

Non-Executive Report of the: COUNCIL 13 November 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motions submitted by Members of the Council	

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

SUMMARY

1. Two motions have been submitted by Members of the Council under Council Procedure Rule 11 for debate at the Council meeting on Wednesday 13th November 2019
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, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot.
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in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.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.

11.1 Motion regarding Restoring Fairness to the Leasehold System

Proposer: Councillor Peter Golds

Seconder: Councillor Andrew Wood

This Council notes:

There is a need for Tower Hamlets Council to promote fairness and transparency for the growing number of leaseholders in our borough and to address the unfair practices that exist in the leaseholder market.

For over two decades issues regarding the unfairness of leasehold tenure in England and Wales have been raised by ministers from all governments.

Currently the Law Commission are considering a range of options for reforming the law on enfranchisement to make it easier, quicker, and cheaper for leaseholders to buy their freehold or extend their lease, for future implementation.

The council notes the number of leasehold properties within the borough and fully supports a fairer, more transparent system for leaseholders.

This council further notes:

Problems with some leases are becoming increasingly onerous to those purchasing a leasehold flat or house. While a leasehold may be presented as a cheaper option than buying the freehold, it is not always clear to the leaseholder what additional medium or long-term costs they may face.

Some of the problems experienced by leaseholders are:

- Doubling ground rents: paying an increasing and continuing ground rent, which makes some leaseholders unable to sell their home due to difficulties securing a mortgage;
- Excessive and unjustified service or administration fees: paying potential fees for permissions to make alterations to a property or covenants in a lease; and
- Difficulty buying the freehold: the financial impact of extending the lease or buying the freehold from the developer after moving in;
- Lack of transparency: information is not always clear to leaseholders when purchasing to leaseholds.

These costs can total thousands of pounds more than envisaged at the point of sale.

In addition, where developers sell on the freehold interest to a third party after a leaseholder has moved into a new build house, consumers can find that they are faced with significant legal and surveyor costs where they want to purchase the freehold. Such transfers can take place without the leaseholder being informed.

This Council resolves that:

- Support for commonhold ownership for flats, in preference to leasehold title ownership should be encouraged.
- That developers should be encouraged to deliver commonhold ownership, not leasehold and that the council explores ways of encouraging that via the existing planning system.
- That the council supports leaseholders looking to buy their freehold often against freeholders who are unwilling to negotiate fairly.
- The council explores ways in how we can support leaseholders with more information about service charges, their calculation, how to complain and to support them against the occasional unscrupulous landlord.

11.2 Motion regarding Autism and Housing

Proposer: Councillor Rabina Khan

This Council Notes:

1. That Autism Spectrum Disorder (ASD) is a wide-ranging and complex condition, which has far-reaching effects on an individual's life and that of their families and others involved in their lives. Autism is regarded as a disability under the Disability Discrimination Act 1995 (DDA). However, high-functioning autism (Asperger's) is often seen as an invisible disability.
2. Sufferers have diverse physical and psychological requirements, so the home environment and the available facilities are therefore crucial to the wellbeing of families with a member on the ASD spectrum. Some ASD sufferers rely heavily on routine and structure and can suffer from extreme anxiety when they face any major upheaval or changes.
3. Many families with one or more members on the ASD spectrum are living in wholly inadequate properties, which do not meet their needs, yet they are not being given medical priority to enable them to be rehoused.
4. Under the DDA, reasonable steps must be taken by councils, housing associations and landlords to address the barriers that may be experienced by disabled tenants.
5. Adults with ASD may feel isolated, but do not have the social skills to enable them to connect with other people. They may not know how to behave appropriately with neighbours or others in the community and some have obsessive or ritualistic behaviours, which can seem challenging to others.
6. The new local Housing Strategy has specifically recognised the needs of people with learning difficulty and autism and contains a commitment to work to support the development of an Accommodation Plan for People with Learning Disabilities and those on the ASD spectrum.
7. However, it does not go far enough in properly assessing the forms submitted by those who have applied for medical priority, especially when there is overwhelming evidence from doctors, health departments and other professionals to support the applications.

This Council Believes:

1. That the Council has a duty to support and assist people with ASD to enable them to access appropriate living conditions.
2. Some children with ASD have very little awareness of their own safety and that of others, so full assessments should be carried out to ensure that adaptations are made where necessary to protect the families concerned.
3. Priority must be given to families where the ASD sufferer does not have their own bedroom, as they need their own space and it is important that they do not disturb their siblings/other family members and vice versa. There should also be adequate toilet/bathroom facilities.

4. Many people with ASD need a calming environment, as some have a higher sensitivity to noise, light, heat or smell. Placing a family with an ASD member in a property next to a busy train line, for example, would not be suitable.

This Council Resolves:

1. To fulfil its vision in its [Autism Strategy for Adults 2017-22](#) of ensuring that: “All adults with autism are able to live fulfilling and rewarding lives within a society that accepts and understands them. They can get a diagnosis and access support if they need it, and they can depend on mainstream public services to treat them fairly as individuals, helping them make the most of their talents.”
2. To ensure that applications for medical priority on the basis of ASD should be assessed by a specialist medical assessor with a specific understanding of ASD.
3. To ensure that, where necessary, such applications for medical priority should be entitled to automatic OT visit.