



## **Executive – appendix: private rented sector - licensing**

**Tuesday 22 April 2014 at 7.00 pm**

Boardroom - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### **Membership:**

#### **Lead Member Councillors:**

#### **Portfolio**

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
A Choudry	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Denselow	Lead Member for Customers and Citizens
Hirani	Lead Member for Adults and Health
Mashari	Lead Member for Environment and Neighbourhoods
McLennan	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Pavey	Lead Member for Children and Families

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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This report seeks approval for the introduction of an Additional Licensing scheme in the whole area of Brent and to defer a decision on introducing Selective Licensing in Brent to the next available meeting following a further two month consultation on which wards should be covered. Drawing on a range of evidence and the outcomes of an extensive consultation exercise it explains the basis and rationale for the schemes.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor  
**Contact Officer:** Jon Lloyd-Owen, Operational  
Director, Housing and Employment  
Tel: 020 8937 5199 jon.lloyd-  
owen@brent.gov.uk



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- The meeting room is accessible by lift and seats will be provided for members of the public on a first come, first served basis.



**Executive  
22 April 2014**

## **Report from the Director of Regeneration and Growth**

**Wards affected**

**all**

## **Licensing in the Private Rented Sector**

### **APPENDIX 1: EVIDENCE BASE**

#### **A: OVERVIEW**

##### **Summary**

The information presented here draws on three main sources:

- A study undertaken by Housing Quality Network in summer 2013.
- A study undertaken by Mayhew Harper Associates from January to March 2014.
- Responses to consultation questions aimed at assessing concerns about neighbourhood problems and standards in the private rented sector.

There are some differences in the assessment of the scale of private renting in the borough due to the timing of the exercises and variances in methodology.

##### **Methodology**

HQN analysed data from a number of sources, including the Census and information held by the council. A survey of private tenants was undertaken alongside a mystery shopping exercise among local letting agents. Focus groups were held with key stakeholders.

Mayhew Harper Associates used current and historical data linked to individual properties included in the current Local Land and Property Gazetteer (LLPG) to create new variables such as the level of turnover by address, benefit status and number of adults. Data from environmental services and elsewhere was used to associate specific instances of ASB or noise, mapping and aggregating the data to provide evidence of the wider effects on each area as well as on specific categories of property.

Risk profiling was used to quantify the association between specific risk factors and ASB at a property level, aiming to show which risk factors or combination thereof is best predictive of ASB/noise events and how many properties fit their description.

Four factors were found to be predictive of HMO status:

- No current Council Tax Benefit recipient at address
- Any change in Council Tax liable surname since 2010
- At least one change in electoral roll registrants in last 12 months
- More than three surname changes on Electoral Roll at address in last 36 months

Four factors were predictive of single family private rented status:

- No Council Tax Benefit recipient at address
- Any change in Council Tax liable person surname since 2010
- Two or less adult electoral registrants at address
- Housing Benefit recipient at address

Once the scale, distribution and type of private renting were identified, this was correlated with the concentration of ASB, fly tipping and graffiti at ward level. This approach provides a model that indicates the scale and distribution of private renting and the extent to which this involves HMOs or single-family dwellings that can then be matched against the incidence of anti-social behaviour.

It should be stressed that it is a predictive model but it has been tested extensively in Newham, the first London borough to introduce Selective Licensing on a borough-wide scale, where it has been proved to provide a very accurate picture of the sector and associated issues, allowing the council to identify and target properties subject to licensing effectively and to address non-compliance.

In addition to the commissioned studies, the consultation exercise – both through the questionnaires and in public meetings – sought further evidence of experience of the management and maintenance of HMOs and of anti-social behaviour related to private renting

### **The private rented sector in Brent: its growth and distribution**

The private rented sector is a major part of Brent's housing market, making up over 30% of the stock and growing by 72% between 2001 and 2011, based on Census data.

Traditionally, the distribution of private renting in the borough has been uneven, with significantly higher levels in wards south of the North Circular. In part, this is due to the characteristics of the stock, with older properties in the south and predominantly inter-war single-family dwellings in the north, where owner-occupation has been the main tenure.

Table 1 sets out the extent of private renting by ward at the time of the 2011 Census, while Figure I maps this information, showing the pattern is still evident. However, it also shows significant levels of private renting in the north of the borough, with the majority of wards now having higher levels than the borough average for 2001.

Figure 2 shows the percentage change, demonstrating significant rises across Brent with particular concentrations in Harlesden and Kensal Green.

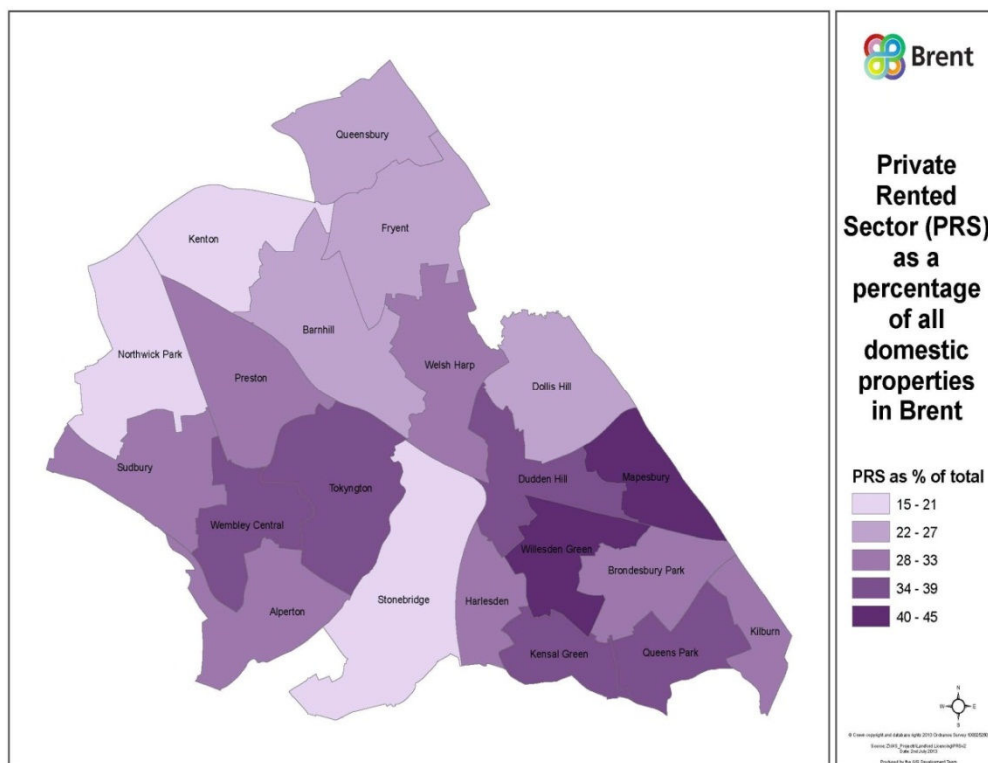
**Table 1: The private rented sector in Brent: 2001 and 2011 by Ward**

	All households 2001	Private rented or living rent-free 2001	PRIVATE RENTED SECTOR as % of total 2001	All households 2011	Private rented or living rent-free 2011	PRIVATE RENTED SECTOR as % of total 2011	PRIVATE RENTED SECTOR: total change	PRIVATE RENTED SECTOR: % change
Alperton	4,198	806	19.20%	4,156	1,294	31.14%	488	61%
Barnhill	4,922	886	18.00%	5,407	1,492	27.59%	606	68%
Brondesbury Park	4,849	1,176	24.25%	5,338	1,799	33.70%	623	53%
Dollis Hill	4,245	669	15.76%	4,264	1,053	24.70%	384	57%
Dudden Hill	4,950	1,156	23.35%	5,198	1,839	35.38%	683	59%
Fryent	4,418	793	17.95%	4,374	1,236	28.26%	443	56%
Harlesden	4,965	850	17.12%	6,654	2,157	32.42%	1,307	154%
Kensal Green	4,447	935	21.03%	6,063	2,181	35.97%	1,246	133%
Kenton	4,045	510	12.61%	3,866	800	20.69%	290	57%
Kilburn	6,594	1,437	21.79%	7,658	2,284	29.83%	847	59%
Mapesbury	5,747	1,936	33.69%	6,307	2,885	45.74%	949	49%
Northwick Park	3,887	539	13.87%	4,139	854	20.63%	315	58%
Preston	4,765	852	17.88%	4,995	1,536	30.75%	684	80%
Queen's Park	5,205	1,145	22.00%	6,274	2,213	35.27%	1,068	93%

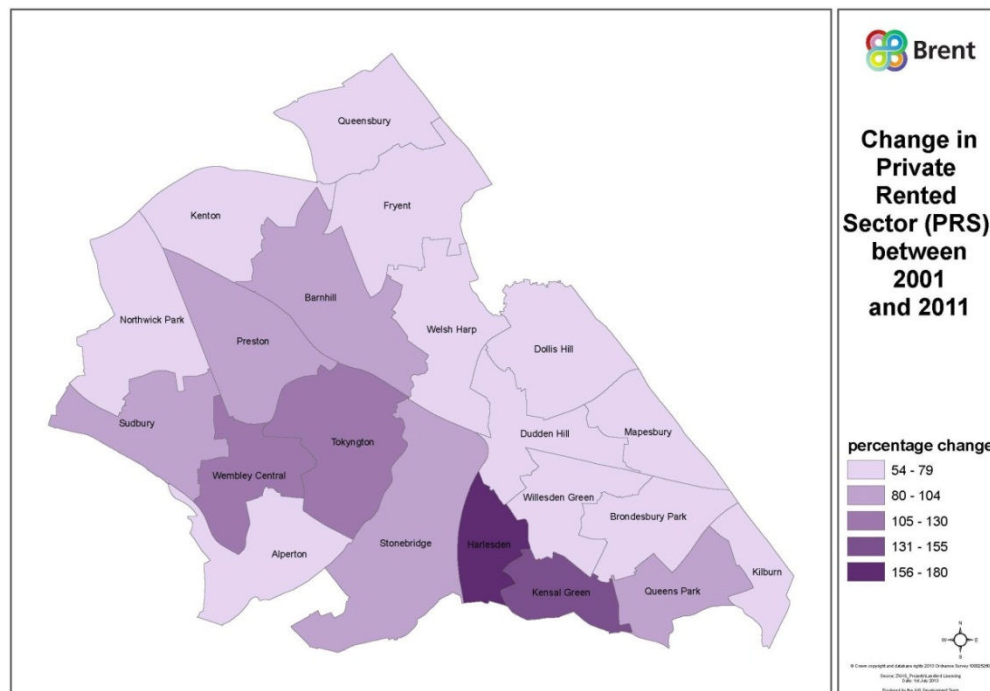
	All households 2001	Private rented or living rent-free 2001	PRIVATE RENTED SECTOR as % of total 2001	All households 2011	Private rented or living rent-free 2011	PRIVATE RENTED SECTOR as % of total 2011	PRIVATE RENTED SECTOR: total change	PRIVATE RENTED SECTOR: % change
Queensbury	4,285	654	15.26%	4,727	1,095	23.16%	441	67%
Stonebridge	5,865	585	9.97%	5,903	997	16.89%	412	70%
Sudbury	4,747	965	20.33%	4,843	1,641	33.88%	676	70%
Tokington	4,172	815	19.53%	4,864	1,710	35.16%	895	110%
Welsh Harp	4,856	960	19.77%	4,809	1,415	29.42%	455	47%
Wembley Central	3,630	785	21.63%	4,380	1,531	34.95%	746	95%
Willesden Green	5,184	1,728	33.33%	6,067	2,723	44.88%	995	58%

Source: Census data – 2001, 2011

**Figure I: Distribution of Private Renting**



**Figure 2: Percentage Change in Private Renting**

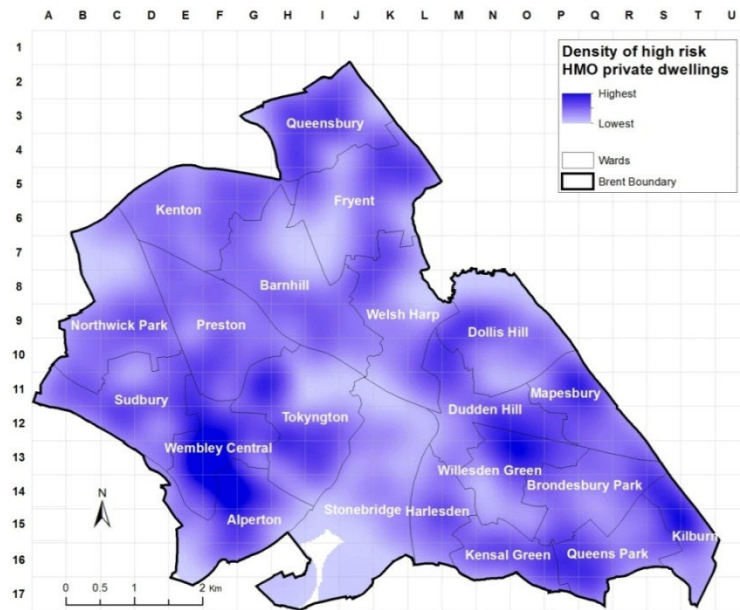


## **B: ADDITIONAL LICENSING**

Mayhew Harper Associates' analysis found that up to 37,000 properties demonstrated profiles that were consistent with a high likelihood of being either HMOs or single family rented. Although roughly equal numbers of each type of rental tenure were identified, their distribution across the borough differed significantly. For example, HMOs were more widely spread with a tendency for higher concentrations in Alperton, Kenton, and Wembley Central wards.

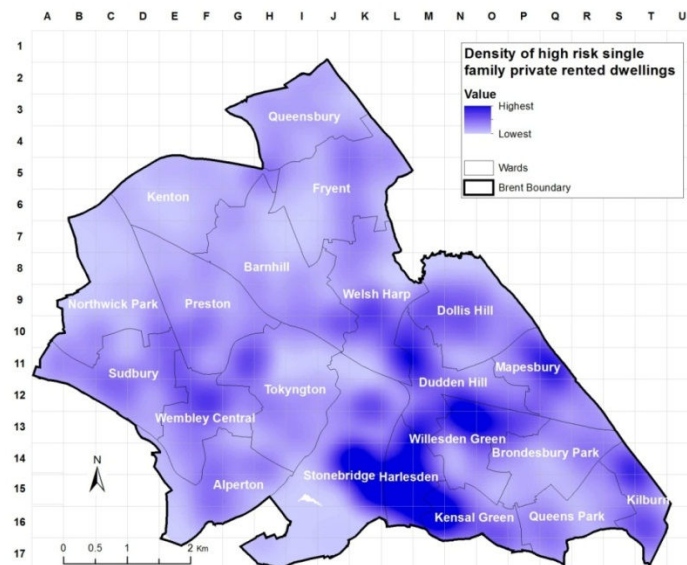
Figures 3 and 4 show the density of HMO and single family private renting. Properties assessed as HMOs are widespread but predominate in the south of the borough below row 10 in the map. Properties assessed as single family rented are far more concentrated, with hot spots in Stonebridge (K14), Harlesden (M15), Willesden Green (O14), Dudden Hill (M12) and Mapesbury (Q12) in the southeast of the borough.

**Figure 3: Relative concentration of HMOs**



**Figure 4: Relative concentration of single family rented properties**





### Houses in multiple occupation (HMOs)

Since 2006, Brent has granted over 300 HMO licences under the Housing Act 2004 but the number of HMOs is much higher as Mandatory Licensing applies only to larger HMOs. In 2003, a house condition survey concluded that there were over 2,100 HMOs in the Borough. Growth over the ten years since then has been significant and current estimates suggest a total of around 6,000, although the figure may be significantly higher. Official statistics show that 6,475 homes were built in Brent between 2001 and 2011. The Census reveals that there were 10,310 more households in the Borough in 2011 than there were in 2001. As the Census relies on self-reporting, one theory is that the additional 3,835 units recorded under the Census could be as a result of the sub-division and conversion of properties aimed primarily at the rental market.

### Additional Licensing

There is good quality accommodation in the sector but the evidence and outcomes from consultation indicate that there are significant problems with the way that an increasing number of HMOs are managed and maintained, impacting on other residents as well as on tenants in these properties.

HQN's study team heard that problems with standards were increasing, with more illegal sub-divisions and conversions, more cases of multiple sub-letting (which may be a significant factor in the growth of HMOs), more properties without basic facilities and a greater number of properties exhibiting safety hazards.

At HQN's focus groups the study team heard about:

- Owner-occupier complaints about run-down properties, noise and pests in the private rented sector.
- Disrepair in the private rented sector across the Borough.
- Rapid turnover of tenants – where private rented sector residents (and landlords) have no long-term commitment to the areas where they live.
- LIFT – an agency working with the single homeless – reported that it had to reject 28 out of 80 properties viewed for its clients because of poor condition.
- Increased street drinking in some areas (e.g. Harlesden)
- Use of rented properties to run unlicensed or illegal businesses.

Two case studies brought to HQN's attention highlight poor landlord standards in parts of the private rented sector in Brent. A summary of these cases indicates issues relevant to both Additional and Selective Licensing.

### **Case study one**

Owner-occupiers of a ground floor flat in an Edwardian house in NW2 where the first floor flat is let to a household of eight children and one adult. An unenforceable anti-hazard notice was served in 2012 but the situation remained unchanged (as at summer 2013). Anti social behaviour consists of:

- Noise nuisance – a full night's sleep has not been possible for three years;
- Partner attacked on doorstep;
- Cars vandalised;
- Faecal matter on doorstep mat;
- Water damage to kitchen and living room once and bathroom nine times
- Current cost to repair bathroom damage is £3,000;
- Domestic waste thrown out upstairs windows into the garden;
- Daily and nightly visits from police as teenage boy is often in trouble with the law;
- Three carloads of men lined up outside flat at 7am on a Sunday morning playing loud music following the woman and teenage daughter's arrest for criminal damage to flat;
- Vermin infestation upstairs;
- Wooden floors throughout and no soundproofing;
- Fire safety risk due to overcrowding and windows blocked with bunk beds;
- Domestic waste and furniture left on footpath – bins usually overflowing within two days of emptying.

### **Case study two**

"I have experienced years of anti social behaviour from the occupants of properties next to and opposite my house in NW6. The landlord and his son/s live opposite my home. The ongoing anti social behaviour has had serious impact on the quality of my home life and environment. Because the tenants in these properties are ever-changing and noise is more often on the street, anti-social behaviour team/noise team are unable to support me in doing anything whatsoever to change this situation. Anti-social behaviour team asked me to keep diaries and report incidents to the police. I did this for two years – all this was a waste of my time and energy with little or no result to improve the poor property management. Community police were also of little to no help.

Problems include:

- Noise throughout the night and early hours of the morning on a week-in, week-out basis for years on the street;
- Slamming doors and people shouting up at windows;
- Tenants coming back drunk in large groups, shouting, chatting and partying in and outside the house in the early hours of the morning;
- The doorstep of the landlord's house is used as a lettings office; noisy disputes with tenants unhappy at the state of their properties are conducted here;

- I was told Brent HMO department were able to do nothing to address these problems as these properties are two-storey buildings;
- The bins at the properties of the landlord overflow; he has been prosecuted for fly-tipping as a result of this in the past;
- He uses residential rubbish collection for industrial scale waste removal with 13 tenants per house for a family of five to six people (no attic conversion);
- The obligatory fire alarm in these properties sounds every time tenants toast bread and this is also a noise nuisance;
- The landlord has caused damage to my garden on two occasions.”

Clearly, the case studies in themselves do not indicate that such problems are common, but they provide an illustration of the kinds of difficulty faced by neighbours and the difficulties faced by agencies seeking to take enforcement action through currently available channels and are echoed in many responses to consultation.

HQN’s study team also heard about agents charging unreasonable fees which are not refunded if a property rental falls through, and withholding deposits unfairly. And there are question marks about whether some landlords in the Borough would pass the ‘fit and proper’ test set out under the Housing Act 2004, given some of the evidence the study team collected about landlord behaviour.

HQN’s focus groups and other evidence revealed a range of concerns about overcrowding in the private rented sector:

- Excess refuse and fly-tipping;
- Excess noise in many converted properties where insulation is poor – but often at too low a level for environmental health to take action;
- Parking, especially in south of Borough where Victorian homes have no off-street parking and houses are now overcrowded following conversions;
- The study team heard about one house which was divided into eight rooms but let with only one toilet – this led to residents urinating in the street..

Responses to consultation indicated high levels of concern about standards in the sector overall and in HMOs in particular. Asked about their views on the impact of poorly maintained and managed properties, tenants, residents and businesses responded as set out below.

**Table 2: Views on Management and Maintenance**

	I agree strongly	I tend to agree	Neither agree nor disagree	I tend to disagree	I disagree strongly
Poorly <b>maintained</b> properties are contributing to the decline of my local area	34.7%	27.9%	17.2%	13.1%	7.0%
Poorly <b>managed</b> properties are contributing to the decline of my local area	39.4%	25.6%	14.5%	12.8%	7.7%
Landlords have a responsibility to manage their properties effectively	67.8%	22.5%	5.6%	1.9%	2.2%

**Table 3: Problems in Private Rented Homes**

	Very serious problem	Serious problem	Minor problem	Not a problem
Poor amenities (e.g., toilet, bathroom, kitchen facilities, storage)	18.6%	14.4%	22.5%	44.4%
Poor fire safety (e.g., means of escape, fire doors, extinguishers)	18.9%	12.5%	22.0%	46.6%
Property in a poor state of repair	22.4%	16.1%	21.4%	40.1%
Poor management of internal common parts	15.9%	16.9%	21.0%	46.2%
Too little space/too many people/overcrowding	18.2%	11.5%	16.6%	53.7%
Poor security	22.1%	15.6%	19.4%	42.9%
Lack of energy efficiency in the property	23.8%	18.2%	18.5%	39.5%
Damp and mould	31.2%	16.6%	17.3%	34.9%
Poor noise insulation	30.4%	13.7%	18.8%	37.2%

Table 3 shows problems identified by tenants, while Table 4 shows that other residents and businesses identified significant problems:

**Table 4: Problems Identified by Residents and Businesses**

	Very serious problem	Serious problem	Minor problem	Not a problem	Don't know
Illegal extensions/conversions without planning permission	19.1%	14.0%	14.0%	26.6%	26.3%
Unkempt external appearance and lack of maintenance	22.9%	23.2%	19.0%	22.9%	12.0%
Refuse problems including overgrown gardens with accumulations of rubbish and abandoned/dumped household items.	32.4%	15.6%	17.4%	24.1%	10.6%
Pressure on car parking	26.5%	16.5%	19.5%	23.3%	14.2%
Noise and disturbance for neighbours by HMO residents	21.4%	15.5%	18.2%	28.9%	16.1%
Other anti-social behaviour by HMO residents including drug taking/dealing and street drinking	20.2%	11.4%	16.9%	31.3%	20.2%
Harassment/discrimination	11.7%	10.2%	19.6%	34.9%	23.5%

The question format for the landlord questionnaire was different, asking questions around similar themes but geared to likely landlord concerns. Key findings are set out below.

**Table 5: Impact of Poor Quality and Poor Management**

<b>Poor quality privately rented housing</b>	
	<b>% Total</b>
Number of Responses	88.6%
Very serious problem	6.7%
Serious problem	14.1%
Minor problem	24.8%
Not a problem	42.9%
No Response	11.4%
<b>Poorly managed privately rented houses (by others)</b>	
	<b>% Total</b>
Number of Responses	87.2%
Very serious problem	4.7%
Serious problem	23.5%
Minor problem	30.2%
Not a problem	28.9%
No Response	12.75%

It is to be expected that landlords would give a more positive response to these questions. Nevertheless, a significant minority acknowledged at least some problems arising from poor quality and poor management, with the latter a more significant cause for concern among landlords.

### **Ward Level Analysis**

Respondents were asked to provide an address or postcode so that responses could be analysed at ward level to identify any differences in views on problems and possible solutions. Not all respondents provided this information and there is therefore a need for caution in drawing conclusions from a relatively small number of responses. However, Willesden Green, Wembley Central and Harlesden were prominent among areas where significant problems were identified.

### **Enforcement activity in Brent**

The Enforcement Team in Brent's Private Housing Services unit records its activities dealing with sub-standard accommodation in the private rented sector. Data provided by the team show casework rising significantly between 2011/12 and 2012/13 but a decline in the issue of statutory notices in each of the last three years. Prosecutions are also very low – less than one a year (Table 6).

**Table 6: Private housing services casework 2010/11 to 2012/13**

	2010-11	2011-12	2012-13

Enquiries/new casework	884	874	1019
Statutory notices issued per year	768	696	593
Works in default per year	11 contracts (plus 2 pre-WID) £11K (approx.)	7 contracts (plus 4 pre-WID) £23K (approx.)	4 contracts (plus 6 pre-WID) £5.5K (approx.)
Prosecutions per year	1 HMOL related (£500 fine + £1,577.67 costs)	None	1 HHSRS related (£1,500 fine + £1,000 costs)

*HMOL = Houses in Multiple Occupation Licensing; HHSRS = Housing Health and Safety Rating System*

The Enforcement Team also keeps data on their actions at ward level. Figure 5 shows that the wards where most actions were brought against landlords were in Harlesden and Willesden Green. .

**Figure 5: Action to Remedy Category 1 Hazards**

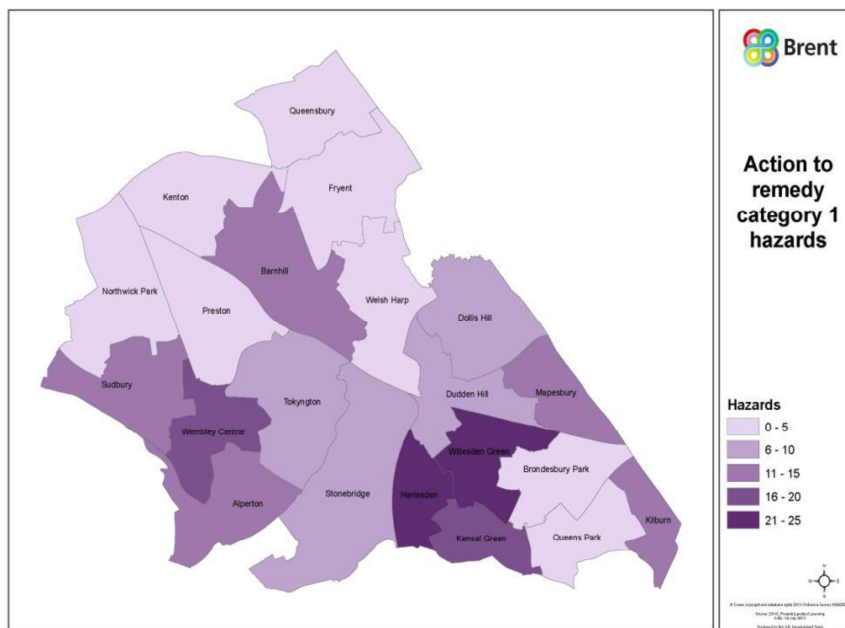


Figure 6 shows the amount of enforcement action taken since 2007 against properties, borough wide, that are multi-occupied. These are properties that are identified as one of the following types;

- Bedsits
- Hostel/Guest House, etc.
- Mixed (e.g.: self-contained + bedsits)
- Shared House
- Bedsits With Shared Facilities
- Mixed Self Contained & Shared
- Shared Flat

The trend shows an increase in the activity over the period.

**Figure 6: Action in Multi-Occupied Properties**

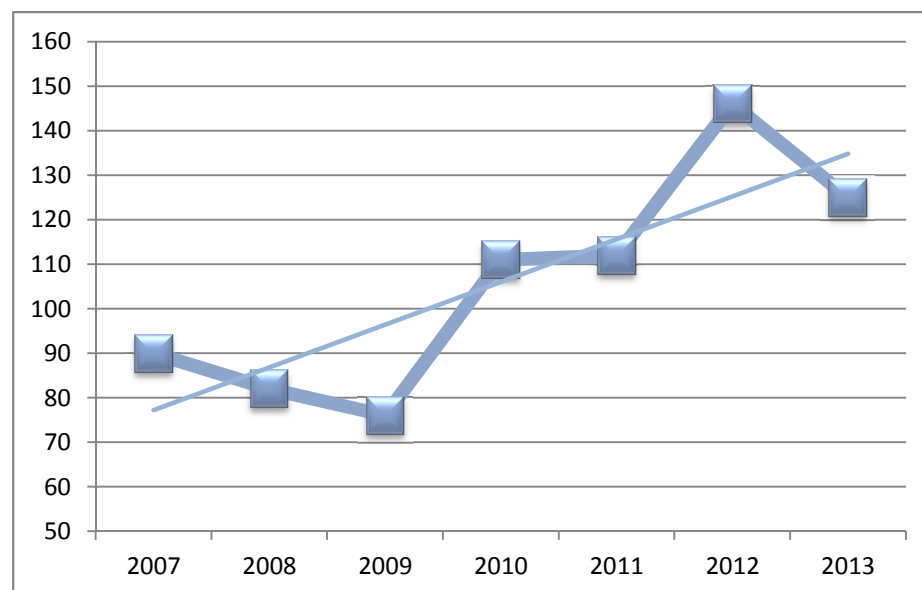


Figure 7 shows general enquiries for all property types over the same period. Again the trend shows a slight increase. The inference here is that the current approach being taken to deal with private rented sector properties has not led to a reduction in enquiries and has had no affect on the way that multiple occupied properties are managed and maintained.

**Figure 7: Requests for Assistance**

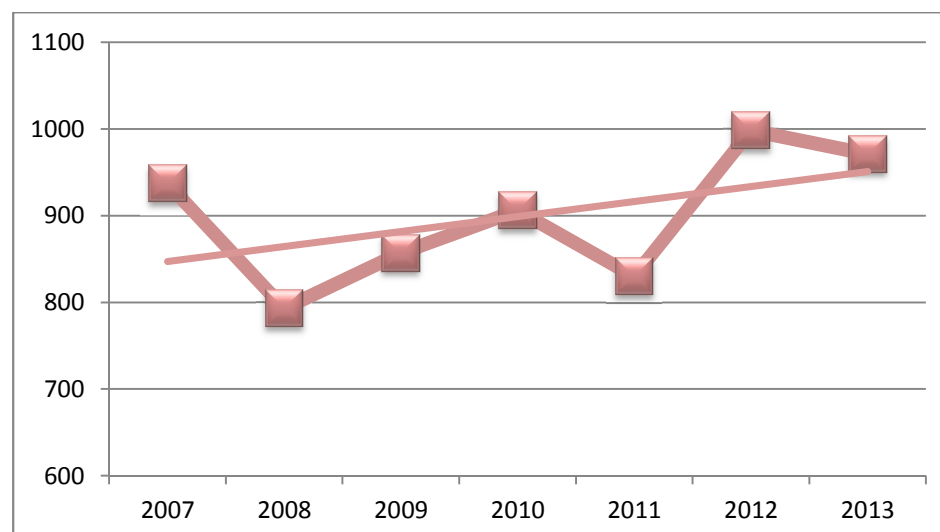
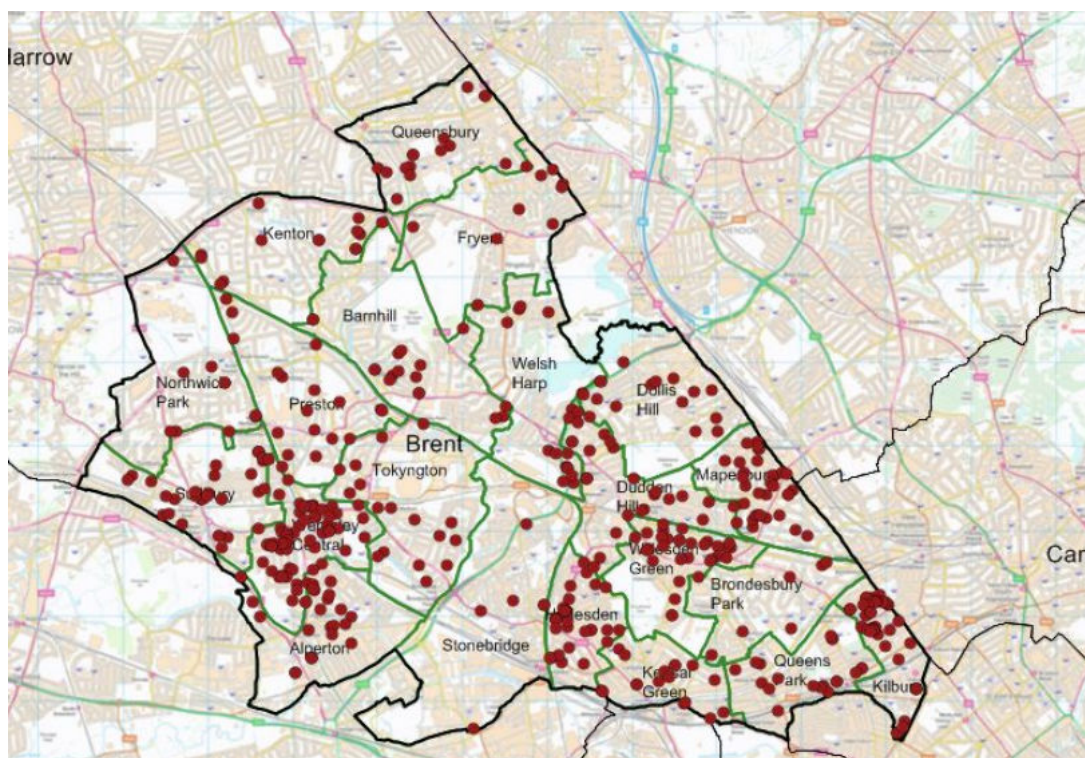


Figure 8 plots the locations of enforcement action taken since 2010 on multi-occupied properties as categorised above. While the map shows areas of concentrated activity, particularly Wembley Central, it also shows that activity is borough wide and supports the need for borough wide additional licensing.

**Figure 8: Map of Enforcement Activity in Multi-Occupied Property**





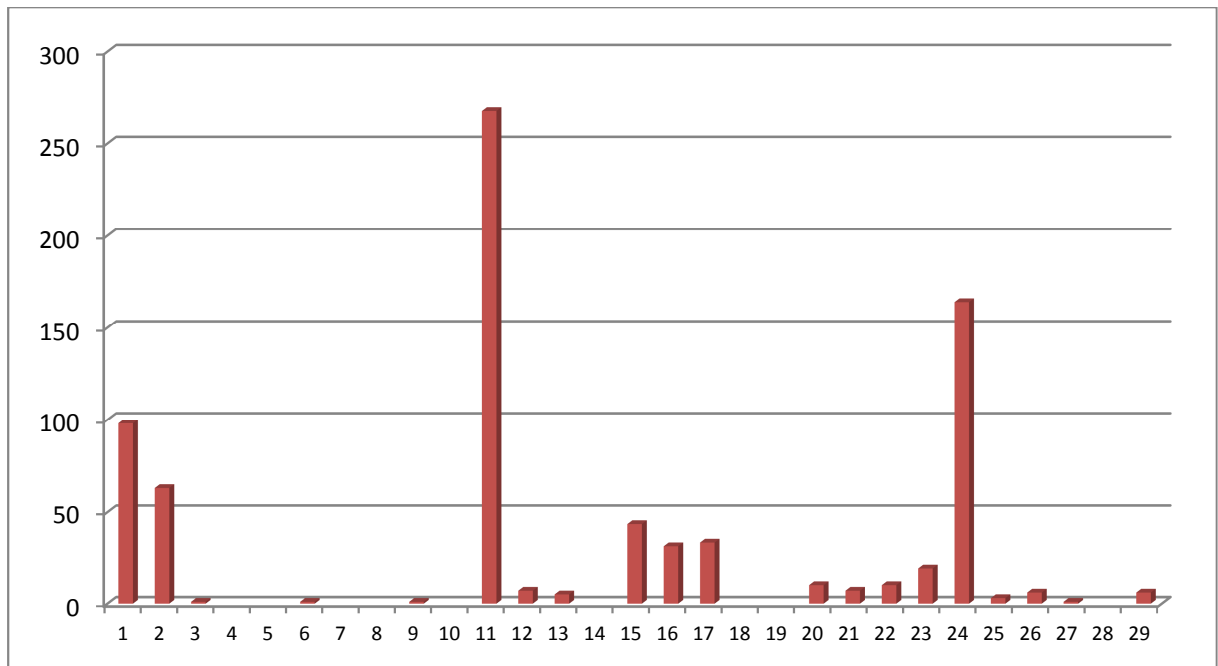
Figures 9 and 10 show the types of category 1 hazards identified as a consequence of an inspection by an enforcement officer of the properties in Figure 6. There are 29 hazards in the HHSRS:

1 Damp and mould growth	15 Domestic hygiene, pests and refuse
2 Excess cold	16 Food safety
3 Excess heat	17 Personal hygiene, sanitation and drainage
4 Asbestos	18 Water supply for domestic purposes
5 Biocides	19 Falls associated with baths etc.
6 Carbon monoxide and fuel combustion products	20 Falls on the level
7 Lead	21 Falls associated with stairs and steps
8 Radiation	22 Falls between levels
9 Uncombusted Gas	23 Electrical hazards
10 Volatile organic compounds	24 Fire
11 Crowding and space	25 Hot surfaces and materials
12 Entry by intruders	26 Collision and entrapment
13 Lighting	27 Explosions
14 Noise	29 Ergonomics
	29 Structural collapse and falling elements

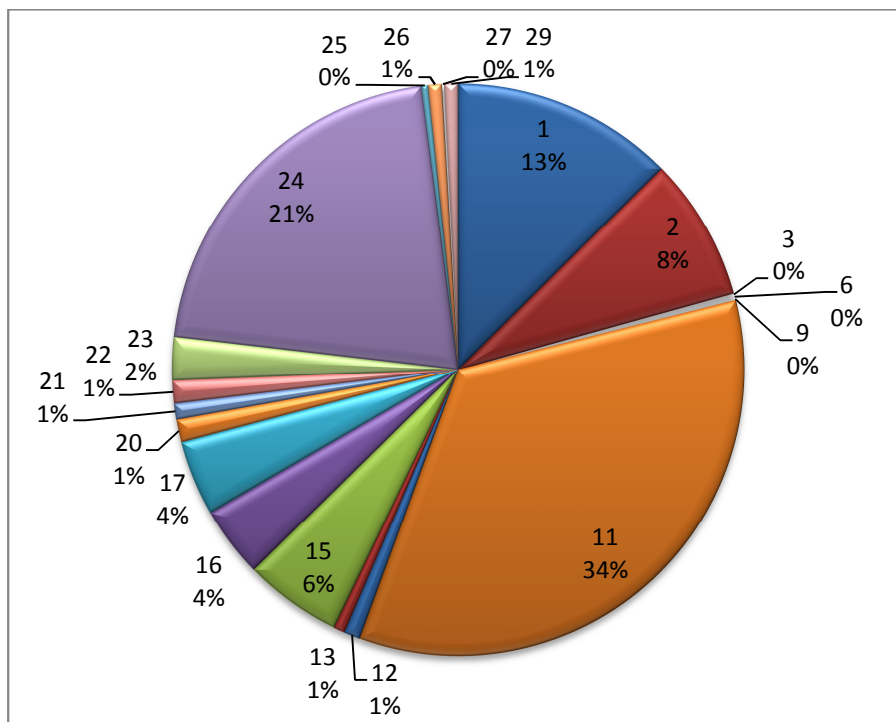
A property can have more than one category 1 hazard and by far the most significant issue identified is category 11, crowding and space (34%). This is linked with a lack of living space for sleeping and normal family/household life. The second most significant hazard is category 24, fire (21%) but two other significant categories are 1, damp and mould growth (13%) and 2, excess cold (8%).

**Figure 9: Category 1 Hazards in Inspected Property**





**Figure 10: Percentage of Category 1 Hazards**



The council has also issued 101 enforcement notices since April 2012 on beds in sheds, with a further 20 under investigation as at April 2014. Although licensing is not proposed as part of the solution to this problem - such lettings take place outside the legal framework for private sector housing and are therefore dealt with differently - the scale of the phenomenon is indicative of dysfunction in the market.

### **C: SELECTIVE LICENSING**

Analysis of anti-social and some criminal behaviour at ward level provides a ranking that shows the correlation between levels of private renting and levels of anti-social behaviour.

**Table 7: Private Renting and ASB by Ward**

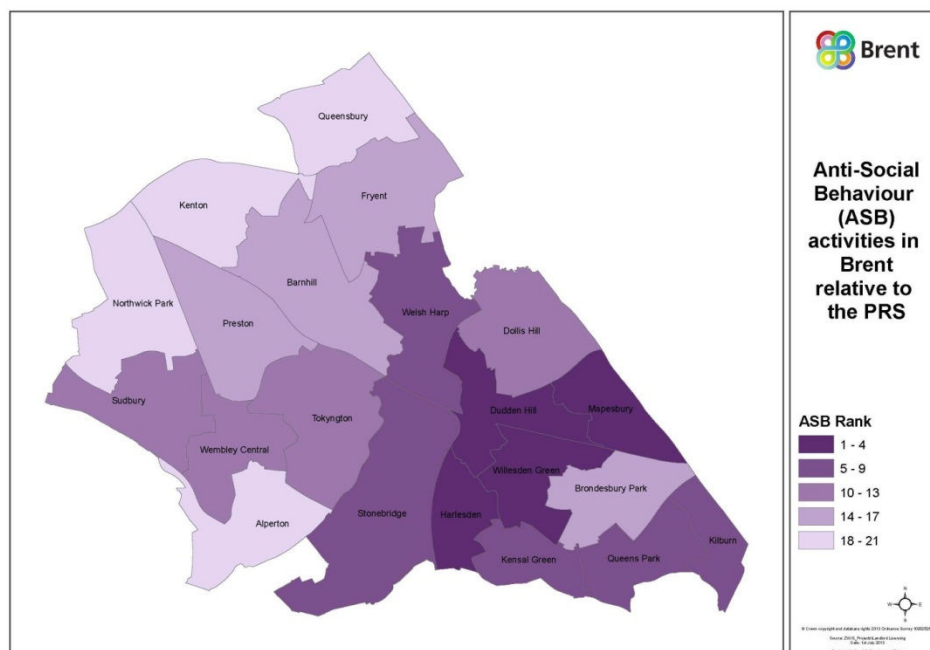
Ward (a)	PRIVATE RENTED SECTOR as % of total (b)	Ranking for % PRIVATE RENTED SECTOR (c)	Score for fly-tipping, noise and graffiti (d)	Ranking (e)
Willesden Green	45%	20	9	21
Harlesden	32%	12	9	21
Dudden Hill	35%	18	13	19
Mapesbury	46%	21	14	18
Welsh Harp	29%	8	19	17
Queen's Park	35%	17	21	16
Kensal Green	36%	19	23	15
Stonebridge	17%	1	27	14
Kilburn	30%	9	29	13
Dollis Hill	25%	5	29	12
Wembley Central	35%	15	34	11
Sudbury	34%	14	36	10
Tokington	35%	15	39	9
Barnhill	28%	6	40	8
Brondesbury Park	34%	13	46	7
Preston	31%	10	47	6
Fryent	28%	7	47	5
Queensbury	23%	4	47	4

Alperton	31%	11	50	3
Northwick Park	21%	2	54	2
Kenton	21%	3	60	1

*Note:* The higher the number the greater the proportion of private rented sector and anti-social behaviour (columns c and e); for column d – the lower the score the greater the incidence of anti-social behaviour.

GIS mapping of this data for all wards in the Borough appears in Figure 11 below. A low score means a proportionality high level of anti-social behaviour.

**Figure 11 – Ward by levels of anti-social behaviour**



The wards with the highest levels of anti-social behaviour are concentrated in the south and east of the Borough and also have high levels of private rented sector stock, apart from Stonebridge which has a high concentration of social housing, although it should be noted that, as a result of Right to Buy sales, a significant number of former social rented homes are now be let privately. The only ward in the south of the borough that does not feature in this list is Brondesbury Park.

The Metropolitan Police collects information about criminal activity at Brent to ward level. Some of this criminality can be defined as anti-social in nature. Looking at certain crimes in detail over the 12 months to May 2013 reveals the following:

- Relatively high levels of criminal damage recorded in Wembley Central and Harlesden. Other wards where criminal damage is also relatively high are Stonebridge, Willesden Green, Kensal Green, Kilburn and Queensbury.
- Theft and handling offences are highest in Wembley Central. Other wards with relatively high levels of this type of offence include Tokyngton, Stonebridge, Queensbury, Kensal Green and Queen's Park. This type of criminal activity is not exclusively concentrated in the south of the Borough.

- c The hot spot for drug-related offences is Harlesden. The wards surrounding Harlesden also have relatively high levels of drug-related offences. These are: Wembley Central, Tokyngton, Stonebridge, Dudden Hill, Willesden Green and Kensal Green. Kilburn also has a relatively high level of crimes related to the use and sale of drugs.
- d Violence against the person offences concentrated in Harlesden and Wembley Central, with Kensal Green also showing relatively high levels.

Criminal activity (with anti-social behaviour undertones) as recorded by the Metropolitan Police is distributed more widely across the borough than the anti-social behaviour recorded by the Council's Environmental Service. Nonetheless, the data shows that many of these crimes occur in the south of the Borough, with Harlesden particularly affected by high rates of certain types of criminal activity. Wembley Central also features prominently in these statistics. This could be because Wembley Central is the Borough's principal shopping area and there are often disproportionately high levels of crime in such places. Also, the ward is adjacent to Wembley Stadium and some people travelling to and from the ground might be engaged in criminal activity of one kind or another.

Table 8 ranks each ward in the Borough in terms of the scale of anti-social behaviour-related criminal activity they experience. This table has been compiled using two years data to May 2013. Across the whole Borough for that period there were 4,421 cases of criminal damage, 7,841 drug related offences, 16,879 cases involving theft and handling offences and 13,623 cases involving violence against the person. The wards with the most cases have the highest rankings. For this exercise the police count criminal activity in Harlesden Town Centre separately so there are 22 areas in this count rather than 21. Two wards in the north of the Borough that suffer from relatively high levels of crime of this type are Wembley Central and Tokyngton (the ward where Wembley Stadium is sited). Brondesbury Park and Dollis Hill – both in the southern part of the Borough – by contrast do not experience high levels of crime of this sort relative to other parts of the Borough.

**Table 8: anti-social behaviour and related criminal behaviour by ward for the two years to May 2013**

Ward	Burglary rank	Criminal damage rank	Drugs rank	Robbery rank	Theft and handling rank	Violence against the person rank	Total crimes	Rank
Alperton	12	16	4	20	12	13	2,546	13
Barnhill	11	9	10	4	10	10	2,226	10
Brondesbury Park	20	3	14	2	8	2	2,031	6
Dollis Hill	9	6	7	9	9	4	2,040	7
Dudden Hill	18	15	16	19	13	15	3,052	15
Fryent	4	2	8	6	6	8	1,888	4
Harlesden	21	21	22	21	15	22	4,170	21
Harlesden TC	1	5	12	10	7	14	2,116	8
Kensal Green	17	17	17	17	14	17	3,093	16
Kenton	5	1	2	3	1	1	1,378	1
Kilburn	6	19	19	15	18	18	3,234	18
Mapesbury	10	14	6	8	11	12	2,344	11
Northwick Park	3	7	1	1	4	3	1,600	2
Preston	19	4	11	13	5	7	2,151	9
Queen's Park	13	11	13	12	19	11	2,758	14
Queensbury	14	13	3	11	17	5	2,460	12
Stonebridge	22	22	21	16	22	20	4,375	22
Sudbury	8	8	5	14	2	6	1,814	3
Tokington	15	12	20	7	20	16	3,223	17
Welsh Harp	16	10	9	5	3	9	1,993	5
Wembley Central	2	20	15	22	21	21	3,806	20
Willesden Green	7	18	18	18	16	19	3,268	19

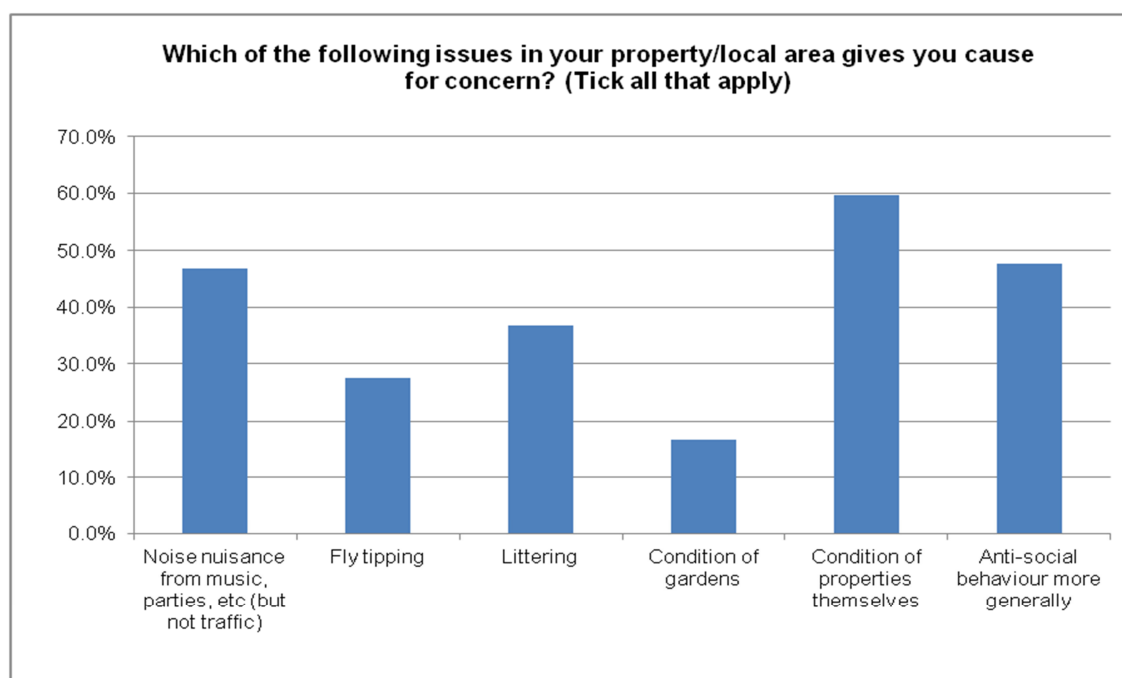
*Note: Wards are sorted alphabetically; the higher the score the higher the crime levels; there are 22 areas in this table because the police measure crime in Harlesden Town Centre separately from Harlesden ward itself.*

The Community Safety team collects data on anti-social behaviour by ward *and* by tenure. This shows that in the three years to 2012/13, 96 anti-social behaviour incidents were associated with premises in the private rented sector in the borough. The six wards where the most anti-social behaviour was recorded were, in order, Willesden Green, Mapesbury, Wembley Central, Alperton, Northwick Park and Harlesden. It needs to be noted here that the number of incidents was small – less than 35 a year. Also there are some wards in this list that are unexpected (e.g.,

Northwick Park) perhaps reflecting reporting patterns rather than levels of anti-social behaviour experienced on the ground.

HQN conducted a survey of private tenants to assess experience of and concerns about anti-social behaviour. Figure 12 shows the main issues cited.

**Figure 12: Types of anti-social behaviour causing concern for survey respondents**



One respondent said *“My life has turned upside down and I have serious depression just because of this neighbourhood, neighbours and landlord.”*

### Indications from Consultation

The potential problems identified within the sector identified by the council and addressed in the HQN study, informed the questions asked in the survey undertaken as part of the consultation exercise. The following section sets out the main indications from the consultation exercise that provide additional evidence, while responses concerning the possible introduction of licensing are covered in the section on consultation below.

**Table 9: Problems Identified by Tenants, Residents and Businesses**

	Very serious problem	Serious problem	Minor problem	Not a problem
Nuisance neighbours (including intimidation and Harassment and street drinking)	14.6%	15.9%	22.8%	46.7%
Noise nuisance	15.7%	15.9%	25.7%	42.7%
Drug use/drug dealing	12.5%	14.1%	18.6%	54.8%
General street scene (including graffiti and excessive 'to let' & 'for sale' boards)	11.8%	11.3%	26.9%	50.0%

Rubbish dumping and fly tipping	28.2%	22.8%	21.3%	27.8%
High levels of overcrowding	17.6%	17.4%	21.2%	43.9%
Untidy front gardens	18.7%	16.7%	24.3%	40.3%
Poorly managed and maintained homes	23.0%	20.2%	24.1%	32.7%
High turnover of resident in the local area	13.6%	19.5%	23.1%	43.9%
Street prostitution and brothels	5.3%	6.7%	15.2%	72.9%
High rent levels	32.0%	20.9%	16.8%	30.2%
Lack of community engagement	21.9%	20.5%	25.2%	32.4%
Empty/boarded up properties	7.4%	7.7%	19.8%	65.1%

Not all of the issues mentioned here are necessarily directly relevant to a possible designation of Additional or Selective Licensing, but are intended to provide an overview of perceptions and experience within neighbourhoods. However, responses show significant concern over relevant issues of property management and anti-social behaviour. First, the impact of poorly managed and maintained homes, with over 67% of respondents identifying this as a problem and over 43% as a serious or very serious one. Second, rubbish dumping and fly tipping, with over 72% identifying a problem and 51% a serious or very serious one. Third, over 57% of respondents identified noise nuisance as a problem, and over 31% as a serious or very serious one.

**Table 10: Problems within Homes Identified by Tenants**

	Very serious problem	Serious problem	Minor problem	Not a problem
Poor amenities (e.g., toilet, bathroom, kitchen facilities, storage)	18.6%	14.4%	22.5%	44.4%
Poor fire safety (e.g., means of escape, fire doors, extinguishers)	18.9%	12.5%	22.0%	46.6%
Property in a poor state of repair	22.4%	16.1%	21.4%	40.1%
Poor management of internal common parts	15.9%	16.9%	21.0%	46.2%
Too little space/too many people/overcrowding	18.2%	11.5%	16.6%	53.7%
Poor security	22.1%	15.6%	19.4%	42.9%
Lack of energy efficiency in the property	23.8%	18.2%	18.5%	39.5%
Damp and mould	31.2%	16.6%	17.3%	34.9%
Poor noise insulation	30.4%	13.7%	18.8%	37.2%

It is generally accepted and has been affirmed by national surveys that the majority of private tenants are satisfied with their homes. However, the table above indicates that a majority of respondents has at least some problem. It is recognised that the

response may be statistically skewed in that tenants who have a problem may be more motivated to respond, but the answers indicate clearly that there are problems in the sector in Brent.

**Table 11: Problems with HMOs Identified by Residents and Businesses**

	Very serious problem	Serious problem	Minor problem	Not a problem	Don't know
Illegal extensions/conversions without planning permission	19.1%	14.0%	14.0%	26.6%	26.3%
Unkempt external appearance and lack of maintenance	22.9%	23.2%	19.0%	22.9%	12.0%
Refuse problems including overgrown gardens with accumulations of rubbish and abandoned/dumped household items.	32.4%	15.6%	17.4%	24.1%	10.6%
Pressure on car parking	26.5%	16.5%	19.5%	23.3%	14.2%
Noise and disturbance for neighbours by HMO residents	21.4%	15.5%	18.2%	28.9%	16.1%
Other anti-social behaviour by HMO residents including drug taking/dealing and street drinking	20.2%	11.4%	16.9%	31.3%	20.2%
Harassment/discrimination	11.7%	10.2%	19.6%	34.9%	23.5%

Local businesses lack a direct interest in the sector as providers or participants and their locations are often not in mainly residential areas. However, the results still show significant levels of concern.

The format for the landlord questionnaire was different, asking questions around similar themes but geared to likely landlord concerns. Key findings are set out below.

**Table 12: Rubbish dumping and fly tipping**

<b>Rubbish dumping and fly tipping</b>	
	<b>% Total</b>
Number of Responses	94.0%
Very serious problem	24.8%
Serious problem	24.2%
Minor problem	24.8%
Not a problem	20.1%
No Response	6.0%
<b>Total</b>	<b>100.00%</b>

Dumping and fly tipping have emerged as concerns at all stages of the exercise, with landlords broadly sharing the views of other residents.



**Table 13: Untidy front gardens:**

<b>Untidy front gardens:</b>	
	<b>% Total</b>
Number of Responses	91.9%
Very serious problem	10.7%
Serious problem	21.5%
Minor problem	32.9%
Not a problem	26.8%
No Response	8.0%
<b>Total</b>	<b>100.00%</b>

Again, there appears to be an overall consensus on this issue.

**Table 14: Nuisance and anti-social behaviour by your tenants:**

<b>Nuisance and anti-social behaviour by your tenants:</b>	
	<b>% Total</b>
Number of Responses	92.6%
Very serious problem	9.4%
Serious problem	10.1%
Minor problem	24.2%
Not a problem	49.0%
No Response	7.4%
<b>Total</b>	<b>100.00%</b>

While the majority state that this is not a problem as far as their own tenants are concerned, a significant minority disagree.

**Table 15: Nuisance and anti-social behaviour by others:**

<b>Nuisance and anti-social behaviour by others:</b>	
	<b>% Total</b>
Number of Responses	90.6%
Very serious problem	12.1%
Serious problem	18.8%
Minor problem	27.5%
Not a problem	32.2%
No Response	9.4%
<b>Total</b>	<b>100.00%</b>

Anti-social behaviour by others is a more significant concern. While this does not confirm that landlords believe that this behaviour emanates from the private rented

sector, it does coincide with perceptions about the scale of the problem demonstrated by other respondents.

The following two tables highlight common concerns for landlords. This reflects responses received from the NLA and RLA and highlights the need for better information, training and support across the sector. A key aim for licensing is to ensure that participating landlords have access to appropriate and timely advice and support and that there is a continuing dialogue between landlords and the council to identify and address problems that impact on their ability to run their businesses effectively. While this kind of support can be provided through voluntary accreditation schemes, take-up of such schemes is low. Licensing provides an opportunity to ensure that key messages are available to landlords and tenants and that means of redress are well-understood.

**Table 16: Tenants leaving without paying rent/giving correct notice:**

<b>Tenants leaving without paying rent/giving correct notice:</b>	
	<b>% Total</b>
Number of Responses	93.3%
Very serious problem	15.4%
Serious problem	18.1%
Minor problem	22.8%
Not a problem	36.9%
No Response	6.7%
<b>Total</b>	<b>100.00%</b>

**Table 17: Tenants building up high levels of rent arrears and problems with eviction:**

<b>Tenants building up high levels of rent arrears:</b>	
	<b>% Total</b>
Number of Responses	91.3%
Very serious problem	14.1%
Serious problem	20.8%
Minor problem	22.1%
Not a problem	34.2%
No Response	8.7%
<b>Total</b>	<b>100.00%</b>
<b>Problems evicting tenants:</b>	
	<b>% Total</b>
Number of Responses	91.3%
Very serious problem	18.8%

Serious problem	15.4%
Minor problem	20.8%
Not a problem	36.2%
No Response	8.7%
<b>Total</b>	<b>100.00%</b>

Landlords were also asked about their perceptions of the impact of poorly managed and poorly maintained properties on their local area.

**Table 18: Impact of Poor Maintenance and Management**

<b>That poorly maintained properties are contributing to the decline of my local area:</b>	
	<b>% Total</b>
Number of Responses	94.0%
I agree strongly	20.8%
I tend to agree	25.5%
Neither agree nor disagree	21.5%
I tend to disagree	10.1%
I disagree strongly	16.1%
No Response	6.0%
<b>Total</b>	<b>100.00%</b>
<b>That poorly managed privately let properties are contributing to the decline of my local area:</b>	
	<b>% Total</b>
Number of Responses	94.0%
I agree strongly	20.1%
I tend to agree	22.1%
Neither agree nor disagree	20.8%
I tend to disagree	16.8%
I disagree strongly	14.1%
No Response	6.0%
<b>Total</b>	<b>100.00%</b>

It is striking that only a minority of landlords disagree with these two statements. This suggests that there is recognition among landlords who may themselves manage their properties well that there are others who do not.

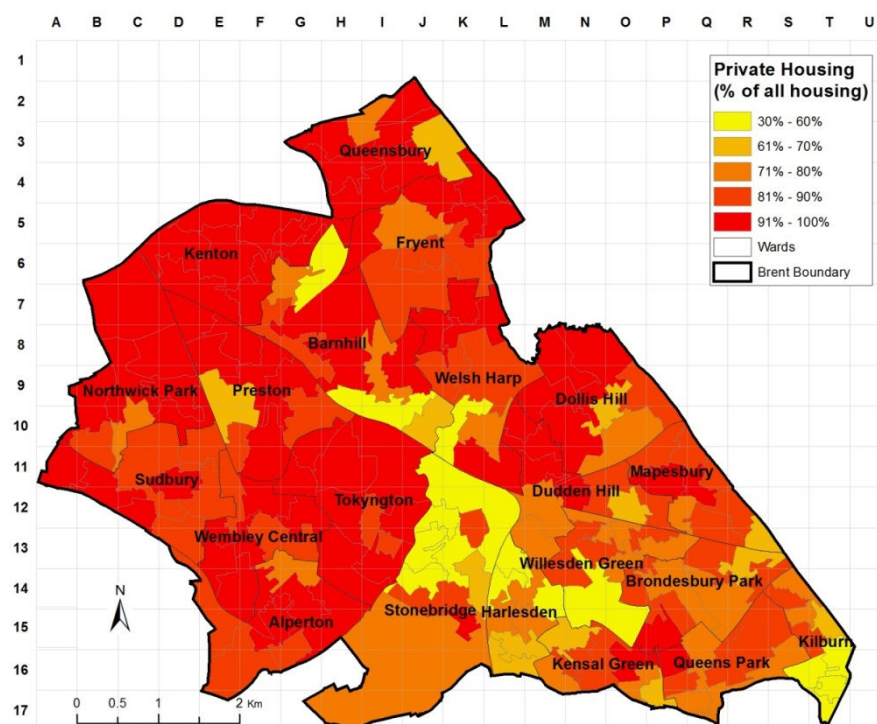
## Relationship between Renting and Anti-Social Behaviour

In addition to the findings outlined above, further analysis indicates that there is evidence of an elevated risk of antisocial behaviour at both a property and neighbourhood level where there is a high likelihood of rental status and a high presence of private rented properties. ASB/noise complaints were more likely to correlate with the presence of high risk HMOs while fly-tipping and graffiti in a ward or neighbourhood were more likely to correlate with the local presence of single family rented properties.

Figure 13 shows the distribution of housing according to tenure – either privately owned or social housing – based on the analysis carried out by Mayhew Harper Associates. This map shows that most social housing is concentrated in three areas: cells G6, M16, and T16. By far the largest concentration covers a central area of Brent bounded by columns H to L and rows 9 to 14.

Of the 113,000 residential properties in Brent 81% are privately owned and of these 40% or 37,000 are estimated to be privately rented. This compares with 33,000 in the 2011 census for Brent and is consistent with predicted growth in the three years since then and the possibility of some under-reporting in the Census returns. The remaining 19%, totalling 21,000 properties, are social housing.

**Figure 13: Distribution of Private Housing**



## ASB/noise in the privately owned and social housing sectors

The data on separate instances of noise and ASB from 2011 onwards are clearly skewed toward private sector properties. Table 19 below shows the percentage of

properties by area against which noise complaints were made in the period. A majority of these complaints were music related but other categories typically include DIY or construction work. Of the three wards proposed for Selective Licensing, noise complaints were above the Brent average in Harlesden and Willesden Green but below the Brent average in Wembley Central.

**Table 19: Percentage of Noise Complaints**

Area	Social housing	Private housing
Brent	0.5	3.1
Harlesden	0.5	3.2
Wembley central	0.3	2.7
Willesden Green	0.5	4.2

Table 20 shows that ASB occurs at a much lower intensity than noise complaints as might be expected. Whilst reported ASB occurs on a lower scale it is relevant to point out that much of it cannot be attributed to an address and only to an area. The data show that about a third of reported ASB is noise-related, involving disputes between neighbours or rowdy behaviour. Other significant categories are behaviours likely to cause offence (13%), loitering or congregating (9%) litter or rubbish related (9%), drug related (8%), or ball games (7%).

**Table 20: Percentage of ASB**

Area	Social housing	Private housing
Brent	0.3	0.53
Harlesden	0.20	0.61
Wembley central	0.27	1.03
Willesden Green	0.64	0.62

Table 21 considers private sector property (including owner-occupation) and the presence of a range of risk factors that are used to correlate the probability of anti-social behaviour, using a range of risk factors. Column two lists the number of private sector properties in each risk category. The next four columns indicate which risk factors are active. The totals at the foot of these columns indicate how many properties were affected by each risk factor. So for example, there are 72,803 properties that do *not* receive Council Tax Benefit. The final column indicates the risk of ASB/noise occurring and is expressed as a percentage of the properties meeting the particular risk profile.

**Table 21: Analysis of Risk Factors in the Private Sector**

Category	Number in category	No council tax benefit at address	Housing benefit at address	>4 adults at address	Harlesden/ Wembley Central or Willesden Green ward	% of properties at which ASB/noise indicated
1	190	Y	Y	Y	Y	8.4
2	783	Y	Y		Y	6.0
3	1,141	Y		Y	Y	4.9
4	840		Y		Y	4.8
5	1,109	Y	Y	Y		4.5
6	6,558	Y			Y	4.2
7	4,151	Y	Y			4.2
8	2,866		Y	Y		4.1
9	7,132	Y		Y		3.8
10	11,077		Y			3.8
11	51,739	Y				3.2
12	165		Y	Y	Y	3.0
13	546			Y		2.7
14	3,619					2.0
15	501				Y	2.0
16	106			Y	Y	1.9
Total	92,523	72,803	21,181	13,255	10,284	3.5

Table 21 indicates that risk of ASB ranges from 8.4% (row 1) to as low as 1.9% (row 16). The bottom right hand cell gives the overall average level of ASB/noise in the private sector. This equates to 3.5%; hence rows 1-10 are at above average risk of ASB/noise and the remainder are below. For some risk categories including the highest in row 1 the numbers of households are small and the risk estimate less reliable. Examples of risk combinations with larger numbers of properties at elevated risk of ASB/noise include rows: 3, 5, 6, 7 and 8.

Further analysis shows that ASB/noise incidents increase:

- 1.3 times if there is no Council Tax Benefit recipient at private address

- 1.5 times if Housing Benefit is received at an address
- 1.2 times if there are five plus adults at the address
- 1.3 times if the property is located in Harlesden, Wembley Central or Willesden Green

These odds are significantly different from a value of one (evens) and also multiplicative, so that a property affected by all these risk factors has a higher chance of ASB than a property for which none of these factors applies. For example, a property *not in receipt* Council Tax Benefit, that *is* in receipt of Housing Benefit, with five plus adults living at the address, and where the property is located in one of the three candidate wards is  $1.3 \times 1.5 \times 1.2 \times 1.3 = 3$  times more likely to be associated with ASB/noise than a property with none of these risk factors.

Figure 14 shows the predicted versus observed rate of ASB/noise based on the four selected risk factors, indicating a strong correlation. It can be safely concluded that this group of risk factors define and stratify at risk households quite effectively and accurately. The table is also valuable because it quantifies how many privately owned properties fall into each risk category – whether small such as row 1 or very large such as row 11. Because each property is geo-referenced it can be mapped or grouped into other geographies such as wards or neighbourhoods. Overall the results show that there is a risk gradient with some types of private household more likely to be associated with ASB/noise behaviour than others.

Of the selected risk factors the most predictive of ASB/noise is Housing Benefit. It is also noteworthy that the results show that occurrences of ASB/noise are 1.3 times more likely in the three candidate wards than in the rest of Brent.

A limitation of the analysis is that it does not draw any distinction between privately rented and owner-occupied properties. Further analysis set out below considers which among private sector properties are most likely to be rented.

**Figure 14: predicted ASB/Noise rates in private sector housing versus observed rates**

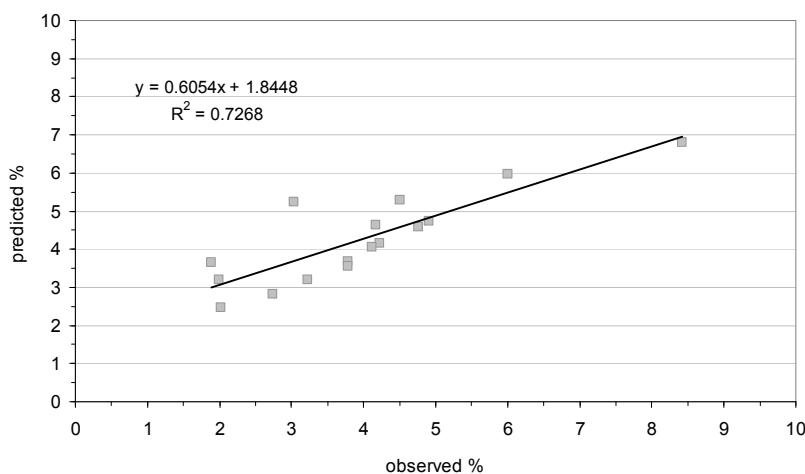


Table 22 shows the number of properties impacted by each risk factor combination. The column to the right shows the relative risk score expressed as 'odds' with risk categories ranked from high to low.

Risk scores are obtained by multiplying the risk factor weights at the foot of the table under each risk factor. A risk score of say 10 means that the outcome is 10 times more likely than if none of the risk factors were present.

It is noteworthy that surname changes on the Electoral Roll are the strongest predictor of HMO status amongst these. It increases the odds of private rental status 6.92 times and appears in each of the top seven risk categories.

For example, in row 1, the highest risk category with all four risk factors, there are 2,259 households conforming to this profile. Properties in this category are 48.8 times more likely to be private sector rented than the 9,502 properties in the lowest risk category in row 16.

To put a scale on the findings the results suggest that there are over 21k properties in the top seven risk categories all of which share in common the most predictive risk factor.

If the risk scores in each row are then correlated with the level of reported prevalence of ASB/noise we obtain a correlation coefficient of 48% suggesting a reasonable association with high risk HMO status.

**Table 22: Analysis of Private Sector Properties by Risk Factor and Probable HMO Status**

Category	Private sector housing	No council tax benefit recipient at address in 2013	Any change in Council Tax liable surname Since 2010	Any change in electoral roll registrants in the last year	More than three surname change s on Electoral Roll in last 36 months	risk score
1	2,269	Y	Y	Y	Y	48.8
2	9,065	Y		Y	Y	43.8
3	1,531	Y	Y		Y	23.6
4	6,901	Y			Y	21.2
5	419		Y	Y	Y	15.9
6	1,367			Y	Y	14.3
7	351		Y		Y	7.7
8	2,526	Y	Y	Y		7.1
9	973				Y	6.9



10	10,103	Y		Y		6.3
11	5,733	Y	Y			3.4
12	34,675	Y				3.1
13	1,275		Y	Y		2.3
14	2,958			Y		2.1
15	2,875		Y			1.1
16	9,502					1.0
	92,523	3.06	1.11	2.07	6.92	

Table 23 is constructed on the same basis as Table 22 but the risk factors and risk scores differ. For example, in row 1, the highest risk category with all four risk factors, there are 1,252 households conforming to this profile. Properties in this category are 14.3 times more likely to be single family private sector rented than the 1,986 properties in the lowest risk category (row 16) which has a risk score of one.

As previously noted, the contribution of each risk factor to the odds of private rental status is shown in the bottom row. It is noteworthy that Housing Benefit is the strongest amongst these by increasing the odds of private rental status 4.65 times and two or less adults at an address the weakest.

If the risk scores in each row or category are correlated with the level of reported prevalence of ASB/noise we obtain a correlation coefficient of 44% suggesting, as with HMO status, an association with rented status.

Because of the probabilistic nature of the methodology there is some overlap between properties identified as high risk in Table 3 and Table 4 (3,493). Allowing for this results suggest a combined total of around 37k properties at elevated risk of being private rented properties.

**Table 23: Analysis of Private Sector Properties by Risk Factor and Probable Single-Family Dwelling Status**

category	private sector housing	No council tax benefit recipient at address in 2013	Any change in Council Tax liable surname 2010 - 2012	2 or less adults at address	Any recipient of Housing Benefit at address	Risk score
1	1,252	Y	Y	Y	Y	14.3
2	547	Y	Y		Y	11.9

3	2,666	Y		Y	Y	9.1
4	3,680		Y	Y	Y	8.8
5	1,768	Y			Y	7.6
6	1,049		Y		Y	7.3
7	7,630			Y	Y	5.6
8	2,589				Y	4.7
9	7,339	Y	Y	Y		3.1
10	2,921	Y	Y			2.6
11	35,815	Y		Y		2.0
12	142		Y	Y		1.9
13	20,495	Y				1.6
14	49		Y			1.6
15	2,595			Y		1.2
16	1,986					1
	92,523	1.63	1.57	1.20	4.65	

Table 24 shows Brent wards in alphabetical order. It shows the percentages of high risk HMOs and single family rented households compared with all households regardless of whether private tenure or social tenure. For each ward it gives the intensity per household of each proxy for anti-social behaviour. Highest among fly tipping wards is Harlesden and Dudden Hill for ASB/noise.

The bottom row shows that around 19% of all residences including social housing are high risk private rented HMOs and 18% high risk single family rented homes. However, it also shows that there are wide differences between wards on each measure.

The top three wards with the highest concentrations of suspected high risk HMOs are Wembley Central, Kenton and Alperton. Harlesden is ranked 20<sup>th</sup> and Willesden Green is ranked 17<sup>th</sup> in this category.

For suspected high risk single family private rented households the top three wards are Stonebridge, Harlesden and Dudden Hill. Willesden Green is 5<sup>th</sup> and Wembley Central 8<sup>th</sup> in this category.

Analysis found that there was:

- A 56% correlation between suspected high risk HMO and ASB/noise intensity

- A 73% correlation between suspected high risk single family rented households and fly tipping intensity by ward
- A 42% correlation between high risk single-family rented households and graffiti intensity at ward level.

**Table 24: Ward summary of tenures and high risk rental status and intensity of ASB proxies**

Brent ward	Total households all tenures	Of which % high risk HMOs	Of which % high risk single family rented	Fly tipping sites in ward at % of all households	Reported ASB or noise reported at household (private)	Graffiti as % of all households
Alperton	4,647	29.9	17.7	9.7	3.4	0.5
Barnhill	5,641	21.4	16.9	10.8	3.4	0.3
Brondesbury Pk	5,483	16.9	11.5	4.5	2.9	0.6
Dollis Hill	4,442	19.8	24.3	15.2	3.1	1.3
Dudden Hill	5,497	19.3	24.9	18.6	4.0	2.0
Fryent	4,502	24.5	17.1	12.6	3.2	0.6
Harlesden	6,730	8.3	29.0	34.9	2.7	1.3
Kensal Green	6,091	12.5	22.3	14.3	2.8	0.8
Kenton	3,956	30.6	9.3	7.0	3.4	0.3
Kilburn	7,680	10.1	12.9	5.4	2.4	0.6
Mapesbury	6,466	15.2	18.1	9.7	3.7	2.0
Northwick Park	3,896	27.6	10.7	8.0	3.5	0.9
Preston	5,146	25.2	16.4	7.4	3.3	0.8
Queens Park	6,244	16.1	9.5	10.6	3.1	1.0
Queensbury	4,805	27.6	12.5	12.7	3.7	0.2
Stonebridge	6,164	8.0	29.6	15.1	1.8	0.4
Sudbury	5,186	23.2	19.8	8.1	3.1	1.1
Tokington	5,311	26.0	18.2	9.4	2.9	0.8
Welsh Harp	5,002	17.9	21.3	20.3	3.5	1.5
Wembley Cent.	4,738	31.3	20.4	13.8	3.9	1.4

Willesden Green	6,230	14.2	22.7	15.9	3.9	1.6
Brent	113,857	19.2	18.6	12.8	3.2	1.0

Table 25 is structured similarly to Table 24. However, each ward is now ranked against each variable in the columns based on the previous table. A final column gives a combined rank based on all three proxies for ASB and is produced by re-ranking the sum of ranks.

It shows that the top five problem wards for antisocial related behaviours are: Dudden Hill, Willesden Green, Welsh Harp and Mapesbury. Harlesden is sixth in the ranking; however, it could be maintained that that Welsh Harp is anomalous because it comprises a large area of open space which most likely explains why it is ranked second for fly tipping.

**Table 25: Ward summary of tenures and high risk rental status and intensity of ASB proxies by rank order**

Brent ward	Total privately owned households all tenures	Ward rank for HMO rented properties	Ward rank for single family rented properties	Ward rank for fly tipping sites	Ward rank for reported ASB or noise complaints	Ward rank for graffiti	Combined rank
Alperton	4,647	3	12	13	8	17	13
Barnhill	5,641	10	14	11	10	19	15
Brondesbury Pk	5,483	14	18	21	16	15	20
Dollis Hill	4,442	11	4	5	15	7	7
Dudden Hill	5,497	12	3	3	1	2	1
Fryent	4,502	8	13	10	12	14	11
Harlesden	6,730	20	2	1	19	6	6
Kensal Green	6,091	18	6	7	18	12	12
Kenton	3,956	2	21	19	9	20	19
Kilburn	7,680	19	16	20	20	16	21
Mapesbury	6,466	16	11	14	4	1	5
Northwick Park	3,896	4	19	17	7	10	8
Preston	5,146	7	15	18	11	13	16
Queens Park	6,244	15	20	12	13	9	8

Queensbury	4,805	5	17	9	5	21	10
Stonebridge	6,164	21	1	6	21	18	18
Sudbury	5,186	9	9	16	14	8	13
Tokyngham	5,311	6	10	15	17	11	17
Welsh Harp	5,002	13	7	2	6	4	3
Wembley Cent.	4,738	1	8	8	3	5	4
Willesden Green	6,230	17	5	4	2	3	2
Brent	113,857						

## Conclusions

Analysis of data and indications from consultation confirm a significant and persistent problem of anti-social behaviour that can be associated with the presence and density of private renting in certain wards in particular.

There are also strong indications that problems are not confined to the three wards initially identified as having characteristics relevant to Selective Licensing.

## APPENDIX 2: CONSULTATION

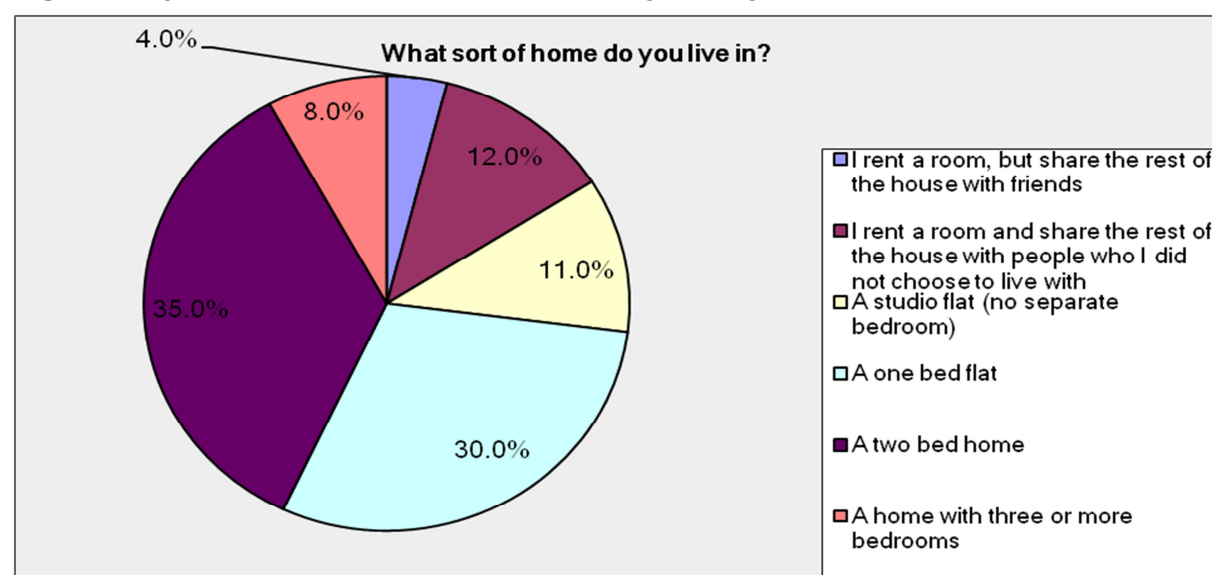
Consultation comprised two main phases. First, a relatively small-scale survey of tenants and a series of focus groups undertaken by HQN as part of their initial investigation into the sector and the potential role of licensing. Second, an extensive exercise carried out by the council in relation to initial proposals emerging from HQN's work. Each is considered in turn.

### HQN survey of private rented sector tenants and others in Brent

HQN undertook an online survey of private rented sector tenants and others in Brent. HQN used the Council's website, the *Locata* system for choice-based lettings and other media to gather responses to the survey. Inevitably these surveys are completed by people that do not necessarily represent all private rented sector tenants in the Borough.

121 households renting in the private sector told us about their current housing circumstances and a further 67 residents of other tenures shared their views and experiences of finding housing in Brent. Most of those responding rented smaller homes in Brent, with 65% of households living in one- or two-bed accommodation. A further 16% of respondents lived in shared accommodation.

**Figure 1: Type of accommodation occupied by survey respondents**



Most private tenants who responded saw living in the private rented sector as something which had been forced upon them by circumstances, and was not a positive choice. When asked about their reasons for living in the private sector, one-third gave the reason "I want to live in social housing but need a home for now" as their most important reason. Many referred to their experience of being homeless and having no alternative. The other top reasons cited were: "The only way to find a home in the area of my choice" and "I can't afford to buy a home" with all respondents choosing at least one of these three reasons in their top three selections. Clearly, for many residents it is important to remain in Brent near to family, friends or work. Very few said they do not want to own their own home, but this is an aspiration that is simply out of reach for most.

Some 72% of private renters are either dissatisfied or very dissatisfied with their current home. The most common concern is the condition of the property itself, or

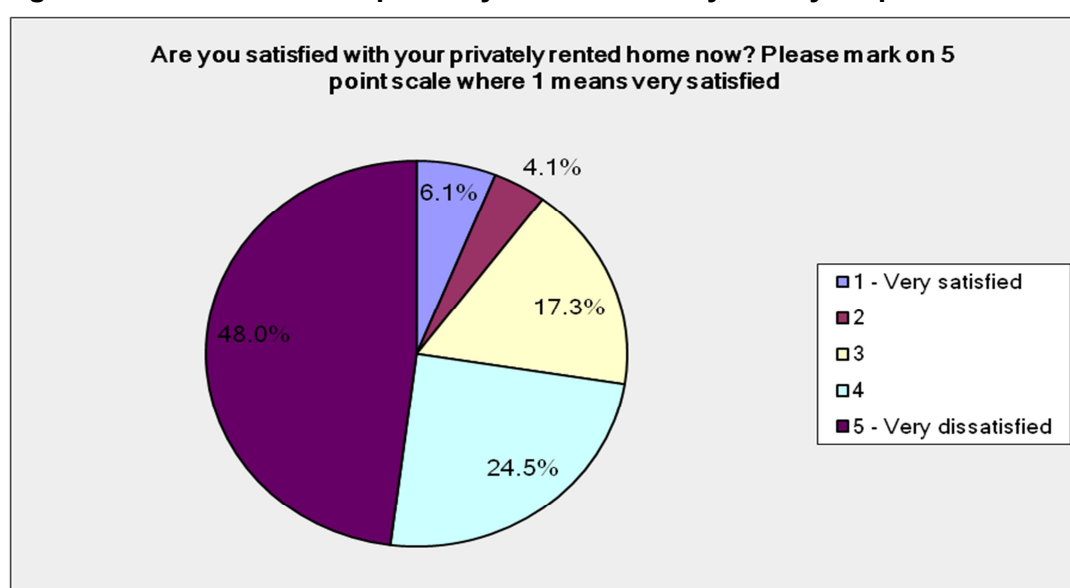
difficulties in getting the landlord to carry out repairs with 55% of private sector tenants reporting this as a problem they experienced.

Comments included:

- a) *"Since I have moved into this property, I'm having difficulty getting in touch with my landlord. The oven is not working and after a year the tiles in the bathroom started to crack and now it's badly damaged. The shower is broken and the flat gets really cold and damp during the winter."*
- b) *"My home is in very poor condition and is not habitable. My landlord will not repair [it]. My landlord threatens eviction when [repairs are] requested."*
- c) *"I have lived in the property for over ten years; the boiler has never been serviced... I've asked on several times and nothing has been done. No property repairs unless it is an emergency, like a blocked drain. Last year I had the bailiff coming to my door because the landlord had sent bills to my address. I really want to move but I just cannot secure the deposit."*

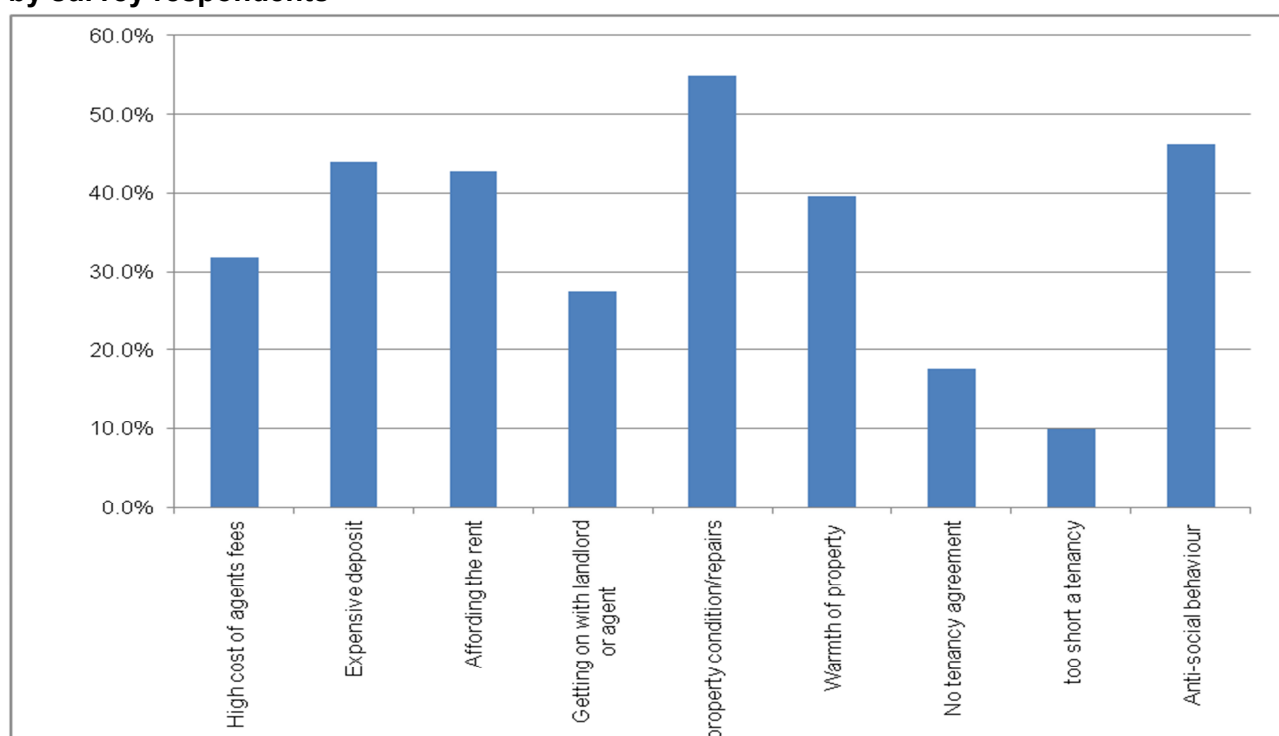
The second most common concern of respondents (46%) was about "anti social behaviour caused by people living near to me". The survey definition of anti-social behaviour included noise and harassment.

**Figure 2: Satisfaction with privately rented home by survey respondents**



It should be stressed (and has been referred to in responses to consultation) that national surveys have shown much higher levels of satisfaction among tenants – at least as far as their home and relationship with their landlord are concerned, although levels of dissatisfaction with the service provided by letting agents are very much higher (including among landlords). The relatively small sample size and the fact that dissatisfied tenants may have been more motivated to respond means that the results should be treated with caution. Nevertheless, they show that there is a significant number of tenants who have experienced serious problems.

**Figure 3: Concerns associated with the private rented sector in Brent identified by survey respondents**



Some respondents, who were not currently living in the private rented sector, reported their experiences of renting privately in Brent in the recent past. Again, private renting had not, for the vast majority, been a positive choice, and they had experienced issues with disrepair. A large number also reported concerns about their accommodation not being warm enough. This took second place amongst tenant concerns, ahead of anti-social behaviour and expensive deposits.

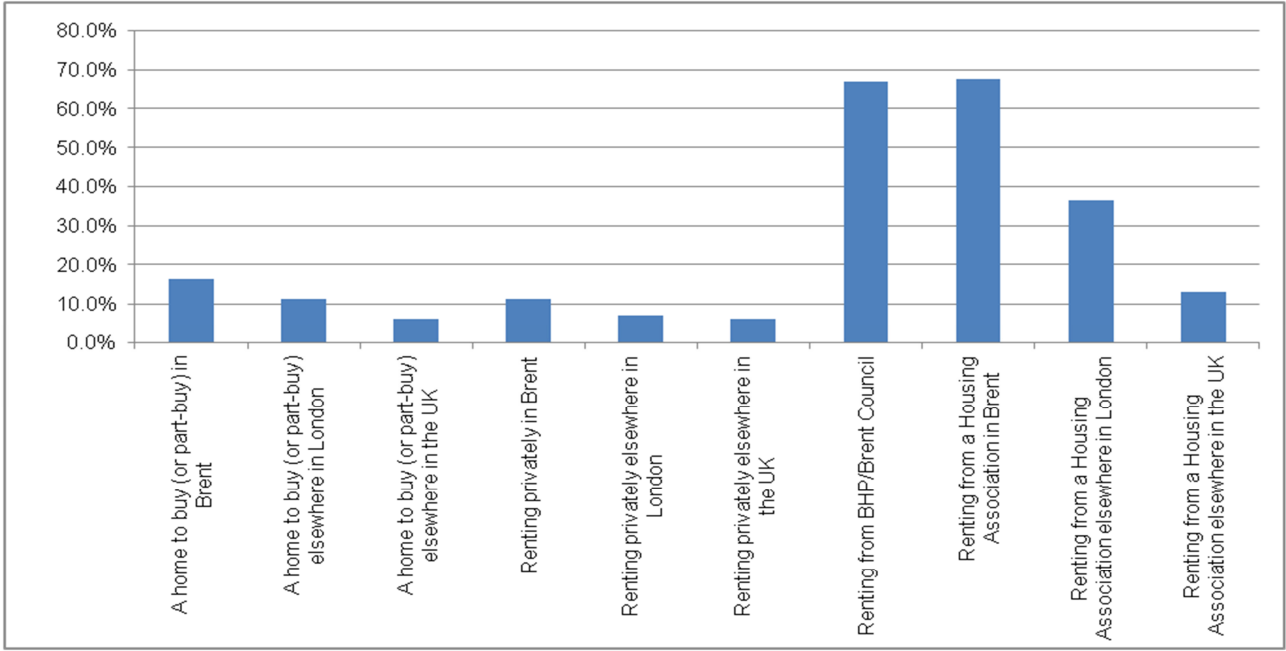
Types of anti-social behaviour that caused concern to residents included noise nuisance, littering and fly-tipping, but also a range of issues which are not reported under the standard monitoring definitions currently in use in Brent.

Over 80% of respondents were looking to move within the next five years but as many aspire to move into Brent's ALMO (BHP) homes, this is unlikely to be achieved. The reasons for moving focused on affordability (affecting 54% of would-be movers) and overcrowding (46%). Over a third of respondents (36%) indicated that they wanted to move to an area where there is less trouble or anti-social behaviour. One respondent commented: *"[The] area is not safe for my family and there is no hope to get a permanent accommodation through social housing"*

Whilst most respondents were focused on finding affordable housing locally, 13% of those looking to move were interested in affordable accommodation (from a housing association) outside of London. Interestingly, a significant number appreciated that private renting was a long-term solution to their housing needs, with 11% expecting to stay renting privately in Brent, 7% renting privately elsewhere in London and 6% considering leaving London but remaining in the private rented sector .

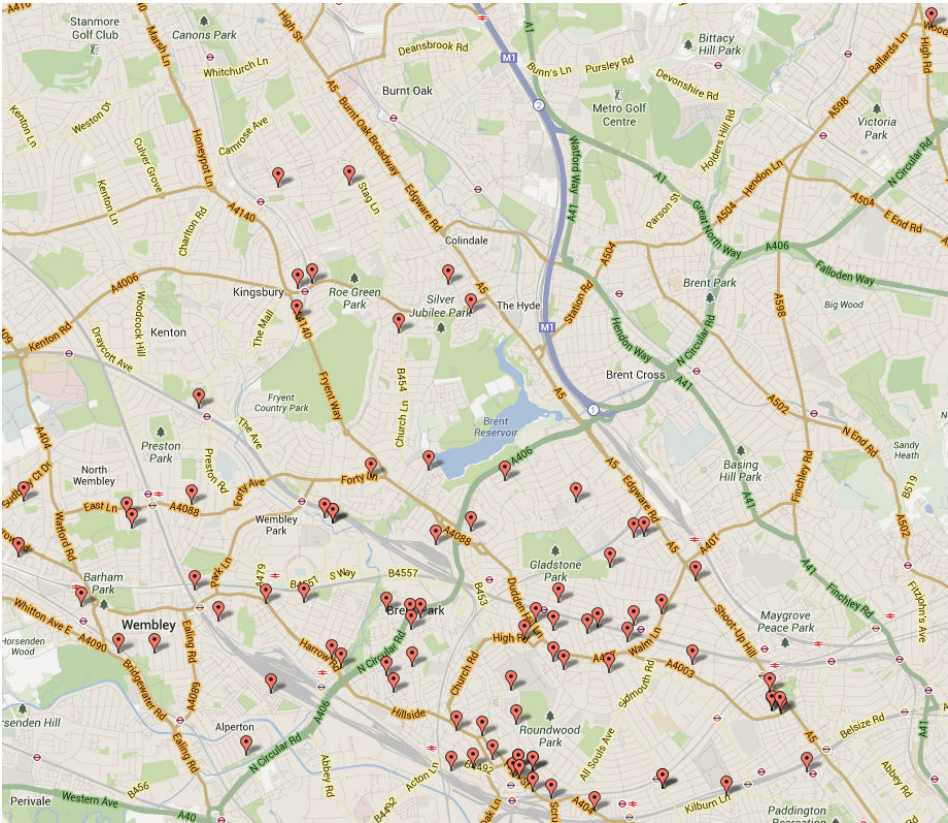


**Figure 4: Moving on: planned/aspirational moves of survey respondents**



HQN asked respondents to provide their addresses in case the study team needed to contact them to discuss their responses. Fifty-six of those completing the questionnaire supplied that information. Figure 5 shows the geographic distribution of those respondents. Reflecting the distribution of the private rented sector in the borough, these respondents lived primarily in the south of the borough.

**Figure 5: Geographic distribution of survey respondents**



## **Consultation on Licensing Proposals**

Following completion of the HQN study, consultation ran from December 2013 to 10<sup>th</sup> March 2014.

### **Questionnaires**

Two questionnaires were published on the council's website, alongside a consultation paper; one for landlords and agents and one for tenants, residents and businesses. The same information was published on the Brent Housing Partnership website and a number of voluntary sector organisations were also invited to publish the information on their websites. A dedicated email address was also provided for anyone seeking further clarification or to ask questions.

Hard copies of the questionnaires were sent to all addresses in the three wards in which Selective Licensing is proposed and to all landlords and agents whose addresses were known to the council and copies were sent by email to those whose addresses were known. Hard copies were also provided to voluntary agencies and any other residents who requested them.

### **Consultation Events**

The Private Sector Forum on 15<sup>th</sup> January 2014 discussed the proposals following a presentation.

A presentation and question and answer session took place at the Landlord Fair on 13<sup>th</sup> February. 100 landlords and agents attended, along with representatives from the NLA.

Presentations were given at Brent Connects Forums, with each meeting attended by around fifty residents.

The consultation exercise was publicised widely through a range of media:

- On the Council and BHP websites
- Posters on street hoardings
- Posters on local buses
- Local press adverts
- Facebook and Twitter

### **Outcomes from Consultation**

#### **Analysis of Questionnaire Responses**

The information collected from the questionnaires relevant to the evidence base is set out in Appendix 1, while this section concentrates on views on the licensing proposals.

## Responses from Tenants, Residents and Businesses

**Table 1: Overall Views on Licensing**

	Agree strongly	Tend to agree	Neither agree nor disagree	Tend to disagree	Disagree strongly
Brent Council should intervene in areas suffering from high levels of anti-social behaviour	68.9%	22.8%	3.4%	1.7%	3.2%
Brent Council should have more control over the way that private landlords manage their properties	57.7%	24.2%	8.2%	4.8%	5.1%
Licensing of the private rented sector will help to reduce anti-social behaviour in the borough	43.5%	27.4%	16.3%	5.7%	7.0%
Additional Licensing will help ensure that HMOs in the privately rented sector are better maintained and managed	47.0%	30.1%	11.8%	4.5%	6.6%
Selective Licensing will help ensure that privately rented properties are better maintained and managed	46.7%	28.9%	10.7%	5.2%	8.5%

Responses indicate agreement that the council should be proactive in the sector and that licensing will assist.

**Table 2: Views on Landlord Duties**

Landlords should:	Agree	Disagree	Don't know
Keep their properties in good condition	95.8%	2.1%	2.1%
Obtain references for new tenants wishing to move in	82.8%	7.1%	10.1%
Ensure tenants know anti-social behaviour is unacceptable and act to address it	94.3%	2.8%	3.0%
Provide tenants with the landlord's contact details	95.1%	2.1%	2.8%

There was overwhelming agreement that landlords should undertake these basic functions.

**Table 3: Support for Additional Licensing**

Yes, borough wide	76.6%
Yes, but only where I live – please state postcode area:	2.8%
Yes. but elsewhere in Brent – please specify:	1.9%
No, I don't think that additional licensing for HMOs should be introduced in Brent	18.7%
Total Responded to this question:	100.0%

A large majority of respondents support the proposal, although small proportion indicates a preference against a borough-wide scheme and just under 19% were opposed.

**Table 4: Support for Selective Licensing**

Yes	64.5%
No	15.9%
No view/don't know	19.7%
Total Responded to this question:	100.0%

Support for Selective licensing is slightly less pronounced but still favoured by a significant majority.

**Table 5: Support for Selective Licensing in Three identified Wards**

	Yes	No	Don't know
Willesden Green	70.6%	10.3%	19.0%
Harlesden	71.7%	9.7%	18.6%
Wembley Central	68.6%	11.2%	20.1%

Responses with regard to each ward are broadly similar.

**Table 6: Support for Selective Licensing Elsewhere**

Yes, where I live – please give post code:	21.4%
Elsewhere in Brent – please specify:	4.9%
Borough wide	51.8%
No	21.9%
Total Responded to this question:	100.0%
No reply	
Total	

Just over half of respondents support a borough-wide scheme, although this was not part of the proposals.

### Responses from Landlords

**Table 7: Will Licensing Help to Reduce ASB?**

	<b>% Total</b>
Number of Responses	96.6%
A agree strongly	7.4%
I tend to agree	16.1%
Neither agree nor disagree	15.4%
I tend to disagree	16.1%
I disagree strongly	41.6%
No Response	3.4%
<b>Total</b>	

Although a majority of landlords are opposed to the proposition, a significant minority (over 20%) is supportive.

**Table 8: Will Additional Licensing Ensure Better Management and Maintenance?**

	<b>% Total</b>
Number of Responses	96.64%
A agree strongly	7.4%
I tend to agree	16.1%
Neither agree nor disagree	15.4%
I tend to disagree	16.1%
I disagree strongly	41.6%
No Response	3.4%
<b>Total</b>	

The response is identical to the previous question.

**Table 9: Will Selective Licensing Help Ensure Better Management and Maintenance?**

	<b>% Total</b>
Number of Responses	95.3%
A agree strongly	12.7%
I tend to agree	17.4%
Neither agree nor disagree	14.1%
I tend to disagree	16.8%
I disagree strongly	34.2%
No Response	4.7%
<b>Total</b>	

Again, a majority is opposed but a significant minority, larger than that in relation to Additional Licensing, disagrees.

**Table 10: Support for the Introduction of Additional Licensing**

Number of Responses	96%
Yes, borough wide	35.6%
Yes, but only where I own/let property	0.00%
Yes, but elsewhere in Brent	2.7%
No, I don't think that additional licensing for HMOs should be introduced in Brent	57.7%
No Response	4%
<b>Total</b>	

Again, a majority is opposed but a significant minority disagrees. In this case, well over one third of landlords who responded support Additional Licensing, with the majority of these in favour of a borough-wide scheme.

**Table 11: Support for Selective Licensing**

	<b>% Total</b>
Number of Responses	97.6%
Yes	17.4%
No	67.1%
No view/don't know	12.1%
No Response	3.3%
<b>Total</b>	

Opposition to Selective Licensing emerges more clearly. This may reflect the fact that there are landlords who are concerned about HMOs but are cautious about the application of Selective Licensing to all rented property.

**Table 12: Support for Selective Licensing in Willesden Green**

	<b>% Total</b>
<b>Number of Responses</b>	89.3%
Yes	22.8%
No	48.3%
No view/don't know	18.1%
No Response	10.7%
<b>Total</b>	

Although a majority are opposed, there are indications of support for targeted implementation of Selective Licensing.

**Table 13: Support for Selective Licensing in Harlesden**

	<b>% Total</b>
Number of Responses	89.9%
Yes	26.2%
No	46.3%
No view/don't know	17.4%
No Response	10.1%
<b>Total</b>	

As for Table 12

**Table 14: Support for Selective Licensing in Wembley Central**

	<b>% Total</b>
Number of Responses	88.59%
Yes	21.48%
No	50.34%
No view/don't know	16.78%
No Response	11.41%
<b>Total</b>	

As for Table 12, although support is at a lower level than for Willesden Green and Harlesden.

**Table 15: Support for Selective Licensing Elsewhere**

	<b>% Total</b>
Number of Responses	85.9%
Yes	16.1%
No	56.4%
No view/don't know	13.4%
No Response	14.1%
<b>Total</b>	
<b>9f - If yes, where?</b>	
	<b>% Total</b>
Number of Responses	2.0%
Where I live	0.00%
Elsewhere in Brent	0.00%
Borough wide	2.0%
No Response	98.0%
<b>Total</b>	

Although just over 16% indicated that licensing should be introduced elsewhere, only a very few indicated where this should happen.

Respondents to both questionnaires were also asked to provide any other comments and these are covered in the table below.



### Analysis of Comments from Questionnaires and Other Sources

Ref	Respondent	Comment	Response
1	National Landlords Association (NLA)	<p>The judgment from the judicial review of Thanet Councils introduction of Selective Licensing supports the opinion that the introduction of selective licensing must be on anti-social behaviour or low housing demand. This raises questions,</p> <p>a) What additional resources will the council be committing to tackle anti-social behaviour as licensing alone will not resolve the issues – Thanet Council incurred a cost of £500,000.00</p>	The council has not made a specific allocation of resources at this stage.
2	NLA	<p>In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Selective Licensing a local housing authority <i>"will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour."</i> Could you provide the NLA with a copy of this strategy? How will it benefit landlords and what specific resources will the council allocate in the specific areas? What additional resources will be allocated?</p>	<p>Licensing is proposed as part of the council's wider Housing Strategy and related strategies and this is addressed in the report.</p> <p>The council's relevant strategies are public documents and available on the website, although some of these are currently in the process of revision.</p>
3	NLA	<p>This condition is also highlighted in the 'Explanatory note to Housing Act 2004, paras 26-28', which states: <i>"In order for a scheme to be approved, such a selective licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-social behaviour and regeneration."</i> Could you provide the NLA with a copy of these strategies?</p>	See above

4	NLA	One of the dangers of the proposed Selective Licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in an area, along with the cost of the council. Thus increasing costs to Brent residents especially the most vulnerable. This could be seen as increasing the cost of living for residents of Brent.	The costs per property at the levels envisaged would, if passed on to tenants, represent a very small weekly increase. The council believes that this will be offset by the benefits of licensing to both landlords and tenants and will not have significant impact on any other costs.
5	NLA	What actions have the council taken in light of Hemming v Westminster Council case into account, and the European Union Licensing directive on which the case was based in relation to costs?	This is addressed in the report.
6	NLA	Areas that have seen the introduction of selective licensing have seen mortgages withdrawn, (Nat West and RBS). The banking industry does not wish the extra burdens that councils propose.	It is by no means clear that all lenders adopt this attitude. Further, the council believes that the benefits of licensing will include better maintenance, increased levels of property improvement and more effective management, all of which should contribute to increased asset values and reduced risk.
7	NLA	The issues raised in the case studies could and can be resolved with existing law. The issue appears to be a lack of enforcement by the council. The question raised is why did it take so long for the council to prosecute, and does the council believe that a criminal will get a license?	<p>The case studies are cited to illustrate the kinds of problem experienced by tenants and it is not suggested that licensing alone would resolve them. The council will take the necessary enforcement action where appropriate.</p> <p>The fit and proper person requirements are set out in Appendix 4. Relevant criminal convictions will prevent individuals from holding licences.</p>
8	NLA	In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand	The council recognises the need for a lower cost sector and the demand for shared housing and HMO accommodation. It also recognises the fluidity of demand and the sector's ability to respond appropriately, although the point about migration is

		is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing. Thus the impact of these policies will have an impact on the lower economic groups within Brent. What measures are the council taking to mitigate the issues.	not clear: if the suggestion is that migrants are willing to accept very low standards, which in turn will have to be accepted by others if those migrants leave, then the point is not accepted. The aim is not to restrict provision of this type of accommodation but to ensure that it meets basic standards. As noted in respect of comment 4 above, the council does not accept that licensing will lead to significant rent increases.
9	NLA	The use of Selective Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant.	<p>The council fully accepts that tenants rather than landlords may be responsible for ASB. The aim is to ensure that both tenants and landlords are fully aware of their respective responsibilities and that landlords have access to the appropriate advice and assistance needed to take action where tenants are in breach.</p> <p>Action taken by landlords to address ASB can only be described as harassment if it fits the legal definition of the term, in which case such action would not be appropriate. Lawful action to recover possession would not be regarded as harassment.</p>
10	NLA	The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Brent Council as well. Other councils who have introduced licensing schemes that have not allocated the adequate resources to resolve the problems still have the problems. We have reservations with the proposals as none have been identified.	The purpose of the proposal is to consider licensing rather than the wider approach to ASB, but the council agrees that it must be part of a comprehensive strategy.
11	NLA	One of the aims of the council is to increase tenancies length; the policy being proposed by the council will have the direct opposite and decrease the length of	The rationale for this argument is unclear. It is well established that longer terms benefit landlords and tenants -, avoiding rent loss through void periods for

		<p>tenancies.</p> <p>Parking cannot be used as a reason to introduce licensing. Thus why have you brought it into the consultation?</p>	<p>example. Reassurance that properties are managed and maintained effectively will encourage tenants to stay and ensure that landlords obtain regular income.</p> <p>Parking is not a factor in the decision but cited as evidence of occupancy levels and, by extension, overcrowding.</p>
12	NLA	The conditions that are proposed are for an HMO and not for all renting, you may wish to review them, so they are applicable.	Accepted and addressed in the final proposed conditions, which will be subject to further discussion with Brent landlords. The council would welcome input from national landlord organisations.
13	NLA	Can the council provide a copy of the equalities diversity impact assessment for Selective Licensing?	Initial EIA attached to this report.
14	NLA	The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.	The principle is accepted and recognised in the scheme proposals, although the council does not accept that licensing is unhelpful in this respect.
15	NLA	A key concern over the creation of licensing schemes is the question of Brent Council's resources. It is well known that in this time of austerity, Local Authorities	The impact of resource constraints is acknowledged. In terms of the direct costs of of the administration licensing the scheme is intended to

		are being asked to do more by central government with fewer resources. The administration of a Licensing scheme is costly in terms of both officer time and a financial commitment. This is especially true around the additional resources that the council will have to deploy around issues such as anti-social behaviour. The passing of Selective Licensing by Local Authorities too often does not have the support that is required to resolve the issues. With the decisions in Thanet's Judicial Review and Hemming v Westminster Council the NLA would like to know what additional resources have been committed and how they will be paid for.	be self-funding through fees, though this does not include the cost of enforcement against landlords who do not obtain a licence.  It is recognised that delivery of a wider strategy to address both ASB and enforcement of HHSRS standards will require some re-shaping of existing services and targeting of resources; an approach that the council intends to develop in discussion with partners, including landlords and landlord organisations. This is also discussed in the report.
16	NLA	The increase in the activity will increase the demand on the council what provision has the council made and how much additional resources has the council allocated i.e. staff answering phones, enquires etc.?	The staffing proposals in the report address this question.
17	NLA	At a time when Brent Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. An example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee) 2. This caused a shortfall of £29,000 for the Local Authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties. How many additional staff will Brent be employing and how much additional resources has the council budgeted for per year over the next five years?	The staffing proposals and financial implications in the report address this question.

18	NLA	Leeds City Council through the process of introducing Selective Licensing incurred a cost of around £100k to the tax payers of Leeds3. We have already mentioned Thanet Council incurred a cost of £500,000.00. Newham has allocated money from the general fund for enforcement and received money from central government, how much money has the council envisaged will be required for these new services?	See comment 1above
19	NLA	The introduction of Licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Brent Council which cannot be met through licensing fees. The NLA would be willing to work with the council with the provision of Tenant Information Packs, Assured Short Hold Tenancies, support services for landlords and Green Deal packages to improve the efficiency of the homes in the area. But this would need to be complemented by resources by the council to tackle the issues the council has highlighted.	The council is keen to work with the NLA and other bodies to deliver these services.
20	NLA	How has the council budgeted for a national register, (if introduced after the next election) and a refund to landlords is required, how much money is the council setting aside for this?  Many other councils who have introduced licensing fail to inspect properties and seek out those that have not registered. In Newham and other Councils who have cited similar cases, they have taken on additional staff how many additional staff is the council proposing to take on?	The council has not made provision for this at this stage and will consider the point when there are clear proposals and a timetable for implementations.  The question of staffing is addressed above.

21	NLA	The changes to welfare allowances and the reduction in housing couples with a rising rents, how much resources has the council allocated to help vulnerable residents with increased costs due to these policies?	The council receives government funding to assist tenants impacted by welfare reform.
22	NLA	Clarification on the council's policy, in relation to helping landlords when a section 21 notice is served is required, with the proposed Selective Licensing scheme? It would be useful if the council could put in place a guidance document which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour.	The council will be discussing a range of operational issues with Brent landlords and is happy to consider providing appropriate guidance.
23	NLA	The NLA would like further explanation on how the council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy, thus the tenant is liable for council tax but the property is empty? If a landlord has challenges with a tenant, how will the council help the landlord?	The council intends to provide advice and support to landlords in the same way that it does to tenants and local voluntary agencies – for example Advice 4 Renters – are already providing such services. The lettings agency service being developed by BHP will also provide assistance in this area.
24	NLA	The document says it will cover three wards but hints that it could be borough wide, the introduction has to be evidence based, thus evidence will need to be provided.	This question is addressed in the final proposals.
25	NLA	Licensing can have a role, but Licensing in itself will not resolve the issue; the use of enforcement where the law is being broken is required. This requires an allocation of resources; can the council provide a breakdown of resources they will be allocating for the five year period of the license?	See above.
26	NLA	Brent Council has many existing powers. Section 57 (4) of the Housing Act 2004 states that a local authority "must not make a particular designation ... unless (a) they have considered whether there are any other courses of action available to them ... that might	The council intends to use all the stated powers alongside licensing.

		<p>provide an effective method of dealing with the problem or problems in question". The use of these powers as listed below give a Brent Council the ability to tackle many of the issues that they wish to overcome in all the parts of the city:</p> <ul style="list-style-type: none"> <li>a) Use of Criminal Behaviour Orders;</li> <li>b) Crime Prevention Injunctions;</li> <li>c) Interim Management Orders;</li> <li>d) Empty Dwelling Management Orders;</li> <li>e) Issuing improvement notices to homes that don't meet the decent homes standard</li> <li>f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);</li> <li>g) Litter abatement notices under section 92 of the Environmental Protection Act 1990;</li> <li>h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);</li> <li>i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.</li> </ul>	
27	NLA	<p>The current proposals by the government in Parliament include reducing the threshold from which complaints can be generated that can be classified as anti-social behaviour. This would allow for the nuisance of one person to be classified as antisocial behaviour, this includes someone reading the bible out in the street. As this will increase the ability of neighbours to</p>	<p>No specific resources have been allocated in response to this change. The council will continue to take a proportionate approach to dealing with complaints.</p> <p>The relevant definition of anti-social behaviour is set out in paragraph 11.18 of the report.</p>



		complain how much additional resource has the council allocated to tackle these issues?	
28	NLA	With references required for tenancies and the threshold being reduced this could lead to delays for prospective tenants, along with people having difficulty getting a tenancy. Could you provide the equalities and diversity assessment that the council has undertaken into referencing? What communication has the council had with RSL's being able to provide referencing along with social housing providers that neighbour Brent?	The Housing Act 2004 makes obtaining references a mandatory requirement. The council is happy to discuss how this can be met in the most effective way.
29	NLA	This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness with people being unable to secure a tenancy due to references.	As noted above, the council does not accept that licensing will reduce security for tenants. Homelessness as a result of eviction from the PRS has already increased significantly, partly due to concerns over the impact of welfare reform and partly due to overall increased demand. The council believes that licensing will provide a more stable environment.  With regard to references, see comment 28 above.
30	NLA	The paperwork of a License can be reduced; the rationalisation of processing of licensing forms needs a review. The requirement to complete a form for each property needs to be reviewed. The process can be simplified along with costs that are incurred by Brent Council and to the landlord. We would be willing to work with the Council on how this can be done.	The council aims to minimise any burdens on landlords and is happy to work with the NLA and other representative bodies on this.
31	NLA	One of the conditions is that the landlord (license holder) must allow access to the council, it will be at the discretion of the tenant wither the council can enter not the license holder.	Accepted, although the landlord retains a right to reasonable access.
32	NLA	Failure of Brent Council to have joined up standards	The council is happy to discuss the detail of any

		between departments is also a problem for landlords. The Planning Control Departments often has different standards to that of the Environmental Health Departments, which would issue the Licence. This causes problems for landlords and creates a bizarre situation where landlords will not be complying with one of the Councils departments to comply with another. How will the council be rectifying this?	concerns with the NLA.
33	NLA	One of the many reasons raised by Brent Council has proposed for the introduction of Licensing is due to litter and fly-tipping. Landlords will outline to tenants at the start of the tenancy their obligations in relation to waste and what they have to do to comply with in relation to waste disposal. This in many cases this is the waste services provided by Brent Council, if the tenant does not comply with the waste collection then the tenant is responsible and the Council can take action against the tenant – Licensing is not the appropriate regulation to address this issue.	Concerns over fly tipping are not restricted to tenants and there is evidence to suggest that some landlords are also responsible. However, the council accepts that licensing will need to work hand in hand with approaches to waste.
34	NLA	In many situations fly-tipping or excessive litter is due to the tenant not understanding the waste service. The non-collection of waste/recycling by the Council can increase fly-tipping and litter in an area. The non-collection of recycling due contamination within the recycling bin will result in the tenant having to dispose of the recycling/waste; this can lead to fly-tipping or overflowing bins/litter. Neither of these can be resolved through Licensing. What additional resources will the council allocate to resolve this issue as the current resources do not seem adequate?	See 33 above. The council does not agree that current resources are inadequate.
35	NLA	Often when tenants near the end of the contract/tenancy and they are moving out they will	The council is happy to discuss any proposals for improving waste services.

		dispose of excess waste in a variety of methods, this does include putting it out on the street for the Council to collect. A waste strategy for the collection of waste at the end of term needs to be considered by local authorities which have further education establishments. This is made worse when Council will not allow landlords to access the municipal waste collection points. The council does not have a strategy in place to tackle the problem of waste from housing that is rented out and appropriate waste collection bins provided for the accommodation. The NLA would be willing to work with the council in developing this strategy.	
36	NLA	There are currently over 100 pieces of legislation that a landlord has to comply with. An understanding of the laws that the private rented sector has to comply with can be misunderstood. A landlord is expected to give the tenant a "quiet enjoyment", failure to do so could result in harassment case brought against the landlord. Thus the law that landlords have to operate within is not fully compatible with the aims that the council wish. A landlord keeping a record of a tenant can be interpreted as harassment.	<p>It is accepted that the legal framework is complex but the argument that this is incompatible with licensing is not clear.</p> <p>The council does not see how keeping tenant records, as long as this is done appropriately and proportionately and does not involve unwarranted entry into the premises, could be regarded as a breach of quiet enjoyment.</p>
37	NLA	The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is through the civil court where the burden of evidence is different to that of a criminal court. Although this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally	<p>This applies whether or not a licensing scheme is in place and the council's view is that licensing will assist in clarifying the rights and responsibilities of tenants as well as landlords. The council has no evidence to indicate that landlords will resist taking action due to a fear of the tenant causing damage to the property.</p> <p>The council does not intend to impose excessive</p>

		if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?	monitoring or reporting requirements on landlords but would be happy to discuss how the impact of licensing can be monitored effectively.
38	NLA	The introduction of licensing is to tackle specific issues, many of these are tenant related and not to do with the property/landlord. Thus the challenge is for local authorities to work with all the people involved not to just blame one group – landlords. The NLA is willing to work in partnership with Local Authorities and can help with tenant information packs, assured short hold tenancies, Green Deal and accreditation of landlords, along with targeting the worst properties in an area.	As noted above, the council is keen to work with the NLA on this.
39	NLA	The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by a licensing scheme which is not proportional. In many situations the council should consider Enforcement Notices and Management Orders. The use of such orders will deliver results immediately – why does the council wish to do this over five years. A targeted approach on a street by street approach, targeting the specific issues and joined up between agencies, the council, community groups, tenants and landlords will have a greater impact.	The council's view is that licensing as proposed is proportionate to the level of problems in the borough. This does not preclude other targeted action against the worst examples.
40	NLA	The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This can allow	The council is happy to pursue accreditation and landlord development in partnership with the NLA.

		Brent Council to target the criminal Landlords – a joint approach is required.	
41	NLA	The NLA would also like to see Brent Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.	The council is happy to discuss any proposals in this area.
42	NLA	You propose that landlords will need to get references, there are many legal conditions that have to be complied in filling in a reference, and equally you cannot be negative in a reference. Thus many people will not be able to be housed which will increase the costs on the council. Equally will the council be able to provide references for those that were in social housing? Equally there will be groups of people unable to get a reference i.e. those fleeing domestic abuse, tenants from neighbouring social providers.	See 28 above
43	NLA	Your consultation says the anti-social behaviour is caused “near me”, thus the anti-social behaviour might not emanate from the PRS.	The further work undertaken alongside consultation gives a clearer picture of the risks associated with private renting but it is accepted that it is not necessarily the case that all ASB emanates from the sector.
44	NLA	The data that has been presented does not distinguish between owner occupied, social or private rented, it is ward based. They are based on perception – not evidence? In the same document you claim not to know where all the private rented sector is, thus how can you claim problems emanate from one sector of housing over the other?	See 43 above.

45	NLA	Could the council provide a breakdown of data relating to anti-social behaviour based on tenure?	If required
46	NLA	Could the council also provide a breakdown of the type of ASB? Could this also be sub divided into anti-social behaviour that is housing related, over the last 5 years?	If required
47	NLA	The length of time that a landlord will take to prosecute a tenant and cost if prohibitive to landlords. A course of action that landlords have taken in other areas where Licensing has been introduced which requires referencing is the landlord only granting a short tenancy i.e. 6 months and when a landlord is informed of anti-social behaviour, terminating the tenancy. Thus making tenancies less sustainable.	For referencing, see above. Where a tenant is guilty of anti-social behaviour, the council would expect the landlord to take appropriate action.  6 month tenancies are the norm whether or not a licensing scheme is in place and termination would be the expected course of action where a tenant is guilty of ASB, again irrespective of licensing requirements.
48	NLA	A person who's tenancy has been shortened or expired due to anti-social behaviour but no prosecution has been made would still have a perfect reference. Why would a landlord continue a prosecution of a tenant who has moved on?	See 28 above. The point is not clear. A landlord who has experienced anti-social behaviour from a tenant would presumably wish to pass that information on in a reference. In terms of prosecution, it is unlikely that the landlord would be the person undertaking this and that either the local authority or the police would be the lead agency, for example in cases where there has been theft or criminal damage.
49	NLA	How will a landlord be able to get a reference from someone who is being housed by a third party i.e. the Home Office (refugee)?	See 28 above
50	NLA	The NLA would like to see Brent Council present a "Matrix" on the what will be achieved by the introduction of Licensing along with a clear outline of the services that will and will not be introduced along with a timeline.	This is referred to in the report and will be subject to further discussion with landlords.

	NLA	We would like clarity on the anti-social behaviour, costs and resources being allocated by Brent Council. Recent court cases show that the council will have to commit resources and that these need to be targeted to resolve the issues that the council highlight.	The Safer Brent Partnership Strategic Statement and associated action plan identify priorities in this area.
51	NLA	The aims of the Council has i.e. removing nuisance, waste etc. can be achieved through existing legislation that Licencing will not and cannot achieve. The risk of introducing Licencing is likely to increase the costs for those, along with not resolving the problems that the Council wishes to resolve. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues.	See above
52	Resident By email	I have lived next door to a private rented house for over 20 years. For many years I was plagued by noise - it was only when the laws changed and made landlords responsible that I was able to deal with this and get something done about it. I have the council phone number in my brain although I am 67 and forgetful. Many houses in and around my road (Vista Way) are now being privately rented and filled with 6 or more Eastern European adults all cooking at different times. These houses were built for 2 adults and children. The house next door always has bins overflowing. I have told them to phone the recycling department and get further or larger bins but they are waiting for the landlord to do this. My next door neighbour the other side and another gentleman frequently pick up litter blowing over the road. We have foxes in the area magpies and rats. Landlords must be made responsible for making sure their tenants have	Resident has been contacted

		adequate recycling bins. It is a health hazard.	
53	Brent Connect Meeting - Willesden & Cricklewood Voluntary Organisation By email	Would a landlord who had a house with 3 self-contained flats need a licence for each and if so would there be a group discount? 2. Would licensing lead to evictions?	Response has been sent
54	Resident By email	<p>Dear PRS licensing</p> <p>I would like to take part in this consultation and feel that the questionnaire does not invite me to do so.</p> <p>I live opposite and next to 2 properties owned by a rogue landlord at XXXXXXXX Road in Kilburn The landlord lives opposite my house also. These are 2 storey properties poorly managed with rats, cockroaches insufficient bathroom facility and illegal partitioning.</p> <p>My quality of live has been seriously eroded over the years by this landlord and his tenants who runs these houses as a serious money making concern (all cash ) 13 people per house with one shower ,without a care about local residents and how the noise and the overflowing bins and poor waste management effects them.</p> <p>Please can you tell me if people such as me get a say in this consultation or are you only going to let the rogue landlords have a say??</p>	Response has been sent along with invitation to complete the survey
55	Resident By email	<p>I still don't understand the new consultation process and need for more licensing. The current HMO licensing scheme in Brent is unable to deal with a Brent licensed Landlord illegally evicting a tenant with a knife with associates.</p> <p>Please watch the video of the eviction in Brent,</p>	Response has been sent



		<p>believed to be Chichele Road NW2.  <a href="http://youtu.be/7JOFhMhjHcM">http://youtu.be/7JOFhMhjHcM</a>  I have asked Brent Council why no action was taken against this HMO licensed landlord, the reply from Cllr Muhammed Butts office "In Mr X's case, the landlord in question was not prosecuted as on this occasion prosecution was not deemed appropriate"  How can it not be appropriate to prosecute someone who illegally evicts a tenant with a knife? A conviction prevents them from holding a HMO licence, something that is promoted in this new consultation.</p>	
56	Resident By email	<p>I am hoping soooo much that you are going to do this borough wide not just in three areas  I have spent years living opposite this landlord and it is DEPRESSING seeing how he treats his tenants ,neighbours and properties.  It has taken TOO LONG A TIME to do something about this situation which I understand is rampant in Brent and causes hardship to many.</p>	Response has been sent
57	Voluntary Organisation By email	<p>I have the following points to make;  1, In the Brent mag. It says that it is in Harlesden, Willesden Green and guess where Wembley Central, but as a chair of REACH the RA for the streets just off Harlesden Town centre in the Park Parade and Kensal Green wards, we wondered if this related to us at all and if not why not?  2. HMO's which are normally owned by private landlords are one of the major problems concerning our RA in the areas of;  A, Waste disposal and general appearance of the properties. I.e. Multiple TV aerials and external</p>	Response has been sent

		<p>gas/electric meters.</p> <p>B, Tenants being unaware of the Brent system for dealing with recycling etc and causing additional work to all resources because of this?</p> <p>C, Landlords not taking responsibility at all to educate/inform their tenants of the correct way to utilise these services.</p> <p>3, In what way do you consider Housing agencies here, as Landlords or merely acting on behalf of Landlords who have rented their properties to the agency for them to house their tenants? Or will this be lost in the mist?</p> <p>I have informed all our 200 plus members about this and it will be interesting to hear their views alongside those of the Kensal Green Street project that REACH is a founding member of. It seems that whenever we have a Clean Up day, it is the HMO's that cause the most problems?</p>	
58	Resident By email	<p>Having been concerned with the impact of landlords in the Preston ward, I was interested to discover your survey. However on looking through the questions, there are quite a few cases where I think that:</p> <p>1) I would want to caveat or expand on a response;</p> <p>2) I think I could make valid comments on a section from which I'm excluded.</p> <p>If I submitted the questionnaire on paper, with a supporting document with narrative comments, possibly cross referenced the questions, would that narrative input be taken into consideration?</p> <p>An example of (1) is that there is a section on planning violations, but what I actually think is happening is that the planning system is being gamed by getting</p>	Response has been sent

		<p>permission, or using permitted development rights, whilst the property can still be classed as C3, but with the intention to immediately convert it, or sell it, for C4 use.</p> <p>As an example of (2), there is a question for tenants about fire safety, but my experience of tenants, particularly in purpose built flats, is that they don't appreciate the fire safety issues that their landlord is skimping on, so won't perceive the problem. In fact, one of the landlord's responsibilities is to make sure that the tenants don't do things that compromise fire safety.</p>	
59	Residential Landlords Association (RLA)	The fee structure and the projected budget may be contrary to the European Services Directives and the ruling of the <i>Hemming (t/a Simply Pleasure) Limited v Westminster City Council</i> Court of Appeal case	See 5 above.
60	RLA	HMO additional and selective licensing schemes are ineffective at reducing incidents of anti-social behaviour	See 9 and 10 above.
61	RLA	Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.	See 15 and 17 above.
62	RLA	Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal ( <i>Hemming (t/a Simply Pleasure) Limited v Westminster City Council</i> ) has brought such funding into question (see paragraph 1).	See 5 above.
63	RLA	Discretionary licensing is not being used for its intended purpose of a short period of intensive care;	This is not the intention of the legislation or the council's proposals, which are made in response to

		rather it is being used by the back door to regulate the PRS.	current prevailing conditions and will be reviewed at the appropriate point.
64	RLA	The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.	See response to point 4 above.
65	RLA	Despite high fee levels local authorities still lack the will and resources to properly implement licensing.	See 4 above
66	RLA	Little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.	See 19 and 40 above. The council will take action for breaches of licence conditions.
67	RLA	We believe that a significant number of landlords are still operating under the radar without being licensed.	Such landlords will be a priority in Brent's scheme. Failure of some landlords to apply for a licence is not an argument against licensing and the fact that a significant number may choose to avoid licensing is an indication of the need for better regulation.
68	RLA	As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.	The council's view is that licensing offers benefits to landlords and the sector as a whole and that fees are proportionate.
69	RLA	Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.	The report addresses the role of licensing within wider strategic plans. The council's view is that licensing will assist in identifying other priorities within neighbourhoods and allow landlords to influence the direction of policy and activity.
70	RLA	Where areas are designated for additional or selective licensing this highlights that they can be "sink" areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.	See 6 above.
71	RLA	Schemes are not laying down clear objectives to enable decisions to be made whether or not these	The report addresses this point.

		have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.	
72	RLA	There is little use of “fit and proper person” powers to exclude bad landlords.	The council intends to make full use of these powers within the scheme.
73	RLA	The council ‘believes’ ASB and criminal behaviour is ‘linked’ to management of PRS properties, but also acknowledges that ‘other factors could be at play’. This statement is weak, vague, and does not substantiate the level of licensing that they want in the Borough fully, let alone simply in Wembley Central. Indeed, ‘other factors could be at play’ in the rest of the borough when selective and additional licensing schemes are considered for private landlords.	Further research has supported the initial view expressed in the consultation paper. The council does not suggest that the PRS is the sole source of ASB but is convinced by the evidence that it plays a significant role.
74	RLA	It may be churlish to say, but is the Council also considering a Borough-wide scheme of <i>no</i> selective licensing? Is it suggesting it could be the Boroughs mentioned, or the whole Borough of Brent? The RLA sincerely hopes that not implementing the scheme is also an option seriously considered by the council, and not that the consultation is not merely a formality.	The council has considered the option of maintaining the status quo but does not believe that the evidence supports this approach.
75	RLA	Charging landlords <i>more</i> money to conduct their business and provide accommodation to their tenants in a bid to enhance their living situations is redundant. If a landlord is charged £500 per property they will have to find a way to recoup the loss. Potentially a landlord could implement those charges into rent, which could force tenants into the hands of actual criminals who flout the law. These criminals could raise their own prices ever so slightly in accordance with other rises, pocket the difference and subject tenants to subpar property standards.	See 4 above.

76	RLA	Asking tenants, who readily admit that the private rented sector is not their first choice of accommodation what they think is wrong with the sector is a bit of a biased place to start. The private rented sector (PRS) provides a lot of people with the flexibility and affordability of housing that may otherwise be unavailable to these tenants.	The council fully supports the role of the private sector in meeting housing demand and accepts that it provides the advantages referred to. However, it is clear that there is a substantial number of tenants who are dissatisfied, whether or not the PRS is their tenure of choice.
77	RLA	The Council highlights that private rented accommodation isn't providing the standards and satisfaction that is expected for tenants, but does not provide much in way of alternatives. The housing shortage from across the nation is acutely realised in the capital and private renting is one of the few viable options for young working people and immigrants who may be ready to commit to a specific area upon arrival.	The council fully recognises the vital role played by the sector, which makes it all the more essential that it functions well and provides the best possible quality.
78	RLA	The council have good work already being conducted with the Housing Quality Network (HQN) and engaging with tenants is a great place to start, but the RLA would like to see more engagement with private landlords to ensure that there is a balanced conversation undertaken.	As noted above, the council is keen to work with local landlords and representative organisations.
79	RLA	Tenant education is an increasingly important criteria to ensure that properties are up to standard, and engaging with tenants and landlords over what rights and responsibilities are available to each group is an important aspect to cover when considering such a complicated framework such as housing and privately rented accommodation.	As noted above, the council is keen to work with local landlords and representative organisations
80	RLA	The RLA hopes that there have been steps to ensure that private landlords are aware of the consultation. The RLA campaigns team has spoken to several private landlords in the area and is under the	The proposals have been publicised widely and discussed at events targeted at local private landlords.

		impression there is a high level of proactivity by private landlords to respond to licensing measures. The RLA hopes that these views will be considered seriously.	
81	RLA	The two case studies put forward by the council are done in a bid to provide reasoning for licensing schemes in the private rented sector. However, if the Council is aware of specific landlords and particular properties that are performing below standard expectations, it would stand to reason that the council target these areas first before licensing any other good landlords who are providing crucial tenancies to the area.	See 7 above
82	RLA	Tenant and landlord education could go a long way to dealing with tenants exhibiting anti-social behaviours. London Councils should work together to ensure that a list of anti-social behaviour tenants, with a history of causing disturbances be monitored and provided with support if needed. Private landlords are not social workers and should not be expected to deal with challenges of anti-social behaviours without the necessary training and support.	As noted above, the council is keen to work with local landlords and representative organisations
83	RLA	As Brent Borough Council has recognised, overcrowding is a major problem – as it is in most of the London boroughs – so introducing licensing legislation that will deter investment and potentially increase homelessness figures does not appear rational.	See 29 above
84	RLA	In the most recent English housing survey it was found that 83 per cent of private rented tenants were satisfied with their homes. From the sound of respondents, it appears that they are more keen to live in social rented housing. Due to	It is not suggested that responses received reflect the views of all tenants and the purpose of the survey was not the same as a general survey of tenant satisfaction levels.

		the increasing lack of social housing available more and more vulnerable people will be pushed into private rented accommodation. It is the responsibility of the council to ensure that landlords are receiving adequate housing benefit and support to deal with potentially problematic tenants. Once a tenant has been placed in accommodation, it is very difficult for a private landlord to evict tenants who potentially display anti-social behaviours.	The increasingly important role of the sector is acknowledged and the council's view is that the clear structure and support available through licensing will assist landlords.
85	RLA	It would be very interesting to have a breakdown of the repairs that the 55% of private sector tenants, if these are serious and immediately required repairs, the RLA can acknowledge the need to complete them. However, if the repairs are small and non-essential then it is merely a statistical method of the Council trying to exacerbate an issue that doesn't really exist.	No breakdown of repairs referred to in responses is available, although the council intends to follow up where contact details have been provided.
86	RLA	The council could make it so that the incentives for private landlords to take on homeless or vulnerable tenants were enough of a draw to help alleviate the apparent issue within the borough. This could be, but not limited to, guaranteed housing payments <i>direct</i> to the landlords; accreditation for taking on vulnerable tenants; council/social workers attending to tenants on a scheduled basis to ensure both tenant and landlord are maintaining a good relationship with one another; etc.	The council is happy to discuss any proposals in this area with the RLA.
87	RLA	When taken together, there is a lack of consistency in the rationale and reasoning. As the Council has openly admitted (on Page 7 of Annex A) that anti-social behaviour and low demand are the only reasons to implement selective licensing schemes in the borough. The council needs to be much more direct in what	The principal concern for Selective Licensing is ASB but where other problems have been identified, the council will consider how these can be tackled in consultation with Brent landlords. With regard to affordable warmth, the council is keen to work with landlords to realise the potential



		issues are going to be tackled through proposed licensing schemes as it appears that warmth of properties is the over-riding issue for tenants surveyed.	of the Green Deal and ECO in Brent and has recently entered into a partnership with a provider with a specific brief to assist the sector in attracting resources.
88	RLA	<p>By admission of tenants who had been in the private rented sector, Anti-social behaviour is <i>not</i> the overwhelming issue that needs to be acknowledged by the Council. Indeed, it is insulation and energy efficiency which is the most important criteria to tenants.</p> <p>The Residential Landlords' Association (RLA) would argue that charging landlords licensing fees would take money that may otherwise go into repairs and insulation investment.</p> <p>Furthermore, Brent council repeatedly refer to anti-social behaviour being the driving force behind the rationale behind licensing schemes. While ASB has been shown to exist in the areas, property standards are a more pressing issue and if the council is sincerely trying to cater to the needs of its constituents, it would be a better use of energies to emphasise energy efficiency, rather than licensing.</p>	See above. In addition, tenants and residents have highlighted problems of ASB, among a range of other issues.
89	RLA	There is no definition of anti-social behaviour throughout the consultation and the Council seems to pick and choose which 'criminal activities' constitute 'anti-social behaviour' to fit their needs. Indeed, any criminal activity and dis-amenity (i.e., littering) within a community can be construed as <i>anti-social</i> but it would be more compelling if the Council had stuck to traditional definitions, rather than putting environmental crime in with anti-social behaviours.	ASB is defined in the legislation in general terms (see paragraph 11.18), and the council has taken a view on what constitutes ASB in this context, in which environmental issues are also relevant.
90	RLA	The Residential Landlords' Association sincerely hopes	Full account has been taken of responses to

		that the council will be fair and balanced when considering arguments <i>against</i> any licensing schemes.	consultation that opposed the proposals and consideration has been given to a range of options.
91	RLA	Local councils have hundreds of powers available to them to help monitor and regulate the private rented sector (PRS). Licensing should be the last option in a long line of other options available to the councils. The RLA believe, that if Bren Borough Council are serious about improving the standards in these converted HMO properties, it would be better to pursue accreditation and other incentives, rather than slapping all landlords with licensing fees. These fees may be incorporated into a tenants' rent and could potentially move this tenants to criminal landlords who provide substandard properties knowingly, taking advantage of vulnerable tenants.	See 26 above
92	Resident in Questionnaire	I retired this year as a firefighter after 28 years working in and around Brent. Bad landlords and tenants provide a worrying statistic on overcrowding and fire/life risk if unpoliced. Often these are only discovered (in fact the very existence of a property being an HMO) when someone is seriously injured or dies.	Noted
93	Resident in Questionnaire	Multi occupancy houses bring problems. The house near us has three families, with three cars and three vans which they bring home at night. After working really hard all my life to get a nice house in a nice area, I have to suffer all this parking and congestion outside in the street.	Noted
94	Resident in	Over the last 10 years purpose-built, 2-storey	Noted

	Questionnaire	maisonettes in certain NW10 streets e.g.: Brendon Avenue, Southview and Northview, Braemar Avenue, are only maintained by owner occupiers with no input, either practical or financial, from landlords or their tenants. This has a serious impact on the quality of life of owner-occupiers. Whilst this can be legally taken up with the freeholder, we feel that the council should insist on the need for landlords to comply with the terms of leases so that owner-occupiers can be spared the need for lengthy wrangles via the freeholder.	
95	Resident in Questionnaire	Unofficial / unauthorised changes to properties e.g. Conversions of houses to flats, restricting access to gardens failure to take up/enforce recycling and use of food waste bins properties that are effectively HMOs even if not strictly falling into legal definition	Noted
96	Resident in Questionnaire	In the past we had a very serious problem on our street with HMOs'. The private landlord who owned several on our street split small bedrooms into two converted lounges into two bedrooms and at one point a 3 bedroom family house had over 12 people living there, partying and fighting every weekend. I have young children and we my husband works full time, I work part time. We had a very rough time and it took over a year for the council to deal with it. Eventually the landlord decided to sell two of the properties. One remains, directly opposite my house. The students who	Noted

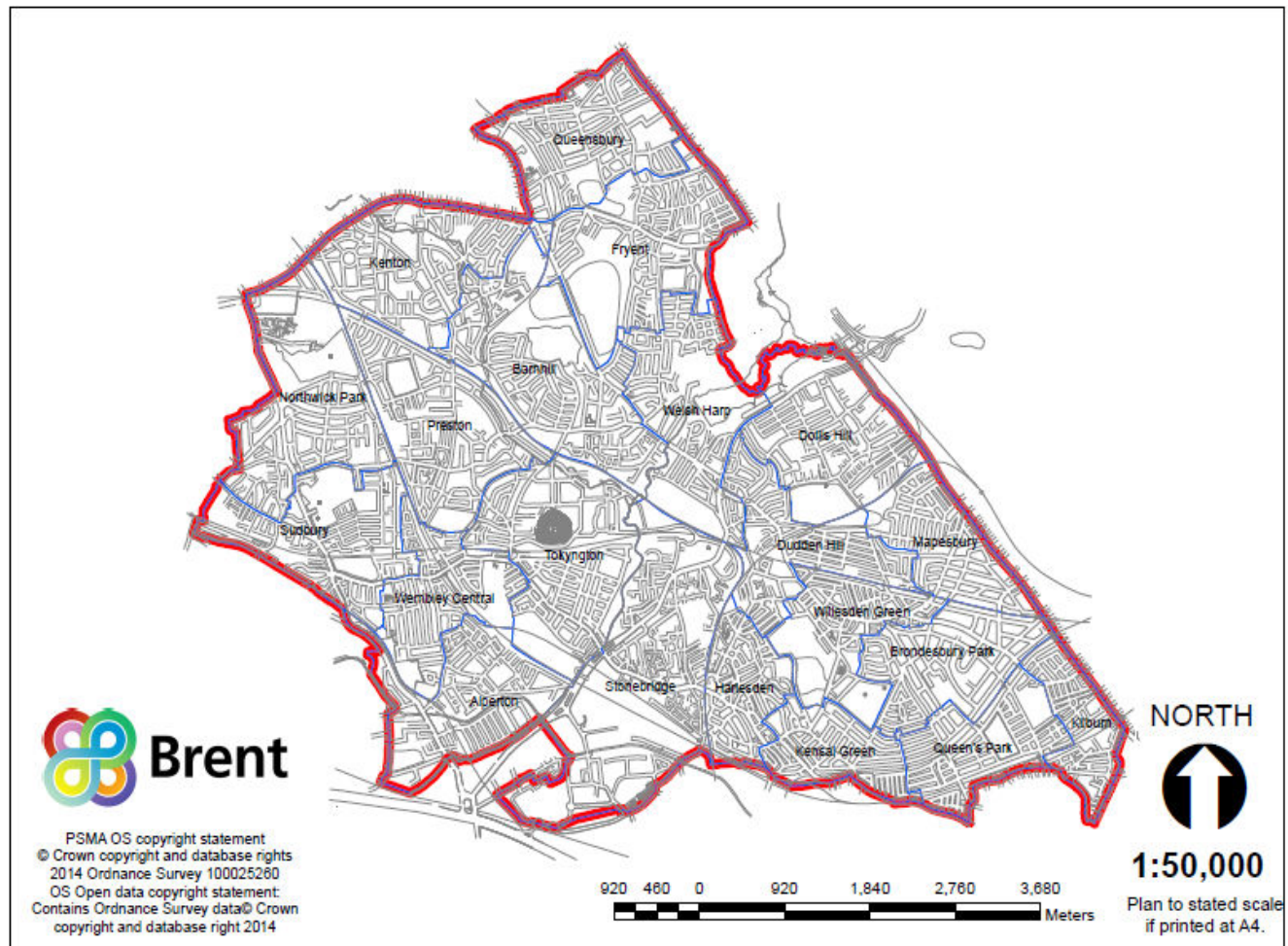
		<p>live there currently are quiet but every term we wait nervously to see who will move in. Â I think the council should have much greater access to view these properties and to be given the power to prosecute the tenant if they are obvious breach of the regulations. Our experience of disputing the situation was weighted far too heavily in favour of the landlord. They were given far too many chances on far too long a time scale whilst they were still able to rake in the cash rents from the tenants living in appalling conditions.</p>	
97	Resident in Questionnaire	<p>The proposals will make landlords more accountable for the nuisance caused by their tenants. There are many absentee landlords who just take rent and ignore the effect antisocial tenants have on their neighbours. This includes noise, rubbish and fly tipping, dirty gardens and streets, prostitution and drug dealing. There has been an increase in rental properties, up to 50% in any one street where 10 years ago there were none. There is a real problem with multiple occupancy that is not known by letting agents. This results in excess rubbish that does not fit into bins. It also increases the unkept and unrepaired properties causing a fall in value of owner occupied properties. Much of this can be addressed by licensing but this must have inspections attached to the program otherwise it will be a waste of paper!</p>	Noted



## Appendix 3

### Designation of Additional Licensing

The Additional Licensing designation applies to the whole of the Borough of Brent, as shown outlined in red on the map below.



## Appendix 4

### Draft Conditions

Note that there are some conditions – for example those on gas and fire safety – that are required by the Housing Act 2004 and are therefore mandatory. Other conditions are subject to further consultation, with the intention that the final conditions should not impose undue burdens on landlords or on the council's administrative requirements.

#### 1. ADDITIONAL LICENSING

	<b>Conditions of Additional Licences under Part 2 of the Housing Act 2004</b>	
<b>ITEM</b>	<b>CONDITION</b>	<b>JUSTIFICATION</b>
<b>Gas</b>	If gas is supplied to the house, the licence holder must provide to Brent Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Electrical Appliances</b>	The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Furniture and Furnishings</b>	The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the	Mandatory condition required by Schedule 4 of the Housing Act 2004

	time of application and thereafter upon demand.	
<b>Smoke Alarms</b>	The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning at the time of application and thereafter to Brent Council upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Tenant references</b>	The licence holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Terms of Occupation</b>	<p>The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property.</p> <p>A copy of the terms will be provided to the Council at the time of application and thereafter upon demand.</p>	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Numbers of Occupiers</b>	The Licence Holder must ensure that rooms other than bedrooms are not used for sleeping purposes and that all defined bedrooms are used within the range of the permitted numbers stated within the licence.	This is to ensure that the premises comply with the space and amenity standards as assessed alongside legislative requirements and Brent's adopted Amenity and Space Standards policy (see guide in Appendix to these Conditions).
<b>Energy Efficiency</b>	Each new tenancy will require an Energy Performance Certificate (EPC).	To safeguard the health and well being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance



		Certificates (EPCs).
<b>Property Management</b>	<p>The Licence Holder must ensure that:-</p> <p>(a) All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons.</p> <p>(b) All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti social behaviour.</p> <p>(c) If accommodation is provided on a furnished basis and includes electrical appliances, the Licence Holder must provide the occupier copies of user manuals or equipment provided as part of the agreement for the occupation of the house.</p> <p>(d) All occupiers are made aware of the licence and conditions.</p>	Required to safeguard the health, safety and well being of occupants and to reduce anti social behaviour (ASB).
<b>Security</b>	<p>The Licence Holder must ensure that:</p> <p>(a) The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;</p> <p>(b) Where window locks are fitted, the Licence Holder will ensure that keys are provided to the relevant occupant;</p> <p>(c) Where a burglar alarm is fitted to the house, the Licence Holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;</p> <p>(d) Where previous occupants have not surrendered keys, the Licence Holder will</p>	To safeguard the health, safety and well-being of occupants in the event of fire and entry by intruders and reduce any anti-social behaviour (ASB).

	<p>arrange for a lock change to be undertaken, prior to new occupants moving in;</p> <p>(e) Where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers access;</p> <p>(f) The front door of an HMO must be fitted with a mortice lock (thumb turn) or equivalent, to five-lever security level. The lock must comply with the Fire Safety Condition (item c) below.</p>	
<b>External areas, refuse and waste</b>	<p>The Licence Holder must ensure that:-</p> <p>a) The exterior of the property is maintained in a reasonable decorative order and state of repair;</p> <p>b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation, and</p> <p>c) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles or plastic refuse sacks where receptacles have not yet been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time.</p> <p>d) Access must be available at all times to adequate, external, refuse storage.</p> <p>e) The Licence Holder must ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, hazardous waste) are disposed of responsibly and appropriately.</p>	<p>To ensure that the domestic hygiene and condition of the licensed property is maintained and reduce any anti-social behaviour (ASB).</p>

<b>Training</b>	The Licence Holder and/or Manager will need to demonstrate competence of managing private rented accommodation and shall undertake property management training courses where required to do so by the local authority.	To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties and to reduce any anti-social behaviour (ASB). (See London Landlords Accreditation Scheme (LLAS) Website for more information.)
<b>Management/ Anti-Social Behaviour</b>	<p>The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</p> <p>The licence holder must:</p> <p>(a) Provide a written action plan to Brent Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request.</p> <p>(b) Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti social behaviour.</p> <p>(c) If a Licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either;</p> <p>i) decline the request for a reference ; or</p>	To safeguard the well being of occupants, persons visiting the premises and persons in the immediate locality and reduce any anti-social behaviour (ASB).

	<p>ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.</p> <p>(d) Require any prospective tenant to disclose unspent criminal convictions when applying for a tenancy. Where the prospective tenant discloses unspent criminal convictions the Licence Holder must demonstrate that due consideration was given to whether those convictions indicate a real risk that the prospective tenant is likely to commit acts of antisocial behaviour.</p> <p>(e) Cooperate with Brent Council, Local Constabulary and other agencies in resolving complaints of anti-social behaviour. The Licence Holder and/or their nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required.</p> <p>(f) The licence holder/management agents must make regular (at least monthly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.</p> <p>(g) Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; or fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which may include</p>	
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	possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.”	
<b>Notification/ Consultation of Changes</b>	<p>The Licence Holder and managing agents must consult with Brent Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform Brent Council of:</p> <ol style="list-style-type: none"> <li>1) Details of any unspent convictions not previously disclosed to the Local Authority that may be relevant to the Licence Holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;</li> <li>2) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;</li> <li>3) Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;</li> <li>4) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;</li> <li>5) Information about any property the Licence Holder or manager owns or manages</li> </ol>	To safeguard the health, safety and well being of occupants in the event of changes during the period of the licence and to reduce any anti-social behaviour (ASB).

	<p>or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;</p> <p>6) The property becoming empty:</p> <p>7) Changes to liability insurance:</p> <p>8) Notification of repossession/foreclosure</p> <p>9) Successful claims against the licence holder for default of tenancy deposits.</p> <p>10) Change in managing agent or the instruction of a managing agent;</p> <p>11) The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.</p>	
<b>Absence</b>	The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.	To safeguard the health, safety and well being of occupants in the event of temporary absence of persons in control and to reduce any Anti-Social Behaviour (ASB).
<b>Compliance inspections</b>	The licence holder must allow the Council to undertake compliance checks. Council Officers will normally give the licence holder a minimum of 24 hours notice of these checks and produce valid authorisation at the time of visit. Immediate, unannounced visits may also be made by duly authorised Council Officers, where deemed appropriate to a stated situation relating to these conditions.	To ensure that the property complies with the Housing Act 2004 and licence conditions.
<b>Amenity and</b>	The Licence Holder must ensure that the house is compliant with both the Council's	To ensure that the premises comply

<b>space standards</b>	adopted Space and Amenity Standards and appropriate national standards for HMOs according to the type of accommodation.	with the national minimum standards or adopted by Brent Council for Houses in Multiple Occupation (see guide in Appendix to these Conditions).
<b>Heating and Insulation</b>	<p>The Licence Holder must provide adequate and efficient space heating and/or thermal insulation such as to be capable of maintaining an indoor temperature of at least 21°C in habitable rooms including bathrooms when the outdoor temperature is –1°C.</p> <p>The heating must be energy efficient, time and temperature controllable by the tenants</p>	<p>To safeguard the health and well being of the occupants with regards to excess cold and to comply with national prescribed standards for HMOs (see Statutory Instrument No. 373).</p>
<b>Common Areas</b>	<p>The Licence Holder must ensure that:</p> <p>(a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping, either by tenants or their guests;</p> <p>(b) Corridors, stairways and lobbies are fitted with emergency lighting in accordance with BS5266;</p> <p>(c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</p> <p>(d) Smoking is not permitted in any common areas and 'no smoking' signs should be displayed (Health Act 2006).</p>	To safeguard the health, safety and well being of occupants in the event of fire, crowding, space and falls and to comply with the Management of HMOs (England) Regulations 2006.
<b>Fire Safety</b>	The Licence Holder shall ensure that :	To safeguard the health, safety and

	<p>(a) All fire precautions provided to the Premises, e.g. fire doors, automatic fire alarm and emergency lighting system (s), etc., are maintained in full working order at all times;</p> <p>(b) All fire detection systems; means of escape and fire-fighting equipment installed in the property is at least annually serviced by a competent person and is adequately maintained and tested in accordance with the manufacturer's instructions. A current test certificate is required at the time of application and thereafter upon demand;</p> <p>(c) The main entrance/exit doors and all unit doors leading to common areas are openable from the inside without the use of a key;</p> <p>(d) The fire routine notice detailing action to be taken in the event of fire is clearly worded and displayed in a central location e.g. next to main entrance/exits;</p> <p>(e) A fire blanket 1m conforming to current British standards is provided in each kitchen;</p> <p>(f) All premises are fully compliant with the current LACORS (Local Authorities Coordinators of Regulatory Services) Fire Safety Guidance. See <a href="http://www.lacors.gov.uk">www.lacors.gov.uk</a>.</p>	<p>well being of occupants in the event of fire and comply with fire safety precautions standards adopted by Brent Council. Full Fire Safety Guidance is provided by</p> <p>LACORS, see <a href="http://www.lacors.gov.uk">www.lacors.gov.uk</a>.</p>
<b>Electrical Installations</b>	<p>The Licence Holder must supply a current (i.e. dated as within the previous 5 years) Domestic Electrical Installation Periodic Report for the whole of the electrical installations to Brent Council at the time of application and thereafter upon demand.</p> <p>All stated recommendations for urgent attention and improvement (Codes 1 and 2) must be carried out within 2 months of the report.</p>	<p>To safeguard the health, safety and well being of occupants in the event of electrical hazards and to comply with the Management of HMOs (England) Regulations 2006.</p>



## **APPENDIX to the Licence Conditions**

### ***Advice regarding bedroom sizes***

- i. Single occupancy; minimum of 6.5m<sup>2</sup> where provided with separate shared kitchen, minimum of 10.2m<sup>2</sup> where a room contains kitchen facilities.
- ii. Two persons occupancy; minimum of 10.2m<sup>2</sup> where provided with separate shared kitchen, minimum of 13.9m<sup>2</sup> where a room contains kitchen facilities.
- iii. The standard is to be applied irrespective of the age of the occupants.
- iv. The floor area taken up by a solid chimneybreast should be discounted.
- v. All floor space taken up by en-suite bathroom/shower facilities should be discounted.
- vi. No account should be taken of entrance lobbies where the room door opens into a lobby/corridor which is less than 1200mm in width.
- vii. Single rooms should have a minimum width of 1.8m.
- viii. Rooms which are to accommodate two persons should have a minimum width of 2.3m.
- ix. Sharing of rooms shall be avoided unless the individuals concerned consent to share the room.
- x. No persons of the opposite sex who are aged 12 years or over shall share a room unless they are living together as partners.
- xi. Irrespective of the floor area, consideration shall be given to the shape and useable living space within the room to determine whether it is suitable for occupation and to what occupancy level.
- xii. All rooms must have a minimum floor to ceiling height of at least 2.14 metres over not less than 75% of the room area.
- xiii. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded.
- xiv. No staircase or landing nor any room which has been appointed as a kitchen or bathroom shall be deemed suitable for sleeping accommodation.

### ***Guide to Standards for the Facilities for the Storage, Preparation and Cooking of Food***

#### **Exclusive Use Kitchen Facilities:**

Each occupancy should have a separate kitchen not more than one floor distant from the living accommodation (except where a suitable adjoining communal dining area is also provided). In the case of an occupancy where this is not practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation.

The facilities shall comprise:

- |             |  |
|-------------|--|
| Cooking     | Gas or electric cooker with two burners/hobs (four burners/hobs if provided for more than one person), oven and grill.   |
| Sink        | Stainless steel sink and integral drainer (minimum size 1000mm x 600mm), set on a base unit. The sink is to be provided with a constant supply of hot and (potable) cold water and properly connected to the drainage system via a suitable trap. A tiled splash back (minimum 300mm high) shall be provided to the sink and drainer. A wash hand basin is not a suitable alternative to a sink. |
| Storage     | Refrigerator, minimum capacity 0.15m <sup>3</sup> .<br>A storage cupboard, minimum capacity 0.3m <sup>3</sup> e.g. 600mm wide x 720mm high x 600mm deep or 0.4m <sup>3</sup> e.g. 1000mm wide x 720mm high x 600mm deep for a two person household. [In calculating the required provision of storage cupboards, base unit cupboards below sinks/drainers should be discounted.]                 |
| Preparation | A suitable worktop or table of smooth and impervious material of minimum size 1000mm x 600mm.<br>Two double outlet 13 amp electrical power sockets to be situated above the work surface at a convenient height and in a safe position. These are in addition to any power outlets serving major appliances.   |

Kitchens for Communal Use:

Where the Local Authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate, facilities may be provided on a ratio of one set of facilities to every three households or every five persons whichever is the smaller and irrespective of age. The kitchen should be not more than one floor distance from any individual letting (except where a suitable adjoining communal dining area is also provided).

There shall be no more than two sets of facilities in any one room. Each set of facilities shall meet the following minimum standards:

### General Requirements for Kitchen Facilities:

All kitchens and kitchen areas are to be provided with an adequate provision for artificial lighting.

All kitchens and kitchen areas are to be provided with adequate ventilation. This may be obtained by being ventilated directly to the external air by a window with an openable area of at least 1/20th of the floor area. However where this is not practicable mechanical ventilation providing a minimum of one air change per hour shall be provided. Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

A kitchen containing one set of facilities should be a minimum of 5.5m<sup>2</sup> and a kitchen containing two sets of kitchen facilities should be a minimum of 11m<sup>2</sup>.

Where two sets of cooking facilities are provided in a kitchen, the two sets of facilities (i.e. cooker, sink, worktop) shall be reasonably separate from each other to allow their safe and simultaneous use by two or more households.

Cookers should be located remote from doorways, and there should be enough floor space for items to be retrieved from the oven and for the safe circulation of occupants generally.

Sinks, worktops and immediately adjacent walls and floors should be non-porous and reasonably smooth so as to facilitate cleaning.

Kitchens must not be installed in any hallway, corridor or lobby and no bedroom should be accessed via a kitchen unless a suitable alternative means of escape can be provided from that occupancy.

### Drainage and Sanitary Convenience:

One water closet shall be provided and maintained for every five persons or lesser number irrespective of age. Each such water closet shall be in a separate room within the building and when shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distance from any individual letting. Each WC compartment shall also be provided with a suitable wash hand basin supplied with a constant supply of hot and cold water and a splash back.

Any bathroom, shower room or compartment containing a WC should be separated from any space used for the preparation of food.

Although an intervening lobby is not essential, the WC compartment should not open directly onto the area of a kitchen immediately adjacent to where food is prepared, especially in the case of shared amenities.

WC compartments should have minimum dimensions of 1300mm x 800mm.

All bath/shower rooms are to be provided with an adequate provision for artificial lighting.

All bath/shower rooms are to be provided with adequate ventilation. This may be obtained by being ventilated directly to the external air by a window with an openable area of at least 1/20th of the floor area. However where this is not practicable mechanical ventilation providing a minimum of three air change per hour shall be provided. Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

The surfaces any water closet compartment should be reasonably smooth, non-absorbent and capable of being readily cleansed.

The water closet compartment shall be constructed so as to afford privacy to the user. [External water closets are not acceptable.]

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

NB. WCs provided within bath/shower rooms cannot be counted as readily available for common/shared use.

#### Personal Washing Facilities:

Each occupancy shall be provided where practicable with a separate wash hand basin and/or a bath or shower. Where this is not practicable one bath or shower shall be provided and maintained for every five persons or lesser number irrespective of age.

Each washing facility shall be provided not more than one floor distance from any user. Each bath shall be of minimum dimensions 1700mm x 700mm and each shower shall have minimum dimensions of 800mm x 800mm.

Each bath shall be situated in a separate bathroom of adequate size (minimum dimensions 1700mm x 1400mm). Each shower shall be situated in a suitable shower room (minimum dimensions 1600mm x 900mm).

Each separate bath/shower room shall be provided with a suitable wash hand basin (minimum dimensions 500mm x 400mm), together with constant supplies of hot and cold running water. A tiled splash back (minimum 300mm high) is to be provided to each wash hand basin.

Each bath and shower shall be provided with a constant, freely available supply of hot and cold water. A tiled splash back (minimum 300mm high) shall be provided to all baths. Any shower cubicles should have fully tiled walls or be complete self standing cubicles. Showers shall be provided with a suitable water resistant shower curtain or door to the cubicle. The hot and cold water supplies to all washing facilities shall be adequate, constant and available.

The bath/shower shall be accessible at all times.

The surfaces of any bathroom or shower room should be reasonably smooth, non-absorbent and capable of being readily cleansed. In addition flooring should be non-slip.

Shared amenities are to be accessible from a common area.

All bath/shower rooms are to be provided with an adequate provision for artificial lighting.

All bath/shower rooms are to be provided with adequate ventilation. This may be obtained by being ventilated directly to the external air by a window with an openable area of at least 1/20th of the floor area. However where this is not practicable mechanical ventilation providing a minimum of three air change per hour shall be provided. Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

### **Means of Escape In case Of Fire and Other Fire Precautions**

The premises shall be provided with a protected means of escape in case of fire and adequate other fire precautions, and shall comply with the latest legal requirements as required via a Hazard Assessment under section 4 of the Housing Act 2006.

***GUIDANCE ON HOW THE COUNCIL MEASURES ACCOMMODATION***

On carrying out a full HMO inspection, all bedrooms and kitchens should be measured to clarify the maximum occupancy and also to clarify where extra facilities may need to be provided.

Irrespective of the floor area, consideration shall be given to the shape and useable living space within the room to determine whether it is suitable for occupation and to what occupancy level.

- All rooms must have a minimum floor to ceiling height of at least 2.14 metres (7 feet) over not less than 75% of the room area.
- Any floor area where the ceiling height is less than 1.53 metres (5 feet) shall be disregarded.
- The floor area taken up by a solid chimneybreast should be discounted.
- Single rooms should have a minimum width of 1.8m.
- Rooms which are to accommodate two or more persons should have a minimum width of 2.3m.
- All floor space taken up by en-suite bathroom/shower facilities should be discounted.
- No account should be taken of entrance lobbies where the room door opens into a lobby/corridor which is less than 1200mm in width.

## 2. SELECTIVE LICENSING

	<b>Conditions of Selective Licences under Part 3 of the Housing Act 2004</b>	
<b>ITEM</b>	<b>CONDITION</b>	<b>JUSTIFICATION</b>
<b>Gas</b>	If gas is supplied to the house, the licence holder must provide to Brent Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Electrical Appliances</b>	The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Furniture and Furnishings</b>	The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Smoke Alarms</b>	The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning at the time of application and thereafter to Brent Council upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Tenant references</b>	The licence holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.	Mandatory condition required by Schedule 4 of the Housing Act 2004
<b>Terms of</b>	The Licence Holder must supply to the occupiers of the house a written statement	Mandatory condition required by

<b>Occupation</b>	<p>of the terms on which they occupy the property.</p> <p>A copy of the terms will be provided to the Council at the time of application and thereafter upon demand.</p>	Schedule 4 of the Housing Act 2004
<b>Numbers of Occupiers</b>	The Licence Holder must ensure that rooms other than bedrooms are not used for sleeping purposes and that all defined bedrooms are used within the range of the permitted numbers stated within the licence.	This is to ensure that the premises comply with the space and amenity standards as assessed alongside legislative requirements and Brent's adopted Amenity and Space Standards policy.
<b>Energy Efficiency</b>	Each new tenancy will require an Energy Performance Certificate (EPC).	To safeguard the health and well being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).
<b>Property Management</b>	<p>The Licence Holder must ensure that:-</p> <p>(a) All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons.</p> <p>(b) All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti social behaviour.</p> <p>(c) If accommodation is provided on a furnished basis and includes electrical</p>	Required to safeguard the health, safety and well being of occupants and to reduce anti social behaviour (ASB).



	<p>appliances, the Licence Holder must provide the occupier copies of user manuals or equipment provided as part of the agreement for the occupation of the house.</p> <p>(d) All occupiers are made aware of the licence and conditions.</p>	
<b>Common Areas</b>	<p>Where the dwelling is a flat in a block and the licence holder is the owner or manager of the block, the licence holder must ensure that;</p> <p>(a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping, either by tenants or their guests;</p> <p>(b) Corridors, stairways and lobbies are fitted with emergency lighting in accordance with BS5266;</p> <p>(c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</p> <p>Smoking is not permitted in any common areas and 'no smoking' signs should be displayed where the dwelling is a flat in a block and the Licence Holder is the owner or manager of the block. (Health Act 2006).</p>	<p>Primarily required to safeguard the health, safety and well being of occupants in the event of fire.</p>
<b>Fire Safety</b>	<p>The Licence Holder will inform the local authority of any changes to the positioning of smoke alarms and if the property is a house in multiple occupation, produce a Fire detection and alarm system certificate upon request.</p>	<p>To safeguard the health, safety and well being of occupants in the event of fire. The Fire Safety Guidance is provided by LACORS, see <a href="http://www.lacors.gov.uk">www.lacors.gov.uk</a>.</p> <p>The Housing- Fire Safety guidance on fire safety provisions for certain types</p>

		of existing housing can also be found at Brent Council Website <a href="http://www.brent.gov.uk">www.brent.gov.uk</a> under Housing-Selective Licensing.
<b>Security</b>	<p>The Licence Holder must ensure that:-</p> <p>a) The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.</p> <p>b) Where window locks are fitted, the Licence Holder will ensure that keys are provided to the relevant occupant.</p> <p>c) Where a burglar alarm is fitted to the house, the Licence Holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged.</p> <p>d) Where previous occupants have not surrendered keys, the Licence Holder will arrange for a lock change to be undertaken, prior to new occupants moving in.</p> <p>e) Where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.</p>	To safeguard the health, safety and well-being of occupants in the event of fire and entry by intruders and reduce any anti-social behaviour (ASB).
<b>External areas, refuse and waste</b>	<p>The Licence Holder must ensure that:-</p> <p>a) The exterior of the property is maintained in a reasonable decorative order and state of repair;</p> <p>b) At all times any gardens, yards and other external areas within the curtilage of</p>	To ensure that the domestic hygiene and condition of the licensed property is maintained and reduce any anti-social behaviour (ASB).

	<p>the house are kept in reasonably clean and tidy condition and free from rodent infestation, and</p> <p>c) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles or plastic refuse sacks where receptacles have not yet been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time.</p> <p>d) Access must be available at all times to adequate, external, refuse storage.</p> <p>e) The Licence Holder must ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, hazardous waste) are disposed of responsibly and appropriately.</p>	
<b>Training</b>	The Licence Holder and/or Manager will need to demonstrate competence of managing private rented accommodation and shall undertake property management training courses where required to do so by the local authority.	To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties and to reduce any anti-social behaviour (ASB).
<b>Management/ Anti-Social Behaviour</b>	<p>The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</p> <p>The licence holder must:</p> <p>(a) Provide a written action plan to Brent Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually</p>	To safeguard the well being of occupants, persons visiting the premises and persons in the immediate locality and reduce any anti-social behaviour (ASB).

	<p>and submitted on request.</p> <p>(b) Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti social behaviour.</p> <p>(c) If a Licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either;</p> <p>i) decline the request for a reference ; or</p> <p>ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.</p> <p>(d) Require any prospective tenant to disclose unspent criminal convictions when applying for a tenancy. Where the prospective tenant discloses unspent criminal convictions the Licence Holder must demonstrate that due consideration was given to whether those convictions indicate a real risk that the prospective tenant is likely to commit acts of antisocial behaviour.</p> <p>(e) Cooperate with Brent Council, Local Constabulary and other agencies in resolving complaints of anti-social behaviour. The Licence Holder and/or their nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required.</p> <p>(f) The licence holder/management agents must make regular (at least monthly)</p>	
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	<p>inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.</p> <p>(g) Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; or fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which</p> <p>may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988."</p>	
<b>Notification/ Consultation of Changes</b>	<p>The Licence Holder and managing agents must consult with Brent Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform Brent Council of:</p> <p>1) Details of any unspent convictions not previously disclosed to the Local Authority that may be relevant to the Licence Holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;</p> <p>2) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the</p>	<p>To safeguard the health, safety and well being of occupants in the event of changes during the period of the licence and to reduce any anti-social behaviour (ASB).</p>

	<p>carrying on of any business;</p> <p>3) Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;</p> <p>4) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;</p> <p>5) Information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;</p> <p>6) The property becoming empty:</p> <p>7) Changes to liability insurance:</p> <p>8) Notification of repossession/foreclosure</p> <p>9) Successful claims against the licence holder for default of tenancy deposits.</p> <p>10) Change in managing agent or the instruction of a managing agent;</p> <p>11) The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.</p>	
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<b>Absence</b>	The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.	To safeguard the health, safety and well being of occupants in the event of temporary absence of persons in control and to reduce any Anti-Social Behaviour (ASB).
<b>Compliance inspections</b>	The licence holder must allow the Council to undertake compliance checks. Council Officers will give the licence holder 24 hours notice of these checks and produce valid authorisation at the time of visit.	To ensure that the property complies with the Housing Act 2004 and licence conditions.

**For more information please contact:**

Private Housing Services, 7<sup>th</sup> Floor, Civic Centre, Engineers Way, Wembley HA9 0FJ

Tel: 020 8937 2384/2385 (HMO Licensing enquiries) Email: PHS @ brent.gov.uk

## Appendix 5: Equality Analysis

**1. Roles and Responsibilities:** please refer to stage 1 of the guidance

**Directorate:**

Regeneration and Growth

**Service Area:**

Housing and Employment

**Person Responsible:**

Name: Jon Lloyd-Owen

Title: Operational Director – Housing and Employment

Contact No: 020 8937 5199

Signed:

**Name of policy:**

Selective and Additional Licensing of Private Rented Sector Residential Properties

**Is the policy:**

New ☒ Old ☐

**Date analysis started:** 1<sup>st</sup> January 2014

**Completion date:** 25<sup>th</sup> March 2014

**Review date:** March 2015

**Auditing Details:**

Name: Elizabeth Bryan

Title: Diversity Officer

Date:

Contact No: 020 8937 1190

Signed:

**Signing Off Manager:** responsible for review and monitoring

Name: Spencer Randolph

Title: Head of Private Housing Services

Date

Contact No: 020 8937 2546

Signed:

**Decision Maker:**

Name individual /group/meeting/ committee:

Executive

Date: April 2014

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**



Please refer to stage 2 of the guidance.

Around 35,000 properties in Brent are privately rented. Whilst the private rented sector is an important resource and much of it offers good accommodation, parts offer poor quality, with evidence of negative impacts from anti-social behaviour and problems including overcrowding.

The council wants to work with landlords to help the sector provide an efficient and high-quality service to residents and address poor management.

A Mandatory Licensing Scheme for larger houses in multiple occupation (HMOs) is in place and this policy proposes introduction of an Additional Licensing scheme to cover all HMOs across the borough and a Selective Licensing scheme that would cover all privately rented homes would in, at this stage, three wards where a significant link with anti-social behaviour is established - Harlesden, Willesden Green and Wembley Central. The final designation may change in light of further consultation and research to be undertaken depending on the decision of the April Executive meeting.

Additional Licensing is designed to address problems associated with multi-occupancy, including the physical condition of the property and disrepair; safety, including fire safety; standards of management.

Selective Licensing specifically sets out to address problems of anti-social behaviour associated with private renting as they affect tenants, landlords, other residents and businesses in the area.

### **3. Describe how the policy will impact on all of the protected groups:**

In addition to the protected groups it is worth highlighting that the introduction of licensing will impact on landlords and tenants quite differently.

For landlords who, on the whole, are opposed to licensing for a range of reasons including perceived costs and bureaucracy, the impact (and perceptions about the impact) for protected groups within the cohort will differ from the impact within the tenant group. The size of the sector, representing around one third of all Brent homes, makes it safe to assume that it is occupied by all of the nine protected groups, although their distribution in the sector may not be the same as the distribution within other tenures. Similarly, the number of landlords is large: most landlords own only a small number of properties and, given the size of the sector, it is safe to assume that the number of landlords runs into the thousands and that, within the total, there will be a wide mix including members of protected groups. However, information on both tenants and landlords is, mainly owing to the unregulated and fluid nature of the sector, incomplete. One of the benefits of licensing will be that it will offer a clearer picture over time.

A central aim of licensing is, alongside other strategies and work programmes, to raise standards in private rented sector and tackle anti-social behaviour. Therefore, groups experiencing problems such as overcrowding, disrepair and so on are likely to see a positive impact from the proposals. Within this, there may be specific benefits

for certain protected groups: for example, licensing will assist in identifying and tackling properties where hazards exist and properties where the tenant would benefit from installation of disabled adaptations or measures to tackle poor energy efficiency and high fuel costs, with older and disabled people potentially seeing particular benefits.

Since these issues tend to be concentrated in the lower end of the market (although not exclusively) it is likely that poorer households will see most impact. There is evidence that certain protected groups – for example ethnic groups who are likely to be recent migrants - are more likely to be living in the worst private housing and are likely to be on lower incomes.

As noted above, information is incomplete but there are some indications from Census and other data. Broadly, these indicate that:

- Private tenants tend to have a younger age profile than other tenures
- Certain ethnic groups are more likely to be private tenants

From the data set out below, two points are worth noting. First, since specific HB restrictions apply to under 35s (the Single Room Rate), households in this age group reliant on HB will tend to occupy shared or HMO accommodation, often at the lower end of the market. Second, the White Other group is by far the largest in the sector. Although further analysis is needed, it is possible that this reflects the fact that migrants from Europe are more likely to rent privately and there is some anecdotal evidence that this group may often occupy the worst HMOs. To some degree, this may be a matter of choice, since keeping housing costs as low as possible may be a priority for migrant workers, but it is also likely to be a product of low wages and the inaccessibility of other tenure options.

In the short term, the main risk of negative impact will arise if landlords elect to withdraw from the sector, which could lead to evictions. This risk is more pronounced in the case of households in the very worst housing, owned and managed by rogue landlords. However, it is very difficult to assess the extent of this risk or, if evictions take place, who is likely to be most affected.

Very limited data is available on the ethnic or other characteristics of landlords. From the landlord perspective, the concerns noted above are likely to be seen as a negative impact of the proposals, but it is not clear that these represent a negative impact within the meaning of the Equality Act. Licensing is only one aspect of a range of powers that the council has to enforce proper management and maintenance aimed at ensuring the health and safety of occupiers. Landlords are being asked to manage and maintain their homes in the way that a range of legislation requires them to – in summary, to comply with the law.

There is limited evidence concerning other protected groups. At the same time, there is no evidence to suggest any differential impact, either positive or negative for these groups, other than the points referred to in section 4 below.

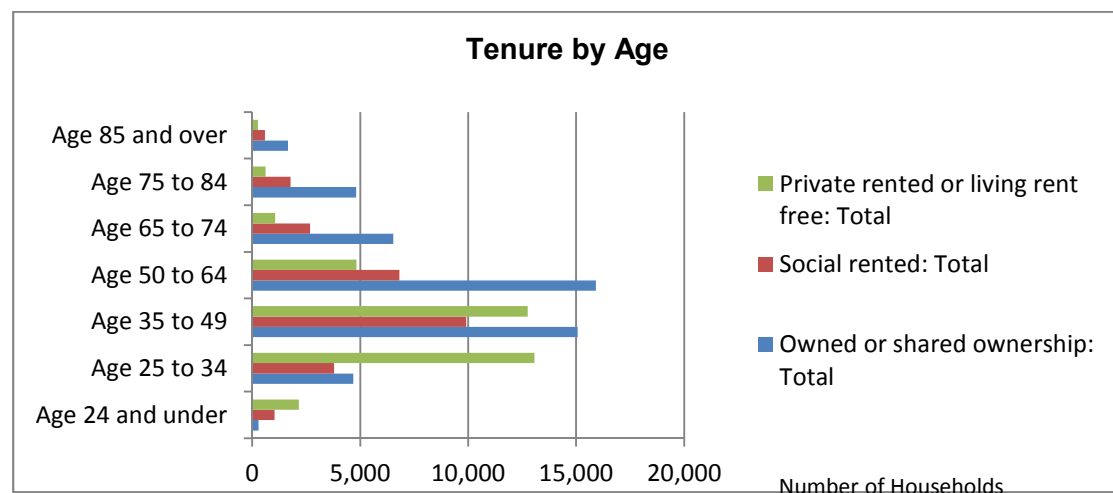
**Please give details of the evidence you have used:**

**Census data 2011**

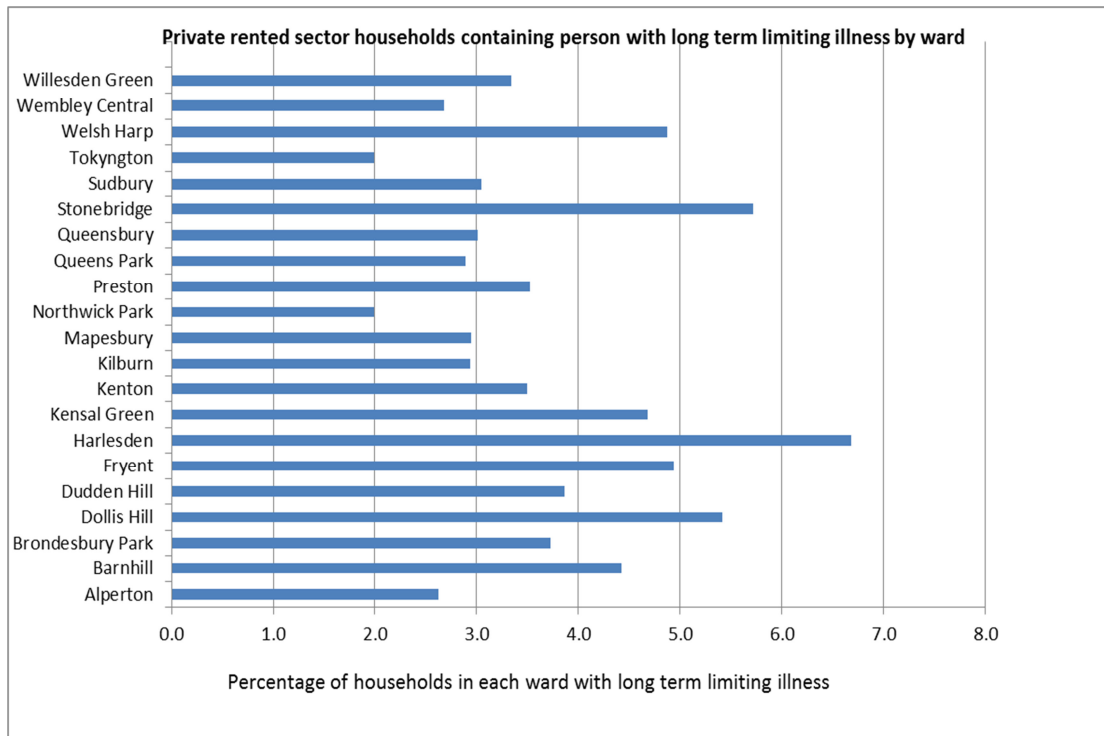
The 2011 Census provides valuable information regarding Brent's population. Data is still undergoing analysis, by ONS, however detailed below is relevant evidence regarding tenure



Source: ONS Crown Copyright Reserved Census 2011



Source: ONS Crown Copyright Reserved [from Nomis on 16 July 2013]



Source: ONS Crown Copyright Reserved Census 2011

#### **4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

##### **(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

It is thought that high demand and affordability issues for those residing in the PRS have resulted in overcrowding, sub letting and illegal conversions and that this has been exploited by rogue/criminal landlords. Overcrowded homes lack enough bedrooms, taking into account the ages, sex and relationship of the people in the household. Couples, single adults, pairs of adolescents of the same sex and pairs of children under 10 each require a separate bedroom. Licensing will tackle overcrowding and illegal conversions.

A landlord who has a conviction for a racially motivated or other hate crime would not be considered a fit and proper person and therefore would not be granted a license.

The intention is that Selective Licensing will assist in tackling anti social behaviour, which would include including harassment and victimisation, for example on the basis of ethnicity or sexuality – and it is therefore anticipated that this measure is likely to assist in eliminating discrimination

Housing and the quality of housing has a major impact on health and wellbeing. Investment in improving poor, overcrowded or inappropriate housing will improve the quality of life of residents and have a preventative affect on future health and social care need.

## **(b) Advance equality of opportunity;**

Licensing will have the effect of raising standards within the PRS across the board and therefore create an opportunity for all sectors of the community to live in a decent home.

In addition, licensing is intended to support the establishment of a stable rental market where landlords operate on a level playing field defined by clear standards. This should assist in:

- Improving access to the sector
- Encouraging tenancy sustainment
- Reducing risk of homelessness as a result of eviction from the PRS

Although not the subject of this policy or of the research supporting it, there is anecdotal evidence of racial discrimination by landlords and, particularly, letting agents. Licensing should assist in tackling this problem through improved information, training and communication that will raise awareness of rights and responsibilities across the sector.

## **(c) Foster good relations**

As noted above, licensing should provide a level playing field that will assist in fostering good relations between tenants and landlords and between tenants and neighbours in other sectors or businesses. In particular, licensing will assist in tackling problems of poor management and maintenance, overcrowding and anti-social behaviour that can lead to tensions between neighbours and perceptions of decline within neighbourhoods

**5. What engagement activity did you carry out as part of your assessment?** Please refer to stage 3 of the guidance.

### **i. Who did you engage with?**

Consultation ran from December 2013 to March 2014 and was undertaken with tenants, landlords, residents and businesses.

A questionnaire was available through the Consultation Portal and in addition:

- Questionnaires were sent by post to:
  - All residents and businesses in the Harlesden, Wembley Central and Willesden Green Wards
  - Residents in receipt of Housing Benefits
  - Landlords who received housing benefits on behalf of their tenants
  - Landlords who are known to the authority through the Housing Needs Unit and actions undertaken by Private Housing Services
  - Letting agents operating in the borough
  - Voluntary organisations

Presentations and discussion took place at:

- Private Housing Forum
- Private Sector Landlords' Fair
- All Brent Connects Forums

## ii. What methods did you use?

The consultation process was promoted through:

- Consultation paper and questionnaire on consultation portal
- Facebook advert which took readers to the consultation portal
- Twitter feed
- Direct mail out of questionnaire to landlords and letting agents operating within the borough
- Direct mail out to residents / business in the Harlesden, Willesden Green and Wembley wards
- Direct mail out to residents in receipt of Housing Benefit
- Adverts ran for 4 weeks in Brent and Kilburn Times
- Article in the Brent Magazine
- Article in BHP tenant newsletter
- Press article featured in the local and housing press.
- Poster campaign with posters placed on 80 JC Decaux hoardings across the borough
- Posters placed on Brent buses
- Radio campaign involving interview and phone-in with the Lead Member for Housing
- Direct approaches to members of the public visiting the Civic Centre

## iii. What did you find out?

736 responses to the questionnaire were received: 149 from landlords and agents and 587 from tenants, other residents and businesses. In addition direct contact was made through the various meetings and forums with over 350 Brent residents including a large number of private rented landlords operating in the borough.

### Landlords

149 landlords responded to the consultation and response in term of the protected characteristics is as follows

#### Gender

	% Total
Number of Responses	78.52%
Male	60.40%
Female	18.12%
No Response	21.48%
<b>Total</b>	<b>100.00%</b>

#### Age

	% Total
Number of Responses	81.21%
Under 18	0.00%
18 - 24	0.00%
25 - 34	4.70%
35 - 44	14.09%
45 - 54	28.19%
55 - 60	14.09%
61+	14.09%

Prefer not to say	6.04%
No Response	18.79%
<b>Total</b>	<b>100.00%</b>

### Disability

	<b>% Total</b>
Number of Responses	73.83%
Yes	7.38%
No	66.44%
No Response	26.17%
<b>Total</b>	<b>100.00%</b>

### Ethnicity

	<b>% Total</b>
Number of Responses	76.51%
White: English/Welsh/Scottish/Northern Irish/British	24.16%
White: Irish	3.36%
White: Gypsy or Irish Traveller	0.00%
Any other White background	6.04%
White and Black Caribbean	0.00%
White and Black African	0.00%
White and Asian	0.00%
African: Black/African/Caribbean/Black British	1.34%
Caribbean: Black/African/Caribbean/Black British	3.36%
Any other Black/African/Caribbean background	2.68%
Chinese: Asian/Asian British	1.34%
Bangladeshi: Asian/Asian British	0.00%
Pakistani: Asian/Asian British	2.01%
Indian: Asian/Asian British	16.78%
Any other Asian background	1.34%
Arab	0.67%
Any other mixed/multiple ethnic background	0.00%
Any other ethnic group	2.68%
Prefer not to say	10.74%
No Response	23.49%
<b>Total</b>	<b>100.00%</b>

### Religion

	<b>% Total</b>
Number of Responses	75.84%
Buddhist	0.00%
Christian	24.16%
Hindu	15.44%

Jewish	6.71%
Muslim	3.36%
Sikh	0.67%
None	5.37%
Prefer not to say	16.78%
Other	3.36%
No Response	24.16%
<b>Total</b>	<b>100.00%</b>

### Sexual orientation

	<b>% Total</b>
Number of Responses	69.13%
Heterosexual/straight	59.06%
Lesbian	0.67%
Gay man	0.00%
Bisexual	0.00%
Prefer not to say	9.40%
No Response	30.87%
<b>Total</b>	<b>100.00%</b>

Given the unregulated nature of the private rented sector there is very little statistical information against which to compare this cohort of landlords. Nevertheless, it is clear that landlords are opposed to licensing and Selective Licensing in particular, which is in line with experience in other local authorities. Their reservations centre around costs, in particular the licence fee, and perceived bureaucracy associated with the scheme and a view that the local authority should be using other means to deal with poor housing and antisocial behaviour.

### Resident and Business response to the Questionnaire

#### Gender - Response by percentage

	Private Rented	RSL	Owner Occupied	Business
Male	51.7	37.9	42.5	62.5
Female	48.3	62.1	57.5	37.5

#### What was your age on your last birthday?

Responses	Private rented	RSL	Owner Occupied	Business
Under 18	1.1%	3.1%	0.0%	0.0%



18-24	3.0%	3.1%	3.9%	12.5%
25-34	22.9%	18.5%	8.6%	12.5%
35-44	17.3%	12.3%	13.2%	0.0%
45-54	24.1%	26.2%	24.3%	25.0%
55-60	16.9%	10.8%	15.1%	50.0%
61+	11.3%	16.9%	28.3%	0.0%
Prefer not to say	3.4%	9.2%	6.6%	0.0%

Do you have any long-standing illness, disability or infirmity?				
Responses	Private Rented	RSL	Owner Occupier	Business
Yes	24.8%	32.8%	15.6%	50.0%
No	75.2%	67.2%	84.4%	50.0%

How would you describe your ethnic background?				
Responses	Private rented	RSL	O/O	Business
White: English/Welsh/Scottish/Northern Irish/British	15.9%	22.7%	39.5%	37.5%
White: Irish	4.1%	4.5%	7.2%	12.5%
White: Gypsy or Irish Traveller	0.0%	0.0%	0.0%	0.0%
Any other White background	20.7%	7.6%	7.2%	12.5%
White and Black Caribbean	0.7%	0.0%	0.0%	0.0%
White and Black African	0.4%	0.0%	0.7%	0.0%
White and Asian	0.7%	0.0%	0.7%	0.0%
African: Black/African/Caribbean/Black British	13.3%	18.2%	6.6%	25.0%
Caribbean: Black/African/Caribbean/Black British	3.3%	24.2%	6.6%	12.5%

Any other Black/African/Caribbean background	2.2%	3.0%	0.7%	0.0%
Chinese: Asian/Asian British	0.7%	1.5%	0.7%	0.0%
Bangladeshi: Asian/Asian British	0.4%	1.5%	0.0%	0.0%
Pakistani: Asian/Asian British	1.5%	4.5%	2.0%	0.0%
Indian: Asian/Asian British	10.0%	3.0%	10.5%	0.0%
Any other Asian background	7.0%	1.5%	2.0%	0.0%
Arab	7.4%	0.0%	0.0%	0.0%
Any other mixed/multiple ethnic background	1.1%	0.0%	0.7%	0.0%
Any other ethnic group	2.2%	0.0%	0.7%	0.0%
Prefer not to say	8.5%	7.6%	14.5%	0.0%

#### What is your religion/belief?

Responses	Private Rented	RSL	Owner Occupied	Business
Buddhist	1.1%	1.5%	1.3%	0.0%
Christian	43.9%	53.0%	35.1%	37.5%
Hindu	8.9%	3.0%	10.4%	0.0%
Jewish	1.1%	0.0%	1.9%	0.0%
Muslim	19.9%	15.2%	4.5%	12.5%
Sikh	0.0%	1.5%	0.6%	0.0%
Other	3.0%	4.5%	3.2%	25.0%
None	9.2%	10.6%	16.9%	25.0%
Prefer not to say	12.9%	10.6%	26.0%	0.0%

#### What is your sexual orientation?

Responses	Private	RSL	Owner	Business
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	rented	Occupied		
Heterosexual/straight	78.1%	71.4%	66.2%	87.5%
Lesbian	0.8%	0.0%	0.0%	0.0%
Gay man	0.0%	3.2%	1.4%	0.0%
Bisexual	1.2%	0.0%	0.7%	12.5%
Prefer not to say	20.0%	25.4%	31.8%	0.0%

There are significant concerns about the private rented sector in relation to standards of management and maintenance, accessibility, affordability and connections to anti-social behaviour. These concerns are shared by tenants, other residents and local businesses but also by a significant minority of Brent landlords.

Tenants, residents and businesses showed strong support for the introduction of Additional and Selective Licensing. Although landlords were opposed to the proposals, a significant minority recognised the potential benefits, in particular of Additional Licensing.

#### **iv. How have you used the information gathered?**

Information has been used to test the original proposals and to develop final versions. For example, responses have clarified the need to enter into further discussion with local landlords and their representatives about the detail of licence conditions and the potential application of discounts on licence fees.

It should be stressed that comments received as part of the consultation process did not reveal significant concerns about the impact of the proposals in relation to protected groups. This probably reflects the fact that the proposal is concerned with tenure rather than any other issue and affects a very wide range of Brent households. As noted above, there is no doubt that all protected groups feature in the cohort of private tenants and landlords and there is some evidence to suggest that some groups may be over-represented.

#### **v. How has it affected your policy?**

The consultation process and analysis of evidence supported the designation of an Additional Licensing scheme to cover the whole borough but suggested that the approach to Selective Licensing required further consideration and consultation with a view to identifying other wards that may meet the criteria for designation.

Further consultation will also consider the detail of the conditions and any discount against fees applicable to both schemes.

### **6. Have you identified a negative impact on any protected group, or identified**

**any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate this impact.**

Please refer to stage 2, 3 & 4 of the guidance.

Overall, it is expected that the impact will be positive for all groups. However, as noted earlier, there is some risk that evictions may result if landlords opt to withdraw from the market. It is impossible to predict on what scale, if at all, this might happen but any response will need to operate mainly on a case by case basis. Where households are in priority need, homeless applications may be made, while advice and assistance would be available in all cases. This may be coupled with increased publicity and information for tenants and landlords at the point that the schemes are introduced.

On the basis of the information available, the groups most at risk are:

- Age – people under 35
- Ethnicity – Other White households

**Please give details of the evidence you have used:**

See above.

## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age		X*	
Disability	X		
Gender re-assignment	X		
Marriage and civil partnership	X		
Pregnancy and maternity	X		
Race		X*	
Religion or belief	X		

<b>Sex</b>	X
<b>Sexual orientation</b>	X

\* Note that these indications are provisional and affect only certain cohorts within the broader age and race groups.

## **8. The Findings of your Analysis**

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

### **No major change**

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

The policy is lawful and there are no indications of significant negative impact, beyond the speculative risk around eviction noted above and for which mitigation measures have been identified.

Although some adjustment has been made to the policy following consultation, this is not connected with equality issues.

### **Adjust the policy**

*This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).*

*Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.*

*If you have identified mitigating measures that would remove a negative impact, please detail those measures below.*

*Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.*

**Continue the policy**

*This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawful discrimination, either direct or indirect discrimination.*

*In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.*

*Explain the countervailing factors that outweigh any adverse effects on equality as set out above:*

*Please document below the reasons for your conclusion and the information that you used to make this decision:*

**Stop and remove the policy**

*If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

**9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future.

Please refer to stage 7 of the guidance.

Monitoring arrangements are subject to further discussion with landlords, tenants and other interested parties during the notice period for the scheme. However, they are likely to include:

- Take-up of the scheme
- Levels of enforcement for non-compliance
- Levels of enforcement under other powers
- Assessment of tenant and landlord experience one year into the scheme

- Impact on perceptions and reports of anti-social behaviour in the wards covered by Selective Licensing

## 10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

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