 Brent	<p style="text-align: center;">Cabinet 26 August 2014</p> <p style="text-align: center;">Report From the Strategic Director of Regeneration and Growth</p>
For Action	Wards affected: All
<p style="text-align: center;">Selective Licensing in the Private Rented Sector</p>	

1. Summary

- 1.1 In April 2014 the Executive approved the introduction of an Additional Licensing scheme for the whole borough and deferred a decision on a proposal for a Selective Licensing scheme pending further consultation on the possible addition of Dudden Hill and Mapesbury wards to the area to be covered by the scheme. Following completion of this exercise, this report seeks approval for the introduction of a Selective Licensing scheme in the three wards of Wembley Central, Harlesden and Willesden Green.
- 1.2 Consultation was undertaken from 20th May to 18th July 2014. This report sets out the results of the exercise and explains the basis and rationale for the proposed scheme, building on the April report, relevant parts of which have been incorporated into this document.
- 1.3 The consultation exercise focussed on tenants and residents in the two wards, since landlords had already been consulted extensively while a postal survey had been sent to all residents in the three original wards as part of the earlier exercise. Outcomes from both exercises are considered in this report.

2. Recommendations

- 2.1 That Cabinet:
 - 2.1.1 Considers the evidence and the responses to consultation and determines whether the proposed scheme should be introduced.
 - 2.1.2 Subject to 2.1.1 above, agrees that the legal requirements for introducing Selective Licensing as set out in paragraphs 11.1 to 11.8 of this report have been met with regard to the three wards of Harlesden, Wembley Central and Willesden Green.

- 2.1.3 Subject to 2.1.1 and 2.2.2 above, agrees to authorise the designation of an Selective Licensing area to cover the three wards of Harlesden, Wembley Central and Willesden Green, as delineated and edged red on the map at Appendix 3, to take effect from 1 January 2015 and to last for five years from that date, in line with the timing of the Additional Licensing scheme approved by the April Executive.
- 2.1.4 Agrees that the council will begin to accept applications for Selective Licensing from 1st November 2014, in anticipation of the scheme coming into effect on 1st January 2015.
- 2.1.5 Agrees that authority to issue the required statutory notifications in relation to the Selective Licensing Scheme designation is delegated to the Strategic Director of Regeneration and Growth.
- 2.1.7 Agrees that the fees for Selective Licensing will be set at £350 for the five-year licensing period.
- 2.1.8 Agrees that, subject to further consultation, authority should be delegated to the Strategic Director of Regeneration and Growth to agree the basis for and level of any discounts to be applied to these fees.
- 2.1.9 Cabinet is asked to note that the Selective Licensing scheme will be kept under review annually. Any significant changes, including the withdrawal of a licensing designation, will be subject to further consultation and a decision by Cabinet.

3. Background

- 3.1 Under the Housing Act 2004, there are three forms of licensing relating to private rented housing available to local authorities:

- (a) Mandatory Licensing

All local authorities are obliged to run a licensing scheme covering Houses in Multiple Occupation (HMOs) that have three or more storeys and are occupied by five or more people. A scheme has been in operation in Brent since 2006.

- (b) Additional Licensing

Section 56 of the Housing Act 2004 provides a power to licence HMOs not covered by mandatory licensing; defined as properties containing 3 or more separate households in a property of no more than 2 floors. Under Additional Licensing, local authorities can designate an area for an initial 5 years but must be satisfied that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise to one or more particular problems, either for those occupying the HMOs or for members of the public. In April 2014 the Executive approved the designation of an Additional Licensing Scheme covering the whole borough with effect from 1st January 2015.

- (c) Selective Licensing

Under Part III of the Act, local authorities can introduce Selective Licensing schemes that focus on improving the management of privately

rented properties accommodating single households as well as HMOs. Areas designated for Selective Licensing must demonstrate low housing demand or be experiencing 'significant and persistent' problems with anti-social behaviour.

- 3.2 The private rented sector has grown across London in the ten years between the 2001 and 2011 Census exercises and growth in Brent has been particularly pronounced. In 2001, the private rented sector represented almost 18% of the stock and by 2011 had grown to over 28%. Latest estimates indicate that the sector comprises around 35,000 properties - over 31% of the stock, making it bigger than the social rented sector in Brent.
- 3.3 The sector is therefore a vital resource that has grown in response to demand, particularly as house purchase has moved increasingly out of reach for Brent residents and access to social housing is restricted by short supply. Much of the sector in Brent offers good accommodation but there is also evidence of poor management and the quality of some rented accommodation is low and, in some cases, unsafe.
- 3.4 There is also evidence that poorly-managed privately rented properties have a negative impact on some neighbourhoods. Anti-social behaviour, nuisance neighbours, accumulations of rubbish and other problems can be linked to the failure of private landlords to manage their properties and tenancies effectively. Overcrowding, sub letting and illegal conversions are also features of the private rented sector in Brent on the back of huge demand for housing in the borough and all contribute to neighbourhood problems.
- 3.5 In response to the rapid growth of the sector and concern about standards of management and maintenance, Housing Quality Network (HQN) were commissioned in May 2013 to undertake a study to explore the nature and extent of the sector, problems related to it and possible solutions; in particular, the brief called for consideration of the current and possible future use of the authority's licensing powers.
- 3.6 The findings of the study indicated a correlation between poorly managed private rented housing and the incidence of anti-social behaviour in some areas, suggesting that there was a case for consideration of Selective Licensing and it was agreed that the council should consult on proposals to extend licensing and, concurrently, gather further evidence that would indicate the most appropriate course of action, including in particular further analysis of the evidence of the connection between private renting and anti-social behaviour. Mayhew Harper Associates were commissioned to carry out this analysis, which confirmed the connection. More detail on the work carried out by HQN and Mayhew Harper Associates, together with other evidence, is set out below and in Appendix 1, while the consultation exercise is also summarised below, with further detail in Appendix 2.

4. Private Renting in Brent and the Role of Selective Licensing

- 4.1 The Housing Act 2004 sets out specific requirements for the introduction of Selective Licensing and evidence gathering and consultation have sought to establish the position in relation to these. The legal requirements which the Cabinet has to consider before authorising the introduction of a scheme are set out in paragraphs 11.1 to 11.8 of this report.

- 4.2 It is a requirement that any exercise of the power is consistent with the council's overall Housing Strategy and that a co-ordinated approach is taken in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. The Housing Strategy was approved by Cabinet on 21st July 2014 and addresses these issues. The authority must also consider whether any other course of action – for example the use of other enforcement powers – would be effective and whether the designation of Selective Licensing will assist in dealing with identified problems. This is considered further below.
- 4.3 Selective Licensing is intended to assist in dealing with one or both of two problems: low demand and anti-social behaviour. Clearly, the former is not relevant in Brent and the focus has therefore been on anti-social behaviour. The relevant set of general conditions is:
- a. that the area is experiencing a significant and persistent problem caused by anti-social behaviour;
 - b. that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take, and;
 - c. that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem (s.80(6) HA 2004)

4.4 The Private Sector in Brent

- 4.4.1 With support from HQN and Mayhew Harper Associates, data provided mainly from council sources and the Metropolitan Police has been used to map the extent of the private rented sector, identify problems attributable to it and assess the link between the sector and a range of anti-social and criminal activity. Analysis also draws on responses to consultation set out in section 5 and Appendices 1 and 2.
- 4.4.2 As noted above, the sector has grown significantly. Wards with over 2,000 properties are Willesden Green and Harlesden, while wards with the highest percentage of private renting are Mapesbury (44%), Willesden Green (42%) and Kensal Green (35%). The largest increases in private renting between 2001 and 2011 occurred in Harlesden and Kensal Green. The south and south-east of the borough have the largest concentrations of private renting, with the nature of the stock and historic tenure patterns contributing to this imbalance. However, the sector has also grown in the north of the borough, where owner occupation has been the primary tenure in the past. Appendix 1 maps the distribution of the sector.
- 4.4.3 The precise extent of private renting is difficult to ascertain; there is no requirement for landlords or tenants to inform the council or others of their status in most cases and there is a constant flow of properties and people into and out of the sector. The HQN study used data from the 2011 Census which, although reliable, contains some under-reporting and only provides the picture for a particular point in time. Mayhew Harper Associates' analysis uses a predictive model, based on council data – for example Housing Benefit claims and other engagement with landlords and tenants - which arrives at a higher total. Both methods demonstrate the growth in the sector and the number of both HMOs and single household lets within the total.

4.5 Selective Licensing

- 4.5.1 There is some overlap between the requirements for Additional and Selective Licensing in terms of relevant evidence; for example, poor management leading to problems for other residents in the vicinity of private rented homes is a factor in both. However, Selective Licensing is concerned in particular with the impact of anti-social behaviour.
- 4.5.2 It should be stressed that the research does not set out to prove a causal link between incidents of ASB and any *particular* property, landlord or tenant. Nor is it implied that all landlords or tenants are responsible for ASB in an area or that licensing alone is the only solution to these problems. The focus has been on collecting evidence that would demonstrate whether or not there is a correlation between levels of ASB and related criminal activity and the scale of private renting in wards in Brent, within the meaning set out in the legislation and, in particular, whether there is a significant and persistent problem.
- 4.5.3 Focus groups and other evidence, particularly from consultation responses, noted concerns relating to overcrowding and poor management in the sector and its contribution to:
- Refuse and fly tipping.
 - Noise in converted properties, although often at a level too low for enforcement action.
 - Parking problems, particularly in the south of the borough where off-street parking is not generally available. Although parking issues are not a direct indicator of anti-social behaviour, they provide an indication of local occupancy levels and possible overcrowding, which is a factor underlying anti-social behaviour, particularly in relation to noise and waste issues.
 - Increased street drinking in some areas.
 - Use of rented properties to run unlicensed businesses or criminal activity such as drug dealing.
- 4.5.4 Examination of data from the Community Safety Team, the Police and other services indicates that the wards with the highest incidence of anti-social behaviour are concentrated in the south and east of the Borough. These wards have relatively high levels of private rented sector stock, apart from Stonebridge which has a high concentration of social housing (although it should be noted that a significant number of homes bought under Right to Buy are now let privately). The only ward in the south of the Borough that does not feature in this list is Brondesbury Park (ranked seventh highest in the Borough for relevant anti-social behaviour).
- 4.5.5 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 indicate 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. It is recognised that Wembley's status as the Borough's principal shopping area, where disproportionately high levels of crime are often found, together with the proximity of Wembley Stadium in an adjoining ward may have influenced Wembley's high ranking and this has been taken into

consideration. Mapping indicates that reports of anti-social behaviour emanate from residential streets rather than the High Road itself and anti-social behaviour linked to the Stadium is concentrated in the neighbouring Tokyngton ward, in which the Stadium is situated. Together with the high level of private renting in the area, the evidence indicates that the link is similar to that established in Harlesden and Willesden Green.

- 4.5.6 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 throughout 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 – although it should also be stressed that this represents only a proportion of all anti-social behaviour incidents, not all of which are reported to the Community Safety Team, either because they are reported to the police, because they are examples of other kinds of anti-social behaviour such as fly-tipping or because they are reported by social housing tenants, who are likely to inform their landlord rather than another service. 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.
- 4.5.7 Consultation responses provided many examples of serious and persistent anti-social behaviour connected to private rented housing and these are covered in Appendices 1 and 2.
- 4.5.8 Mayhew Harper Associates analysis correlated the concentration of private renting with ASB, fly tipping and graffiti at ward level. This found that there was:
- A 56% correlation between properties likely to be HMOs and ASB/noise intensity
 - A 73% correlation between properties likely to be single family rented households and fly tipping intensity by ward
 - A 42% correlation between properties likely to be single family rented households and graffiti intensity at ward level.
- 4.5.9 More detail on the methodology and results is set out in Appendix 2 but an important finding from this analysis is that there is evidence that a strong link between significant and persistent anti-social behaviour and the prevalence of private rented housing exists in certain wards, in particular, Dudden Hill, Harlesden, Mapesbury, Wembley Central and Willesden Green. These findings prompted the decision to undertake further work to test the position in Dudden Hill and Mapesbury.
- 4.5.10 The evidence supports the view initially taken following the HQN study that some landlords are failing to take appropriate action to address anti-social behaviour that is impacting on their tenants and neighbouring homes and businesses. Direct evidence from anti-social behaviour and crime-related complaints and interventions, together with the views and examples provided by consultation, demonstrate that problems persist and are not being addressed effectively.

- 4.5.11 As noted earlier, licensing is not proposed as the sole solution to problems of anti-social behaviour, but as part of a range of strategies and actions. Licensing is intended to assist as far as these problems occur in and affect the private rented sector in the wards where particular problems have been identified. It will assist in tackling problems of overcrowding and poor management and maintenance, which in turn lead to issues related to noise nuisance, waste and dumping problems and other matters. It will operate in conjunction with, for example, the council's work with the Safer Brent Partnership and the council's waste management and street care strategies, as well as providing landlords and tenants with clear guidance on rights and duties.

5. Consultation

- 5.1 Consultation aimed to test the initial analysis of issues in the sector and seek views on and perceptions of problems associated with it and the potential of licensing to address them, in line with the requirements of the Act. The consultation on the original proposals sought views from landlords and tenants, other Brent residents and local businesses, recognising that issues impact on the whole community. The additional consultation exercise focussed solely on residents of the Dudden Hill and Mapesbury wards, since landlords and residents in the other three wards had been consulted previously (although a small number of responses were received from landlords resident in the two wards). This report draws on the outcome of both exercises. Questionnaires and other exercises focussed on:

- Views on local problems to gauge perceptions and experience of a range of matters either directly or indirectly associated with private renting. This element of the exercise supported the development of the evidence base.
- Views on licensing proposals, including perceptions of its potential efficacy and on the extent and coverage of any scheme.

- 5.2 Responses to the first consultation exercise were reported in full in the report to the April Executive and are also set out in Appendix 2 to this report, alongside results from the further consultation in Dudden Hill and Mapesbury. 330 responses were received from the two wards (a higher overall response rate than was achieved in the initial exercise) and some significant findings are highlighted below. For convenience, the first exercise is referred to as Consultation 1 and the more recent exercise in Dudden Hill and Mapesbury as Consultation 2.

5.3 Problems in the Private Rented Sector

- 5.3.1 Consultation 1 indicated that, in terms of overall perceptions of their neighbourhood among tenants, residents and businesses:

- 62.6% felt that poorly maintained properties were a problem
- 65% felt that poorly managed properties were a problem
- 90.3% agreed that landlords have a responsibility to manage effectively

- 5.3.2 Broadly similar results emerged from Consultation 2:

- 67% felt that poorly maintained properties were a problem
- 65% felt that poorly managed properties were a problem

- 95% agreed that landlords have a responsibility to manage effectively
- 5.3.3 Asked to identify the main problems experienced in their homes, tenants in Consultation 1 cited:
- Poor amenities – 55.5%
 - Disrepair – 59.9%
 - Damp and mould – 65.1%
- 5.3.4 Tenants in Consultation 2 responded as follows on the same issues, with a significantly lower number reporting problems:
- Poor amenities – 39.5%
 - Disrepair – 43%
 - Damp and mould – 48.6%
- 5.3.5 Asked about problems in the vicinity, Brent businesses cited:
- Poor external appearance of properties – 65.1%
 - Refuse, fly-tipping etc. – 65.4%
 - Noise from neighbouring properties – 55.1%
- 5.3.6 No responses were received from businesses in Consultation 2.
- 5.3.7 Asked about the significance of poorly maintained or poorly managed properties, landlords responded as follows:
- 45.8% said poor maintenance is a problem (43.% said there was no problem)
 - 58.4% said poor management is a problem (28.9% said there was no problem)
- It is striking that only a minority of landlords appear to feel that there are no problems relating to the sector.
- 5.3.8 As noted above, landlords were not invited to respond to Consultation 2 as they had been consulted fully in the first exercise.
- 5.3.9 In Consultation 1, landlord responses to the impact of anti-social behaviour by tenants showed a similar pattern:
- 43.7% felt there was some problem with their own tenants
 - 58.4% felt there was a problem with tenants of other landlords (with over 30% identifying problems as serious or very serious).
- 5.3.10 In Consultation 1,
- 53% of respondents indicated that nuisance neighbours were a problem, with 31% identifying this as a serious or very serious issue
 - 57% indicated noise nuisance as a problems, with 31%% identifying it as a serious or very serious one
 - 72% indicated problems with rubbish dumping and fly tipping, with 50% identifying these as serious or very serious problems
 - 67% indicated that poorly managed and maintained homes were a problem
- 5.3.11 In Consultation 2, the same issues showed the following responses:

- 58% of respondents indicated that nuisance neighbours were a problem, with 24% identifying this as a serious or very serious issue
- 69% indicated noise nuisance as a problem, with 27% identifying it as a serious or very serious one
- 88% indicated problems with rubbish dumping and fly tipping, with 63% identifying these as serious or very serious problems
- 72% indicated that poorly managed and maintained homes were a problem

5.3.12 In summary, the results of the exercise show evidence of problems with anti-social behaviour relevant to Selective Licensing. Responses from Dudden Hill and Mapesbury indicated generally higher levels of concern over poor management and maintenance and neighbourhood problems associated with private renting, but these results are not reflected in attitudes to Selective Licensing as clearly as might have been expected (see 5.4.2 below).

5.4 Views on Possible Interventions

5.4.1 In Consultation 1, a large majority (75.6%) of tenants, residents and businesses agreed that Selective Licensing would assist in reducing anti-social behaviour. 65.5% agreed with the introduction of a scheme and in terms of the area to be covered:

- 70.6% supported introduction in Willesden Green
- 71.7% supported introduction in Harlesden
- 68.6% supported introduction in Wembley Central
- 51.8% supported a borough-wide scheme

5.4.2 In Consultation 2, 66% agreed that licensing would assist in reducing anti-social behaviour, while 59% agreed that a Selective Licensing scheme should be introduced. Support for Selective Licensing in the two wards was at the following levels:

- 59% in Dudden Hill
- 57% in Mapesbury

5.4.3 Landlords were sceptical about the impact of licensing on anti-social behaviour, with 57.7% saying that it would not assist, although 23.5% agreed that it would. Asked about the impact of Selective Licensing on the quality of management and maintenance, a smaller majority of 51% felt that Selective Licensing would not lead to improvement, while 30.1% agreed that the impact might be positive.

5.4.4 67.1% of landlords opposed the introduction of Selective Licensing, with only 17.4% in favour. However, views on specific wards differed, with support for Selective Licensing at the following levels (noting that landlords were not specifically consulted on proposals for Dudden Hill and Mapesbury):

- Willesden Green – 22.8%
- Harlesden – 26.2%
- Wembley Central – 21.5%

5.5 Other Points from Consultation

- 5.5.1 In general, responses from individual landlords, both to the questionnaires and in discussion at public meetings, concentrated on a fairly narrow range of objections: that licensing is primarily a revenue-raising exercise for the council, effectively imposing a “tax” on landlords; that licensing obliges the majority of good landlords to pay for the actions of a minority; that licensing introduces an unnecessary layer of bureaucracy and that charging fees will lead to increased rents. More detailed collective responses were submitted by the National Landlords Association (NLA) and the Residential Landlords Association (RLA). These and other comments are addressed in Appendix 2.
- 5.5.2 Each of the Brent Connects Forums in Consultation 1 was attended by around fifty residents. It is not advisable to draw firm conclusions from what were, inevitably, short discussions with groups that are not necessarily representative and which were made up mainly of local residents who were neither landlords nor tenants. However, officers also spoke to residents individually and there was, with some exceptions, strong support for licensing proposals. The main feedback included concerns as to whether licence fee costs would be passed on to tenants and whether income from licensing would be used to fund other council activity; it was explained that landlords may be able to pass on fees but that levels would be proportionate and should not have a significant impact on rents, while strict rules prevent use of fee income for other purposes. There were also concerns about the council’s willingness to take robust enforcement action.
- 5.5.3 For Consultation 2, officers attended the Kilburn and Kensal forum on 1st July 2014. Following a presentation the meeting split into two groups to discuss the proposals. One group indicated support and the other was opposed, although both were sceptical about the suggestion that either ward suffered particularly high levels of anti-social behaviour or that this was related to private renting. As with the earlier meetings, it should be stressed that this discussion involved a small group not necessarily representative of the whole community (only one tenant and one landlord were involved) but the discussion reflected wider consultation responses, which indicated that support for licensing is less clear in these two wards.
- 5.5.4 The Private Housing Forum and the Landlord Fair also heard presentations on the proposals and comments were invited. Both these events were attended primarily by landlords, although a small number of tenants were present at the Forum and agents and landlord organisations were represented at the Fair. The main concerns expressed mirrored the questionnaire responses summarised in paragraph 5.11.1 above.

6. Conclusions from the Evidence and Consultation

- 6.1 Evidence required by the legislation must ultimately govern the decision in principle as to whether the implementation of Selective Licensing is justified, while outcomes from consultation indicate the level of support for or opposition to the proposals, as well as providing further indication of areas of concern.
- 6.2 The outcomes from consultation are positive and provide additional evidence in support of the case for the extension of licensing. While a numerical majority of all responses supported Selective Licensing there were, perhaps inevitably, differences of view between different interest groups. While it may have been anticipated that landlords and landlord groups would oppose

licensing in principle, as they have done elsewhere, the objections put forward raise genuine concerns that have helped to shape the detail of the proposals and will be given due weight in finalising operational arrangements.

6.3 Given the size of the sector and the extensive publicity devoted to the exercise, the number of responses to the initial consultation exercise was not high (particularly from landlords, given that the extent of the stock and experience in other authorities suggests that the number of landlords operating in Brent is likely to be well over 15,000), although it was broadly comparable to the levels achieved by other boroughs that have undertaken similar projects. As noted above, the response to the additional consultation in Dudden Hill and Mapesbury was higher, although it showed a significantly lower level of support for the proposal from residents. This is perhaps surprising, given that responses showed a broadly similar or, in some cases, more pronounced level of concern with problems of anti-social behaviour. It is also notable that tenants in Dudden Hill and Mapesbury indicated lower levels of problems with their housing than those in the other wards. In general levels of support and opposition to the proposals also reflect experience in other authorities. Responses supported the proposition that there are significant concerns about neighbourhood issues in relation to Selective Licensing. There was also strong acknowledgement of the importance of good management by landlords and of the need for the council to intervene appropriately.

6.4 From the start, a number of options were open, with each intended to be tested by consultation and evidence gathering. In summary, these were:

- To continue with a Mandatory Licensing scheme only
- To adopt Additional Licensing, either across the borough or in identified neighbourhoods
- To adopt Selective Licensing, either across the borough or in identified neighbourhoods

6.5 Mandatory Licensing Only

6.5.1 Landlords, in particular through representations from the NLA and RLA, have argued that the council has sufficient enforcement powers at its disposal so that, coupled with existing licensing arrangements, there is no need for any further scheme. In part, this is an argument against the principle of licensing, which is not accepted; the licensing powers in the 2004 Act are in themselves recognition that other powers alone may not always be sufficient. However, it is accepted that the adoption of additional mechanisms must be justified in law and in practice and that maintaining existing arrangements is an option to be considered.

6.5.2 In making the recommendations in this report, officers have considered the use of existing powers. The Mandatory Licensing Scheme covers only a very small proportion of all HMOs in the borough but has proved effective in delivering improvement in management and maintenance and it can be expected that extension of similar arrangements to other HMOs can deliver similar outcomes. Some of the limitations of existing enforcement powers have been referred to earlier and there are concerns about the time-consuming, complex and expensive characteristics of the regime. The regime is by its nature largely reactive, with officers responding to tenant complaints, which may be discouraged by lack of security of tenure and fear

of retaliatory eviction. Both landlords and tenants find the enforcement regime impenetrable and difficult to understand and there is clearly a need for better information, which is considered further below.

- 6.5.3 Analysis of enforcement activity across the private rented sector since 2007 (see Appendix 1) shows a steady increase over the period, but this is coupled with an increase in complaints for all property types. It can be inferred that the current approach being taken to deal with private rented sector properties has not led to a reduction in complaints/requests for services being made. While enforcement activity has remedied problems in individual dwellings it is not, by its nature, able to raise standards generally.

6.6 Designation of Additional Licensing

- 6.6.1 The conclusion of the report to April Executive was that there is clear evidence to show that the number of HMOs in Brent is much larger than the number covered by Mandatory Licensing and that there is evidence of poor management within the meaning of S56, Part II, Housing Act 2004 that justifies the designation of an Additional Licensing scheme for the whole borough. The spread of HMOs and the spread of enforcement activity and requests for assistance demonstrate that problems are not confined to any one neighbourhood or group of neighbourhoods. On this basis, the Executive approved the designation of an Additional Licensing scheme to cover the whole borough.
- 6.6.2 Additional Licensing will provide greater clarity for both landlords and tenants over their respective rights and responsibilities and means of redress. It should be stressed that licensing does not replace or override other paths to enforcement, which will continue to operate in tandem with it. Rather, it provides a clear framework within which enforcement powers can be used and targeted most effectively.

6.7 Designation of Selective Licensing in Three Wards

- 6.7.1 The conclusion of this report is that there is clear evidence to support a Selective Licensing designation in the three wards of Harlesden, Wembley Central and Willesden Green (but see 6.8 below). The purpose of Selective Licensing is to address anti-social behaviour and, as with Additional Licensing, the designation does not replace other powers or actions that the council and its partners may take. Rather, the intention is that Selective Licensing will act as one of a range of tools and provide a framework within which these can work most effectively.

6.8 Designation of Selective Licensing Borough-wide or in Additional Wards

- 6.8.1 The report to April Executive concluded that there was not sufficient evidence to support a borough-wide Selective Licensing designation, despite significant support for this option from tenants and other residents. Although ASB occurs in all wards, levels vary, as does the extent of private renting. Although other boroughs have elected or are proposing to introduce selective licensing on a borough-wide basis, any decision must be based on conditions in Brent.
- 6.8.2 Mayhew Harper's research, based on a mix of indicators, found that Wembley Central and Willesden Green were in the top five wards for anti-social behaviour, whilst Harlesden was in sixth place. The top five also included

Dudden Hill (in first position), Welsh Harp in third position and Mapesbury in fifth. Welsh Harp is considered to be anomalous as it contains open space and may therefore owe its higher position to fly tipping and graffiti, in which case Harlesden moves into fifth place. While this confirms that the three wards originally identified experience significant problems, Dudden Hill shows an even higher correlation and Mapesbury a comparable one to those three wards.

- 6.8.3 In light of the elevated levels of ASB and high levels of private renting in Wembley Central there is a strong case to introduce selective licensing in this ward. However, the research found a particular concentration of HMOs in this ward, which would in any case be covered by the proposed borough-wide Additional Licensing scheme, and further consideration has been given to whether this measure could be adequate in this context.
- 6.8.6 As noted earlier, consideration has been given to the influence of the presence of a high street shopping area and Wembley Stadium on levels of anti-social behaviour in Wembley Central. The evidence indicates that these are not decisive factors in the ward's high prevalence of issues. Although Additional Licensing will address some issues in the ward given the high number of HMOs, this will not address problems relating to other parts of the private rented sector. In light of this and the significant levels of concern and support for the proposal identified in consultation, the recommendation of this report is that Wembley Central should be included in the scheme.
- 6.8.7 With regard to Dudden Hill and Mapesbury, there is clear evidence to show that these wards experience high levels of anti-social behaviour relative to other parts of the borough. However, further research and consultation indicates that the evidence that this is linked directly to the private rented sector is less clear than in the other three wards. While consultation responses indicated levels of concern about anti-social behaviour and related issues as high or higher than those in other wards, consultation also indicated that respondents were less inclined to link this to the presence of private renting. Although a majority supported the introduction of Selective Licensing, numbers in favour were significantly lower than in other wards and suggest a more ambivalent attitude to the proposal.
- 6.8.8 Mapping of the patterns of anti-social behaviour (see Appendix 1) suggests a strong link to the high street areas in the two wards, rather than to residential streets. Comments made in consultation reinforce this assessment, with frequent references to street drinking and individuals congregating in public areas around high streets. In addition, a number of residents expressed surprise that their neighbourhoods were under consideration, taking the view that anti-social behaviour was not a significant local issue, even though they expressed support for the principles of licensing.
- 6.8.9 As noted earlier, majority support for licensing is not in itself a justification for the adoption of a scheme, although it may be taken into account as an indication that problems exist and are causing concern. Rather, the decision must be based on evidence of a link between the prevalence of private renting and the existence of a significant and persistent anti-social behaviour problem. The conclusion of this report is that, while there is evidence to link anti-social behaviour and private renting in the two wards, it is not conclusive or clear enough to meet the test set out in the Act. Similarly, while a majority of responses to consultation supported the extension of Selective Licensing to

Dudden Hill and Mapesbury, this support was lower than in other wards and does not provide sufficient additional weight to the case to support designation in these two wards.

6.9 Objectives and Anticipated Outcomes

- 6.9.1 Selective Licensing is aimed primarily at tackling anti-social behaviour related to private renting but will not operate in isolation and is part of wider strategies to improve standards and conditions and tackle neighbourhood problems. The Housing Strategy has been subject to extensive public consultation and was approved by the Cabinet in July 2014. It identifies addressing the growth of the private rented sector and associated problems as a high priority, recognising that a quality, well-managed rental market is an essential resource.
- 6.9.2 The Borough Plan 2013-14 notes that rapid population growth has increased the pressure on available housing, and that the huge increase in the private rented sector is a major concern, especially in relation to standards, overcrowding and illegal lettings such as 'beds in sheds'. Although the level of crime in the borough has fallen significantly over the past few years, fear of crime and antisocial behaviour remain an issue for many Brent residents, such that preventing and reducing it are key tasks. Making sure that the borough is clean and attractive and feels safe and secure by maintaining streets and neighbourhoods to a high standard is also an identified priority. The plan sets targets for reducing the number of graffiti incidents alongside a 10% reduction in the incidence of fly-tipping and dumped waste and improving waste arrangements and tidiness in HMOs through partnership work with landlords and tenants, as well as raising living standards in the private rented sector by working more closely with landlords to improve the quality and overall management of their properties. Licensing is identified as a potentially valuable element in securing these improvements.
- 6.9.3 The Safer Brent Partnership Strategic Statement identifies priorities for the period to December 2014. A focus on reducing the number of incidents in crime hotspots like Harlesden, Wembley Central and Kilburn is identified, while reducing anti-social behaviour – tackling ways of behaving that make people feel uncomfortable or unsafe in our shared public spaces – is a high priority. This includes tackling hate crime and an approach to safer neighbourhoods that encompasses environmental crime such as fly-tipping. Within the overall aim of increasing confidence and satisfaction, fire safety and awareness is a priority. Each priority will have a lead officer and appropriate partnership support to drive progress, bringing together the partners required to develop a work programme for the actions in the plan and using an optimum number of performance indicators to assess progress. Priorities and objectives for licensing will be incorporated into the work programme. There will be engagement with private landlords and their representatives and tenants and theirs in the development of operational arrangements for the schemes following implementation.
- 6.9.4 In addition, improving physical standards and the quality of management in the sector will deliver wider social and health benefits. The links between poor housing and poor health – for example the impact of damp and mould growth on respiratory conditions and the impact of poor housing on mental health – are well-established. Improved quality in all sectors can therefore have a positive effect on demand for health services and individual health and well-

being. Similarly, it is well-understood that poor housing conditions and overcrowding in particular have a negative impact on educational attainment. While the primary aims of licensing are distinct, it is expected that it will assist the council and partners to achieve objectives in these and other areas.

- 6.9.5 Overall, the intention is that licensing should assist the local rental market through provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect. While licensing will impose significant penalties on rogue landlords and parallel enforcement activity will be targeted at the worst properties and landlords who breach licensing conditions and HHSRS standards, a primary intention of the scheme is to support and encourage landlords who provide a good service and develop effective partnerships with the sector. Over sixty landlords who responded to the questionnaire indicated that they would be interested in regular meetings with the council to this end.
- 6.9.6 A range of incentives, details of which will be subject to further discussion with landlords and landlords' representatives, is under consideration and may include:
- Discounts for landlords with multiple properties
 - Discounts for landlords who are already members of or agree to become members of a recognised accreditation scheme
 - Support and advice on achieving accreditation
 - Provision of lettings agency services through BHP
 - Access to accredited training provision
 - Access to advice and support over tenancy and property issues
 - Access to information for landlords and tenants
 - Enhanced access to Green Deal and ECO funding through the council's recently appointed ECO Delivery Partner
 - Access to other grant funding – for example Empty Property Grants.
- 6.9.7 The original proposal highlighted the possibility of a discount for landlords who enter the scheme in its early stages – a so-called “early bird” discount of the kind that has been made available by other authorities such as Newham. However, it has been argued by the RLA that such discounts are contrary to the European Directive (European Union Directive 2006/123/EC, Services in the Internal Market) which was discussed in the recent *Hemming v Westminster* case. This question is considered further in the legal implications for this report but, at this stage, it is proposed that no early-bird discount should be offered pending clarification of the legal position.
- 6.9.8 In the long term, licensing will contribute to improved conditions in the sector and a more stable and accessible rental market. In particular, licensing is expected to assist in encouraging stable, long-term tenancies to the benefit of landlords and tenants. It is worth noting that evidence nationally indicates that the gains from investment in private renting are realised through the ultimate sale of the property rather than rental income, where returns generally cover costs but deliver only limited revenue gains, especially for landlords owning a small number of properties. In that context, it is in a landlord's interest to invest in the maintenance of the property to maintain or increase its eventual sale value. Licensing and the benefits associated with licensing, such as the opportunity to invest in energy efficiency improvements, will benefit landlords in this regard.

- 6.9.9 Improved stability in the market will also have a positive impact on the overall accessibility of rented housing and will assist in reducing homelessness and Housing Register applications from the sector, a central aim for the council's overall housing strategy.
- 6.9.10 In the short term, it is recognised that the implementation of licensing may impact on the willingness of some landlords to let, although as noted above, experience elsewhere suggests that this impact will not be large. To some extent, it is desirable that the very worst landlords, who operate outside the law, should be discouraged and they will be a priority for action within both schemes. It is acknowledged that this may impact on their tenants, including a risk of eviction, although it should also be stressed that tackling "beds in sheds" – the most extreme examples of rogue landlord activity – has not resulted in any rise in homeless applications. Such landlords are a minority and many issues are the results of ignorance or inexperience rather than criminality. Provision of incentives, advice and support is intended to encourage landlords to remain in the sector but, from the perspectives of the council's wider housing and related strategies, the welfare of tenants and the overall stability and efficiency of the market, a slightly smaller but better quality sector is a desirable outcome.

7. Licensing Proposals

- 7.1 The proposed draft conditions for Selective Licensing are set out in Appendix 4. Some of these are mandatory requirements under the Housing Act 2004 and therefore must be included in any scheme. Others are discretionary and these conditions and the way in which they will operate in practice will be subject to further discussion in the period leading up to commencement of the schemes. The intention is that any additional burden on landlords should be minimised and that the council's administrative requirements, and by extension the costs of the schemes, should be proportionate.
- 7.2 As noted above, the council is entitled to cover the costs associated with the scheme through a fee (subject to the provisos set out in 11.26 below) but is not allowed to make a surplus or to use the fee income for purposes unrelated to licensing. To meet these conditions, fees will need to be set at: £350 for five years for Selective Licensing.
- 7.3 It is proposed that discounts to these fees should be applicable, as noted above. The nature and application of discounts will be considered further in consultation with Brent landlords and their representatives.

8. Next Steps

- 8.1 A decision to proceed with licensing proposals triggers a formal notification by way of a designation notice, which must be followed by a period of at least three months before any scheme comes into effect. Following this, licensing applications will be invited and processed, and it is expected that this will commence no later than 1 November 2014. This will precede the formal commencement of the scheme and it is proposed that designation of the scheme should commence from 1st January 2015.

9. Equalities Implications

- 9.1 An initial impact assessment is attached at Appendix 5. In general, it is anticipated that licensing proposals will have a positive impact for all protected groups.
- 9.2 It should be stressed that data relating to the protected groups among both tenants and landlords is limited, partly due to the unregulated nature of the sector. Although Census data provides a breakdown of tenure by ethnicity and age, analysis relevant to other issues such as disability has not yet been completed by ONS. Overall, the size of the sector and the estimated number of landlords suggests that there will be members of all protected groups among both tenants and landlords. The sector also contains a mix of household and income types that ranges across the spectrum.
- 9.3 It is likely that tenants most impacted by these proposals will be among the lower income groups in the sector, living on the poorest quality housing and, similarly, that the landlords of these properties will experience the greatest impact from their perspective. In particular, there may be issues relating to people under 35 who are affected by the single room rate for Housing Benefit and are therefore more likely to be living in HMOs. In addition, the most striking finding from the initial analysis is the over-representation of the Other White ethnic group among private tenants. Although further research is required, it may be that this is due to the presence of high numbers of European migrants in the sector. Again, it is likely that many of these are living in HMOs or property in the cheaper end of the market.
- 9.4 The main identified risk of negative impact at this stage is the possibility that the introduction of licensing may lead some landlords – particularly those likely to struggle to comply with licensing conditions – to withdraw from the market and evict their tenants. It is not possible to assess the scale of this risk accurately, although experience elsewhere has not demonstrated any significant withdrawal from the market. Any impact, in this or other areas, will be monitored closely and will inform regular reviews of the operation of licensing.
- 9.5 In the longer term, licensing will, among its other benefits, provide an opportunity to obtain a more complete picture of the sector and its operation that will assist in identifying issues relevant to protected groups. At the same time, closer partnership working with landlords should support promotion of good practice on equalities in the sector.

10. Financial Implications

- 10.1 The administration of the scheme is such that it is intended to be self financing over a five year period with higher levels of income from years 1 and 2 funding expenditure over the full 5 years. A fee of £350 relating to the Selective Licensing scheme will be charged per application and is set at a level where the total revenue from the fee is intended to cover the total costs incurred
- 10.2 The income will be closely monitored and a team proportionate to the demand for the service will be employed. The costs of the scheme exclude the cost of any enforcement action on non-licensed properties but will cover the cost of processing the license application and of compliance monitoring and enforcement against an applicant who is given a license.

11. Legal Implications

Selective Licensing

- 11.1 Under section 80(2) HA 2004, before introducing a selective licensing scheme, the Council must consider that –
- a) the first or second set of general conditions mentioned in s80(3) or (6) of the HA 2004; or
 - b) any conditions specified in an order under s.80 (7) of the HA 2004 as an additional set of conditions [this does not apply here] are satisfied in relation to the area.
- 11.2 Section 80(3) HA 2004 refers to the first set of general conditions which relates to low housing demand which is not relevant for the Executive report.
- 11.3 The second set of general conditions is set out in section 80(6) of the HA 2004 and they are as follows:
- (a) that the area is experiencing a significant and persistent problem caused anti-social behaviour;
 - (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
 - (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.
- “Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996.
- 11.4 Under section 80(9) of the HA 2004, before making a designation relating to selective licensing, the Council must-
- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
 - (b) consider any representations made in accordance with the consultation and not withdrawn.
- 11.5 Under section 81(2) of the HA 2004, the Council must ensure that any exercise of the power (selective licensing designation) is consistent with the Council’s overall housing strategy.
- 11.6 Under section 81(3) of the HA 2004, the Council must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both:
- (a) As regards combining licensing (under Part 3 of the HA 2004 – selective licensing) with other courses available to them, and
 - (b) As regards combining licensing with measures taken by other persons.
- 11.7 Under section 81(4) of the HA 2004, the Council must not make a particular designation (for selective licensing) under section 80 of the HA 2004 unless-
- (a) They have considered whether there are other courses of action available to them (of whatever nature) that might provide an effective method of

- achieving the objective or objectives that the designation would be intended to achieve; and
- (b) They consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).
- 11.8 As for the definition of “anti-social behaviour”, this is set out in section 57(5) of the HA 2004 which states:
“anti-social behaviour” means conduct on the part of occupiers or, or visitors to, residential premises –
- (a) Which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or
- (b) Which involves or is likely to involve the use of such premises for illegal purposes.
- 11.9 When making a decision to authorise the designation for a selective licensing scheme, the Cabinet needs to be satisfied that the statutory requirements set out in paragraphs 11.1 to 11.8 above are met.
- 11.10 As for the Council’s general duties regarding selective licensing under Part 3 of the HA 2004, these are set out in section 79(5) of the Housing Act 2004 which states as follows:
“every local housing authority has the following general duties-
- a) To make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part (i.e. Part 3 HA 2004 regarding selective licensing);
- b) To ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time.”
- 11.11 As soon as a designation regarding additional licensing is made, pursuant to section 83 HA 2004, the Council must publish in the prescribed manner a notice stating—
- (a) that the designation has been made,
- (b) whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under section 82 of the HA 2004 applied to it (giving details of the approval in question relating to additional licensing),
- (c) the date on which the designation is to come into force, and
- (d) any other information which may be prescribed.
- 11.12 The proposed designation in respect of additional licensing will not require confirmation from “the appropriate National Authority” under section 82 of the HA 2004 as designations regarding selective licensing are covered by a General Approval dated 30 March 2010, which was issued by the Department of Communities and Local Government under section 82(6) of the HA 2004.

Licence Fees

- 11.13 Section 63(7) of the HA 2004 states as follows regarding fixing licensing fees for additional licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 2 HA 2004 relating to additional licensing], and
- (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 11.14 Section 87(7) of the HA 2004 states as follows regarding fixing licensing fees for selective licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 3 of the HA 2004 relating to selective licensing], and
- (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 11.15 However, the EU Directive and the Provision of Services Regulations 2009 was subsequently passed. Regulation 18 of the Provision of Services Regulations 2009 states:

“Any charges provided for or by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

In essence, the fees must cover no more than the actual cost of the application and authorisation process.

- 11.16 In short, the costs related to the enforcement against landlords that do not have licensed properties are not recoverable when setting the licence fee. When taking legal action against such landlords, legal costs can be recovered when the courts award costs in successful court enforcement actions. However, costs orders for all the legal costs incurred are not always made by the courts and where court enforcement cases are unsuccessful, not only does the Council not recover the legal costs of such cases, they can be liable to pay the costs of the defending parties who successfully defend such enforcement cases. The case of *Hemming v Westminster CC*, which is currently subject to an appeal, restricts the power of the local authority to the power of local authorities to include in setting the licence fee the costs of enforcement against those who have not applied for licences or have not paid the licence fee. Once fees are set, the Council is expected to review its fees and adjust them where necessary to reflect previous deficits or surpluses.

Public Sector Equality Duty

- 11.17 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to

the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic

- 11.18 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 11.19 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 11.20 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the introduction of additional licensing for the area of Brent and the introduction of selective licensing. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.
- 11.21 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering relevant detail and statistics.
- 11.22 The Equality Impact Assessment is set out in Appendix 5 to this report.

12. Staffing Implications

- 12.1 Private Housing Services currently employs a Mandatory HMO Licensing Team Leader and two HMO Licensing Officers. These will form part of a new team tasked to process all licence applications. If the predicted number of applications is received, further licence application and administration officers will be employed on a temporary contract basis to deal with the demand. It is thought that the vast majority of licence applications will be received in the first year of the scheme and there will therefore need to be more officers employed in year one of the scheme than in years two to five. In addition Licence Enforcement Officers will also need to be employed and this may include the deployment of some existing Enforcement Officers in this role. Detailed staffing and resourcing plans will be developed and will be subject to any necessary staff consultation.

- 12.3 As stated above, all staffing and other required activities will be funded from the income generated by the license fee.

Background Papers

Report to Executive, April 2014
Report from Housing Quality Network
Report from Mayhew Harper Associates
Consultation documents

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STRATEGIC DIRECTOR OF REGENERATION & GROWTH

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 1 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%
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 1: Distribution of Private Renting

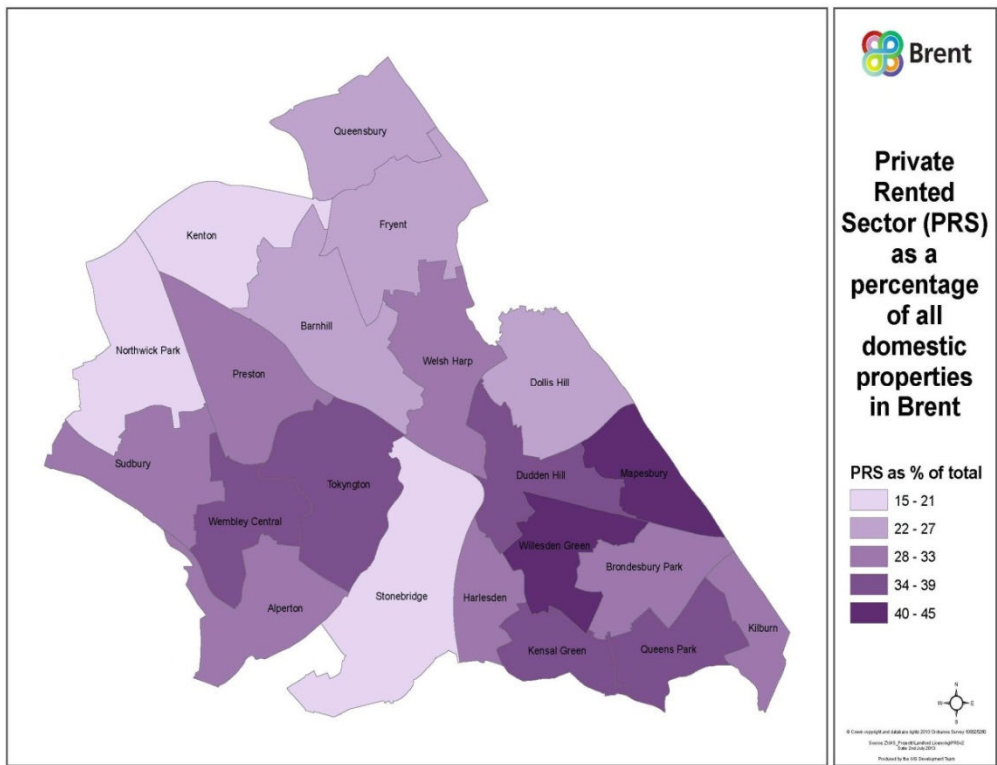


Figure 2: Percentage Change in Private Renting



B: 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 2: 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
Alpertton	31%	11	50	3
Northwick Park	21%	2	54	2
Kenton	21%	3	60	1

- 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 3 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 3: 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
Alpertown	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

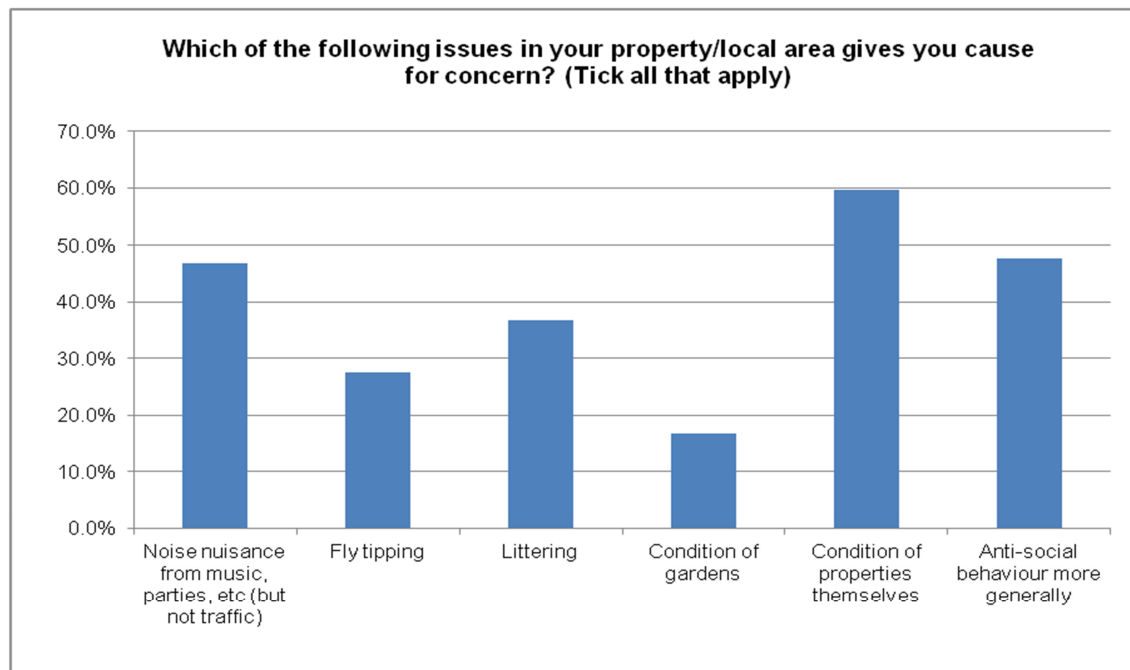
Queen's Park	13	11	13	12	19	11	2,758	14
Queensbury	14	13	3	11	17	5	2,460	12
Stonebridge	22	22	21	16	22	20	4,375	22
Sudbury	8	8	5	14	2	6	1,814	3
Tokington	15	12	20	7	20	16	3,223	17
Welsh Harp	16	10	9	5	3	9	1,993	5
Wembley Central	2	20	15	22	21	21	3,806	20
Willesden Green	7	18	18	18	16	19	3,268	19

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 4 shows the main issues cited.

Figure 4: Types of anti-social behaviour causing concern



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 4: 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%

Table 5

Dudden Hill and Mapesbury

	Very serious problem	Serious problem	Minor problem	Not a problem
Nuisance neighbours (including intimidation and Harassment and street drinking)	10.8%	13.9%	33.0%	42.4%
Noise nuisance	12.3%	14.7%	41.8%	31.2%
Drug use/drug dealing	9.7%	11.6%	29.1%	49.6%
General street scene (including graffiti and excessive 'to let' & 'for sale' boards)	7.2%	23.2%	32.6%	37.0%

Rubbish dumping and fly tipping	36.0%	27.0%	25.3%	11.7%
High levels of overcrowding	13.9%	16.1%	29.3%	40.7%
Untidy front gardens	20.0%	19.3%	33.0%	27.7%
Poorly managed and maintained homes	22.5%	19.4%	30.3%	27.8%
High turnover of resident in the local area	17.0%	17.7%	28.5%	36.8%
Street prostitution and brothels	5.3%	6.1%	16.8%	71.8%
High rent levels	25.7%	21.3%	16.6%	36.4%
Lack of community engagement	18.6%	19.7%	35.3%	26.4%
Empty/boarded up properties	4.5%	6.4%	23.1%	65.9%

Not all of the issues mentioned here are necessarily directly relevant to a possible designation of 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.

Table 6: 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%

Table 7: Dudden Hill and Mapesbury

	Very serious problem	Serious problem	Minor problem	Not a problem
Poor amenities (e.g., toilet, bathroom, kitchen facilities, storage)	14.4%	8.6%	16.5%	54.0%
Poor fire safety (e.g., means of escape, fire doors, extinguishers)	12.9%	11.5%	12.9%	52.5%

Property in a poor state of repair	20.4%	10.6%	12.0%	50.0%
Poor management of internal common parts	16.2%	8.8%	15.4%	52.2%
Too little space/too many people/overcrowding	15.2%	6.1%	7.6%	60.6%
Poor security	17.5%	10.2%	14.6%	51.8%
Lack of energy efficiency in the property	17.6%	11.8%	19.1%	46.3%
Damp and mould	21.4%	12.9%	14.3%	43.6%
Poor noise insulation	25.0%	14.0%	16.9%	38.2%

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, although these appear to be less pronounced in Dudden Hill and Mapesbury. 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.

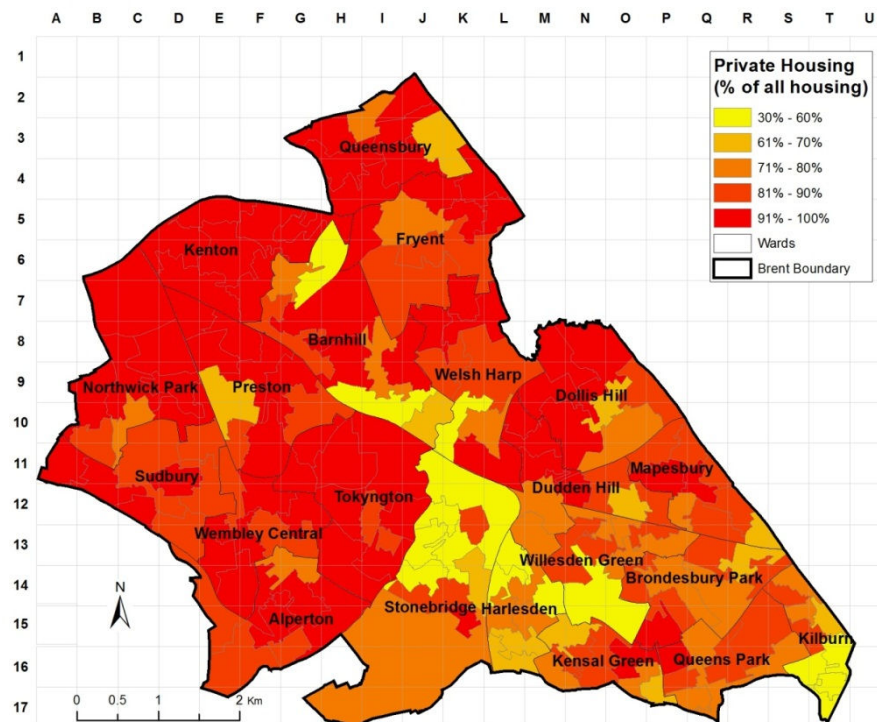
Relationship between Renting and Anti-Social Behaviour

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 5 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 5: 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 8 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 8: 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 9 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 9: 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 10 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 10: 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 11 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 6 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 vary 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 6: predicted ASB/Noise rates in private sector housing versus observed rates

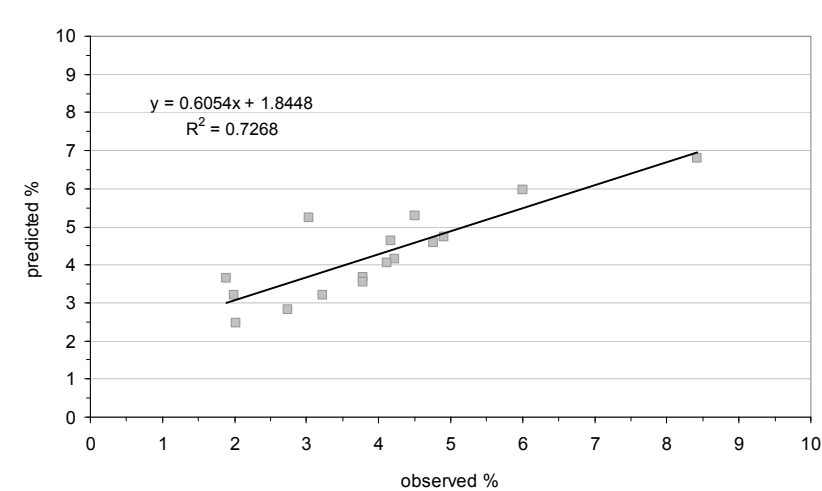


Table 11 shows the number of properties impacted by each risk factor combination. The column to the right shows the relative risk score expressed as ‘odds’ with risk categories ranked from high to low.

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 11: 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 12 is constructed on the same basis as Table 11 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 an association with rented status.

Table 12: 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 13 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 20th and Willesden Green is ranked 17th 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 5th and Wembley Central 8th 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 13: Ward summary of tenures and high risk rental status and intensity of ASB proxies

Brent ward	Total households all tenures	<i>Of which</i> % high risk HMOs	<i>Of which</i> % 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 14 is structured similarly to Table 13. 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 14: Ward summary of tenures and high risk rental status and intensity of ASB proxies by rank order

	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
Brent ward							
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
Tokington	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

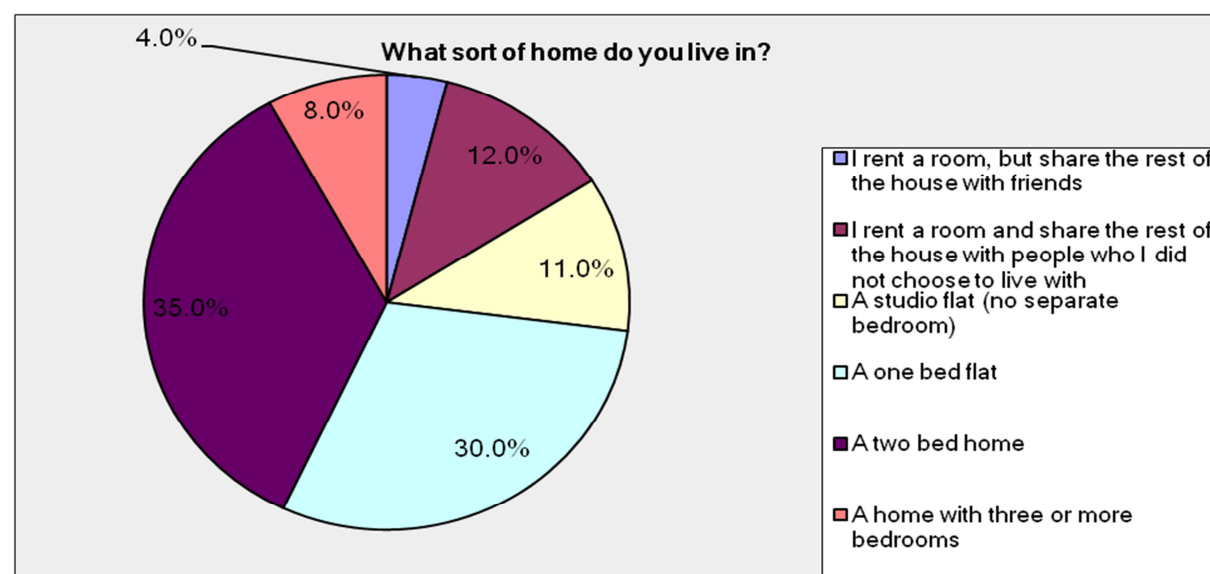
Consultation comprised three main phases. First, a relatively small-scale survey of tenants and a series of focus groups undertaken by HQN as part of their initial investigation into the sector and the potential role of licensing. Second, an extensive exercise carried out by the council in relation to initial proposals emerging from HQN's work. Third, a survey of residents in Dudden Hill and Mapesbury following completion of the initial consultation and evidence gathering. 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.

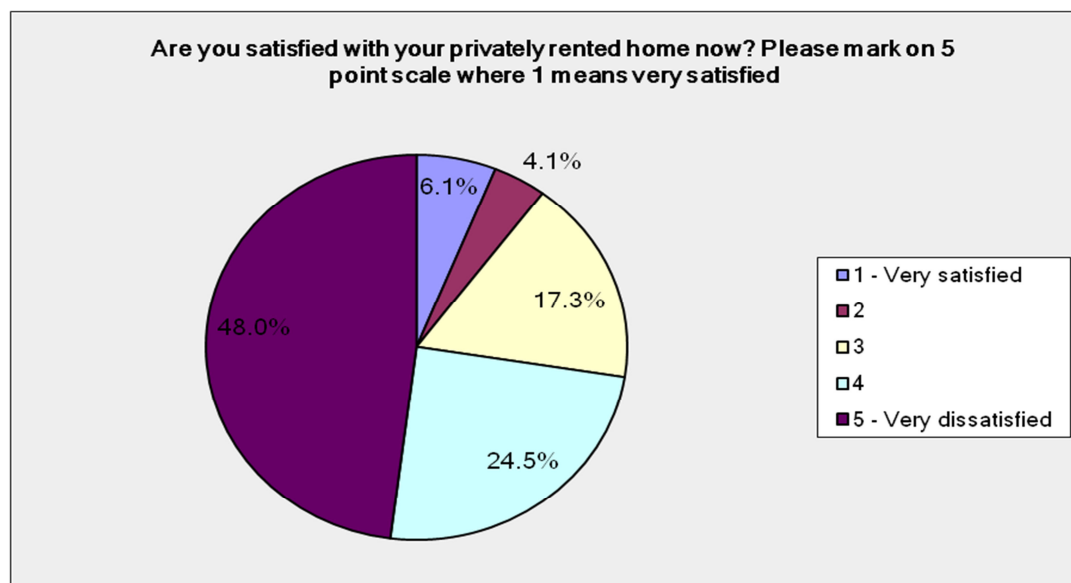
Some 72% of private renters are either dissatisfied or very dissatisfied with their current home. The most common concern is the condition of the property itself, or difficulties in getting the landlord to carry out repairs with 55% of private sector tenants reporting this as a problem they experienced.

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.”*

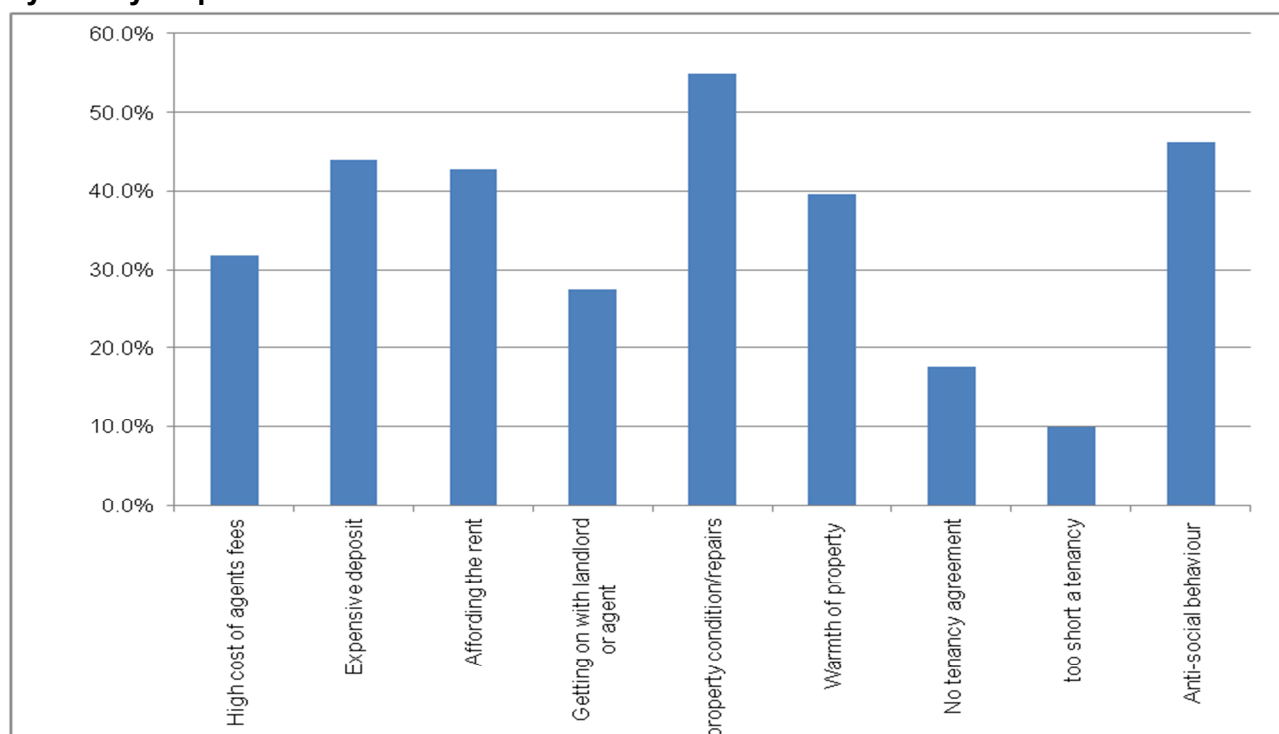
The second most common concern of respondents (46%) was about “anti social behaviour caused by people living near to me”. The survey definition of anti-social behaviour included noise and harassment.

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



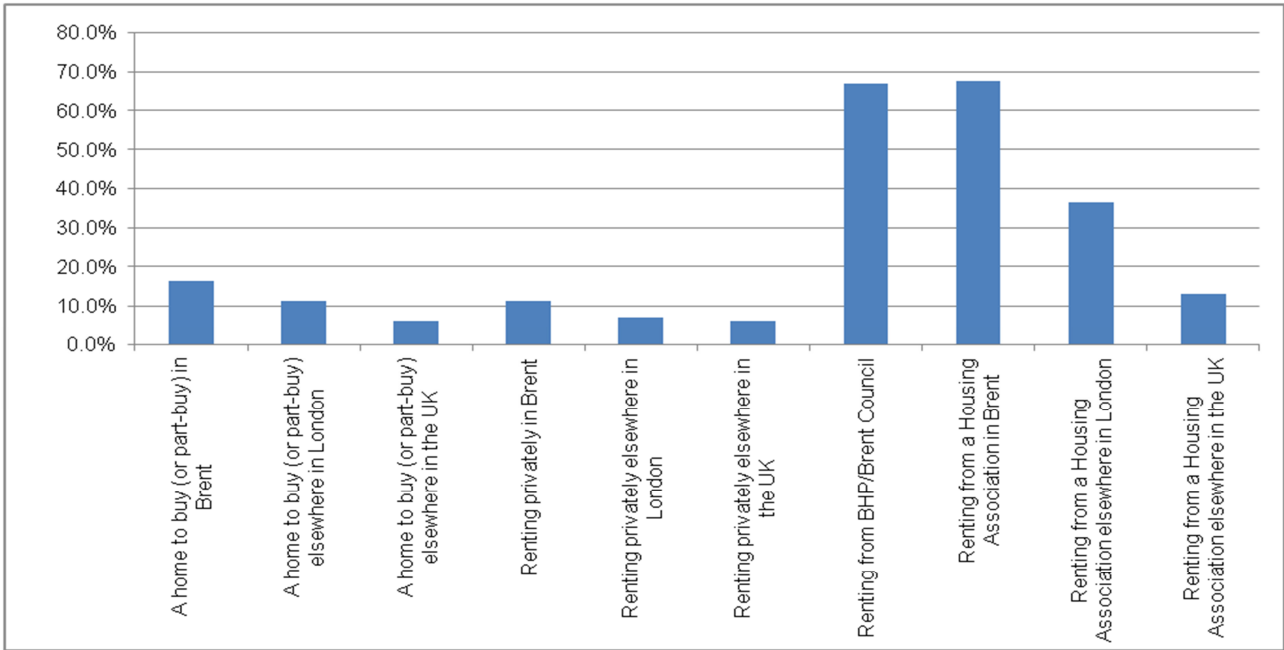
Some respondents, who were not currently living in the private rented sector, reported their experiences of renting privately in Brent in the recent past. Again, private renting had not, for the vast majority, been a positive choice, and they had experienced issues with disrepair. A large number also 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"*

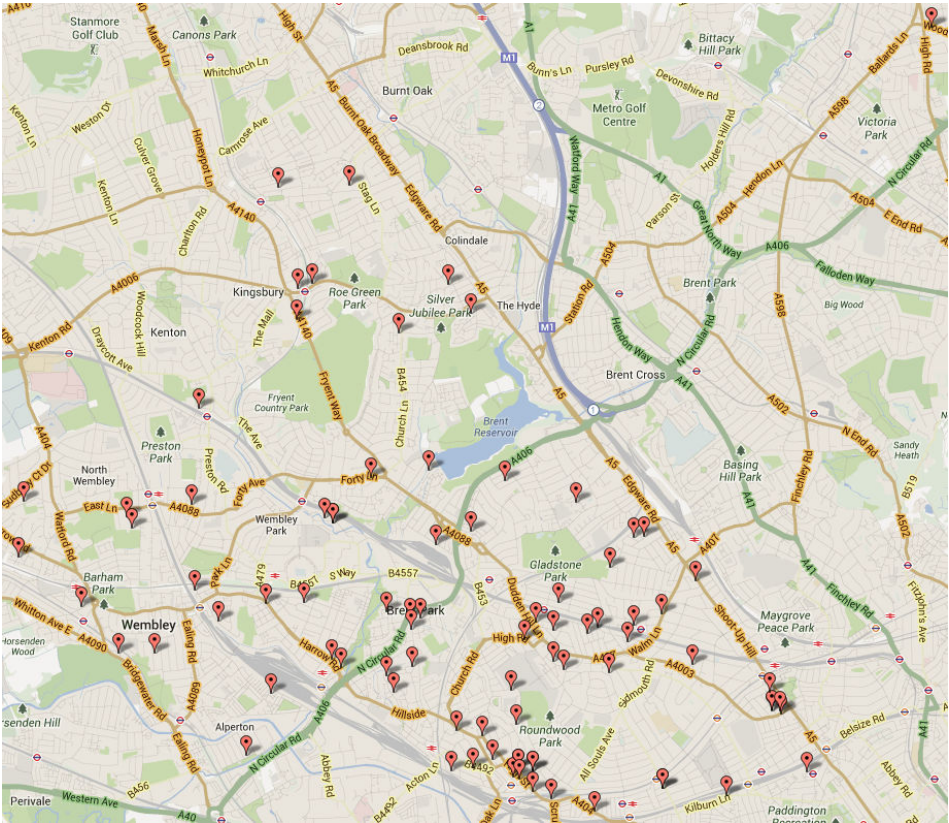
Whilst most respondents were focused on finding affordable housing locally, 13% of those looking to move were interested in affordable accommodation (from a housing association) outside of London. Interestingly, a significant number appreciated that private renting was a long-term solution to their housing 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 10th 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 was 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 15th January 2014 discussed the proposals following a presentation.

A presentation and question and answer session took place at the Landlord Fair on 13th 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%
Selective Licensing will help ensure that privately rented properties are better maintained and managed	46.7%	28.9%	10.7%	5.2%	8.5%

Table 1a – Dudden Hill and Mapesbury

	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	68.6%	23.4%	4.2%	2.6%	1.3%
Brent Council should have more control over the way that private landlords manage their properties	56.2%	18.2%	10.9%	4.2%	10.5%
Licensing of the private rented sector will help to reduce anti-social behaviour in the borough	49.0%	17.5%	13.3%	5.5%	14.6%
Selective Licensing will help ensure that privately rented properties are better maintained and managed	49.7%	19.0%	12.1%	6.5%	12.7%

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%

Table 2a: Dudden Hill and Mapesbury

	Agree	Disagree	Don't know
Keep their properties in good condition	99.4%	0.3%	10.3%
Obtain references for new tenants wishing to move in	89.8%	3.0%	7.2%
Ensure tenants know anti-social behaviour is unacceptable and act to address it	94.7%	3.0%	2.0%
Provide tenants with the landlord's contact details	96.1%	1.6%	2.3%

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

Table 3: 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 3a: Support for Selective Licensing in Five 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%
Dudden Hill	59.4%	19.1%	21.5%
Mapesbury	57.2%	20.5%	22.3%

Responses indicate support but this is much more pronounced in Harlesden, Wembley Central and Willesden Green.

Responses from Landlords

Table 4: Will Licensing Help to Reduce ASB?

	% Total
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%
Total	

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

Table 5: Will Additional Licensing Ensure Better Management and Maintenance?

	% Total
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%
Total	

The response is identical to the previous question.

Table 6: Will Selective Licensing Help Ensure Better Management and Maintenance?

	% Total
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%
Total	

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

Table 7: 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%
Total	

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 8: Support for Selective Licensing

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

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 9: Support for Selective Licensing in Willesden Green

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

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

Table 10: Support for Selective Licensing in Harlesden

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

As for Table 12

Table 11: Support for Selective Licensing in Wembley Central

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

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

Table 12: Support for Selective Licensing Elsewhere

	% Total
Number of Responses	85.9%
Yes	16.1%
No	56.4%
No view/don't know	13.4%

No Response	14.1%
Total	
9f - If yes, where?	
	% Total
Number of Responses	2.0%
Where I live	0.00%
Elsewhere in Brent	0.00%
Borough wide	2.0%
No Response	98.0%
Total	

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

Note: Some comments have been edited for reasons of space

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-</i></p>	See above

		<i>social behaviour and regeneration."</i> Could you provide the NLA with a copy of these strategies?	
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	The council recognises the need for a lower cost sector and the demand for shared housing and HMO accommodation. It also recognises the

		and for flexibility, shared housing is an important source of housing for these groups. However, demand 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.	fluidity of demand and the sector's ability to respond appropriately, although the point about migration is 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	The rationale for this argument is unclear. It is well

		<p>length; the policy being proposed by the council will have the direct opposite and decrease the length of tenancies.</p> <p>Parking cannot be used as a reason to introduce licensing. Thus why have you brought it into the consultation?</p>	<p>established that longer terms benefit landlords and tenants -, avoiding rent loss through void periods for 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	The impact of resource constraints is

		<p>is the question of Brent Council's resources. It is well known that in this time of austerity, Local Authorities 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.</p>	<p>acknowledged. In terms of the direct costs of the administration licensing the scheme is intended to be self-funding through fees, though this does not include the cost of enforcement against landlords who do not obtain a licence.</p> <p>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.</p>
16	NLA	<p>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.?</p>	<p>The staffing proposals in the report address this question.</p>
17	NLA	<p>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</p>	<p>The staffing proposals and financial implications in the report address this question.</p>

		additional resources has the council budgeted for per year over the next five years?	
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	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.

		how many additional staff is the council proposing to take on?	
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)	The council intends to use all the stated powers alongside licensing.

		<p>they have considered whether there are any other courses of action available to them ... that might 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"> a) Use of Criminal Behaviour Orders; b) Crime Prevention Injunctions; c) Interim Management Orders; d) Empty Dwelling Management Orders; e) Issuing improvement notices to homes that don't meet the decent homes standard f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990); g) Litter abatement notices under section 92 of the Environmental Protection Act 1990; h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10); i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949. 	
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</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>

		includes someone reading the bible out in the street. As this will increase the ability of neighbours to complain how much additional resource has the council allocated to tackle these issues?	The relevant definition of anti-social behaviour is set out in paragraph 11.18 of the report.
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	Accepted, although the landlord retains a right to reasonable access.

		not the license holder.	
32	NLA	Failure of Brent Council to have joined up standards 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?	The council is happy to discuss the detail of any 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 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.	The council is happy to discuss any proposals for improving waste services.
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	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.

		risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?	The council does not intend to impose excessive 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	The council is happy to pursue accreditation and landlord development in partnership with the NLA.

		skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This can allow 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	See 43 above.

		can you claim problems emanate from one sector of housing over the other?	
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	This is referred to in the report and will be subject to further discussion with landlords.

		the services that will and will not be introduced along with a timeline.	
	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	Resident has been contacted

		magpies and rats. Landlords must be made responsible for making sure their tenants have 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 XXXXXXX 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	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	Response has been sent

		<p>with associates.</p> <p>Please watch the video of the eviction in Brent, believed to be Chichele Road NW2. http://youtu.be/7JOFhMhjHcM</p> <p>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"</p> <p>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</p> <p>I have spent years living opposite this landlord and it is DEPRESSING seeing how he treats his tenants ,neighbours and properties.</p> <p>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;</p> <p>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?</p> <p>2. HMO's which are normally owned by private landlords are one of the major problems concerning our RA in the areas of;</p>	Response has been sent

		<p>A, Waste disposal and general appearance of the properties. I.e. Multiple TV aerials and external 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</p>	Response has been sent

		<p>violations, but what I actually think is happening is that the planning system is being gamed by getting 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; rather it is being used by the back door to regulate the PRS.	This is not the intention of the legislation or the council's proposals, which are made in response to 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 have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.	The report addresses this point.
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	See 4 above.

		other rises, pocket the difference and subject tenants to subpar property standards.	
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 proposals have been publicised widely and discussed at events targeted at local private

		The RLA campaigns team has spoken to several private landlords in the area and is under the 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.	landlords.
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.	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

		<p>From the sound of respondents, it appears that they are more keen to live in social rented housing. Due to 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.</p>	<p>tenant satisfaction levels.</p> <p>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.</p>
85	RLA	<p>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.</p>	<p>No breakdown of repairs referred to in responses is available, although the council intends to follow up where contact details have been provided.</p>
86	RLA	<p>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.</p>	<p>The council is happy to discuss any proposals in this area with the RLA.</p>
87	RLA	<p>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</p>	<p>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.</p>

		implement selective licensing schemes in the borough. The council needs to be much more direct in what 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.	With regard to affordable warmth, the council is keen to work with landlords to realise the potential 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	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.

		crime in with anti-social behaviours.	
90	RLA	The Residential Landlords' Association sincerely hopes that the council will be fair and balanced when considering arguments <i>against</i> any licensing schemes.	Full account has been taken of responses to 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	Noted

		in the street.	
94	Resident in Questionnaire	Over the last 10 years purpose-built, 2-storey 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.	Noted
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	Noted

		<p>landlord decided to sell two of the properties. One remains, directly opposite my house. The students who 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 unkempt 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</p>	Noted

		otherwise it will be a waste of paper!	
98	Resident in Consultation 2	In most cases of residential property, It is the quality of tenants introduced by Estate Agents who encourage the contracted tenants to sublet properties which encourages overcrowded living, which can also lead to additional refurbishment costs to the Landlord when they property is vacated. On many occasions the Property owners (Landlords) who become the victim of unscrupulous estate agents. Where landlords are concerned about illegal activity of tenants introduced by the estate agents, and approaches the council regarding the tenants, there should be a separate department in the council who should work with the Landlord and or neighbours to ensure that the illegalities (e.g. drug dealing, anti social behaviour, overcrowding) are dealt with immediately.	Noted
99	Resident in Consultation 2	All the London Area must have Selective Licensing, Landlords and estate agents are always ignoring tenants and problem in the property and they just want to get the rent money no matter what state the property have.	Noted
100	Resident in Consultation 2	Also this action should be done in most areas so we can keep the places and not felt as if we are tormented out of our given habitation.	Noted
101	Resident in	As an owner occupier I have experienced terrible	Noted

	Consultation 2	tenants with threatening behaviour. It made me feel unsafe and scared to live in my property. I think it should also be extended to managing agents. I think Mapesbury is an amazing place because of the size, space and design of the properties. However, the general rubbish and conditions of the houses let the area look run down. The area is improving but I think more accountability would improve the area.	
101	Resident (and landlord) in Consultation 2	Being an owner occupier but also a landlord with a property in Brent and having rented privately and through Housing Associations linked to Brent Council, I can safely say that in my opinion Private renting tenants are more respectful of the property and local area. The block in which my flat is housed has deteriorated over the last few years due to the amount of Housing Association tenants that have moved in. Landlords seem to be on the end of a "bum" deal but the amount of times I have to make repairs to my flat because of the "animals" that Housing Association put in there is disgusting	Noted
102	Resident in Consultation 2	Brent council don't seem interested when reporting unlicensed cash in hand properties.	Noted
103	Resident in Consultation 2	Brent Council has not made its case for implementing a licensing scheme very clear at all. There is a tenuous	Noted

		link between anti-social behaviour and poor landlords and this is not a matter that licensing will solve.	
104	Resident in Consultation 2	<p>Brent must take care not to exclude potential tenants who are unable to provide suitable references; if all private Landlords decided to take this stance i feel a significant percentage would be at a disadvantage to secure a tenancy in the first instance. I do feel that single family dwellings should be of adequate standard for individuals I feel that single family dwellings should be of adequate/standard for individuals to live in.</p> <p>Therefore I can see the need for some sort of regular inspection or safety check to take place. There are currently many private properties which need a clean up, that are being rented out in the borough, This is completely unacceptable and has a detrimental effect on the health of local individual who reside in them. If a system was to come into force, whereby the Council checked for a uniform standard of dwelling in both private and public sector properties; then the removal of damp and mould should be a top priority. What the Council should not do is use such a measure as an intrusive means to gain access and control over the lives of the Landlords and tenants within the Private sector</p>	Noted
105	Resident in Consultation 2	Dudden Hill ward contains a flagrantly illegal development on Lancaster Road NW10 that the	Noted

		Council is aware of. Why has a demolition order for the illegal extensions not already been issued?	
106	Resident in Consultation 2	Ensure landlords are known - citizenship, Tax, ID - if a limited company or partnership, then who the principals behind the letting are. Structure the licensing scheme on the basis of transparency, so that landlords information is known to other agencies e.g. DSS, HM revenue as well as all Council departments. Make the scheme self-financing - make the landlords pay for the running of the registration scheme. Make the scheme wide enough to cover informal tenancies, e.g. where accommodation is provided "free" in exchange for work on the premises. Try to promote security of tenure for tenants who are good, pay on time and look after their homes, and focus on the bad/worst landlords and enforce the registration scheme	Noted
107	Resident in Consultation 2	For years Brent Council has only been happy to use Landlords that do not look after their properties, leave family for year in terrible conditions.	Noted
108	Resident in Consultation 2	From this survey, the process has not been thought through sufficiently for me to support the idea. However, I do support your willingness to tackle the problems generated by multiple occupancy, high turnover tenancy.	Noted
109	Resident in	The properties look like they are run down and	Noted

	Consultation 2	landlords are taking advantage of housing problems and over charging for rents There are no bins and or signs for rubbish, people have to leave rubbish on the pavement. I think Brent Council should enforce a rent limit that is affordable to tenants and suitable for the area. Landlords should keep one month rent to guarantee their rents. The tenant should deal with the maintenance and pass the cost on to the Landlord to avoid delays of dealing with any issue/problem with the property. Tenant to pay maximum of Â£100 fee to estate agents Landlord must provide full contact details to the tenant Landlord is not to refuse a tenant who claims Housing Benefit as long as the tenant provides a reference and have a standing order or direct debit to pay the rent	
110	Resident in Consultation 2	Household waste collection/recycling : MANY RESIDENTS DO NOT UNDERSTAND OR CARE ABOUT THE USE OF APPROPRIATE BINS. Plastic bags seem to be in most bins. North Circular Road houses do not have wheely bins and rubbish can be left in back gardens or the alley, encouraging rats. If a charge is made for the collection of garden waste, we will have more untidy gardens. There is a large number of mattresses dumped in the area - possibly when new tenants move into a property.	Noted
111	Resident in Consultation 2	Houses owned by Brent Housing Partnership need to	Noted

		be maintained, and the gardens first and foremost as there are nearly always very neglected. THEY SHOULD BE SETTING AN EXAMPLE	
112	Resident in Consultation 2	I agree with Brent Housing Action that landlord licensing would give Mapesbury an ASBO which will stigmatize the area. Good private tenants will not be attracted to what is, at the moment, a prestige area. Mapesbury is a quiet well kept attractive area. We should not stigmatize it. There is already enough legislation to protect those in overcrowded poor accommodation	Noted
113	Resident in Consultation 2	I am glad to see that the Council are going to try and tackle these social problems. I have lived in Brent for all my life and have seen the area deteriorate considerably due to a large influx of people who rent properties, rather than own them. I applaud the idea of making landlords more responsible for their properties but am not sure the proposal will work if landlords are not supported by police and courts when dealing with difficult and nuisance tenants. Evicting problem tenants is a long and difficult process. Also I think planning permissions play a big role here. Problems of over crowding and badly maintained properties are often the result of greedy landlords trying to turn properties that are inappropriate into flats, e.g., turning small terrace houses into multiple flats.	Noted

114	Resident in Consultation 2	I am so pleased to receive your survey. For some time now absent Landlords have been a big problem, as they don't have to live next to the rubbish and over filled bins caused by their tenants. You only have to walk down the street top spot the rented properties. The curtains are hanging off the windows and the front gardens are unkempt. There is a chronic problem in the access roads between Cairnfield Avenue and Ashfield Park. Tenants have old bed, mattresses, fridges, freezers etc. All of which can be collected free of charge by Brent Council for the price of a phone call.	Noted
115	Resident in Consultation 2	I am very glad to see the section regarding maintaining properties and the gardens. The houses/flats at the top of Dudden Hill Lane are in a disgraceful condition. Dirty/unkempt houses and gardens are a public nuisance and forcing tenants/landlords to maintain their houses can only improve the area and lower anti social behaviour	Noted
116	Resident in Consultation 2	I believe the Brent has too many irresponsible and even criminal Landlords and that too little is being done to control them. I suspect immigrants are particularly vulnerable when dealing with criminal landlords who are operating under the radar and exploiting people right and left	Noted
117	Resident in Consultation 2	I believe the introduction of licensing will increase rents for people renting as Landlords will look to make up the	Noted

		cost of licensing. Furthermore I think that the proposed licensing is just another scam from Brent Council to make more money.	
118	Resident in Consultation 2	I believe there is anti-social behaviour as a result of poor landlord management and over-crowding in what should be single dwelling properties, for example, single rooms being let out in a single dwelling properties leading to them essentially becoming un-licensed HMO's. Private Landlords need to be more accountable for this. In the case of split properties (e.g. 2 flats in 1 house), landlords are often difficult to deal with in regard to general maintenance e.g. communal areas., maintenance of brickwork, window sills (external) and garden areas. They can often be threatening and aggressive to deal with, leaving properties in disrepair and private tenants/owners of the shared building left to foot the bill. Council licensing could help to make all residents/ owners more accountable.	Noted
119	Resident in Consultation 2	I do not agree with licensing. Really the council should invest its own money in improving a neglected area of the borough.	Noted
120	Resident in Consultation 2	I do not really understand how licensing landlords would address anti social behaviour. Anti social behaviour is caused by exclusion and a lack of sense	Noted

		of belonging to the community.	
121	Resident in Consultation 2	I don't know if it will reduce anti social behaviour but it is very unlikely. i don't know what selective licensing is	Noted
122	Resident in Consultation 2	I don't like my flatmate who is bossy to me. I want to move somewhere else	Noted
123	Resident in Consultation 2	I have been complaining to Brent Noise Nuisance and Genesis Housing Association (the owner of the flat) about our neighbour. No results Why? Because every single landlord puts profit before people Greedy Landlords are your priority and that's the most anti-social behaviour we ever come across	Noted
124	Resident in Consultation 2	I have lived here for over 25 years and changes i have seen are: Semis being converted into flats then flats sub-let Increased levels of burglary I would support licensing if it led to an improvement in maintenance and management of the property and prevent sub-letting as bedsits. Tenants deserve well maintained houses and not be exploited by rogue landlords/agents owners need laws protecting them from adjoining properties being neglected and over crowded Houses owned by absentee landlords need to be maintained hopefully licensing can improve conditions Rubbish collection/recycling - needs organizing better Contact details should be available for absentee Landlords Will it stop tenants sub -letting? Recycling tenants should	Noted

		be well informed on how to recycle I agree with licensing if it produces well maintained properties I am pleased you are trying to do something it is a move in the right direction hope my comments help	
125	Resident in Consultation 2	I have lived in Mapesbury Ward for over 25 years. I think it is a complete disgrace that the council has neglected its civic duty to improve infrastructure in the area and instead looked at licensing in an attempt to get local landlords to contribute towards the management and improvement of the area. This is clearly an attempt by Brent Council to start introducing licensing throughout the borough so that it can make more money. Furthermore introducing licensing will only increase rents in the area because landlord will look to shift the cost to tenants.	Noted
126	Resident in Consultation 2	I hope Brent is going to address this problem as a matter of urgency. You need to address the issue of : 1 Landlords who say they live in the property but don't and therefore avoid having an HMO license 2 Owner occupiers who sub-let and sub-let after claiming rent for 8-10 tenants and do not pay tax on it. 3 Owners who are granted Planning Permission to extend for personal use but end up sub-	Noted
127	Resident in Consultation 2	I live in a house of multiple occupancy in the Dudden Hill ward and have done for 9 months. We pay a letting agent as the landlord is overseas. I hope that better	Noted

		regulation of this industry would protect tenants better from Landlords and letting agents that know the market ids in their favour and set out to take advantage of tenants' lack of knowledge/experience of their rights.	
128	Resident in Consultation 2	I prefer that instead of licensing, landlords should be easily taken to account if the do not provide accommodation at a reasonable standard	Noted
129	Resident in Consultation 2	I strongly agree with Landlord's licensing to private housing/property	Noted
130	Resident in Consultation 2	I strongly feel it is now time to license properties rented out by Landlords because the 2 properties near me are poorly maintained and the tenants seem to have no regard for the tidiness of their bins.	Noted
131	Resident in Consultation 2	I think that landlords should be licensed and rents should be controlled so that Housing Benefit is reduced. It is wrong that buy-to-let landlords should be able to realize huge profits at the expense of the Council Tax payers, in the form of Housing Benefit.	Noted
132	Resident in Consultation 2	I think the whole Landlord - Tenants business should be more transparent The name and contact details of any Management Agents should be available to the neighbours The properties should be licensed/restricted to be occupied by a maximum number of people to avoid overcrowding and rubbish	Noted

		dumping etc There should be an obligation by both the Landlords and Tenants to be considerate and respectful of their neighbours	
133	Resident in Consultation 2	I think this survey is extremely biased. All the questions are negative therefore afford only a negative response. I have lived in Mapesbury and it is a very clean, safe and well looked after neighbourhood.	Noted
134	Resident in Consultation 2	i welcome any action the council can take in tackling problems with private landlords but these problems are just as problematic with Housing Association/Council Properties.	Noted
135	Resident in Consultation 2	I work to support women in Brent who suffer domestic violence and need support of Council in moving into housing. Often now private rental only option as permanent no longer available due to Housing crisis. Sometimes women find own accommodation also as advised by Brent Housing options. Landlords in general (not always) tend to treat tenants on HB with no respect, wont carry out repairs and increase rent after 6 months to much higher level knowing there is no rent cap and they can charge high, as desperate people will pay. Licensing Landlords should be mandatory now that Private rental is the only housing option available to families in need.	Noted
136	Resident in	I would be interested in actually seeing some evidence	Noted

	Consultation 2	that this will work and why! It hasn't in other boroughs.	
137	Resident in Consultation 2	I would not like to see Brent Council taking over control of a licensing scheme generally for landlords	Noted
138	Resident in Consultation 2	This is just another scam by Brent Council to find ways to make more money. Licencing will not do anything but line the pockets of Brent Council and increase rents for tenants.	Noted
139	Resident in Consultation 2	If you will introduce licensing, the landlords will put the rent up, and no one wants	Noted
140	Resident in Consultation 2	In a report to Council, Brent Council admits that it's licensing for HMO's is ineffective and has failed Anti social behaviour is remit of the Police, not Council No evidence any issues listed will be solved by licensing	Noted
141	Resident in Consultation 2	In my street respectable family homes have been bought by Persons/Companies unknown and broken up into flats and bed sits.	Noted
142	Resident in Consultation 2	I have been informed of Landlords in the Mapesbury conservation area not abiding by conservation rules in order to cut costs/cram more people in. This needs to be more closely monitored and damage to property reversed / restored at the Landlords cost. Generally rental properties on my road are not well maintained and have a high turnover of tenants, however this is	Noted

		only a generalisation	
143	Resident in Consultation 2	It is heartbreaking to see the decline of my area (Westview Close) since I have been there (1987) I attribute the decline almost entirely to the fact the properties have been systematically snapped up by "buy to let" landlords. They are non-professional, they have no idea of their responsibilities and no interest either. The properties in my street have declined to almost slum level.	Noted
144	Resident in Consultation 2	It should be made easier and simpler for complaints to be made to Brent re: noise, rubbish collection.	Noted
145	Resident in Consultation 2	It's a re-occurring nightmare over and over, tenants renting a flat from a landlord and the anti-social behaviour begins. No one knows the landlord, no one knows how to contact the landlord, landlord seems oblivious to the area's recycling or waste scheme. The tenants do not know it until a fed up residents catching them explains it how the recycling works etc. We can predict when someone's contract is up and moving out by the increased fly tipping on our street.	Noted
146	Resident in Consultation 2	Landlord licensing would put up rents in an already high rent area. It might also mean that some Landlords will sell up making Housing problems worse. Bad Landlords would just go underground and we would see worse housing problems in what is now a good	Noted

		area to rent in. The only problems in the area come from Local Authority Housing	
147	Resident in Consultation 2	Landlords should have more responsibility for their tenants social behaviour. In most cases the landlord does not live on the premises and therefore cannot adequately check community matters in particular rubbish disposal.	Noted
148	Resident in Consultation 2	Licensing Landlords is just another revenue stream for Brent Council. Being a Landlord is difficult enough, especially with high property prices and relatively low returns on capital. Adding Licensing will only make it more difficult for new Landlords to get on the property ladder. Why not have a charter of minimum standards expected from Landlords	Noted
149	Resident in Consultation 2	Licensing will help the Council to maintain and control lodging and lodgers. The landlords should be requested to maintain the list of lodgers and monitor their movements.	Noted
150	Resident in Consultation 2	Licensing will lead to: increased rental costs, Increased bureaucracy within Brent Reduced Private Rented Housing No Improvements If Brent wish to get involved in the Private Rented Sector - <i>Build your own. Strongly Recommend that Brent Council Do NOT interfere with</i>	Noted

		the Private Market which works pretty well and supplies thousands of homes, not funded by the State.	
151	Resident in Consultation 2	Licensing will provide more bureaucracy where it is not required if it is extended to properties other than HMO's The Council do have powers to deal with poor housing, bad landlords and anti social behaviour. They should use these powers not simply introduce a big paper that which potentially will put off landlords so reducing available accommodation for people to live in and feeding through to higher rents for tenants.	Noted
152	Resident in Consultation 2	Main problem is Neasden/Dollis Hill is fly tipping and dumping of rubbish/furniture Brent Council is ignoring the issue of litter and fly-tipping	Noted
153	Resident in Consultation 2	Many of the occupiers are unregistered i.e. resident but not on council records e.g. electoral roll- even if living in property for years i.e. landlords do not declare they are landlords garages- unfit for humans are being rented out	Noted
154	Resident in Consultation 2	Many of the problems in Section 2 are due to lack of owner occupiers in Mapesbury/Dudden Hill area cause by lack of affordable properties. Properties bought for rental get tax relief on loan interest on Mortgages, but owner occupiers do not. This is unfair as it means it is easier for Landlords to buy properties. Licensing will	Noted

		not help this.	
155	Resident in Consultation 2	Many private landlords in Brent are charging tenants and housing benefit excess rent For very poorly maintained properties. If they know their tenants get housing benefit they will often refuse to carry out essential repairs If the tenant then complains the landlord will then refuse to renew the tenancy so the tenant and their family become homeless. How is this fair?	Noted
156	Resident in Consultation 2	Mapesbury has two particular problems: 1. Workers on Chichele Road, sleeping rough, leaving rubbish everywhere, leering at women and creating an unpleasant atmosphere (especially in Gladstone Park). 2. Street drinkers around Chichele, Rockhall, Howard and Oaklands Road. If landlords were required to obtain licences this would instigate checks on the casual rental market which would do much to alleviate these problems.	Noted
157	Resident in Consultation 2	Mapesbury is mainly high value owner occupied accommodation Licensing is unnecessary. Dollis Hill has more rental properties where licensing can play a role	Noted
158	Resident in Consultation 2	Most landlords keep their house tidy, the tenants are the problem especially those who receive Housing Benefits because the house does not belong to them	Noted

		and they do not treat it well. Noise/nuisance caused by tenants because Landlord does not reside at the house Should not target Landlords tenants should have moral standards to keep place clean and tidy Tenants should be wholly responsible for where they live	
159	Resident in Consultation 2	My understanding is that this questionnaire relates to rogue or irresponsible Landlords, if the tenant complains they may find themselves homeless, whilst the property is regularised. When brought up to standard the properties could be let to the private sector as opposed to the Local Authority.	Noted
160	Resident in Consultation 2	Neasden shopping centre is always very untidy and dirty	Noted
161	Resident in Consultation 2	Noise nuisance - Late at night people walk up the road talking loudly or shouting and talking loudly on mobile phones.	Noted
162	Resident in Consultation 2	Not needed	Noted
163	Resident in Consultation 2	Other issues will be created if you introduce that Landlords have to deal with/address anti social behaviour of their tenants	Noted
164	Resident in Consultation 2	Parts of poorly maintained property that are a real nuisance are: Hedges and trees that obstruct the pavement Wheelie bins that are left on the pavement	Noted

		Wheelie bins that are overflowing and a target for foxes Furniture - beds mattresses radiators left on street corners	
165	Resident in Consultation 2	People loitering on Cricklewood Broadway and especially on Anson Road Loitering in Gladstone Park and people going to the toilet on benches in the park Sleeping in the park	Noted
166	Resident in Consultation 2	People need to be educated to be good citizens by introducing spiritual culture that unifies and brings people together on a common platform.	Noted
167	Resident in Consultation 2	People purchase at auctions, build extension not notifying people.	Noted
168	Resident in Consultation 2	People should not be asked to intervene to solve problems that are the duty of the Council or Police, Social agencies etc. These problems should be solved by those elected to govern	Noted
169	Resident in Consultation 2	Poor amenities Poor state of repair Damp and mould No central heating Poor fire safety Rent Â£255 per week for Ground Floor Studio Flat	Noted
170	Resident in Consultation 2	Private landlords should have a duty to address anti social behaviour arising from tenants in their property. It's something that should be in the contract and what sanctions will be applies if not adhered to.	Noted

171	Resident in Consultation 2	Private rented housing should be regulated in the same way that social housing is, it is ridiculous that there is no regulation of the private rented sector. Take no notice of landlords complaining, if they don't want to pay a licence fee they shouldn't be in business making money out of people's homes.	Noted
172	Resident in Consultation 2	Selective licensing will not solve the problem of anti-social behaviour. This is a matter for the police and possibly the council, but not landlords.	Noted
173	Resident in Consultation 2	Something needs to be done about fly tipping in Brent. I have been renting here for over 6 years and the level of waste/rubbish on the streets has increased significantly over the years.	Noted
174	Resident in Consultation 2	Tenants should have a way to report to the Council where accommodation standards are not met and the Council should follow up with an inspection	Noted
175	Resident in Consultation 2	The abolition of fair rents in 1988 was wrong, as was the abolition of security of tenure. The Council should have powers to purchase compulsory properties that are badly managed and compensation to Landlords should be on the basis of sitting tenants.	Noted
176	Resident in Consultation 2	The issue of "hotels" should also be addressed. Establishments offering "bedsit" type accommodation have started popping up with a high turn-over of often	Noted

		noisy and inconsiderate visitors.	
177	Resident in Consultation 2	The Local Authority already has adequate powers to deal with anti-social behaviour issues; licensing PRS tenancies will have no effect on this issue.	Noted
178	Resident in Consultation 2	The pathway between Neasden Station to Norhtview School should be cleaned more often. People come here to drink on the stairs and it is always littered with cans and bottles The Council should also try to control the rent price. Loads of Landlords are over charging.	Noted
179	Resident in Consultation 2	There are groups of people congregating in Gladstone Park (30+ usually male) The large numbers of people are threatening and mean that I am reluctant to use the park. They have suitcases and bags and may camp overnight in the park.	Noted
180	Resident in Consultation 2	There is lots of subsiding in Keyes road which needs looking into as it is from the inside it is a big problem with cracks in the wall. Housing Association Genesis should be taking care of it after all most of the houses are privately owned. We as tenants should keep it clean and tidy.	Noted
181	Resident in Consultation 2	There should be something done in regards to alcohol drinking in the street. Majority who walk down my street have beer cans and once finished it gets thrown onto	Noted

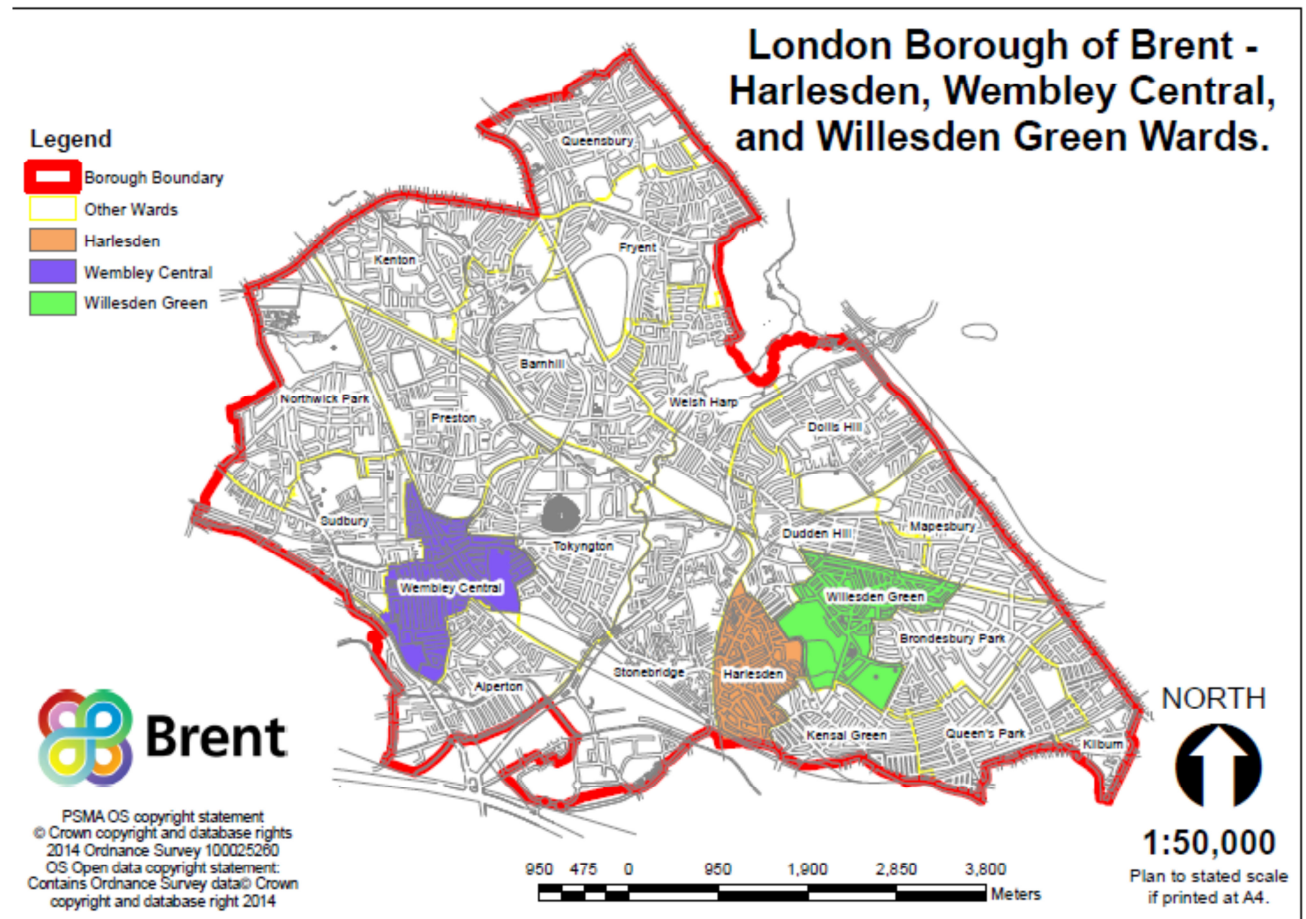
		peoples drives without a care in the world	
182	Resident in Consultation 2	This questionnaire is biased and designed to produce the result that licensing should be introduced. We need fewer controls not more. We need more houses not more Council not more Council interference	Noted
183	Resident in Consultation 2	This is a slightly desperate measure by a bankrupt Council to raise money by targeting a soft target - Landlords, with the promise of addressing anti-social behaviour. Once introduced, the Licensing will no doubt be gradually expand and the fees increased to raise further revenue.	Noted
184	Resident in Consultation 2	To discuss with the police, to have their presence seen and heard with regular patrols of troublesome areas. Griffin Close is well run by Origin Housing and has no anti social problems. Tree pruning, footpath maintenance. Ugly dirty front spaces in front of the properties. Cars racing and speeding on Park Avenue North most of time. Dangerous to cross the road all the time for everyone	Noted
185	Resident in Consultation 2	Try it out	Noted
186	Resident in Consultation 2 (former landlord)	While I have rented out my property for 6 years until recovering it as my own residence recently, I would not do so again under the proposals.	Noted

187	Resident in Consultation 2	You are proposing something without explaining what it is - a very skewed questionnaire design. The results will not be reliable. Also, if you feel that properties are badly maintained then consider grants instead of wasting resources on this exercise.	Noted
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Appendix 3

Designation of Selective Licensing

The Selective Licensing designation applies to the following wards in the Borough of Brent: Harlesden, Wembley Central and Willesden Green as highlighted on the map below.



Appendix 4

Draft Conditions

SELECTIVE LICENSING

	Conditions of Selective Licences under Part 3 of the Housing Act 2004	
ITEM	CONDITION	JUSTIFICATION
Gas	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
Electrical Appliances	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
Furniture and Furnishings	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
Smoke Alarms	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
Tenant	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	Mandatory condition required by

references	Council upon request.	Schedule 4 of the Housing Act 2004
Terms of Occupation	<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
Numbers of Occupiers	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.
Energy Efficiency	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).
Property Management	<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</p>	Required to safeguard the health, safety and well being of occupants and to reduce anti social behaviour (ASB).

	<p>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>	
Common Areas	<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>
Fire Safety	<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 www.lacors.gov.uk.</p>

		The Housing- Fire Safety guidance on fire safety provisions for certain types of existing housing can also be found at Brent Council Website www.brent.gov.uk under Housing- Selective Licensing.
Security	<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).
External areas, refuse and	<p>The Licence Holder must ensure that:-</p> <p>a) The exterior of the property is maintained in a reasonable decorative order and</p>	To ensure that the domestic hygiene and condition of the licensed property is maintained and reduce any anti-

waste	<p>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>	social behaviour (ASB).
Training	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).
Management/ Anti-Social Behaviour	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.	To safeguard the well being of occupants, persons visiting the premises and persons in the immediate locality and reduce any

	<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> <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</p>	<p>anti-social behaviour (ASB).</p>
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	<p>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</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>	
Notification/ Consultation of Changes	<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</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>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 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>	
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	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.	
Absence	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).
Compliance inspections	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, 7th 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: 1st January 2014

Completion date: 30th July 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:

Cabinet

Date: 26th August 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?

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 the introduction of an Additional Licensing scheme to cover all HMOs across the borough was approved by the Executive in April 2014. The Selective Licensing scheme that is the subject of this report would cover all privately rented homes in, three wards where a significant link with anti-social behaviour is established - Harlesden, Willesden Green and Wembley Central.

Selective Licensing sets out to contribute to addressing 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 Selective Licensing is, alongside other strategies and work programmes, to raise standards in the 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.

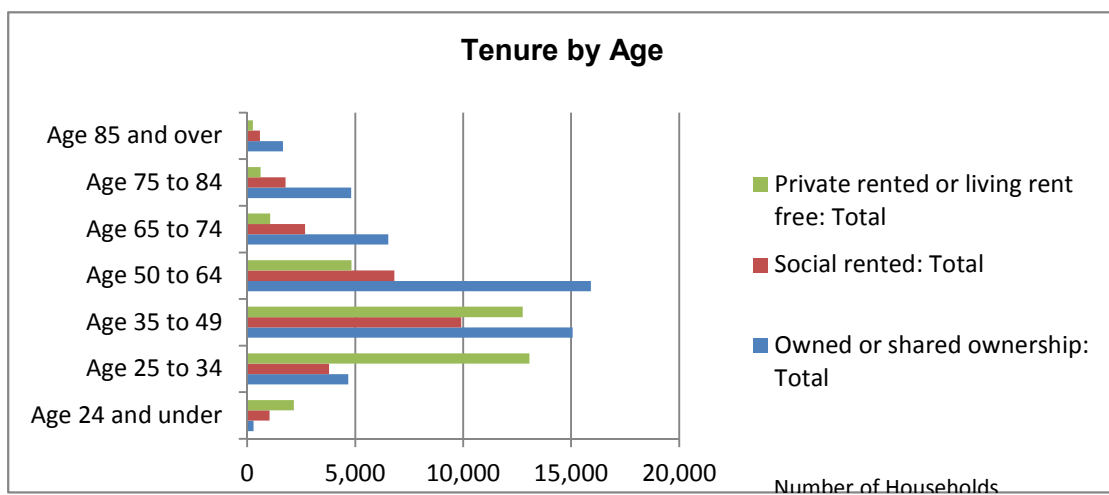
Please give details of the evidence you have used:

Census data 2011

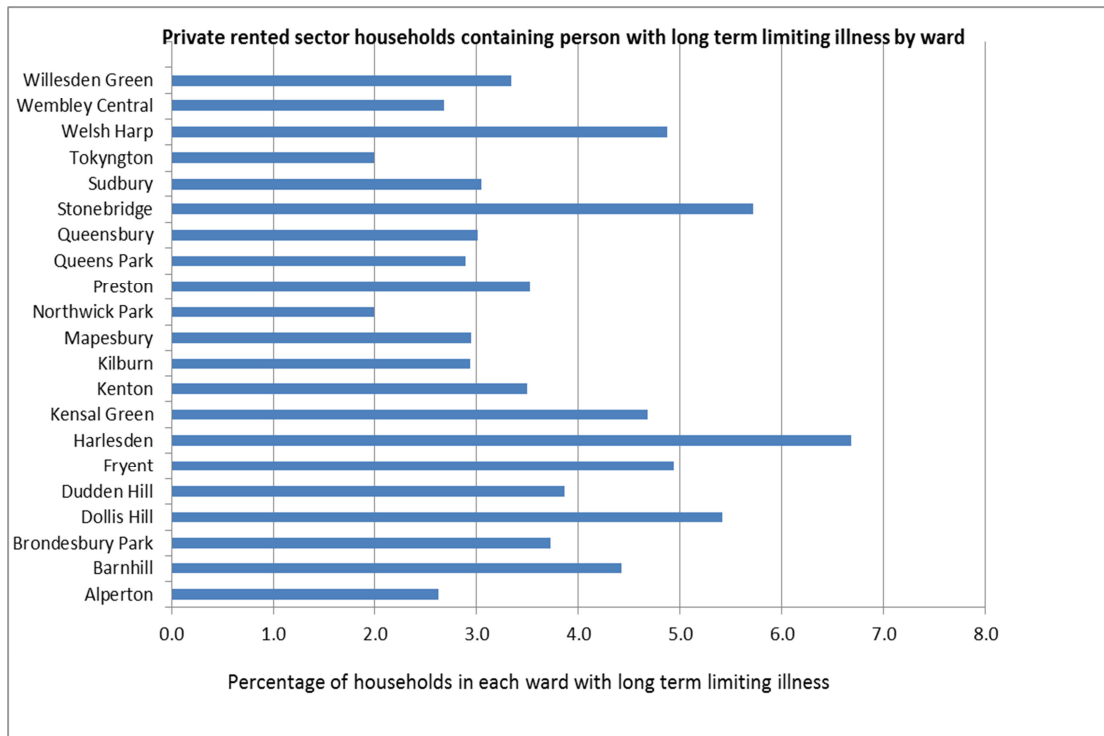
The 2011 Census provides valuable information regarding Brent's population. Data is still undergoing analysis, by ONS, however detailed below is relevant evidence regarding tenure



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 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?

i. Who did you engage with?

Two consultation exercises were carried out, with the second following the decision of the Executive to defer a final decision on Selective Licensing pending the outcome of further consultation in Dudden Hill and Mapesbury. The two exercises are addressed in turn below. For convenience, the initial exercise is referred to as Consultation 1 and the second as Consultation 2.

Consultation 1 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%
Total	100.00%
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%
Total	100.00%
Disability	
	% Total
Number of Responses	73.83%
Yes	7.38%
No	66.44%
No Response	26.17%
Total	100.00%
Ethnicity	
	% Total
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%
Total	100.00%

Religion	
	% Total
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%
Total	100.00%
Sexual orientation	
	% Total
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%
Total	100.00%

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 rented	RSL	Owner Occupied	Business
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%

The detail of consultation responses is set out in Appendix 2 but, in summary, 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, although there was very little support for Selective Licensing.

Consultation 2 ran from 20th May to 18th July 2014 and was focussed on residents in Dudden Hill and Mapesbury, all of whom were sent a postal questionnaire, while consultation documents were made available through the council's Consultation Portal as with Consultation 1. The consultation took this form in order to match the exercise carried out in Consultation 1, through which all residents in the three wards initially identified as potential locations for Selective Licensing were written to. Landlords were not included in Consultation 2 since they had been fully involved in Consultation 1, as noted above.

Respondents were asked to provide the same information as for Consultation 1 and showed a broadly similar mix of characteristics.

Gender

Responses:	count	% of responses
Male	110	40.7%
Female	160	59.3%
Total Responded to this question:	270	100.0%
No Reply	47	

Total	317	
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Age

Responses	Count	% of responses
18-24	2	0.7%
25-34	23	8.4%
35-44	57	20.9%
45-54	65	23.8%
55-64	57	20.9%
65+	69	25.3%
Total Responded to this question:	273	100.0%
No Reply	44	
Total:	317	

Disability

Responses:	count	% of responses
Yes	64	23.7%
No	206	76.3%
Total Responded to this question:	270	100.0%
No Reply	47	
Total	317	

Ethnicity

Responses	Count	% of responses
White: English/Welsh/Scottish/Northern Irish/British	113	42.3%
White: Irish	17	6.4%
White: Gypsy or Irish Traveller	0	0.0%
Any other White background	44	16.5%
White and Black Caribbean	3	1.1%
White and Black African	1	0.4%
White and Asian	3	1.1%
African: Black/African/Caribbean/Black British	13	4.9%
Caribbean: Black/African/Caribbean/Black British	15	5.6%
Any other Black/African/Caribbean background	3	1.1%
Chinese: Asian/Asian British	3	1.1%
Bangladeshi: Asian/Asian British	2	0.7%

Pakistani: Asian/Asian British	6	2.2%
Indian: Asian/Asian British	14	5.2%
Any other Asian background	4	1.5%
Arab	2	0.7%
Any other mixed/multiple ethnic background	1	0.4%
Any other ethnic group	0	0.0%
Prefer not to say	23	8.6%
Total Responded to this question:	267	100.0%
No Reply	50	
Total	317	

Religion/Belief

Responses	Count	% of responses
Buddhist	6	2.3%
Christian	124	46.6%
Hindu	14	5.3%
Jewish	7	2.6%
Muslim	17	6.4%
Sikh	0	0.0%
Other	23	8.6%
None	38	14.3%
Prefer not to say	37	13.9%
Total Responded to this question:	266	100.0%
No Reply	51	
Total:	317	

Sexual Orientation

Responses	Count	% of responses
Heterosexual/straight	205	80.1%
Lesbian	1	0.4%
Gay man	4	1.6%
Bisexual	2	0.8%
Prefer not to say	44	17.2%
Total Responded to this question:	256	100.0%
No Reply	61	
Total:	317	

As set out in Appendix 2, responses indicated similar concerns to those revealed in Consultation 1, but with some significant difference.

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?

Consultation 1 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. Following this exercise, this report recommends that a designation of Selective Licensing should apply in the three wards of Harlesden, Wembley Central and Willesden. Further consultation will also consider the detail of the conditions and any discount against fees applicable to both schemes.

This equality analysis has also identified that the scheme has the potential to support improvement of standards on equalities in the PRS by informing landlords about:

- How to advertise properties in a non-discriminatory way
- Grants available to benefit older residents and promote energy efficiency
- Responsibilities to disabled tenants

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.

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. It may be worth noting that other boroughs that have implemented either Additional or Selective Licensing have reported that they have not experienced any significant rise in evictions or homelessness attributable to the schemes. 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

However, it should be stressed that eviction could affect any tenant within any of the protected groups and there is no reliable way of predicting any disproportionate impact. This issue will therefore need to be monitored carefully.

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		
Sex	X		
Sexual orientation	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 unlawfully 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
Further consultation on operational detail of the schemes	November 2014	Spencer Randolph	Full conditions and fees agreed		
Communication Strategy and application process agreed	November 2014	Spencer Randolph	All landlords tenants and other interested parties fully aware of schemes		
Monitoring process agreed	November 2014	Spencer Randolph	Monitoring arrangements allow for comprehensive assessment of success of the scheme and impact for Brent residents		
Application process	November 2014	Spencer Randolph	Landlords begin to apply		

commences					
Schemes come into operation	January 2015	Spencer Randolph			
Review of schemes	January 2016	Spencer Randolph	Assessment in line with monitoring arrangements as noted above		