


Non-Executive Report of the: COUNCIL 20 January 2021	
Report of: Janet Fasan, Divisional Director, Legal Services and Monitoring Officer	Classification: Unrestricted
Motion for debate submitted by an Opposition Group	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	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 Conservative 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in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.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 by the Conservative Group – Regarding Houses in Multiple Occupation (HMO)

Proposer: Cllr Peter Golds

Seconder: Cllr Andrew Wood

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

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

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

An Article 4 Direction allows local authorities to remove permitted development in some circumstances and must be accompanied by a plan that clearly shows the area that is subject to the direction, and the extent of the area needs to be based upon evidence.

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

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

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

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

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

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

As a result locally we also face problems with;

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

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

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

The Council resolves to:

- Update the register of licensed properties used as HMOs and ensure that all 9,000 are correctly registered.
- Ensure that the register is accessible to enquirers by listing all properties by alphabetical address in an initial section and a second section listing details of each owner with a list of their properties.
- Ensure that HMRC are aware of this list of landlords with HMO's.
- Ensures the planning process reflects and protects the housing mix of each area of the borough.
- Ensures that reports to the planning committee identify applications as potential HMOs. This will enable officers and members to consider the housing mix as opposed to approving what appears to be a simple extension.
- That the Council write directly (ideally via personally addressed mail (if registered on the electoral register) to each HMO tenant occupant making them aware of the rules that apply to their landlords and how and where to complain if the landlord is not following the rules. This should be done every few years given the turnover in such properties.
- Encourage via the planning process the provision of dedicated accommodation e.g. for students to meet this demand rather than rely on private individuals changing the demographic mix of Tower Hamlets by buying up scarce family homes.
- Change the parking rules so that HMO's have access to only one parking permit per property.
- Finally, the council should seek to work with residents and councillors to protect the interests of residents and future tenants in the licensing and approving of HMOs.