



Fig. 9: Traffic congestion on Roman Rd



Fig. 10: Wennington Green

## LOCAL CONTEXT

### 2.3.4 Heritage

#### Opportunities:

Bow has a wealth of history, including its industrial and suffragette past.

#### Challenges:

The fragile character of Roman Road has been eroded in the past by unsympathetic alterations and re-building. Conservation areas sometimes lack detailed guidance over where extensions may be appropriate, including guidance on

form, colour, texture, profile, materials, massing, fenestration, buildings lines, street frontages, scale, proportion and architectural detail. Heritage assets, such as historic canal bridges, are often poorly maintained with a lack of clarity over who is responsible for them. At the Former Coborn Station on Coborn Road, buddleia overhangs the entrance, and the blue plaque that was above the main entrance, is no longer there.



Fig. 11: The Former Coborn Station, Coborn Road.

### 2.3.6 Housing

#### Opportunities:

The fine grain and low-rise character of the area is appreciated by residents, who wish this to be maintained. There is an opportunity for well-designed, small-scale, affordable housing schemes, including community-led developments. These opportunities are more clearly defined below:

To identify and allocate appropriate small sites for well designed, residential developments, and encourage intensification of under-developed and brownfield sites.

To encourage creative design in small-scale housing developments, and to promote a greater variety of housing types which foster community cohesion.

To promote affordable housing suitable for people of all ages and circumstances, helping to build long-term communities, and reducing the transient population.

To promote and prioritise Community-Led Housing, as a preferred delivery mechanism for affordable housing.

To support low carbon housing.

#### Challenges:

There is a lack of genuinely affordable housing, alongside a piecemeal approach to development, including infills. This is due, in part, to the lack of available development sites, and the existing dense urban grain of the area.

Increasing house prices are prohibitive for many, and there is a need for more housing for people on modest incomes and for larger families.

A Housing Needs Assessment for Bow, conducted in March 2020, concluded:

*“Unless there is an increase in the vacancy rate from the existing affordable housing stock, the flow of unmet affordable need is an average of 86 dwellings per annum in Bow East and an average of 97 dwellings per annum in Bow West over the 5-year period to 2024, a total of 183 per annum. The capacity of affordable housing in the wards would need to double in approximate terms to generate sufficient supply on an annual basis to meet this requirement. Nearly half of this requirement would need to be in the form of 1-bedroom flats and apartments. 3 and 4-bedroom affordable homes should also be built in smaller quantities. Building of 2-bedroom homes should be resisted as the existing capacity of 2-bedroom homes in the wards is significantly higher than the requirement.”<sup>10</sup>*

## LOCAL CONTEXT

### 2.3.5 Community infrastructure

#### Opportunity:

There are several well-loved cultural facilities such as Chisenhale Studios and Bow Arts Trust, and a variety of places of worship, including Bow Church, commissioned in 1311.



Page 262

Fig. 12: Chisenhale Studios

#### Challenges:

Some community facilities are underused, such as the Ecology and Arts Pavilions in Mile End Park. The number of general community spaces and halls is falling due to increasing rents. Out of school children's and youth provision in the area is sparse and patchy. A survey of 54 students at Morpeth School concluded:  
*"Regarding the desire for new facilities, youth clubs were mentioned by 22% of students, contrasting with only 6% saying they attend one. The fact that 65% of students mentioned leisure facilities of some kind demonstrates a clear desire for more or better youth leisure provision."*<sup>11</sup>



Fig. 13: Art Pavilion in Mile End Park

## VISION AND OBJECTIVES FOR ROMAN ROAD AREA

Our vision is for step-by-step improvements led by the community, to protect and enhance a neighbourhood where everyone feels they belong.

We believe that the implementation of the policies and actions in this plan will bring:

- greater flexibility of commercial spaces for different business uses, halting the decline of our high street whilst retaining and diversifying local employment opportunities;
- improvements to walking and cycling routes, creating safer streets and benefitting the health of the local community;
- a friendlier outdoor environment with spaces that are loved by local people, by removing unnecessary street furniture and improving specific open spaces across the neighbourhood;
- new life to the Bow Heritage Trail and protect our public houses and waterway infrastructure, placing the rich history of the area at the heart of future changes
- new homes built by and for the local community, giving residents an affordable choice of continuing to live in the neighbourhood; and
- greater control to the network of community groups who support a wide range of activities in the area allowing them to ensure these activities can flourish and benefit the local community into the future.

Our vision is underpinned by the following six objectives that support the plan policies:

### Objective 1: Thriving high street and local economy

Bow neighbourhood offers a wider variety of shops and other amenities. There are fewer vacant units, Roman Road having adapted its offer to reflect the range of different needs of the population, providing a more lively and safe local centre throughout the day and into the evening. Overall, retail is a smaller part in the local economy, the district centre having a broader range of uses and activities, including, the charitable sector, leisure, arts and culture, health and social care services. Modern local landmarks such as Bow House Business Centre are fully occupied, and provide much needed space for businesses and other local groups.

Policy encouraging flexible use of premises	Policy LE1
Site specific action: Bow House Business Centre businesses	Action LE2
Action for support to job seekers and local businesses	Action LE3

### Objective 2: Green streets that encourage walking and cycling

By 2031, we have a high quality network of pedestrian and cycle connections and supporting infrastructure such as secure short-term cycle parking. The area is more accessible to get to and move around in. Liveable Neighbourhoods funding has delivered a network of attractive green routes that are safe to use. Instead of driving, people choose to walk and cycle, reducing local traffic volumes, associated air pollution and parking issues.

Policy for improving safe walking and cycling routes	Policy GS1
Actions to improve walking and cycling	Action GS2

### Objective 3: Beautiful public spaces

By 2031, investment has transformed the public realm by creating green and de-cluttered local streets. Popular play areas designed to encourage free play and a love of nature now replace previously neglected spaces. The former car park on the corner of Roman Road and St Stephens Road plays a valuable role as a community space. The improved public realm has helped to reduce anti-social behaviour. Residents and businesses are proud of their high quality, litter-free environment - fly-tipping is no longer tolerated following vigorous campaigning and local action by the community.

Policy to enhance public realm spaces	Policy PS1
Policy to designate local green spaces	Action PS2

## VISION AND OBJECTIVES FOR ROMAN ROAD

### Objective 4: New life for our local heritage

By 2031, an updated Bow Heritage Trail links historic buildings, parks, galleries, pubs and restaurants, street market and shops along pedestrian friendly routes. Undervalued heritage assets such as the Three Colts and Parnell Road bridges over the Hertford Canal are better conserved. Our precious heritage resource is protected and enhanced to ensure that it continues to be appreciated and enjoyed by future generations.

Policy for Bow Wharf waterway infrastructure conservation and enhancement	Policy HE1
Policy for public houses to become locally designated heritage assets	Policy HE2
Action supporting opportunities for new types of public house	Action HE3
Action for an updated Bow Heritage Trail	Action HE4

### Objective 5: High Quality, affordable housing

By 2031, new developments over the last decade are well integrated with existing communities, retaining the character of local neighbourhoods without destroying locally listed assets. A majority of the homes are low carbon homes. There are several new affordable and well designed community-led housing schemes around Bow. Incremental, small scale residential projects over time have created a greater variety of housing types. These projects reflect the local housing need and area and successfully promote community cohesion.

Policy on site allocations	Policy H1
Policy supporting community-led housing	Policy H2
Policy on low carbon homes	Policy H3

### Objective 6: Resilient and well-networked community infrastructure

By 2031 funding from new developments has enabled the creation of new places for young people to meet and there is an established and financially stable network of community groups running activities and facilities supporting the diverse population in the area. Grassroots organisations, child and youth groups, arts and performance organisations and places of worship are part of a community network, working together identifying and agreeing funding opportunities for provision of new or expansion of existing facilities or activities across the Neighbourhood Plan Area.

Policy to develop new and improved sports and play facilities	Policy CF1
Policy to develop new and improved youth facilities and support	Policy CF2
Action to improve existing community centres	Policy CF3
Closer partnership working	Action CF4
Action to encourage Community Asset Transfer	Action CF5
Action to improve accessibility to health and social care facilities	Action CF6



## OBJECTIVE 1: THRIVING HIGH STREET AND LOCAL ECONOMY

By 2031, Bow neighbourhood offers a wider variety of shops and other amenities. There are fewer vacant units, Roman Road having adapted its offer to reflect the range of different needs of the population, providing a more lively and safe local centre throughout the day and into the evening. Overall, retail is a smaller part in the local economy, the district centre having a broader range of uses and activities, including, the charitable sector, leisure, arts and culture, health and social care services. Modern local landmarks such as Bow House Business Centre, are fully occupied, and provide much needed space for businesses and other local groups.

### 4.1 Summary of current issues

Shop units on Roman Road are under-occupied, and many are in poor condition. On 1st November 2019, before the Covid 19 pandemic, 10% of shops (12) in the street market area and 17% (19) of shops between St. Stephen's Road and Grove Road were not in use.<sup>12</sup> High rent and rates make viability for many small businesses difficult. Residents have commented on the narrow range of shops, lack of restaurants and small evening economy.

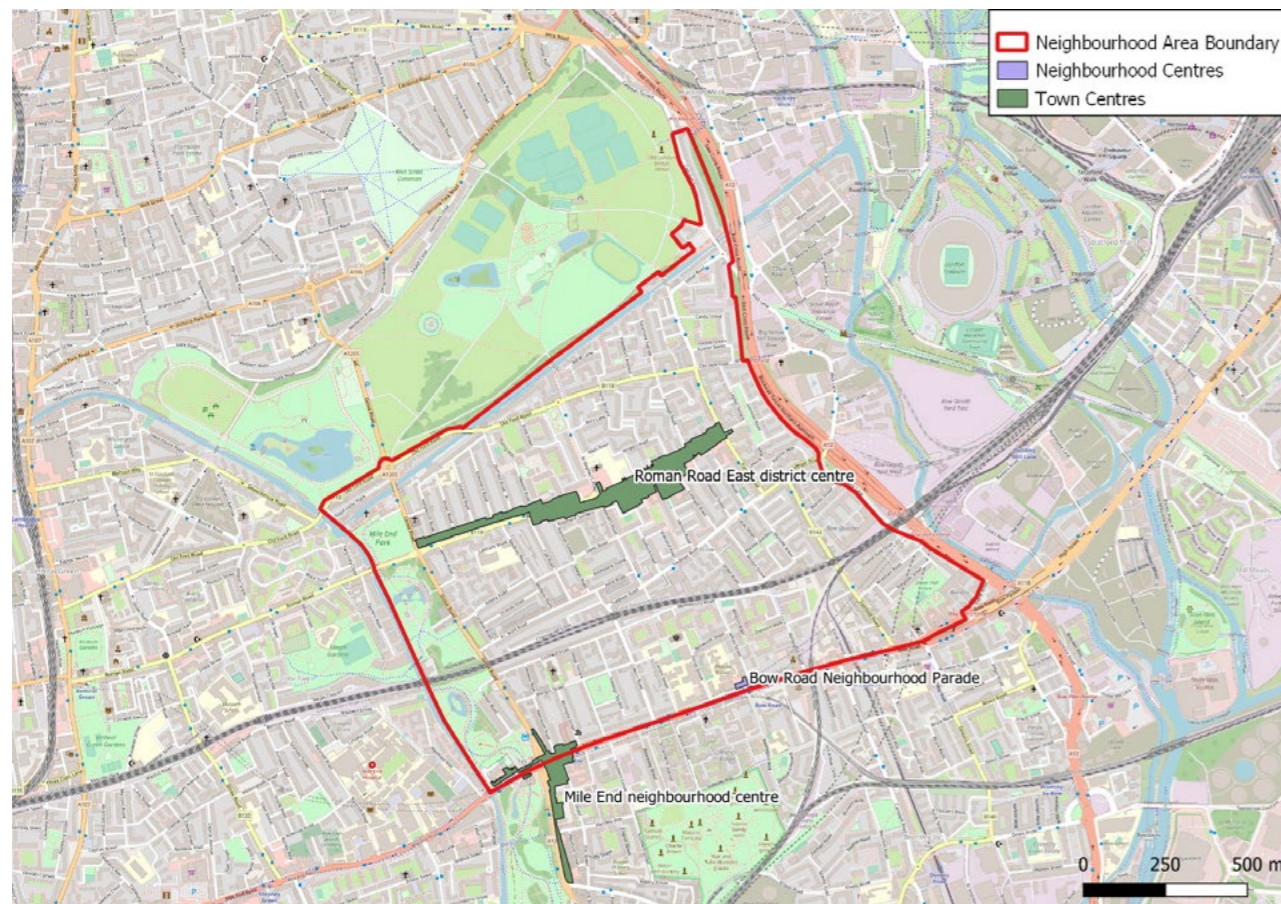


Fig. 14: Roman Road Bow Town Centres, submitted with the SoCG

### 4.2 Policy encouraging flexible use of premises

#### 4.2.1 Key issue

High rent and business rates, combined with an over-reliance on retail, duplication of a narrow range of businesses and rigidity in how premises are used, has led to many vacant premises.

In the following policy we define different spaces and activities as follows:

- **Maker space:** location where people gather to co-create, share resources and knowledge, work on projects, network, and build; includes Class E(g) uses.
- **Cultural activity:** an activity which embodies or conveys cultural expression, irrespective of its commercial value; includes theatres, cinemas, Class F1(b) uses and some Class E(a) uses where the focus of the business is on cultural expression, e.g. a commercial art gallery.
- **Social enterprise:** a business which combines a social purpose with financial goals.
- **Leisure activity:** an activity chosen for pleasure, relaxation, or other emotional satisfaction; may include sports facilities, dance and other exercise studios, community meeting spaces.

#### • Policy LE1: Encouraging flexible use of premises

In order to support the Bow economy, proposals to deliver class E uses that are capable of supporting maker spaces, cultural or leisure activities and social enterprises will be strongly supported.

- Such proposals must ensure that they do not have a detrimental impact on the amenity of surrounding occupiers, particularly residential occupiers.

#### 4.2.3 Conformity with other policies

##### The Town and Country Planning (Use Classes) [...] Regulations 2020; clause 7

Buildings and land previously classed as shops, financial and professional services, restaurants and cafes or businesses will be treated as being used for the single class E, "commercial business and service".

When new buildings are built for a use under Use Class E, they need to be constructed with adaptability (in terms of use) in mind.

##### The London Plan 2021, Policy E3: Affordable Workspace

This states that "In defined circumstances..., planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose..." (page 271)

##### The London Plan 2021, Policy HC6: Promoting the night-time economy

The London Plan actively promotes local night-time economies. (page 343)

##### The London Plan 2021, Policy SD6: Town centres and high streets

The vitality and viability of London's varied town centres should be promoted and enhanced by: encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses.

##### Tower Hamlets Local Plan 2031, Section 4: Delivering Sustainable Places - Vision for Central

"By 2031, the distinct character and identity of the Central sub-area will have been enhanced and strengthened. Growth will be focused around vibrant and revitalised town centres and neighbourhood parades,

## **OBJECTIVE 1: THRIVING HIGH STREET AND LOCAL ECONOMY**

including Roman Road and Mile End town centres. New development will complement the well-established streetscape and character and the area's many heritage assets, and their settings will be preserved or enhanced through opportunities for new heritage-led development." (page 222)

### **Tower Hamlets Local Plan 2031, Policy S.EMP1**

"District Centres and larger Neighbourhood Centres also provide opportunities for purpose-built office buildings with ground-floor retail and leisure uses." (page 98)

### **Tower Hamlets Local Plan 2031, Policy S.TC1, Supporting the network and hierarchy of centres**

The plan area contains the **Roman Road East District Centre**, the **Mile End Neighbourhood Centre**, and the **Bow Road Neighbourhood Parade**.

District Centres, including Roman Road East: "Promote as vibrant hubs containing a wide range of shops, services and employment." Neighbourhood Parades, including Bow Road: "Ensure that Neighbourhood Parades meet the needs of their local catchments and complement the role of other centres further up the hierarchy." (page 110)

### **Tower Hamlets Local Plan 2031, Policy D.TC7 Markets**

"1. Development proposals impacting existing markets will only be supported where:  
a. they demonstrate that the overall quality of the market and public

realm will be improved;  
b. the capacity for existing numbers of pitches is maintained, and  
c. they protect or re-provide appropriate storage and servicing facilities.

2. Proposals for new markets, including farmers' markets and 'streetfood' markets, will be encouraged. They will be directed to Major, District or Neighbourhood Centres and should enhance the centre's existing offer and contribute to vitality and cohesion." (page 126)

New local planning guidance emphasises the importance of flexible and shared workspaces and affordable workspaces being provided by specialist providers.

### **Roman Road Market**

The market has struggled in recent years to adapt to the changing composition and shopping habits of the local community. **Local Plan Policy D.TC7 Markets** (page 126) requires development proposals impacting existing markets to improve the overall quality of the market and the public realm. **The Roman Road Market Action Plan** emphasises that 'It will be important to ensure that market improvements do not price the traditional traders out.' The Council will need to work closely with traders to support and manage future changes such as public realm improvements in order to revitalise the market and attract new customers.

There is no longer a bank or building society in the market, and a larger post office is urgently needed. Partnership work with the **Roman**

**Road Trust, Roman Road London** and the **Neighbourhood Forum** will be important during this period of change.

### **Planning Obligations: SPD March 2021**

"Workspace can take a range of forms, such as flexible or shared workspace where tenants have a flexible agreement through a workspace provider. It can also include discounted floorspace for one or more SMEs, or shared industrial workspace for businesses or artists. The Council's preference is for developers to deliver the Affordable Workspace, via a specialist workplace provider...." (page 29, paragraph 5.59)

### **4.2.4 Justification**

The need for local, flexible and affordable workspace is demonstrated by the Mainyard Studios 2020 application to construct music studios and creative workspace in the garden of 35-37 Bow Road, E3 2AD.<sup>13</sup> The emerging Leaside Area Action Plan (AAP) Policy LS6 states that within the AAP area major developments with workspace should provide some of that floorspace as smaller, flexible units of between 25-50sqm that can be aimed at makers, micro-businesses, start-ups, and creative enterprises. The idea of these units is to provide a small, affordable space for local businesses to be started and to grow, and to encourage quick occupation and ease of access they should be fully fitted out as 'plug and play' units, rather than requiring occupiers to finish the fit-out.

### **House of Commons; High Streets and Town Centres in 2030 (2019)**

This national report identifies major trends that have made it harder for local high streets to thrive, including the growth of online shopping. Four structural issues were identified:

- Too much retail space, with retail acting as the main anchor for many high streets.
- Fragmented ownership, which makes working collectively with local businesses very hard.
- Retailers' high fixed costs: business rates and rents. The retail sector accounts for 5% of Gross Domestic Product (GDP) and pays 25% of business rates.
- Business taxation. Government action is needed to level the playing field between online and high street retailers.

"Achieving the large-scale structural change needed will require an intervention led by the local authority, using all its powers and backed by cross-sector collaboration. However, given the financial pressure faced by local authorities, central government funding will be needed for this, as well as significant private sector investment." (page 25, paragraph 54)

The **Future High Streets Fund** launched by Central Government in December 2018, is an example of the sort of intervention needed at a national level. The Covid-19 pandemic only strengthens the case for such National Government intervention, supported by committed, consistent local authority action.

### **Q Consult Business Survey; Queen Mary College students; December 2019**

A recommendation in the Q Consult report into multiple use-classes was to

## **OBJECTIVE 1: THRIVING HIGH STREET AND LOCAL ECONOMY**

offer more information to the local community. "The idea of use-classes and multiple use-classes may be new to many businesses on the high street, including those that have operated for a longer period of time. An increase of awareness, as well as an explanation of the benefits of dual use-classes may encourage owners to reconsider. Therefore, raising awareness and giving more information through leaflets, mailing subscriptions, or local meetings should be continued." <sup>14</sup>

### **4.3 Site specific action: Bow House Business Centre**

#### **4.3.1 Key issue**

Tower Hamlets is a popular location for entrepreneurs to establish and grow their businesses. A common factor that restricts local enterprise development is the lack of suitable, affordable workspace and business premises.

#### **4.3.2 Action**

#### **Action LE2: Bow House Business Centre, 153-159 Bow Road E3 2SE**

Planning applications will be encouraged that support Bow House Business Centre as a provider of affordable workspace for local businesses, social enterprises and other organisations.



Fig. 15: Bow House Business Centre

#### **4.3.3 Conformity with other policies**

##### **The London Plan 2021, Policy E3: Affordable Workspace**

*"In defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose. Such circumstances include workspace that is:*

- 1. dedicated for specific sectors that have social value such as charities or social enterprises*
- 2. dedicated for specific sectors that have cultural value such as artists' studios and designer-maker spaces*
- 3. dedicated for disadvantaged groups starting up in any sector*
- 4. providing educational outcomes through connections to schools, colleges or higher education*
- 5. supporting start-up businesses or regeneration."* (para. A; page 271)

#### **4.3.4 Justification**

Tower Hamlets Affordable Workspace Evidence Base – policy review, February 2018

*"Based on the above review of existing evidence-base documents, there is demand for affordable workspace throughout the borough and the proposed 10% reduction of market rent on 10% of office floorspace is viable."* (page 18, paragraph 3.7)

**Bow House Business Centre** planning history: The 1930s former Poplar Town Hall was granted Listed Building Status (grade II) in 2009. The site also falls within a Conservation Area. It has over 40,000 square feet of space over four floors.

The London Plan E3 policy states particular consideration should be given to the need for affordable workspace in several circumstances, including 'in locations where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.' (E3 paragraph B)

'It can be provided directly by a public, charitable or other supporting body; through grant and management arrangements (for example through land trusts); and/or secured permanently by planning or other agreements.' (6.3.1)

#### **4.4 Action for support to job seekers and local businesses**

##### **4.4.1 Key issue**

**Trust for London** data on poverty and inequality in Tower Hamlets, reported that in October 2020 figures showed an unemployment rate of 6%, and

that "The child poverty rate is the highest of all the London boroughs, with 57% of children judged to be living in households in poverty, compared to 38% in the typical London borough."<sup>16</sup>

#### **Tower Hamlets Growth and Economic Development Plan 2018-2023**

Priority 3 describes the challenge of creating the conditions for business growth: "Tower Hamlets has a strong economy but it is very much polarised between very large firms and small businesses. Providing the support and opportunity for small firms to grow can create more skilled and semi-skilled roles that allow hard working people with a variety of talents to earn a living wage." (Page 24)

#### **4.4.2 Action**

#### **Action LE3: Sustained support for job seekers and local businesses**

The Neighbourhood Forum supports the continued funding of programmes such as WorkPath, Young WorkPath and the Education Business Partnership to help local residents get work-ready and find jobs, and the Enterprise team's Ready programme to help businesses start, grow and reach new markets. Targeted support is needed for charities, voluntary and community organisations and social enterprises.

The Forum supports the strengthening of links between local employers and secondary schools, such as:

- Mulberry UTC, which has established partnerships with larger employers,
- Bow School, which encourages enterprise learning,
- Central Foundation Girls' School, which actively support all students to plan for their futures after leaving school.

## **OBJECTIVE 1: THRIVING HIGH STREET AND LOCAL ECONOMY**

There are opportunities for work experience and employment to be developed, especially for students wanting to stay local and pursue more practical training and employment. Apprenticeship schemes need to be expanded, enabling small businesses to offer these. Training is largely government funded, with businesses contributing 5% of the overall training costs. New City College in Tower Hamlets and Hackney offer a wide range of apprenticeship training opportunities.

### **4.4.3 Conformity with local policy**

#### **Planning Obligations: SPD March 2021**

*“Tower Hamlets has an above average unemployment level within Greater London, with a very low proportion of Tower Hamlets’ residents finding employment within the borough. Employment opportunities from new developments must be accompanied by training to upskill residents so that they can compete for the jobs.” (paragraph 5.43)*

*“The Council will seek to ensure that jobs are provided for local people, both in the construction phase of development and by the end users / tenants (in commercial developments). To enable local people to benefit from development growth the Council has introduced a number of programmes, working with partners to support job brokerage, employer-led training, construction skills training, apprenticeships, and*

*job opportunities. The Council will support and encourage London Living Wage to be paid where possible for employment, skills, training and enterprise obligations.” (paragraph 5.44)*

#### **Tower Hamlets Growth and Economic Development Plan 2018-2023**

*“We will ensure all working age residents in the borough get the best possible outcomes in terms of their jobs and careers – by looking where we can complement and strengthen existing ongoing projects such as WorkPath.” (page 5)*

#### **4.4.4 Justification**

##### **Tower Hamlets Council website, business and enterprise page**

*“Tower Hamlets has a thriving economy worth £6bn per annum that provides almost 1.4 jobs for every working-age resident of the borough. The enterprise economy is one of the most significant contributors to this growth and performance. The borough has experienced enormous economic growth over the last few decades, increasing employment levels by 60 per cent and giving Tower Hamlets the fifth highest job density in London.”<sup>17</sup>*

Many businesses have been hit hard by the pandemic, and the work of the Tower Hamlets Council Enterprise team and other sources of help to local businesses and social enterprises are

needed more than ever.

Tower Hamlets Work Path is a unique employment service for all Tower Hamlets residents, providing support for people at all levels of work, skill or experience.

Council initiatives such as Workpath and Young Workpath will continue to be vital to ensure the potential of local people is nurtured and people are equipped for new opportunities that will arise as the economy recovers.

### **4.5 Action for local cross-sector collaboration**

#### **4.5.1 Key issue**

Many people lack the knowledge and skills to enter or move on in employment, and face challenging personal circumstances. A comprehensive, integrated network of support is vital to enable people to take advantage of the many opportunities for training and employment.

#### **4.5.2 Action**

##### **Action LE4: Local cross-sector collaboration**

The Neighbourhood Forum supports a sustained cross-departmental approach by the Council, linking economic development, regeneration and environmental improvements, and partnerships in Bow across public, private and voluntary sectors. This is aimed at facilitating inclusive growth and economic and community development.

#### **4.5.3 Conformity with local policy Tower Hamlets Growth and Economic Development Plan 2018-2023**

*“We believe that ‘inclusive growth’*

*is the way forward to address the challenges and opportunities ahead. It is an absolute necessity to achieve greater prosperity, independence and access to opportunities for all our residents.” (Page 4)*

*“This plan is being developed in parallel with the Tower Hamlets Regeneration Strategy, which will take an overview of the borough’s development as a place to live and work. Complementing the Regeneration Strategy’s focus on place, this Growth plan looks at thematic interventions to help people and businesses across the borough succeed.” (Page 5)*

*“It goes without saying the council cannot deliver inclusive growth alone. We will therefore involve, engage and seek views from our communities, to ensure that residents can take advantage of opportunities and investments whilst working with our partners to make this a reality.” (Page 6)*

#### **4.5.4 Justification House of Commons; High Streets and Town Centres in 2030 (2019)**

The report identifies major trends that have made it harder for local high streets to thrive. Its recommendations included: “Achieving the large-scale structural change needed will require an intervention led by the local authority, using all its powers and backed by cross-sector collaboration. However, given the financial pressure faced by local authorities, central government funding will be needed for this, as well as significant private sector investment.” (page 3)

## **OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING**

By 2031, we have a high quality network of pedestrian and cycle connections and supporting infrastructure such as secure short-term cycle parking. The area is more accessible to get to and move around in. Liveable Neighbourhoods funding has delivered a network of attractive green routes that are safe to use. Instead of driving, people choose to walk and cycle, reducing local traffic volumes, associated air pollution and parking issues.

### **5.1 Summary of current issues**

Bow is generally well served by public transport, with Mile End in the south of the plan area being a major tube and bus interchange. **The Bow Road District Line** and **Bow Church DLR** stations are also on the southern boundary of the area. **The Tower Hamlets Local Plan** (p.186) acknowledges congestion and overcrowding of the transport network and the need for further investment.

The plan area's proximity to Central London and Docklands means high volumes of vehicles pass through it daily. The area is bounded on three sides by major traffic routes - **Grove Road (A1205)** and the **Blackwall Tunnel Road (A12)** run north-south, and **Bow Road (A11)** runs east west.

The TfL funded **Liveable Streets Bow** research found over 33,000 daily journeys were made within Bow. Of these, 49% were vehicles travelling through the area and not stopping. This means over 16,000 journeys were from non-residents, contributing to air

pollution on streets, outside schools and around local shops. **The Liveable Streets Bow** <sup>18</sup> programme is seeking to reduce commuter traffic and improve infrastructure for cyclists and walkers, whilst at the same time ensuring that the market and local businesses along the Roman Road can continue to receive deliveries conveniently and are well serviced.

People are discouraged from walking and cycling in the area because most routes are along busy main roads that are dangerous, and with high levels of air pollution. This is why specific roads are mentioned in the policy. It is likely that more people would walk and cycle if motor traffic volumes and speeds were reduced on main roads, and improved, continuous walking and cycling infrastructure installed. It is envisaged that central government, Transport for London and Community Infrastructure Levy (CIL) or its replacement will be the principal sources of funding for improvements across the plan area, together with direct developer \$106 or \$278 contributions for specific developments. Street clutter, such as the night-sky podiums in Gladstone Place, and local directions signs which can be easily turned around, are a hindrance.

### **5.2 Policy for improving safe walking and cycling routes**

#### **5.2.1 Key issue**

The high volume of commuter and local traffic produces air pollution and discourages walking and cycling.

There is a lack of connected safe cycling and walking routes and infrastructure.

#### **5.2.2 Policy**

### **Policy GS1: Improving safe walking and cycleways**

#### **1. Safer walking and cycling**

Major development as defined in the Council's Full & Outline Planning Applications Checklist is required to enhance the pedestrian and cyclist experience through high-quality dedicated infrastructure on busy main roads, and improved pavements, cycleways, cycle storage, access through public spaces, and wayfinding away from busy main roads and in support of School Streets. This shall be achieved by:

- a.** Contributions to the improvement of existing cycle lanes and paths.
- b.** Contributions to the provision of safe and well designated cycle routes, including Grove Road, Tredegar Road, Old Ford Road, Parnell Road and Roman Road.
- c.** Contributions to the provision of new cycle lanes and paths within and across the development site
- d.** Contributions to the provision of new public cycle stands across Roman Road Bow, including for non-standard cycles and cargo bikes along Roman Road.
- e.** The provision of appropriate cycle storage in residential and commercial development.
- f.** The provision of convenient, safe and well-signed footways designed to appropriate widths - a minimum of 1.5m. This might require frontages of developments to be set back from the plot edge where existing pavement widths are inadequate.

**g.** Other features associated with pedestrian access to the development, including seating for pedestrians and signage, particularly on Green Grid routes.

**h.** The provision of safe road crossings where needed, including at the junctions of the A12/Wick Lane/Tredegar Road, Fairfield Road and Tredegar Road, St. Stephen's Road and Roman Road and at Tom Thumb's Arch. A new zebra crossing is needed in Malmesbury Road.

**i.** The provision of bus stops, shelters, passenger seating and waiting areas, signage and timetable information where needed

This will involve joint working with Newham, and with the LLDC until approximately 2025 when planning authority for the areas currently administered by the LLDC are expected to be returned to the boroughs.

#### **2. Increasing accessibility**

Developments are to reduce street clutter, and show consideration for accessibility, including dropped kerbs and tactile paving, and clear routes through the public realm. This is particularly important along key routes to and from Roman Road, including from Grove Road and St Stephen's Road.

**3. Blue badge parking.** Developments should ensure Blue Badge parking provision is maintained. Loss of Blue Badge parking or changes to the highway that remove black taxi access will not be supported.

## OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING

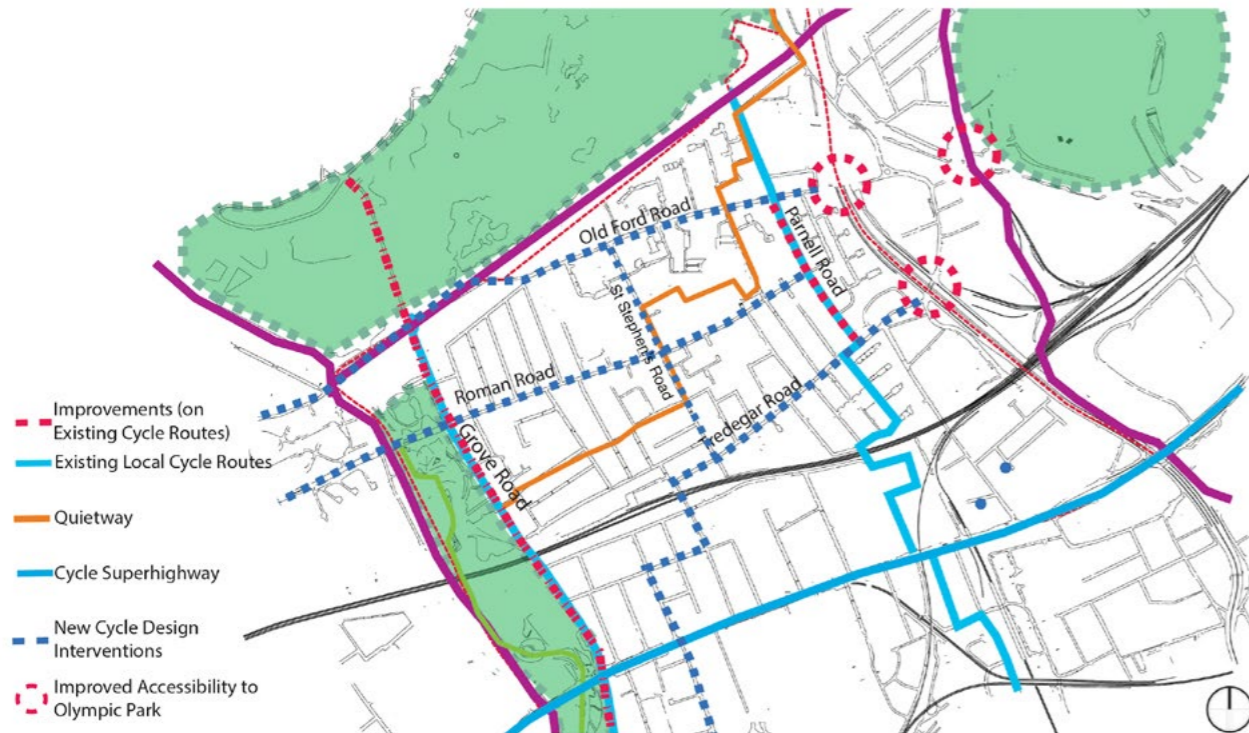


Fig. 16: Proposed improvements to new and existing cycle network in Bow.

### 5.2.3 Conformity with other policies

#### Mayor's Transport Strategy, March 2018; Chapter 2: The vision - policy 1

This Neighbourhood Plan is in line with the Mayor of London's Transport Strategy and approach to Healthy Streets. This framework aims to improve air quality, reduce congestion and help make London's diverse communities greener, healthier and more attractive places to live, work, play and do business. These have a central aim "...for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041." (page 21)

#### Mayor's Transport Strategy, March 2018; Chapter 3: Healthy Streets and healthy people - policy 2

The best way to get more people out walking and cycling is to improve the

quality of the experience of being on our streets, including for disabled residents, and to discourage car use, in order that "...by 2041, all Londoners do at least the 20 minutes of active travel they need to stay healthy each day." (page 49)

#### Tower Hamlets - A Cycling Borough; chapter 2, paragraph 2.1

"We want Tower Hamlets to be one of the easiest and safest places to cycle in London and to make cycling the natural choice of transport for most people. A Cycling Borough means:

- a healthier population;
- a less congested road network;
- and a more prosperous place." (page 3)

#### Spatial Planning and Health - Tower Hamlets Joint Strategic Needs Assessment, November 2016

Recommendation six states that: "Pedestrians, cyclists, and users of other transport that involve physical activity need the highest priority when developing or maintaining streets and roads. This can mean reallocating road space to support walking and cycling, restricting motor vehicle access, introducing road-user charging and traffic-calming schemes, and creating safe routes to schools and childcare settings." (page 1)

#### Tower Hamlets Local Plan 2031, Policy S.DH1, Delivering high quality design

"Development must [...] create well-connected, inclusive and integrated spaces and buildings which can be easily adaptable to different uses and the changing needs of users." (page 44, para f)

#### Tower Hamlets Local Plan 2031, policy D.TR3 Parking and permit-free

'3. Development is required to prioritise sustainable approaches to any parking through ensuring:

- a. Priority is given to space for cycle parking .....
- e. Where suitable, publicly-accessible shared cycle hire scheme docking station(s) are provided as part of the development (or through a financial contribution).'

#### Central Area Good Growth SPD August 2021

Design principle 8: Developments should integrate bin and bike storage into the layout and design of the building.

#### Liveable Streets Bow, results booklet; Tower Hamlets Council

More than 2,100 people responded to the 18 months of community engagement on proposals for improving road safety and air quality.

70% of respondents in Bow backed plans for timed restrictions for motor vehicles around Roman Road Market, schools and residential roads to reduce the 16,000 vehicles cutting through the area each day without stopping.

#### Liveable Streets Bow, Consultation outcome report; Tower Hamlets Council; 25 Nov 2020

In November 2020 the Council cabinet approved the final scheme design, whilst requesting an additional report on the details of the proposed bus gates, and the devising of a scheme to exempt blue badge holders: "The objectives are to be achieved through a combination of footway improvements, road closures, improvement of shared public spaces, greening and safety improvements."<sup>18</sup>

The implementation of these improvements will go some way to making it easier to walk and cycle around the neighbourhood, by creating improved walking routes, public space and reducing rat-running traffic. They will also reduce local pollution levels, supporting the overarching London strategy of encouraging more trips to be taken on foot or by bike.

#### High Density Living Supplementary Planning Document; Tower Hamlets Council Dec 2020 Design guideline AB.5

"Public realm, including streets, should be designed to prioritise the pedestrians and, where appropriate, cyclists. The public realm should also encourage incidental play." (page 68)

### 5.2.4 Justification

## OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING

### Air Pollution

A number of news articles in The Guardian from 2018 and 2019 provided evidence of the negative impacts of air pollution on our mental and physical health. As well as discouraging visitors and healthy activity, air pollution from vehicles<sup>19</sup> has significant adverse effects on local residents in the form of nitrogen dioxide, which is known to shorten lives and reduce the quality of life for tens of thousands of people. In recent studies it has also been linked to health problems from dementia<sup>20</sup> to heart disease<sup>21</sup> and miscarriage<sup>22</sup>. Children are most at risk: exposure to air pollution when young can have lifelong effects as it can stunt the lungs and affect intelligence<sup>23</sup>.

Dangerous levels of air pollution “made a material contribution” to the death of nine-year-old Ella Kissi-Debrah in London in 2013, a coroner ruled in December 2020, following a second inquest into the child’s death.<sup>24</sup>

### Monitoring Air Quality in Tower

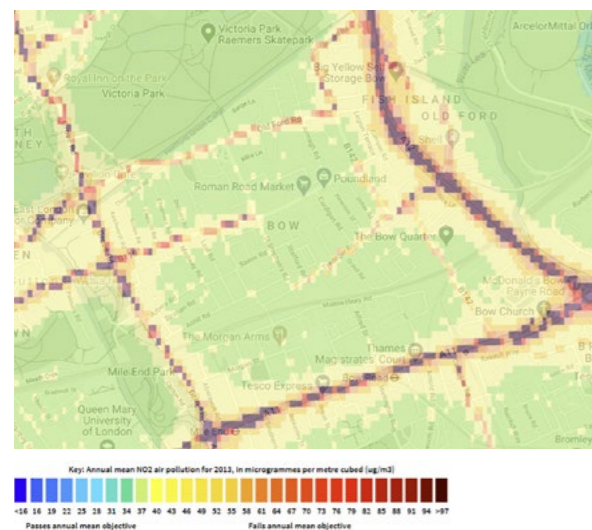


Fig. 17: Annual mean NO2 concentrations for Tower Hamlets



Fig. 18: Low Pollution Banner produced by local primary schools

### Tower Hamlets Green Grid Strategy: Update 2017; Section 3 - Opportunities to enhance the Green Grid

“There is a lack of connectivity to a number of community facilities, including schools, transport hubs and open spaces.” (page 20, para 3.5)

Three schools in the NPA and all three tube/DLR stations that serve the area are not connected.

Local children at Malmesbury, Olga and Chisenhale schools have produced a banner asking to lower pollution levels around their schools.

### Busy and Dangerous Roads

Currently, people are discouraged from walking and cycling in the NPA because most routes are along busy main roads that are dangerous and with high levels of air pollution. 66% of local residents want less traffic and 51% want better footways. It is likely that more people would walk and cycle if there were attractive routes through green areas away from main routes. This could also bring more people into the area to visit local businesses.

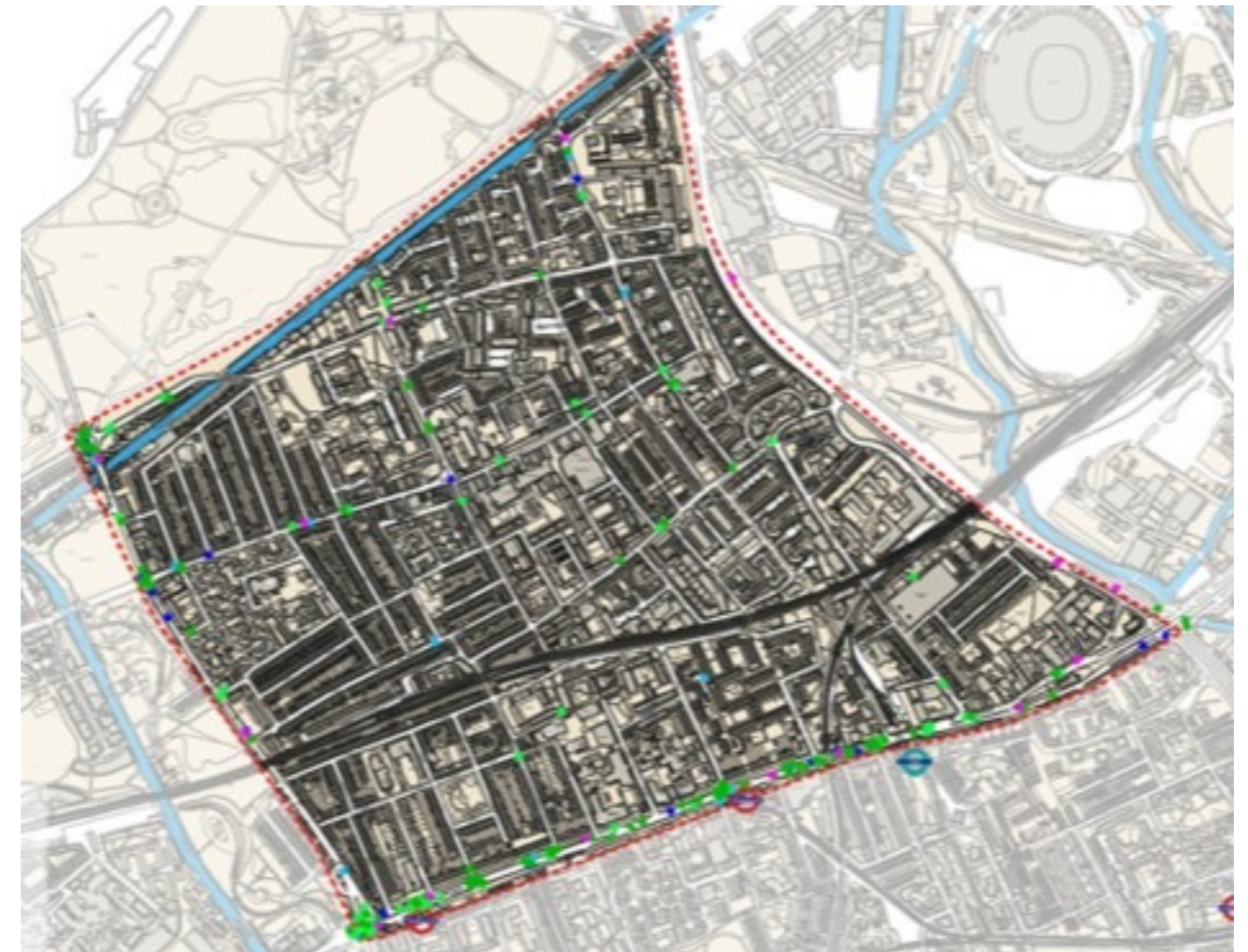


Fig. 19: Transport for London, London Collision Map

### Liveable Streets Bow, results booklet; Tower Hamlets Council

Approximately 49% of traffic in the neighbourhood between 6am and 8pm on weekdays is rat-running - the equivalent of over 13,000 non-resident vehicle journeys a day.

### Transport for London, London Collision Map

TfL data<sup>25</sup> shows that in the last three years there have been over 100 collisions involving pedestrians or cyclists (nearly all caused by cars) in Tower Hamlets. This has included multiple fatalities. As well as the A11, accident black spots include Grove Road, Roman Road and Tredegar Road. All these roads in the NPA are also used for rat running.

### Bike Life 2019, Tower Hamlets; Sustrans study

The study found 48% of residents don’t cycle (or cycle less) because they are concerned about safety. (page 12)

### Accessibility Low Traffic Neighbourhoods; Transport for London; September 2020

London’s streets need to be welcoming to ensure that our communities prosper. According to the Mayor’s Low Traffic Neighbourhoods study, 65% of disabled Londoners consider the condition of pavements to be a barrier to walking (page 9).

## OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING

### Difficulty of walking and cycling around the area

**Bike Life 2019, Tower Hamlets; Sustrans study**

The study found security is an issue with 1,536 reported cycle thefts in 2018/19, which is one theft per 47 owners. There is also only one cycle parking space per nine resident cycle owners. This is particularly an issue in the neighbourhood with large numbers of people living in flats. (page 13)

76% of people overall think space should be increased for people socialising, cycling and walking on their local high street and 47% think more cycling would make their area a better place to live and work. (page 5)

According to Transport For All, 81% of disabled people polled felt concerned that the 'new normal' would be inaccessible to them. Barriers such as the lack of dropped kerbs, inconsistent tactile paving, uneven or steep pavements, potholes and tree roots, street clutter and bollards, make the streets difficult to traverse for disabled individuals.

Concern for personal safety is highlighted by a local petition to stop mopeds and motorised scooters riding through the pedestrian walkway at Tom Thumb's Arch.<sup>26</sup>

### 5.3 Actions to improve walking and cycling

#### Action GS2: To improve safe walking and cycling

The following are considered to be

priority actions to improve safe walking and cycling:

- **Improving safe walking and cycleways:**

a. Improvement of public routes to Roman Road and Victoria Park, in line with the UCL MSc Spatial Planning student study, including on Wennington Green and through Tom Thumb's Arch.

b. Provision of quiet cycle routes connecting to the strategic London network, including a high quality route along Grove Road.

c. Improved connection to Fish Island and the Olympic Park to give Bow residents better access to the East Bank and the new buildings of the UCL campus, V&A, Sadler's Wells Theatre, BBC music studios, and London College of Fashion.

d. The expansion of cycle hire where this is needed to meet increased demand.

e. The conversion of general off-street and on-street parking to more beneficial use to create pleasant, safe, attractive and less polluted spaces, particularly for the most vulnerable.

f. Improve towpaths, including consideration of widening, especially in areas of high use such as Mile End Park.

- **Making streets safer for children:**

a. Support applications for School Streets for all schools in the area, where these restrict motorised vehicle access at drop-off and pick-up times.

- **Step-free access at Mile End:**  
Encourage LBTH and Transport



Fig. 20: Proposed School Streets



## **OBJECTIVE 2: GREEN STREETS THAT ENCOURAGE WALKING AND CYCLING**

for London to work together to ensure step-free access at Mile End underground is included in TFL's step-free programme.

### **5.3.1 Conformity with other policies**

The action is consistent with the following policies:

- **Mayor of London's Transport Strategy March 2018, Tower Hamlets - A Cycling Borough**, chapter 2, paragraph 2.1;
- **London Streetspace Plan 2020** to reduce through traffic on residential streets and enable more people to walk and cycle safely as part of their daily routine;
- **Tower Hamlets Council High Density Living Supplementary Planning Document: Design guideline AB.5.**

#### **London Underground, Making rail accessible: helping older and disabled passengers**

'Policy summary. London Underground is committed to helping all our customers travel more easily. This includes: Improving physical access to and within our stations and trains, including making more stations step-free.' (page 4)

### **5.3.2 Justification**

#### **Green Spaces and Connectivity: Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019)<sup>27</sup>**

The students drafted policy proposals

and proposed an implementation plan for open spaces and improved walking and cycle routes in the NPA, based on a detailed study of the spatial characteristics of the open spaces and movement networks. The students highlighted current priority pedestrian and cycle routes through the NPA.

The most used pedestrian routes connect the transport hubs of Mile End and Bow Road stations into the NPA, through to Roman Road and Victoria Park using bottlenecks under the railway such as Tom Thumb's Arch.

For cyclists the key routes are off CS2 (particularly along Grove Road) and east-west along Roman Road and Tredegar Road. These also correlate to dangerous routes. Mile End Park and the Regent's Canal towpath were also identified as important cycle routes.

#### **Fish Island Area Action Plan; Tower Hamlets Council; September 2012; chapter 3 - Connecting Fish Island**

The proposals to improve connectivity to Fish Island and the Olympic Park, addressing the current challenges highlighted in the AAP on page 32, para 3.3, could give Bow residents better access to the East Bank, the emerging cultural and educational district where major institutions such as UCL, the V&A and Sadler's Wells Theatre are building new facilities.

#### **Towards child friendly local high street - developing an analytical framework; MSc Dissertation by Gargi Roy<sup>28</sup>**

In 2018/19, MSc Spatial Planning students studied the Roman Road Bow NPA and some used the evidence they gathered as the basis for their dissertations. Gargi Roy's MSc Dissertation found that many footways were overly narrow and there was often unnecessary street furniture and buildup of litter.

Mile End is a strategic central location in the borough, and is served by the Central, District, and Hammersmith and City tube lines. The lack of step-free access is a major barrier for the less mobile. Transport for London's plans<sup>29</sup> up to 2024 do not include step-free access for Mile End underground station.

In 2016, the issue was raised by a student who is a wheelchair user from nearby Queen Mary College. She gained 1,500 signatures for a petition in support of step-free access.<sup>30</sup>

In 2019, a local campaign for lift access<sup>31</sup> was started by a Tower Hamlets local ward councillor. Stuart Wilson, marketing and communications coordinator for Ability Bow, a local inclusive community gym, said: "Acceptable access for vulnerable people is obviously really important." A lift in the busy interchange station "could really help somebody with severe complexities, disabilities or long-term health conditions." He warned that without the lift, climbing Mile End

tube station's 45 steps would leave someone with a heart condition seriously out of breath, and would be dangerous for someone with limited sight or hearing.

## OBJECTIVE 3: BEAUTIFUL PUBLIC SPACES

By 2031, investment has transformed the public realm by creating green and de-cluttered local streets. Popular play areas designed to encourage free play and a love of nature now replace former neglected spaces. The former car park on the corner of Roman Road and St Stephens Road plays a valuable role as a community space. The improved public realm has helped to reduce anti-social behaviour. Residents and businesses are proud of their high quality, litter-free environment - fly-tipping is no longer tolerated following vigorous campaigning and local action by the community.

Page 274

### 6.1 Summary of current Issues

Existing public spaces are often dirty, cluttered and of poor quality. The borough's rising population and demand for housing mean there are limited opportunities to create new open spaces. Cuts in Council budgets makes maintaining public spaces challenging.

### 6.2 Policy to enhance public realm spaces

#### 6.2.1 Key Issue

Inadequate provision for recreation and play on local housing estates, and the unattractiveness of open spaces along the Roman Road, Mile End Road and Bow Road.

#### 6.2.2 Policy

##### Policy PS1: Enhancing public realm spaces

Proposals to enhance existing public spaces will be supported where they address the following specific needs :

Improved provision for recreation and play including housing estates at;

- Lawrence Close E3 2AS
- Heylyn Square E32DW
- Rectangular paved area with hedges at foot of Wilmer House, Daling Way E3 5NW
- Tarmac square outside Forth House E3 2HQ
- Sutherland Road football court (to become a multi-use court) and adjacent children's play space to be re-designed. E35HG

All proposals will be expected to accompany such provision with high quality landscaping.

Public realm improvements through parklets or similar environmental measures including:

- Pavement at entrance to Lanfranc Estate on Roman Road, E3 5QP
- Ford Close off Roman Road E3 5LX
- Ford Road off Roman Road E3 5JN (outside Common Room)
- Pavement outside Territorial Army base at Mile End E3 4PD
- Corner of Bow Road and Alfred Street E3 2AD
- Proposals for enhancement of the public green space in Mile End Park will also be supported.



Fig. 21: Public realm spaces map

#### Enhancing public realm spaces

Improved provision for recreation and play

1. Lawrence Close  
E3 2AS

2. Heylyn Square  
E32DW

3. Wilmer House,  
Daling Way  
E3 5NW

4. Forth House  
E3 2HQ

5. Sutherland Road  
E35HG

Public realm improvements

6. Lanfranc Estate  
E3 5QP

7. Ford Close  
E3 5LX & E3 5JN

8. Basilica Place  
E3 5EL

9. Territorial Army  
E3 4PD

10. Corner of Bow  
Road and Alfred  
Street  
E3 2AD

## OBJECTIVE 3: BEAUTIFUL PUBLIC SPACES

### 6.2.3 Conformity with other policies

#### Potential sites for improved spaces for play and recreation; Roman Road Bow Neighbourhood Forum<sup>32</sup>

This supporting document lists Council owned open spaces in the NPA, showing photos of proposed sites for parklets, and includes proposed tree types.

#### Tower Hamlets Green Grid Strategy: Update 2017; Appendices Adapted opportunities from 2010 Green Grid Strategy

Section 6, Roman Road: "There is some unused space on the wider pavements, which could be used to create additional seating and associated landscaping including planters, street trees and pocket parks, as well as better signposting the rest of the Borough and city from here, so it does not feel so isolated. The area has a rich history particularly as the Suffragette heartland, which could be better celebrated through public realm interventions including art and community events." (page 20)

#### Roman Road Market Conservation Area, Tower Hamlets Council, 2009

"Despite recent improvements, there is still potential for the general quality of the landscaping in the street to be improved, and the area could benefit from a public realm strategy to coordinate physical features with management procedures. The fragile character of Roman Road has been eroded in the past by unsympathetic

alterations and re-building, and further attrition of this character must be prevented." (page 11)

### 6.2.4 Justification

#### Roman Road Bow Neighbourhood Planning, Engagement Report, April 2018

In the consultation, one person identified 'parklets'<sup>33</sup> as a good idea for improving public spaces.

"New developments along the canal do not have much green space - new developments that come forward should have a certain specified minimum amount of green space, especially if they create new walking routes through."

#### Green Spaces and Connectivity: Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019)<sup>34</sup>

The neighbourhood plan project by Spatial Planning students at University College London summarised the Forum's community engagement findings as: "A desire to protect and enhance the built environment, improve green spaces and under-used public spaces and strengthen community-led initiatives... are part of this consensus. These are themes that we can build upon as we develop policies and projects for our neighbourhood plan." (Page 25)

"A review conducted by 'Tower Hamlets Housing Scrutiny Sub Committee' and 'Tower Hamlets

Homes Residents Panel' demonstrated that the open spaces in areas of social housing across Tower Hamlets are currently underused. Both Malmesbury estate and the areas of social housing to the east of St Stephen's Road currently have small green spaces that are underused. Furthermore, the consultations held by the forum highlighted the need for additional play spaces across both these areas. Therefore, there is a need to encourage social landlords to better utilise these green spaces through small scale interventions." (page 38, para 6.2.1)

"Smaller play areas for younger children offer another method to revitalise the existing green spaces. Additionally, the football court on Sutherland Road is limited and currently requires improvements. This should be replaced with a multi-use court to facilitate a variety of sports for both children and adults. These initiatives will provide additional play space for children of different age groups; encouraging social interaction and achieving health and wellbeing benefits." (page 38, para 6.2.1)

## 6.3 Policy to designate Local Green Spaces

### 6.3.1 Key Issue

There is a need to protect and preserve small green spaces for enjoyment by both people and wildlife that otherwise could be encroached on by development.

### 6.3.2 Policy

#### Policy PS2: Designating Local Green Spaces

The following are designated as Local Green Spaces:

- Daling Way, E3 5NB;
- Holy Trinity Churchyard, Morgan St. E3 5AT.
- Locton Green, Ruston St. E3 2LP
- Matilda Gardens E3 2GS,
- Trellis Square E3 2DR 39
- Brodick House E3 5HH
- Roman Road Adventure Playground, 48 Hewlett Road, Bow, London, E3 5NA.
- Wennington Green, Junction of Roman Rd and Grove Rd E3 5TG

Managing development on a Local Green Space should be consistent with national planning policy for Green Belts. Proposals for built development on Local Green Spaces will not be permitted unless it can be clearly demonstrated that it is required to enhance the role and function of that Local Green Space or that very special circumstances exist, for example where it is essential to meet specific necessary utility infrastructure and no feasible alternative site is available.

# OBJECTIVE 3: BEAUTIFUL PUBLIC SPACES



Fig. 22: Publicly accessible open spaces map

## SPACES LISTED IN TOWER HAMLETS Parks and Open Space Strategy 2017-27

- 1. **Four Seasons Green**  
Caxton Grove E3 2AX
- 2. **Garrison Road Legion Terrace**  
(Lefevre Park) E3 2EY
- 3. **Gladstone Place**  
E3 5EU
- 4. **Grand Union Canal**  
(Regent's Canal) E3 5BE
- 5. **Grove Hall Park**  
E3 2QA
- 6. **Harley Grove**  
E3 2AH
- 7. **Harley Square**  
E3 2AT
- 8. **Hertford Union Canal**  
E3 5SB
- 9. **Mile End Park**  
E3 4QY
- 10. **Roman Road Market Square**  
E3 5JL
- 11. **Selwyn Green**  
E3 5EA
- 12. **St Stephen's Road**  
(St. Stephen's Green) E3 5JU
- 13. **St. Mary Bow**  
E3 3AH

## 14. Tredegar Square

E3 5EA

## LOCAL GREEN SPACES

*Additional designated as Local Green Spaces*

- 15. **Daling Way**  
E3 5NB
- 16. **Holy Trinity Churchyard**  
Morgan St, E3 5AT
- 17. **Locton Green**  
Ruston St, E3 2LP
- 18. **Matilda Gardens**  
E3 2GS
- 19. **Trellis Square**  
E3 2DR
- 20. **Brodick House**  
E3 5HH
- 21. **Roman Rd Adventure Playground**  
48 Hewlett Road, Bow, London, E3 5NA
- 22. **Wennington Green**  
Junction of Roman Rd and Grove Rd, E3 5TG
- 23. **Wick Lane**  
E3 2PU

## 15. Daling Way

E3 5NB



## 19. Trellis Square

E3 2DR



## 16. Holy Trinity Churchyard

Morgan St, E3 5AT



## 20. Brodick House

E3 5HH



## 17. Locton Green

Ruston St, E3 2LP



## 21. Roman Rd Adventure Playground

48 Hewlett Road, Bow, London, E3 5NA



## 18. Matilda Gardens

E3 2GS



## 22. Wennington Green

Junction of Roman Rd and Grove Rd, E3 5TG



Fig. 22a: Conservation areas in Bow

## OBJECTIVE 3: BEAUTIFUL PUBLIC SPACES

### 6.3.3 Conformity with other policies

#### National Planning Policy Framework 2019

"The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period." (page 31, para 99)  
"The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and  
c) local in character and is not an extensive tract of land." (page 31, para 100)

#### Tower Hamlets Local Plan 2031, Policy D.DH2: Attractive streets, spaces and public realm

"Development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through:  
a) improving connectivity to public transport hubs, town centres, open spaces, water spaces, social and community facilities and surrounding areas

b) maintaining existing public routes or appropriately re-providing access routes during the construction phases of new development, and  
c) incorporating the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users." (page 46, para 1)

#### Tower Hamlets' Parks and Open Spaces Strategy 2017-27

Bow West is forecast to have a 'moderate' deficiency of open space in 2031. The strategy states that: "It is expected that new publicly accessible open space will be owned and maintained by the respective land owners, with public access to the space secured through legal agreements as part of the planning process. Such an approach will secure new publicly accessible open space whilst recognising the council's financial position in years to come. Legal agreements will be required to secure the widest possible access to these new spaces." (page 82)

#### Green Spaces and Connectivity: Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019)

The study identified the following objectives to protect, enhance and create green spaces through site-specific interventions:

- To improve the health and well-being of residents and the environment.
- To revitalise green spaces which are currently underused.
- To increase the number of green spaces in the neighbourhood by adding green infrastructure where desirable and feasible.
- To protect the existing green spaces from damage or loss through development and to grasp development opportunities and funding to enhance the quality of green spaces.

The study highlighted the opportunity for revitalising Wennington Green, stating: "The site lacks permeability and maintenance but has potential to attract visitors due to its location on the high street and its proximity to Victoria Park." (page 40, para 6.2.2)

A planting intervention is proposed as a means to improve this open space.

#### 6.3.4 Justification

All the designated Local Green Spaces are near to those who benefit from them, special to local residents and small in size, as required by the National Planning Policy Framework. Detailed evidence for each space is provided in **Potential sites for improved spaces for play and recreation; Roman Road Bow Neighbourhood Forum**<sup>35</sup>

## OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE

By 2031, an updated Bow Heritage Trail links historic buildings, parks, galleries, pubs and restaurants, street market and shops along pedestrian friendly routes. Undervalued heritage assets such Bow Wharf, and the scheduled monuments of the Three Colts and Parnell Road bridges over the Hertford Canal are better conserved. Our precious heritage resource is protected and enhanced to ensure that it continues to be appreciated and enjoyed by future generations.

### 7.1 Summary of current Issues

Many of the heritage assets in the NPA are under-valued and in need

of improvement and better care, particularly public houses and the historic infrastructure associated with the canals and waterways. There are 9 conservation areas in Bow, 7 of them in the plan area: Clinton Road, Driffield Road, Fairfield Road, Medway, Roman Road Market, Tredegar Square, Victoria Park (which includes Cadogan Terrace). Each one has an adopted character appraisal and management guidelines document. Their character and appearance contribute positively to the quality of life and can often be enhanced to generate greater benefits. The appraisal and management documents need to be reviewed and updated regularly.

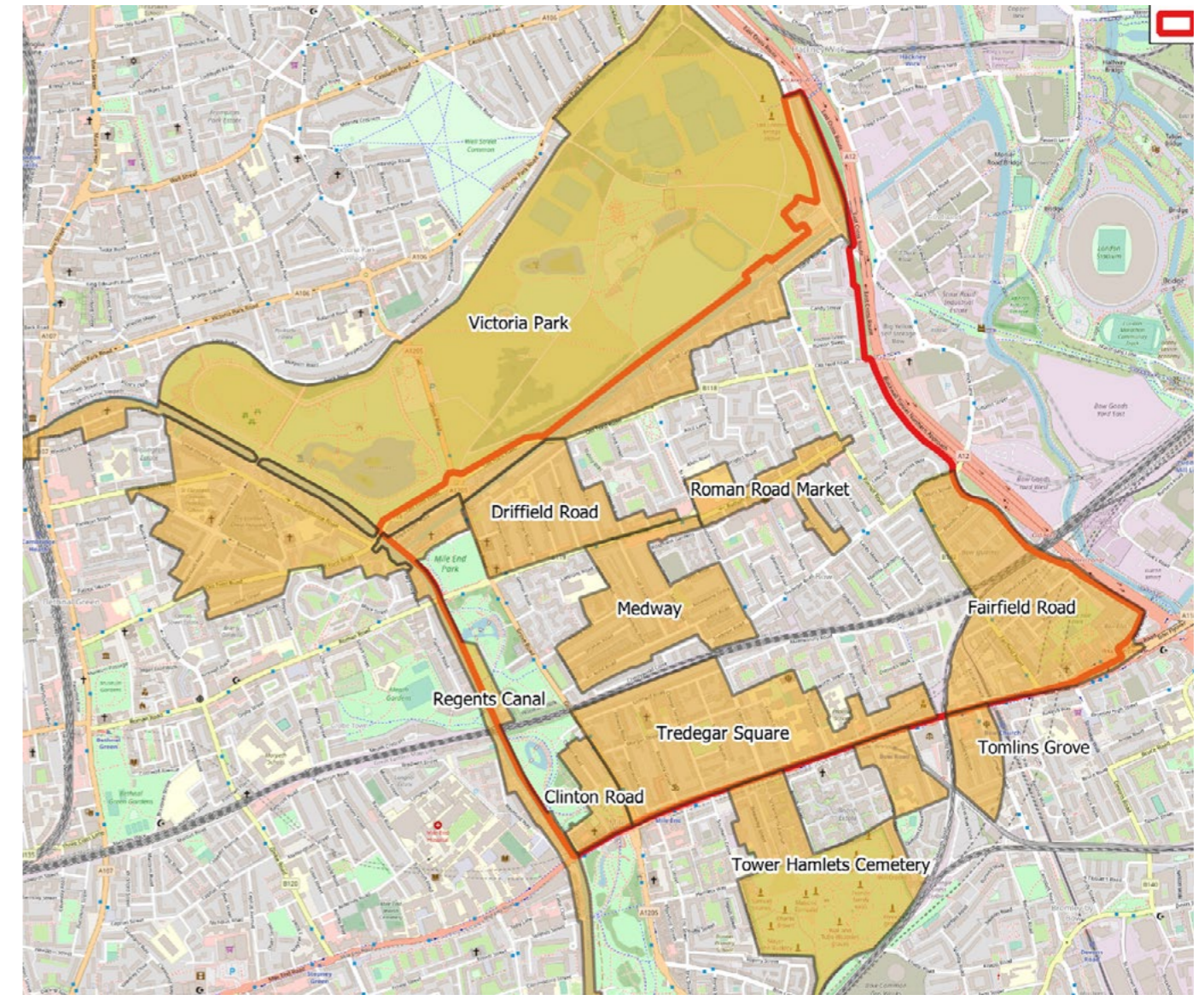


Fig. 23: Heritage map

- HERITAGE**  
Conservation Areas in Bow
- |   |                                |  |                               |
|---|--------------------------------|--|-------------------------------|
| 1. Roman Road Conservation                    | 2. Fairfield Road Conservation | 5. Carlton Square Conservation and Buildings | 8. Tomlins Grove Conservation |
| 3. Tredegar Square Conservation and Buildings | 4. Tower Hamlets Conservation  | 6. Carlton Square Conservation and Buildings | 9. Victoria Park              |
|   |                                | 7. Medway Conservation Area                  | ○ Conservation Area           |

There is also much older local heritage. Some evidence of prehistoric activity has been found within the Old Ford Archaeological Priority Area (APA) during archaeological investigations at Lefevre Walk and Parnell Road. The Old Ford APA encompasses the known extent of a Roman settlement and the likely location of the Roman river crossing of the Lea. The Bow APA covers the historic settlement and surrounds of Bromley-by-Bow. This centres on Bow Road and St. Mary's Bow, the former Lady Chapel of the Benedictine nuns of St. Leonard's Priory, destroyed in the

dissolution of 1536<sup>36</sup>

This rich heritage offers potential sources of themes to feed into public realm works, cultural events and a heritage trail.

### 7.2 Policy for Bow Wharf waterway infrastructure conservation and enhancement

#### 7.2.1 Key Issue

Bow Wharf is a major heritage asset at the junction of the Regent's and Hertford Union canals. its historic, low-density setting has been eroded

## **OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE**

by piecemeal development and the absence of a comprehensive heritage plan. Planning consent was granted in 2014 for 34 residential units and a small commercial space. The Canal and River Trust worked with H2O Urban LLP, a national joint venture company owned 50% by the Trust and 50% by private developer, Bloc Ltd. H2O is working on a series of urban regeneration and redevelopment projects across the UK with the Canal and River Trust. The scheme flanks the canal path and has resulted in the loss of the wharf cottages and has weakened the visual link between Victoria Park and Mile End Park.

### **7.2.2 Policy**

#### **Policy HE1: Bow Wharf waterway infrastructure conservation and enhancement**

- Development proposals at Bow Wharf must demonstrate how they reflect the historic character of the area and how they will enhance both its heritage significance and cultural vibrancy.
- Proposed development must therefore submit a comprehensive statement of historic significance clearly demonstrating how proposals positively reflect and are informed by the existing historic context and how the proposals will enhance the historic character of the area.
- Developers are advised to ensure plans are developed in consultation with the Council's conservation team, Neighbourhood Forum and the Canal and River Trust. Proposals must demonstrate widespread

consultation with local businesses, residents and community groups.

- Development proposals must provide for an appropriate mix of uses that include leisure and recreational activities and, where workspaces are provided as part of redevelopment, affordable workspaces for small businesses should be provided in line with the Local Plan. Recreational provision that improves connectivity with the Green Grid and better links Victoria and Mile End Parks and/or Hackney Village with the Roman Road, will be strongly supported.



Fig. 24: Bow Wharf

### **7.2.3 Conformity with other policies**

#### **Tower Hamlets Conservation Strategy 2026**

"Proposals that are regarded as improving the borough's historic environment will be positively supported, whereas proposals which could cause permanent harm to historic assets will be opposed unless there are considerable public benefits that would outweigh the harm. The council will use its influence and

local planning authority powers in partnership with local communities, property owners and other interested stakeholders to achieve this aim." (page6)

### **7.2.4 Justification**

The Forum consulted with Historic England and the Canal & River Trust. Historic England proposed the above policy wording, and the Canal and River Trust have expressed their support for this.

Tower Hamlets Water Space Study, September 2017 Engaging Stakeholders: "Due to the varied land ownership and because many opportunities relate to site allocations for future development, the Council will need to work in partnership with a wide range of organisations and developers to effectively deliver the water space opportunities" (page 62, para 4.13)

Poor design of development: "With regards to the heritage value of water spaces, developments have also been designed out of keeping with the historic scale and form of waterside development, and without consideration of the canal and towpath edges." (page30, para 3.9)

#### **Bow Wharf: The character of the conservation area in the vicinity of the proposed development; Friends of Regents Canal, October 2013**

"In addition to the junction's intrinsic geographical and historical significance, it retains within a small area several historic structures of types now rare on London's canals (cast-iron-girder bridge, stop lock, stone-way, remains of wharf cottages, chimney from sawmill, canal carrier's warehouse.) Their setting retains a relatively low density of built development that was characteristic of the canals of this area until recent years. It also has a fair number of trees, which combine with the small scale

of the buildings to produce a calm and pleasant environment, and which also form a link both visual and ecological between the public parks to the north and south. The canals of inner London are rapidly becoming dominated by modern waterside developments of a new scale, mostly residential, but of high activity where commercial, so that Bow Wharf provides a now scarce enclave of calm and historic character that it is necessary to protect and sustain." (page1)

The wharf cottages were demolished and were replaced as part of a development, completed in 2018, with three taller blocks of 34 residential units and a small commercial space. See pages 5-6 of **Local Heritage; Roman Road Bow Neighbourhood Forum**<sup>37</sup> regarding ownership of canal bridges. The South East Marine Plan includes the policy SE-HER-1: 'Proposals that demonstrate they will conserve and enhance the significance of heritage assets will be supported'.

### **7.3 Policy for public houses to become locally designated heritage assets**

#### **7.3.1 Key Issue**

An evidence-based study titled "Pubs in Tower Hamlets" prepared for the council, highlighted that, of 275 public houses open on 1st January 2000, well over half (161 pubs, 58.1%) had closed by 2017 (page 13). The Covid 19 pandemic has hit the hospitality sector especially hard, and remaining pubs are at risk of closure and loss to the community. A policy is needed to prevent their loss or conversion. Pubs are important to the local economy and valued meeting places that enrich community life. Some have particular architectural and historical significance and are listed buildings.

## OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE

### 7.3.2 Policy

**Policy HE2: Public houses to become locally designated heritage assets**

The following are identified as locally designated heritage assets:

**a.** The Albert, 74 St. Stephen's Road E3 5JL

- b.** The Coborn Arms, 8 Coborn Road E3 2DA.
- c.** Green Goose, 112 Anglo Road, Bow London E3 5HD
- d.** Morgan Arms, 43 Morgan Street E3 5AA
- e.** Young Prince, 448 Roman Rd, London E3 5LU



Fig. 25: Public Houses, including locally designated heritage assets

#### PUBS

*Pubs: Nationally Listed Grade II*

- 1.** **The Crown**  
223 Grove Road, E3 5SN
- 2.** **Palm Tree**  
127 Grove Road, E3 5BH
- 3.** **Lord Tredegar**  
50 Lichfield Road, E3 5AL

*Pubs on the Tower Hamlets Local List*

- 4.** **The Cherry**  
359 Mile End Road, E3 4QS
- 5.** **Eleanor Arms**  
460 Old Ford Road, E3 5JP
- 6.** **Greedy Cow**  
2 Grove Rd, London E3 5AX

*Pubs proposed to be added to the Tower Hamlets Local List*

- 7.** **Little Driver**  
125 Bow Rd, E3 2AN
- 8.** **Lord Morpeth**  
402 Old Ford Road, E3 5NR
- 9.** **The Victoria**  
110 Grove Road, E3 5TH
- 10.** **The Albert**  
74 St Stephen's Rd, London E3 5JL
- 11.** **Coborn Arms**  
8 Coborn Road, E3 2DA
- 12.** **Green Goose**  
112 Anglo Road, E3 5HD
- 13.** **Morgan Arms**  
43 Morgan Street, E3 5AA
- 14.** **Young Prince**  
448 Roman Rd, E3 5LU

**10. The Albert**  
74 St Stephen's Rd, London E3 5JL



**11. Coborn Arms**  
8 Coborn Road. E3 2DA



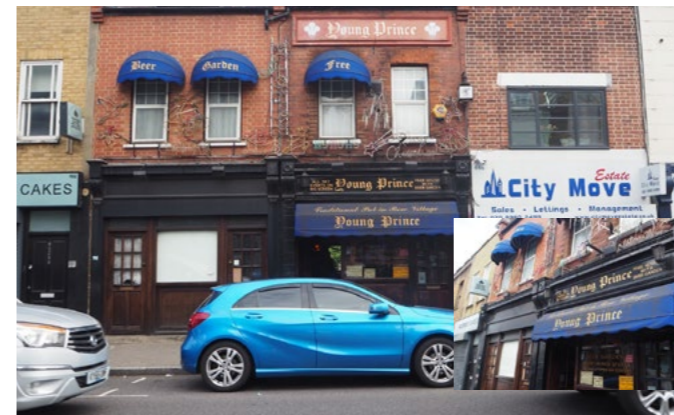
**12. Green Goose**  
112 Anglo Road, E3 5HD



**13. Morgan Arms**  
43 Morgan Street, E3 5AA



**14. Young Prince**  
448 Roman Rd, E3 5LU



### 7.3.3 Conformity with other policies

**Public Houses in Bow Neighbourhood Plan Area; Roman Road Bow Neighbourhood Forum;**<sup>38</sup>

This document details the locally

designated pubs' ages, characters and distinctiveness, as well as their architectural, historical and social significance.

**Historic England, Neighbourhood Planning and the Historic Environment, Advice Note 11**



## **OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE**

“It is for the local community to decide on the scope and content of a neighbourhood plan. They may wish to set out a specific historic environment section within the plan, drawing on the evidence gathered. There are benefits from consolidating related information in a clear, focused way.” (page 18)

### **The National Planning Policy Framework 2019**

“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.” (page 54, para 185)

Local planning authorities should “plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential

environments” (page 27, para 92)

### **Debate in Houses Parliament, 12 February 2015**

CAMRA have lobbied the government for pubs to be removed from the A4 use class and placed into the ‘Sui Generis’ category. This would require a planning application with opportunity for public representations before any change of use. A debate on this issue was held in Parliament on 12th February 2015. A concession required pubs designated as Assets of Community Value (ACV) to be subject to full applications for any change of use.

### **Town and Country Planning General Permitted Development Order 2015 (Consolidated)**

Applicants are required to submit written notice to local planning authorities giving notice (fifty-six days) before implementing change of use under permitted development. This allows time for ACV nominations to be received.

### **The London Plan 2021, Policy HC7: Protecting public houses**

“Boroughs should:

1. *protect public houses where they have a heritage, economic, social or cultural value to local communities, and where they contribute to wider policy objectives for town centres, night-time economy areas and Creative Enterprise Zones.*
2. *support proposals for new public houses to stimulate town centre*

*regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate. Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.*

*Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.”* (page 344, paragraph A)

### **Tower Hamlets Council, Assets of Community Value, Nomination form guidance notes**

This document gives detailed guidance to local groups wishing to nominate an Asset of Community Value.

**Tower Hamlets Local Plan 2031, Section 12, Policy D.CF4** Public houses Policy requires the provision of specific evidence where the loss of a public house is proposed (page 133).

#### **7.3.4 Justification**

Pubs are often located in attractive, prominent locations in the heart of the community and operate from buildings distinguished by the quality of their architectural design and detail. They tend to occupy reasonably large plots, sometimes with a beer garden or yard, and there is often capacity to convert or redevelop a pub to provide several new dwellings.

### **Tower Hamlets Local List, New Additions, 2019**

In 2019 Tower Hamlets made new additions of local pubs to its local list

of buildings and structures that, whilst not statutorily listed for their national importance, are considered to be of local importance. These included the Eleanor Arms and the adjacent building No.458, as together they form a single development (in the setting of Victoria Park Conservation Area), the Lord Morpeth (in the setting of Victoria Park Conservation Area) and the Victoria.

Existing pubs in the plan area also include the nationally Grade II listed The Crown, 223 Grove Rd, E3 5SN, the Palm Tree, 127 Grove Road E3 5BH, and the Lord Tredegar, 50 Lichfield Road E3 5AL.

The Cherry (formerly the Globe), The Greedy Cow (formerly the Prince of Wales) and Little Driver are locally listed buildings.

Pubs and restaurants have suffered greatly during the pandemic and struggle to survive. They represent not only some fine local buildings but are community meeting places for people who value socialising over drink and food.

## **7.4 Action supporting opportunities for new types of Public House**

### **7.4.1 Key Issue**

Current planning policies expect new public houses to be located in the designated town centres, (District Centres or Neighbourhood Centres). Drinking establishments elsewhere will only be supported where they are local in nature and scale. Given the restrictions on location, it may be difficult for innovation in new forms of public house.

## **OBJECTIVE 4: NEW LIFE FOR OUR LOCAL HERITAGE**

### **7.4.2 Action**

#### **Action HE3: Opportunities for new types of Public House**

Tower Hamlets Council to facilitate new models of pubs coming forward and broaden the locations in which proposals might be acceptable. New models of pubs including

- **Gastro pubs** serving good quality beer and food,
- **Micro pubs** in small settings where cask ales are served and conversation promoted,
- **Craft beer pubs** championing ales from smaller British brewers,
- **Tap rooms** where beer is served from taps,
- **Tank bars** serving beer directly from specialised tanks will be supported in district and neighbourhood centres, neighbourhood parades and other locations where serious detriment to residents can be avoided.

### **7.4.3 Conformity with other policies**

#### **Tower Hamlets Local Plan 2031, policy D.TC5**

Drinking establishments outside the town centre hierarchy are permitted "Where they are local in nature and scale" (page 122).

Paragraph 12.2, Supporting Community Facilities, states "Specific need gaps and priorities include the

provision of public houses,." (page128).

### **7.4.4 Justification**

Local pubs provide valuable space to support recreation and leisure activities such as live music, comedy nights, pool and darts leagues, parties and celebrations, political debate, community meetings and quizzes. Some have the potential to become assets of community value.

#### **Tower Hamlets Council; Pubs in Tower Hamlets – An Evidence Base Study 2017**

*"It is recommended that the Council amends its planning policies to better facilitate new models of pubs coming forward and to broaden the locations in which proposals might be acceptable. For example, the growing movement of 'micro-pubs' is conducive to being delivered outside of main town centres without harming surrounding residential amenity, so policies could be drafted or amended to facilitate such uses in such locations as appropriate."* (page30)

## **7.5 Action for an updated Bow Heritage Trail**

### **7.5.1 Key Issue**

The area's heritage assets are poorly promoted, and the 1990 heritage trail is outdated and not easily accessible in digital format. Way marking through the area is generally poor, which discourages visitors from exploring lesser-known places, and results in local

businesses missing out on potential trade.

### **7.5.2 Action**

#### **Action HE4: Wayfinding and Bow Heritage Trail**

Implementation of the Tower Hamlets Green Grid Strategy, Updated 2017, to include better wayfinding and integration with TfL's Legible London signage. It will link the Roman Road shops and market with community facilities, cultural and historic places of interest, and surrounding Olympic Park, Mile End Park and Victoria Park through an updated digital Bow Heritage Trail.

### **7.5.3 Conformity with other policies**

#### **Tower Hamlets Conservation Strategy 2026**

One of the stated outcomes for Aim 2: 'Conserving and protecting the borough's historic environment, and capitalising on opportunities for attracting investment, conservation-led regeneration and positive place shaping' is: "Up-to-date information and guidance about the historic environment that is easily accessible." (page7).

The strategy goes on to say: "There is very limited interpretation or directional signage relating to the heritage resource onsite in the borough, and it would therefore be easy for a casual visitor to remain unaware of the breadth and diversity of the heritage that can be found here. There is also limited information on the heritage resource on the Council's website, no borough map made available to visitors or residents, and no central Tourist Office or other resource where visitors

can access information about the borough's heritage." (page16, section 3.2.12)

### **7.5.4 Justification**

#### **Tower Hamlets Green Grid Strategy: Update 2017; Appendices Adapted opportunities from 2010 Green Grid Strategy**

Section 6, Roman Road: "There is some unused space on the wider pavements, which could be used to create additional seating and associated landscaping including planters, street trees and pocket parks, as well as better signposting the rest of the Borough and city from here, so it does not feel so isolated. The area has a rich history particularly as the Suffragette heartland, which could be better celebrated through public realm interventions including art and community events." (page 20)

#### **Transport for London, Legible London**

"We work with the London Development Agency, and in partnership with London boroughs, to develop a way of providing coordinated walking information across the Capital, offering benefits for our transport system, for public health, the economy, tourism and the environment."<sup>39</sup>

#### **Bow Heritage Trail**

The signposted trail thorough Bow with plaques giving information about places of historic interest is now defunct. The Tower Hamlets Local History Library and Archives at 277 Bancroft Road, London E1 4DQ with its close proximity to Queen Mary College,<sup>40</sup> provides an exciting opportunity for updating the trail using digital technology.

## OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING

By 2031, new developments over the last decade are well integrated with existing communities, retaining the character of local neighbourhoods without destroying locally listed assets. A majority of the homes are low carbon homes. A few affordable and well-designed community-led housing schemes have been developed around Bow. Incremental, small scale residential projects over time have created a greater variety of housing types. These projects reflect the local housing need and area and successfully promote community cohesion.

### 8.1 Summary of key issues

High property prices, unaffordable private rents, and the scarcity of land for housing make it difficult for people who have grown up in Bow to stay, and people on modest incomes to move in. This contributes to short-term stays and works against building mixed and balanced communities.

### 8.2 Policy on site allocations

#### 8.2.1 Key issue

There are no large sites for significant new housing developments within the plan area NPA that might deliver much needed affordable housing for the area. The Central Area identified in the Tower Hamlets Local Plan (page 220), has only two allocated sites - at Bow Common Lane and Crisp Street Town Centre. These both fall outside the plan area NPA. A pipeline of small sites will be required in order to build local affordable homes.

A 2020 technical support package through Locality enabled an initial assessment of potential sites to be made by AECOM. 8 sites were assessed, of which, one site was considered to be suitable for development, and a further 6 were considered to be potentially suitable for development, subject to identified constraints being addressed. One site was considered to be unsuitable for allocation due to a recent planning permission for residential development.

#### 8.2.2 Policy

The policy identifies one sites suitable for housing development. This is land at the rear of 81-147 Candy Street E3 2LH. A slightly larger site was originally assessed, and information for the site, including location, site area, relevant planning history and development constraints, is in the **Roman Road Bow Housing Need and Deliverability Assessment document** (site 4, Wendon St.)<sup>41</sup>

A narrow strip of land on the edge of the A12 was subsequently excluded from the site as it lay within the area of the London Legacy Development Corporation. The site proposed is that contained in a joint planning application by London Borough of Tower Hamlets and Place Ltd. (PA/21/01162) of June 2021 for 16 pre-constructed modular apartments to be used as temporary accommodation for a period of 10 years. A site location plan is shown below. Site details are in the 2020 report **'Roman Road Site Options and Assessments 2020 by AECOM'**<sup>42</sup>

Planning permission, for this temporary use of the site, was granted in December 2021. The site is suitable, and should be available over the longer term for permanent housing. The Options and Assessments Report estimated the site's capacity as 16-60 dwellings. The main constraints to development include proximity to the

A12 Blackwall Tunnel Road to the east (noise and air pollution); medium risk of surface water flooding (needing mitigation); and the presence of the infrastructure/safeguarding zone on the southern edge of the site (future potential upgrading of the bridge over the A12).



Fig. 26: Candy Street location map

## **OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING**

### **Policy H1: Site allocation and housing development**

1. The following site is allocated for housing:  
Land at rear of 81-147 Candy St. E3 2LH contained in planning application PA/21/01162.  
Proposals for new housing development on small, infill sites, assessed as suitable and potentially available in the Roman Road Site Options and Assessments 2020 report, and subsequent updates to those assessments, will be taken into consideration in decision-making.

### **8.2.3 Conformity with other policies**

#### **The London Plan 2021, Chapter 4, Policy H2**

Although larger sites are scarce, smaller sites with the potential for housing delivery are dotted throughout the area. Policy H2 in the London Plan supports the development of small sites stating that they “should play a much greater role in housing delivery and boroughs should proactively support well-designed new homes on small sites.” (page180)

#### **Tower Hamlets Local Plan 2031**

Policy S.SG1 on Areas of Growth and Opportunity Within Tower Hamlets  
“The remaining part of the borough is defined as the Central sub-area. Whilst not having the status of an opportunity area, this area has the potential to absorb additional growth, primarily through infill and land use intensification which respects

the character of the surrounding streetscape.” (page34, para 7.7)  
“While the majority of the borough’s future housing and employment supply is expected to come forward on allocated sites, significant opportunities exist to bring forward development within other locations, such as small-scale infill sites within existing neighbourhoods and the intensification of existing brownfield sites. These sites (known as windfalls) have the potential to make a significant contribution to the supply of housing and employment land in the borough.” (page34, para 7.11)

#### **Tower Hamlets Local Plan 2031: Policy S.H1 Meeting housing need**

“Development will be expected to contribute towards the creation of mixed and balanced communities that respond to local and strategic need. This will be achieved through:  
a. setting an overall target for 50% of all new homes to be affordable, to be achieved through:  
i. securing affordable homes from a range of council-led initiatives  
ii. requiring the provision of affordable housing contributions on sites providing 2 to 9 new residential units against a sliding-scale target (subject to viability).” (page76, para 2)

#### **Tower Hamlets Local Plan 2031: Policy D.H2 Affordable housing and housing mix**

“1. Development is required to maximise the provision of affordable housing in accordance with a 70% rented and 30% intermediate tenure split.  
2. Development is required to maximise

the delivery of affordable housing on-site.” (page80, para 1,2)

#### **Planning Obligations SPD March 2021**

Major applications are defined as “10 units or more, or with a combined gross floorspace of 1,000 sqm (gross internal area) or more.” (page14)

‘Affordable Housing is being delivered through negotiations as a part of major residential schemes, as well as through a range of public initiatives and the effective use of grant funding. In line with Local Plan Policies S.H1 and D.H2, a target of 50% Affordable Housing has been set for major residential schemes. These schemes are expected to deliver a minimum of 35% Affordable Housing with a mix of tenures and unit sizes, subject to viability. The Development Viability SPD sets out the detail around securing on-site Affordable Housing provision, in line with the Mayor of London’s Affordable Housing and Viability SPG.’ (page15)

#### **High Density Living SPD; Tower Hamlets Council; December 2020**

“In particular, the SPD provides detailed guidance to help the council deliver its vision to support existing communities and welcome new residents to make their home within liveable, mixed, stable, inclusive and cohesive neighbourhoods, which contribute to a high quality of life and more healthy lifestyles.” (page10, policy context)

#### **Central Area Good Growth SPD; Tower Hamlets Council August 2021**

This document contains a character appraisal for Bow and descriptions of typical building types (pages 31-35). Future challenges and opportunities are identified: Regarding 21st century urban housing growth it states: “The variety provided through the range of building types sometimes

leads to an unclear and fragmented character and there is an opportunity to improve the connection between developments and also to the wider street environment. There is a risk that new developments may reinforce fragmentary character and lack of cohesion by following these precedents.” (page133)

Principles based on the character of different areas are then set out in the SPD out to guide future development. The guidance contains a design toolkit for small sites up to 0.25 hectares. “Each type of site and associated context is analysed, and design guidelines are provided. These are based on best practice architecture and urban design considerations that reflect the council’s aspirations.” (page151)

Design principles are also set out for residential developments: “As the emphasis of the SPD is on small-scale developments, the principles have a particular focus on overcoming usual constraints associated with this type of development in order to achieve high quality developments for existing and future residents.” (page197)

#### **Thames Water**

Thames Water responded to the Regulation 14 consultation saying: ““Developers need to consider the net increase in water and waste water demand to serve their developments and also any impact the development may have off site further down the network if no/low water pressure and internal/external sewage flooding of property is to be avoided. Thames Water encourages developers to use their free pre-planning service.”

### **8.2.4 Justification**

#### **A review of Evidence into Local Need for Affordable Housing, March 2020** <sup>43</sup>

## **OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING**

A 2020 Housing Needs Assessment (HNA) carried out for the Roman Road Neighbourhood Forum by Arc4 indicates the area is mostly populated by younger, single people, or households formed as cohabiting couples with no children. Consequently, there is a greater proportion of one bedroom and two-bedroom dwellings in the area. The population projections show that the older population is set to more than double by 2041, most of whom require the ability to downsize to one-bedroom homes.

The HNA indicates that more than 75% of households are unable to afford market housing of any kind, whether private rent or private home ownership, due to the high cost of housing in the area. This has led to owner occupation becoming one of the lowest in the country and indicates a latent demand for intermediate affordable housing products such as shared ownership, discount market, or affordable starter homes. Furthermore, it has led to a high turnover of residents who are living in temporary or short-term accommodation.

This Neighbourhood Plan seeks to establish sustainable, inclusive and mixed communities that encourage longer term residents to stay and provide opportunities for new residents to stay longer term.

The HNA concluded that 'unless there is an increase in the vacancy rate, the flow of unmet affordable need is an average of 86 dwellings per annum in Bow East and an average of 97 dwellings per annum in Bow

West. This gives a total of 183 dwellings per annum across the 2 wards.' (paragraph 5.27)

### **Well designed homes**

Good quality housing design and layout are described in the Tower Hamlets Local Plan (Policy S.D1, page 44). The importance of good design in the NPA is to enhance community interaction within new housing developments. This can be supported through the design of mixed-tenure blocks and shared semi-private communal spaces or gardens, which would provide a place for social interaction and create a sense of community.

### **8.3 Policy supporting community-led housing**

#### **8.3.1 Key Issue**

Many new housing developments do not provide the types of housing that are needed by the community, and the local community is not given priority when units become available. Community led housing is a growing movement of people taking action and managing housing projects that build the decent and affordable homes that the country so desperately needs. Open and meaningful community participation and consent takes place throughout the process.

The community group or organisation owns, manages or stewards the homes in whichever way they decide to, but needs to be a registered affordable housing provider.

The housing development is of true benefit for the local community, a specific group of people (an

intentional community), or both. These benefits should also be legally protected in perpetuity

#### **8.3.2 Policy**

##### **Policy H2: Community-led housing**

Community led housing is where:

- Open and meaningful community participation and agreement takes place throughout the process of designing and developing housing proposals;
- The community group or organisation owns, manages or stewards the homes in whichever way they decide, having had regard for the results of community consultation;
- The housing development meets the general needs of the local community, the specific needs of those who will be occupying the housing, or both. The expected benefits should be legally protected in perpetuity.

In order to ensure the provision of community-led housing that meets community need:

- a.** Where intermediate housing is proposed, developers are encouraged to work with community led housing groups, such as the Squeezed London <sup>44</sup>, to provide affordable housing
- b.** New residential developments where intermediate housing is proposed, are to submit an offer for these homes to local community-led housing organisations before opening the developments to the market
- c.** The provision of community-led housing that meets community need is strongly encouraged

#### **8.3.3 Conformity with other policies**

The London Plan 2021, Policy H2 Small sites

*"Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) significantly increase the contribution of small sites to meeting London's housing needs*
- 2) diversify the sources, locations, type and mix of housing supply*
- 3) support small and medium-sized housebuilder*
- 4) support those wishing to bring forward custom, self-build and community-led housing*
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets..." (chapter 4, page 180)*

*"Boroughs should:*

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites*
- 2) Where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites*
- 3) identify and allocate appropriate small sites for residential development*
- 4) list these small sites on their brownfield registers*
- 5) grant permission in principle on specific sites or prepare local development orders."* (chapter 4, page 180)

## **OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING**

### **Tower Hamlets Local Plan 2031**

In order to support a variety of housing products in the market and affordable tenures which meet local need under policy S.H1, “Developments are expected to maximise the provision of affordable housing, having regard to availability of public subsidy, implications of phased development (including provision for re-appraising scheme viability at different stages of development) as well as financial viability which should, in particular, take account of prevailing local and regional viability guidance.” (page 78 para 9.19)  
“Over the plan period, developments on small sites have the potential to contribute over 3,000 new homes and could make a significant contribution towards meeting local affordable housing need.” (page 78, para 9.21)

#### **8.3.4 Justification**

Community-led housing has been actively promoted and funded by Central Government since 2016, to give communities control over delivering the homes that are best suited to their local needs. Whilst the movement of Community Land Trusts and community-led housing groups has only really taken hold in England since the early 2000's, they play an important role in stewarding land for building affordable homes. Roman Road Community Land Trust (RRCLT) was formed in 2019 to champion community-led housing and to work

with developers and landowners to build genuinely affordable, good quality homes in Bow.

The level of housing need in Tower Hamlets as a whole far outstrips supply. “There are more than 19,000 households on the housing register in need of an affordable home and over 2,000 households living in temporary accommodation. But each year, only 1,800 homes become available to let to applicants on the housing register.

More new homes were built in Tower Hamlets in 2018 than anywhere else in the UK, but with the average house price now 22 times the average salary, our residents can't afford to buy them.”<sup>45</sup>

There are currently very few affordable housing developments underway in the area. One solution to meet the needs of the local community is to support community-led housing developments to reduce the unmet demand.

Right to Regenerate: Reform of the Right to Contest, Jan 2021  
“The government believes that reforming the Right to Contest and relaunching it as a new ‘Right to Regenerate’ could provide a quicker and easier route for individuals, businesses and organisations to identify, purchase and redevelop underused or empty land in their area. In turn, a strengthened right would support greater regeneration of brownfield land, boost housing supply

and empower people to turn blights and empty spaces in their areas into more beautiful developments.”<sup>46</sup>

Roman Road Bow Housing Need and Deliverability Assessment document<sup>41</sup> describes in more detail the proposed local response to the HNA, including community led housing.

### **8.4 Policy on low carbon housing**

#### **8.4.1 Key issue**

Climate change is having an impact on our lives, and urgent action is needed to slow it down. The mayor declared a climate emergency in March 2019 and the council has committed to become a net zero carbon council by 2025 and a net zero carbon borough by 2050 or sooner.

#### **8.4.2 Policy**

##### **Policy H3: Low carbon housing**

- Proposals for significant renovation of residential properties are strongly encouraged to achieve the Tower Hamlets Local Plan Policy D.ES7 (A zero carbon borough) requirement for new residential developments to reduce on-site carbon dioxide emissions by at least 45% beyond 2013 Building Regulations.
- This includes the sensitive retrofitting of energy efficiency measures in historic buildings - including the retrofitting of listed buildings and buildings in Conservation Areas - provided that it safeguards the

historic characteristics of these heritage assets.

#### **8.4.3 Conformity with other policies**

A new Planning Act and Environment Act are expected that will require development to be zero-carbon ready by 2025 (the Government's new Future Homes Standard).

#### **Local Plan 2031 Policy D.ES7 A zero carbon borough**

1. Development is required to meet the carbon dioxide emission reduction standards as follows: Both residential and non-residential developments are required to improve on the building regulations 2013 standards:  
Development is required to meet the carbon dioxide emission reduction standards - Zero carbon (to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site and the remaining regulated carbon dioxide emissions to 100% - to be offset through a cash in lieu contribution)
2. Development is required to maximise energy efficiency, and as a minimum, all self-contained residential proposals will be strongly encouraged to meet the Home Quality Mark.
3. Major residential and major non-residential development will be required to submit an energy assessment. Minor non-residential development will be strongly encouraged to prepare an assessment.

## **OBJECTIVE 5: HIGH QUALITY AFFORDABLE HOUSING**

4. The energy assessment should demonstrate how the development has been designed in accordance with the energy hierarchy.

5. The sustainable retrofitting of existing development with provisions for the reduction of carbon emissions will be supported.

### **8.4.4 Justification**

There is currently a gap between local policy and the practical measures needed to deliver carbon reduction to target levels. The executive summary of the 2020 'Net Zero Carbon Plan' produced for the Council by Etude, says in order to achieve a net zero carbon council by 2025 'it will require decisive action starting now to reduce direct emissions by 75%. The residual emissions will have to be offset.' The report continues – 'This report also recommends that Tower Hamlets Council uses its powers, influence and leadership to put the Borough on the right track to achieve Net Zero Carbon by 2050 (or earlier if possible).' (page2)

The report emphasises the key role of policy in addressing climate change – 'Policy is critical to deliver Net Zero Carbon. The potential for policy to cause significant change within the borough cannot be understated. New policies should be bold and reflect the urgency of the changes that we need to see to avert catastrophic climate change' (page 31).

The neighbourhood plan is limited in what it can do, but it can support national, London and local policies. To help meet climate change targets we wish to encourage a wider range of developments, including proposals for significant renovation of residential properties, to achieve the Tower Hamlets local plan requirement for new developments in policy D.ES7.

## OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE

By 2031 funding from new developments has enabled the creation of new places for young people to meet and there is an established and financially stable network of community groups running activities and facilities supporting the diverse population in the area. Grassroots organisations, children's and youth groups, arts and performance organisations and places of worship are part of a community network, working together identifying and agreeing funding opportunities for provision of new or expansion of existing facilities or activities across the Neighbourhood Plan Area.

### 9.1 Summary of current issues

Community facilities are facing reduced access to public funding and increased pressure from higher land value uses, as well as competing with demand for housing and employment use. Some existing facilities, such as Chisenhale Gallery and Holy Trinity Church need major capital investment, others like the Arts Pavilion are under-used. There are insufficient facilities for young people, particularly teenagers, across the neighbourhood plan area.

Grassroots community organisations



78 Fig. 27: Chisenhale Gallery



Fig. 28: Arts Pavilion

play an important role supporting local residents and businesses. Many of these groups have been active in the area for a number of years identifying and solving local problems, but also face challenges of competing for limited funding.

A mapping exercise was carried out to identify all the local grassroots groups and community facilities, by sector, that fall within the neighbourhood plan boundary. See **Community groups mapping and analysis; Roman Road Bow Neighbourhood Forum.**<sup>47</sup>

### 9.2 Policy to develop new and improved sports and play facilities

#### 9.2.1 Key issue

The Local Plan 2031 Section 12, Supporting Community Facilities acknowledges the borough has specific gaps and priorities, including youth centres and indoor sport facilities and community halls (page 128). The policy in the Local Plan is reliant on developer contributions to ensure these additional or improved facilities will be provided.

#### 9.2.2 Policy

##### Policy CF1: developing new and improved sports and play facilities

- In order to meet the needs of the growing population of children and young adults in the neighbourhood plan area, space should be found for additional sports and play facilities, either as part of new development or from CIL funding allocated in the area.
- Planning applications that propose the provision of sports and play facilities for children and young people will be viewed favourably.
- New major residential developments will be expected to demonstrate that they have assessed the likely needs of the new resident under-16 population, and have sought, where possible, to address these needs.
- Proposals to improve existing sports and play facilities at Mile End Climbing Wall, Roman Road Adventure Playground and other existing facilities will be strongly supported.

New or improved play provision will be supported at:

- Lawrence Close E3 2AS
- Heylyn Square E32DW
- Rectangular paved area with hedges at foot of Wilmer House, Daling Way E3 5NW
- Tarmac square outside Forth House E3 2HQ
- Sutherland Road E3 5HG

Where appropriate, developer contributions will be used to address these needs.

#### 9.2.3 Conformity with other policies

See photos of proposed sites for improvement for play and recreation in **Potential sites for improved spaces**

for play and recreation; Roman Road Bow Neighbourhood Forum document.<sup>48</sup>

**Tower Hamlets Local Plan 2031; Policy D.CF3 New and enhanced community facilities**

*"Proposals involving the provision of community facilities located outside the borough's town centres will be permitted where an up to-date and robust local need can be demonstrated."* (page131)

**Indoor Sports Facilities for the Future 2017-2027 Appendix 3, Action plan**

*"Investigate any opportunities to develop indoor sports provision as a joint venture with partners, including neighbouring councils."* (page78)

**Tower Hamlets Planning Obligations SPD March 2021**

'It was agreed by Cabinet on 6 December 2016 to allocate 25% of received CIL funds in all circumstances to the 'neighbourhood portion'. In LBTH this 'neighbourhood portion' goes into the Local Infrastructure Fund (LIF) which residents are then consulted on to determine how this fund should be used to improve the local area.' (paragraph 1.16)

#### 9.2.4 Justification

**Indoor Sports Facilities for the Future 2017-2027; Section 4.3.1 Current and future needs for sports halls**

*"Geographical distribution of public and dual use sports halls across the borough is relatively good, with only small areas of the borough outside the catchment distance of 1,200 metres. One such area is in the north of the borough and broadly covers the northern parts of Bethnal Green, Bow West and Bow East wards."* (page24)

**Morpeth School pupil survey findings; Roman Road Bow Neighbourhood Forum; July 201649**

The under-provision of sports and play facilities is reflected in the survey



## **OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE**

carried out with Morpeth pupils aged between 12 and 15 in 2016, where respondents highlighted a desire for more or better youth leisure provision and 65% of surveyed students mentioned leisure facilities as important.

### **Community groups mapping and analysis; Roman Road Bow Neighbourhood Forum** <sup>46</sup>

Only two out of the 40 mapped facilities in the area were for sports and play - Mile End climbing wall and Roman Road adventure playground.

### **Health and Social Care in the North East Locality Research Briefing, 2019** <sup>49</sup>

This document identified one of the challenges as *“Unequal availability of leisure centres and exercising facilities, with Bow East and some parts of Mile End being further away from a leisure centre than other parts of the locality.”* (Page 2)

In 1999 a planning application (PA/99/00968) was permitted for *“New sports hall, incorporating changing rooms, offices and incorporates Caxton Green and the disused railway cutting as part of a Fitness Trail leading to new all-weather 5-7-A-side football pitch to the south of Four Seasons Green.”* This facility was never built.

For a neighbourhood adjacent to the Olympic Park, it is a poor legacy that the plan area has no widely available sports hall for community use throughout the week. Future developments in adjacent areas of

the London Legacy Development Corporation will provide opportunities for partnership working by Tower Hamlets Council through contributions to new sports facilities for the Bow community.

### **9.3 Action to develop new and improved youth facilities and support**

#### **9.3.1 Key Issue**

Whilst there are good youth services and facilities across the borough, there is a deficit within the NPA with a strong perception that more facilities should be provided: 22% of pupils who took part in the Morpeth School survey stated they wanted more youth provision in the area.

Council funded youth services have suffered from a series of reorganisations over the past 20 years, with a consequential lack of consistency in services and frequent changes of senior personnel. The updated youth service delivery model agreed in July 2020 shows only one Council youth work hub in the plan area and relies substantially on the community and voluntary sector to fundraise and enhance the offer. <sup>49</sup>



Fig. 29: Green Light Youth Club



Fig. 30: Eastside Youth Centre

#### **9.3.2 Action**

##### **Action CF2 Youth work facilities**

- Proposals will be supported from site owners to develop new or improved youth work, arts or cultural facilities funded by voluntary sector capital grants, local authority estate regeneration or through other capital programmes at the following locations: the Chisenhale Art Place, Malmesbury Estate and Locton Estate.
- Proposals to improve existing youth facilities at Eastside, Green Light Youth Club and St Paul's Old Ford will be strongly supported.

#### **9.3.3 Conformity with other policies**

##### **Revised planning obligations supplementary planning document, March 2013; London Borough of Tower Hamlets; Chapter 2: Council's approach to planning obligations and CIL**

“Following the introduction of CIL, the intention is that the Council will cease to mitigate the impact of development on the borough's community facilities through S106 Agreements. The following types of community facilities will instead be delivered through CIL receipts; Multi-use community facilities; Youth facilities; Leisure centres; Idea Stores, libraries and archives.” (page8-9, para 2.12)

#### **9.3.4 Justification**

##### **Tower Hamlets Voluntary and Community Sector Strategy 2016-2019**

The provision for youth activity groups in the NPA is under-represented compared to the borough as a whole. (page11)

##### **Community groups mapping and analysis; Roman Road Bow Neighbourhood Forum** <sup>46</sup>

The neighbourhood plan area has only three youth focussed facilities out of the 40 mapped facilities: 31 Squadron Air Cadets, Green Light Youth Club and Eastside Youth and Community Centre.

##### **Morpeth School pupil survey findings; Roman Road Bow Neighbourhood Forum; July 2016** <sup>50</sup>

The Morpeth pupil survey identified only 6% of respondents as using youth clubs; however, 22% said they wanted more youth facilities in their neighbourhood.

##### **Tower Hamlets Cabinet Meeting minutes of 29 July 2020, Youth Service Delivery Model**

“In modelling the new youth service officers are of the opinion that an additional Medium Term Financial Strategy (MTFS) savings of £100,000 for 2021/22 could be achieved in support of reducing the council's budget pressure. Support for this approach was given by the council's Corporate Leadership Team (CLT). It is intended that any agreed saving will be achieved through a reduction in the number of targeted workers in the internal Youth Service.” (page2)

## **OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE**

At a time when there is emerging evidence of the negative impact of the pandemic on some young people's mental health<sup>50</sup> and wellbeing, funding for the youth service is being cut. At the Young People's Question Time in March 2019, 60 young people from Tower Hamlets were invited to question senior leaders from the community, local government and police. One questioner commented: "Tower Hamlets is a very young borough, but I don't think lots of our services are particularly well designed to suit the needs of young people."<sup>51</sup>

### **Tower Hamlets Strategic Plan 2020-2023; Outcome 2**

The Council will "Engage with Schools, the Youth Service and the Voluntary Sector on how to strengthen access to high-quality activities outside of school for children and young people making the best use of our partnership approach." (page14)

To secure new and improved facilities with well qualified, experienced youth workers, a firm commitment to prioritise investment for our young people will be required.

## **9.4 Action to improve existing community centres**

### **9.4.1 Key Issue**

The Local Plan 2031 Section 12, Supporting Community Facilities acknowledges the borough has specific gaps and priorities, including youth centres and indoor sport

facilities and community halls (page 128). Some existing community spaces in the NPA are under-used and poorly maintained.

### **9.4.2 Action**

#### **Action CF3: to improve existing community centres**

Purpose-built community centres in housing estates in the neighbourhood plan area (such as the Ranwell Community Centre) are underused and need better maintenance and upkeep.

Proposals to replace the present Caxton Grove community centre with a higher quality building suitable for a wide range of community activities alongside improved play and sports facilities, will be encouraged. In order for these and other facilities, such as the Arts and Ecology Pavilions, to continue to provide useful meeting space for community groups and to sustain themselves into the future, CIL funding is needed to support, maintain and improve these facilities.



Fig. 31: Caxton Community Centre

### **9.4.3 Conformity with other policies Tower Hamlets Local Plan, chapter 7, S.CF1: Supporting community facilities**

- "1. Development which seeks to protect, maintain and enhance existing community facilities will be supported.*
- 2. Development will be required to contribute to the capacity, quality, usability and accessibility of existing community facilities, particularly where development will increase demand.*
- 3. Development should maximise opportunities for the provision of high quality community facilities to serve a wide range of users. Where possible, facilities or services should be accessible to the wider community outside of core hours and co-located or shared to encourage multi-purpose trips and better meet the needs of different groups.*
- 4. New community facilities will be directed towards the borough's centres in accordance with the town centre hierarchy and/or to locations which are accessible to their catchments depending on the nature and scale of the proposal." (p128)*

### **9.4.4 Justification**

Pressure on the Council to reduce expenditure, exacerbated by the Covid-19 pandemic, will require imagination and determination to improve existing facilities over the next decade. Communal meeting places are likely to assume greater

importance following lifting of restrictions on movement and mixing. Leveraging additional investment from national government, the private sector and charitable sources to supplement the Council's resources will be needed. Major developments on the outside edge of the plan area, such as on Wick Lane, provide opportunities for contributions to be made to community infrastructure in the nearby plan area in partnership with the London Legacy Development Corporation.

In February 2021 Tower Hamlets Council began a public consultation over proposals for the present Caxton Grove community centre. The proposed development is for a high-quality mixed-use scheme to replace the existing community centre and ball court at the northern end of the site adjacent the railway line. The proposed design is a six-storey building including a new community centre on ground floor level and 24 residential units above, providing a mix of dwellings for affordable rent and private sale homes. The public open space area to the south of the proposed building will be upgraded with new landscaping, including a children's dedicated play space alongside a new ballcourt with an area of the equivalent size of the existing ball court to be replaced.

## OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE



Fig. 32: Caxton Grove. Aerial view from the south-east

### 9.5 Action for partnership working

#### 9.5.1 Key issue

Limited public funding for local grassroots groups and community facilities will be further restricted by the pandemic for years to come. This highlights the importance of active local community involvement in the planning and commissioning of community facilities.

#### 9.5.2 Action

##### Action CF4: Partnership working

- Closer collaboration between the Council and voluntary and community groups will enable better use of limited resources and direct future funding for community infrastructure where it is most needed, considering the range of activities and facilities across the neighbourhood area.
- The Neighbourhood Forum working

in partnership with Tower Hamlets Council, other local groups, and Tower Hamlets Council for Voluntary Service will seek to develop community provision where most needed across the neighbourhood area.

#### 9.5.3 Conformity with other policies LBTH Community Engagement Strategy 2018-2021

##### Outcome 1: Communities lead the way in making Tower Hamlets a great place to live

“Co-production [...] offers an approach for sharing power ‘in an equal and mutual relationship, bringing together professionals, service users, their families and neighbours to design and deliver public services’ (see reference 9). This approach has increasingly been adopted by public sector organisations, who recognise that when power is shared, services are more responsive, and any solutions reached better reflect the needs of communities.” (page 11)

#### Tower Hamlets Local Plan, section 12, S.CF1: Supporting community facilities

“1. Development which seeks to protect, maintain and enhance existing community facilities will be supported.

2. Development will be required to contribute to the capacity, quality, usability and accessibility of existing community facilities, particularly where development will increase demand.

3. Development should maximise opportunities for the provision of high quality community facilities to serve a wide range of users. Where possible, facilities or services should be accessible to the wider community outside of core hours and co-located or shared to encourage multi-purpose trips and better meet the needs of

different groups.

4. New community facilities will be directed towards the borough's centres in accordance with the town centre hierarchy and/or to locations which are accessible to their catchments depending on the nature and scale of the proposal.” (p128)

#### 9.5.4 Justification

Building a sense of belonging and identity through local social networks and shared community experiences are important foundations for communities. This is particularly true for areas such as Bow, where there are a diverse mix of new and existing residents of different ages and ethnicities.<sup>52</sup>

Many places of worship in the neighbourhood plan area provide important outreach to the local community and support the communities' diverse ethnicities. Examples include Holy Trinity Church and its arts programme, St Paul Old Ford with its youth work and Ability Bow gym, the Bow Muslim Community Centre's Arabic and Bengali classes for children and the Gurdwara Sikh Sangat teaching Punjabi and Gatka (an Indian martial art) classes.

### 9.6 Action to encourage Community Asset Transfer

#### 9.6.1 Key issue

Bow Arts Studios and Nunnery Gallery, Chisenhale Gallery and Dance Space, and The Arts and Ecology Pavilions, are all within the Roman Road Bow NPA. They reach beyond the immediate neighbourhood, attracting visitors into the area and upholding Bow's reputation as a neighbourhood that supports the creative arts.

## **OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE**

Issues with council funding and historic lease arrangements of buildings owned by the Council but managed by local groups, detract from these some buildings being well maintained or developed for the benefit of the community.

The example of Bow Arts Trust is relevant. They have developed the Nunnery Gallery, a free public gallery with a local focus, alongside a shop and cafe. They plan to purchase the leasehold of affordable space in a large new commercial development in Hackney Wick for long term cultural use. This demonstrates what can be achieved by locally based charities.

### **9.6.2 Action**

#### **Action CF5: Community Asset Transfer and Assets of Community Value**

a) In order for Chisenhale Art Place Trust, Gallery and Dance Space to continue sustainably and control adaptation and development of existing facilities more directly, the Forum would strongly support the transfer of ownership of the building from Tower Hamlets Council, using Community Asset transfer.

b) As a separate matter, the potential benefit of listing more Assets of Community Value in the plan area is recognised. The community is strongly encouraged to nominate facilities that are of value to them as assets of community value.

### **9.6.3 Conformity with other policies Understanding Community Asset Transfer; Locality**

*“Community Asset Transfer is the transfer of a publicly owned asset (usually land or buildings) to a community organisation at less than market value, or at nil consideration (no cost).” (page3)*

#### **General Disposal Consent (England) 2003, The Consent**

Local authorities have the power to dispose of land and buildings at less than market value where they are able to demonstrate that doing so will result in local improvements to social, economic or environmental well-being. Local authorities are permitted to dispose of local authority land valued at up to two million pounds below market value or less without the need to obtain specific consent from the Deputy Prime Minister and First Secretary of State. (page6, para 8)

#### **A plain English guide to the Localism Action, Nov 2011; Community right to bid**

*“The Localism Act requires local authorities to maintain a list of assets of community value which have been nominated by the local community. When listed assets come up for sale or change of ownership, the Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market.” (page9)*

#### **London Borough of Tower Hamlets assets of community value – nomination form guidance notes**<sup>54</sup>

### **9.6.4 Justification**

Chisenhale is a prime example, where transfer of ownership of land and buildings on the Chisenhale site by Community Asset Transfer at less than market value could be of great benefit. The purpose of the transfers would be to help secure the industrial heritage of the site, and strengthen its sustainability and long-term use for the arts and other community uses.

Chisenhale Gallery has occupied part of the ground floor of a former veneer factory on Chisenhale Road since 1982. Adjacent to the gallery on the ground floor, as well as on the upper floors of the building above the Gallery, are 38 artists' studios run by Chisenhale Art Place Trust, and next door, Chisenhale Dance Space occupies the top floor of a former brewery building. The three organisations, now run as separate charities, began life together when artists took on a lease to the then derelict site from Tower Hamlets Council in 1980.

Apart from providing revenue to the Council, there seems little rationale for the local authority to retain ownership of this valued community asset. Major repairs are needed to areas such as roofs and windows, and part of the former brewery is derelict. The current ownership structure hampers long-term initiatives to improve and bring back into use large empty, derelict spaces. This is connected with financial restrictions and the complexities associated with raising funds for capital works on a building which they don't own.

London's Cultural Infrastructure Plan calls on local authorities to develop long-term community asset transfer policies. and the GLA Cultural Infrastructure officers support the

suggestion to explore the transfer of ownership of the buildings. The GLA's Artist Workspace Data Note said there were 11,500 studios in London, but only 13% have secure freeholds. Preservation of Chisenhale Artists' Studios would lead to increasing the long-term stability of London's studios. The transfer could include the gallery space, dance space and studios.

### **9.7 Action to improve accessibility to health and social care facilities**

#### **9.7.1 Key Issue**

The mapping of community facilities in Community groups mapping and analysis; **Roman Road Bow Neighbourhood Forum**; <sup>55</sup> shows that health and social care facilities are not easily accessible for residents in some parts of the neighbourhood plan area, in particular, those living in the eastern part of the Fairfield neighbourhood area are approximately 12 minutes' walk from the nearest doctor's surgery.

A research briefing on health and social care in the north east locality of the borough found that there were “Poorer availability of GP appointments than in the South of the Borough, with 35% of patients saying that they wait for more than a week for an appointment.” (page2)

#### **9.7.2 Action**

#### **Action CF6: Improving access to health and social care facilities**

Tower Hamlets Council, NHS and other service providers, using the principles of co-design and co-production described on page 17 of the Tower Hamlets Plan 2018-23, “to ensure the community and local partners have

## **OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE**

*a voice in shaping the design of local services. to work towards more equal access to health and social care services across the neighbourhood area."*

### **9.7.3 Conformity with other policies Tower Hamlets Infrastructure Delivery Plan 2017**

The delivery plan seeks to ensure appropriate policies are in place for creating Healthy Places (page 45), as well as to provide providing new facilities where need is identified (page 47-48). There are no proposals in the current plan to provide additional health facilities in the Roman Road Bow Neighbourhood Plan Area.

### **Tower Hamlets Health and Wellbeing Strategy 2017-20; chapter 1 Communities driving change**

In the first 12 months, the programme aims to *"Implement a 'health creation' programme in which residents: : identify issues impacting on health and wellbeing that matter to local people; recruit other residents who have the energy and passion to make a difference; develop and lead new ways to improve health and wellbeing locally."* (page13)

The programme operates in 12 of the most deprived neighbourhoods in Tower Hamlets, including Bow East/Old Ford Road, selected on health data, and the need to strengthen assets

supporting health and wellbeing in those areas.

A new five year Health and Wellbeing Strategy is being developed by the council's Health and Wellbeing board, with the central objective of tackling health inequalities.

### **9.7.4 Justification Health and Social Care in the North East Locality Research Briefing, 2019**

The North East Locality comprises five wards: Bow West, Bow East, Bromley North, Bromley South and Mile End.

*"Residents of the North East locality fared consistently worse than all the other localities across all indicators. In particular, they were more likely to find that they are poorly supported to make healthy lifestyle choices, that air quality is poor, that health and social care services don't work well together and that the neighbourhoods they live in are unsafe. They felt significantly more disenfranchised in relation with how their local community was run, and less satisfied with their homes and where they lived."* (Page 6)

Dentists: *"According to the Tower Hamlets North East Locality Profile, access to dentists is mixed across the North East locality with the western side of the locality generally having good access (including to dentists with addresses in the North West locality) and the eastern side of the locality having some of the furthest distance to travel to a dentist in the Borough."*

(Page 14)

GP surgeries: *"According to the Tower Hamlets North East Locality Profile, access to GP practices is unequal across the North West locality, with parts of Mile End and Bow East having some of the furthest distance to a nearest GP within Tower Hamlets."* (Page 16)

### **The future of healthcare for the people of north east London, August 2020**

The report advocates the 80-20 principle: *"Our basic principle of 80:20 is in recognition of the fact that decisions about health and care will take place as close to local people as possible. Local partnerships will decide how best to use resources in the best interests of patients."* (page8)

In October 2020 the GP members of all seven North East London Clinical Commissioning Groups (CCGs) passed proposals to form a new North East London CCG with strengthened local borough partnerships. This new, enlarged group provides a major opportunity to address the unequal geographical distribution of primary care services in Tower Hamlets and in the neighbourhood plan area.

The Bromley By Bow Centre,<sup>57</sup> although outside the plan area, provides an excellent model of holistic neighbourhood primary health care, combined with wider community development work. It has pioneered social prescribing, and implemented the Communities Driving Change

programme in the Old Ford area. It organised a Community Voting Day in November 2020 in Old Ford, which gave an opportunity to local people to pitch for small grants to carry out projects to improve public health in the area.

## **OBJECTIVE 6: RESILIENT AND WELL-NETWORKED COMMUNITY INFRASTRUCTURE**

### **10. Priorities for Community Infrastructure Levy (CIL) funding or its replacement**

The following policies and actions have been identified as suitable for delivery through CIL funding. The order follows that of the plan, and does not signify priority between the different themes.

**Green Streets:** Policy GS1 and Action GS2 to improve safe cycling and walking

**Public Spaces:** Policies PS1 to enhance public spaces, and PS2 to designate local green spaces.

**Heritage:** Action HE4 to improve Wayfinding and develop a new Bow Heritage Trail

**Community Infrastructure:** Policy CF1 to deliver new and improved sports and play facilities.

Actions CF2 and CF3 to provide new and improved youth facilities, and to improve existing community centres.

## **>> REFERENCES**

## REFERENCES

### Introduction

Roman Road Bow Neighbourhood Plan Engagement Report . <http://romanroadbowneighbourhoodplan.org/evidence>

1. Tower Hamlets Council; Central Area Good Growth SPD, August 2021
2. Tower Hamlets Strategic Plan 2020-23; page 6

### Local context

3. Tower Hamlets Council; Central Area Good Growth SPD, August 2021
4. Tower Hamlets Council planning portal; Planning application ref: PA/15/01601/A1
5. Tower Hamlets Council planning portal; Planning application ref: PA/18/00092/A1
6. Tower Hamlets Council planning portal; Planning application ref: PA/19/00346/A1
7. Tower Hamlets Council; Bow West Ward Profile; May 2014
8. Tower Hamlets Council; Bow East Ward Profile; May 2014
9. Tower Hamlets Council; Fish Island Area Action Plan, adopted Sep. 2012; page 32
10. A review of Evidence into Local Need for Affordable Housing, Final Report; page 32; <http://romanroadbowneighbourhoodplan.org/evidence>

[romanroadbowneighbourhoodplan.org/evidence](http://romanroadbowneighbourhoodplan.org/evidence)

11. Morpeth Pupil survey findings; Roman Road Bow Neighbourhood Forum; July 2016  
<http://romanroadbowneighbourhoodplan.org/evidence>

### Objective 1

12. Q Consult Business Survey; Queen Mary College students; December 2019  
<http://romanroadbowneighbourhoodplan.org/evidence>
13. Tower Hamlets Council planning portal; Planning application ref: PA/20/01845/NC
14. Q Consult Business Survey; Queen Mary College students; December 2019  
<http://romanroadbowneighbourhoodplan.org/evidence>
15. Footfall Report: Roman Road; Roman Road Trust; November 2015  
<http://romanroadbowneighbourhoodplan.org/evidence>
16. Trust for London: <http://bit.ly/TrustforLondon>
17. Tower Hamlet Council website: <http://bit.ly/TowerHamletsBusinessandEnterprise>

### Objective 2

18. Liveable Streets Bow, Consultation outcome report, 25 November 2020, paragraph 3.3 [talk.towerhamlets.gov.uk](http://talk.towerhamlets.gov.uk)
19. The Guardian, 8th August 2018; "Air pollution is a lethal blight that shames our politicians" by John Vidal: <http://bit.ly/GuardianJohnVidal>
20. The Guardian, 18th September 2018; "Air pollution linked to much greater risk of dementia" by Fiona Harvey: <http://bit.ly/GuardianFionaHarvey>
21. The Guardian, 3rd August 2018; "Air pollution linked to changes in heart structure" by Nicola Davis: <http://bit.ly/GuardianNicolaDavis>
22. The Guardian, 11th January 2019; "Air pollution 'as bad as smoking in increasing risk of miscarriage'" by Damian Carrington: <http://bit.ly/GuardianDamianCarrington>
23. The Guardian, 27th August 2018; "Air pollution causes 'huge' reduction in intelligence" by Lily Kuo: <http://bit.ly/GuardianLilyKuo>
24. The Independent, 6 December 2020; "Elli Kissi-Debrah Inquest: Coroner says air pollution contributed to death of nine year old in landmark case: <http://bit.ly/IndependentElliKissiDebrahInquest>
25. TfL website: <http://bit.ly/TfLCollisionMap>
26. Care2 Petitions website: <http://bit.ly/StopMopedsPetition>
27. Green Spaces and Connectivity: Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019); <http://romanroadbowneighbourhoodplan.org/evidence>

[romanroadbowneighbourhoodplan.org/evidence](http://romanroadbowneighbourhoodplan.org/evidence)

28. Towards child friendly local high street - developing an analytical framework; MSc Dissertation by Gargi Roy; <http://romanroadbowneighbourhoodplan.org/evidence>
29. TfL website: <http://bit.ly/StepFreeAccess>
30. Change.org website: <http://bit.ly/PetitionForStepFreeAccess>
31. Roman Road London website: <http://bit.ly/CampaignLiftAccess>

### Objective 3

32. Potential sites for improved spaces for play and recreation; Roman Road Bow Neighbourhood Forum; <http://romanroadbowneighbourhoodplan.org/evidence>
33. Calvert Avenue Parklet, Shoreditch; <http://bit.ly/ShoreditchParklet>
34. Green Spaces and Connectivity: Roman Road Bow Neighbourhood Plan; report by UCL MSc Spatial Planning students (2019); <http://romanroadbowneighbourhoodplan.org/evidence>
35. Potential sites for improved spaces for play and recreation; Roman Road Bow Neighbourhood Forum; <http://romanroadbowneighbourhoodplan.org/evidence>

### Objective 4

36. <https://historicengland.org.uk/content/docs/planning/apa-tower-hamlets-pdf> (p.120)

## REFERENCES

37. Local Heritage; Roman Road Bow Neighbourhood Forum; <http://romanroadbowneighbourhoodplan.org/evidence>

38. Public Houses in Bow Neighbourhood Plan Area; Roman Road Bow Neighbourhood Forum; <http://romanroadbowneighbourhoodplan.org/evidence>

39. TfL website: <http://bit.ly/TfLLegibleLondon>

40. Queen Mary University - Civic University Agreement: <http://bit.ly/QueenMaryUnivLondon>

### Objective 5

41. Roman Road Bow Housing Need and Deliverability Assessment; <http://romanroadbowneighbourhoodplan.org/evidence>

42. <http://romanroadbowneighbourhoodplan.org/wp-content/uploads/2020/10/Roman-Road-Site-Options-and-Assessment-draft-report.pdf>

43. A review of Evidence into Local Need for Affordable Housing; <http://romanroadbowneighbourhoodplan.org/evidence>

44. <https://www.squeezed.london>

45. Tackling the housing crisis: <http://bit.ly/TowerHamletsHousingCrisis>

45. Right to Regenerate consultation: <http://bit.ly/>

### Objective 6

46. Community groups mapping and analysis; Roman Road Bow Neighbourhood Forum; <http://romanroadbowneighbourhoodplan.org/evidence>

48. Roman Road Bow Neighbourhood Forum; Potential sites for improved spaces for play and recreation; <http://romanroadbowneighbourhoodplan.org/evidence>

49. <https://cdn.whitebearplatform.com/hwtower/wp-content/uploads/2019/09/21172331/North-East-Localities.pdf>

50. Public Health England findings: <http://bit.ly/GvtYoungPeople>

51. Morpeth Pupil survey findings; Roman Road Bow Neighbourhood Forum; July 2016 <http://romanroadbowneighbourhoodplan.org/evidence>

52. Tower Hamlets Council cabinet paper; Update report on proposed changes to the Youth Service delivery model, page 12

53. Morpeth Pupil survey findings; Roman Road Bow Neighbourhood

Forum; July 2016

54. <https://www.towerhamlets.gov.uk/Documents/Council-property/Property-and-land-management/Leasing/LONDON-BOROUGH-OF-TOWER-HAMLETS-Nomination-Form.pdf>

55. Young Persons Question Time: <http://bit.ly/March19QuestionTime>

56. Community groups mapping and analysis; Roman Road Bow Neighbourhood Forum

57. Bromley By Bow Centre: <http://bit.ly/BromleyByBowCentre>



Document content by:

ROMAN ROAD BOW NEIGHBOURHOOD  
FORUM COMMITTEE

Document layout by:

Daniella Ricci Saccotelli  
public works

This page is intentionally left blank



Roman Road Bow Amended Neighbourhood Planning Area

This page is intentionally left blank

<p><b>Non-Executive Report of the Council 16<sup>th</sup> November 2022</b></p>	
<p><b>Report of:</b> Ann Sutcliffe, Corporate Director, Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p>Update of the Strategy for the Identification of Contaminated Land 2022</p>	

<b>Lead Member</b>	Cllr Kabir Hussain, Cabinet Member for Environment and Climate Change
<b>Originating Officer(s)</b>	David Tolley – Head of Environmental Health and Trading Standards
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	31/5/22
<b>Strategic Plan Priority / Outcome</b>	<b>Priority 7- Working towards a clean and green future</b>

## Executive Summary

This report sets out the Council’s updated strategy for identifying contaminated land which is a statutory requirement under Part 2A (P2A) of the Environmental Protection Act (1990). The objective of the strategy is to identify and take action to remedy any areas within the borough that may impact the health of residents.

Statutory guidance issued by the Secretary of State requires periodic review of the strategy to ensure it remains up to date. This revision updates the Strategy for the Identification of Contaminated Land to reflect changes in local, regional, and national policies since the strategy was last reviewed and updated in 2017.

## Recommendations:

The Council is recommended to:

1. Adopt the strategy for the identification of contaminated land.
2. Delegate to the Corporate Director of Place authority to make any amendments to the policy deemed necessary following consultation with the Corporate Director Governance.

## **1 REASONS FOR THE DECISIONS**

- 1.1 Local Authorities are designated appropriate Agencies under Part 2A of the Environmental Protection Act (1990) who are responsible for identifying and determining contaminated land within their jurisdiction. Statutory guidance states “The local authority should keep its written strategy under periodic review to ensure it remains up to date. It is for the authority to decide when its strategy should be reviewed, although as good practice it should aim to review its strategy at least every five years”.

## **2 ALTERNATIVE OPTIONS**

- 2.1 To not adopt the updated strategy, but the Council risks not being able to fulfil its statutory duty to review and update the adopted plan. Furthermore, the council will not be able to ensure that land within the borough will be fit for its current use. This may result in detrimental impacts to health for the residents of the borough, property, and the wider environment.

## **3 DETAILS OF THE REPORT**

- 3.1 Section 57 of the Environment Act 1995 introduced contaminated land legislation which had been incorporated as Part 2A of the Environmental Protection Act 1990. Part 2A established a legal framework for dealing with contaminated land in England and placed a responsibility on local authorities to inspect its land from time to time for contaminated land. The decision to designate land as contaminated under Part 2A of the Environmental Protection Act 1990 lies with the Authority.
- 3.2 The legal definition of “Contaminated land” is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that—
- significant harm is being caused or there is a significant possibility of such harm being caused; or
  - significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.
- 3.3 Statutory guidance issued in 2012 places a duty on local authorities to publish a contaminated land strategy setting out the authority’s decision-making process in determining if a land is contaminated. The strategy should reflect the changes introduced in the guidance and is recommended to be reviewed every 5 years. The statutory guidance requires the Authority to take a “strategic approach” to inspecting their areas for contaminated land and to describe and publish this in a written strategy.
- 3.4 The strategy should reflect local circumstances and should include:

- (a) the local authorities aims, objectives and priorities, taking into account the characteristics of its area
  - (b) A description of relevant aspects of its area
  - (c) Its approach to strategic inspection of its area or parts of it
  - (d) Its approach to the prioritisation of detailed inspection and remediation activity
  - (e) How its approach under Part 2A fits with its broader approach to dealing with land contamination. For example, its broader approach may include using the planning system to ensure land is made suitable for use when it is redeveloped; and/or encouraging polluters/owners of land affected by contamination to deal with problems without the need for Part 2A to be used directly; and/or encouraging problematic land to be dealt with as part of wider regeneration work
  - (f) Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals; for example by encouraging voluntary action to deal with land contamination issues as far as it considers reasonable and practicable.
- 3.5 The Council's strategy was last reviewed and updated in 2017 and incorporated revised Government guidance. There is a need for the Strategy to be updated to reflect changes in local, regional, and national policies. The statutory guidance has remained unchanged since 2012.
- 3.6 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits was adopted by Full Council on 15 January 2020. The Local Plan emphasises that new development must be made suitable for its use and enables contaminated land to be brought back into beneficial use. This updated draft Strategy links to this Local Plan objective and takes account of the latest national guidance on contaminated land matters.
- 3.7 The overall objectives for the next 5 years are:
- Continue to identify those sites where land contamination is presenting unacceptable risk to human health or the wider environment and ensure remediation takes place.
  - Identify Council-owned or occupied potentially contaminated sites which should be prioritised for remediation as part of asset management.
  - To promote the regeneration and safe redevelopment of former industrial land using planning system to ensure land is made suitable for use when it is redeveloped.
- 3.8 Each chapter of the Strategy reflects the progression through each phase of identifying contaminated land. Risk assessment protocols are detailed in the Strategy and sites are assessed accordingly at each phase in line with current best practice.
- 3.9 Sites with contaminative uses (e.g., chemical works) were originally identified from historical mapping. These sites were compared with current sensitive uses (e.g. residential) to prioritise potentially contaminated sites. Prioritisation is achieved by applying a risk model which combines weighting factors of the

past use with current land use. The result is a score or risk rating of sites where there is a “potential contaminant linkage”. The sites which have the greatest potential for contamination to be causing significant harm to human health and/or the environment are identified at this first stage.

- 3.10 The second phase involves undertaking a site reconnaissance of each of the priority sites in which further information is gathered to establish an “actual contaminant linkage” exists. The outcome of this is to produce a list of high priority sites which require an intrusive soil investigation. This is known as strategic inspection.
- 3.11 The third phase involves reviewing the outcome of the intrusive soil investigation (known as detailed inspection) and if contaminants are present at the site and they constitute “a significant contaminant linkage”, followed by a risk assessment to establish whether a “*significant possibility of significant harm*” (SPOSH) exists before a land may be determined as contaminated land.
- 3.12 Once a site has been designated as contaminated land, in accordance with the statutory criteria, the Council will in the first instance engage the appropriate persons as defined in the legislation to clean up the site before formally declaring the site as contaminated land.
- 3.13 DEFRA funding for site investigation and clean-up of contamination had previously been available to local authorities in the form of contaminated land capital grants. This was also match funded by the Council. In 2014 the Government reduced the funding to £0.500m and then phased out altogether from April 2017. This means that strategic inspections will continue, however, detailed inspections cannot be carried out unless a source of capital funding could be found for this via central government or through the Council. Land contamination can be addressed under the planning system when land is developed, and developers will cover the cost of site investigation and remediation without the need for Part 2A to be used directly.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 There is no equality and diversity implications arising from the draft strategy. Please refer to equalities impact assessment checklist in Appendix 2.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
  - Best Value Implications- The Council is fulfilling its best value duty by ensuring that staff resources are targeting the higher risk potentially contaminated sites as determined through the process of risk



assessing and prioritising sites. Where detailed soil inspection will be required, and subject to securing funding, the acquisition of consultancy services to deliver soil investigations will be subject to Council procurement procedures. Tenders will be assessed based on quality and cost.

- Consultations- A 4-week consultation was undertaken with key stakeholders including the Environment Agency, DEFRA, Planning service, Building Control service, Parking and Highways. Only the Planning service provided comments, which were considered, and the draft strategy amended as required.
- Environmental- The aim of this Strategy is to improve land quality within the borough and increase the quality of life for residents.
- Risk Management- The Council as an enforcing Authority is the primary regulator for implementation of Part 2A of the Environmental Protection Act 1990 which establishes a legal framework for dealing with contaminated land in England. The updated Strategy for the Identification of Contaminated Land sets out how the Council will fulfil its obligations under this legislation. Failure to ensure that the council discharges its responsibilities can have serious consequences for the Council and these are set out below.
  - (i) Should the Council not exercise its duties to inspect and determine contaminated land in its area it would be considered negligent if it were proven that residents' health was impacted by contaminated land when the Council had not taken action.
  - (ii) In delivering the Strategy for the Identification of Contaminated Land, the Pollution Team is reliant on the Services of other key Teams such as Legal Services, Communications and Public Health to provide support to meet the objectives of the Strategy.
- Crime Reduction- There are no crime reduction implication with this report
- Safeguarding- There are no safeguarding implications with this report.
- Data Protection / Privacy Impact Assessment- There are no data protection/privacy impact implications

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no financial implications directly emanating from this report which is seeking approval of the LB Tower Hamlets Strategy for the Identification of Contaminated Land 2022
- 6.2 DEFRA funding for site investigation and clean-up of land contamination had previously been available to local authorities in the form of contaminated land capital grants. This was also match funded by the Council. However, this

funding has been phased out in recent years with the burden now falling entirely on the Council resulting in existing budget provision being sufficient for strategic inspections only. Any detailed inspection will require a source of capital funding to be identified and will be sought through the capital governance process.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 LBTH adopted a Contaminated Land Strategy which was first published in July 2001. The Strategy was last reviewed and adopted in Nov 2017. and detailed how the Council intended to respond to the statutory duties in relation to contaminated land. The legislative framework which governs the Council's responsibilities in this area is contained in Part 2A of the Environmental Protection Act (EPA) 1990, together with regulations which elaborate on details of the Part 2A regime, such as dealing with issues like what qualifies as a "special site"; public registers; remediation notices; and the rules for how appeals can be made against decisions taken under the Part 2A regime. The Contaminated Land Statutory Guidance, published by the Department for Environment, Food and Rural Affairs in April 2012 is the latest guidance provided.
- 7.2 Part 2A of the EPA 1990 defines 'Contaminated Land' and gives a number of functions to local authorities. In accordance with Part 2A, the Council has to do the following:
- carry out inspections of the land that may be contaminated;
  - find out who is responsible for causing the contamination;
  - formally designate land that is found to be contaminated;
  - agree on the required action to clean up (remediate) the land; and
  - keep a Public Register of designated contaminated sites in the borough, specifying how the land was cleaned up and what, if any, legal action was taken.
- 7.3 The Council is required to act in accordance with statutory guidance issued by the Secretary of State when carrying out specified functions under the Part 2A of the EPA 1990. This includes the carrying out of inspections under section 78B of the Act for the purposes of identifying contaminated land and determining whether it should be designated as a special site. The statutory guidance states that the Council's approach to inspections should be rational, ordered and efficient and it should reflect local circumstances. The statutory guidance proceeds to state that the local authority should set out its approach as a written strategy, which it should formally adopt and publish to a timescale to be set by the authority, which should be reviewed at least every five years.
- 7.4 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 specify that any function relating to contaminated land is a local choice function, which may be but need not be the responsibility of an executive of the authority. In Tower Hamlets the decision was taken to make functions in relation to contaminated land a council-side function. Accordingly, the responsibility of making the contaminated land strategy is not an executive function but is a decision for Full Council.

- 7.5 Before adopting the revised contaminated land strategy, the Council must have due regard to the need to eliminate unlawful conduct under equality legislation the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic.
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

Appendix 1 – Strategy for the identification of contaminated land

Appendix 2 – Equalities Impact Assessment – Checklist

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

NONE

### **Officer contact details for documents:**

Muhammad Islam, Pollution Team Leader, 020 7364 1549

This page is intentionally left blank

# STRATEGY FOR THE IDENTIFICATION OF CONTAMINATED LAND

Environmental Health and Trading Standards  
London Borough of Tower Hamlets  
Mulberry Place, 5 Clove Crescent  
London E14 2BG

## **Forward**

This is the council's strategy for the inspection of land within the London Borough of Tower Hamlets (the council) to determine the presence of any contaminated land, as defined by statute. The strategy sets out the local characteristics of the borough, historic land use ranging from dockland activity to local gas works and the inspection regime that is planned to identify local unacceptable risks to human health and/or the environment.

The strategy outlines the legal framework within which we are working and how information gathered will be managed, to ensure that the whole process is open and clear. This will enable the local community, developers and landowners to know and understand the law that exists to protect our environment and how the council is implementing the Government's national policy.

Regeneration of the East End and improving the quality of life for all those who live or work in the borough are key priorities for the council. This strategy forms an important part of that process. As the strategy is implemented, the information gathered will help landowners and developers understand local conditions within the borough. This will give confidence in redeveloping brownfield sites, making full use of the ever-increasing shortage of land in Tower Hamlets.

We will continue to work together with our neighbouring boroughs, the Mayor for London and the Environment Agency, all who have important roles to play in the successful implementation of this strategy.

**Mayor Lutfur Rahman**  
**Executive Mayor of Tower Hamlets**

## Executive Summary

The London Borough of Tower Hamlets is committed to identifying and dealing with local areas of contaminated land and any unacceptable risks to human health or the wider environment, which may arise.

In Tower Hamlets there is a legacy of land contamination across the Borough as a result of widespread past industrial activity, particularly around the former docks. Industrial activities included shipbuilding and dock-related activities, and chemical, metal and gas works.

Part 2A of the Environmental Protection Act 1990 and relevant guidance came into effect in April 2000. The legislation requires each local authority to inspect their borough and identify contaminated land that requires remedial work. The first strategy was prepared and submitted to the Environment Agency in July 2001 and detailed out how we will identify contaminated land in a rational, ordered and efficient manner. The legislation also requires the strategy to be updated periodically. The aim of the current review is to ensure the Strategy remains up to date since the last review of 2017.

The strategy aims to find and deal with the most seriously contaminated sites first. Contaminated land is where the land in its current condition is causing, or is likely to cause, significant harm to human health and/or the environment and controlled waters

The process to identify contaminated sites is a staged risk-based approach:

- a) Sites are prioritised by applying a risk model. This applies weighting factors according to the risks associated with a site's historic industrial use and how sensitive the current land use would be to contamination effects. The result is a score or risk rating of sites where there is a "potential contaminant linkage". The sites which have the greatest potential for contamination to be causing significant harm to human health and/or the environment, are identified at this first stage.
- b) The second stage is to investigate the highest priority sites and to establish an "actual contaminant linkage". This investigation will involve carrying out a detailed desk-based assessment of available information and a walkover survey of the site.
- c) The final stage is to confirm, without doubt, the presence or absence of "a significant contaminant linkage". This may involve carrying out an intrusive site investigation, for example, taking soil, water and/or ground gas samples for chemical analysis to determine the extent, location and concentrations of contaminants in the soil and or water.

Legislations and statutory and technical guidance set out clear criteria that must be established before any site can be formally designated as contaminated land. Information on sites that are formally designated must be kept on a public register available for inspection.

Once a site has been designated as contaminated land, the council will find the most appropriate methods to clean up the site. Interested parties will be consulted throughout the process.

## Table of Contents

<b>FOREWORD</b> .....	I
<b>EXECUTIVE SUMMARY</b> .....	II
<b>1. THE PURPOSE OF THIS STRATEGY</b> .....	1
1.1. INTRODUCTION.....	1
1.2. AIM OF THE STRATEGY .....	2
<b>2. SUMMARY OF LOCAL AUTHORITY DUTIES</b> .....	3
2.1. OVERVIEW OF DUTIES .....	3
2.2. DUTY TO IDENTIFY CONTAMINATED LAND .....	4
2.3. DUTY TO PREPARE A STRATEGY.....	5
<b>3. CHARACTERISTICS OF THE BOROUGH AND IMPLICATIONS FOR THE STRATEGY</b> .....	7
3.1. CHARACTERISTICS OF THE BOROUGH .....	7
3.1.1. LOCATION, POPULATION AND SIZE .....	7
3.1.2. MODERN HISTORY OF DEVELOPMENT .....	9
3.1.3. HISTORICAL INDUSTRIAL LAND USE .....	11
3.1.4. CURRENT PLANNING CONTROLS.....	14
3.1.5. OTHER REGULATORY CONTROLS .....	16
3.1.6. PROTECTED SITES AND ECOLOGY.....	16
3.1.7. LOCAL GEOLOGY .....	21
3.1.8. LOCAL HYDROGEOLOGY .....	22
3.1.9. LOCAL HYDROLOGY .....	24
3.2. IMPLICATIONS FOR THE STRATEGY .....	24
<b>4. APPROACH TO IDENTIFYING CONTAMINATED LAND</b> .....	25
4.1. THE RISK ASSESSMENT APPROACH.....	25
4.2. THE THREE-STAGE CONCEPTUAL MODEL.....	27
4.3. STAGE 1: IDENTIFY POTENTIAL POLLUTANT LINKAGES .....	27
4.4. THE USE OF A GEOGRAPHICAL INFORMATION SYSTEM.....	28
4.5. HISTORICAL INDUSTRIAL LAND USE (SOURCE) DATASET .....	29
4.6. RECEPTOR DATASETS .....	29
4.7. CLASSIFICATION OF THE SOURCE/RECEPTOR DATASETS .....	30
4.8. BUILDING AND APPLYING THE RISK MODEL.....	31
4.9. Matrix of Likelihood of Pollutant Linkage Being Present.....	32
4.10. Revision of the Risk Prioritisation Exercise- GeoEnviron/ArcGIS.....	32
4.11. STAGE 2: IDENTIFY ACTUAL POLLUTANT LINKAGES .....	33
4.12. STAGE 3: IDENTIFY SIGNIFICANT POLLUTANT LINKAGE .....	34
4.13. RISK ASSESSMENT TO IDENTIFY SIGNIFICANT POLLUTANT LINKAGE .....	34
4.14. SUMMARY OF STAGES 1 TO 3 .....	35
<b>5. DETERMINATION OF CONTAMINATED LAND</b> .....	37
<b>6. LIAISON WITH OWNERS AND OCCUPIERS OF LAND</b> .....	38
<b>7. CONSULTATION WITH OTHER AGENCIES</b> .....	40
7.1. ENVIRONMENT AGENCY.....	40
7.2. THAMES WATER.....	41



<b>8. HANDLING INFORMATION FROM THE PUBLIC, BUSINESSES, VOLUNTARY ORGANISATIONS AND THE ENVIRONMENT AGENCY.</b>	
42	
8.1. COMPLAINTS .....	42
8.2. OBTAINING/RECEIVING INFORMATION.....	42
<b>9. HANDLING REQUESTS FROM THE PUBLIC FOR INFORMATION ON CONTAMINATED LAND</b>	
44	
9.1 REGISTER OF CONTAMINATED LAND .....	44
<b>10. LAND FOR WHICH THE COUNCIL IS DIRECTLY RESPONSIBLE.....</b>	<b>45</b>
<b>11. REVIEW AND UPDATE PROCEDURES.....</b>	<b>46</b>
<b>ABBREVIATIONS.....</b>	<b>47</b>
<b>REFERENCES.....</b>	<b>48</b>
<b>GLOSSARY .....</b>	<b>51</b>
<b>APPENDIX A – RISK CLASSIFICATION .....</b>	<b>53</b>
<b>TABLE A SOURCE CLASSIFICATION.....</b>	<b>54</b>
<b>APPENDIX B -DEFINITION OF SIGNIFICANT HARM (SH) .....</b>	<b>60</b>
<b>SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM (SPOSH) .....</b>	<b>60</b>
<b>APPENDIX C -DEFINITION OF SPECIAL SITES.....</b>	<b>65</b>
<b>NON TECHNICAL SUMMARY .....</b>	<b>67</b>
<b>1 INTRODUCTION.....</b>	<b>69</b>
<b>2 PURPOSE.....</b>	<b>69</b>
<b>3 LEGISLATIVE REVIEW.....</b>	<b>71</b>
<b>4 THE POLICY.....</b>	<b>74</b>
<b>5 THE PROCEDURE .....</b>	<b>75</b>
<b>KP1 - ESTABLISHING REASONABLE COSTS IN CARRYING OUT REMEDIAION WORKS</b>	
.....	7
6	
<b>KP2 - INDIVIDUAL HOME/LANDOWNER/OCCUPIERS(S) – CLASS B APPROPRIATE PERSON(S)</b>	
.....	7
6	
<b>TEST 1 LAND / PROPERTY BOUGHT PRIOR TO JUNE 2001.....</b>	<b>77</b>
<b>TEST 2 – REASONABLE PRECAUTIONS TAKEN .....</b>	<b>77</b>
<b>TEST 3– CONTAMINATIVE PAST USE IDENTIFIED.....</b>	<b>77</b>
<b>TEST 4– INFORMATION ACTED UPON BY THE PURCHASER.....</b>	<b>78</b>
<b>TEST 5 – FINANCIAL HARDSHIP.....</b>	<b>78</b>
<b>TEST 6 – LAND VALUE .....</b>	<b>78</b>
<b>KP3 – NON HOME/LANDOWNER/OCCUPIER(S) CLASS A AND CLASS B PERSON(S)</b>	

.....	7
<b>9</b>	
<b>KP4 – COST RECOVERY.....</b>	<b>84</b>
<b>GLOSSARY.....</b>	<b>85</b>

# **1. THE PURPOSE OF THIS STRATEGY**

## **1.1. Introduction**

This strategy sets out how the London Borough of Tower Hamlets (the council) proposes to identify contaminated land within its Borough in accordance with the requirements of Part 2A of the Environment Protection Act 1990 (Part 2A). The intention of the strategy is to ensure that unacceptable risks to human health or to the wider environment, from exposure to contaminated land, are addressed in an appropriate and cost-effective manner.

This strategy was initially developed by consultants W.S. Atkins and then amended and adapted to the needs and priorities of the council by the Pollution Team.

The Part 2A legislation and the corresponding obligations of local authorities are described in Section 2. The council is committed to the effective implementation of the requirements of the legislation and to ensure proper protection of human health and the environment within the borough.

Land contamination is not a new issue for the council. It is already considered through the use of planning controls. For example, if former industrial land is to be redeveloped for housing, the developer needs to satisfy the council, as the planning authority, that land contamination has been properly defined and appropriate mitigation measures are incorporated into the development of the land. This includes making the land suitable for the proposed use and addressing any wider environmental risks.

The requirements of Part 2A complement the planning controls. It also represents a more proactive and strategic approach to identifying contaminated land and a risk-based approach to securing remedial action that may be needed to return the land to such a condition that unacceptable risks to human health and the environment no longer arise. The first stage is to identify contaminated land. This Strategy sets out how the council proposes to carry this out.

The aim of the current review is to ensure the Strategy complies with changes in the Local Plan and statutory and technical guidance since the

last revision in April 2017, and to comply with the statutory requirement to update the Strategy periodically.

## **1.2 Aim of the Strategy**

The aims of the strategy have been outlined below:

- to comply with the requirements of Part 2A of the Environmental Protection Act (1990)
- to ensure the effects of historic and present contamination are not causing significant risks to human health and/or the environment
- to encourage redevelopment of brownfield sites in accordance with government objectives and strategy
- to complement the planning control system that ensures that risks associated with contamination on a site are appropriately dealt with during redevelopment
- to provide information and respond to requests from the public, businesses and community organisations with increased efficiency and accuracy
- to provide accurate information to the Environment Agency for its National Report on contaminated land
- To compile accurate and up to date information on land contamination in a central location
- to facilitate and encourage information exchange between council departments and regulatory authorities thereby minimising duplication of work
- to protect historic sites and the historic environment, especially 'designated historic sites' and areas of local importance

## **2. SUMMARY OF LOCAL AUTHORITY DUTIES**

### **2.1. Overview of Duties**

Part 2A of the Environmental Protection Act (1990), inserted by Section 57 of the Environment Act (1995), introduce statutory requirements for the identification and remediation of contaminated land. This came into effect on the 1st April 2000 along with the Contaminated Land Regulations 2000, made under the 1990 Act. The Statutory Guidance (Defra, 2012) provides an outline of the local authorities' responsibilities under the Act along with other guidance on statutory requirements.

The responsibility for the implementation of the legislation is assigned to local authorities who are responsible for the identification of contaminated land and deciding whether any such land is required to be designated as a special site.

For most sites, local authorities will also be responsible for establishing the appropriate person(s) to bear financial responsibility for any remediation required; deciding the nature of that remediation; and recording regulatory actions. A summary of the local authority's responsibilities is provided in Table 1 at page 76. This responsibility will be co-ordinated by the Pollution Team. For certain classes of sites, identified by the local authority as 'special sites', legislative powers are transferred to the Environment Agency (Refer to Section 8.1 for more information).

There are also requirements for the local authority to consult with external organisations. These include the Environment Agency (i.e., where controlled waters may be at risk of pollution or where a site is a potential candidate for designation as a special site), Natural England, English Heritage, Department for Environment, Food and Rural Affairs (DEFRA), Food Standards Agency (FSA), UK Health Security Agency (UKHSA) and the Health and Safety Executive (HSE).

If the council identifies land which it considers (if the land were to be determined as contaminated land) would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006 (as amended in 2012) the council will consult the Environment Agency and, subject to the Agency's advice and agreement, arrange for the Agency to carry out any intrusive inspection of the land on its

behalf. All the council's legislative powers will be transferred to the Environment Agency.

These duties can be summarised in the table below.

**Table 1. Key Statutory Duties on Local Authorities under Part 2A.**

<ul style="list-style-type: none"> <li>• <b>Adopt and Implement this strategy.</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Consult various other parties.</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Identify contaminated special sites (for regulation by the Environment Agency).</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Prepare and serve notifications of contaminated land (which effectively starts the consultation process as to what remediation is necessary).</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Serve remediation notices where appropriate (remediation by voluntarily agreed action being preferred).</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Determine exclusion from, and apportionment of, liability for remediation and address cost recovery.</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Compile and maintain a public register.</b></li> <li>• <b>Provide key information to the Environment Agency, so it can produce a national report on the 'State of contaminated land.'</b></li> </ul>

## **2.2. Duty to Identify contaminated land**

The duty to identify contaminated land is established in Section 78B of the Environmental Protection Act 1990 as follows:

- 78B (1) "Every local authority shall cause its area to be inspected from time to time for the purpose-*
- (a) of identifying contaminated land; and*
  - (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site."*

A statutory definition of contaminated land is also introduced for the first time in s78A (2), based on the likelihood of significant harm or the pollution of controlled waters, as follows:

*78A (2) contaminated land is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that*

- 
- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or*
- (b) significant pollution of controlled waters is being, or is likely to be caused.*  
*and, in determining whether any land appears to be such land, the local authority shall act in accordance with guidance issued by the secretary of state.*

The assessment of contaminated land needs to take account of the statutory guidance and technical guidance that incorporates the principles of risk assessment. The risk assessment approach is to identify current unacceptable risks to health or to the environment including ecology and buildings.

Significant harm includes unacceptable risk to human health, specified harm to protected ecological systems, controlled waters, substantial damage to or failure of buildings and specified damage to or loss of crops or livestock (Refer to Section 4, page 23 of this report for more information on the risk assessment methodology applied to identify contaminated land). Appendix B also provides a definition of significant harm as detailed in the statutory guidance (Defra, 2012).

### **2.3. Duty to Prepare a Strategy**

Local authorities are required by the statutory guidance to take a strategic approach to the identification of contaminated land which:

- is rational, ordered, and efficient
- is proportionate to the potential seriousness of the risk and seeks to locate the most serious problems first
- focuses on where contaminated land is most likely to be found
- establishes an efficient framework for detailed inspection
- involves consultation with the Environment Agency and other relevant bodies
- is documented, adopted, published, implemented and periodically reviewed at least every 5 years

The aims of the strategy must be specified and include objectives taking into account the local characteristics and their influence on the strategy, proposed time scales and resources, arrangements for consultation, managing information received, and a review and update procedure.

Local Authorities are also required to consider local circumstances and local factors, as demonstrated in Table 2 below.

**Table 2. Local Factors to be Considered in the Strategy.**

- The distribution of specified receptors across the Borough (e.g., housing or ecological receptors etc.) and the extent to which receptors are likely to be exposed to a potential pollutant
- The history, scale, and nature of industrial activities
- The nature and timing of past redevelopment
- Current information on land contamination
- Existing evidence of significant harm and pollution of controlled waters
- Previous remediation carried out and any remediation that is expected to be carried out in the context of pending redevelopment
- Related studies carried out by other authorities



### 3. CHARACTERISTICS OF THE BOROUGH AND IMPLICATIONS FOR THE STRATEGY

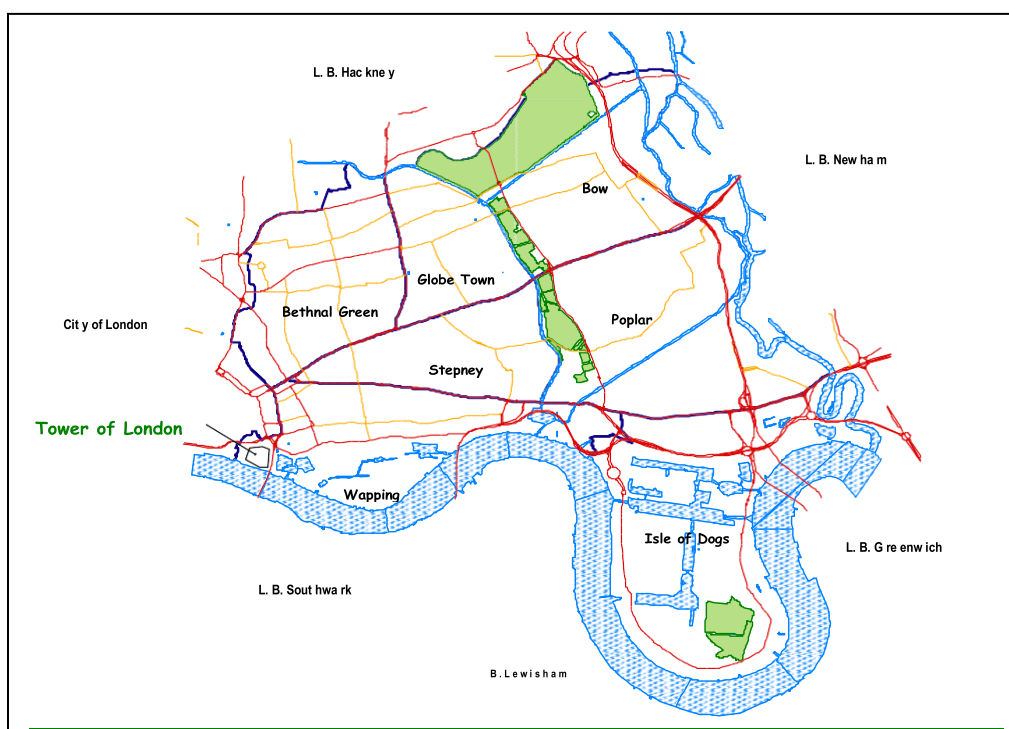
#### 3.1. Characteristics of the Borough

##### 3.1.1. Location, Population and Size

The London Borough of Tower Hamlets is an inner-city borough which shares boundaries with the City of London and the London Boroughs of Newham and Hackney. The east side of Tower Hamlets is bordered by the River Lea. The river Thames flows along the south of the borough separating it from the Royal Borough of Greenwich and the London Borough of Southwark.

Tower Hamlets is made up of places with distinct and unique characteristics, from the major international business centres of Canary Wharf and parts of the City Fringe, to residential areas with traditional East End character such as Bow and Stepney, historic Whitechapel, and vibrant Shoreditch. Alongside these places are major leisure attractions and landmarks such as Brick Lane, Spitalfields Market, the Tower of London and Victoria Park.

**Figure 1. Geographical Location.**



The Borough is approximately 2150 hectares in size. According to the 2021 Census, Tower Hamlets population is 310,300 and saw the largest population increase in London (22.1%) since the last Census in 2011 and is the most densely populated of London's 33 local authorities<sup>1</sup>. The population is forecast to increase to 377,896 by 2030 making it the fastest growing population nationally<sup>2</sup>. Within Tower Hamlets, about 45% of the dwellings are local

<sup>1</sup> Census 2021

<sup>2</sup> <https://apps.london.gov.uk/population-projections>

authority owned (34,538 dwellings) with a further 13% being owned by housing associations or other public bodies. In terms of percentage of land, approximately 18% of the land in Tower Hamlets is owned by the Council and approximately 2% by THCH (Tower Hamlets Community Housing) and HARCA (Registered Social Landlords) (LBTH, 2012).

Table 3 contains some (not indicative of all land uses) of the general current land use characteristics relevant to the Part 2A assessment within the borough.

**Table 3. Land Use in Tower Hamlets.**

<b>Land Use</b>	<b>% of land in Tower Hamlets</b>
Residential	31
Allotments	0.11
Parks/open spaces	10.6
Schools	3.77
Commercial	8.55
Industrial	5.77

### **3.1.2. Modern History of Development**

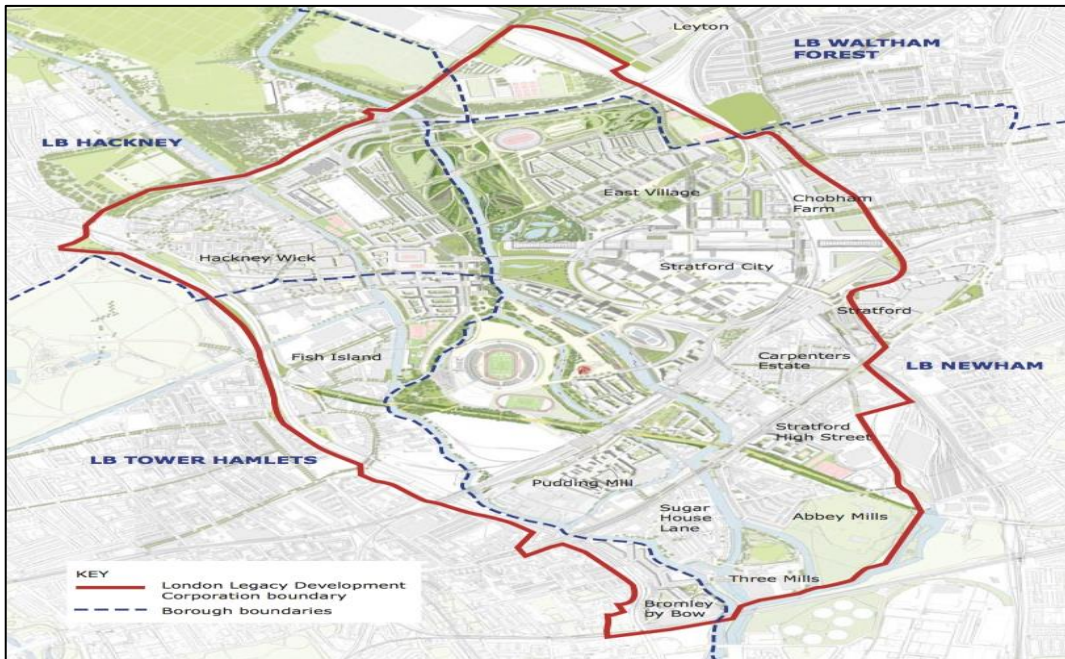
Tower Hamlets has undergone substantial change in the past decade, with billions of pounds from public and private investment being contributed to regeneration. The Isle of Dogs, which includes West India, Millwall and East India Docks, has become a prime commercial development area. Canary Wharf, one of the largest commercial developments in Europe, is at the very heart of the new Docklands and is the world's leading finance centre. Tower Hamlets Local Plan 2031 has identified the need for 54,000 new homes to be built to support the council's growing population.

In 1981, The London Docklands Development Corporation (LDDC) was established with funding from the central government to regenerate the Docklands. In Tower Hamlets this included all the Isle of Dogs and part of Wapping, (south of the Highway and East of the Tower of London- See Figure 3). Regeneration was secured by bringing land and buildings into use, encouraging industry and commerce, creating an attractive environment and assisting the provision of housing and social facilities to encourage people to live and work in the area. Major Roads were constructed along with the Docklands Light Railway (DLR) to improve the infrastructure of the area and encourage regeneration.

The LDDC was also made the Local Planning Authority for control of development within its area (See Figure 3). When the LDDC was disbanded in 1997 its planning control functions were returned to Tower Hamlets.

In 2012, the London Legacy Development Corporation (LLDC) was created in East London to promote economic and environmental regeneration of the Olympic Park and its surrounding areas. The LLDC area encompasses parts of London Boroughs of Hackney, Newham, Waltham Forest, and Tower Hamlets as outlined in the figure below.

## LLDC MAP:



Tower Hamlets now has one of the most dynamic economies in the country. 11,440 local businesses provide approximately 251,000 jobs in the borough with the majority being located in the City Fringe/ Whitechapel and Canary Wharf/Isle of Dogs areas.

The opening of the new Crossrail in May 2022 is expected to boost the borough's transport infrastructure.

The City Fringe area of Tower Hamlets, including Tech City, is emerging as one of London's most significant areas for economic growth, providing considerable opportunities for new and emerging sectors of the economy. The council's Whitechapel Vision Masterplan is driving forward regeneration in Whitechapel including new homes and job opportunities, public realm improvements and a new civic hub for Tower Hamlets.

The Isle of Dogs and South Poplar has been identified as an Opportunity Area (OA) by the Mayor of London in the London Plan 2021. Both OA Zones has the potential for 29,000 and 9,000 new homes by 2041 respectively.

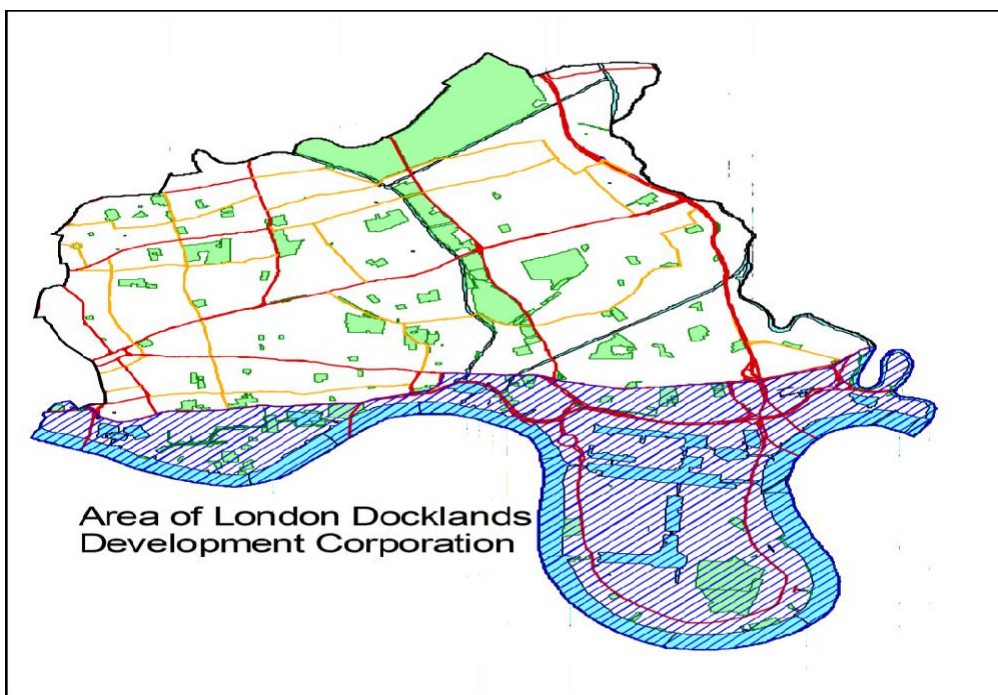
In Tower Hamlets, the Lower Lea Valley Opportunity Area comprises the areas of Hackney Wick/Fish Island, Bromley-by-Bow and Poplar Riverside Housing Zone which will use brownfield land as the basis of much of the redevelopment. The LLDC is the planning authority to determine planning applications within Hackney Wick/Fish Island and the Olympic Legacy Area. The planning powers of LLDC will return to the relevant boroughs by 24<sup>th</sup> December 2024.

In this area, the Olympic Legacy has been a catalyst attracting development opportunities and investment specially to promote affordable housing, jobs and social infrastructure for local communities in the area.

More recently, the Poplar Riverside Housing Zone is an initiative of the GLA to drive forward growth located on the redevelopment of former industrial land and existing social housing estates.

### 3.1.3. Historical Industrial Land Use

The historical land use in Tower Hamlets was largely rural until the 16th Century when the maritime industry began to grow and areas along the river and main road transport routes became built up with industries including breweries, smithies and roperies such as Ropemakers Fields. By the 18th Century, shipbuilding was one of the main industries to be carried out at Docks in Blackwall, Wapping, and Ratcliff with more than a dozen shipbuilding yards in existence in 1860. Industries to support this grew up around these areas and included Ironworks that would have produced sheet and rod iron, anchors and mounting chains. In 1853 it was estimated that there were 8 Chemical Works, 6 Iron Works and 3 Ropemakers on the Bank of the Thames between Limehouse and Blackwall.



*Figure 3      Extent of London Docklands Development Corporation Area*

In 1994, a study of former industrial land in Tower Hamlets (See Section 4.3.2 of this report) identified over 900 industrial sites. Many were located along the River Thames, particularly along the periphery of the Isle of Dogs. Other areas identified were the banks of the Limehouse Cut and Bow, particularly

the area south of Hampton Wick, the historic centre of the British chemical industry. Table 4 below provides a summary of industry types found in this study.

**Table 4. Summary of Former Industrial Land in Tower Hamlets (1994 study).**

<b>Industry Type</b>	<b>Number of Sites</b>
Metal works	80
Roperies	12
Gas Works	13
Chemical Works	180
Engineering	91
Waste Sites	40

### 3.1.4 Current Planning Controls

The redevelopment of potentially contaminated historical industrial sites is undertaken through the planning regime. Where contamination is likely to affect the proposed end use of the development, planning permission will normally be granted subject to planning conditions. Usually, these conditions require the developer to carry out a desk study, walkover survey, intrusive investigation, and risk assessment to determine the nature and extent of contamination within the ground. Any contamination identified is assessed against appropriate assessment criteria for the proposed land use scenario to assess whether remediation is required. A proposal for any required remedial works must then be submitted and approved by the council before work begins on site in accordance with local and national planning policies.

Tower Hamlets Local Plan 2031 Policy D.ES8 – Contaminated land and storage of hazardous substances, require proposed developments on contaminated land or potentially contaminated land to carry out required site investigations in line with current guidance and agreed remediation proposal, and where relevant, liaise with Environment Agency.

The London Plan 2021 Policy SD1 ensures that identified Opportunity Areas such as Isle of Dogs and Poplar Riverside meet their full growth and regeneration potential and where required, encourage the strategic remediation of contaminated land.

The National Planning Policy Framework (NPPF revised in July 2021 sets out the government's planning policies for England. The NPPF places emphasis on protecting and enhancing the environment and promotes sustainable development. In relation to contaminated land, NPPF policy 183 and 184 states that:

*183. Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

*184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

The thread running throughout the NPPF is that there should be sustainable development, which is viable and deliverable. Obligations and policy burdens should not threaten viability of development.

### 3.1.5 Other Regulatory Controls

The Environmental Damage (Prevention and Remediation) Regulations 2009 come into force in England on 1 March 2009. The Regulations implement EU Directive 2004/35/EC on environmental liability with regard to prevention and remedying of environmental damage.

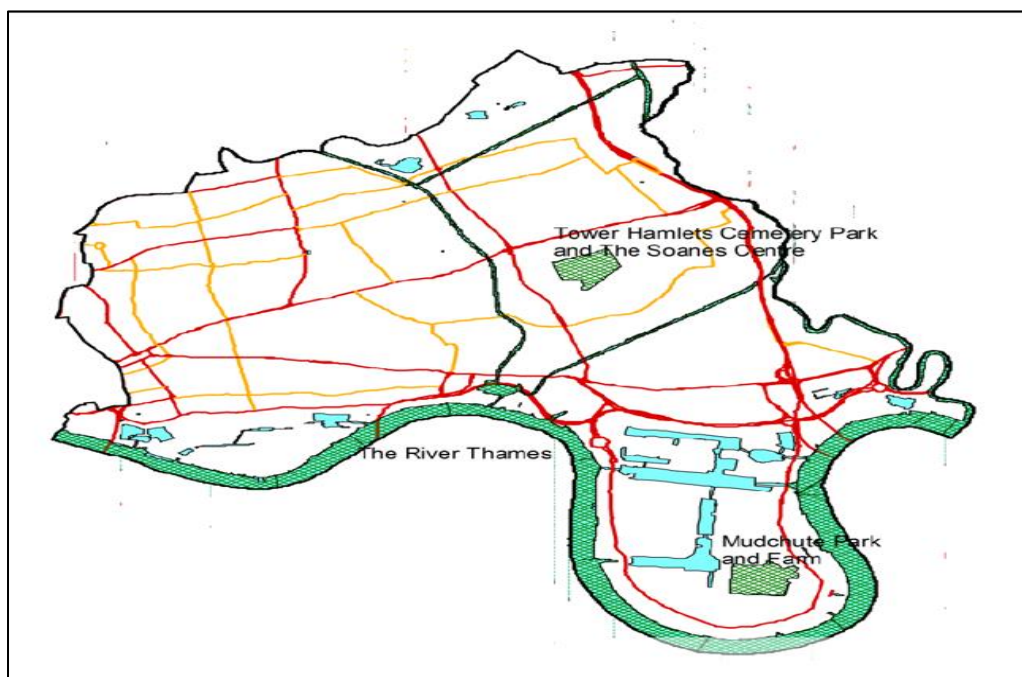
Tower Hamlets is the enforcing authority for all *land damage* (contamination of land) from any economic activity that results in a significant risk of adverse effects on human health except where the land is a Site of Special Scientific Interest (SSSI). The Regulations only apply to damage which occurred after they came into force and are only applicable to operators of economic activities. Therefore, any *land damage* from contamination resulting from an economic activity from March 2009 onwards will be assessed and remediated if necessary, under the Environmental Damage (Prevention and Remediation) Regulations.

The regulations are based on the '*polluter pays principle*' so those responsible for causing pollution are required to prevent and remedy environmental damage, rather than the taxpayer paying.

### 3.1.6 Protected Sites and Ecology

Tower Hamlets has two statutorily protected nature sites. These are Tower Hamlets Cemetery Park and Mudchute Park and Farm which have been designated as Local Nature Reserves under Section 21 of the National Parks and Access to the Countryside Act 1949.

**Figure 4. Sites of Metropolitan Importance.**



Local Nature Reserves are generally sites that are managed to conserve nature, which may be of special interest locally and/or nationally. They also aim to encourage opportunities for



study, research and enjoyment of nature. There are also ecological sites that have been protected in the council's Local Plan. For the purposes of this discussion, there are three categories of sites of nature conservation importance in the Local Plan:

- a) Sites of Metropolitan Importance (Refer to Figure 4), contain the best example of London's habitats and rare species and are therefore the highest priorities for protection. In Tower Hamlets there are 5 sites including Mudchute Park and Farm, Tower Hamlets Cemetery and the major waterways – the Lea, the Lee Navigation and Canals.

- b) Sites of Borough Importance (Refer to Figure 5) are important in a borough perspective and damage would mean a significant loss to the borough. There are approximately 19 sites in this category; and

**Figure 5. Sites of Borough Importance.**



- c) Sites of Local Importance which are or may potentially be of particular value to nearby residents or schools.

**Figure 6. Sites of Local Importance.**

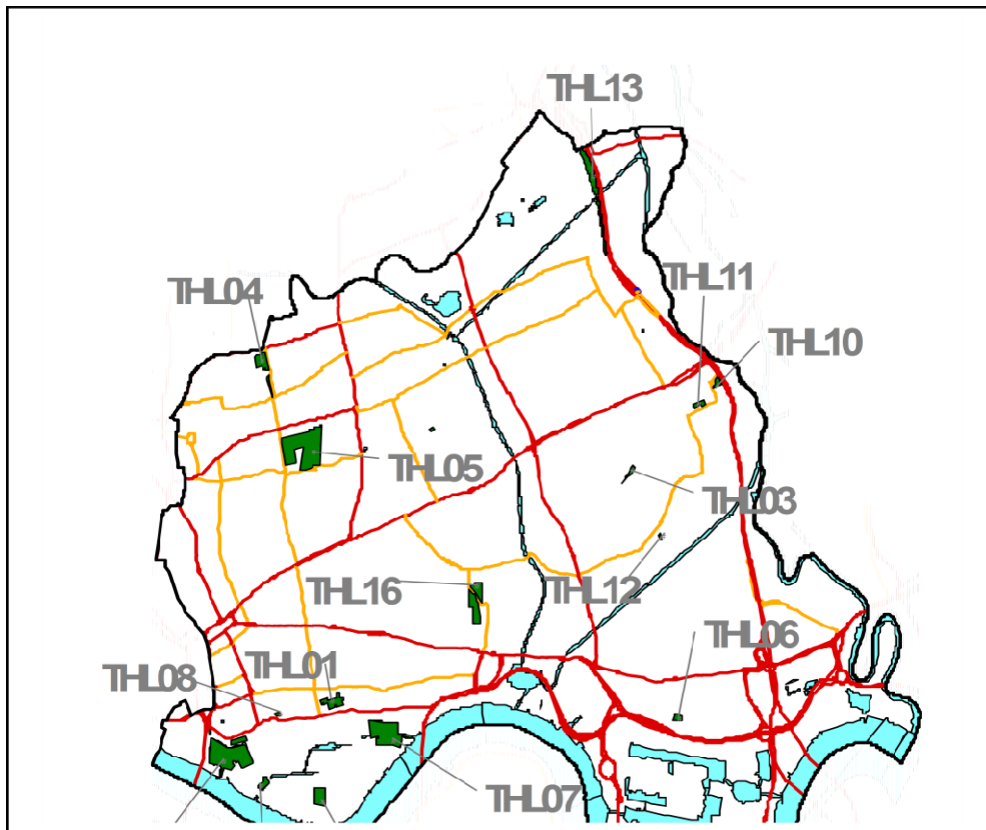


Table 5 Sites of Importance for Nature and Conservation

<b>Site reference</b>	<b>Sites</b>
	<b>Sites of metropolitan importance</b>
M006	London's Canals (includes Regent's Canal, Limehouse Cut, LimehouseBasin, Hertford Union Canal)
M031	The River Thames and Bow Creek
M071	Lea Valley (includes River Lea and Lea Navigation)
M117	Tower Hamlets Cemetery Park & Ackroyd Drive Green Link
M133	Mudchute Park and Farm
M157	Mile End Park
	<b>Sites of borough importance, Grade 1</b>
THBI01	The Greenway in Tower Hamlets
THBI02	Victoria Park
THBI04	East India Dock Basin
THBI09	Spitalfields Farm and Allen Gardens
	<b>Sites of borough importance, Grade 2</b>
THBII01	Millwall and West India Docks
THBII03	Bethnal Green Nature Reserve (St Jude's Nature Park)
THBII04	Cable Street Community Garden
THBII05	Stepney City Farm
THBII07	London Wall and the wall of the Tower of London
THBII11	Pinchin Street Disused Railway
THBII12	Weavers Fields
THBII13	Shadwell & Hermitage Basins, Wapping Wood & Wapping Canal
THBII14	Blackwall Basin
THBII15	Millwall Park
THBII16	Poplar Dock
THBII17	Saffron Avenue Pond

	<b>Sites of local importance</b>
THL01	St George in the East Church Gardens
THL03	Old Railway at Fairfoot Road
THL04	Ion Square Gardens
THL08	Swedenborg Gardens
THL12	Perring Community Garden
THL13	Disused railway Bow
THL15	St Katharine Docks
THL17	St Anne's Churchyard, Limehouse
THL23	Cyril Jackson School Nature Area
THL26	Robin Hood Gardens
THL27	Meath Gardens
THL32	King Edward Memorial Park
THL33	Elf Green

There are approximately 40 conservation areas in Tower Hamlets, the largest of which is located around Victoria Park. Conservation areas are designated largely to protect and improve the Borough's built environment as well as open spaces and trees within those areas.

The following are historical sites that are of national importance and are statutorily protected by virtue of their inclusion on the Schedule of Ancient Monuments:

*The Tower Of London, Tower Hill West,  
Section of London Wall running from Tower Hill Underground Station to Tower Hill,  
Priory and Hospital of St. Mary Spital, Spitalfields.*

The following standing structures are also on the schedule:

*Bonner Hall Bridge, Regent's Canal, Three Colts Bridge,  
Gunmaker's Lane, Parnell Road Bridge, SS Great Eastern.*

This strategy aims to protect such designated sites, which includes ancient monuments, listed buildings, parks and gardens and conservation areas. It is also recognised that other sites, which are not designated, may also require protection. The council's conservation officer will be contacted to help identify such sites.

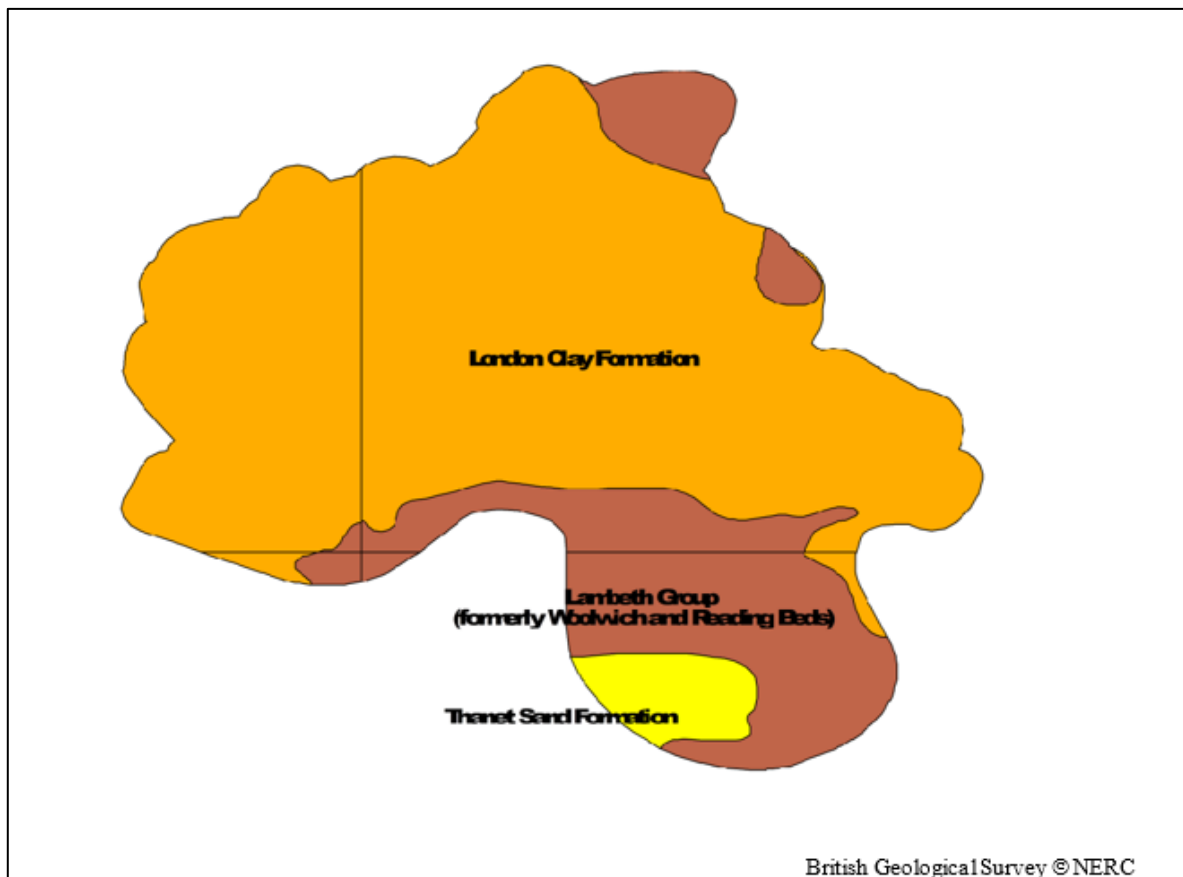
### **3.1.7 Local Geology**

The Solid Geology (Refer to Figure 7) underlying Tower Hamlets consists of London Clay,

which in some areas is in excess of 25 metres thick. Below the clay lies Chalk, which is a Principal Aquifer and supplies drinking water to the area. The clay is an aquitard (very low permeability) and therefore prevents contamination filtering from the overlying Secondary Aquifers. This is with the exception of the Isle of Dogs, which mainly consists of the Lambeth Group and a small area of Thanet Sands formations.

The superficial deposits (refer to Figure 8) are deposits, which have been formed by the River Thames and overlie the London Clay. These consist of alluvium, the youngest deposit, which covers the southern half of the borough; River Terrace Gravel called Taplow Gravel across the centre; and Hackney gravels in the northwest corner of the Borough. Up until the 18th Century the Isle of Dogs was marshland, which was frequently flooded. As a result, in some parts of the Isle of Dogs, deposits of Peat have formed.

**Figure 7. Local Geology.**

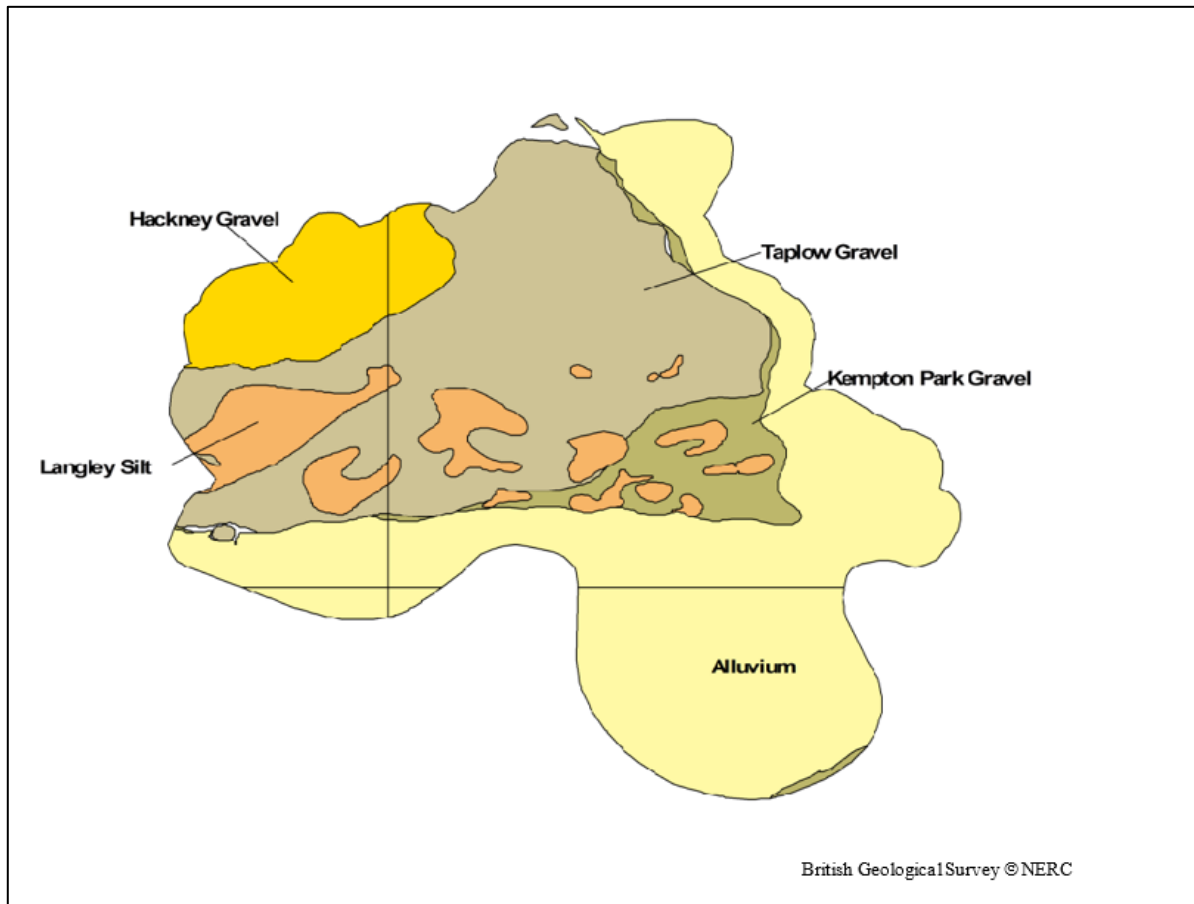


### **3.1.8 Local Hydrogeology**

The groundwater source in Tower Hamlets has been designated by the Environment Agency as a Secondary Aquifer (River Terrace Gravels) of High Vulnerability. The 'Secondary' refers to the aquifer's variable permeability. This means it cannot easily transport contaminants. The High Vulnerability indicates that the aquifer can be easily polluted because the overlying soil layers are likely to be very permeable and polluted especially in urban areas. As a result, mobile contaminants can migrate quickly through the superficial soils to contaminate the aquifer below.

It is also important to note that such aquifers can be important for local water supplies, abstractions and in supplying base flow to rivers and streams.

**Figure 8. Superficial Geological Deposits.**



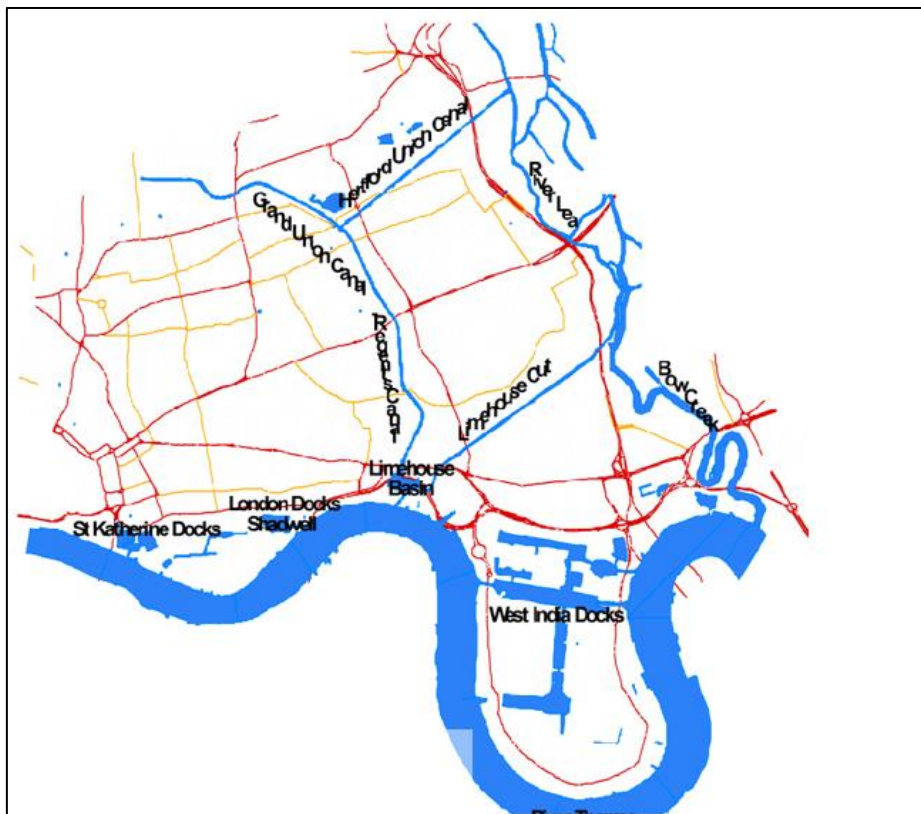
Fourteen water abstraction licenses have been issued in Tower Hamlets by the Environment Agency (EA). Eight of these allow abstraction from groundwater while the remainder abstract from the river Thames and the docks. Most abstractions are for industrial use. Abstraction points or boreholes require careful consideration, as they are possible pathways through which contamination can migrate to the underlying aquifer. One abstraction license has been issued to Thames Water on the border of Tower Hamlets and Newham for public water supply. The Environment Agency has designated source protection zones around this abstraction point for the protection of the groundwater quality.



### 3.1.9 Local Hydrology

Surface water bodies include the river Thames, a number of Docks in Wapping and the Isle of Dogs along with a number of canals, mainly the Regent's and Grand Union Canal and Hertford Canal (Refer to Figure 9). Rivers and surface water features are potential receptors for contamination and may also act as a pathway between contaminant sources and other receptors.

**Figure 9 Local Hydrology**



### 3.2. Implications for the Strategy

Tower Hamlets is comprised of a mixture of commercial and residential redevelopment on the Isle of Dogs and older residential areas in the north of the Borough.

The Council has adopted the ArcMap Geographic Information System (GIS) to identify and analyse areas of contaminated land across the borough. The GIS works in conjunction with the GeoEnviron contaminated land database, in which site information is recorded.

Land in Tower Hamlets contaminated after March 2009 will be dealt with using its enforcing powers under the Environmental Damage (Prevention and Remediation) Regulations 2009.

## 4. APPROACH TO IDENTIFYING CONTAMINATED LAND

### 4.1. The Risk Assessment Approach

The Part 2A process of identifying and assessing land contamination uses a risk based approach throughout each stage. The risk is considered in relation to the *current use* of the land. The DEFRA statutory guidance defines 'risk' as:

- a) the likelihood that harm, or pollution of water will occur as a result of contaminants in, on or under the land; and
- b) the scale and seriousness of such harm or pollution if it did occur

For a risk to be relevant and warrant further assessment under Part 2A there needs to be one or more contaminant-**pathway-receptor** linkages – '*contaminant linkage*' by which a receptor might be affected by contaminants in, on or under the land under investigation. This means that, for a risk to exist, there must be contaminant (s) present in, on or under the land in a form and quantity that poses a hazard, and also one or more pathways by which they might significantly harm people, the environment or property or controlled waters.

The statutory guidance defines:

- (a) A '**contaminant**' as a substance which is in, on or under the land which has the potential to cause significant harm to a relevant receptor or to cause significant pollution to controlled waters.
- (b) A '**receptor**' as something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property or controlled waters.
- (c) A '**pathway**' as a route by which a receptor is or might be affected by a contaminant.

**Contaminant Linkage(s): for a risk to exist it must be significant for land to be designated as contaminated land.**

A contaminant linkage must exist in relation to a specific site before the land can be considered to be potentially contaminated land under Part 2A. This must be followed by a risk assessment to establish whether a “*significant possibility of significant harm*” (SPOSH) exists before a land may be determined as contaminated land.

The understanding of the risks is developed through a staged approach involving a preliminary risk assessment informed by desk-based study; a site visit and walkover; a generic quantitative risk assessment; and various stages of more detailed quantitative risk assessment to create a “*conceptual site model*”.

The process should normally continue until it is possible for the local authority to decide:

- (a) that there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
- (b) whether or not the land is contaminated land.

The council’s risk assessment approach starts with a site prioritisation exercise. The approach uses a decision support tool or risk model (See Section 4.3.6.) which assigns scores (risk ratings) to various sites based on suspected hazard from historical industrial uses on the land and the susceptibility of receptors currently using the land. This involves a series of stages which will act as filtering processes to allow contaminated land to be identified. The site prioritisation exercise will also help to assess, prioritise and manage the allocation of resources in the most cost-effective manner.

The council’s approach will also ensure that the highest risk sites are dealt with first and this is consistent with the broad objectives of the Part 2A regime.

In line with statutory guidance receptor types have been separated into four categories: Human, Groundwater, Surface Water and Ecology, they have been risk ranked and are treated separately. This has allowed us to identify sites where significant harm with respect to human health is likely to be occurring and to give these sites priority.

## 4.2 The Three-Stage Conceptual Model

**Table 6. The Three-Stage Conceptual Model for Risk Assessment.**

- *Stage 1:* Identify potential contaminant linkages.
- *Stage 2:* Establish actual contaminant linkage and
- *Stage 3:* Establish significant contaminant linkages.

### 4.3. Stage 1: Identify Potential contaminant Linkages

Stage 1 involves identifying 'sources' and 'receptors' of potential contamination.

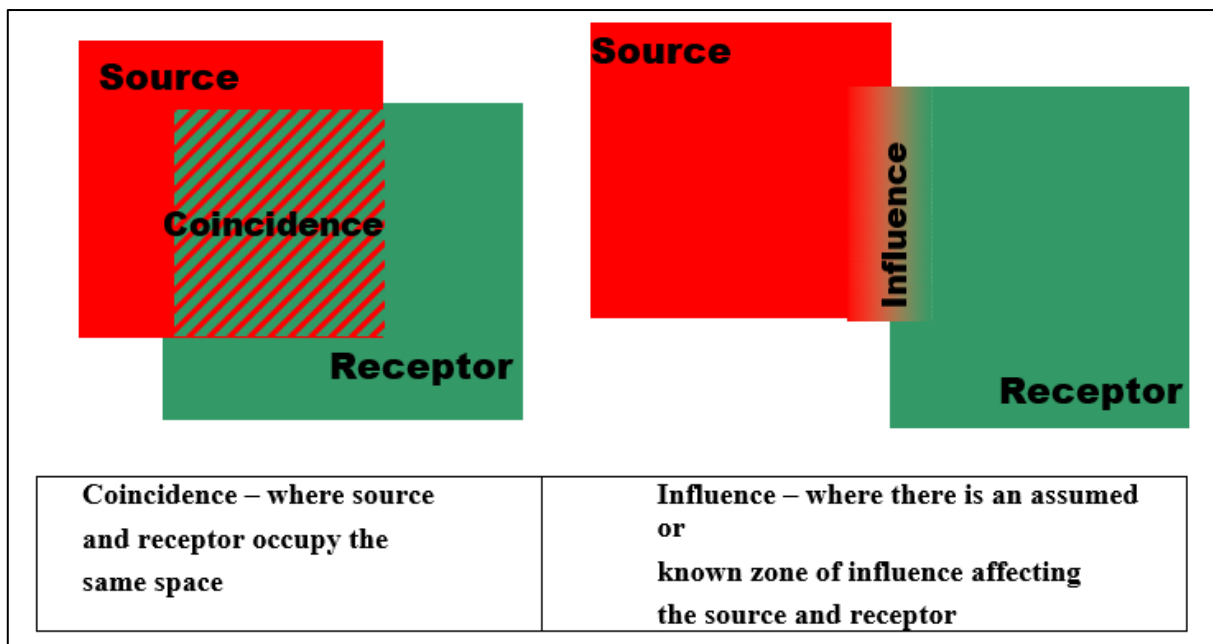
Furthermore, a pathway which is a spatial relationship (correlation) between source and the receptor must also be identified for a contaminant linkage to be established. It is, however, only in the subsequent Stages 2 and 3 that the actual presence of a contaminant linkage can be established.

In LBTH the Stage 1 process was undertaken by combining sources of existing information held by the council and obtained from others such as the Environment Agency, British Geological Survey and Ordnance Survey which were obtained for this purpose.

#### 4.4. The Use of a Geographical Information System (GIS)

GIS has been a key tool in the implementation of the various stages of this strategy. The extents of sources and receptors can be shown on a map, and the spatial relationship between the features examined. The relationship may be coincidence or influence, as shown in Figure 10 below:

**Figure 10. Spatial Relationship between Source and Receptor.**



The ArcMap GIS has been used to implement Stage 1 identification of potentially contaminated sites.

The key datasets required for the Stage 1 identification process were:

- Sources – the location of sites, which may potentially contain elevated concentrations of contaminants of concern.
- Receptors – the location of receptors as defined by the statutory guidance.

#### 4.5 Historical Industrial Land Use (Source) Dataset

The sources dataset represents areas of past or present industrial activity that may, by nature of the industrial process, have caused contamination. The primary datasets used to establish the location and type of historical and present land use are listed in Table 7 below.

**Table 7. Origin and Format of Source Datasets.**

Sources Dataset	Stage of use	Origin	Format
LBTH Historical Industrial Sites	Stage 1 Pass 1	LBTH	Digital
LBTH Landfill sites	Stage 1 Pass 1	LBTH	Digital
Historical land use	Stage 1 Pass 1	Landmark	Digital
EA Landfill sites	Stage 1 Pass 2	EA	Digital
EA Waste Sites	Stage 1 Pass 2	EA	Digital

The council undertook a study into the legacy of industrial development within the Borough. This was reported in March 1994 entitled “Dealing with the Legacy of Industrial Development”. This survey does not identify sites that are explicitly contaminated or polluted, but rather shows the location of land used for industrial purposes, where the processes used have had the potential to cause contamination. This involved reviewing historical maps held by the council and also other records such as those held by the former London Docklands Development Corporation and trade directories.

#### 4.6 Receptor Datasets

The receptor datasets represent areas occupied by human, surface water, groundwater or ecological receptors. Like the source dataset, the human receptor dataset was compiled from a number of different primary data such as Ordnance Survey mapping, aerial photography and a three-day walk around the borough. The aim was to identify large areas of similar current land use that could then be digitised on the GIS. The controlled water dataset consists of rivers, surface water features and groundwater aquifers, which exist in digital form from a number of third parties including the Environment Agency. The ecological dataset represents areas designated for nature conservation. These primary datasets are listed below in Table 8 showing the relevant stage of use.

\*\*Include OS MasterMap in GIS Layers\*\* this identifies residential Council Schools layer

**Table 8. Origin and format of receptor datasets.**

<b>Receptor Dataset</b>	<b>Stage of use</b>	<b>Origin</b>	<b>Format</b>
<u>Human receptors</u>			
OS Topographic mapping	Stage 1 Pass 1	LBTH	Digital
LBTH UDP zones	Stage 1 Pass 1	LBTH	Digital
LBTH Open space	Stage 1 Pass 1	LBTH	Digital
Cities Revealed Air photo 1998	Stage 1 Pass 1	LBTH	Digital
LBTH Estate plans	Stage 1 Pass 2	LBTH	Digital
<u>Controlled waters</u>			
Aquifers	Stage 1 Pass 1	BGS	Digital
Surface water	Stage 1 Pass 1	BGS	Digital
Boreholes	Stage 1 Pass 1	BGS	Digital
Groundwater Vulnerability	Stage 1 Pass 1	BGS	Digital
Drift Geology	Stage 2	BGS	Digital
Surface Geology	Stage 2	BGS	Digital
Source Protection Zones	Stage 2	EA	Digital
Water Abstraction Points	Stage 2	BGS	Digital
<u>Ecological receptors</u>			
SSSI/NMR/NNR	Stage 1 Pass 1	Natural England	Digital
Site of Nature Conservation	Stage 1 Pass 1	LBTH	Digital

#### **4.7 Classification of the Source/Receptor Datasets**

The historical data from Landmark and 'The Interim Report on the Survey into Past Industrial Activity' has been analysed and catalogued into potentially contaminative uses based on the classifications set out by the Department of the Environment in their 1st Consultation Paper (May 1991) on the former proposal for Section 143 Registers (supplemented by additional categories as appropriate). Where no classification is possible (e.g., unidentified works) then this has been identified separately as 'unknown works' or similar.

The list of contaminative uses has been divided into four hazard classes and given scores from 1 to 4 based on the contaminative potential. These hazard categories were devised by W.S. Atkins and are based on a group consensus, which consisted of senior contaminated land professionals.

The receptor dataset was divided into four components: human, surface waters, groundwater, and ecological. This enables the analysis of each to be undertaken independently and allowed risks of harm to human health to be prioritised in accordance with the statutory guidance. Properties, in the form of crops/livestock/animals and in the form of buildings, are also considered as receptors in the statutory guidance. These receptors were not considered at this stage as it was thought that any significant adverse effects would have become evident by now. The human health receptor datasets have been broken down into further categories including allotments, houses with gardens, flats complex, flats with gardens, open ground, parks, commercial etc.

#### **4.8 Building and Applying the Risk Model**

A GIS model was constructed and assigned numerical scores, 1 to 4, to sources depending on their hazard and, similarly, scores, 1 to 4, were assigned to receptors based on their susceptibility. Sources (industrial sites) have each been given a score according to their likely hazard. For example, a gas works site is allocated the highest score, 4, because it is likely to contain high concentrations of toxic contaminants. A receptor such as a house with garden is assigned the highest susceptibility score because there is a greater chance of people coming into direct contact with contamination in the soil by gardening, for example. On the other hand, car parks have been allocated a score of 1 because people cannot come into direct contact with any contaminated soil, as it will be contained beneath a tarmac or concrete surface.

The model was constructed for each receptor type (human health, surface waters, groundwater, and ecology) and gave an indication of the probability of a contaminant linkage being present, i.e., where there is an overlap between a source, (i.e., a former industrial site), and a receptor, (i.e., housing development). For example, a high source hazard score combined with high receptor susceptibility score equates to the highest likelihood of the existence of a significant contaminant linkage. This is illustrated by the risk matrix in Section 4.3.6 below. The values in the coloured matrix cells were the final risk scores allocated to each site that is likely to have a contaminant linkage present, i.e., both a receptor and a source (Appendix A contains a list of the risk classifications for the various industrial land uses and receptor classes).



The risk model is a method by which sites are prioritised for further detailed inspection. It is an indication that the site may contain elevated contaminant concentrations, which could be causing harm to a receptor. Stage 2 and Stage 3 investigations will allow a determination of the presence of contaminants which are causing or are likely to cause significant harm to human health and/or significant pollution of controlled waters. Land cannot be designated as contaminated land following the completion of Stage 1 assessment.

#### 4.9 Matrix of Likelihood of Pollutant Linkage Being Present

**Table 9. Risk Score Matrix.**

Risk Scores	Receptor Susceptibility	Receptor Susceptibility	Receptor Susceptibility	Receptor Susceptibility
Source Hazard	4 (high)	3	2	1 (low)
4 (high)	7	6	5	4
3	6	5	4	3
2	5	4	3	2
1 (low)	4	3	2	1

The model was then applied across the area of the Council using a geo spatial tool (ArcGIS) to classify each source and receptor according to the appropriate risk class based on spatial coincidence (i.e. where there is an overlap or influence between a source and a receptor). This has resulted in each site being allocated a 'risk score', which reflects the likelihood of existence of a significant contaminant linkage. Sites were selected for stage 2 assessment in order of their highest maximum risk score and highest intercept score.

#### 4.10- Revision of the Risk Prioritisation Exercise- GeoEnviron/ArcGIS

The Environmental Health and Trading Standards Service have obtained a database management system called GeoEnviron to revise the earlier site prioritisation list which was generated by the Atkins GIS based model.

ArcGIS, together with GeoEnviron will allow new data (such as from development control on site remediation and change of use) to be incorporated into the site risk prioritisation exercise.

#### **4.11. Stage 2: Identify Actual Contaminant Linkages**

Where sites are found to have a potential contaminant linkage these progress on to Stage 2 which involves a desk-based study and a walkover survey to validate the information and risk classification identified during Stage 1.

The aim of the Stage 2 process is to:

- a) Determine the existence of actual contaminant linkage.
- b) Determine whether the contaminant linkage could either:
  - i. Result in significant harm to the receptor or present a significant possibility of significant harm to the receptor; or
  - ii. Result in the significant pollution of controlled waters or are likely to result in such significant pollution.

At each stage of the process, the issue is whether or not there is sufficient evidence to progress the assessment of the site into the next tier within this Strategy.

It is useful to view the Stage 2 process at three levels:

**Stage 2A:** This involves a walkover survey that serves to validate the basic data and interpretation that has come from Stage 1. If it is concluded that there may be a contaminant linkage, the site will be progressed to Stage 2B for further consideration.

**Stage 2B:** A formal desk study is carried out which involves consultation with external bodies such as the Environment Agency and British Geological Society. The objective of Stage 2B process is to consider whether there is sufficient evidence for the identified potential contaminant linkages at Stage 2A to warrant further assessment at Stage 3 of this strategy.

**Stage 2C-** This involves consultation with other council departments e.g. Planning. Before sites are passed onto Stage 3, it is important to ensure that all available information has been collected, particularly on the actual presence or absence of contamination and/or remediation. The owners and occupiers of the site, the developer who built the development and any

identified appropriate persons will also be contacted and asked whether they hold any further information and will be advised that the next proposed action will be to carry out an intrusive investigation. However, this will not be carried out if information presented, as a result of the consultation, confirms that the site is unlikely to be contaminated land.

The Stage 2 inspection of sites began in 2001. As the Stage 1 and 2 work progressed, it became apparent that large volumes of information would be collected and that the use of GIS alone for the storage of data collected would be unsuitable. GeoEnviron, a database that links to ArcView GIS, was purchased to effectively store and manage this data. As more data is added to the system, for example, on sites remediated through the Development Control system, it is intended to re-run the risk prioritisation of sites periodically. A re-run of site risk prioritisation is currently on going. The site reprioritisation exercise will update the existing risk prioritisation information on the GeoEnviron database.

Stage 2 will result in the development of a conceptual model for each site, which will outline all possible potential pollutant linkages. Sites will then be reprioritised for Stage 3 inspection.

#### **4.12. Stage 3: Identify Significant contaminant Linkage**

This stage establishes whether there is a significant contaminant linkage present. This may require an intrusive investigation (i.e. sampling of soil, groundwater and/or ground gas) particularly if there are no previous ground investigation reports available.

The investigations will be designed on a site-specific basis taking account of all relevant information of the site including the potential for contamination or actual presence of elevated concentrations of contaminants from the preceding stages of the assessment.

Statutory powers of entry can be used (Environment Act 1995) if needed to gain access into properties where the council is of the opinion that there is a high likelihood of existence of imminent risk to health and access is denied. The same powers of entry will be granted for the Environment Agency for intrusive investigative works on Special Sites where they are the enforcing authority.

#### **4.13 Risk Assessment to Identify Significant Contaminant Linkage**

The process of risk assessment involves understanding the risks presented by land, and the associated uncertainties. The understanding of the risk is developed through a staged approach to risk assessment and the process should normally continue until it is possible for the council to decide:

- (a) that there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
- (b) whether or not the land is contaminated land.

In all cases the council will, subject to securing funding, carry out intrusive investigations by

commissioning a suitably experienced and independent consultant to carry out the investigation.

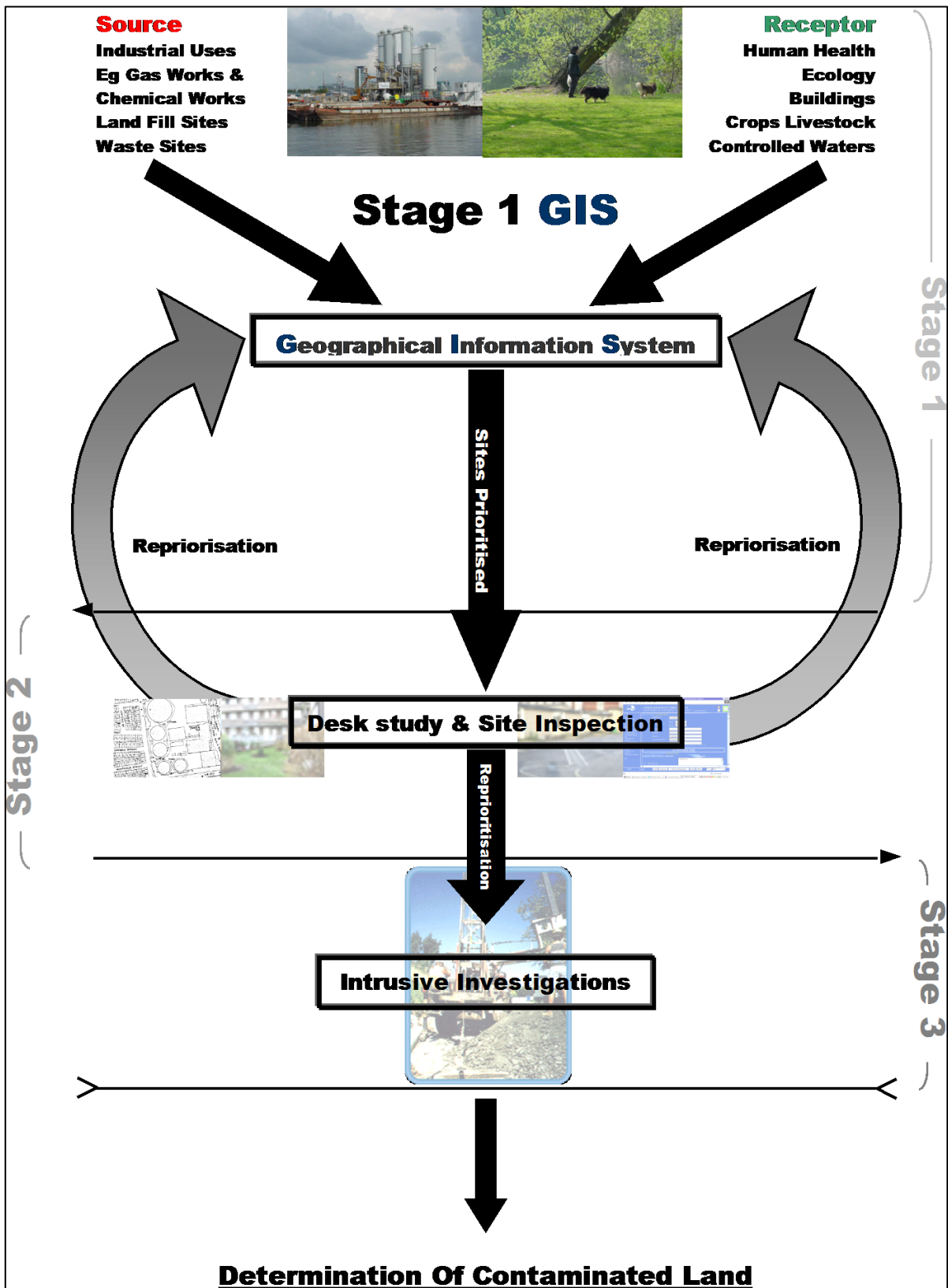
Until the site has been determined as contaminated land the council will subject to securing funding, pay for all such investigations and, where possible, will apply for Government funding if available.

#### **4.14. Summary of Stages 1 to 3**

In summary, a conceptual model as part of risk assessment has been developed involving a three-stage identification process using GIS and a custom database (GeoEnviron) to manage the spatial data. This addresses the identification sequence of potential contaminant linkage, actual contaminant linkage and significant contaminant linkage.

Figure 11 below summarises the staged approach adopted by the council in the site prioritisation exercise.

Figure 11. Summary of the Stages of Identifying contaminated land.



## **5 DETERMINATION OF CONTAMINATED LAND**

The council has the sole responsibility for determining whether any land within its area appears to be contaminated land. This statutory responsibility cannot be delegated (except in accordance with Section 101 of the Local Government Act 1972. However, in making such decisions the council will rely on information or advice provided by other bodies such as the Environment Agency, or a suitably qualified experienced practitioner appointed for that purpose.

The council will consider the following four possible grounds for the determination of land as contaminated land (with regard to non-radioactive contamination) (Defra, 2012):

- (a) Significant harm is being caused to a human or relevant non-human, receptor.
- (b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor.
- (c) Significant pollution of controlled waters is being caused.
- (d) There is a significant possibility of significant pollution of controlled waters being caused

Before making any determination, the council would have identified one or more significant contaminant linkage(s), and carried out a robust, appropriate, scientific and technical assessment of all the relevant and available evidence. If at any stage of the assessment the council considers that conditions for considering land to be contaminated land do not exist, it would not determine that the land is contaminated land.

Before making a determination, the council will inform the owners and occupiers of the land and any other person who appears to the authority to be liable to pay for remediation of its intention to determine the land. This is to give such persons time to make representations (for example to seek clarification of the grounds for determination, or to propose a solution that might avoid the need for formal determination) considering: the broad aims of Part 2A regime; the urgency of the situation; any need to avoid unwarranted delay; and any other factor that the council considers to be appropriate.

## 6 LIAISON WITH OWNERS AND OCCUPIERS OF LAND

The adopted approach to identifying contaminated land within this strategy means that the council, or its consultants, will be required to visit and carry out a detailed inspection for only a small proportion of the land within the borough. This is land where the earlier stages of assessment suggest the possibility of the existence of contaminant linkages which could render the land as being contaminated land. The detailed investigations will be prioritised according to the risk of exposure to potential contaminants by residents and will include a visit to a particular area, and sampling of soil, groundwater and/or ground gas at a designated site.

The reasons why the council may need to liaise with owners and occupiers of land are as follows:

- (e) to carry out a walkover survey. This will allow a check of current receptors and, in some cases, may be sufficient for the council to decide whether or not further assessment is required
- (f) to request relevant information that the owner or occupier may hold. This could include historical information or previous studies (desk studies or intrusive investigations) and its availability may avoid the need to undertake independent intrusive investigations. Alternatively, the owner may offer to provide information on the condition of the land within a reasonable and specified timescale
- (g) to agree access and timing for the council or its consultants to carry out an intrusive investigation or take samples where considered necessary. In some circumstances an authorised person can ask other people questions, which they are obliged to answer, and make copies of written or electronic records
- (h) In response to enquiries from interested parties.

In each case, the purpose of liaising with owners/occupiers will be to assist the council in obtaining sufficient information to make a determination on whether land appears to the council to be contaminated land. If necessary, Section 108 of the Environment Act 1995 gives the council the power to authorise a person to exercise specific powers of entry.

The relevant officer, or their delegate, will also discuss with the owner/occupier the reasons for carrying out the intrusive investigation and communicate risk in accordance with the "Contaminated Land Risk Assessment Communication Strategy".

The council will also liaise with the owner(s) and occupier(s) of land in the following circumstances:

- (i) where information has been received by business, voluntary organisations or members of the public on the possibility that the particular land might be contaminated land and the council considers that further investigations are warranted. How this information is to be dealt with and over what probable timescale will be agreed with the owner/occupier
- (j) where findings of the assessment show that there exists unacceptable risk, the council will inform the owners and occupiers of the land and any other person who appears to be liable to pay for remediation before making a determination of any land as contaminated land
- (k) where the owner or occupier is identified as an appropriate person, a remediation notice will be issued, specifying the most appropriate method of remediation selected by the council and a reasonable timescale for the completion of the required work. The issues of exclusion from liability apportionment are complex and are addressed in the Hardship and Cost Recovery Policy which is included as an addendum to this Strategy
- (l) where contaminated land has been determined, a written record of the determination will be provided to the landowner and occupier, providing a justification for the determination, including details on all the available site investigation reports and other assessments in accordance with the statutory guidance. Notice will also be given to each person who appears to be an appropriate person to bear responsibility for any remediation required in accordance with the tests for exclusion and apportionment of liability in the statutory guidance.

The general approach will be to seek to reach voluntary agreement in preference to serving a remediation notice. However, where negotiations are not successful and warning letters have not resulted in agreement, the council will issue the appropriate remediation notices, in accordance with its statutory duty, taking account of statutory guidance on liability apportionment and cost recovery issues. If the land is not considered contaminated using the legal definition, the person responsible for causing the contamination or the landowner could be responsible for dealing with the contamination.



## 7 CONSULTATION WITH OTHER AGENCIES

### 7.1 Environment Agency

A copy of this strategy and any subsequent revisions will be provided to the Environment Agency. Details of sites with a risk ranking and copies of site investigation reports and risk assessments will be sent to the Environment Agency. Notifications of the identification of contaminated land and remediation notices will also be provided to the Environment Agency.

Tower Hamlets will take account of any guidance and specific site information that may be issued by the Environment Agency in particular, the Environment Agency will be consulted for specific site information if potentially contaminated land, is likely to be so classified by virtue of pollution of controlled waters or is likely to be a *Special Site*. (See Appendix C for the definition of Special Sites).

The Environment Agency has provided specific information which has been included in the contaminated land identification process. This includes:

- information on groundwater vulnerability, source zone protection maps
- information on surface water quality, abstraction licences and specific pollution incidents
- information on location of closed landfills and currently licensed waste management facilities; and,
- details of the types of site that, if designated as contaminated land, would be categorised as Special Sites (including current and historic IPPC authorised sites).

As discussed earlier in Section 4, the data has been produced in digital format and incorporated into the GIS model (eg. groundwater vulnerability). Some of this data was also examined during the desk studies (eg. specific pollution incidents).

Information will also be provided to the Environment Agency to assist them in compiling a report on the state of contaminated land if required. The information could include this Strategy and information on all Tower Hamlets sites with a risk ranking and those sites designated as contaminated land.

Copies of notices, remediation statements and declarations will also be provided to the Environment Agency when issued.

## **7.2 Thames Water**

Thames Water will be immediately notified where a potential contaminant linkage includes a public water supply source as a receptor.

## **8 HANDLING INFORMATION RECEIVED FROM THE PUBLIC, BUSINESSES, VOLUNTARY ORGANISATIONS AND THE ENVIRONMENT AGENCY.**

The purpose of this strategy is to adopt a systematic approach to the identification of contaminated land. However, this will take time to complete due to the complex nature of the risk assessment, continuous change in the technical guidance and uncertainty regarding securing funding from central government. In the meantime, it is important to be able to respond to and investigate specific concerns that are raised by members of the public, businesses and voluntary organisations.

### **8.1 Complaints**

Complaints may be received from the public or other bodies regarding land contamination. Complaints will be dealt with following the same procedure as other complaints to Environmental Health. The complaint will be investigated in line with this inspection strategy and all efforts will be made to keep the complainant informed of progress and to resolve the complaint as efficiently and effectively as possible.

### **8.2 Obtaining/Receiving Information**

Information may be provided by members of the public, site owners/occupiers, environmental organisations and the Environment Agency, which may be sufficient to identify land as contaminated land directly or to suggest that detailed inspection and possibly intrusive investigations are required.

Alternatively, following assessment, a decision may be made that no action is required because the concern does not appear to be well founded or the absence of receptors is sufficient to determine that land is not contaminated.

The council's approach in assessing this information and deciding how to proceed will include taking account of the following factors:

- ❖ the strength of the evidence already available to suggest that the land is contaminated land (for example visual evidence, Stage 2 assessments, previous investigations and anecdotal information that is considered likely to be well-founded)
- ❖ the apparent urgency of the matter (priority will be given to concerns about human health in accordance with the council's primary duty)

- ❖ whether or not the information is provided anonymously
- ❖ whether the information appears to be driven specifically by commercial considerations. A prospective purchaser may seek to be assured that land they are seeking to acquire will not be identified as contaminated land. In this context, the enquirer will be encouraged to employ his own independent advice to make a judgement, except where the request is consistent with complying with this strategy. Information available on former uses of land, site risk rating and records of investigations (if any) will be made available to the enquirer
- ❖ the apparent motivation of the person supplying information where there are grounds to suspect that information may not be well founded.

When information is received, the following steps will be taken to keep various parties informed:

- ❖ receipt will be acknowledged within 5 days
- ❖ the anonymity of the originator of the information will be preserved, where appropriate (normally until such time as legal action may be necessary)
- ❖ owners and occupiers of land to which the information relates, or potential appropriate persons, will be advised that it has been received and how it will be dealt with, with an indication of timescale
- ❖ other relevant regulatory authorities will be informed where the information received relates to matters outside Tower Hamlet's statutory responsibilities (i.e. the Environment Agency, where powers under the Water Resources Act 1991 may be applied);
- ❖ advising the person(s) who provided the information and owners/occupiers/appropriate persons previously contacted of the final outcome of the council's investigation.

Where land is determined as contaminated land, the details will be maintained on a public register. The council may be asked for information about land that has/has not been determined as contaminated land, whether as part of a 'local search' or for other reasons. The Environmental Information Regulations 2004 require that information on land contamination held by the Local Authority must be made available on request from 1 January 2005.

The council will provide all available information to the individual or body requesting the information. However, in circumstances where information is being collected and assessed, but is incomplete, only factual information will be provided and the council will take account of its own legal advice.

## 9 HANDLING REQUESTS FROM THE PUBLIC FOR INFORMATION ON CONTAMINATED LAND

The process of implementing this strategy has, and will continue, to result in the collection and storage of a significant amount of data and information about the borough. In addition to the obligations set out in the Environmental Information Regulations (2004) governing the availability of environmental data, Tower Hamlets will adopt a transparent process, by the public, to factual data and information relating to the Part 2A legislation and statutory guidance including:

- (m) historical maps
- (n) historical land use
- (o) current land use
- (p) geological and hydrogeological data
- (q) ecological data
- (r) records of previous site investigations, remediation and validation (if available)

Interpretative information is that which is derived from the risk model input and output. The input data includes the individual hazard and susceptibility ratings of individual sites and risk ranking values. This type of information and any data that is derived through an interpretative process must also be disclosed to the public under the new regulations. However, this information must be qualified as interpretative when disclosed to the public in accordance with legal opinion obtained by the council.

### 9.1 Register of contaminated land

A register of land designated as contaminated with respect to Part 2A will be maintained by the Contaminated Land Officer and/or their delegate and will be available to the public. This public register, as required under Part 2A of EPA 1990 and the Contaminated Land (England) Regulations 2012, will only contain information on sites determined as contaminated land and where subsequent actions on the site have or will occur. The register also contains all data and information used to support the designation of the land as contaminated land. This will be available for inspection by contacting:

Environmental Health and Trading Standards  
London Borough of Tower Hamlets  
2<sup>nd</sup> Floor, Mulberry Place  
London, E14 2BG

The Contaminated Land Register is maintained for public inspection on the council's web site ([contaminated land](#)) along with a summary of the findings of the investigation(s), risk assessment and any recommended remedial works. There is currently no entry on the list.

## **10 LAND FOR WHICH THE COUNCIL IS DIRECTLY RESPONSIBLE**

The Stage 2 process has identified land where the council may have a responsibility due to its current or former ownership or occupation for the investigation and clean-up (if required) of that land. This includes council owned land, which has had former industrial use and/or land for which the 'original polluter' (Class A person as defined in the statutory guidance) may no longer be identifiable. Such land, if determined as contaminated land, will be addressed by the council.

The council may also be the owner of former (closed) landfill sites and may have responsibilities in this regard.

The council is committed to applying the same principles to contaminated land in its current or former ownership as those applied to any other contaminated land. In particular, the staged approach to identification described in Section 4 is equally relevant to land in council ownership. Should the council, as landowner, become aware of specific concerns, these will be progressed on a similar basis of priority and risk assessment as for land in other ownership.

## 11 REVIEW AND UPDATE PROCEDURES

The council recognises that its strategy for the identification of contaminated land is based on a probabilistic approach. The aim is not to prove the status of every piece of land within the borough but rather to adopt a logical, robust and defensible approach in which effort is proportional to risk and priorities are set appropriately. This approach is in line with the broad objectives of the Part 2A regime.

Periodic reviews of the strategy are therefore necessary, or at least every five years. The following types of review and update are likely to occur:

- (s) review of any amendments to, or publication of, new legislation and/or statutory guidance which may have an impact on the on-going implementation of this strategy
- (t) review of the scientific assumptions made in later stages of the assessment process (i.e. Stage 3 intrusive investigations and risk assessment). Such a review will focus on changes in the understanding of the behaviour of potential pollutants (changes in technical and authoritative guidance).
- (u) re-assessment of the inspection findings in relation to particular land. For example, there may be a change in the land use (the receptor) or because of reported health effects apparently associated with the land
- (v) review of any opportunities to increase the range of datasets used in the Stage 1 identification process. Additional datasets can be added to the GIS/GeoEnviron model at a later stage. There are also opportunities to add datasets maintained by other council departments (i.e. opportunities for residential and mixed-use development datasets created by Development Control for the new Local Plan). The addition of new datasets will help refine the risk-based model and increase accuracy;
- (w) update of the GIS/GeoEnviron model to reflect additional information that may become available (e.g. from the Environment Agency in relation to groundwater or surface water abstractions and information from development-related site investigations).

Information systems related to the identification of contaminated land are to be viewed as essentially 'live' systems. Although updates are expected to be made periodically for reasons of efficiency (about every 3 months), where any new information is expected to have potential implications for human health this will be reviewed as a priority and the implications to the risk model examined.

The objective of each update will be to ensure that the strategy remains relevant, up to date with current statutory and technical guidance and is efficient and effective in the application of resources to the identification of contaminated land. The update will seek to ensure that the approach taken remains consistent with current best practice.

## **ABBREVIATIONS**

A.O.N.B.	Area of Outstanding Natural Beauty.
C.L.E.A.	Contaminated land Exposure Assessment.
D.E.F.R.A.	Department of Environment, Food and Rural Affairs
D.F.T.	Department for Transport
E.A.	Environment Agency.
F.S.A.	Food Standards Agency.
G.I.S.	Geographical Information System.
Poplar H.A.R.C.A.	Housing and Regeneration Community Association.
I.P.P.C.	Integrated Pollution Prevention and Control.
L.B.T.H.	London Borough of Tower Hamlets.
L.D.D.C.	London Docklands Development Corporation.
S.A.C.	Special Area of Conservation.
S.N.I.F.F.E.R.	Scotland and Northern Ireland Forum for Environmental Research.
S.P.A.	Special Protection Areas.
S.P.Z.	Source Protection Zone.
S.R.B.	Single Regeneration Budget.
S.S.S.I.	Site of Special Scientific Interest.
T.H.C.H.	Tower Hamlets Community Housing.



## REFERENCES

DEFRA, (May 2002) Water Bill. Consultation on Draft Legislation: Government Response. DEFRA

Game, M. and Whitfield, J. (1996), Nature Conservation in Tower Hamlets. Ecology Handbook 27. London Ecology Unit.

London Borough of Tower Hamlets, (1994), Dealing with the Legacy of Industrial Development, Interim Report on the Survey into Industrial Activity. London Borough of Tower Hamlets.

London Borough of Tower Hamlets, (2005), Technical Guidance for Site Investigation and Remediation. London Borough of Tower Hamlets

National Groundwater and contaminated land Centre, Leaflet, Groundwater Source Protection Zones. Environment Agency.

Environment Agency, (1999) Communicating Understanding of contaminated land Risks SNIFFER.

Ander, E.L., Cave, M.R., Johnson, C.C. and Palumbo-Roe, B.(2011). Normal background concentrations of contaminants in the soils of England. Available data and data exploration. British Geological Survey Commissioned Report, CR/11/145. 124pp.

CL:AIRE/CIEH (2008) Chartered Institute of Environmental Health and Contaminated Land Application in Real Environmental, Guidance on Comparing Soil Contamination Data with a Critical Concentration. ISBN10 1-904306-79-9, ISBN13 978-1-904306-79-5

DEFRA (2006b) CLAN 6/06 Soil Guideline Values: The Way Forward. Assessing Risks from Land Contamination a proportionate Approach, November 2006.

DEFRA (2010) Consultation: Changes to the contaminated land regime under Part 2A of the Environmental Protection Act 1990, December 2010.

DEFRA (2012), Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance. April 2012, Her majesty's stationery Office, 04/12 PB 13735

DCLG (2012) Department for Communities and Local Government, National planning policy Framework, March 2012 Her Majesty's Stationery Office, London. ISBN: 978-1-4098-3413-7

Environment Agency (2004) Model Procedures for the Management of Land Contamination. Contaminated Land Report 11. Bristol ISBN: 1844322955.

Environment Agency (2008). Groundwater Protection: Policy and Practice (GP3), Part 4 – Legislation and Policies 2008 Edition 1. Rio House Waterside Drive, Aztec West Almondsbury, Bristol BS32 4UD.

Environment Agency (2009a) Human Health Toxicological Assessment of Contaminants in Soil: SC050021/SR2 Environment Agency, 2009. Bristol, ISBN: 978-1-84432-858-1.

Environment Agency, (2009b), Updated Technical Background to the CLEA Model: SC050021/SR3 : ( Environment Agency, 2009. Bristol, ISBN: 978-1-84432-856-7)

Environment Agency, (2009c), Contaminated Land Exposure Assessment (CLEA) Software version 1.06

Environment Agency (2009d), CLEA Software (Version 1.05) Handbook Better Regulation Science Programme Science report: SC050021/SR4: (Environment Agency 2009, Bristol, ISBN: 978-1-84911-105-8)

HMSO (1972) Local Government Act 1972, Her Majesty's Stationery Office London.

HMSO (1974) Health and Safety At Work Act 1974, Her Majesty's Stationery Office London.

HMSO (1990) Environmental Protection Act 1990, Her Majesty's Stationery Office London

HMSO (2000) ENVIRONMENTAL PROTECTION, ENGLAND, The Contaminated Land (England) Regulations 2000, London. Statutory 2000 No. 227.

HMSO (2002) Control of Substances Hazardous to Health Regulations 2002 (as amended). Her Majesty's Stationery Office London. The Stationery Office

HMSO (2006) ENVIRONMENTAL PROTECTION, ENGLAND, The Contaminated Land (England) Regulations 2006, London. Statutory 2006 No. 1380

HPA (2006). *Inorganic arsenic - toxicological overview*. London: Health Protection Agency. <http://www.inchem.org/documents/ehc/ehc/ehc224.htm>

**Ministry of Housing, Communities and Local Government (2021). National Planning Policy Framework.**  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

**Environment Agency (2021 - updated). Land contamination risk management (LCRM).**  
<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

HMSO (2007) The Construction Design and Management Regulations 2007, Her Majesty's Stationery Office, London. The Stationery Office

HMSO (2009) The Environmental Damage (Prevention and Remediation) (England) Regulations 2009, Her Majesty's Stationery Office, London. The Stationery Office

Johnson CC, Ander E L, Cave MR and Palumbo-Roe (2012). Normal background Concentration (NBC) of Contaminants in English soils: Final Project Report. Keyworth, Nottingham British Geological Survey 2012. CR/12/035. 40pp.

LBTH 2012; London Borough of Tower Hamlets, Research Briefing Note August 2010-13. Population Data: A technical Guide:

## GLOSSARY

Apportionment	Any determination by the enforcing authority, that is a division of the costs of carrying out remediation action between two or more parties.
Building	Any structure or erection, and any part of a building including any part below the ground, but not including plant or machinery comprised in a building.
Contaminant	Any substance, which is in, on or under the land and which, has the potential to cause harm or to cause pollution of controlled waters.
Contaminated Land	Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under, that – <ol style="list-style-type: none"><li>significant harm is being caused or there is a significant possibility of such harm being caused, or</li><li>pollution of controlled waters is being, or is likely to be, caused.</li></ol>
Controlled waters	Defined by reference to Part III (section 104) of the Water Resources Act 1991, which includes territorial and coastal waters, inland fresh waters and ground waters.
Current use	Any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications: <ol style="list-style-type: none"><li>The current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time</li><li>The current use includes future uses or developments, which do not require a new or amended, grant of planning permission.</li><li>The current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or, children playing on the land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and</li><li>In the case of agricultural land, the current agricultural use should not extend beyond the growing or rearing of the crops or animals, which are habitually grown or reared on the land.</li></ol>

Harm	Harm to the health of living organisms or other interference with the ecological systems of which they form part and in the case of man, includes harm to his property.
Intrusive investigation	An investigation of land (e.g. by exploratory excavations) which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information.
Owner	A person (other than a mortgagee not in possession) who, whether in his own right or a trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let.
Pathway	One or more routes or means by which, or through which, a receptor: a) is being exposed to, or affected by a contaminant, or b) could be exposed or affected.
Pollutant	A contaminant which forms part of a pollutant linkage.
Pollutant Linkage	The relationship between a contaminant, pathway and a receptor.
Remediation	defined as: a) the doing of anything for the purpose of assessing the condition of – i) the contaminated land in question ii) any controlled waters affected by that land; or iii) any land adjoining or adjacent to that land b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose- i) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or ii) of restoring the land or waters to their former state; or c) the making of subsequent inspections from time to time for the purpose of keeping review the condition of land or waters.”
Significant Harm	Any harm which is determined to be significant in accordance with Section 4.1 of Statutory Guidance (Defra, 2012).
Significant Possibility Of Significant Harm	Any possibility of significant harm as determined by four (4) Category test in Section 4.2 of the Statutory Guidance (Defra, 2012)

# Appendix A – Risk Classification

Table A Source Classification

<b>DOE Class</b>	<b>Description</b>	<b>Hazard</b>
C1	Agriculture	3
C1A	Agriculture: Burial of diseased livestock	3
C2	Extractive Industry	3
C2A	Extractive Industry: Extracting, handling and storage of carbonaceous materials such as coal, lignite, petroleum, natural gas, or bituminous shale (not including the underground workings)	3
C2Ai	Extractive Industry: Coal storage and depot	2
C2Aii	Extractive Industry: Mining of coal/lignite	3
C2Aiii	Extractive Industry: Oil, petroleum & gas refining & storage	4
C2B	Extractive Industry: Extracting, handling and storage of ores and their constituents	3
C2Bi	Extractive Industry: Mining/quarrying general	3
C2Bii	Extractive Industry: General quarrying	3
C2Biii	Extractive Industry: Mineral railway	2
C2Biv	Extractive Industry: Sand/clay/gravel pits	3
C2Bv	Extractive Industry: Heap of quarry waste	2
C3	Energy Industry	4
C3A	Energy Industry: Gas manufacture & distribution	4
C3B	Energy Industry: Reforming/purifying/refining of gas	4
C3C	Energy Industry: Other processes	4
C3D	Energy Industry: Thermal power station (inc nuclear)	3
C3E	Energy Industry: Electricity production & distribution [inc large transformers]	2
C4	Production of Metals	4
C4A	Production of Metals: Production/refining/recovery(ex.mining)	4
C4B	Production of Metals: Metal casting/foundries	4
C4C	Production of Metals: Heavy product manufacture - rolling and drawing of iron, steel and ferroalloys	2
C4D	Production of Metals: Finishing treatments	4
C5	Prod. Non-metals	3
C5A	Prod. Non-metals: Prod/refining of ore	3
C5B	Prod. Non-metals: Prod/processing of mineral fibres	4
C5C	Prod. Non-metals: Cement, lime and gypsum manufacture, brickworks and associated processes	2
C5Ci	Prod. Non-metals: Clay bricks & tiles [manufacture]	2
C5Cii	Prod. Non-metals: Cement, lime & plaster products [manufacture]	2
C6	Glass & Ceramics	3
C6A	Glass & Ceramics: Glass & glass products exc. flat glass [manufacture]	2
C6B	Glass & Ceramics: Ceramics manuf	2
C7	Chemical prodn/use	4
C7A	Chemical prodn/use: Plastic goods, all general manufacture, including building, packaging and tubing	4
C7B	Chemical prodn/use: Production, refining and bulk storage of organic or inorganic chemicals, inc. fertilisers, pesticides, pharmaceuticals, cosmetics, dyestuffs, pyrotechnic materials or recovered chemicals	4

C7Bi	Chemical prodn/use: Paints, varnishes, printing inks, mastics & sealants [manufacture]	4
------	--	---



C7Bii	Chemical prodn/use: Animal by-products [i.e. gelatine, soap, glue etc.]	2
C7Biii	Chemical prodn/use: Chemical manufacturing general	4
C7Biv	Chemical prodn/use: Dyes & pigments [manufacture]	4
C7C	Chemical prodn/use: Industrial gases	4
C8	Engineering and Manufacturing Processes	4
C8A	Engineering and Manufacturing Processes: Manufacture of metal goods, including mechanical engineering industrial plant or steelwork, motor vehicles, ships, railway or tramway vehicles, aircraft, aerospace equipment or similar equipment	2
C8Ai	Engineering and Manufacturing Processes: Construction materials	2
C8Aii	Engineering and Manufacturing Processes: Transport : light manufacture	2
C8Aiii	Engineering and Manufacturing Processes: Machinery: engines, building and general industrial [manufacture]	2
C8Aiv	Engineering and Manufacturing Processes: Transport manufacturing and repair	3
C8B	Engineering and Manufacturing Processes: Storage, manufacture or testing of explosives, propellants, ordnance, small arms or ammunition	4
C8Bi	Engineering and Manufacturing Processes: Weapons/ammo	4
C8Bii	Engineering and Manufacturing Processes: Military Land	4
C8C	Engineering and Manufacturing Processes: Electrical equip.	2
C8Ci	Engineering and Manufacturing Processes: Computer/office machines	2
C8Cii	Engineering and Manufacturing Processes: Batteries etc.	4
C8Ciii	Engineering and Manufacturing Processes: Domestic appliance	2
C8Civ	Engineering and Manufacturing Processes: Insulated wire/cable	2
C8Cv	Engineering and Manufacturing Processes: Navigation/medical/general	2
C9	Food processing industry	1
C9A	Food processing industry: Petfood/animal feed manufacture	1
C9B	Food processing industry: Animal by-prod processing	1
C9C	Food processing industry: Food processing - major	1
C9D	Food processing industry: Spirit distilling & compounding	1
C9E	Food processing industry: Animal slaughtering & basic processing of meat [other than poultry]	3
C9F	Food processing industry: Brewing & malting	1
C9G	Food processing industry: Sugar refine/tobacco	1
C10	Paper & Printing	3
C10A	Paper & Printing: Making of paper pulp, paper or board, or paper or board products, including printing or de-inking	3
C10Ai	Paper & Printing: Misc. printing (not newspaper)	3
C10Aii	Paper & Printing: Newspaper printing	3
C10Aii i	Paper & Printing: Paper packaging products [manufacture]	3
C10Ai v	Paper & Printing: Packaging	3
C10Av	Paper & Printing: Recycling/photo processing	3
C11	Timber & Products	4
C11A	Timber & Products: Chemical treatment and coating of timber and timber products	4
C11Ai	Timber & Products: Sawmill	1
C11Aii	Timber & Products: Sawmilling, planing & impregnation [i.e.	4

	treatment of timber]	
C12	Textile Industry	4
C12A	Textile Industry: Leather working	4
C12B	Textile Industry: Natural and man-made textile manufacture and products	3
C12C	Textile Industry: Floor coverings	3
C13	Rubber Industry	4
C13A	Rubber Industry: Natural & synthetic inc. tyres	4
C14	Infrastructure	3
C14A	Infrastructure: Railways	3
C14B	Infrastructure: Transport support & cargo handling	3
C14C	Infrastructure: Dismantling, repairing or maintenance of road transport or road haulage vehicles	4
C14Ci	Infrastructure: Road haulage	4
C14Cii	Infrastructure: Retail sale of fuel	4
C14Ciii	Infrastructure: Motor vehicles: maintenance & repair e.g. garages	3
C14D	Infrastructure: Air & space	3
C14E	Infrastructure: Pipelines	3
C15	Waste Disposal	4
C15A	Waste Disposal: Treating of sewage or other effluent	3
C15Ai	Waste Disposal: All outfalls	2
C15Aii	Waste Disposal: Sewage	3
C15B	Waste Disposal: Sludge storage/treatment/disposal	4
C15C	Waste Disposal: Treating, keeping, depositing or disposing of waste, including scrap (to include infilled canal basins, docks, or river courses)	4
C15Ci	Waste Disposal: Refuse disposal inc. incinerators	4
C15Cii	Waste Disposal: Unknown Filled Ground (Pond, marsh, river, stream,dock etc)(seeWF)	3
C15Ciii	Waste Disposal: Metal/scrap recycling	3
C15Civ	Waste Disposal: Unknown Filled Ground (Pit, quarry etc)	4
C15D	Waste Disposal: Storage/disposal of radioactive materials	4
C16	Miscellaneous	3
C16A	Miscellaneous: Dry cleaning	3
C16B	Miscellaneous: Education/research laboratories	3
C16C	Miscellaneous: Demolition of buildings/plant	2
C16D	Miscellaneous: Hospitals	3
C16E	Miscellaneous: Airshafts	1
C16F	Miscellaneous: Cemetery or Graveyard	1
C16G	Miscellaneous: Factory or unspecified works	3

Table B. Human -Receptor Susceptibility Classification.

Type	Susceptibility	Description
Allotments	4	Small plots of land that are farmed and kept by local people.
Building Site	3	Construction area, with open ground and semi-finished structures (e.g. Buildings).
Canal/River & Embankment	3	Water features other than lakes.
Car Park	1	Multi-storey or single level- includes non-tarmac car park.
Church	2	The building itself plus ground and graves.
College	2	Educational Facility plus some grass areas and open space.
Commercial	2	Business areas (e.g. IT, Consultancy) and Shops. Some shops are on ground level with residential above.
Community Centre	2	Community buildings (e.g. Islamic Centres).
Council Buildings	2	Council-run establishments.
Emergency Services	2	Hospitals, police stations, Fire Stations.
Flats	2	Multi-storey building owned as flats, with very little grass or open space.
Flats Complex	2	A collection of flats often with small parks, a playground and communal gardens.
Flats With Gardens	4	Multi-storey buildings, which may have originally been single occupancy, housed, with gardens, rear or front.
Garages	1	To park cars. Mostly in residential areas.
Gas Works	1	Heavy industrial area based around gasworks. Probably of open spaces surrounding the buildings and machinery.
Grass	3	Areas of open grass other than parks.
Health Centre	2	Health service buildings, generally non-emergency (e.g. Doctors Surgery).
Houses	2	Houses often several stories, no garden.
Houses with Gardens	4	Houses with gardens, front or rear
Industry	1	Industrial areas (e.g. Textile manufacturers, metal work, recycling plants).
Lake	3	Closed area of water.
Library	2	Library Building.
Open Ground	3	Non-grassed areas, often revealing underlying superficial rocks/soil, or possibly tarmaced. Often in disuse.
Park	3	Grass areas open to public, often with trees, recreational facilities.
Park (Island)	3	Island on a lake, in a park.
Playground	2	Children's play area, grassed or covered (e.g. Tarmac)

Type	Susceptibility	Description
Playing Fields	3	Grassed area for sport activities.
School	2	Educational facilities with playground, almost always some grassed areas.
Stables	3	Areas where horses are kept.
Swimming Pool	2	Recreational facility.
Tennis Courts	1	Recreational facility (majority tarmaced).
Tower Block	2	Very tall, freestanding building.
Tower Block Complex	2	Area, often with other residential building such as flats and houses, that contains at least one tower block. Similar in susceptibility to flats Complex with its grassed area and open spaces.
Tower of London	3	Mixture of commercial, residential and grassed areas.
Transport	2	London Underground Tube Stations, train station, bus stations.
Vegetation	3	Grassed area with shrubs and trees.
Water	3	Mostly dock area.

Table C. Groundwater Classification.

Type	Susceptibility
Major High	6
Major Middle	5
Major Low	4
Minor High	3
Minor Middle	2
Minor Low	1
Non-aquifer	0

Table D Ecology Classification.

Type	Susceptibility	Description
International	3	e.g. Ramsar
National	2	e.g. SSSI
Local	1	e.g. Sites of Nature Conservation Importance. <a href="#">Local Plan</a>

**Appendix B -  
Definition of Significant  
Harm(SH) & Significant  
possibility of Significant Harm  
(SPOSH)**

## 1.0 Significant harm to human health

The paragraphs below set out categories of harm that should be considered to be significant harm to human health (Defra, 2012). In all cases the harm should be directly attributable to the effects of contaminants in, on or under the land on the body(ies) of the person(s) concerned.

Conditions for determining that land is contaminated land on the basis that significant harm is being caused would exist where: (a) the local authority has carried out an appropriate, scientific and technical assessment of all the relevant and available evidence; and (b) on the basis of that assessment, the authority is satisfied on the balance of probabilities that significant harm is being caused (i.e. that it is more likely than not that such harm is being caused) by a significant contaminant(s).

The following health effects would always be considered to constitute significant harm to human health: **death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions** (Defra, 2012).

Other health effects may be considered by the Council to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, LBTH would consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm. LBTH would only conclude that harm is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime as described in Section 1 of the Statutory Guidance (Defra, 2012).

If the Council decides that harm is occurring, but it is not significant harm, it would consider whether such harm might be relevant to consideration of whether or not the land poses a significant possibility of significant harm (SPOSH). For example, this might be the case if there is evidence that the harm may be a precursor to, or indicative or symptomatic of, a more serious form of harm, or that repeated episodes of minor harm (e.g. repeated skin ailments) might lead to more serious harm in the longer term (Defra, 2012).

## 2.0 Significant possibility of significant harm to human health (SPOSH)

In deciding whether or not a significant possibility of significant harm to human health exists, LBTH would first understand the possibility of significant harm from the relevant contaminant linkage(s) and the levels of uncertainty attached to that understanding; before it goes on to decide whether or not the possibility of significant harm is significant (Defra, 2012).

### Possibility of significant harm to human health

In assessing the possibility of significant harm to human health from the land and associated issues, the council would act in accordance with the advice on risk assessment in Section 3 of the Statutory Guidance (Defra, 2012).

The term “possibility of significant harm” as it applies to human health, for the purposes of this guidance, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises:

- (a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.
- (b) The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.

In estimating the likelihood that a specific form of significant harm might occur the Council would, among other things, consider:

- (a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use” in Section 3.
- (b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate. Having completed its estimation of the possibility of significant harm, the council would produce a risk summary in accordance with Section 3 of Defra (2012).

### **Deciding whether a possibility of significant harm is significant (human health)**

The decision on whether the possibility of significant harm being caused is significant is a regulatory decision to be taken by the council. In deciding whether the possibility of significant harm being caused is significant, consideration would be given as to whether the possibility of significant harm posed by contamination in, on or under the land is sufficiently high that regulatory action should be taken to reduce it, with all that would entail.

In deciding whether or not land is contaminated land on grounds of significant possibility of significant harm to human health, the council would use the four categorisations test described in paragraphs 4.17 of the Statutory Guidance (Defra, 2012). Categories 1 and 2 would encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health. Categories 3 and 4 would encompass land which is not capable of being determined on such grounds. Below are the definitions of the four-category test in the Statutory Guidance:

## **Category 1: Human Health**

The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action is taken to stop it. For the purposes of the Guidance, these are referred to as “Category 1: Human Health” cases. Land should be deemed to be a Category 1: Human Health case where:

- (a) the authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or
- (b) the authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere
- (c) the authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either:
  - (i) that there is insufficient evidence to be sure of meeting the “balance of probability” test for demonstrating that significant harm is being caused; or
  - (ii) that the time needed to demonstrate such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.

## **Category 4: Human Health**

The local authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. For the purposes of the Statutory Guidance, such land is referred to as a “Category 4: Human Health” case. The authority may decide that the land is a Category 4: Human Health case as soon as it considers it has evidence to this effect, and this may happen at any stage during risk assessment including the early stages.

The local authority should consider that the following types of land should be placed into Category 4: Human Health:

- (a) Land where no relevant contaminant linkage has been established.
- (b) Land where there are only normal levels of contaminants in soil, as explained in Section 3 of the Guidance.



- (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria in accordance with Section 3 of the Guidance, or relevant technical tools or advice that may be developed in accordance with paragraph 3.30 of the Guidance.
- (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives).

The local authority may consider that land other than the types described as category 4 should be placed into Category 4: Human Health if following a detailed quantitative risk assessment, it is satisfied that the level of risk posed is sufficiently low.

### **Categories 2 and 3: Human Health**

For land that cannot be placed into Categories 1 or 4, the local authority should decide whether the land should be placed into either: (a) Category 2: Human Health, in which case the land would be capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health; or (b) Category 3: Human Health, in which case the land would not be capable of being determined on such grounds.

It should also be mindful of the fact that the decision is a positive legal test, meaning that the starting assumption should be that land does not pose a significant possibility of significant harm unless there is reason to consider otherwise. The authority should then, in accordance with paragraphs 4.26 to 4.29 of the Guidance, decide which of the following two categories the land falls into:

- (a) **Category 2: Human Health.** Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve and having regard to Section 1. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.
- (b) **Category 3: Human Health.** Land should be placed into Category 3 if the authority concludes that the strong case described in 4.25(a) does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.

# **Appendix C - Definition of Special Sites**

## **Definition of Special Sites**

When land is designated as contaminated land, the Council must determine whether the contaminated land should be designated as a special site and thus be passed to the Environment Agency for regulation and enforcement. The rules on what land is to be regarded as special sites, and various rules on the issuing of remediation notices, are set out in the Contaminated Land (England) Regulations 2006.

# **APPENDIX D HARDSHIP & COST RECOVERY POLICY**

## **Non-Technical Summary**

This policy has been written to set out how the council intends to recover the cost of cleaning up or making safe land (remediating) that has been determined as Contaminated Land.

In the first instance, the council will attempt to ensure the company or person responsible for the contamination, pay the costs of cleaning up the land under the 'polluter pays principle'. However, in cases where the company has stopped trading or the person has died and the liability for any clean up may pass to the present owner/occupier of the land. The council has a duty to be reasonable and fair when recovering these costs and this policy sets out how we will do this.

If the owner/occupier has an insurance policy in place to cover the costs of any clean up works, then this should be used to cover the costs in the first instance.

The council, subject to funding being secured may pay for the cost of clean-up works up front (i.e. works in default) and recover costs at a later date by securing a charge on the land in question. Any action to allocate funding would have to be subject to approval from senior management and relevant committees.

In line with the statutory guidance on contaminated land, the Council will apply the following tests when recovering costs:

(1) Reasonable and Fairness Tests

- (a) Any person(s) who bought land/property before June 2001(which is the date the council adopted in the Contaminated Land Strategy) will not be considered liable for the cost of any necessary clean up works.
- (b) Any person(s) who bought land/property after June 2001 will not be considered liable providing they took reasonable precautions to check for contaminated land before buying it. For example, by having environmental searches undertaken and any such information acted upon.

(2) Hardship Test

Any person(s) who does not meet the criteria set in (1)(b) above can apply for 'hardship' if costs are to be recovered. Hardship is considered to mean hardness of fate or circumstance or severe suffering. The council will assess all such applications in line with this policy and decide whether the costs should be waived or reduced.

The council will only pay for any clean-up costs if it has caused the contamination or owns the land, and no original polluter can be found. Again, this can only be done if funding can be secured.

## **1 Introduction**

- 1.1 This 'Statement of Policy' sets out London Borough of Tower Hamlets' (hereafter referred to as the "council") position in regard to the possibility of it waiving or reducing the costs associated with the remediation (clean up or making safe) of contaminated land. The policy is based on the relevant sections of the primary legislation, regulations and associated statutory guidance. However, it is recognised that there is likely to be a wide variation in the circumstances associated with potentially contaminated land (including its history, ownership and liability for its remediation) therefore the adopted approach is to view nationally published guidance in terms of *principles* and *approaches* rather than set rules. This policy statement defines how these principles and approaches will be interpreted and applied by the council.

## **2 Purpose**

- 2.1 To clearly set out the council's policy on the recovery of costs and consideration of hardship.
- 2.2 To provide a consistent, transparent, fair and equitable approach to the recovery of costs from persons who have to meet the cost of remediation including the national taxpayers.
- 2.3 The policy should be in accordance with both the primary, secondary legislations and any associated statutory guidance as set out in section 4 of this policy document.
- 2.4 To ensure, wherever possible, that the cost of remediation is borne by the original polluter or the one who knowingly permitted the pollution (Class A appropriate persons) under the "polluter pays" principle.

- 2.5** The policy applies to any remedial action(s), both retrospective and proposed, for the purposes of remediating “Contaminated Land”. The policy applies to the following parties (not exhaustive):
- (a) Owner/Occupiers of residential properties – both freehold and leasehold
  - (b) Owners of land
  - (c) Commercial enterprises
  - (d) Charities
  - (e) Trusts
  - (f) Registered Providers of Social Housing Landlords
- 2.6** The policy applies to person(s) who have originally caused or knowingly permitted the pollution (“the polluter”, Class A persons) and current owners of the land (Class B persons) who were not responsible for the pollution.
- 2.7** Class B parties are only liable for remediation of contamination within the boundaries of their property and cannot be held liable for any pollution of controlled waters. In these instances, the council will seek to secure funding if available fund any necessary remedial works.
- 2.8** Responsibility for cleaning up of contaminated land will only fall on the council when no liable parties can be found for the site in question; so termed “orphan site” (this is only the case when the council is not regarded as a potential Class A or B party). Should this be the case, the council will only carry out any necessary remedial works if it can secure funding.
- 2.9** This policy places no requirement on the council to pay for remediation for which it is not itself liable, only to consider reducing or waiving cost recovery.



### **3 Legislative Review**

#### **3.1 Primary Legislation**

4.1.1 Part 2A (Section 78) of the Environmental Protection Act 1990 (as inserted by Section 57 of the Environment Act 1995) introduced a duty for all authorities to identify and remediate land where contamination is causing unacceptable risks to human health or the wider environment.

##### 4.1.2 Relevant Sections

(a) Section (78E) of the above Act covers the “Duty of enforcing authority to require remediation of contaminated land etc.”

(b) Section (78P) of the above Act covers the “Recovery of, and security for, the cost of remediation by the enforcing authority “

4.1.3 Please refer to the following website addresses for the entire Acts: The Environmental Protection Act 1990

[http://www.opsi.gov.uk/ACTS/acts1990/ukpga\\_19900043\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts1990/ukpga_19900043_en_1)

Section 57 of the Environment Act 1995

[http://www.opsi.gov.uk/acts/acts1995/ukpga\\_19950025\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1)

#### **3.2 Statutory Regulations**

4.2.1 The Contaminated Land (England) Regulations (2006) set out provisions relating to the identification and remediation of contaminated land under Part 2A of the Environmental Protection Act 1990 (“the 1990 Act”).

#### 4.2.2 Relevant Sections

##### **Grounds of appeal against a remediation notice**

7. — (1) The grounds of appeal against a remediation notice under section 78L(1) are any of the following—

- (a) that the enforcing authority, in considering for the purposes of section 78N(3)(e) whether it would seek to recover all or a portion of the cost incurred by it in doing some particular thing by way of remediation—
  - (i) failed to have regard to any hardship which the recovery may cause to the person from whom the cost is recoverable or to any guidance issued by the Secretary of State for the purposes of section 78P(2); or
  - (ii) whether by reason of such a failure or otherwise, unreasonably determined that it would decide to seek to recover all of the cost

4.2.3 Please refer to the following website addresses for the complete regulations: <http://www.opsi.gov.uk/si/si2006/20061380.htm>

### **3.3 Statutory Guidance**

4.3.1 The Defra Contaminated Land Statutory Guidance came into force on 6<sup>th</sup> April 2012 and replaced Defra Circular 01/2006 which came into force on the 4<sup>th</sup> August 2006.

#### 4.3.2 Relevant Sections of the Guidance

##### *The Meaning of the Term “Hardship”*

[8.2] The term “hardship” is not defined in Part 2A, and therefore carries its ordinary meaning – hardness of fate or circumstance, severe suffering or privation. The term has been widely used in other legislation, and there is a substantial body of case law about its meaning. For example, it has been held appropriate to take account of injustice to the person claiming hardship, in addition to severe financial detriment although each interpretation is subject to the particular facts of the case.

[8.6] In general the enforcing authority should seek to recover all of its reasonable costs. However, the authority should waive or reduce the recovery of costs to the extent that it considers this appropriate and reasonable, either

- (i) to avoid any undue hardship which the recovery may cause to the appropriate person or
- (ii) in making such decisions, the authority should bear in mind that recovery is not necessarily an “all or nothing” matter (i.e. where reasonable, appropriate persons can be made to pay part of the authority’s costs even if they cannot reasonably be made to pay all of the costs).

[8.7] In deciding how much of its costs it should recover, the enforcing authority should consider whether it could recover more of the costs by deferring recovery and securing them by a charge on the land in question under section 78P. Such deferral may lead to payment from the appropriate person either in instalments (see Section 78P(12) of the Act) or when the land is next sold.

4.3.3 Please refer to the following website addresses for the complete statutory guidance document:

<http://www.defra.gov.uk/publications/files/pb13735cont-land-guidance.pdf>

## **4 The Policy**

### **4.1 *Underlying Principles***

The recovery of costs incurred by the Council for remediation works shall:

- ❖ where possible be sought from the original polluter or the one who knowingly permitted the contamination under the “polluter pays” principle
- ❖ be recovered in full where reasonable
- ❖ be fair and equitable
- ❖ have due consideration to hardship where the decision to waive or reduce costs to the appropriate person(s) will be to the extent needed to ensure that the appropriate person(s) in question bears no more of the cost of remediation than it appears reasonable to impose.
- ❖ not normally consider waiving or reducing cost recovery from Class A appropriate person(s)
- ❖ be in accordance with all relevant acts, regulation, and guidance.

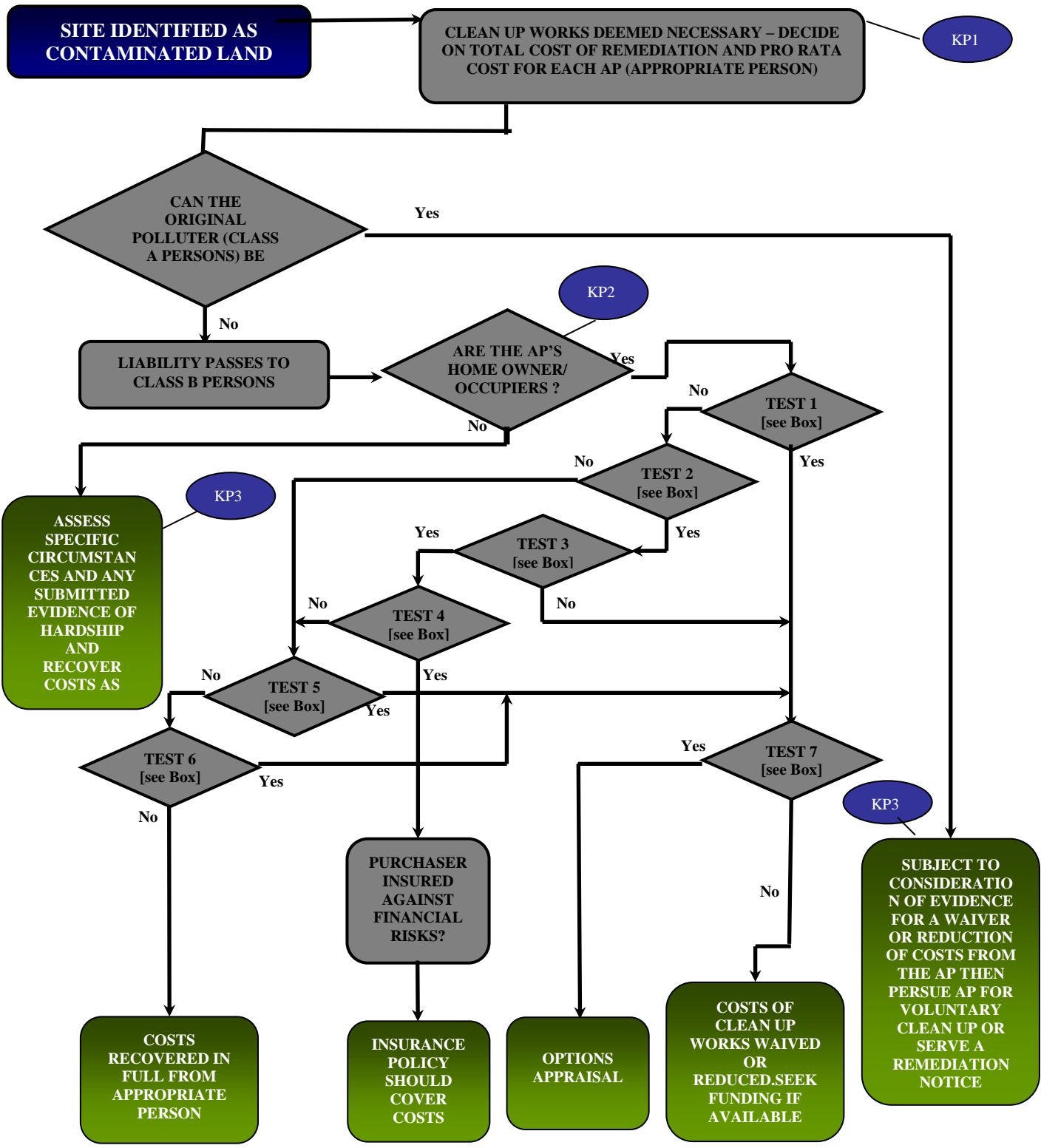
- ❖ where the recovery of costs is undertaken the Council shall provide suitable opportunities for the appropriate person to provide evidence for their need of financial support.

#### **4.2 Assessment Criteria**

Decisions relating to the recovery of costs for remediation will have regard to the following:

- ❖ the estimated cost of remediation in relation to the value of land
- ❖ the estimated cost of remediation in relation to the income, capital and outgoings of an appropriate person(s).
- ❖ whether at the time the land was acquired reasonable precautions were taken by the purchaser to ensure that the land was not likely to be blighted by contamination.
- ❖ the burden on local/national taxpayers.
- ❖ the estimated cost of remediation in relation to the solvency of a business and the associated effect on the local community and economy should a business be rendered insolvent as a result of recovering costs for remediation.

6 The Procedure



- Test 1 - Was land acquired prior to June 2001?
- Test 2 - Were reasonable precautions taken in respect to previous industrial uses?
- Test 3 - Was contamination identified?
- Test 4 - Was the information acted on by the purchaser?
- Test 5 - Would the appropriate person(s) suffer hardship if costs recovered?
- Test 6 - Is the land value less than the cost of clean-up works?
- Test 7 - Is non recovery a burden to national taxpayers?

### **KP1- Establishing reasonable costs in carrying out remediation works**

The main purpose of this is to establish the pro rata cost of the remediation works for each appropriate person to enable TESTS 5, 6 & 7 to be applied for all appropriate person(s)

The Council will ensure that the following is carried out:

- (a) identification of a minimum of three feasible remedial options for any necessary remediation works; and
- (b) evaluation of a minimum of two feasible remedial options for any necessary remediation works sufficient to obtain a budget estimate for the cost of remediation; and
- (c) selection of one remedial option proposed for implementation on the site to refine costs and finalise a budget: and
- (d) utilise at least one environmental consultant to propose and estimate remediation costs.

The output of the above should be an outline remediation cost for the project. This cost should be broken down to the individual pro rata for each appropriate person(s). Costs should be fairly distributed across the liability group i.e. for a residential scenario this could be based on the area of land being determined (for example three gardens where two are 100m<sup>2</sup> and one is 200m<sup>2</sup> the costs would be apportioned as 25% of costs for the two 100m<sup>2</sup> gardens and 50% of costs for the 200m<sup>2</sup> garden)

### **KP2 - Individual Home/Landowner/Occupiers(s) – Class B Appropriate Person(s)**

The council will consider waiving or reducing the recovery of costs incurred where the appropriate person(s) meets one of the TESTS 1 – 4 (Reasonable & Fairness Tests) and/or TEST 5 & 6 (Financial Hardship Tests) and/or TEST 7 (Burden on Taxpayers Test):

### ***TEST 1 LAND / PROPERTY BOUGHT PRIOR TO JUNE 2001***

An acquisition of land made prior to publication of the Contaminated Land Strategy (June 2001) will not be required to be accompanied by evidence of reasonable precautions being taken to identify contaminated land prior to purchase of the land or property. This is because prior to its publication it could be reasonably argued that enquiries made to the council about contaminated land issues would not have been dealt with in the same manner as such enquiries made after this publication date.

### ***TEST 2 – REASONABLE PRECAUTIONS TAKEN***

That steps were taken prior to acquiring the land as would have been reasonable at that time to establish the presence of any pollutants. This would normally involve the commission of a conveyancing company or independent solicitors to obtain the necessary searches which should have included the previous uses of the land that may be potentially contaminative. To rely on the criteria the landowner/occupiers(s) must not have been aware of any previous industrial uses that may have caused contamination at the time they purchased the property or land. Conveyancing companies/solicitors should have been aware of the issues relating to contaminated land liabilities after the issue of a Law Society Warning Card on the matter on Friday the 1<sup>st</sup> June 2001. Owner/occupier(s) are not considered responsible for the conveyancing company being negligent in so far as not commissioning such an environmental search after this date.

### ***TEST 3 – CONTAMINATIVE PAST USE IDENTIFIED***

An environmental search undertaken as part of TEST 2 should have identified whether or not the land/property in question was likely to be affected by contamination due to historic industrial land use(s). These searches normally issue a pass/fail certificate to the purchaser depending on the outcome of the search. The purchaser may also have undertaken a search directly with the council, which would also have to be assessed in a similar manner and would normally include an indication of previous uses, potential for contamination and a level of risk.

This information would normally be included in the property deeds which would need to be provided.

#### **TEST 4 – INFORMATION ACTED UPON BY THE PURCHASER**

Where initial enquiries raise a potential concern, further appropriate research should be shown to have been undertaken i.e. discussions with the council responsible officer or team dealing with contaminated land; obtaining suitable insurance to indemnify themselves against the financial risks of any future action under Part 2A of the EPA 1990. The information from the research/initial enquiry should not have been disregarded.

#### **TEST 5 – FINANCIAL HARDSHIP**

If it is proved that the appropriate person(s) would suffer financial hardship by:

- (a) Making an assessment of the financial resources of the appropriate person(s) by employing an appropriate 'Means Test' methodology. Currently, the most appropriate methodology appears to be referring to the Private Sector Housing Grant.
- (b) The result of the assessment will determine whether the appropriate person has sufficient financial resources in order to fund the identified pro rata cost of the proposed remediation works. No upper limit has been set for this exercise because of the potential relatively high costs associated with remediation work.
- (c) The council will be responsible for communicating the result of this assessment to the appropriate person(s). There shall be no appeal mechanism against the findings of the Means Test unless it can be demonstrated that:
  - (i) the information submitted for assessment was erroneous; or
  - (ii) the circumstances of the appropriate person have substantially changed between the time of the selection of the remediation methodology and completion of the works in a way that would require a re-test.

#### **TEST 6 – LAND VALUE**

Where it is conceivable that the cost of remediation may exceed the property, land or business value (value based on post remedial value with no perceived/actual blight from contamination issues) the council will request the appropriate person to obtain an independent valuation of the

If there is any doubt over the validity of the submitted valuation the council retains the right at its own expense to obtain a separate independent valuation of the land/property.

In general, the extent of the waiver or reduction in costs recovery will be sufficient to ensure that the costs of remediation borne by the Class B person do not exceed the value of the land. However, the council will seek to recover more of its costs to the extent that the remediation would result in an increase in the value of any other land from which the Class B person would



benefit.

### **ADDITIONAL CONSIDERATIONS**

- (a) Where the contaminated land in question extends beyond the dwelling and its curtilage and is not owned and occupied by the same appropriate person(s) the above principles will be applied to the dwelling and its curtilage only.
- (b) Where the appropriate person(s) has inherited the dwelling or received it as a gift the above principles will be applied to the time at which the person(s) received the property or land.

### **KP3 – Non Home/Land Owner/Occupier(s) Class A and Class B Person(s) Commercial Enterprises<sup>1</sup>**

The council will normally seek to recover in full any reasonable costs incurred where:

- (a) It is clear that an enterprise has deliberately arranged matters so as to avoid responsibility for the cost of remediation.

---

<sup>1</sup> Commercial enterprises are considered to be public corporations, limited companies (whether public or private), partnerships (whether limited or not) or an individual operating as a sole trader.

; or

- (b) It appears that the enterprise could be kept in or returned to business even if it does become insolvent under its current ownership.

The council may choose to take account of such adopted policies relating to the economic prosperity / development of the district when determining cost recovery decisions.

In case of small or medium sized enterprises<sup>2</sup> the council will consider:

- (a) Whether recovery of the full cost attributable to the appropriate person(s) would mean
- (b) that the enterprise is likely to become insolvent and thus cease to exist; and
- (c) If so, the cost to the community of such a closure.

Where the cost of remediation would force an enterprise to become bankrupt or insolvent, the council will consider waiving or reducing its costs recovery to the extent needed to avoid

making the enterprise insolvent.

The above will be determined in consultation with legal and accountancy departments as business accounts would have to be submitted for assessment by the council. This would normally include a financial assessment.

If no funding can be found, the council should undertake an appraisal of options available at that particular time. This is likely to include determination of the land as contaminated land and not being able to remediate the land until such time as the financial circumstances improve or voluntary clean up can be negotiated i.e., through its redevelopment.

---

<sup>2</sup> For these purposes, a “small or medium-sized enterprise” is defined as an independent enterprise with fewer than 250 employees, and either an annual turnover not exceeding €50 million, or an annual balance sheet total not exceeding €43 million. Source: Section 8.17 of Defra Part 2A Contaminated Land Statutory Guidance April 2012

## Trusts

Where the appropriate persons include persons acting as trustees, the council will assume that such trustees will exercise all powers which they have, or may reasonably obtain, to make funds available from the trust, or from borrowing that can be made on behalf of the trust, for the purpose of paying for the remediation. The council will, nevertheless, consider waiving or reducing its costs recovery to the extent that the costs of remediation to be recovered from the trustees would not exceed the amount that can be made available from the trust to cover these costs.

However, the council will not waive or reduce its costs recovery:

- (a) Where it is clear that the trust was formed for the purpose of avoiding paying the costs of remediation; or
- (b) To the extent that trustees have personally benefited or will personally benefit from the trust.

If no funding can be found, the council should undertake an appraisal of options available at that particular time. This is likely to include determination of the land as contaminated land and not being able to remediate the land until such time as the financial circumstances improve or voluntary clean up can be negotiated i.e. through its redevelopment.

## **Charities**

The council will consider the extent to which any recovery of costs from a charity would jeopardise that charity's ability to continue to provide a benefit or amenity. Where this is the case, the council will consider waiving or reducing its costs recovery to the extent needed to avoid such a consequence. This approach applies equally to charitable trusts and to charitable companies.

If no funding can be found, the council should undertake an appraisal of options available at that particular time. This is likely to include determination of the land as contaminated land and not being able to remediate the land until such time as the financial circumstances improve or voluntary clean up can be negotiated i.e., through its redevelopment.

## **Registered Providers of Social Housing**

The council will consider waiving or reducing its costs recovery if:

- (a) The appropriate person is a body eligible for registration as a social housing landlord under section 112 of the Housing and Regeneration Act 2008 (for example, a housing association);
- (b) Its liability relates to land used for social housing, and
- (c) Full recovery would lead to financial difficulties for the appropriate person(s), such that the provision or upkeep of the social housing would be jeopardised.

The extent of the waiver or reduction will normally be sufficient to avoid any financial difficulties.

If no funding can be found, the council should undertake an appraisal of options available at that particular time. This is likely to include determination of the land as contaminated land and not being able to remediate the land until such time as the financial circumstances improve or voluntary clean up can be negotiated i.e., through its redevelopment.

## **Where Other Potentially Appropriate Person(s) have Not Been Found**

In some cases where a Class A person has been found, it may be possible to identify another person who caused or knowingly permitted the presence of the significant pollutant in question, but who cannot now be found for the purposes of treating the person(s) as an appropriate person. For example, this may apply where a company has been dissolved.

The council will consider waiving or reducing its costs recovery from a Class A person if that person demonstrates to the satisfaction of the council that:

- (a) Another identified person, who cannot now be found, also caused or knowingly permitted the significant pollutant to be in, on or under the land: and
- (b) If that other person could be found, the Class A person seeking the waiver or reduction of the council's costs recovery would either:
  - (i) Be excluded from liability by virtue of one or more of the exclusion tests set out in Defra Circular 01/2006, or
  - (ii) The proportion of the cost of remediation which the appropriate person has to bear would have been significantly less, by virtue of the guidance on apportionment set out in Defra Circular 01/2006.

Where an appropriate person(s) is making a case for the council's costs recovery to be waived or reduced by virtue of sections (a) and (b) above, the council will expect that person to provide evidence that a particular person, who cannot now be found, caused or knowingly permitted the significant pollutant to be in, on or under the land. The council will not regard it as sufficient for the appropriate person concerned merely to state that such a person must have existed.

If no funding can be found, the council should undertake an appraisal of options available at that particular time. This is likely to include the determination of the land as contaminated land and not being able to remediate the land until such time as the financial circumstances improve or voluntary clean up can be negotiated i.e., through its redevelopment.

#### **KP4 – Cost Recovery**

When the council either does not serve a Remediation Notice or where a Remediation Notice has been served and not complied with the council will bear the costs of remediation (subject to funding being secured). The council is entitled to recover 'reasonable' costs where it has carried out remediation works.

Note 1: The council is unable to recover costs associated with the investigation of a site.

The council will seek to recover costs either in full or in part in line with the outcome of the hardship and fairness tests detailed in KP1 to KP3.

## Glossary

<b>The 'Act'</b>	The Environmental Protection Act, 1990
<b>The 'Regulations'</b>	The Contaminated Land (England) Regulations, 2006
<b>The 'Guidance'</b>	Defra; Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance April 2012
<b>Apportionment</b>	As defined by the Act, means: - Any determination by the enforcing authority under section 78F(7) (that is, a division of the costs of carrying out any remediation action between two or more appropriate persons).
<b>Appropriate Person</b>	As defined by section 78A(9) of the Act, means:- Any person who is an appropriate person, determined in accordance with section 78F of the Act, to bear responsibility for anything which is to be done by way of remediation in any particular case.
<b>CLCPP</b>	Contaminated Land Capital Projects Programme
<b>Class A Person</b>	As defined by Section 7.3(a) of the Guidance, is a person who is an appropriate person by virtue of section 78F (2) of the Act (that is, because he has caused or knowingly permitted a pollutant to be in, on or under the land).
<b>Class B Person</b>	As defined by Section 7.3(a) of the Guidance, is a person who is an appropriate person by virtue of section 78F(4) or (5) of the Act (that is, because he is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a particular remediation action).
<b>Contaminant Linkage</b>	As defined by Section 3.9 The term "contaminant linkage" means the relationship between a contaminant, a pathway and a receptor. All three elements of a contaminant linkage must exist in relation to particular land before the land can be considered potentially to be contaminated land under Part2A, including evidence of the actual presence of contaminants.
<b>Significant Contaminant Linkage</b>	As defined by Section 3.9 The term "significant contaminant linkage", as used in this Guidance, means a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.
<b>Contaminant/ Pollutant</b>	As defined by Section 3.8(a) of the Guidance, is a substance that is in, on or under the land and which has the potential to cause significant harm to a relevant receptor or to cause significant pollution to controlled waters.

<b>Controlled Waters</b>	As defined by section 78A(9) of the Act by reference to Part III (section 104) of the Water Resources Act 1991, which includes territorial and coastal waters, inland fresh waters, and ground waters.
<b>Cost Recovery Decision</b>	Any decision by the enforcing authority whether: (i) to recover from the appropriate person all reasonable costs incurred by the authority in carrying out remediation; or (ii) not to recover those costs or to partially recover costs
<b>Council</b>	London Borough of Tower Hamlets
<b>Enforcing Authority</b>	For land not designated as being a 'special site', the enforcing authority within is London Borough of Tower Hamlets. For land designated as being a 'special site', the enforcing authority is the Environment Agency.
<b>Exclusion</b>	Any determination by the enforcing authority under section 78F(6) of the Act as defined by Section 7.3(e) of the Guidance (that is, that a person is to be treated as not being an appropriate person).
<b>Hardship</b>	A factor underlying any cost recovery decision made by an enforcing authority under section 78P(2) of the Act
<b>Orphan Linkage</b>	A significant contaminant linkage for which no appropriate person can be found, or where those who would otherwise be liable are exempted by one of the relevant statutory provisions.
<b>Owner</b>	As defined by section 78A (9) of the Act as being: "a person (other than the mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let."
<b>Part 2A</b>	Means Part 2A of the Environmental Protection Act, 1990
<b>Pathway</b>	As defined by Section 3.8 (c) of the Guidance, is a route by which a receptor is or might be affected by a contaminant.
<b>Precautionary Principle</b>	Article 130 of the "Treaty on European Union" places the basis for environmental protection upon the 'Precautionary Principle'. Where, in the absence of firm scientific evidence regarding the effects of a particular substance or activity, the protection of the environment should be the first concern. Furthermore, there is no need for scientific proof before preventative action is taken. In summary, the reduction of risks to the environment by taking avoiding action before any serious problem arises.
<b>The Polluter Pays Principle</b>	Article 130 of the "Treaty on European Union" looks to ensure that the costs of environmental damage caused by polluting activities are borne in full by the person responsible for such pollution (the polluter). The principle accepts that (i) the polluter should pay for the administration of the pollution control system, UNLESS they are no longer in business; and (ii) the polluter should pay for the consequences of the pollution (e.g. compensation and remediation).
<b>Receptor</b>	As defined by Section 3.8 (b) of the Guidance is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.
<b>Register</b>	The public register maintained by the Authority under section 78R of the Environmental Protection Act, 1990.
<b>Remediation</b>	As defined by section 78A(7) of the Act, means:- (a) The doing of anything for the purpose of assessing the condition of (i) the contaminated land in question; (ii) any controlled waters affected by that land; or (iii) any land adjoining or adjacent to that land; (b) The doing of any works, the carrying out of any operations or the taking of any steps

	in relation to any such land or waters for the purpose: - (i) of preventing or minimising, or remedying or mitigating the effects of, any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or (ii) of restoring the land or waters to their former state; or (c) The making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters; Cognate expressions shall be construed accordingly.
<b>Remediation</b>	As defined by Section 78A(7) is “(a) the doing of anything for the purpose of assessing the condition of – (i) the contaminated land in question; or (ii) any controlled waters affected by that land; or (iii) any land adjoining or adjacent to that land; (b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land for the purpose – (i) of preventing or minimising, or remedying or mitigating the effects of, any significant harm (or significant pollution of controlled waters), by reason of which the contaminated land is such land; or (ii) of restoring the land or waters to their former state; or (c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.
<b>Remediation Action</b>	As defined by Section 7.3(c) of the Guidance, a “remediation action” is any individual thing which is being, or is to be, done by way of remediation.
<b>Remediation Package</b>	As defined by Section 7.3(c) of the Guidance a “remediation package” is all the remediation actions which relate to a particular contaminant linkage
<b>Remediation Scheme</b>	As defined by Section 7.3(c) of the Guidance a “remediation scheme” is the complete set of remediation actions (relating to one or more contaminant linkages) to be carried out with respect to the relevant land or waters.
<b>Risk</b>	As defined by Section 3.1 of the Guidance, risk means the combination of (a) the likelihood that harm or pollution of water, will occur as a result of the contaminants in on or under the land; and (b) the scale and seriousness of such harm or pollution if it did occur.
<b>Special Site</b>	Land that has been designated as such by virtue of sections 78C(7) and 78D(6) of the Act, and that further defined within regulations (2), (3), and schedule (1) of the Regulations.
<b>Substance</b>	As defined by section 78A(9) of the Act, means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.



# Equality Impact Analysis Screening Tool

## Section 1: Introduction

<b>Name of proposal</b>
For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
Update of the Strategy for the Identification of Contaminated Land 2022
<b>Service area and Directorate responsible</b>
Environmental Health & Trading Standards, Place directorate
<b>Name of completing officer</b>
Muhammad Islam
<b>Head of Service</b>
David Tolley

**The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with 'protected characteristics' and those without them
- Foster good relations between those with 'protected characteristics' and those without them

This Equality Impact Analysis provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above. For more information about the Council's commitment to equality, please visit the Council's [website](#).

## Section 2: Summary of proposal being screened

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010
The Council has a statutory duty to continually inspect its area for land contamination and document how it intends to undertake that process in written 'Inspection Strategy'. Where significant contamination is identified the land must be remediated to prevent further harm. Tower Hamlets Strategy for Identification of Contaminated Land has been reviewed and updated

to demonstrate how it will deliver its duties under Part 2A of the Environmental Protection Act 1990 (P2A) in the absence of central government funding. As well as fulfilling the responsibility to provide an “Inspection Strategy” it also details the Councils wider role in managing and maintaining confidence in the quality of land in the borough.

## Section 3: Equality Impact Analysis screening

<p>Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below?</p> <p>Please consider the impact on overall communities, residents, service users and Council employees.</p> <p>This should include people of different:</p>	Yes	No	Comments
<ul style="list-style-type: none"> <li>▪ <b>Sex</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Age</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Race</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground irrespective of the race or ethnicity of those who either occupy, own or share some responsibility for the contamination. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Religion or Philosophical belief</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground irrespective of the religion or philosophical beliefs of those who either

			occupy, own, or share some responsibility for the contamination. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Sexual Orientation</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Gender re-assignment status</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ People who have a <b>Disability</b> (physical, learning difficulties, mental health and medical conditions)</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ <b>Marriage and Civil Partnerships status</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy relates to the condition of land. Decisions are made based upon levels of contamination in the ground. There is no evidence to suggest that the Strategy would have a potential impact on this characteristic.
<ul style="list-style-type: none"> <li>▪ People who are <b>Pregnant</b> and on <b>Maternity</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pregnant mothers and unborn children are sensitive to the effects of land contamination. Implementation of the strategy will reduce the potential for pregnant mothers to be exposed to potentially harmful land and therefore reducing the potential for birth defects.
<p>You should also consider:</p> <ul style="list-style-type: none"> <li>▪ <b>Parents and Carers</b></li> <li>▪ <b>Socio-economic status</b></li> <li>▪ People with different <b>Gender Identities</b> e.g. Gender fluid, Non-binary etc.</li> <li>▪ Other</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

--	--	--	--

If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exception to this is if you can 'justify' the discrimination (Section 4).

## Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

## Section 5: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:

- The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.
- Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

### Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered **YES** to this question, please complete a full Equality Impact Analysis for the proposal

If you have answered **NO** to this question, please detail your reasons in the 'Comments' box below

**Comments**

The main beneficiaries of the strategy are the environment, the future occupants of land remediated through the planning process and those who occupy land which meets the legal definition of 'Contaminated Land' but are not liable for remediation of that land (for example they may be tenants who did not cause the contamination and share no liability because they are not land owners).

Non-Executive Report of the:  <b>Council</b>  Wednesday, 16 November 2022	
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Appoint Co-Opted Member to the Standards Advisory Committee</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### Executive Summary

The Standards Advisory Committee has recently run a recruitment exercise to fill two co-opted member vacancies on the Committee.

From a strong field, the recruitment panel selected Elizabeth Marshall and Syed Uddin as the candidates to recommend for appointment.

Council are therefore requested to agree the appointments of Elizabeth Marshall and Syed Uddin for four-year terms on the Committee.

### Recommendations:

The Council is recommended to:

1. Appoint Elizabeth Marshall and Syed Uddin as Co-opted Members of the Standards Advisory Committee for four-year terms, expiring on 17 November 2026.

### 1. REASONS FOR THE DECISIONS

- 1.1 There are currently three Independent Co-opted Members of the Standards Advisory Committee and two vacant positions. There are five Councillor Members of the Committee.
- 1.2 Ensuring full independent representation on the Committee is best practice in the operation of Standards Advisory Committees.

### 2. ALTERNATIVE OPTIONS

- 2.1 The Council may choose not to confirm the appointment. This course of action is not recommended.

### **3. DETAILS OF THE REPORT**

- 3.1 The Standards Advisory Committee has undertaken a full recruitment exercise to select a new co-opted Member to fill the vacancy on the Committee.
- 3.2 This included the standard recruitment advertising, shortlisting, interviews and pre-recruitment checks. The panel consisted of:
- John Pulford: Co-opted Chair of the Committee
  - Janet Fasan: Director of Legal and Monitoring Officer
  - Matthew Mannion: Head of Democratic Services
- 3.3 Following the process, the panel determined, from a number of high-quality applicants that Elizabeth Marshall and Syed Uddin were the highest scoring candidates and should be offered the positions.
- 3.4 Appointment of Members to Committees of the Council is the responsibility of Council. Therefore, this report asked for Council's agreement to appoint Elizabeth Marshall and Syed Uddin to the Standards Advisory Committee as co-opted Members for the standard four-year term.
- 3.5 John Pulford, Chair of the Standards Advisory Committee, who Chaired the panel reported that:

“Elizabeth Marshall and Syed Uddin were the best of three well qualified candidates interviewed for the vacant Co-opted member positions.

Elizabeth has a long history of working in the world of Local Authority Standards, with significant experience at the Standards Board for England and she has also previously served as an Independent Person here in Tower Hamlets advising the Monitoring Officer on Code of Conduct Complaints.

Syed meanwhile has useful local government experience alongside good experience in managing audit and investigation matters including with Deloitte. He has served as a trustee or board member for various local organisations and groups.”

### **4. EQUALITIES IMPLICATIONS**

- 4.1 It is important for the role of Standards Advisory Committee that external co-optees are involved in providing input to ensure the Council maintains strong governance of the Member Code of Conduct.

### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are



required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Not having a well-functioning Standards Advisory Committee is a risk to the governance of the authority.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no financial implications arising from this report. Co-opted Members are funded within the existing Member's Allowances budget of £1.183m.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 As indicated in paragraph 3.4 above the appointment of co-opted Members to the Standards Advisory Committee is the responsibility of Council. A proper recruitment process has been followed and there are no other legal implications arising from this report.

---

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- None

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of "Background Papers" used in the preparation of this report**


List any background documents not already in the public domain including officer contact information.

- None

#### **Officer contact details for documents:**

N/A

This page is intentionally left blank

Non-Executive Report of the:  <b>Council</b>  Wednesday, 16 November 2022	
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Amendments to the Member Allowances Scheme</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### Executive Summary

This report asked Council to agree the following changes to the Member Allowances Scheme:

- Removal of the Mayoral Advisors Special Responsibility Allowance
- Clarification that a maximum of one Deputy Mayor Special Responsibility Allowance can be allocated.

### Recommendations:

The Council is recommended to:

1. Agree the following changes to the Member Allowances Scheme for 2022-23 effective immediately.
  - Removal of the Mayoral Advisors Special Responsibility Allowance
  - Clarify that a maximum of one Deputy Mayor Special Responsibility Allowance can be allocated.

### 1. REASONS FOR THE DECISIONS

- 1.1 The Council has responsibility for these decisions.

### 2. ALTERNATIVE OPTIONS

- 2.1 Council can decide not to agree the proposed changes to the Member Allowances Scheme.

### **3. DETAILS OF THE REPORT**

- 3.1 The Council has responsibility for the matters outlined in this report and is asked to make determinations as appropriate.
- 3.2 At the Annual Council meeting the Council made appointments to the posts that are entitled to Special Responsibility Allowances (SRA) in addition to the basic Member Allowance. These include posts such as Committee Chairs, the Speaker and similar.
- 3.3 However, no appointments were made to the Mayoral Advisor positions. It has been concluded that the position is not required at this time and so an SRA is also not required. It is therefore proposed to remove the SRA for Mayoral Advisors from the list.
- 3.4 In addition, only one Deputy Mayor has been appointed by the Mayor and it is similarly proposed to clarify the Member Allowances Scheme to state that only one Deputy Mayor SRA is payable. All other Cabinet Members will receive the regular Cabinet Member SRA.
- 3.5 The Mayoral Advisor SRA is currently set at £7,614 and the Deputy Mayor SRA is at £32,631 (with the Cabinet Member SRA at £21,754).

### **4. EQUALITIES IMPLICATIONS**

- 4.1 None arising from this report.

### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.

- 5.2 Nil items.

### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The 2022-23 budget for Member Allowances is £1.183m. The amendments would result in expenditure savings for 1 x Chief Whip Special Responsibility

Allowance (£12k) [a change agreed at the July meeting], 3 x Mayoral Advisor SRA's (£23k) and 2 x difference between Deputy Mayor SRA and Cabinet Member SRA (£22k). Total saving of £57k.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Local Authorities (Members' Allowance) (England) Regulations 2003 ("the Regulations") require the local authority in each year to make a scheme in accordance with the Regulations. The Scheme must make provision for the payment of the basic allowance and specify the amount. The Regulations state that the local authority "may" make provision for the special responsibility allowance, but it is not obliged to do so.
- 7.2 In addition, Part B, Section 3 paragraph 4(a) of the Constitution gives Council authority to amend revoke or replace the Members' Allowance Scheme.
- 7.3 The matters set out in the report comply with the relevant legislation.
- 7.4 When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share protected characteristics and those who do not (the public sector equality duty).
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- None.

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of "Background Papers" used in the preparation of this report**


List any background documents not already in the public domain including officer contact information.

- None.

#### **Officer contact details for documents:**

N/A

This page is intentionally left blank

Non-Executive Report of the:  <b>Council</b>  16 <sup>th</sup> November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Questions submitted by Members of the Council</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All wards

## SUMMARY

1. Set out overleaf are the questions that were submitted by Members of the Council for response by the Mayor, the Speaker or the Chair of a Committee or Sub-Committee for this Council meeting.
2. In accordance with Council Procedure Rule 10.4, questions relating to Executive functions and decisions taken by the Mayor are put to the Mayor unless he delegates such a decision to another Member, who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.
3. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. Council Procedure Rule 10.7 provides for an answer to take the form of a written answer circulated to the questioner, a reference to a published work or a direct oral answer.
5. There is a time limit of thirty minutes at the Council meeting for consideration of Members' questions with no extension of time allowed and any questions not put within this time are dealt with by way of written responses.
6. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

## **MEMBERS' QUESTIONS**

25 questions have been received from Members of the Council as follows:-

### **11.1 Question from Councillor Musthak Ahmed**

Can the lead member update the chamber on where we are with the council's accounts? These accounts have been left unsigned for the past 6 years thanks to the previous administration.

### **11.2 Question from Councillor Asma Begum**

The Mayor's Air Quality Action Plan 2022-2027 contained a study which showed that children's health is being negatively affected living in highly polluted areas and that children in Tower Hamlets have reduced lung function, which they may never recover. It also states that "Reducing pollution in and around schools, and extending school audits to other schools in polluted areas" is a priority for the administration.

Can the Mayor explain how his decision to remove School Streets fits in with this priority?

### **11.3 Question from Councillor Bodrul Choudhury**

At our last Full Council meeting the lead member for resources explained action was being taken following a catalogue of council failures under the previous Mayor. Can he be more precise about Council's progress in appointing a diagnostic consultant to investigate every department and function in the council?

### **11.4 Question from Councillor Asma Islam**

As the Lead Member for Housing and the Mayor knows, the Housing Crisis is one of the biggest issues facing families across London and especially Tower Hamlets.

As Aspire voted against the Canal Club development last month and rolls back on the much-needed Council home programme from the previous Labour administration, what has your administration done so far to achieve your high aims of building Council homes?

### **11.5 Question from Councillor Amin Rahman**

Could the Mayor provide Council with an update on his pledge to accelerate education in Tower Hamlets?

### **11.6 Question from Councillor Faroque Ahmed**

I have been receiving emails regularly from my constituents regarding refuse collection. This has been happening mainly on Whitechurch Lane, Whitechapel Road, Commercial Road and more, and the issue is inconsistent refuse collection. What actions will the Mayor and the lead member take to solve this problem?

### **11.7 Question from Councillor Ahmodur Khan**

Could the Mayor provide an update on the support his administration has given to the Borough's most vulnerable residents during this Cost of Living Crisis?

### **11.8 Question from Councillor Rebeqa Sultana**



There are said to be several illegal clubs on Commercial Road where drugs and gambling are entertained as well as large parties being held. What initiatives are the Mayor or Lead Member taking to tackle these issues which causing severe distress to local residents?

#### **11.9 Question from Councillor Jahed Choudhury**

Can the Lead Member tell the chamber why a Joint Consultative Advisory Group meeting of officers, unions and the Administration had to be convened in relation to a recent proposed restructure.

#### **11.10 Question from Councillor James King**

The Mayor and his Cabinet recently agreed to a rebuild of St George's Pool on the Highway, alongside new social housing.

Can the Mayor provide an update on initial plans for this work, and give an insight into where the planned social housing may fit onto the site?

#### **11.11 Question from Councillor Abdul Wahid**

Can the lead member explain why hundreds of waste management operatives turned up to protest at Mulberry Place on 12<sup>th</sup> October?

#### **11.12 Question from Councillor Amy Lee**

There are an estimated 1.6 million people on mental health NHS services waiting lists, and the bleak economic outlook is no doubt affecting the mental health and wellbeing of many struggling residents who are on the brink of poverty.

In light of the Cost of Living Crisis, what steps is the Council taking to ensure that the mental health of residents across the borough is safeguarded and is a priority of this administration?

#### **11.13 Question from Councillor Harun Miah**

Can the lead member provide Council with an update on the high levels of waste across the Borough?

#### **11.14 Question from Councillor Mufeedah Bustin**

Will the Mayor commit to a monitoring and evaluation scheme to ensure transparency and fairness in the new Education Maintenance Allowance / University Bursaries scheme?

#### **11.15 Question from Councillor Saif Uddin Khaled**

Following revelations, the council is non-compliant with regulations governing its surveillance systems and processes, can the lead member explain how long this has been the case and what action is being taken to address this failure?

#### **11.16 Question from Councillor Sabina Akhtar**

Can the Mayor provide an update on the much-needed regeneration program on Clichy Estate in my ward which the previous Labour administration started and was agreed at Cabinet.

### **11.17 Question from Councillor Abdul Mannan**

Based on complaints from across the community about the effectiveness of drug treatment in the borough, can the lead member outline what is being done to improve services and tackle problematic drug addiction that has blighted Tower Hamlets for so long.

### **11.18 Question from Councillor Sabina Khan**

Can the Mayor outline how he will meet his manifesto pledge to work with the Mayor of London to tackle pollution in Tower Hamlets?

### **11.19 Question from Councillor Kamrul Hussein**

Could the Lead Member explain what provisions have been implemented to aid the Borough's residents with their energy bills?

### **11.20 Question from Councillor Maisha Begum**

I have been receiving a high number of emails from residents regarding their concerns about a lack of action on repairs on the Ocean Estate.

What work is the Council doing to ensure residents are protected from landlords who do not take their legal responsibilities seriously in regards to repairs?

### **11.21 Question from Councillor Ana Miah**

Can the Mayor update the chamber on where he is in relation to increasing the numbers of police and THEOs on our streets.

### **11.22 Question from Councillor Sirajul Islam**

At a meeting of the Mayor's Cabinet on 26th October, when discussing the Air Quality Plan Cllr Kabir Ahmed raised his concerns that there was a very high level of air pollution around Bangabandhu Primary School in my ward.

Can the Mayor confirm if he will be implementing a School Street outside Bangabandhu Primary School?

### **11.23 Question from Abdul Malik**

Can the lead member update the chamber on how the redesign of the youth service is coming along?

### **11.24 Question from Councillor Nathalie Bienfait**

In the Aspire Manifesto, a pledge was made to resident to set up a Mayor's Advisory Board for Climate Change. Could an indication be provided for when this advisory board will be set up and who will be members of it?


### **11.25 Question from Councillor Peter Golds**

In recent weeks increasing numbers of buses are waiting on both sides of Manchester Road at Island Gardens, for crew changes. Residents living in nearby flats are suffering

noise and pollution because many buses do not switch their engines off during these stops.

Will the Mayor use his authority to call on Transport for London to require drivers to switch off engines when buses are stationary, apart from stopping for passengers?

This page is intentionally left blank

Non-Executive Report of the:  <b>COUNCIL</b>  16 <sup>th</sup> November 2022	
<b>Report of: Janet Fasan, Director of Legal and Monitoring Officer</b>	<b>Classification:</b> Unrestricted
<b>Motions submitted by Members of the Council</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All wards

## SUMMARY

1. The following motions have been submitted by Members of the Council under Council Procedure Rule 11 for debate at the Council meeting.
2. The motions submitted are listed overleaf. In accordance with the Council Procedure Rules, the motions alternate between the administration and the other Political Groups.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

## MOTIONS

Set out overleaf is the motions that have been submitted.

## **12.1 Motion to follow**

Proposer: Councillor

Seconder: Councillor

## **12.2 Motion regarding Access to GPs**

**Proposed by:** Cllr Amy Lee

**Seconded by:** Cllr Ayas Miah

### **This Council notes that:**

- Primary care is in crisis, with people across Tower Hamlets and the rest of the UK struggling to access GP services and dental treatment.
- New figures from NHS England show that 18% of people in the NHS North East London Integrated Care Board, covering Tower Hamlets, could not get an appointment to see or speak to a GP or nurse the last time they tried.
- The Government has failed to remain on track to deliver 6000 additional GPs by 2024-25.
- Our doctors and nurses across the NHS in Tower Hamlets work hard for residents while grappling with the biggest staffing crisis in its history in the face of Government inaction.

### **This Council believes:**

- That everyone should be able to get an appointment to see a doctor when they need to and has the right to receive dental treatment when they need it.

### **This Council, therefore, resolves to:**

- Forward a copy of this motion to the new Secretary of State for Health and Social Care and call on her to urgently bring forward a plan to fix the crisis in primary care, to meet the Government's GP target and ensure everyone who needs an NHS dentist can access one.
- Request the local Members of Parliament support this motion and raise this important issue in Parliament.
- Work with the local NHS trust to ensure Tower Hamlets residents have full access to their GP and dentists.

## **12.3 Motion on Local Electricity Bills**

**Proposed by:** Cllr Rachel Blake

**Seconded by:** Cllr Sirajul Islam

### **This Council notes:**

1. The efforts that this council has made under the previous administration to reduce greenhouse gas emissions and promote renewable energy, including:
  - i. Declaring a climate emergency in March 2019;
  - ii. Launched the Net Zero Carbon (NZC) Partnership Action Plan in November 2021 to become a net zero carbon council by 2025 and a net zero carbon borough by 2045 or sooner;
  - iii. Planted hundreds of street trees;
  - iv. Approved 400 new electric vehicle charging points across the borough;
  - v. In 2021, Tower Hamlets Council was named the greenest local authority in the country.
2. That very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so.
3. That making these financial costs proportionate to the scale of a renewable electricity supplier's operation would enable and empower new local businesses, or councils, to be providers of locally generated renewable electricity directly to local customers.
4. That revenues received by new local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions.

### **This Council resolves to:**

1. To support the Local Electricity Bill, supported by 306 MPs which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation.
2. Inform the local media of this decision.
3. Instruct the Mayor to write to the borough's Members of Parliament local MPs, asking them to support the Bill.
4. Instruct the Mayor to write to the organisers of the campaign for the Bill, Power for People expressing its support.



## **12.4 Motion on Road Safety**

Proposed by Councillor Nathalie Bienfait

### **This council notes that:**

- There have been a recent spate in road traffic accidents across Tower Hamlets, including:
  - In St Katherine's & Wapping on 29 February 2022 – a motorcyclist was left with life changing injuries.
  - In Whitechapel in May 2022 – in which a cyclist was rushed to hospital after having been hit by a lorry.
  - In Limehouse on 22 August 2022 – a man was left with life threatening injuries.
  - In Shadwell, a man died on 11 September 2022 after being hit by a lorry.
  - On Mile End Road on 9 October 2022 – in which a teenager was seriously hurt.
  - Along Bow Road on 21 October 2022 – in which a several pedestrians were injured.
  - In Bow West, along Old Ford Road, a young man was left with life changing injuries after a crash in August 2022.
  - Also along Old Ford Road, two crashes in 2022 left neighbours with serious property damage which is still being repaired.
  - Outside Olga Primary School, a child was hit by a car in October 2022, and is mercifully unharmed but the experience was very traumatic for all witnesses.
- A number of campaign groups have highlighted the need for road safety improvements in the last few months.
- Traffic speed limits in all areas of the borough are consistently flouted and there are few areas where speed cameras enforce the speed limits on drivers.
- That the most vulnerable road users and those going about their lives should be protected from poor driving behaviour.

### **This council acknowledges that:**

- Railings and other protective infrastructure for vulnerable road users is not sufficient to genuinely ensure pedestrian safety.
- The removal of Chisenhale School Street and other school streets risks the safety of children and their carers when attending schools in the borough.
- The regular serious accidents make people across the borough feel unsafe around roads, discouraging residents from choosing healthier modes of transport

### **This council resolves to:**

- Request the Mayor of Tower Hamlets to set up a comprehensive programme to improve safety for road users which echoes the Highway Code's hierarchy of road users which acknowledges the risks of vehicle transport and gives priority for vulnerable road users such as pedestrians.
- Increase the number of speed cameras and other speed enforcement infrastructure by 100%.
- Encourage and support local groups to engage in speed watch with local police teams.

- Make all school street schemes which are currently under experimental traffic orders across the borough permanent.
- Request the Mayor of Tower Hamlets to write to the Mayor of London to request speed enforcement cameras along all TfL roads in the borough.
- Instruct the Highways Team to research methods of reducing traffic speeds in residential areas, such as planting schemes, continuous pavements etc. and present their findings to the administration.

## 12.5 Motion on a new Thames Party Boat

**Proposed by:** Councillor Peter Golds

**This council notes** that Newham Council is to decide on a licence for the Oceandiva, a specialist “party boat” which will be the largest “party boat” ever to operate on the Thames. It is 86 metres in length comprise of three decks, two of which offer large open outdoor deck areas, and is designed to carry 1,500 passengers, 500 of which on the outdoor areas.

**The council further notes that:**

Oceandiva has a capacity almost three times larger than the current maximum passenger “party boat” operating on the Thames.

The licence being sought by the owners will be to operate from Monday to Sunday between 11am and 2.30am the following morning, and to extend all licensable activities on 6 days until 3.00am in the morning.

That the owners are seeking to dock the boat at St Katharine’s Pier and the Tower Millennium Pier within Tower Hamlets.

That this application has, to date, resulted in 980 objections, representation from the City of London and the boroughs of Greenwich, Southwark, Tower Hamlets and Westminster, the Newham council noise team, and the Metropolitan Police Service covering Newham and Tower Hamlets.

That the individual objections cover residential management groups, tenants associations and individual residents living on the riverside.

That people living close to the Thames river already regularly suffer from late night noise from existing smaller party boats which traverse the Thames from central London to as far as the Thames barrier, affecting residents in Newham, Greenwich, Lewisham, Southwark, the City of London and Tower Hamlets.

That resulting from the turning around mid-river residents suffer from two passes by each boat which can last for up to 10 minutes depending on how quickly the boats are travelling and the level of noise.

That noise travels long distances across water.

That the boats generate noise both from music, the voices of DJ’s and especially from users partying on the outside areas of the boats.

That sleep provides important physical and mental health properties, that lack of sleep has known negative health qualities.

That the existing lack of enforcement and co-ordination on this issue affects tens of thousands of people on both sides of the river.

That the Met Police Service considers night-time to be from 11pm to 7am with regard to late night night activity in the open.

**This council further notes that:**

Such are the volume of objections that Newham Council expect the application to be considered over two days in February 2023.

The Thames riverside is increasingly a residential area, with numerous new housing developments currently under way, and that a “party boat” of this size would operating until 3.00am will increase noise pollution to residents.

That the prospect of up to 1,500 people leaving a “party boat” in the early hours of the morning will be a magnet for noise and potential anti social behaviour at the various piers.

That granting an operating licence for these hours will likely encourage the smaller “party boats” to seek similar operating hours.

**The council therefore resolves to:**

Work with the adjoining boroughs, the Mayor of London and the police to ensure that this vessel does not disturb residents living close to the Thames by operating at unsocial hours.

That the Councils public health team submit a representation on the importance of sleep and the negative health affects of lost sleep.

That the Council calls on the Secretary of State for Transport to extend the existing trial for noise cameras which target noisy cars to see if the technology could also be used to monitor party boats as well.