



London Borough of Brent

Consultation on Private Rented Sector Licensing

Report of findings



Opinion Research Services
September 2019



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Report of findings by Opinion Research Services

Opinion Research Services

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Executive Summary

Summary of main findings

The commission

- ^{1.1} The London Borough of Brent (henceforth ‘the Council’ or ‘LBB’) is seeking the views of residents, landlords and other stakeholders about the future of private rented sector licensing in the borough.
- ^{1.2} In January 2015, the Council introduced an additional licensing designation for HMOs and a selective licensing designation in three wards (Harlesden, Willesden Green and Wembley Central). Both designations are due to expire at the end of 2019, and LBB is proposing to renew these for another five years. In addition, the Council is consulting on proposals to introduce selective licensing into another ten wards for the first time (nine fully and one partially)¹, by means of three new designations.
- ^{1.3} Opinion Research Services (ORS) is a spin-out company from Swansea University with a UK-wide reputation for social research and major statutory consultations. ORS was appointed by LBB to advise on and independently manage and report aspects of the consultation programme.

The consultation

- ^{1.4} The formal consultation period of approximately eleven weeks began on 10th June and ended on 25th August 2019. During this period, residents and stakeholders were invited to provide feedback through the following:

A consultation questionnaire available for any interested party to complete, which attracted 1,110 responses;

A face-to-face residents’ survey based on 600 interviews representative at borough level, to provide an accurate profile of opinions in the general population across Brent (plus an additional 100 interviews just outside the borough boundary, aimed at understanding views in adjacent areas);

A large event for landlords and representatives of letting and managing agents, for which around 570 reserved places, and around 300 participants attended;

Two deliberative focus groups with local residents, involving 24 participants in total;

A meeting involving six key stakeholders (including the Fire Brigade, landlord representative bodies, and organisations that support local residents/tenants).

Written submissions: stakeholders were able to provide their views by writing to LBB or ORS (16 were shared with ORS and have been summarised in this report).

¹ In addition, a 2018 designation introduced Selective Licensing in a further five wards (Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park) for a five-year period. As this designation is not due to expire, these five wards were not included in any of the specific proposals being consulted on at this time.

Nature of consultation

1.5 The key good practice requirements for consultation programmes are that they should:

Be conducted at a formative stage, before decisions are taken;

Allow sufficient time for people to participate and respond;

Provide the public and stakeholders with enough background information to allow them to consider the issues and any proposals intelligently and critically; and

Be properly taken into consideration before decisions are finally taken.

Accountability

1.6 Accountability means that public authorities should give an account of their plans and take into account public views: they should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully.

1.7 This does not mean that the majority views should automatically decide public policy; and the popularity or unpopularity of draft proposals should not displace professional and political judgement about what is the right or best decision in the circumstances. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions. Above all, public bodies have to consider the relevance and cogency of the arguments put forward during public engagement processes, not just count heads.

The report

1.8 ORS does not endorse any opinions reported here but seeks only to portray them accurately and clearly. While offering guidance on the consultation methodology and its interpretation, we seek to profile the opinions and arguments of those who have responded; but we make no recommendations on the decisions to be taken by LBB.

Main Findings

Quantitative feedback

1.9 The two quantitative strands of the consultation differ in methodology, insofar as the self-completion consultation questionnaire is intentionally made widely available for anyone with an interest, and therefore tends to attract participation from those with particularly strong views on the proposals. The interviewer-administered survey, on the other hand, is intended to target a broad cross-section of the general public to obtain results that are representative of the whole borough. Therefore, the two strands cannot simply be amalgamated but ought to be considered side-by-side in these contexts.

Residents survey (face-to-face)

1.10 Around a third of Brent residents felt that poor property conditions (32%) and anti-social behaviour (ASB) (30%) are at least fairly big problems in their local area, and around a fifth feel this way about deprivation (19%).

- 1.11 Very high proportions of Brent residents agreed that landlords should be ‘fit and proper’ persons (94%) and that landlords have a responsibility for managing their properties effectively (93%). Fewer, though still around two thirds, agreed that poorly maintained (67%) and poorly managed (67%) properties are contributing to the decline of some areas within Brent.
- 1.12 There was a consistently high level of support for the main proposals among Brent residents. For example, more than four out of five (85%) agreed with the proposal to renew the boroughwide additional licensing scheme, while an almost identical proportion (84%) agreed with the renewal of selective licensing in Designated Area 1 (Harlesden, Willesden Green and Wembley Central).
- 1.13 Slightly fewer Brent residents, though still a large majority, agreed with the introduction of selective licensing in Designated Area 2 (Queensbury, Fryent and Brondesbury Park) (78%), Designated Area 3 (Barnhill and Welsh Harp) (79%), and Designated Area 4 (Northwick Park, Preston, Tokyngton (excluding Wembley Park), Alperton and Sudbury) (80%).
- 1.14 Most agreed that the proposed fees are ‘at about the right level’ (67% for the additional licence and 70% for the selective licence).
- 1.15 An additional sample of interviews was conducted *outside of Brent*, in wards adjacent to the borough boundary. This produced a similarly positive set of results, with high proportions of residents in agreement with the main proposals.

Consultation questionnaire (online and paper)

- 1.16 ORS typically reports the views of distinctive types of stakeholders in the open questionnaire separately, in order to understand any key differences in their points of view. For this reason, the views of individuals who landlords and letting or managing agents are reported separately from those of general residents, and so on.
- 1.17 Most landlords and agents agreed with the principle that landlords have a responsibility to manage their properties effectively (93%) and that they should be fit and proper persons (70%).
- 1.18 However, they were consistently less likely than residents and other stakeholders to be supportive of the Council’s actual proposals. For example, only 21% of them agreed that continuing with the licensing schemes would improve or further improve the condition and management of privately rented properties, compared with 73% of the residents who responded, and a similar proportion of the other stakeholders.
- 1.19 The landlords were more supportive of the proposed renewal of borough-wide additional licensing (46% agreeing) than they were of the proposed extension of selective licensing in Designated Area 1 (24% agreeing); however both proposals were supported by a sizeable majority of those residents responding to the questionnaire (80% and 76% respectively), and most of the other stakeholders.
- 1.20 Fewer than a quarter of landlords and agents agreed with the proposals to extend selective licensing into Designated Areas 2, 3 and 4 (24%, 24% and 22% respectively). In contrast, close to three quarters of those responding as local residents agreed (73%, 74% and 73%), as did a majority of other stakeholders.
- 1.21 In relation to fees, the views of landlords and agents were unambiguous, with large majorities feeling that the additional (86%) and selective (94%) fees are ‘too high’. On the other hand, the views of

residents responding to the questionnaire were less clear cut: around two fifths felt the fees were 'about right' (41% for an additional licence and 42% for a selective licence) with the remainder fairly evenly split between those that felt the proposed fees are too high, and those that felt they are too low.

- 1.22 A narrow absolute majority of landlords and agents agreed with the proposed additional licence conditions (55%), although they were quite split in relation to the proposed selective licensing conditions (with 39% agreeing and 44% disagreeing). Substantial majorities of those responding as residents agreed with the proposed additional and selective licence conditions (80% and 78% respectively).

Deliberative and written feedback

General views on licensing

- 1.23 The results above illustrate how many residents were broadly positive about licensing in general. Many individuals said that they had noticed a rapid growth in the size of the population locally, which had given them cause for concern in terms of the increased pressure on housing supply and infrastructure.
- 1.24 Others described experiences of issues such as ASB and poor property conditions, which some attributed directly to the PRS in their area (some identified problematic neighbourhoods or streets, or even specific properties, as being the source of these issues).
- 1.25 For many such individuals, licensing was attractive as a potential solution to the perceived problems and they wanted to see it applied widely throughout Brent.
- 1.26 Nonetheless it is worth noting that there was some scepticism, and even some of those who generally agreed with licensing retained some concerns around:
- » Whether the scheme will be adequately enforced (as some felt the number of enforcements to date had been fairly low, while others doubted whether the new scheme could be effective without a robust and proportionate enforcement programme);
 - » The impacts on 'good' landlords – particularly whether some might choose to leave the sector, further impacting on the availability of housing for those wishing to rent privately;
 - » The possibility of rent increases, i.e. if landlords seek to 'pass on' the cost of the licence fee to their tenants;
 - » Whether the scheme places too much onus on private landlords, given that tenants are responsible for many problems (and not just private tenants, but sometimes social tenants as well).
- 1.27 Landlords and agents were typically much more sceptical than residents, frequently seeing licensing schemes as bureaucratic money-making exercises, which punish the compliant majority of landlords and ultimately prove ineffective in tackling the small criminal or 'rogue' element within the PRS. In other words, while many supported the principle of improving standards in the PRS, they were unconvinced that licensing schemes represent the best way forward in terms of achieving this.

- 1.28 Some saw licensing as a *fait accompli* that would go ahead regardless of what feedback was received during the consultation process, while others challenged the Council to produce more evidence to support its case, e.g. to show that licensing had led to improvements in the existing licensed areas.
- 1.29 Many of those opposed to licensing claimed that it is unnecessary because local authorities already have other legislative powers to regulate the PRS, but – for whatever reason – choose not to use them. Many felt that such schemes can place landlords in invidious positions by making unrealistic demands of them to manage bad tenant behaviour. This led some to calls for LBB to offer more support to responsible landlords who are struggling to deal with difficult tenants.
- 1.30 There were also concerns about licensing’s ability to address issues such as illegal sub-letting and overcrowding, which have been known to occur without the landlord’s knowledge, as well as the fact that AirBnB is not discussed in the proposals.
- 1.31 Some of the feedback from other stakeholders echoed these views, inasmuch that most of them tended to be either broadly in favour or opposed to the proposals. For example, organisations representing views of tenants and residents, as well as the London Fire Brigade, were typically more enthusiastic about licensing, whereas those organisations representing the interests of landlords and letting and managing agents tended to be sceptical.
- 1.32 A few of the specific concerns raised by these organisations were as follows:
- » It was suggested that licensing might in fact drive exploitation, by pushing some tenants towards renting from criminal, unlicensed landlords (on the basis that licensed landlords might become more wary about whom they let to) and this will disproportionately affect the more vulnerable tenants in the PRS;
 - » In this context, there were also concerns about the proposed abolition of Section 21 eviction notices, which (it was said) would impact on landlords’ ability to deal quickly with misbehaving tenants, and also make them more reluctant to house individuals or families with more complex needs or histories;
 - » There were calls for joined-up approach that recognises the wider potential impacts of licensing (e.g. the possibility of more interactions between tenants and council services such as Adult Social Care, or increased rates of homelessness);
 - » It was claimed was that licensing schemes actually divert resources away from proper enforcement activity, because of the administrative efforts required to run them (it was noted that many landlords wait an unreasonable length of time for the licence to be granted, due to councils struggling to process with large volumes of applications).
- 1.33 Some indicated that they would prefer a more targeted and intelligence-led approach (e.g. use of the council tax registration process to identify private rented properties and landlords), with more collaboration between the Council and stakeholders (e.g. landlords, agents and professional bodies) and a greater emphasis on recognising and rewarding good practice, potentially via introduction of co-regulation schemes.

Views on licensable areas

- 1.34 Some who were generally positive about licensing stated that there was a case for borough-wide selective licensing. A few questionnaire respondents sought reassurance that the scheme would be introduced into their areas.
- 1.35 One area that was particularly discussed in relation to which parts of the borough should be licensed was Wembley Park: one reason given in favour of its inclusion was that the more unscrupulous landlords could be encouraged to start moving into the area if it was not licensed.
- 1.36 On the other hand, it was also suggested (by the main Wembley Park developer) that Build-to-Rent (which comprises the vast majority of the PRS in Wembley Park) is distinctive and that Wembley Park therefore warrants being excluded – not just from the selective licensing proposals, but from the proposed additional licensing designation as well.
- 1.37 Elsewhere there was some scepticism (particularly widespread among landlords) about extending selective licensing, and a few highlighted certain wards (e.g. Brondesbury Park and Alperton) where they felt the justification given for selective licensing was weak, generally on the grounds of being more affluent or having newer housing stock.
- 1.38 Having said that, one or two landlords expressed a view that it should be borough-wide, on the basis that it would be fairer if all Brent landlords were affected and not just those in certain areas.

Views on fees and conditions

- 1.39 As noted above (under ‘Quantitative feedback’) the majority view among residents was that the fees were appropriate (a view that a few landlords shared, although in general they were far more likely to maintain that the fees are too high).
- 1.40 Some individuals (typically those responding as local residents in the open questionnaire) argued for the fees (and/or any fines for non-compliance) to be higher, often because they believed this would allow the Council to have a better-resourced enforcement programme or to invest in other services.
- 1.41 Many landlords in particular were unhappy that the licence fee is the same irrespective of how long the scheme has left to run (i.e. the fact that a landlord applying for a licence four years into the five-year period would only be able to keep this licence for a year before having to pay once again in full). One landlord representative also felt it was onerous that if the household composition changes (e.g. from multiple occupation to a single family) then the landlord would need to re-apply for a different type of licence and pay another fee.
- 1.42 There were also calls for a more nuanced fee structure (e.g. taking the property’s rental yield or size, or the landlord’s previous level of compliance, into account) and for LBB to introduce a wider range of ways to qualify for the discount (e.g. by accepting those who are accredited by other landlord or agent representative bodies, not just the London Landlord Accreditation Scheme).
- 1.43 In terms of the conditions, a range of suggestions were made as to how these could be supplemented or enhanced. For example, many residents felt that there should be greater emphasis on the exterior of the property and in terms of gardens, outbuildings etc. Many also placed a high level of importance on the correct disposal of waste (e.g. by advocating conditions that specify appropriate numbers of bins per property and having information about waste and recycling displayed in common areas of

the property). As outlined above, there were some concerns about whether overcrowding and sub-letting are adequately addressed (with a few mentioning related issues such as parking problems in streets).

- 1.44 However, there were also some concerns expressed about the existing proposed conditions. As mentioned above, many landlords (and their representative bodies) were concerned about proposed licensing conditions relating to tenant behaviour, which was felt to often be outside the licence holder's ability to control. It was also suggested that these conditions could in fact impact negatively on tenants and contribute to wider problems, such as increased evictions and homelessness.
- 1.45 Two written submissions questioned some of the proposed conditions, feeling they were likely to contravene the Court of Appeal's judgement in the case of *Brown v Hyndburn Borough Council* (2018), *Clark v Manchester City Council* (2015) related to the council's Amenity and Space Standards, and recommending removal of the 'Finder's Fee', arguing that is not lawfully permitted within the constraints of the Housing Act 2004 [referencing *Crompton v Oxford City Council*(2013)].

Overall conclusions

- 1.46 In summary, throughout the consultation period a range of positive and negative views were expressed around the proposals to renew the licensing schemes that were first introduced in 2015, and to extend selective licensing into new areas of Brent.
- 1.47 Both the quantitative and deliberate elements of the consultation showed a contrast in views between general residents (who were largely positive, and sometimes very enthusiastic, about the proposals) and landlords, agents and representative bodies (who were much more negative and sceptical about licensing schemes in general, and particularly of selective licensing, even though many supported the general ambition to improve standards and reduce criminality in the PRS).
- 1.48 Many of those who were opposed to licensing outlined particular concerns or grievances that they felt make licensing more onerous for those affected and which they might wish to see addressed or alleviated, while a wide range of stakeholders put forward several detailed points for the council's consideration.
- 1.49 Should it wish to proceed with the proposals, it will be up to LBB to consider how it might address these and to decide what (if any) mitigations it might introduce.

2. The Consultation Process

Overview of the Consultation

The commission

- 2.1 In January 2015, the London Borough of Brent introduced a borough-wide additional licensing scheme for Houses in Multiple Occupation (HMOs) and a selective licensing scheme covering three wards for other privately rented houses. This was done to address problems associated with poor property management of HMOs, and anti-social behaviour (ASB), aiming to improve the quality and management of the private rented sector.
- 2.2 In cases where there is need for designation or re-designation, the Council is required to undertake a consultation process before the expiry of the schemes. With the original scheme due to expire after five years, LBB has developed proposals to extend both licensing schemes for another five-year period. It has also developed proposals to extend the scheme to cover several new wards where selective licensing has not previously been applied.
- 2.3 To help inform its final decision, LBB commissioned Opinion Research Services (ORS), a spin-out company from Swansea University with a UK-wide reputation for social research and major statutory consultations, to undertake an extensive programme of consultation activities and independently report on the findings.
- 2.4 The Council successfully carried out its own consultation in late 2016, and subsequently in 2018, introduced Selective Licensing in five additional wards (Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park) for a five-year period. As this designation is not yet due to expire, these five wards were not included in any of the specific proposals being consulted on at this time.

Quantitative engagement

- 2.5 A consultation document outlining the issues and proposals under consideration was produced by LBB. With that foundation, ORS and LBB then designed two questionnaires tailored for different groups of respondents, with each questionnaire featuring broadly the same common or core questions. In each of the two versions there were sections inviting respondents to make any further comments and also to profile those responding.

Residents' survey

- 2.6 The first form of quantitative engagement was the face-to-face residents' survey, undertaken with residents aged 16 and over. The purpose of the survey was to achieve a representative profile of opinions using broadly the same core questions as in the consultation questionnaire. ORS interviewers conducted 707 structured face-to-face interviews over a period of roughly four weeks beginning 20th June 2019, using Computer Assisted Personal Interviewing ('CAPI') technology. The survey was conducted using a quota-controlled sampling approach, to ensure a broadly representative sample of residents aged 16 or over across Brent, and in adjacent areas (600 interviews were targeted inside the

borough itself, and a further 100 were targeted in wards outside of but adjacent to the Brent boundary).

Consultation questionnaire

- 2.7 The second form of quantitative engagement was the open consultation questionnaire, which in principle was available for anyone to complete - either via the dedicated consultation page on LBB's website or through paper versions that could be requested from LBB.
- 2.8 LBB publicised the questionnaire (and the consultation more broadly) through a variety of means, including leaflets; posters and banners in public buildings; billboards, social media and digital advertising; internally, via LBB media; and by directly contacting interested parties such as landlord representatives, tenant and resident groups, and neighbouring London boroughs.
- 2.9 Open questionnaires are not random sample surveys of a given population - so they cannot normally be expected to be representative of the general balance of opinion. For example, the more motivated groups are typically over-represented compared with others. However, they are extremely important forms of engagement in being inclusive and in giving people an opportunity to express their views. This open questionnaire also contained equalities/demographic questions in line with the Council's standard form.
- 2.10 In total, 1,110 responses were received, including 306 from those identifying themselves as private landlords or letting agents; 769 from individuals who identified they lived in Brent (this group also included 4 responses from local businesses) and 35 from other individuals or stakeholders (a mixture of individuals with another type of connection to the borough, or to a neighbouring borough; and a very small number responding on behalf of an organisation. This compares well with the 2016 questionnaire response where 1,207 responses were received: 205 from landlords and agents, 855 from residents (including 227 tenants living in the PRS) and 147 from others.

Deliberative engagement

- 2.11 ORS was involved with four events in total: one with landlords, agents, investors and developers; two with residents; and one with stakeholder organisations. Taken together all these meetings are best understood as 'deliberative' meetings in which LBB's proposals to renew and extend licensing were 'tested' against landlords' and other stakeholders' opinions - in order to see the extent to which the proposal is acceptable or otherwise.

Deliberative forums with landlords

- 2.12 The landlord forum took place during the annual Brent Landlord, Investor and Developer Consultation Forum, held in the Civic Centre on 25th June 2019. It began with a began with some short opening presentations covering the main issues (the current licensing schemes in Brent and their impacts, the reasons for considering renewing and extending the schemes, the proposed schemes themselves and other key aspects such as fee levels and licence conditions). The presentation was then followed by questions and answers, with opportunities for discussion around the proposals.

Forums with residents

- 2.13 Two groups were held with residents in the first half of August 2019: one in the Civic Centre and one in Willesden Green Library. Face-to-face recruitment was undertaken by ORS' field interviewers, with a loose quota-based approach used to ensure an appropriate spread of participants according to different demographics, as well as to ensure the inclusion of some private renters. Recruitment was also supplemented by a recontact question in the face-to-face residents survey, which allowed respondents to register their interest in potentially taking part.

Meeting with stakeholders

- 2.14 A stakeholder meeting was held to give some key stakeholder organisations an opportunity to present their views on licensing in the PRS. The meeting took place on 14th August 2019 at the Civic Centre.

Written submissions

- 2.15 ORS was asked to read and summarise written submissions from 16 organisations and individuals.
- 2.16 The organisations that contributed were:

- ARLA Propertymark
- Brent Women's Advisory Resource Centre
- Harlesden Area Action
- National Landlords Association
- Residential Landlords Association
- Safeagent (previously National Approved Lettings Scheme)
- Quintain and Tipi
- Willesden Green Residents Association
- Willesden Green Town Team

Nature of consultation

- 2.17 Accountability means that public authorities should give an account of their plans and take into account public views: they should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully. This does not mean that the majority views should automatically decide public policy; and the popularity or unpopularity of draft proposals should not displace professional and political judgement about what is the right or best decision in the circumstances. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions.
- 2.18 Above all, public bodies have to consider the relevance and cogency of the arguments put forward during public engagement processes, not just count heads. In this context, it was helpful that the consultation programme included both 'open' and deliberative elements, to allow many people to take part via the open questionnaire while promoting informed engagement via the deliberative focus groups.

Interpreting the outcomes

- 2.19 Importantly, the different consultation methods cannot just be combined to yield a single point of view on the future of licensing that reconciles everyone's differences and is acceptable to all stakeholders involved. There are two main reasons why this is not possible. First, the engagement methods differ in type: they are qualitatively different and their outcomes cannot be just aggregated into a single result. Second, different areas and sub-groups will inevitably have different perspectives on the proposals and there is no formula in the consultation process that can reconcile everyone's differences in a single way forward.
- 2.20 It is also important to recognise that the outcomes of the consultation process will need to be considered alongside other information available about the likely impact of LBB's proposals. Whilst the process highlights aspects of this information that stakeholders consider to be important, appropriate emphasis should be placed on each element. In this sense there can be no single 'right' interpretation of all the consultation elements and other information in the decision-making process.

The report

- 2.21 This report summarises the feedback on LBB's private rented sector licensing proposals. Verbatim quotations are used, in indented italics, not because we agree or disagree with them - but for their vividness in capturing recurrent points of view. ORS does not endorse any opinions, but seeks only to portray them accurately and clearly.
- 2.22 ORS is clear that its role is to analyse and explain the opinions and arguments of the many different interests participating in the consultation, but not to 'make a case' for any proposal. In this report, we seek to profile the opinions and arguments of those who have responded to the consultation, but not to make any recommendations as to how the reported results should be used. Whilst this report brings together a wide range of evidence for the council to consider, decisions must be taken based on all the evidence available.

3. Residents Survey

Introduction

- 3.1 The primary purpose of the residents' survey was to achieve a broadly representative sample of face-to-face interviews with residents of Brent, aged 16 and over.
- 3.2 It was conducted using a quota sampling approach with targets set on the numbers of interviews required by age, gender, tenure, working status and ethnicity, and with randomly selected sample points based on census Lower Super Output Areas (LSOAs). The questions asked in the survey were a subset of those included in the main consultation questionnaire, with some very minor simplifications to the wording (to make them more easily administered as part of a face-to-face exercise).
- 3.3 To fulfil an additional aim of seeking to understand any impact on residents living in areas neighbouring Brent, a further 100 interviews were targeted in neighbouring local authorities (i.e. in LSOAs within wards outside but adjacent to the borough boundary)².
- 3.4 In total, ORS conducted 707 interviews with residents between 20th June and 18th July 2019, of which 605 were conducted inside Brent and 102 in neighbouring boroughs. A Computer Assisted Personal Interviewing (CAPI) methodology was used, with interviews conducted 'on the doorstep' or in respondents' homes.
- 3.5 A short summary of the proposals was included to be 'read out' within the survey, for the benefit of respondents who had not had the opportunity to read the consultation document or otherwise find out about the proposals. Interviewers also provided respondents with a map of Brent, on which the four designated areas for selective licensing were clearly marked.
- 3.6 For the sake of clarity, the views of residents inside and outside of Brent have been analysed and reported separately.

Respondent profile

- 3.7 The extent to which results can be generalised from a sample depends on how well the sample represents the population from which it is drawn. As is the case for all surveys of this type, the achieved samples were affected by response bias i.e. varying levels of response between different socio-demographic groups.
- 3.8 Statistical weights were therefore derived for each case in order to compensate for and to ensure that the results were broadly representative of residents across Brent, and of residents in relevant outlying areas.

² These interviews were conducted in local authorities neighbouring Brent i.e. the City of Westminster and the London Boroughs of Barnet, Camden, Ealing, Hammersmith and Fulham, Harrow, and the Royal Borough of Kensington and Chelsea.

- 3.9 The returned samples were first checked against comparative data for ward, age, gender, tenure³, working status and the Index of Multiple Deprivation (IMD)⁴ and then subsequently weighted by IMD, tenure, working status, age and gender (interlaced) and ethnic group. The sample for within Brent was additionally weighted by ward population.
- 3.10 During the weighting process, it is important to ensure that no individual respondent has an unduly large influence on the overall survey results, so the statistical weights are ‘capped’; therefore, the survey data may not be identical to the comparative data even after it has been weighted.
- 3.11 The survey data for interviews within Brent, once weighted, is broadly representative of the population of Brent, while the interviews undertaken outside of the Brent boundary have been weighted to be representative of the collective population of all wards adjacent to / directly neighbouring Brent.
- 3.12 Tables at figures 1 and 2 showing the weighted and unweighted profiles of respondents to the survey, alongside the comparative data for the population, are provided below.

Figure 1: Profile of residents’ survey responses (unweighted and weighted) and resident population (Note: Interviews inside Brent only; percentages may not sum due to rounding)⁵

Characteristic	Unweighted Count	Unweighted Valid %	Weighted Valid %	Resident Population %
BY AGE				
16 to 24	107	18	14	14
25 to 34	151	25	23	23
35 to 44	114	19	20	19
45 to 54	84	14	16	16
55 to 64	67	11	11	13
65 to 74	51	8	9	8
75 or over	31	5	6	7
Total valid responses	605	100	100	100
BY GENDER				
Male	309	51	52	51
Female	296	49	48	49
Total valid responses	605	100	100	100
BY WORKING STATUS				
Working	344	57	60	65
Retired	82	14	15	12

³ Just like the rest of London, Brent’s PRS has continued to grow in recent years; therefore, weighting the survey to tenure data from Census 2011 would have under-represented private renters. To obtain a more up-to-date estimate for the tenure profile in Brent, ORS looked at comparative data for London using the English Housing Survey and was thereby able to obtain a reasonable estimate for the likely tenure profile in the borough.

⁴ Index of Multiple Deprivation (the achieved sample for inside Brent was weighted by IMD decile; due to the smaller sample size, interviews conducted outside were weighted based on IMD quintiles)

⁵ Secondary population data derived from Mid-year Population Estimates 2017, Greater London Authority 2016-based Local Authority Housing Led Projections (2019), Population data derived from London Data for English Housing Survey 2017-18, and the Annual Population Survey (12 months to March 2019).

Otherwise not working	179	30	25	23
Total valid responses	605	100	100	100
BY TENURE				
Own outright	127	21	22	23
Own with a mortgage/Shared ownership	123	20	22	23
Social Rent	113	19	19	18
Private Rent	241	40	37	36
Total valid responses	604	100	100	100
<i>Not known</i>	1	-	-	-
BY ETHNIC GROUP				
White	243	40	39	38
Mixed	16	3	4	4
Asian	197	33	35	35
Black	94	16	17	16
Other ethnic group	53	9	6	6
Total valid responses	603	100	100	100
<i>Not known</i>	2	-	-	-

Figure 2: Profile of residents' survey responses (unweighted and weighted) and resident population (Note: Interviews outside Brent; percentages may not sum due to rounding)⁶

Characteristic	Unweighted Count	Unweighted Valid %	Weighted Valid %	Resident Population %
BY AGE				
16 to 24	18	18	14	13
25 to 34	28	27	26	24
35 to 44	18	18	22	20
45 to 54	9	9	10	16
55 to 64	13	13	11	12
65 to 74	12	12	13	8
75 or over	4	4	4	7
Total valid responses	102	100	100	100
BY GENDER				
Male	50	49	50	50
Female	52	51	50	50
Total valid responses	102	100	100	100
BY WORKING STATUS				
Working	60	59	57	58
Retired	15	15	15	13
Otherwise not working	27	26	28	29
Total valid responses	102	100	100	100
BY TENURE				

⁶ Secondary population data derived from Mid-year Population Estimates 2017 and Census 2011.

Own outright	24	24	23	20
Own with a mortgage/Shared ownership	18	18	21	27
Social Rent	27	26	23	20
Private Rent	33	32	33	33
Total valid responses	102	100	100	100
BY ETHNIC GROUP				
White	57	56	52	52
Mixed	2	2	2	4
Asian	29	28	29	28
Black	8	8	10	10
Other ethnic group	6	6	7	6
Total valid responses	102	100	100	100

Interpretation of the Data

- 3.13 Graphics are used extensively in this chapter to make it as user friendly as possible. The pie charts and other graphics show the proportions (percentages) of respondents making relevant responses. Where possible, the colours of the charts have been standardised with a ‘traffic light’ system in which:
- Green shades represent positive responses
 - Beige and purple/blue shades represent neither positive nor negative responses
 - Red shades represent negative responses
 - The bolder shades are used to highlight responses at the ‘extremes’, for example, very satisfied or very dissatisfied
- 3.14 Where percentages do not sum to 100, this may be due to computer rounding, the exclusion of “don’t know” categories, or multiple answers. Throughout the volume an asterisk (*) denotes any value less than half a per cent. In some cases figures of 2% or below have been excluded from graphs.
- 3.15 Many percentages quoted in the commentary have been ‘grouped’ (by e.g. merging together the ‘strongly’ and ‘tend to’ agree/disagree categories) in order to report the overall proportions in agreement/disagreement.
- 3.16 It should be remembered that a sample, and not the entire population of Brent (and relevant outlying areas), has been interviewed. In consequence, all results are subject to sampling tolerances.

Findings of the residents survey

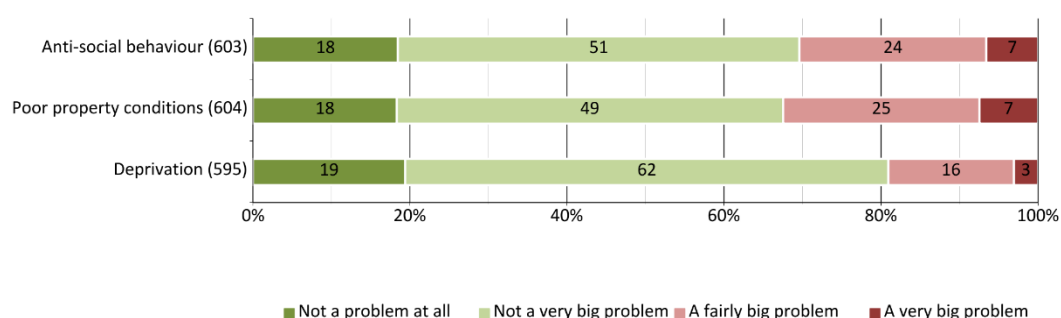
Local issues?

- 3.17 Around one in three Brent residents felt that anti-social behaviour (30%⁷) and poor property conditions (32%) are at least a fairly big problem in their local area. Fewer, although still around one in five (19%), felt that deprivation is a problem.
- 3.18 Fewer residents outside of Brent felt that anti-social behaviour (11%), poor property conditions (13%) and deprivation (9%) are a problem in their areas.

INSIDE BRENT

Figure 3: To what extent do you believe each of the following to be a problem in your local area?

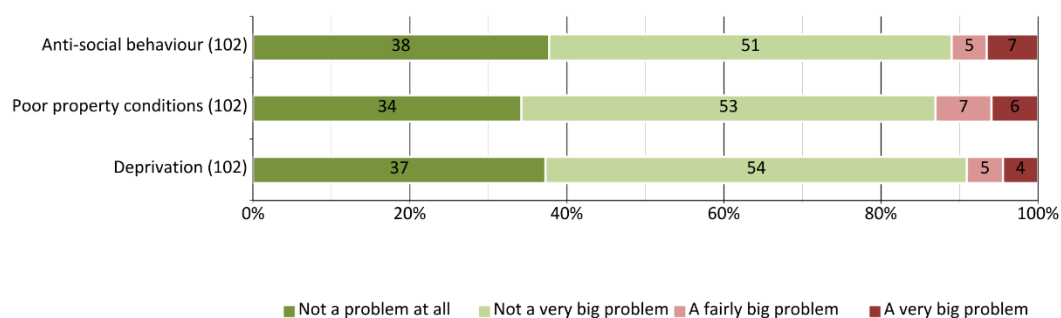
Base: All residents (number shown in brackets)



OUTSIDE BRENT

Figure 4: To what extent do you believe each of the following to be a problem in your local area?

Base: All residents (number shown in brackets)

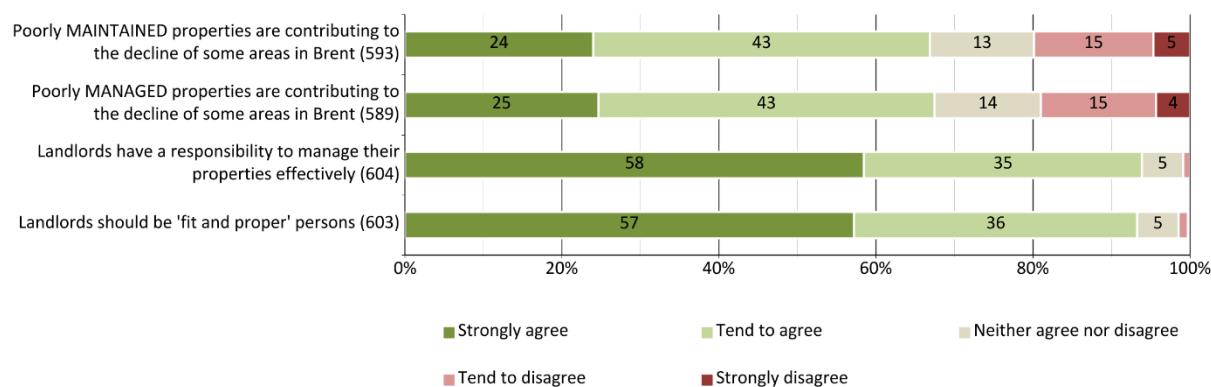


⁷ The sum of the percentages for grouped answers (e.g. “fairly big” and “very big”) is affected by rounding and therefore will not necessarily be exactly equal to the sum of the two percentages presented in the chart.

- 3.19 Very high proportions of Brent residents at least tended to agree that landlords have a responsibility to manage their properties effectively (94%) and that landlords should be 'fit and proper' persons (93%).
- 3.20 Fewer Brent residents, though still around two thirds, agreed that poorly maintained (67%) and managed (67%) private properties are contributing to the decline of some areas of Brent.
- 3.21 Very similar results were obtained outside of Brent: more than nine in ten agreed landlords have a responsibility to manage their properties effectively (94%), and that they that should be 'fit and proper' persons (95%), while around two thirds agreed that poorly maintained (67%) and poorly managed (68%) properties were causing decline.

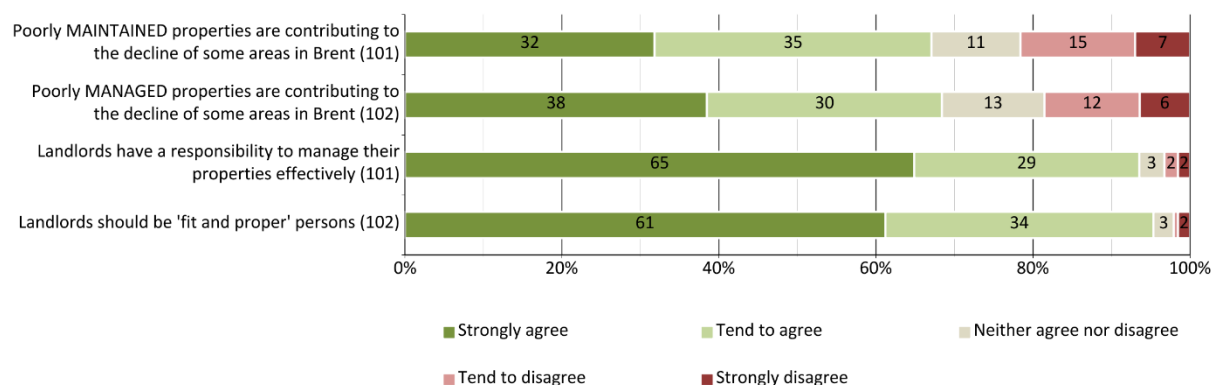
INSIDE BRENT

Figure 5: Thinking about the private rented sector as a whole in Brent, do you agree or disagree with the following statements? Base: All residents (number shown in brackets)



OUTSIDE BRENT

Figure 6: Thinking about the private rented sector as a whole in Brent, do you agree or disagree with the following statements? Base: All residents (number shown in brackets)



The current licensing scheme

- 3.22 The proportions of Brent residents who felt that various issues in Figure 7 had improved, ranged from around a third or more (waste dumped on streets, condition of properties, overcrowding and waste in front gardens) to around one-in-four (reduced noise).

Figure 7: In which of the following ways do you think the current licensing schemes have improved things in Brent?
Percentages based on proportion of respondents identifying each option as an improvement

Potential improvement	Inside Brent (544)	Outside Brent (80)
	%	%
Improved the condition of properties	32	25
Reduced waste/rubbish such as mattresses dumped in private property front gardens	32	25
Reduced waste/rubbish dumped on streets	38	39
Reduced noise from neighbouring privately rented properties	24	25
Reduced overcrowding in privately rented properties	33	27
None of these	35	40

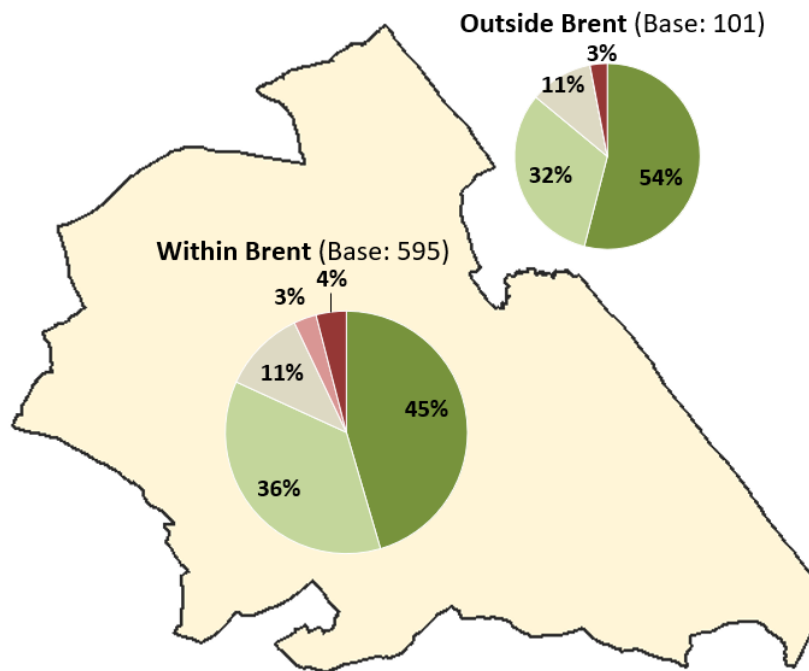
- 3.23 Just over half of Brent residents felt that not continuing with the licensing scheme could lead to the amount of waste dumped on streets (55%), overcrowding (54%), the amount of waste dumped in front gardens (53%) and the condition of properties (52%) getting worse (Figure 8).
- 3.24 A comparatively small proportion (14%) felt that none of the issues listed were likely to get worse (the equivalent result for outlying areas was 20%).

Figure 8: If the current licensing schemes in Brent stopped and were NOT continued, which of the following do you think would get worse as a consequence? Percentages based on proportion of respondents identifying each option as likely to get worse

Potential issue that could get worse	Inside Brent (576)	Outside Brent (92)
	%	%
The condition of properties	52	50
The amount of waste/rubbish such as mattresses dumped in private property front gardens	53	44
The amount of waste/rubbish dumped on streets	55	52
Noise from neighbouring privately rented properties	40	38
Overcrowding in privately rented properties	54	49
None of these	14	20

- 3.25 The majority of Brent residents (81%) agreed that continuing the licensing scheme would improve (or further improve) the condition and management of privately rented properties in Brent (Figure 9). There was also widespread agreement in the outside areas.

Figure 9: Do you agree or disagree that continuing the licensing scheme would improve/further improve the condition and management of privately rented properties in Brent? Base: All residents (number shown in brackets)



Renewing the current licensing scheme

3.26 More than four fifths (85%) of Brent residents agreed with the proposal for renewing the additional licensing scheme for HMOs (Figure 10), while an almost identical proportion (84%) agreed with the proposal for renewing the selective licensing scheme in Harlesden, Willesden Green and Wembley Central (i.e. Designated Area 1) (Figure 11). The levels of agreement for those living just outside of Brent were 83% and 84% respectively.

Figure 10: Do you agree or disagree with this proposal for renewing the additional licensing scheme for Houses in Multiple Occupation? Base: All residents (number shown in brackets)

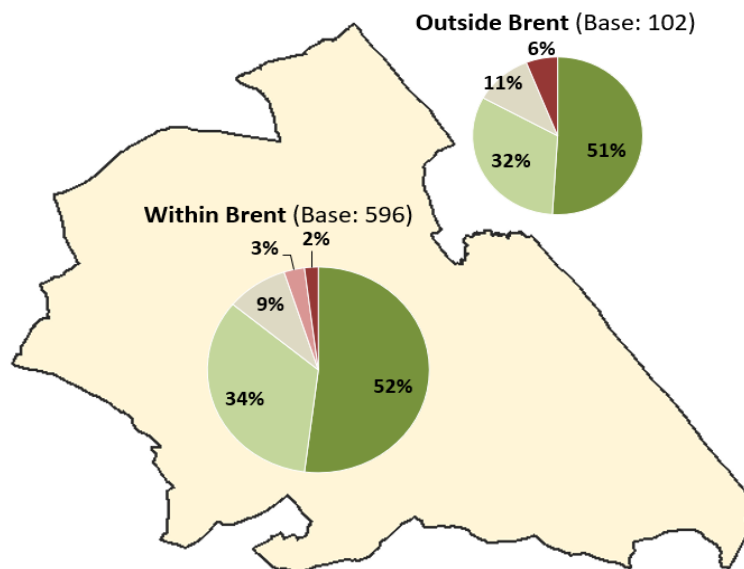
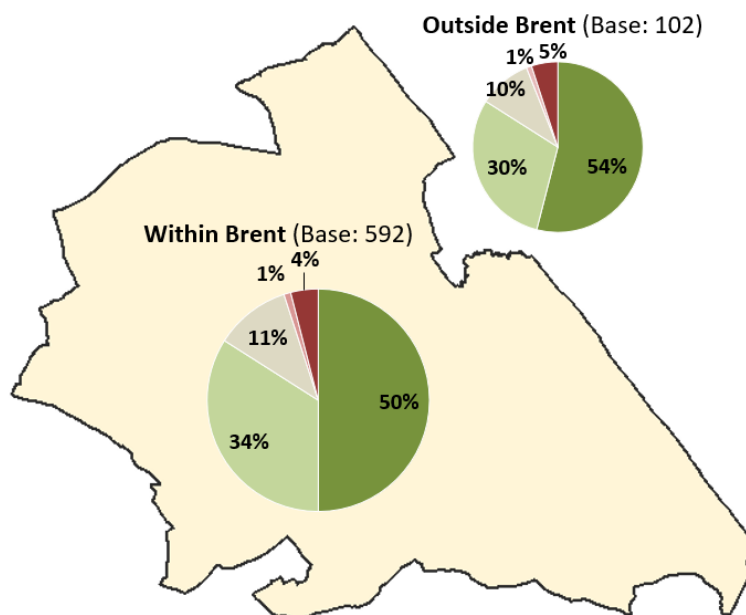


Figure 11: Do you agree or disagree with this proposal for renewing the selective licensing scheme for other privately rented properties in Harlesden, Willesden Green and Wembley Central [i.e. Designated Area 1]?



Extending selective licensing to new areas

- 3.27 Brent residents were generally supportive to introducing selective licensing into the proposed new areas: 78% agreed with introducing it into Designated Area 2 (Queensbury, Fryent and Brondesbury Park) (Figure 12), 79% with introducing it into Designated Area 3 (Barnhill and Welsh Harp) (Figure 13), and 80% with introducing it into Designated Area 4 (Northwick Park, Preston, Tokyngton (excluding Wembley Park), Alperton and Sudbury) (Figure 14).
- 3.28 Outside of Brent, the proportions who agreed with introducing Selective Licensing into Designated Areas 2, 3 and 4 were 88%, 87% and 88% respectively.

Figure 12: Do you agree or disagree with the proposals to introduce selective licensing in...? Queensbury, Fryent and Brondesbury Park [i.e. Designated Area 2]? Base: All residents (number shown in brackets)

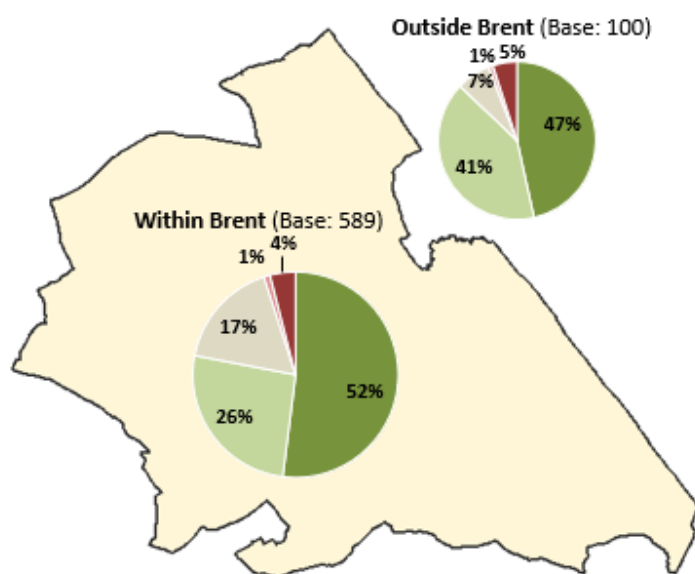


Figure 13: Do you agree or disagree with the proposals to introduce selective licensing in...? Barnhill and Welsh Harp [i.e. Designated Area 3]? Base: All residents (number shown in brackets)

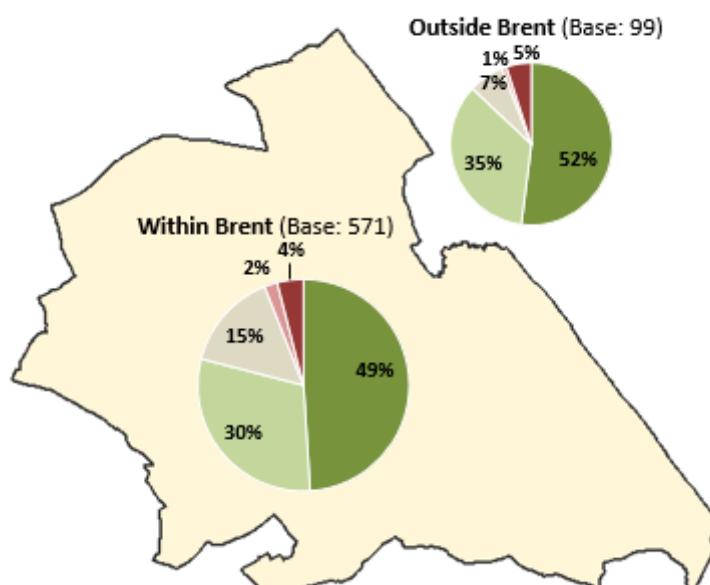
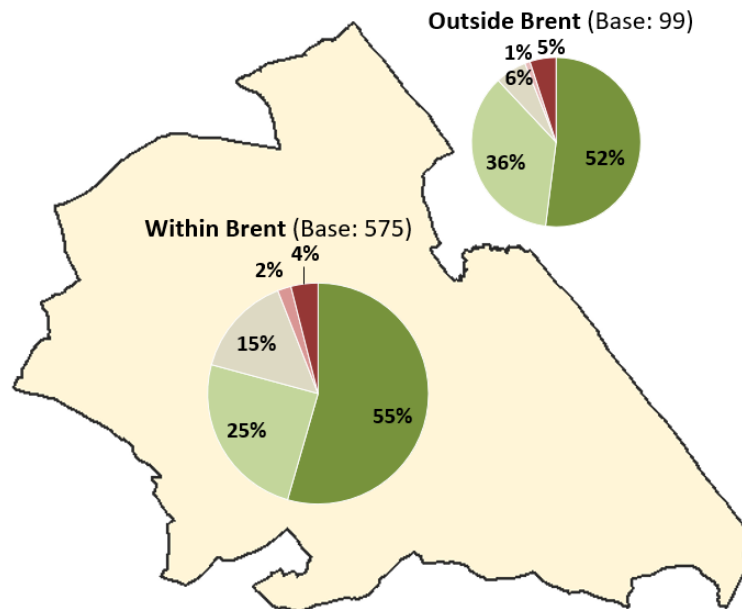


Figure 14: Do you agree or disagree with the proposals to introduce selective licensing in...? Northwick Park, Preston, Tokyngton (excluding Wembley Park), Alperton and Sudbury [i.e. Designated Area 4]? Base: All residents (number shown in brackets)



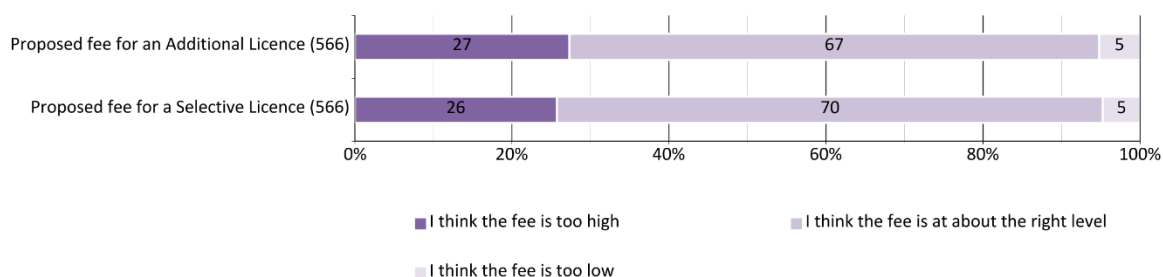
Fees

3.29 The majority of Brent residents felt that the proposed fees are at about the right level: 67% for the additional licence and 70% for the selective licence (Figure 15). Just over a quarter (27% and 26% respectively) felt they are too high, while relatively small proportions (both 5%) felt that they are too low.

3.30 Views outside Brent were broadly similar (Figure 16), with large majorities feeling that the proposed fees for an additional and a selective licence are about right (73% and 77% respectively).

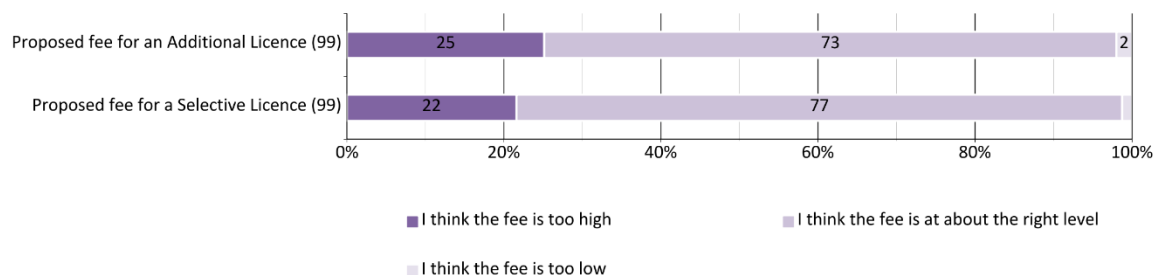
INSIDE BRENT

Figure 15: Do you think the proposed fee for an additional/selective Licence is too high, about right or too low? Base: All Respondents (number of respondents shown in brackets)



OUTSIDE BRENT

Figure 16: Do you think the proposed fee for an additional/selective licence is too high, about right or too low? Base: All Respondents (number of respondents shown in brackets)



4. Consultation Questionnaire

Introduction

- 4.1 A consultation document outlining the issues under consideration was produced by LBB, who also worked with ORS to develop a consultation questionnaire with questions intended to elicit views on the various aspects of the proposals. The questionnaire also allowed respondents to make any further comments, and captured information about the type of response being submitted and respondents' demographic information to assist in determining the extent to which the views collected reflect Brent's diverse population.
- 4.2 The consultation document and open questionnaire were available via a dedicated Council webpage between 10th June and 25th August 2019 (the duration of the consultation period). Paper versions were also made available on request for those who preferred this version or were unable to fill in the questionnaire online.
- 4.3 LBB publicised the questionnaire through a variety of means, including (but by no means limited to):
- » Leaflets dropped door-to-door
 - » Posters and pull-up banners in public buildings
 - » JC Decaux billboards
 - » Social media and digital display advertising (Facebook, Twitter, Adwords, local news media etc)
 - » Internal LBB media: Yammer, web banners, Your Brent, email signatures etc.
 - » Direct notification of various organisations e.g. landlord representative organisations (London Landlords LLAS, London Property Licensing, NLA, RLA), Brent Landlords Forum, tenant representative groups (e.g. Shelter, Brent CAB), other stakeholder groups (e.g. Brent Connects) and neighbouring borough councils.
 - » An internet search found a number of other postings e.g. Renter Rights London, Letting Agent Today, Wired.Gov.net, Hivebm.com, Easthamandco.co.uk, and 'Centralhousinggroup.com
- 4.4 The open consultation questionnaire could be completed by individuals, landlords or on behalf of organisations. In total, 1,110 responses were received, including 306 from those identifying themselves as private landlords or letting agents in Brent; 769 from individuals who identified they lived in Brent (this group also included 4 responses from local businesses⁸, although for sake of brevity they are referred to throughout as 'residents'); and 35 from other individuals or stakeholders (a mixture of individuals with another type of connection to the borough, or to a neighbouring borough; and a very small number responding on behalf of an organisation e.g. Brent Parks Forum and Renters' Rights London).
- 4.5 The data from the consultation questionnaire has not been combined to produce "overall" findings because the size of the stakeholder groups, and the numbers of their respective responses, are quite

⁸ But not landlords or lettings businesses, who were directed to complete the landlords/agents profile section

different – and, moreover, they have distinctive views; so they cannot simply be merged. Therefore, this chapter show the results for each main stakeholder group, without an overall percentage.

Respondent profile

4.6 Figure 17 provides a breakdown of the profile of the 1,110 respondents who responded either online or by post to the open consultation questionnaire. Responses from landlords and other stakeholder increased significantly from a similar consultation in 2016 (by around 50% and 400% respectively); it is likely that this is due, in part, to the existence of the Council's Landlords Register which made engaging them more straightforward.

Figure 17: Response profile for open questionnaire (Note: Percentages may not sum due to rounding)

Type of respondent		n	%
A Brent resident or a local business in Brent	Private tenant living in a single-family dwelling	136	12.3%
	Private tenant living in a House in Multiple Occupation (HMO) or bedsit where you share some basic amenities	36	3.2%
	Brent Council tenant	20	1.8%
	Housing association tenant	34	3.1%
	Owner occupier	507	45.7%
	Shared owner - with a share in the equity of the home	18	1.6%
	Local business in Brent (but not a landlord)	4	0.4%
	Other	8	0.7%
	No other details known	6	0.5%
	ALL Brent residents	769	69.3%
Landlords and letting or managing agents		306	27.6%
Other stakeholders		35	3.2%
TOTAL		1,110	100.0%

Interpretation of the Data

4.7 Graphics are used extensively in this chapter to make it as user friendly as possible. The pie charts and other graphics show the proportions (percentages) of respondents making relevant responses. Where possible, the colours of the charts have been standardised with a 'traffic light' system in which:

- » Green shades represent positive responses
- » Beige and purple/blue shades represent neither positive nor negative responses
- » Red shades represent negative responses
- » The bolder shades are used to highlight responses at the 'extremes', for example, very satisfied or very dissatisfied

4.8 Where percentages do not sum to 100, this may be due to computer rounding, the exclusion of "don't know" categories, or multiple answers. Throughout the volume an asterisk (*) denotes any value less than half a per cent. In some cases, figures of 2% or below have been excluded from graphs.

4.9 Many percentages quoted in the commentary have been 'grouped' (by e.g. merging together the 'strongly' and 'tend to' agree/disagree categories) in order to report the overall proportions in agreement/disagreement.

- 4.10 Results for ‘other stakeholders’ should be interpreted with some caution due to the small size of this group, and its diverse nature (comprising, for example, organisations and various individuals with a range of different connections or interests in the borough).

Consultation questionnaire findings

Local issues?

- 4.11 Respondents were asked about the extent to which they felt three types of issues were a problem in their area of Brent (Figure 18). Around half or more Brent residents felt that each of the issues were either a fairly big or very big problem, as did the majority of other stakeholders.
- 4.12 Fewer landlords and agents felt that each of the issues were a problem, although a third (34%) felt ASB was a problem, approximately a fifth (21%) felt the same about poor property conditions, and a quarter (25%) felt this way about deprivation.

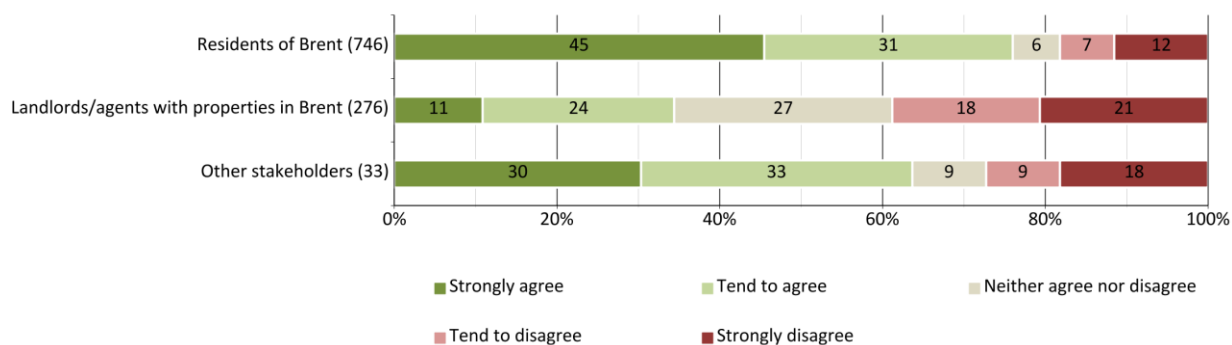
Figure 18: To what extent do you believe each of the following to be a problem in your local area of Brent? Percentages based on proportion of respondents answering a ‘very’ or ‘fairly big’ problem.

Type of issue	Group		
	Residents of Brent	Landlords and agents	Other stakeholders
	%	%	%
Anti-social behaviour	60	34	70
Poor property conditions	63	21	61
Deprivation	58	25	58

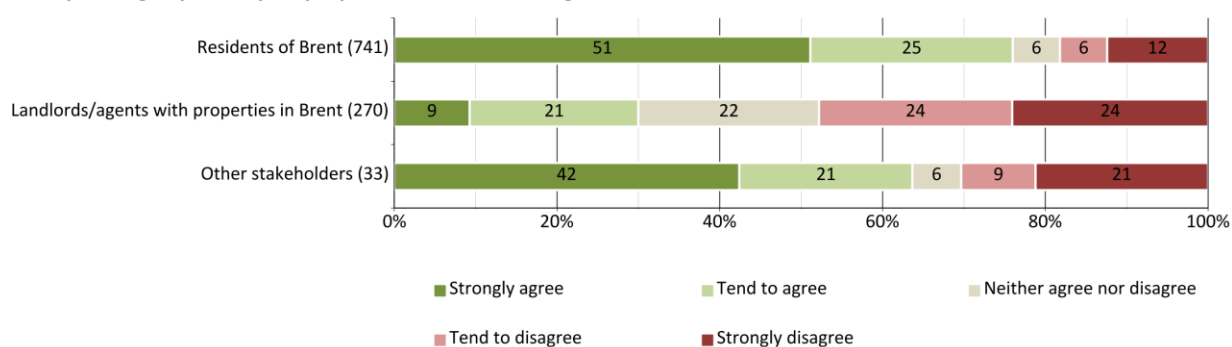
- 4.13 Respondents were asked about the extent to which they agreed or disagreed with four statements (see Figure 19).
- 4.14 In relation to two of the statements, about property management and maintenance, landlords and agents were clearly less likely to at least tend to agree, than residents and other stakeholders, as follows:
- » Poorly maintained properties are contributing to the decline of some areas in Brent (76% of Brent residents, 34% of landlords/agents and 64% of other stakeholders agreed);
 - » Poorly managed privately let properties are contributing to the decline of some areas of Brent (76% of Brent residents, 30% of landlords/agents and 64% of other stakeholders agreed).
- 4.15 However, clear majorities were supportive of the remaining two statements. Moreover, in relation to the statement about landlords having a responsibility to manage their properties effectively, landlords and agents were the most supportive group. The results were as follows:
- » Landlords having a responsibility to manage their properties effectively (88% of Brent residents, 93% of landlords/agents and 94% of other stakeholders agreed); and
 - » Landlords should be ‘fit and proper’ persons (81% of Brent residents, 70% of landlords/agents and 79% of other stakeholders agreed).

Figure 19: And thinking about the private rented sector as a whole in Brent, to what extent do you agree with the following statements? Base: All Respondents (number of respondents shown in brackets)

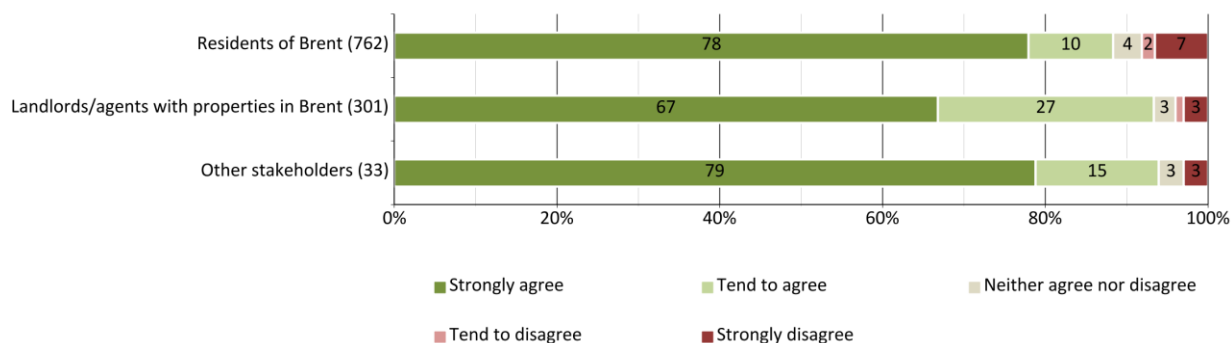
a. Poorly maintained properties are contributing to the decline of some areas in Brent



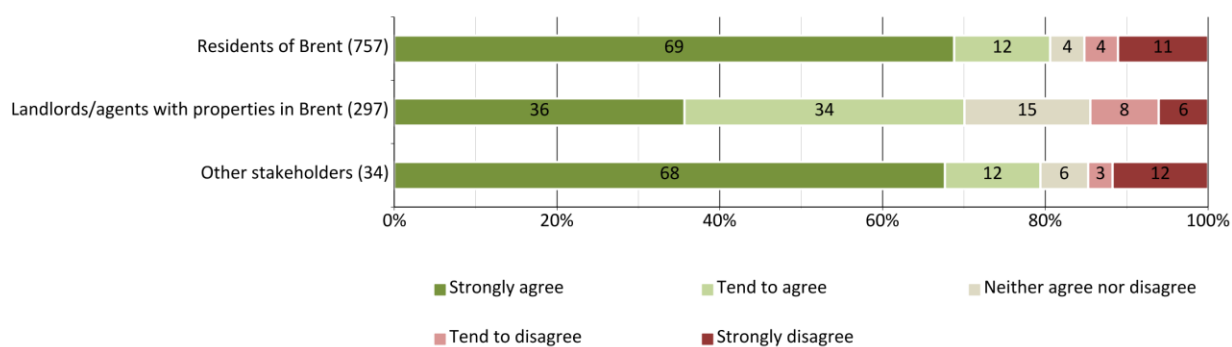
b. Poorly managed privately let properties are contributing to the decline of some areas of Brent



c. Landlords have a responsibility to manage their properties effectively



d. To help with the management of privately let properties in the borough, landlords should be fit and proper persons



- 4.16 The figures below summarise respondents' views about what (if any) improvements have arisen as a result of licensing, and what (if any) problems might get worse if licensing did not continue.
- 4.17 Compared with landlords and agents, consistently higher proportions of Brent residents and other stakeholders felt that various issues had improved, and that the same problems were likely to get worse if licensing did not continue.
- 4.18 However, it is worth noting that around a quarter of landlords and agents felt that licensing had reduced overcrowding (Figure 20), and more than a third of them felt this would be likely to get worse if Brent's licensing schemes stopped (Figure 21).

Figure 20: In which of the following ways do you think the current licensing schemes have improved things in Brent?
Percentages based on proportion of respondents identifying each option as an improvement

Potential improvements	Group		
	Residents of Brent (690)	Landlords/agents (273)	Other stakeholders (32)
	%	%	%
Improved the condition of properties	40	19	44
Reduced waste/rubbish such as mattresses dumped in private property front gardens	29	8	25
Reduced waste/rubbish dumped on streets	24	8	28
Reduced noise from neighbouring privately rented properties	23	7	25
Reduced overcrowding in privately rented properties	44	24	53
Other	6	6	6
<i>None of these</i>	39	61	28

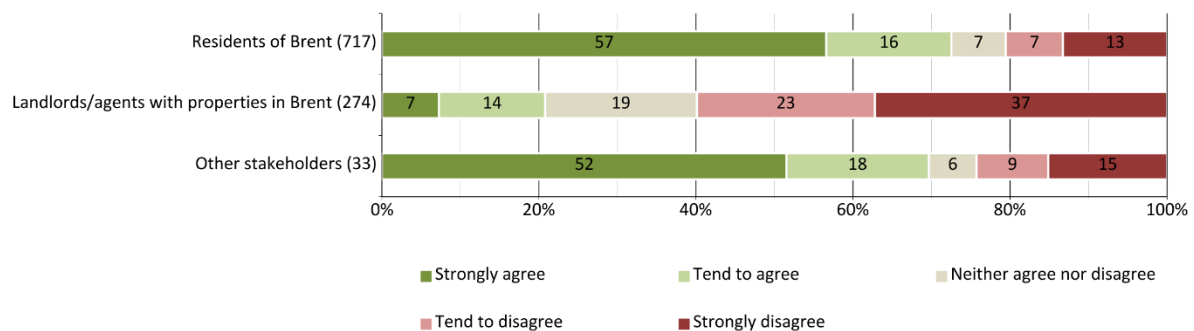
Figure 21: If the current licensing schemes in Brent stopped and were NOT continued, which of the following do you think would get worse as a consequence? Percentages based on proportion of respondents identifying each as likely to get worse

Potential issues	Group		
	Residents of Brent (721)	Landlords/agents (276)	Other stakeholders (33)
	%	%	%
The condition of properties	70	23	67
The amount of waste/rubbish such as mattresses dumped in private property front gardens	61	12	48
The amount of waste/rubbish dumped on streets	57	11	48
Noise from neighbouring privately rented properties	53	9	45
Overcrowding in privately rented properties	74	36	76
The amount of ASB ⁹	1	-	3
Other	5	6	15
<i>None of these</i>	19	54	18

⁹ Not offered as an option (which should be borne in mind when interpreting percentage results), but mentioned a sufficient number of times under 'Other' to be classified separately

- 4.19 Most Brent residents (73%) and other stakeholders (70%) agreed that continuing with the licensing schemes would improve or further improve the condition and management of privately rented properties (Figure 22), compared with only a minority of landlords and agents (21%). Around one fifth (19%) neither agreed nor disagreed with the statement.

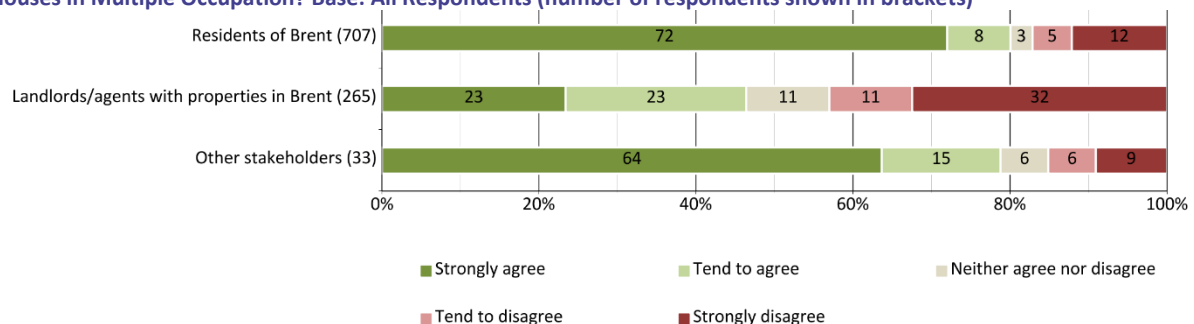
Figure 22: To what extent do you agree or disagree that continuing the licensing schemes would improve/further improve the condition and management of privately rented properties in Brent? Base: All Respondents (number shown in brackets)



Renewing the current licensing schemes

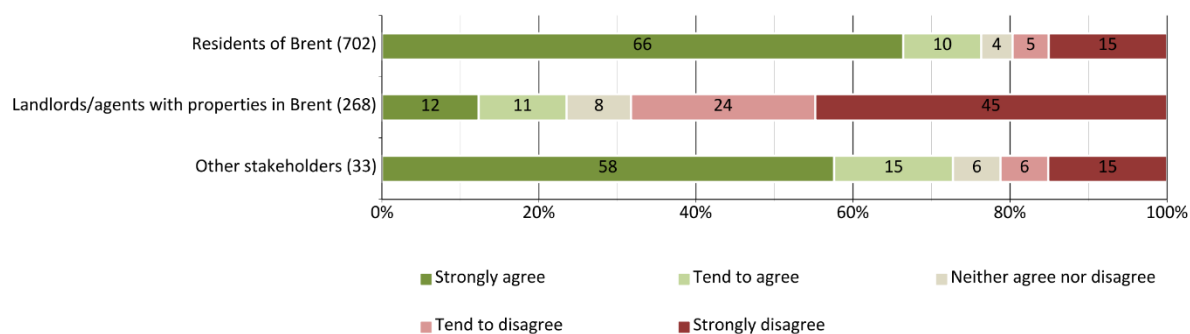
- 4.20 Around four fifths of Brent residents (80%) and other stakeholders (79%) agreed with the proposal to renew the additional licensing scheme (for HMOS).
- 4.21 Landlords and agents were quite evenly split, with slightly more (46%) in agreement than disagreement (43%) and the remainder neither agreeing nor disagreeing.

Figure 23: To what extent do you agree or disagree with this proposal for renewing the additional licensing scheme for Houses in Multiple Occupation? Base: All Respondents (number of respondents shown in brackets)



- 4.22 Around three quarters of Brent residents (76%) and other stakeholders (73%) agreed with the proposal to renew selective licensing in Designated Area 1 (Figure 24), compared with only around a quarter of landlords and agents (24%).

Figure 24: To what extent do you agree or disagree with this proposal for renewing the selective licensing scheme for other privately rented properties in Harlesden, Willesden Green and Wembley Central? Base: All Respondents (number in brackets)



Introducing selective licensing into new areas

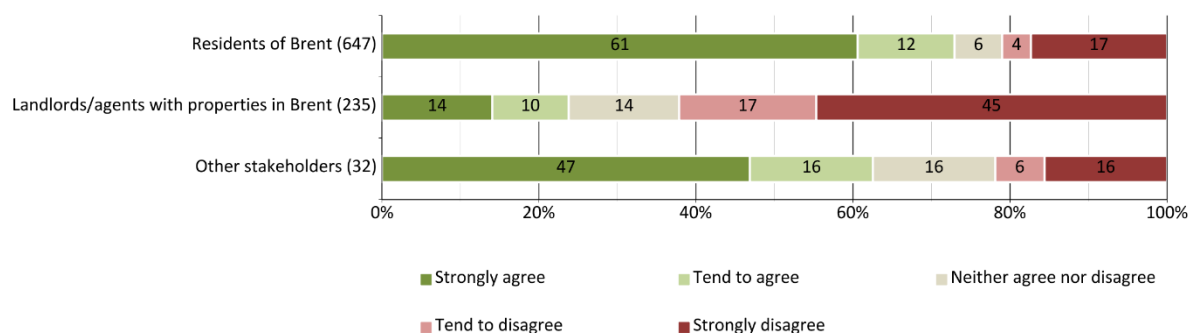
- 4.23 The proportions agreeing with the proposals to introduce selective licensing into new areas (Figure 25) were as follows:

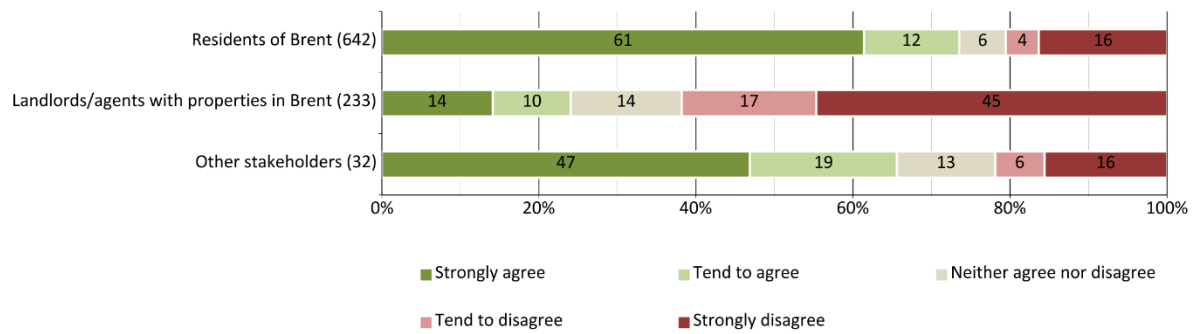
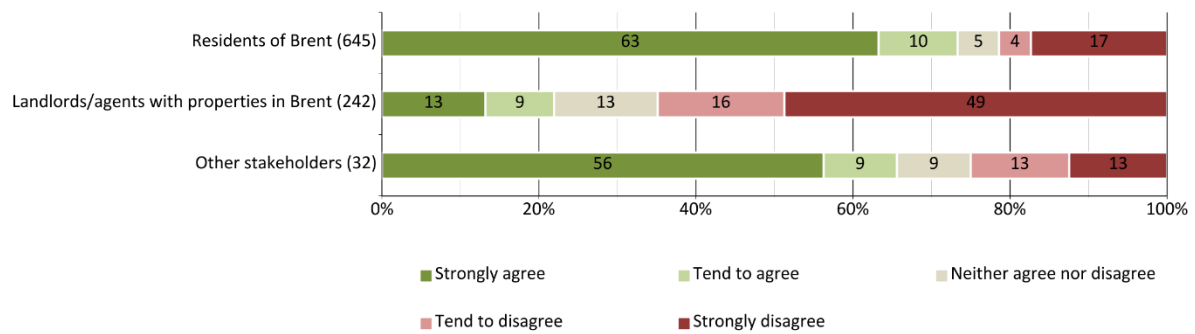
- » Designated Area 2: 73% of Brent residents, 24% of landlords and agents, and 63% of other stakeholders
- » Designated Area 3: 74% of Brent residents, 24% of landlords and agents, and 66% of other stakeholders
- » Designated Area 4: 73% of Brent residents, 22% of landlords and agents, and 66% of other stakeholders

Figure 25: To what extent do you agree or disagree with the proposals to introduce selective licensing in the following areas?

Base: All Respondents (number of respondents shown in brackets)

Designated Area 2: Queensbury, Fryent and Brondesbury Park



Designated Area 3: Barnhill and Welsh Harp**Designated Area 4: Northwick Park, Preston, Tokyngton (Excluding Wembley Park), Alperton and Sudbury**

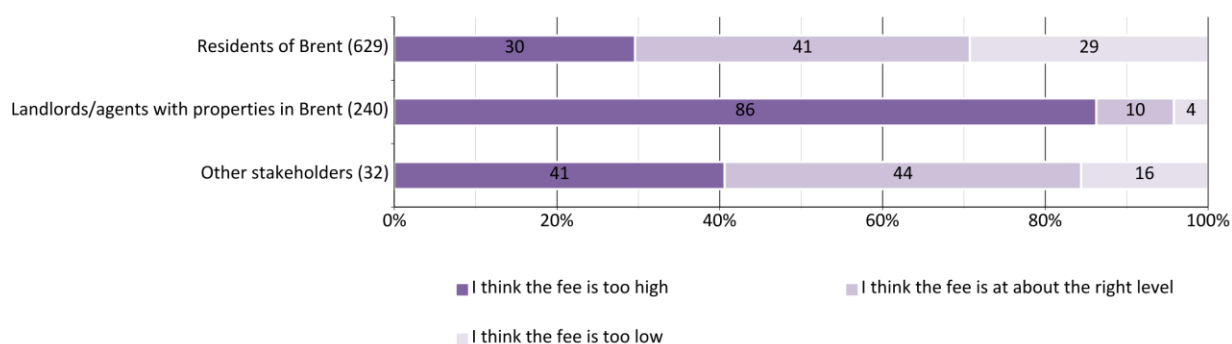
Licence fees and conditions

Fees

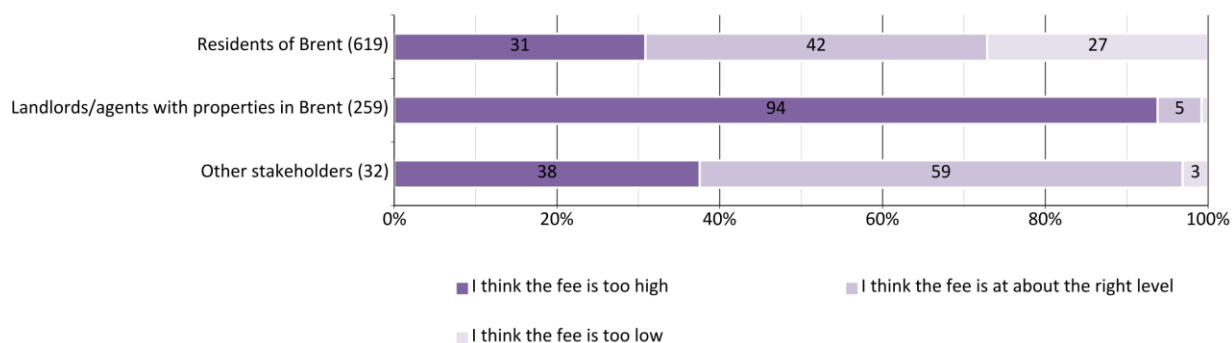
- 4.24 Brent residents were fairly evenly split as to the appropriateness of the fees: around two fifths felt that the proposed fees for the additional licence (41%) and selective licence (42%) were at about the right level, although three in ten felt they were too high (30% and 31% respectively), or too low (29% and 27% respectively).
- 4.25 In contrast, more than four fifths of landlords and agents (86%) felt the proposed additional licence fee is too high, and an even higher proportion (94%) felt this way about the proposed selective licence fee.
- 4.26 Among the remaining, other stakeholders, the majority view was that the fees are at about the right level, although a sizeable minority (around two fifths in both cases) felt they are too high.

Figure 26: What are your views on the proposed fees? Base: All Respondents (number of respondents shown in brackets)

A basic fee of £840 per property for an Additional HMO licence



A basic fee of £540 per property for a Selective licence

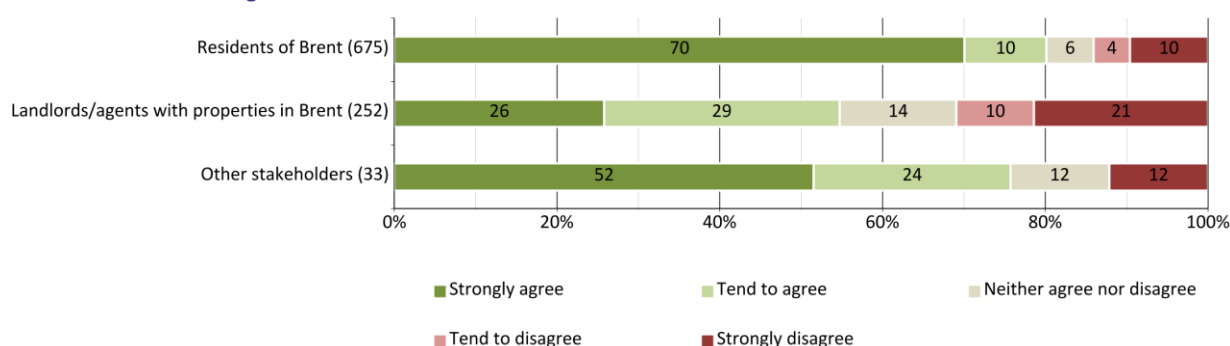


Conditions

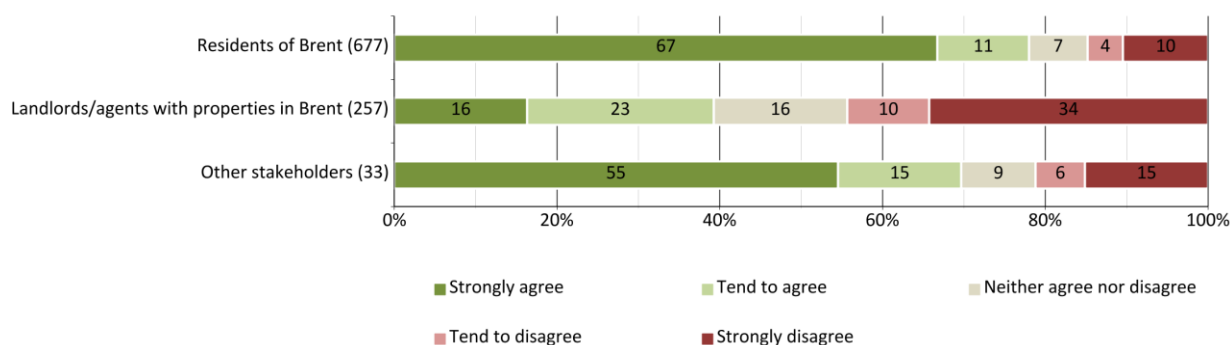
- 4.27 Across all three of the respondent groups, an absolute majority agreed with the proposed additional (HMO) licence conditions: 80% of Brent residents, 55% of landlords and agents, and 76% of other stakeholders. 31% of landlords and agents disagreed and 14% neither agreed nor disagreed with the statement (Figure 27).
- 4.28 Substantial majorities of Brent residents and other stakeholders agreed with the proposed conditions for a selective licence (78% and 70% respectively). Landlords and agents were fairly split: with 39% agreeing and 44% disagreeing.

Figure 27: To what extent do you agree or disagree with the proposed... Base: All Respondents (number of respondents shown in brackets)

...Additional HMO licensing conditions?



...Selective licensing conditions?



Text comments in the consultation questionnaire

4.29 The questionnaire provided respondents with three opportunities to comment on the proposals in their own words, specifically:

If they disagreed with the proposals, asking them to explain why and to suggest any alternatives they would prefer to address the problems

If they disagreed with any of the licensing conditions, to explain why

Whether there was anything else the Council should consider to help to improve the condition and management of properties, ASB, deprivation and other issues about the private rented sector in Brent, or whether they had any further comments in general.

4.30 To analysis the text comments, responses were categorised in themes so that the proportion of respondents who expressed common views could be determined. This data is presented in full in Appendix 2 and summarised below.

Overall views

4.31 Many comments simply expressed general agreement or disagreement with the proposals (with residents, on the whole, being more likely than landlords to give a view that the proposals were a good idea).

4.32 Other arguments that were frequently made (particularly by landlords) were along the lines that that the existing scheme had not worked, or that the proposals are effectively a money-making scheme or a 'tax' on landlords. Others expressed the view that the fees are too high, that 'good' landlords are punished unnecessarily, or that LBB should make better use of existing legislation as an alternative to licensing. There was also some concern (among residents and landlords) about the possibility of rent increases e.g. as a result of landlords 'passing on' the licence fee to their tenants.

4.33 Particularly in relation to the final question (about what else the Council should consider to address the issues in the PRS), one of the main themes raised among both residents and landlords was around the need for suitable levels of enforcement, with appropriate numbers of inspections etc.

Theme I - General comments on the existing and proposed schemes

4.34 In addition to general expressions of agreement or disagreement, the most common general concerns raised by landlords, residents and other stakeholders in relation to the proposed schemes included:

- » That the schemes would not work, based on perceptions of the existing schemes being ineffective and hard to implement;
- » That the scheme would waste time and add an additional layer of unnecessary bureaucracy into the PRS;
- » That responsible landlords already manage their properties well and do not require licensing;
- » That sufficient legislation is already in place in regard to the PRS, which should be enforced instead of introducing or extending licensing schemes; and
- » That additional evidence and/or information is required to prove the effectiveness of existing schemes and to justify the proposals.

Theme II - The likely impacts of the proposed schemes

On landlords

- 4.35 One of the most common concerns raised by landlords and, to a lesser extent, by residents, related to the view that licensing schemes penalise responsible landlords with additional fees and responsibilities, while poor and rogue landlords will ignore the scheme and/or go unpunished.
- 4.36 Other common themes related to the impact of the proposed schemes on landlords included:
- » Concerns about the financial implications, from decreased profits to landlords being forced to sell their properties;
 - » Concerns that landlords will be held responsible for factors outside of their control, e.g. anti-social behaviour, fly tipping etc;
 - » Licensing giving “too much power” to tenants at the expense of landlords, making it harder for them to deal with problems; and
 - » PRS licensing may put off potential investors and new landlords from renting out their properties.

On tenants

- 4.37 By far the most common concern in relation to the impact of the proposed schemes on tenants was the perception that licensing would result in an increase in rental prices as landlords passed on the costs to their tenants.
- 4.38 Other concerns included:
- » Disruption and additional pressure for tenants due to, for example, increased property inspections; and
 - » Specific concerns related to low income households due to increased costs, including the potential for increased homelessness.

Theme III – Licensing conditions and fees

Conditions

- 4.39 There were not many comments relating directly to licensing conditions from questionnaire respondents, beyond those reported above concerning the view that good landlords are already adhering to the conditions of licensing, and that the schemes only add additional “red tape”. Perhaps surprisingly, the latter view was shared by some tenants, as well a considerable proportion of landlords.

Fees

- 4.40 Among respondents, and landlords in particular, who objected to the proposed schemes, the primary concern expressed regarding fees, and to some extent the proposed licensing schemes overall, was that they would at best be a waste of money and, at worst, were simply a money-making exercise.
- 4.41 Landlords also expressed the view that the proposed fees were too high, a view shared by some residents, with some respondents suggesting that the licenses should be free.

4.42 Other views included:

- » Perceived unfairness that landlords applying for PRS licences part way through the scheme still have to pay the full fee amount;
- » That compliant landlords should receive a discount on licenses.

Theme IV – Enforcement

4.43 Comments regarding enforcement of PRS landlord licensing can be roughly split into two categories: the first are comments related to the need for robust enforcement if the proposals are accepted and the schemes are to be effective; the second category relates to concerns that enforcement efforts are or would be targeted at private landlords only, leaving other issues unaddressed.

The need for robust enforcement

4.44 The main points raised by questionnaire respondents regarding the need for good management and robust enforcement, if licensing is renewed and extended, were:

- » That extensive property inspections and landlord vetting will be required;
- » That a more efficient and effective system for reporting problems and logging complaints with the Council is required;
- » Easy access to a list of good and bad landlords is needed; and
- » That Council staff will require better or additional training to be able to enforce the scheme and/or deal with complaints and enquiries.

4.45 An additional and related concern raised by both landlords and residents was that landlords asking prospective tenants for references was neither worthwhile nor effective, as they can easily be faked and/or they are not reliable.

Concerns about targeting landlords only

4.46 Comments about the targeting of enforcement focused on the following areas:

- » That landlords shouldn't be held responsible for the behaviour of their tenants, or that tenants should also be subject to a similar scheme;
- » The Council ought to focus on anti-social behaviour not directly related to housing (e.g. fly-tipping);
- » The Council needs to deal with its own and other unlicensed properties and problem tenants (e.g. in social housing); and
- » That licensing and enforcement should be better targeted at problem households and HMOs, rather than private properties.

Theme V – Alternatives to the proposals

4.47 Comments made regarding alternatives or amendments to the proposed schemes fell into the following areas:

- » That licensing should be extended to other areas/the whole borough;
- » The education of landlords and/or tenants would be more effective than licensing;

- » Licensing and enforcement should be extended to cover property management companies, letting agents and housing associations; and
- » The Council should improve other services (e.g. waste collection and removal of large items) and/or spend money in other areas (e.g. community projects) that to address problems such as fly-tipping and ASB.

Other text comments

4.48 Many comments could not be easily categorised and have therefore been classed as ‘other’. These comments have been provided to LBB for closer consideration; nonetheless, the summary below covers many of the main additional points raised.

Other comments about whether to introduce designations covering particular wards or areas

4.49 The following are verbatim comments about particular areas that respondents asked to be included (NB: some of these areas are included in the proposed or existing Selective Licensing designations; a few are not. Additionally, some respondents referred to neighbourhoods that might not correspond exactly to specific wards):

Neasden is in dire need of council intervention to bring the neighbourhood back to what it used to be ... Huge problem with tenants and now there is a serious problem of rats in the gardens and properties of Cairnfield Avenue

Neasden shopping centre, Welsh Harp and surrounding areas have seen an unprecedented rise in rentals with the areas depreciating considerably.

Please ensure Willesden Junction is included.

Scheme should be extended to Stonebridge

Will Cricklewood be included? It's getting to be bedsit city here.

I hope you will consider Dollis Hill NW2 area

[In Tokyngton] it is required on the side of the road, which is the same as Stonebridge Park station

4.50 In particular, there was some concern that the Council's figures underestimate the scale and size of the PRS in a couple of areas:

Dollis Hill is excluded on the grounds of below 20 percent rented? I live here and can tell you that the private rental figure is way higher than that. How has this been assessed? Are the numerous illegal HMO conversions included?

I find it difficult to believe that PRS proportions in Preston ward are under 36%. My gut feeling would be closer to 60%.

4.51 On the other hand, there was some scepticism around the justification for including certain wards, including Brondesbury Park and Alperton:

Areas like Sudbury, Northwick Park, Welsh Harp, Brondesbury Park, Alperton, and Barnhill rank low in terms of deprivation nationally ... Some areas like Northwick Park even rank pretty high in

positions above 25,000 out of 32,000 neighbourhoods in the UK- equivalent to affluent places like Wimbledon, and Kingston upon Thames

I am surprised to see Brondesbury Park included in scheme, but appearances may be deceiving

There are errors in the report provided by the council... the charts on disrepair, HHRS hazards and ASB show that the [Alperton] area is significantly below average for the borough/London/England. Therefore, Alperton does not meet either of the two characteristics to be tackled in designation 4.

- 4.52 One respondent also queried why Brondesbury Park was in a designated area with Fryent and Queensbury, when it is 'miles apart' from them.

- 4.53 Some wanted more widespread selective licensing while a few advocated no further extension to the scheme:

HMO licensing will hopefully help weed out the worst landlords. But I feel more can be done and I would be in favour of a licencing scheme for all landlords in the borough.

It is absolutely ridiculous that all these rules regarding landlords are not borough wide. How can you just choose certain wards and then penalise them with the licence fee, when the majority get away with paying nothing!

I strongly think we should not extend the licensing to the further parts of the borough. There are only rare rogue landlords.

Other comments relating to fees

- 4.54 The following points or arguments were made in relation to **the fees**:

- » If the fee comprises two separate amounts to cover the assessment of the property and of the licence holder, then the element that refers to the vetting of the licence holder should only be charged once, not across all properties that the individual owns or manages (in other words, if a landlord is deemed a 'fit and proper' person to manage one property, then presumably they are 'fit and proper' to manage all of them)
- » There should be pro rata licence fees (i.e. fees adjusted according to the remaining duration of the scheme) and discounts for multiple properties
- » The licence fee should be linked to the rental value of the property
- » Fees need to take account of other expenses (e.g. loans, regulatory changes, agency fees, letting fees, maintenance fees) impacting on landlords
- » The fee effectively wipes out 4-6 months' profit on a typical property, and profitability is likely to decrease further due to changes to buy-to-let mortgage tax relief
- » The Council should be allowed to make a profit from the scheme, to improve services more generally
- » The fees should be higher, as they would be 'nothing' to the typical landlord of an HMO
- » The discount should be extended to those who are accredited with the NLA and/or RLA, not just LLAS (with one respondent claiming that the NLA/RLA accreditations are superior

to LLAS, as LLAS accreditation only requires attendance at a one-day course, and places less emphasis on maintaining the landlord's competence levels over time).

Comments relating to conditions / granting of a licence

^{4.55} The following points or arguments were made in relation to the **proposed conditions** and/or the **circumstances under which a licence is to be granted**:

- » The conditions affecting gardens need to be strengthened to cover (for example) weeds, length of grass, not allowing shrubbery to overhang onto pavements etc
- » There should be conditions aimed at reducing noise and air pollution complaints (e.g. from bonfires in gardens) and neighbours should be able to contact the landlord
- » More emphasis needed in general on the property frontage / maintenance and appearance of the exterior or public areas
- » Stricter action should be taken against illegal outbuildings
- » Anecdotally, there are concerns that HMO rules are being circumvented because the occupants claim to be all be members of one household when they are clearly not
- » Adequate numbers of bins need to be provided and it needs to be made clear to tenants what goes in which bin
- » There are issues with shared driveways: landlords should be forced to share in the maintenance, as if one ignores the issues it affects the tenant in the adjoining property
- » First floor flats in converted houses should be soundproofed and carpeted
- » HMO licence applicants should make contributions to fly tipping and urban greening management, through planning legislation e.g. s106
- » Conditions should take account of the energy efficiency of the home to reduce fuel poverty and associated impacts (e.g. properties should only be let out if they are at least EPC Band E, there should be a programme to install more double/triple glazing in properties etc)
- » There should be stricter rules for agents/managers to provide a direct contact for landlord when s/he is overseas or if he/she cannot be contacted (view of a tenant who has had to wait 9 months for permission to install internet, as the landlord was unreachable)
- » The granting of the licence should be dependent on how well it's been managed previously, and on the recommendation of tenants
- » There needs to be a consideration of parking (e.g. more use of permits etc) rentals lead to too many cars on streets, which affects other residents (it is also claimed many landlords might visit their properties more and take in interest, if it was easier for them to park)
- » There is uncertainty how overcrowding will be picked up and addressed (as the number occupying the property may be lower than what has been declared)
- » More information should be provided to the Council to ensure the landlord's compliance with tax legislation, or to confirm that he/she is not involved with money laundering, all assets are legally obtained etc.

- » There are concerns about ongoing issues with maintenance (e.g. boilers etc). even in licensed properties, and around the use of fake gas and electrical safety certificates.

Other alternative or additional suggestions that came up in the text comments

^{4.56} Some suggested either **alternatives or enhancements** to the existing proposals. For example, it was suggested that there should be:

- » Star ratings awarded to landlords or areas, to make them more proactive to obtain recognition and learn how to look after their properties and tenants.
- » Incentives to the public to report bad landlords
- » Limits on the numbers of HMOs that are permitted in any given street (e.g. no more than 2 allowed in a street of 20 i.e. 10%)
- » A register (with much lower fee) where landlords could submit their documents via an online portal, which (it is claimed) would be less intrusive than licensing and still achieve could standards
- » A national 'rogue landlords' database, with benefit payments withheld to these landlords until they comply
- » A database of anti-social tenants, to help landlords decide whom they should let to
- » Exemptions from licensing for student properties that are accredited and inspected under the approved Unipol National Codes (e.g. like in Bristol)
- » Free removal by the Council of up to five household items, to reduce fly tipping
- » More inspections (e.g. every year) as landlords will often get through an initial inspection by making very cosmetic changes (e.g. using wallpaper to hide a crack in a wall) and then the underlying issues are not addressed
- » The Council should build more stock and look at increasing opportunities for individuals to purchase a single room of their own (as opposed to a larger property)
- » A more intelligence-led approach e.g. cross-referencing fly tipping incidents with changes in council tax records (to identify cases that might be associated with the end of a tenancy)
- » More support to deal with tenants who cause problems e.g. LBB support workers to guide tenants on how to behave, who could also flag property maintenance issues in the process.

Other miscellaneous comments

^{4.57} The following additional points were also made:

- » There were concerns about the data protection implications of publishing information about licence holders...
- » However, the opposite view was also expressed i.e. that information about those responsible for rented properties should be readily available and accessible
- » Some felt deprivation was a consequence of cuts to council services in recent years and therefore unlikely to be impacted by licensing

- » High levels of renting and people moving into area (e.g. Wembley) were said to have caused infrastructure issues that the Council would need to address
- » There are wider issues of a local 'mafia' in Brent who use property developments to launder money
- » There needs to be adequate support for the homeless, victims of domestic violence and those who suffer poor mental health.

5. Deliberative meetings

Introduction

- 5.1 ORS conducted a total of four deliberative engagement events: a forum of landlords, agents, investors and developers, two focus groups with Brent residents, and a meeting of key stakeholders. Taken together, all these engagements are best understood as ‘deliberative’ meetings in which Brent Council’s proposals to renew and extend additional and selective licensing of privately rented homes in Brent were ‘tested’ against landlords and other stakeholders’ opinions - in order to see the extent to which the proposals are acceptable or otherwise.

Arguments rather than numbers

- 5.2 In deliberative meetings it is not appropriate to ‘count heads’ in an apparent numbers game – as the results cannot be certified as statistically significant because of the numerically small samples. However, such meetings are effective and important in revealing issues, arguments, considerations, implications, assumptions and experiences that deserve to be taken into account by those making decisions – and that was the case in the engagement activities reported here.

Landlords and agents

- 5.3 The landlords forum took place during the Annual Brent Landlord, Investor and Developer Consultation Forum, held on Tuesday 25th June. It began with a short presentation about the current PRS situation in Brent. There followed four short presentations covering the main issues (the current licensing schemes in Brent and its impacts, the reasons for considering renewing and extending the schemes, the proposed schemes themselves and key features of the schemes such as fee levels and licence conditions). Each short presentation was then followed by questions and answers, with opportunities for discussion around the proposals.
- 5.4 There was a total of 568 tickets booked for the Annual Brent Landlord, Investor and Developer Consultation Forum, with approximately 300 attendees on the night comprising a mixture of private landlords, agents and developers and investors. ORS is satisfied that, with this mix, and because the attendees were diverse by age, class, ethnicity and area of the city, the meeting was broadly representative of Brent landlords.
- 5.5 Although time was limited for the scheduled section of the evening regarding PRS licensing, with approximately 90 minutes given to the presentations and discussion, every effort was made to ensure that as many voices as possible were heard from a variety of perspectives. Attendees were invited to make their thoughts and feelings known, albeit in an atmosphere of mutual respect and professionalism, and robust questions and discussions were forthcoming.
- 5.6 Just as important, the discussions in the landlords meetings were detailed and forensic enough to have provided a thorough examination of LBB’s proposals through robust questions and discussions lasting nearly three hours in each case. Participants were able to express their opinions freely and to highlight areas on which they required clarification while suggesting matters for the council officers to consider.

- 5.7 Most landlords and agents held strong views and were negative and at times hostile to PRS licensing in general. In particular, the perceived negative impacts of the current and proposed schemes on “good landlords” were common themes, as well as robustly expressed scepticism that landlord licensing is simply a “money-making exercise” for the Council.
- 5.8 Overall, the prevailing views expressed by landlords were strongly negative; there were, however, many attendees agreeing with the view that landlord licensing was inevitable, regardless of any consultation, and therefore made points and suggestions about ways that Brent Council might act to make the scheme either more effective or less unpalatable to landlords and agents.
- 5.9 In deliberative discussions in forums, it is the nature and strength of the arguments that matter, rather than the numbers in support of or against particular options – so the Council will wish to consider carefully the issues raised by the landlords and agents. These are explained below and illustrated with some verbatim quotations.

Stakeholders

- 5.10 A stakeholder meeting was held to give the opportunity to key organisations to present their views on Landlord Licensing in the Private Rental Sector. The invitations were sent to a range of expert stakeholders who are known to be widely informed about the private rented sector. The meeting took place on Wednesday August 14th at the Brent Civic Centre. Representatives of the following organisations were present:
- » National Landlords Association
 - » Residential Landlords Association
 - » Citizens Advice Brent
 - » Shelter
 - » London Fire Brigade
 - » Quintain/Tipi. (Wembley Park property developer)
- 5.11 The meeting began with a short introduction by ORS about the consultation process, followed by a short presentation by the Council covering the:
- » PRS in Brent and the current licensing scheme
 - » Proposals for renewing and extending additional and selective licensing in Brent
 - » Licensing conditions and fees
- 5.12 As stated above, the Council will wish to consider the nature and strength of the issues raised by stakeholders, particularly so in this case when a small number of people were present who represented very distinct groups. A “balance of opinion” would not be reliable, and each viewpoint should be assessed on its own merit.
- 5.13 With a small number of expert stakeholders, the discussions were well-informed and at times highly detailed. With this in mind, each point explained below is illustrated with a number of quotes to provide as much detail as to the reason behind stakeholders’ views as possible.

Residents and tenants

- 5.14 The two residents and tenants' (henceforth 'residents') focus groups were recruited by ORS using fieldwork staff going door-to-door in target geographic areas. Attendees were recompensed for their time and expenses in attending the meetings. The meetings lasted about two-and-a-half hours and were successful in explaining the issues and encouraging wide-ranging debate in which some important issues were identified for consideration.
- 5.15 The residents' groups were held on the following dates with the following attendances:
- Wednesday August 7th, Willesden Green Library – 11 attendees
- Thursday August 8th, Brent Civic Centre – 13 attendees.
- 5.16 Therefore, 24 residents in total took part in the meetings. They were purposely diverse by area, tenure, age, class and ethnicity – and so the meetings (taken together) were broadly representative of Brent residents. The groups began with a short introduction by ORS about the consultation process and the Council's reasons and evidence for renewing its licensing scheme. This was followed by discussions in pairs and as a whole group which were captured via worksheets and voice recordings. Participants were able to express their opinions freely and to highlight areas on which they required clarification while suggesting matters for the council officers to consider.
- 5.17 Residents were significantly less emphatic in their views than landlords, but there were a diverse range of views expressed. In general terms, most attendees supported licensing in principle and in practice as a legitimate and sensible way of trying to raise standards in the private rented sector (PRS). Some attendees, however, did share some concerns similar to those expressed by landlords and agents, as well as reservations about the impact of licence fees and enforcement on PRS rental prices in the borough.
- 5.18 While effort was made to communicate relevant information regarding PRS licensing through short presentations and a Q&A with the Brent Private Housing Manager, the priority was to gather views, even when some opinions were based on misconceptions. Nonetheless, the discussions and activities were productive and enabled a broad range of cogent views to be captured.
- 5.19 Once more, the Council will wish to consider the considerations and issues the residents raised, which are explained below and illustrated with quotes where possible.

Views on the PRS in Brent and predicted trends

Landlords and agents

- 5.20 While Brent Council made a short presentation regarding current and predicted trends in population growth and other factors affecting the growth of the PRS in Brent, landlords themselves were eager to move on to discussing the licensing scheme itself. Those comments that were made acknowledged that the PRS is likely to continue to grow but, as seen below, landlords questioned whether the existing and/or proposed licensing schemes were appropriate for tackling the resulting challenges and issues.
- 5.21 One landlord stated that they liked that the Council will take good landlords into account but shared the point that London is nuanced. He explained that properties are all sorts of types and some tenants like to share a small room. This should be considered when making applications.

Can you please try your best to be reasonable? Because I liked that you said you're willing to work with good landlords, that was reassuring. Property in London is nuanced, it's developed over time. What you've said might make sense from a Government's spreadsheet, but properties are not like that, London is not like that, Londoners don't live like that. You might have people that like to share a small bedroom, it's their prerogative, it's their choice. Properties are all sorts of types in the city. So, I'm just asking you from the bottom of my heart, please consider that when processing an application because it's not always that straightforward.

Stakeholders

- 5.22 A strong theme emerging from the stakeholders meeting was concern regarding criminality in the PRS, particularly in relation to illegal sub-letting of properties. It should be noted that representatives of landlords associations disliked using the term "rogue landlords" in this context, preferring to simply refer to criminals operating in the sector:

You've got criminal gangs putting people in overcrowded homes, exploiting people, not having any standards, and then the landlord [is blamed].

National Landlords Association

A percentage of landlords are legal and law-abiding – they do everything properly... then you have a small percentage of landlords that don't really care. -

London Fire Brigade

- 5.23 Landlords representatives, in particular, pointed to the combination of housing shortages and increasing population as a factor which might lead to exploitation of tenants by criminals. In doing so, they also highlighted their concern that "blanket" licensing schemes and changes to housing legislation could backfire and lead to an increase in such incidences:

There's not a shortage of tenants, there is a shortage of housing. By definition, you are going to be pushing the people who can't get housed - the vulnerable, people who have been victims - into [the hands] of the criminals because those will be the only people who are going to house them... It's actually going to create an opportunity for criminals.

National Landlords Association

- 5.24 Changes to national legislation were also raised in the context of the PRS in Brent; in particular, proposed changes to Section 21 of the Housing Act 1988 and how that might impact the ability of landlords to remove tenants from their properties.

- 5.25 Landlords representatives focused on two issues: the first being that losing the option of "no-fault evictions" may make landlords more reticent to rent to prospective tenants who have a history of, for example, rent arrears, ASB or a criminal record:

...how is that going to work with the government's changes to Section 21? ...It's going to create an "un-houseable" group of people who are more likely to be exploited by the criminals and more likely to end up in overcrowded and substandard housing. How is the Council going to work with the good landlords to actually solve those problems?

National Landlords Association

- 5.26 The second concern raised by landlords groups is the prospect of moving toward fault evictions, as covered by Section 8 of the Housing Act 1988, and how that might affect the willingness of witnesses to come forward, knowing that they might be identified:

By moving to a fault eviction and moving to an adversarial court system, you are going to force people to give evidence - it will be known who [the complainants and witnesses] are...

National Landlords Association

- 5.27 Stakeholders representing tenants and residents agreed that there was a potential issue with regard to changing Section 21 of the Housing Act and an increase in fault evictions, but nonetheless felt that the changes were necessary to offer tenants more protection:

It is hard for Landlords to use grounds-based possession action; it'll be based on the involvement of police and witnesses, which are hard to get. There has always been the option for landlords to use Section 8, but landlords will use Section 21 [...] there is no protection for the [tenant].

Shelter

Residents and tenants

- 5.28 When asked for their views on the present state of the PRS in Brent, and potential trends in the future, some residents said that they were aware of the growth in the sector, which they attributed to a variety of factors:

There is a lack of council houses, so the Council is encouraging people to rent privately. People whose livelihoods are in London want to stay within the area, so they'll go into the rental sector.

Willesden Green Library focus group

In my road I have noticed that over the last 20 years there has been a shift from owner occupiers to people renting their property and having a second property. People are moving in and out of the properties and it's all rented now.

The area, especially central Wembley, has completely changed. It used to be quite industrial and now it is dominated by big blocks. There has been an explosion in terms of property increase generally and private rented property generally. There are people moving to catchment areas to take their kids to the best schools.

Brent Civic Centre focus group

- 5.29 Some residents felt that property development in Brent was itself causing issues, not only in terms of the increased population, but also with the loss of facilities as new buildings were constructed, or existing ones converted for residential use:

As these private flats are being built, we're losing areas that could be given over to amenities to stop ASB as there would be activities for people that might be susceptible to doing something more positive with their evenings.

The housing that is currently being built in Brent is not necessarily the kind of housing that is needed for the people currently living in Brent [...] Properties being built with insufficient facilities. A lot of properties built in the area have no parking for example and the Council is issuing parking spaces even though they know there are not enough parking spaces in the area.

Willesden Green Library focus group

- 5.30 By contrast, a few residents said that they had not noticed a large increase in properties in their areas; other residents, while not necessarily aware of the growth of the PRS, did recognise an increase in the population of the borough and were able to relate this to an increase in the number of privately rented properties in the area:

We were not aware in a growth of the PRS, but we were aware in the increase of growth in population across Brent. The feeling is that the council hasn't been able to keep up with the need for social housing stock so the assumption is that it must be falling to the private landlords.

Willesden Green Library focus group

- 5.31 Many of the residents attending the focus groups were concerned about problems which they related to growth of the PRS and increasing population in Brent, including ASB, poor property management and homelessness, among others:

More people are moving out of London and renting their property but there is no check in place of who they're renting to. That is increasing fly-tipping, ASB, vermin. The tenants are not taking care of the property, their street, there is a lack of respect for neighbours with noise and parties.

Willesden Green Library focus group

There has been an issue with the landlord renting out the property to a couple and then 20 people end up living there. A lot of people living in crowded accommodation seems to be an issue. The knock-on effect is that you end up seeing more groups of people in the streets because they want to get out of their crowded accommodation. In my street I see quite big groups.

Brent Civic Centre focus group

We've noticed instances of prostitution in the area which often doesn't go checked. There is apathy from the Council, we don't see things being done. We believe the cause of ASB is overpopulation without the right kind of facilities. Willesden Green areas is one of the worst affected by ASB.

Willesden Green Library focus group

Rubbish and begging are a problem, but we don't know if it's linked to homelessness.

Brent Civic Centre focus group

- 5.32 Poor PRS property management was a concern for some residents, with some feeling that the issue had become worse over time:

I have been living in Brent for 5 years and I see that the prices for rooms have gone up, but the condition of the property is worse. Some landlords rent their property for cheap [sic], but they don't care if the tenant drinks or whatever, they are just happy to receive the money and they don't care about the condition of the house.

There are people who don't update the property or maintain the property. There are landlords that don't take care of the tenants. There seems to be an increase in littering and fly-tipping.

Brent Civic Centre focus group

5.33 Problem tenants and rogue landlords:

There are also problem tenants. I was renting a property and the tenants were blocking the toilet with sanitary towels but I couldn't prove it.

[There is] the illegal behaviour of the tenants as well. The tenants are culpable as well as they may have an illegal arrangement between them and the landlord, e.g. paying cash in hand.

Brent Civic Centre focus group

5.34 Notwithstanding the issue of poor property management, residents also shared their positive experiences of renting privately in the borough:

In terms of what's working well, it depends on the landlord. If you have a good relationship with the landlord, then it tends to work quite well.

Like it has been mentioned, not every landlord is bad. My current landlady is the only good one I've had. The rest of them never did anything to the property.

Brent Civic Centre focus group

Awareness of the current licensing scheme

Landlords and agents

5.35 In almost all cases, the attendees of the landlords forum were well informed regarding both the existence and details of the current licensing schemes. There were a few exceptions, exclusively private landlords with one or very few properties, who asked questions about the schemes and these were dealt with straightforwardly by the Brent Council staff present at the event.

Stakeholders

5.36 Without exception, the stakeholders were well informed about the current PRS licensing schemes and were able to discuss every aspect in considerable detail.

Residents and tenants

5.37 At the residents forums, awareness of the existing PRS licensing schemes in place in the London Borough of Brent were more mixed. Some tenants said that they had been unaware of the scheme at all prior to the invitation to the forum, or when a licensing inspection had taken place:

We've been all living in licensed properties for 5 years and none of us know what the scheme is doing. We've never witnessed an inspection for the property. My property didn't have fire alarms until I sorted it out.

I didn't know about the scheme until I got a knock on the door to tell me about it. As tenants, we don't know that the scheme exists.

Willesden Green Library focus group

- 5.38 Other residents were aware of landlord licensing, but did not know any detail regarding how the schemes work:

I'm aware because my landlord is a licence holder, but I still don't know what they mean, and I haven't seen any evidence of enforcement.

Willesden Green Library focus group

Views on the impact and effectiveness of the current licensing schemes

Landlords and agents

- 5.39 Overall, landlords were concerned about the current schemes and their effectiveness. The primary concerns expressed were in relation to perceived lack of protection for good landlords when faced with problem tenants, and a lack of support provided for landlords in general:

Is it possible to have some protection for good landlords?

We would like some support as everything is against us.

We the landlords feel like giving up and then you'll have more problems on your hands.

- 5.40 A view that garnered a great deal of support in the room was that PRS licensing, by focusing on private landlords, does nothing to address issues surrounding social housing, e.g. anti-social behaviour, fly-tipping etc:

A lot of [problems] come under social housing, so what is the Council doing to address the social housing aspect? You can't just come for the private landlord. My tenants would be happy to give me a reference and the same would be for a lot of other landlords.

- 5.41 One attendee summed up the feeling of many of those present about the need, or lack thereof, for PRS licensing:

We don't need to be told what's needed, we know what's needed. The tenants are our bread and butter; we do our best for them and on top of that you lot come upon us with a hammer. You're killing us...

- 5.42 The views expressed by landlords and other attendees in relation to the current scheme were covered again in more depth as part of the discussion about the proposal to renew and extend PRS landlord licensing and are reported in the sections below.

Stakeholders

- 5.43 As was the case with discussions around almost all aspects of PRS licensing, there was a stark divide in opinion regarding the effectiveness of the current additional (HMO) and selective licensing schemes in Brent. Representatives from landlords associations were highly sceptical about the need for the schemes and their effectiveness, whereas those stakeholders focused on residents' rights held overwhelmingly positive views.
- 5.44 Landlords representatives continued to express the view that the major problems in the PRS were linked to criminality rather than to anything that landlords could influence directly through their actions, going on to put forward their view that PRS licensing schemes are not an effective tool:

The problem lies in that here is organised crime exploiting both landlords and tenants - they are both victims in this - putting people in substandard housing or that's not designed for what it is being used for.

What we've always been clear about is that there is a lot of criminality in the PRS... The licensing scheme hasn't necessarily stopped [that]... Licensing is waved around as a magic wand, but actually is not the solution in itself.

National Landlords Association

- 5.45 As might be expected, groups representing tenants and other residents were significantly more positive about the impact of PRS licensing, specifically mentioning how it has been used to address poor property management by their clients:

Our clients just want to make sure that, while they are paying their rent, they are living in a decent place. The licensing has helped that; we have encouraged [tenants], when we see levels of disrepair to such an extent that it is damaging the family, to report it... We have had some very good successes as a result of that.

Citizens Advice Brent

Generally, Shelter does support increased use of licensing.

Shelter

- 5.46 Regarding additional licensing of HMOs, for which it has some legal responsibility, the London Fire Brigade's representative stated that the service is in favour of the scheme and of licensing in general:

London Fire Brigade takes an interest in HMO licensing because we have a legal responsibility for them... Licensing schemes as a whole – we like them, if they work.

London Fire Brigade

Residents and tenants

- 5.47 Although, as noted above, residents tended to be significantly less aware of both the existence of, or details of, the current PRS landlord licensing schemes in place in Brent, there was generally a positive view of them:

As a tenant it is good for me if I can check the property is licensed as I can then know straightaway.

Brent Civic Centre focus group

We do agree that there should be regulations to how landlords look after tenants and landlords should be responsible for the calibre of [the] tenants they bring in.

No single thing is going to change [anti-social behaviour], but [PRS licensing] is part of the system.

Willesden Green Library focus group

- 5.48 For some residents, their acknowledgement of the usefulness of PRS landlord licensing was caveated by the need for funding and effort to be directed toward enforcement so that tenants and residents feel the benefits:

If we see evidence that it is enforced, then that is the value of the scheme. As a populous we would have assumed protection from the scheme. That means that if we see an issue we can ring the council.

Willesden Green Library focus group

If the scheme works well it means that there will be better managed property which would be a benefit for the community but only if the money that is generated from this scheme actually goes towards the enforcement activity. If the money goes to other council expenses, then it won't be useful.

Brent Civic Centre focus group

- 5.49 For others, there were concerns that measures taken by the Council, including the introduction of PRS licensing, were neither appropriate nor sufficient to address the challenges of an increase in privately rented properties and associated problems:

It seems like the Council is prepared for the PRS to take on a bit of the slack, but they haven't put in the check and balances to ensure they're doing that well.

Willesden Green Library focus group

There are rogue landlords who will rent their property to 18-20 people and make a lot of money and they may be contacted by the council every 6 years, but the fine is nothing compared to the money they've made. This scheme will not catch rogue landlords.

There is already plenty of legislation, health and safety and otherwise that control all the things that the licensing scheme offers.

It will not catch the rogue landlords. Rogue landlords will not make themselves known.

Brent Civic Centre focus group

- 5.50 Finally, one resident had a specific suggestion for how the current and any future licensing schemes could be made more effective:

Tenants should receive a pack including contacts to report issues that breach the licence to help enforce the scheme. This would offer accountability and deter bad landlords and nuisance tenants.

Willesden Green Library focus group

Evidence in favour of, and monitoring and evaluation of, PRS licensing

Landlords and agents

- 5.51 Although there were not a great many comments or views expressed in relation to the evidence in support of PRS licensing schemes, those attendees who did speak up focused on the need for the Council to share specific data which might help to convince doubters of their effectiveness:

Are you prepared to share the data in terms of how effective the selective licensing has been?

I think what the Council and the consultation will have to do is to show that there is a real cost benefit in terms of having this scheme...

- 5.52 Other attendees also called for the Council to provide further evidence that licensing, particularly selective licensing, has been effective since it came into force.

Stakeholders

- 5.53 In the meeting of stakeholders, detailed discussions took place around the evidence presented by the Council, particularly in relation to the areas chosen in the proposal for selective licensing. Representatives of landlords associations questioned the justification for the selection of some areas and were eager to see compelling proof of the need for, and effectiveness of, selective licensing.

You've had selective licensing in three wards for coming up to 5 years - there is no evaluation of that in the consultation document. I'd expect to see income against spend, how long it takes to process licenses; I would expect to see a table of improvements against the grounds that the licensing scheme was introduced, but everything seems merged.

Then you come back to the stats that we've got here, these three areas were introduced on the grounds of ASB, two of them still top the rankings for ASB for the borough, so it hasn't worked on the ground that it was introduced.

Residential Landlords Association

- 5.54 As was the case at the landlords and agents event, suggestions were made for the type of evidence that might go some way to landlords that there is a case for PRS in the borough:

Commit to doing a public annual report that says how much money you've brought in, how much you're spending, do future predictive spend, tell them how many licenses you've issued, tell how long it's taking to issue a licence, tell how many civil penalty notices have been issued, how many have been collected, tell them how many prosecutions, tell them how many inspected.

Residential Landlords Association

- 5.55 By contrast, representatives of residents agreed with the evidence presented by the Council about poor property management and anti-social behaviour in areas where selective licensing is being proposed:

The representation on the map [of Category 1 and 2 hazards and ASB across Brent] was spot on in terms of what is reflected and what our clients are telling us.

Citizens Advice Brent

- 5.56 The speaker went on to confirm that their clients in Brent were reporting an improvement in property conditions following the introduction of additional and selective licensing:

In terms of licensing, we welcome that because, when compared to the sort of disrepairs which are still happening - the severity and the health and safety [issues] - prior to licensing, compared to now, has gone down.

Citizens Advice Brent

- 5.57 While supportive of PRS licensing in general, and HMO licensing in particular, the representative of the Fire Service gave anecdotal evidence that the process of evaluating landlords and properties before awarding licences ought to be improved:

[Based on previous joint training inspections with Brent Council], out of 11 randomly selected licensed HMOs, if we were the licensing agent, we wouldn't have licensed 10 of them...

London Fire Brigade

Residents and tenants

- 5.58 Overall, the participants at the residents focus groups accepted the evidence presented by the Council, with a number of people sharing their own experiences in support of the schemes.
- 5.59 Some residents questioned the need for licensing schemes in their areas, saying that they had never seen evidence of anti-social behaviour or poor property management; these were often countered, however, by other residents giving personal accounts of problems they had experienced in the same areas.
- 5.60 There were some general concerns expressed by residents that rents would rise as a result of licensing (see below), but no specific examples were given and, when it was pointed out that licensing had already been in place for many properties since 2015, the majority of people accepted that the risk of significant increases was relatively low.

Renewing borough-wide additional licensing of Houses in Multiple Occupation

Landlords and agents

- 5.61 The overriding view of landlords and other attendees of the Annual Brent Landlord, Investor and Developer Consultation Forum, expressed robustly and in no uncertain terms, was that PRS licensing schemes are unnecessary and wholly undesirable. Multiple short statements were made to this effect, often followed by applause from other members of the audience.
- 5.62 Common themes arising were:
- » PRS licensing is ineffective in tackling criminals operating in the housing sector.
 - » The licensing schemes punish good landlords.
 - » Landlords are often victims and should not be blamed for the actions of their tenants.
- 5.63 There were not many statements from landlords directly related to the specific proposal regarding renewing additional licensing of HMOs, and comments about other aspects of the schemes and proposals are reported elsewhere in this chapter.

Stakeholders

- 5.64 There was, relatively speaking, less disagreement over the renewing of additional licensing at the stakeholders' meeting. Landlords representatives made it clear that they disagreed in principle with "blanket licensing", reiterating their concerns that it would do little to deter criminals operating in the housing sector, but accepted (albeit reluctantly) that HMO licensing is inevitable.
- 5.65 The London Fire Brigade again acknowledged the concerns of landlords around criminals and rogue landlords, but stated that licensing all HMOs was a key factor in seeing an improvement in property conditions:

With HMO licensing, we would like to see that continue. We think that landlord licensing overall will drive up standards with [good landlords]. For the criminal 10% - that's crime – you deal with it as crime.

London Fire Brigade

- 5.66 Furthermore, the Fire Service representative went on to say that a consistent approach across all London boroughs is needed in order to improve the safety of PRS properties:

[HMOs] have to be licensed... We'd like the 33 boroughs to get together and have the same system because at the minute, we have 33 different boroughs with different systems. It makes it difficult for us when everyone is doing different stuff.

London Fire Brigade

- 5.67 Residents groups were enthusiastically in favour of additional licensing, seeing it as a key tool for empowering tenants in the face of difficulties:

We're all in agreement for the additional licensing. It helps us help our clients, if we need to make a complaint, we know how to make a complaint. It also helps us to frame it in such a way, not only to the landlord but also to the local authority.

Citizens Advice Brent

Residents and tenants

- 5.68 Among residents, there was generally acceptance of the evidence presented by the Council in support of the proposals, with many attendees responding with personal anecdotes which they connected to a need for PRS licensing. In addition to ASB, these issues included, among others:

- » lack of security as tenants;
- » poor property management and disrepair – damp, insect infestations, etc;
- » lack of disabled facilities;
- » empty properties not being looked after;
- » rude and unresponsive landlords or having to deal with agents rather than directly with landlords.

- 5.69 There were calls, however, for more (and regular) evidence to be made available to show that the licensing schemes are having an impact. For example:

We feel we need to see more [happening] to see the council keep on top of this issue. We need to see that the licensing ensures that these properties are fit for purpose, and we currently don't see that.

Willesden Green Library focus group

Renewing and extending selective licensing of privately rented properties

Landlords and agents

5.70 Regarding selective licensing, and in keeping with their views of licensing schemes as a whole, landlords were extremely negative in response to the proposal put forward by Brent Council to renew and extend the scheme in the borough.

5.71 Criticisms included, among others, that:

- » the choice of geographic areas, particularly where it was felt that the areas in question did not suffer from the types of problems that PRS licensing aims to tackle;
- » that, as reported elsewhere, good landlords would be punished while bad landlords and tenants would not;
- » that the whole licensing scheme is a “money-making exercise” for the Council;
- » that tenants should be held responsible for ASB, not landlords.

5.72 One landlord pointed out that having selective licencing means increasing rent and could end up in the property not being rented out. The increase in rent could result in more homelessness which is what the Council is trying to counter:

Once selective licensing comes in the landlord will have to recoup some of the costs, which will mean increasing rent, then the tenant might not leave which means there's a legal battle. The tenant might leave but then there might not be tenants that want to pay more, which means the property could be left empty for a long time. This defeats the purpose of what the Council is trying to do.

Stakeholders

5.73 As was the case at the landlords and agents' forum, representatives of landlords associations at the stakeholder meeting also robustly challenged both the principle and practice of selective licensing. A major focus, once again, was the perceived unsuitability of licensing for tackling criminality in the PRS, with the additional point that other legislation is already in place to ensure that properties are being management and maintained correctly:

We have concerns over how selective licensing will be implemented with the other bits of legislation coming through. The Council will be focusing in one area and the criminality will be prospering at the expense of landlords and tenants.

Licensing isn't the solution, it's a process. All the conditions that you talk about are still the legal conditions anyway. Licensing doesn't make you have a smoke alarm; the law makes you have a smoke alarm. Licensing takes away the resources from the local authority from doing the enforcement side against the criminals, it actually ends up a process driven exercise.

National Landlords Association

- 5.74 The specific geographic areas for which selective licensing is being proposed were also questioned by landlords groups. A lot of attention was focused, through the discussions, on the “10%” of landlords who acted in a criminal manner in the sector, in contrast to the “90%” of landlords who acted responsibly:

... if you didn't have that “10%”, I don't think you'd be looking at all at licensing in those areas. The ramifications of that, I think, will be an increase in criminality. A lot of landlords will be victims because their properties will be smashed up and subdivided, etc.

National Landlords Association

- 5.75 There was some discussion around the areas of Brent which were **not** being targeted for selective licensing in the Council's proposals; in particular, regarding the new property developments around Wembley Park. The reasons given by the Council for not including them on this occasion is that, as newly built properties with their own security measures in place to prevent ASB and other problems, that there was no need for licensing at this time. This drew disagreement from some stakeholders, who argued along the lines that “everywhere was a new area once”:

I believe Wembley Park shouldn't be excluded. We don't get a lot of clients from this area at the moment, but we certainly anticipate that we will be in the future and we need to plan for the future, although the legislation and policies plan for now...

Citizens Advice Brent

At the minute Wembley Park is the brand-new super part. By giving that area a pass, we're almost forcing the criminality to move to where the pass is. Me personally, I would do the whole of Brent. Otherwise, what will happen is that criminality will find a gap.

London Fire Brigade

- 5.76 As previously, stakeholders representing residents and tenants were strongly in favour of selective licensing, seeing it as a key factor in seeing housing conditions improve in the borough:

When you ask us the question, “Do you want licensing in Brent?” - yes, we do. We want selective licensing; we want to improve the housing conditions of our clients. It may be very basic, but that's where we are at the moment.

Citizens Advice Brent

Residents and tenants

- 5.77 In general terms, residents and tenants were in favour of selective licensing and, in some cases, of extending selective licensing to the whole borough:

In terms of the areas, we said yes - we think they are the right areas. It's pretty much all of the borough.

Brent Civic Centre focus group

If extended to all landlords, we will feel [there would be] a benefit in knowing that every private property is licensed.

The broader reaching the scheme, the more likely all private properties are being inspected and so the general housing stock is better for the people of Brent. Accountability would in theory allow the scheme to reduce issues of ASB etc.

Willesden Green Library focus group

Get every property to register, including owned properties.

Brent Civic Centre focus group

Enforcement

Landlords and agents

5.78 Landlords and agents were strongly of the opinion that PRS licensing penalises the majority of landlords, those who operate correctly, by making them pay for the costs of a scheme that fails to identify and prosecute rogue and unlicensed landlords. There was general disbelief that the scheme would be enforced effectively and have any positive impact.

5.79 Landlords raised the issue of what action is being taken by Brent Council to address criminality, for which they felt landlords could and should not be held responsible. For example:

Has the Council ever persecuted a tenant that has sublet the property illegally? [...] This has happened to me twice.

How will property licensing reduce crime?

Stakeholders

5.80 At the stakeholders' meeting, there was consensus that enforcement is a key measure of the success of a licensing scheme. As with other issues, however, the conclusions drawn from that premise differed markedly between representatives of different groups.

5.81 Landlords representatives argued that the perceived inability of the Council to successfully enforce licensing conditions brings the schemes themselves into question:

No council has the resources to properly run and enforce a licensing scheme [...] You need to have an enforcement team that is relative to the area you're trying to police to have effective enforcement. Large scale licensing doesn't deliver on that.

Residential Landlords Association

5.82 Other stakeholders acknowledged the challenges of large scale enforcement, but felt that it was right to continue the effort to bring it into place:

We'd like to see that robustness of enforcement and someone to actually check in on it. It's ok having a bit of paper saying I've got a licence, but we need some sort of robustness.

London Fire Brigade

5.83 Stakeholders representing residents in Brent were keen to point out that there is evidence that enforcement efforts are not just taking place, but bearing fruit:

I was pleased to see on our Citizens Advice Housing Update [that] they recognised Brent Council is cracking down on rogue landlords, bearing in mind the austerity that councils are going through. At least it's on your agenda and we really appreciate that.

Citizens Advice Brent

- 5.84 Returning to a theme raised elsewhere, it was pointed out that PRS licensing and the work of the housing department is just one element of what needs to be a coordinated and multi-agency approach to tackling challenges facing Brent tenants – a view shared by the majority of those present:

It's absolutely vital how the local authority looks to use its other services, like its environmental health enforcement, private sector advice, tenancy relations officers and trading standards... Prevention has to be increased to work alongside [licensing].

Shelter

Residents and tenants

- 5.85 Generally speaking, residents were supportive of strong enforcement of licensing rules. The key message was that the success of PRS licensing schemes hinge on successful enforcement:

Inspections should be carried out with a notice.

It's only a benefit if the fees generated are enough to enforce activities.

The Council could follow its data stream and ring the police to knock on their door. That's how the scheme could work.

Willesden Green Library focus group

Council representatives should be able to turn up to properties to check the properties are safe.

Brent Civic Centre focus group

- 5.86 As at the stakeholders' meeting, several residents pointed out that enforcing licensing conditions and tackling issues like ASB are the responsibility of a number of agencies – the police service and courts, the council, landlords – and that licensing schemes, while important, are not the total solution.

Licence fees

Landlords and agents

- 5.87 The vast majority of landlords and agents speaking up felt that the fees which need to be paid in order to receive a licence are unjustifiably high, with too much money going toward the administration of the scheme and not enough (if any) toward enforcement and other investment in the housing market:

With the administration involved, the process is all online, the person that applies for the licence does it, it's all computerised. I don't understand it, that's why the fee is extortionate for the actual service that the council provides.

If there was investment into housing then that would be another point, but you can't see it, they're all on fat salaries and they don't do anything to compensate for the problems with housing.

Isn't it a simple application and nothing has changed? So why is it costing so much?

- 5.88 There was also overwhelming cynicism about the real purpose of the licensing schemes, with a lot of attendees of the view that it was a way for the council to raise money. This view can be summed up with one quote:

I really think this is a money-making [exercise], without a shadow of a doubt...

- 5.89 Others felt that the discounts being offered to those people who choose to take measures to prove that they were good landlords were not worthwhile:

My understanding is that if you go on a one-day course it's £200 and if you go on the course it gives you a £40 discount, I can't see the maths in that. Why pay £200 for a course to get a £40 discount?

- 5.90 Considerable attention was focused on the perceived unfairness of having to pay full fees when the licence purchased would only cover part of the licencing period, with many landlords applauding to show their agreement with these points:

When a new landlord enters the market, they have to pay the full amount even if they're only using it for one year and then you have to pay the same amount to extend the licence.

You're charging me for admin fees whereas for other people admin fees have become illegal, especially for agencies, whereas the Council is still allowed to charge that same amount for a licence that either lasts 5 years or 1 year if you're in that last year period.

Stakeholders

- 5.91 While most stakeholders felt that the proposed fees were reasonable, especially when compared to those levied by other London boroughs, landlords representatives were quick to point out some of the same issues raised at the landlords and agents' forum, for example:

The discount doesn't offer much of an incentive to get yourself accredited.

Residential Landlords Association

- 5.92 Other stakeholder agreed that, if landlords are going to pay the fee of £840 for an HMO licence, that they needed to see the benefit from their investment, rather than just experience inspections to check that they are complying:

The landlords who comply have to see a benefit. If they see that they pay £840, it goes away for 5 years and I might get inspected once every couple of years then that's not a system you want. You want a system where there is a reward.

London Fire Brigade

- 5.93 Again, the theme of how criminality in the PRS would be combated was raised, with an acknowledgement that evidence of successful enforcement might go some way to making the scheme more palatable for landlords:

If landlords saw people who were unlicensed or criminal operators being attacked, then they'd be happy to see the money spent like that.

Residential Landlords Association

- 5.94 One criticism, combined with a suggestion of how to address the problem, was that if a property changed from a family home to an HMO (and back again) in the same licensing period, then the landlord had to purchase additional licenses:

Once you buy an additional licence, it should also include a selective licence. If a landlord can swap and change terms in relation to that it makes it easier, if they can't it basically crystallises the housing stock, so it removes the ability for the landlord to operate. A landlord should have an additional licensing and a selective licensing but there should only be one price for it.

National Landlords Association

Residents and tenants

- 5.95 Overall, residents were in favour of PRS licensing and the proposed renewal and extension of the schemes, albeit it with some caveats. In regard to fees, views among residents were more mixed than might have been expected; while some attendees feeling that they were reasonable, others that they were either too high or too low, but for a range of different reasons.

- 5.96 Some residents in both focus groups expressed concerns that the cost of fees would be passed on to tenants via increased rents, although it should be noted that this concerns tended to be allayed when they were made aware of the fact that the fees covered a full five-year period:

We feel the licensing should be free as the cost of the fees will be passed on to the tenant. I see the landlord's point of view as not only do they have these fees, but their stamp duty is much higher.

Willesden Green Library focus group

I think the licensing will make the landlord put the rent up.

Brent Civic Centre focus group

- 5.97 Other residents felt that the fees should be increased in order to ensure effective and impactful enforcement to tackle problems in the PRS:

We felt the fees are probably too low to have a significant impact because when you compare it to what people are paying for rent it is very low. A bigger fee would generate more income for enforcement.

Brent Civic Centre focus group

- 5.98 While there was considerable agreement with the statement above, a small number of residents did express concern that higher fees would result in increased costs to the tenants:

If the licensing fee rises, the money requested for landlords will be demanded from the tenants, which means general increase of rent prices.

We felt that if the landlords have to pay more, then they will want to recoup that money and it will fall on the tenant. To maintain a property cost money so landlords are not making a fortune.

Brent Civic Centre focus group

- 5.99 There were several suggestions made for changes to the proposed fee structure, and for some exemptions or discounts could be put in place in recognition of the work of good landlords:

The fees should depend on the size of the property. The price shouldn't be the same for a 5-bedroom property and 3-bedroom one. I do think the cost would be passed on to the tenant, but the landlord should be held accountable.

Willesden Green Library focus group

Two types of landlords should be exempt: the ones that are going through a reputable agent and the agent can then evidence to the council all the health and safety requirements, and the private landlord who doesn't use an agent but can evidence the gas safety etc. If they can [provide] evidence to the Council, then it's just that they have to register. They should be exempt from the fees or the fees shouldn't be as much.

Brent Civic Centre focus group

- 5.100 One resident, who spoke out in favour of licensing, nevertheless pointed out that the view of the public in general might be negative and that the Council should act to address this:

Public opinion is that fees will be a money earner for the Council. The way the scheme works needs to be communicated better to inform the public.

Willesden Green Library focus group

Licence conditions

Landlords and agents

- 5.101 In general terms, landlords and agents did not argue against the condition of licensing, e.g., gas safety certificates, smoke alarms etc. Instead, they questioned whether licensing itself a reasonable and worthwhile way of enforcing them, given that "good" landlords would be meeting those conditions anyway, while rogue landlords would not, regardless of any licensing scheme.

- 5.102 A few landlords raised the issues of the costs incurred as a result of work undertaken to bring PRS properties into line with the requirements set out in the licence conditions:

On the subject of getting properties to a good standard: isn't there some sort of grant scheme you can give to landlords? Because it's a hell of a cost to bring properties up to that standard. Just the basics of carbon dioxide for the average flat is £1200.

- 5.103 Another view shared, related to enforcement of licensing conditions, was that the Council could do more to work in partnerships with landlords, rather than issuing threats of fines for non-compliance:

A lot of the time there are conditions that are sent out to the landlord of what they can do to make improvements to their property. A lot of the time it could be quite quickly resolved by meeting in person, by having a conversation, whether that's at the property or one of the council offices. [...] Will Brent Council encourage that, or will they tend to hide behind letters saying that we'll get fined?

- 5.104 As in discussions about other aspects of the proposal, landlords robustly expressed their opinions that too much emphasis is being placed on the landlords responsibilities to address issues like ASB, when tenants should be held responsible for their own actions:

The scheme seems to put the rules and regulations on the landlord to be responsible. How is the landlord responsible for the behaviour of the tenant? I think that's absurd. ... The tenant is always right; the landlord is always wrong. The landlord is being demonised.

The tenants should be given seminars too, to be educated.

Stakeholders

5.105 As in the case of other discussions, stakeholders tended to be split in their opinions on licensing conditions based on who they represented; nonetheless, as with the landlords forum, the conditions themselves tended not to be contested by representatives from landlords associations, rather the purpose and effectiveness of the licensing scheme itself.

5.106 By contrast, representatives of residents and the Fire Service agree with both the conditions and the licensing schemes themselves, calling again for rigorous enforcement.

5.107 One issue raised was that the process of applying for and receiving a PRS licence was taking too much time and that, if the proposals were to go ahead, that it needed to be as efficient and straightforward as possible for the sake of the landlords:

We're dealing with local authorities that are taking two years to issue a licence. All staff are doing is bureaucracy and issuing licenses. Your scheme must be big enough to run efficiently and properly to be able to have administration systems in place to issue licenses within three months or six months.

Residential Landlords Association

Residents and tenants

5.108 Overall, residents were content with the licensing conditions proposed. There were a few comments regarding the need for better communication so that tenants would be better aware of both the conditions and the licences themselves:

The problem is that as tenants we don't know what the conditions of the licence are. Unless it's communicated effectively the scheme is a failure because tenants need to know what the scheme is offering.

It should be a condition that the landlord shows the licence to the tenant, showing when the council had inspected the property.

Willesden Green Library focus group

Consultation process

5.109 As has been the case in the past, there were some landlords who voiced the opinion that the consultation process itself was a "pointless exercise" and that PRS licensing was "going to happen anyway", regardless of what landlords and agents said.

5.110 Stakeholders and residents were generally happy with the process, with resident and stakeholders representing them being particularly appreciative of the opportunity to have their voices heard.

6. Written Submissions

Introduction

- 6.1 The following organisations and individuals provided written contributions during the formal consultation process:

ARLA Propertymark
Brent Women's Advisory Resource Centre
Harlesden Area Action
National Landlords Association
Residential Landlords Association
Safeagent (previously National Approved Lettings Scheme)
Quintain and Tipi
Willesden Green Residents Association
Willesden Green Town Team
7 other contributors i.e. individual residents and/or landlords

- 6.2 ORS has read all the written submissions and has summarised them in this chapter; none have been disregarded even if they are not expressed in a 'formal' way. It is a painstaking but necessary process to identify the main issues raised by respondents.
- 6.3 The lengthier, more detailed submissions from organisations, have been summarised individually. The remaining submissions (i.e. from individuals) tended to be much shorter, or to raise similar points to one another or to those seen elsewhere in the other consultation activities, and these have therefore been summarised together at the end of the chapter.

Summaries

Submissions from major landlords/agents and their representatives

ARLA Propertymark

- 6.4 ARLA Propertymark is a professional and regulatory body for letting agents. In general, it does not believe that discretionary licensing schemes are an effective way of promoting higher quality accommodation, feeling that they penalise good landlords, while allowing 'rogues' to operate under the radar. Specifically, ARLA Propertymark states that:
- » Many councils have indicated that the schemes cost more to operate than the funding generated from licence fees.
 - » Licensing schemes can be time-consuming, administrative exercises and they can divert staff away from enforcement in order to process large volumes of applications
 - » Even though legislation allows civil penalty fines levied for offences in the private rented sector to be retained by the Local Authority for further enforcement, recent research has highlighted that relatively few penalties are being issued (moreover 50 per cent of the prosecutions that have occurred have been undertaken by just one council – London Borough of Newham)

- » The issue therefore does not lie with existing legislation, but rather with a lack of enforcement and councils failing to utilise their existing powers
- » A more collaborative approach, working with letting agents, landlords and professional bodies to tackle issues, would better recognise good practice and would enable local authorities to better target their resources on effective intelligence-led enforcement.

National Landlords Association (NLA)

6.5 The NLA contends that the proposals are flawed e.g. because of the limits on a landlord's authority to deal with ASB (especially outside of the curtilage) and because it feels the council has not made sufficient use of existing powers. There are concerns about impacts arising from changes to Section 21 and the possible displacement of problem tenants around the borough, as well as about the impacts on homelessness and on services like adult social care. The NLA also feels there are certain gaps in the information provided e.g. in terms of the council's strategies for dealing with problematic tenants, and how it proposes to support landlords and tenants impacted by issues like subletting and overcrowding. A more detail summary of the issues raised is provided in the following list:

- » Licensing fuels the cost of renting and exacerbates issues around a lack of affordable housing; this will have a particular impact on those who are most vulnerable
- » The council already has existing powers that it is failing to use; it should try these first before resorting to licensing (e.g. it should consider using enforcement notices and management orders to target the small number of problematic properties immediately, rather than relying on licensing to bring about improvements over a five-year period)
- » Regulatory burdens should be balanced: while some enforcement is required, it is also important to recognise and encourage good practice (which the NLA feels is not currently the case)
- » Councils must work with all stakeholders (including the NLA, which is keen to engage with LBB) and not simply blame one group (i.e. landlords)
- » The proposal does not address issues such as rent-to-rent, illegal subletting and exploitation, nor does it consider AirBnB
- » It is difficult to address subletting, or to manage overcrowding when the tenants are responsible; these practices hurt landlords as well as tenants, and so affected landlords should be supported to help them address the issues
- » A joined-up approach is required but there is little information on how, for example, services like adult social care will be impacted (given that many tenants will have issues with addiction or mental health), nor does the proposal consider possible link with homelessness
- » If a tenant is causing problems and the landlord ends the tenancy, they will have fulfilled their obligations under the licensing scheme; however, this just displaces the issue and the tenant gets 'lost in the system'
- » Referencing requirements, along with changes to Section 21 will also make it harder for tenants (especially those who have been evicted) to get housed in the PRS in Brent (e.g. because landlords will be more risk averse, and refuse to take on any tenants who do not have perfect references and histories)

- » The landlord can manage a tenant only to the extent of their contract for living in the property; s/he cannot be responsible for activities that occur outside the property or in neighbouring streets
- » It is almost impossible to the landlord to know if a tenant is the subject of a false or malicious allegation (the tenant can be labelled as guilty without the allegations having been tested)
- » Landlords can resolve issues by ending a tenancy, but this will exacerbate, rather than resolve, the issue of high tenancy turnover (the council should instead adopt a policy similar to Leeds or Doncaster)
- » Landlords may be tempted to house tenants from other boroughs (who are offering incentives) which will impact on the housing supply within Brent itself.
- » Waste issues are exacerbated by the difficulties involved in accessing municipal waste points. NLA would be willing to work with LBB on a strategy for the collection of excess waste at the end of tenancies (mentioning Leeds Rental Standard is an example)
- » Given that the size of the PRS is being used as a justification for licensing, the NLA would like clarification on whether the council has any policies to reduce or grow the PRS in particular areas
- » Introducing licensing into areas identifies them as ‘problem zones’ – this stigmatises the area (affecting property prices, insurance premiums and so on, in ways that stakeholders might not be aware of) and also deters investment.
- » The social rented sector has made many efforts to remove problem tenants – how can the PRS be expected to deal with the issues when the social sector has failed?
- » Some of the conditions the landlord is expected to comply with conflict with the tenant’s right to ‘quiet enjoyment’
- » The council needs a strategy to deal with tenants who are persistent offenders, especially where the problems arise from complex needs (e.g. drug and alcohol addiction) that landlords are not qualified to address
- » The NLA is concerned about gaps in evidence and justification and would appreciate: clarification on how the council will support landlords when notices are served or there are issues involving tenants; more data on ASB incidents, including breakdowns by tenure, how homelessness has been considered, and what additional services will be provided to deal with mental health
- » Once this information has been provided, it feels that the council should then reconsult on its proposals with all relevant stakeholders.

Residential Landlords Association (RLA)

^{6.6} The RLA welcomes the opportunity to respond to the consultation, but is opposed to licensing in general, stating:

- » That councils should use existing enforcement powers rather than relying on licensing schemes. They should also take into account the informal enforcement activity already undertaken between local authorities and private landlords, as well as considering the Tenant Fees Bill that provides guidance and support regarding enforcement
- » They argue that there is little evidence that licensing schemes improve housing standards, as effort and prosecutions tend to focus on whether or not a property is licensed, rather than

improving the management standards and property conditions. Furthermore, that the council already has the necessary tools to tackle poor housing management and conditions in the PRS and should focus effort on this, rather than introducing a potentially a bureaucratic licensing scheme that will see scarce resources focused mainly on processing applications.

6.7 In terms of Brent Council's particular scheme, the RLA object to a number of aspects:

- » The 'Finder's Fee', which they feel is not lawfully permitted within the constraints of the Housing Act 2004 [referencing *Crompton v Oxford City Council*: 2013] and should be removed
- » That the proposed condition that a landlord should ask a tenant about any unspent convictions raises concerns of privacy, and should not be a barrier to a tenancy
- » That the council's proposed licence conditions around Amenity and Space standards, in particular minimum room sizes and maximum number of occupants, cannot overrule mandatory standards set by national legislation [referencing *Clark v Manchester City Council*: 2015]. The RLA recommends that if the council does decide to move forward with licensing, it should amend the Amenity and Space Standards so that they are *guidance* only, and would not constitute a breach of licence
- » That certain wards should not be included in the designated areas, as they do not exhibit all the elements of poor property conditions, examples primarily including those within designated area D4: Iperton, Preston, Sudbury, Northwich Park, Tokyngton

6.8 In conclusion, the RLA objects to licensing as a solution to the problems, and instead supports alternatives including:

- » a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints
- » and that the council tax registration process is used to identify private rented properties and landlords (as opposed to self-identification), thereby making it harder for criminals to operate under the radar

Safeagent

6.9 Safeagent (previously NALS) is an accrediting organisation for lettings and management agents in the private rented sector.

6.10 Specifically, in relation to the evidence base and general case for licensing, Safeagent notes:

- » High levels of gang and drug-related crime reflect wider societal problems that cannot be addressed by landlords (e.g. because these are 'street crimes' that don't tend to affect individual properties)
- » The fact that criminality has increased over the lifetime of the current scheme indicates both a lack of causation between the PRS and street crime, as well as the difficulty of using property licensing as a means to address this issue
- » There is a very high level of non-compliance under LBB's existing HMO licensing scheme, but there is no suggestion as to how this would be addressed moving forward (it is unfair, meanwhile, for a small proportion of landlords and agents to be subsidising the scheme).

- » It is queried whether the council would be required to undertake HHSRS inspections on all properties over the next 5 years to address concerns around property conditions, doubting it has the resources to do so.
- 6.11 Some specific issues are identified around the inclusion of section 257 HMOs. Safeagent feels it would be difficult for a typical agent to know if the building qualified as a HMO under the section 257 definition¹⁰ (and therefore if an Additional Licence was needed), because:
- » They would not have the expertise to state whether the standard of the conversion met the required building regulations
 - » The mix of tenures of the different flats in a converted building might change over time, potentially affecting the licence status of the building in doing so; however the agent would not necessarily have any way of knowing about these changes
 - » To address the above it is recommended that Brent follows a similar approach to LB Ealing e.g. in terms of restricting licensing only to section 257 HMOs where the whole building and all the flats within it are in single ownership or effectively under the same control, and where the number of flats exceeds the number of storeys in the building.
- 6.12 In relation to fees, Safeagent is pleased there is no uplift in the proposed fees and it welcomes the proposed discount associated with renewal. However:
- » It is unconvinced about the legality (under the Housing Act 2004) of LBB's proposed additional fees for reminder letters and missed inspections
 - » It encourages LBB to follow the example of Ealing and Islington, by extending the £40 discount for accreditation to include those licensed properties where the designated manager is an accredited letting agent e.g. via Safeagent's own accreditation scheme
- 6.13 In relation to the proposed licence conditions:
- » Safeagent identifies what it sees as various issues in the proposed conditions for both HMOs and other privately rented properties (specifically, it believes that some of the licensing conditions contravene the judgement in the case of *Brown v Hyndburn Borough Council* 2018)
 - » Full details of the issues raised have already been provided to the council for closer consideration on a case by case basis.
- 6.14 Some remaining points raised by Safeagent are as follows:
- » In other boroughs, licence approvals have taken 6 months or more due to backlogs in processing applications. Safeagent therefore asks the council to publish clear service standards, setting out the timescale for processing licence applications and allowing its performance to be monitored;
 - » The council must maintain an appropriately sized, well-resourced and effective enforcement team (to prevent the regulatory burdens falling solely on those who apply for a licence)

¹⁰ Under Section 257 of the Housing Act 2004, a building or part of a building converted into self-contained flats is considered to be a HMO if a) the standard of the conversion does not meet that required by Building Regulations 1991 or 2000, or b) fewer than two-thirds of the flats are owner-occupied

- » The council is encouraged to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents
- » To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a 'holistic' approach that extends beyond licensing, recognising (for example) efforts to regulate lettings agents in legislation by requiring them to belong to a government-approved redress scheme. Safeagent has produced an Effective Enforcement Toolkit, to assist councils in regulating the private rented sector and in effectively using enforcement powers against lettings and management firms who break

Quintain and Tipi

^{6.15} Quintain is the developer responsible for the regeneration of the 85-acre Wembley Park site which, when completed, will include one of the UK's largest single-site, purpose-built Build-to-Rent developments. This Build-to-Rent element is managed by Tipi, a lifestyle focused rental company owned by Quintain. Quintain and Tipi have made representation for the exclusion of the site within the additional licensing designation on the following grounds:

- » All Tipi properties are professionally managed by a dedicated Build-to-Rent management company, and therefore are unlikely to give rise to the problems that justify Additional Licensing;
- » The 'uniqueness' of Wembley Park's regeneration justifies its exclusion e.g. in terms of the *'scale and quality of housing being delivered in one location by one developer'*;
- » The Build-to-Rent sector is distinctive and for these purposes should not be classed as part of the PRS; moreover, the consultation document provides no evidence of a link between the sector and those issues said to be affecting the PRS;
- » In recent years, Get Living London successfully argued that East Village in Stratford should be excluded from additional and selective licensing in London Borough of Newham; this has set an important precedent for excluding Build-to-Rent from discretionary licensing schemes;
- » Wembley Park is unaffected by Mandatory HMO Licensing (due to the exemptions around having three or more self-contained flats in a purpose-built block) and it has also been excluded from LBB's proposed new selective licensing designations. It is 'irrational' for it to be included in the additional licensing proposals when these other forms of licensing will not apply;
- » Properties built by Quintain that go on to be managed by a Registered Provider are exempt from Additional Licensing; however, as there is no difference in standards between these and the remaining Quintain properties, they should all be exempt;
- » All Quintain homes are either Lifetime Homes Standard or Part M Building Regulations compliant;
- » Crime and ASB are continuously monitored on the site and are not a significant issue. Moreover, security is enhanced because Quintain (through Wembley Park Estate Management Co Ltd and Tipi) controls and manages not only the homes themselves, but also *'the common parts and the public realm'* – which is very different to the situation under which an ordinary residential landlord operates.
- » The inclusion of the site would be in contravention of Section 56 of Housing Act 2004 as the power to implement an Additional Licensing area must be "consistent with the authority's overall housing strategy" and Quintain have provided evidence that they contribute and are

helping to deliver that strategy in a way that is not possible by PRS landlords; moreover through its Social Corporate Responsibility Policy Quintain demonstrates that they wish to improve the wellbeing of as many residents of Brent as possible (not just those that live within the Tipi homes).

Submissions from residents groups

Harlesden Area Action (HAA)

6.16 HAA is fully supportive of the continuation of the scheme but has further suggestions to improve its effectiveness, which include:

- » Reaching out to landlords: making sure s/he is the person responsible for the licence, and making sure s/he reads the conditions (e.g. by making them sign each page of the conditions booklet)
- » Introducing a knotweed policy for gardens
- » Stipulating the number of grey and blue bins needed per property, so that landlords have no excuse not to provide adequate number, and to prevent situations where tenants are wary of requesting additional bins due to the possibility of an additional charge;
- » Requiring landlords to display posters in the common areas of shared accommodation, which would provide information on recycling and waste disposal (these posters would be designed by HAA in conjunction with partners)

6.17 Finally, having consulted the licence conditions in place in the London Boroughs of Camden and Ealing, HAA has provided various suggestions on how to develop/improve those used in Brent, in a marked-up version that has been provided to the council for closer consideration.

Willesden Green Residents Association (WGRA)

6.18 WGRA agrees that the present licencing scheme is 'only a small positive step' and more needs to be done. It 'fully and emphatically' endorses the additional measures suggested by HAA (described above, and included in HAA's additional submission to the Council i.e. the marked up copy of the conditions).

Willesden Green Town Team

6.19 The Willesden Green Town Team also shared some proposed amendments to the licence conditions including proposals for additional posters/information and additions to the conditions around external areas, refuse and waste, pest control, means of escape and various other aspects of the property condition and management.

Brent Advisory Women's Resource Centre

6.20 Brent Advisory Women's Resource Centre believes all private landlords should be registered, and that there should also be rent control mechanisms to regulate 'extortionate' private landlords. It notes the benefit system is not meeting the total rent cost for those on low income and this should be addressed.

- 6.21 It is noted that many low-income people are struggling with high rents which, BAWRC regards these as ‘innocent victims’ of unreasonable landlords. More broadly, it is concerned about the ways crime operates in families and the role contributed by financial hardship in family breakdowns
- 6.22 BAWRC recognises these issues might seem to be beyond the scope of the current exercise; however, it feels they should be considered as part of the consultation and would ask the council to consider them.

Submissions from individuals

- 6.23 The remaining contributions were from individual residents and landlords. There was some criticism of the proposals and/or the council, with the following claims or points raised:
- » There is already plenty of existing legislation to address issues in the PRS
 - » The costs of obtaining a licence will be passed on to tenants
 - » Many landlords act responsibly and operate to good standards, without being compelled to by licensing
 - » Others will evade the scheme, and will also avoid paying income tax etc.
 - » Where ‘slum’ landlords are identified, enforcement action is not always taken against them (with the implication that this is unfair on the compliant majority)
 - » The council needs to get its ‘own house in order’ before it tries to regulate landlords
 - » Complaints about online systems used by the council generally, and during the consultation
- 6.24 One respondent was sceptical that the crime rates and deprivation in some wards (e.g. Preston, Northwick Park, Welsh Harp) had really got so much worse over the last five years, as to now suddenly justify selective licensing. He/she felt that if these issues were really that much of a problem in these areas, then they would have been included in one of the previous designations that were introduced in 2014 and 2018.
- 6.25 There were also a couple of requests for evidence to show the impacts of licensing (and particularly selective licensing in those areas where it already exists) i.e. in terms of addressing the issues said to affect the PRS.
- 6.26 Other themes raised were:
- » There are problems with tenants illegally subletting and overcrowding the properties, and these properties are not paying the appropriate level of council tax
 - » There are issues with ‘beds in sheds’ - the respondent sought reassurances that LBB is trying to address these
 - » One respondent felt strongly that Welsh Harp should be included as he/she felt it has big problems with overcrowded privately rented properties and tenant-related ASB
 - » One landlord expressed surprise that the scheme is not borough wide, finding this to be unfair on those who operate in the licensed areas

- » One respondent was supportive of efforts to tackle ‘bad landlords’, but also concerned about the impacts on good landlords who might be driven to stop letting out their properties (and by implication, the impact on the tenants living in these properties)
- 6.27 There was also one enquiry from a respondent wishing to clarify the level of the fees and to determine whether LBB recognises NLA accreditation.
- 6.28 Another respondent sought reassurances that LBB was doing everything it could to identify privately rented properties and to maximise the number of licences, suggesting that the Council could: send out letters to all addresses in particular areas, or put adverts in the Brent magazine encouraging tenants to contact them confidentially; increase the amount of information collected on the Household Notification Letter; and look at county court eviction cases.

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Appendix 1: Profile of consultation questionnaire respondents

Demographics (all stakeholder types): Counts

Characteristic	Residents of Brent (769)	Landlords / agents with properties in Brent (306)	Other stakeholders (35)
BY AGE			
Under 25	5	-	1
25 to 34	81	18	3
35 to 44	116	40	7
45 to 54	111	62	3
55 to 64	129	52	10
65 or above	144	41	1
Total valid responses	586	213	25
<i>Not known</i>	<i>183</i>	<i>93</i>	<i>10</i>
BY GENDER			
Male	297	136	9
Female	285	64	14
Total valid responses	582	200	23
<i>Not known</i>	<i>187</i>	<i>106</i>	<i>12</i>
BY DISABILITY			
Has a disability or longstanding illness	83	18	4
No disability or illness	464	169	16
Total valid responses	547	187	20
<i>Not known</i>	<i>222</i>	<i>119</i>	<i>15</i>
BY ETHNIC GROUP			
White	348	91	11
Mixed	29	14	1
Asian	96	62	6
Black	40	6	2
Other ethnic group	12	7	1
Total valid responses	525	180	21
<i>Not known</i>	<i>244</i>	<i>126</i>	<i>14</i>

Demographics (all stakeholder types): Percentages

Characteristic	Residents of Brent (769)	Landlords / agents with properties in Brent (306)	Other stakeholders (35) ¹¹
BY AGE			
Under 25	1%	-	N=1
25 to 34	14%	8%	N=3
35 to 44	20%	19%	N=7
45 to 54	19%	29%	N=3
55 to 64	22%	24%	N=10
65 or above	25%	19%	N=1
Total valid responses	100%	100%	100%
<i>Not known</i>	<i>183</i>	<i>93</i>	<i>10</i>
BY GENDER			
Male	51%	68%	N=9
Female	49%	32%	N=14
Total valid responses	100%	100%	100%
<i>Not known</i>	<i>187</i>	<i>106</i>	<i>12</i>
BY DISABILITY			
Has a disability or longstanding illness	15%	10%	N=4
No disability or illness	85%	90%	N=16
Total valid responses	100%	100%	100%
<i>Not known</i>	<i>222</i>	<i>119</i>	<i>15</i>
BY ETHNIC GROUP			
White	66%	51%	N=11
Mixed	6%	8%	N=1
Asian	18%	34%	N=6
Black	8%	3%	N=2
Other ethnic group	2%	4%	N=1
Total valid responses	100%	100%	100%
<i>Not known</i>	<i>244</i>	<i>126</i>	<i>14</i>

¹¹ Stakeholder figures are given in counts as, in view of the small number of respondents and high proportion of “not known” responses, percentages would not provide a satisfactorily accurate representation of the demographics of respondents

Landlord and agent profile (landlords and agents only): Counts and percentages

Characteristic	Count	Valid %
BY TYPE		
Landlord who manages their own property	210	69%
Landlord who uses a managing agent	77	25%
Letting agent	5	2%
Managing agent	7	2%
Other	5	2%
Total valid responses	304	100%
<i>Not known</i>	2	-
BY ORGANISATION MEMBERSHIP (MULTI-RESPONSE; PERCENTAGES WILL SUM TO MORE THAN 100%)		
National Landlords Association (NLA)	38	13%
Residential Landlords Association (RLA)	49	16%
London Landlord Accreditation Scheme (UKLAS/LLAS)	21	7%
Association of Residential Lettings Agents (ARLA)	8	3%
Another landlord/letting agent association	7	2%
<i>No, none of these</i>	203	68%
Total number of respondents	298	-
Total number of responses	326	-
<i>Not known</i>	8	-

Appendix 2: Text responses to the consultation questionnaire

Question	If you disagree with any of the above, please can you explain why and what alternatives you think should be considered to address the problems?		
Comments	%		
	Residents	Landlords	Others
Base (Number of respondents making comments in each group):	142	160	9
Overall views on the proposal			
Generally against proposal/don't think they are a good idea	19.0	14.4	n=1
Generally support proposals/think they are a good idea	7.0	1.9	n=1
Theme I - General comments on the existing and proposed schemes			
Proposed licensing scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	9.9	28.1	n=2
Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	4.2	10.0	n=1
Responsible landlords are already adhering to guidelines/meeting requirements i.e. managing tenants/vetting tenants/keeping housing to a high standard etc.	4.2	8.1	n=2
The proposed licensing scheme should cover all of borough/not just selected properties	7.7	4.4	n=2
Proposals adds unnecessary bureaucracy/red tape/additional waste of time/resources/too complicated	6.3	3.8	n=1
Wembley Park should be included in the licensing scheme	7.7	1.3	.
More information/evidence needed i.e. information on differences from current scheme/evidence that current scheme is working etc.	3.5	3.8	n=1
No problems/issues of HMOs/ASB in my area	3.5	3.1	.
Proposal will reduce the number of available housing in area due landlords not investing in area/deterring first time landlords etc.	2.1	2.5	.
Council does not need to be involved with privately rented properties	1.4	.	.
Theme II - The likely impacts of the proposed schemes...			
...on landlords			
It punishes good landlords/only good landlords comply with legislation/bad landlords avoid scheme/scheme should only be applied to bad landlords	13.4	25.0	n=1
Proposals affect profitability for landlords i.e. not making enough money/won't make it worthwhile/forcing landlords to sell etc.	3.5	9.4	n=2
Smaller/accidental landlords shouldn't be treated the same as bigger landlords/discounted or tiered approach for smaller properties	2.1	3.8	.
Licensing scheme is giving too much power to tenants/taking power from landlords/problem tenants are playing the system	0.7	2.5	.
...on tenants			
Proposed licensing scheme will mean rental prices will go up/cost will be passed on to tenants/rent is too high already	12.7	14.4	n=2
Proposals will affect people on lower income i.e. increase people on benefits/increase homelessness	4.2	1.3	.
Licenses are causing difficulties for the tenants/no benefits i.e. added pressure on landlords passed on to tenants, invasion of privacy by housing officers etc.	2.1	1.3	.
Theme III - Licensing conditions and fees			
Proposal is just another money-making scheme/additional tax/increased cost/waste of money/money could be spent on improvements, etc.	19.7	30.0	n=1
Proposed licensing fee is too high/should be lower/should be free	3.5	11.9	.

Good landlords should pay less than bad landlords/discounted if landlord is proven a good landlord i.e. give a rebate if meeting guidelines/previous license holder/provide incentives etc.	.	0.6	.
The two types of licenses should cost the same across Brent	.	0.6	.
Theme IV – Enforcement			
Robust enforcement			
Proposals will need to be properly managed/enforced efficiently/inspections will need to be made/vetting landlords etc.	9.9	10.0	n=1
Better way of communicating/easier system to log complaints i.e. one number you can call	2.8	1.9	.
More informed/educated staff to deal with issues/enforces the rules	2.1	0.6	.
Enforce regulations on property management companies/letting agents/housing associations	2.1	.	.
Need a list of good/bad landlords easily available	0.7	1.3	.
More information/awareness about making complaints/protect tenants from harassment/eviction when they do complain	.	1.9	.
Concerns about targeting landlords only			
Council should target bad households/HMOs etc. where the real problems are not just privately rented properties.	4.9	8.1	n=1
Landlords shouldn't be held responsible/should have similar scheme for tenants/would be more effective to license tenants/tenants should take more responsibility	3.5	6.9	.
Council should target their own problem properties i.e. problem tenants/fly tipping/ASB etc.	4.2	2.5	n=2
Stricter enforcement on tenant subletting/subletting in AirBnBs	1.4	0.6	.
Stricter conditions on behaviours of tenants i.e. ASB	1.4	0.6	.
Theme V - Alternatives to licensing proposals			
Landlords/agents are not responsible for tackling ASB/police/council should be more involved	4.2	4.4	.
Councils should focus more on ASB prevention i.e. more officers patrolling, stopping fly tipping etc.	4.2	1.9	.
Educating landlords would be more efficient than the licensing scheme	2.8	1.3	.
Council should improve the waste/rubbish collection i.e. the high cost of removal of large items are causing the fly tipping issues	2.8	0.6	.
Council are blaming tenants and landlords for rubbish issues when it is the council's responsibility	0.7	3.1	.
Council should spend more money on community projects i.e. youth clubs, community centres, parks etc. to deter problems in area	1.4	0.6	.
Council should work with/communicate with the tenants/landlords to help tackle problems with the area/properties	0.7	1.9	.
Need more council housing/housing support/landlords are doing the council's job by housing people	0.7	.	.
Other themes			
Criticism of Brent council in general	4.9	1.3	n=1
Criticism of consultation i.e. biased/flawed/leading answers etc.	2.1	.	.
General complaints about the area i.e. cleanliness	2.1	.	.
Other comments	16.9	11.9	n=1

Question	If you disagree with any of the conditions for Selective and Additional licensing, please can you explain why?		
Comments	%		
	Residents	Landlords	Others
Base (Number of respondents making comments in each group):	108	93	5
Overall views on the proposal			
Generally support proposals/think they are a good idea	8.3	2.2	n=1
Generally against proposal/don't think they are a good idea	10.2	14.0	.
Theme I - General comments on the existing and proposed schemes			
Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	10.2	25.8	n=2
Proposals adds unnecessary bureaucracy/red tape/additional waste of time/resources/too complicated	3.7	14.0	n=2

Proposed licensing scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	7.4	12.9	n=1
Responsible landlords are already adhering to guidelines/meeting requirements i.e. managing tenants/vetting tenants/keeping housing to a high standard etc.	2.8	12.9	n=1
Council does not need to be involved with privately rented properties	3.7	2.2	.
More information/evidence needed i.e. information on differences from current scheme/evidence that current scheme is working etc.	0.9	2.2	n=1
No problems/issues of HMOs/ASB in my area	.	1.1	.
Wembley Park should be included in the licensing scheme	0.9	.	.

Theme II - The likely impacts of the proposed schemes...

...on landlords

It punishes good landlords/only good landlords comply /bad landlords avoid scheme/scheme should only be applied to bad landlords	4.6	5.4	.
Proposals affect profitability for landlords i.e. not making enough money/won't make it worthwhile/forcing landlords to sell etc.	1.9	3.2	.
Licensing scheme is giving too much power to tenants/taking power from landlords/problem tenants are playing the system	1.9	3.2	.
Smaller/accidental landlords shouldn't be treated the same as bigger landlords/discounted or tiered approach for smaller properties	0.9	3.2	.

...on tenants

Proposed licensing scheme will mean rental prices will go up/cost will be passed on to tenants/rent is too high already	6.5	6.5	n=2
Proposal will reduce the number of available housing in area due landlords not investing in area/deterring first time landlords etc.	1.9	3.2	.
Licenses are causing difficulties for the tenants/no benefits i.e. added pressure on landlords passed on to tenants, invasion of privacy by housing officers etc.	0.9	1.1	.
Proposals will affect people on lower income i.e. increase people on benefits/increase homelessness	1.9	.	.

Theme III - Licensing conditions and fees

Proposal is just another money-making scheme/additional tax/increased cost/waste of money/money could be spent on improvements, etc.	10.2	20.4	.
Proposed licensing fee is too high/should be lower/should be free	.	4.3	.
Criticisms of the difference of the rules and conditions for different property types	.	2.2	.
The two types of licences should cost the same across Brent	.	1.1	.
Landlords are paying to police themselves	.	1.1	.

Theme IV – Enforcement

Robust enforcement

Proposals will need to be properly managed/enforced efficiently/inspections will need to be made/vetting landlords etc.	9.3	4.3	n=1
Demanding references is pointless i.e. can easily be faked, doesn't mean anything/prove anything etc.	9.3	6.5	n=1
More informed/educated staff to deal with issues/enforces the rules	3.7	1.1	.
Better way of communicating/easier system to log complaints i.e. one number you can call	1.9	.	.
More information/awareness about making complaints/protect tenants from harassment/eviction when they do complain	1.9	.	.
Need a list of good/bad landlords easily available	.	1.1	.

Concerns about targeting landlords only

Council should target bad households/HMOs etc. where the real problems are not just privately rented properties.	4.6	3.2	.
Landlords shouldn't be held responsible/should have similar scheme for tenants/would be more effective to license tenants/tenants should take more responsibility	1.9	4.3	.
Council should target their own problem properties i.e. problem tenants/fly tipping/ASB etc.	0.9	3.2	.
Stricter enforcement on tenant subletting/subletting in AirBnBs	0.9	.	.
Stricter conditions on behaviours of tenants i.e. ASB	1.9	.	.

Theme V - Alternatives to licensing proposals

Educating landlords would be more efficient than the licensing scheme	0.9	2.2	.
Tenants should be given more information/rules to prevent ASB, littering issues etc.	2.8	.	.
Councils should focus more on ASB prevention i.e. more officers patrolling, stopping fly tipping etc.	0.9	1.1	.
Landlords/agents are not responsible for tackling ASB/police/council should be more involved	0.9	.	.

Council should improve the waste/rubbish collection i.e. the high cost of removal of large items are causing the fly tipping issues	0.9	.	.
Need more council housing/housing support/landlords are doing the council's job by housing people	0.9	.	.
Other themes			
Criticism of Brent council in general	2.8	.	n=1
Criticism of consultation i.e. biased/flawed/leading answers	0.9	1.1	.
Other comments	23.1	15.1	.

Question	Are there any other things you think the Council should consider to help improve the condition and management of properties, ASB, deprivation and other issues about the private rented sector in Brent? Or are there any other comments?		
Comments	%		
	Residents	Landlords	Others
Base (Number of respondents making comments in each group):	364	179	18

Overall views on the proposal			
Generally support proposals/think they are a good idea	15.7	5.6	n=3
Generally against proposal/don't think they are a good idea	4.9	10.1	n=2

Theme I - General comments on the existing and proposed schemes			
Proposed licensing scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	5.2	12.3	n=1
Responsible landlords are already adhering to guidelines/meeting requirements i.e. managing tenants/vetting tenants/keeping housing to a high standard etc.	0.5	9.5	.
Proposals adds unnecessary bureaucracy/red tape/additional waste of time/resources/too complicated	1.4	6.1	n=1
Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	0.8	5.0	n=1
The proposed licensing scheme should cover all of borough/not just selected properties	2.2	3.9	n=1
Wembley Park should be included in the licensing scheme	0.8	.	.
More information/evidence needed i.e. information on differences from current scheme/evidence that current scheme is working etc.	2.2	7.8	n=2
Better online licensing facilities i.e. easier to submit/less complicated etc.	1.4	1.1	.
Council does not need to be involved with privately rented properties	0.8	.	n=1
No problems/issues with HMOs/ASB in my area	0.3	.	.

Theme II - The likely impacts of the proposed schemes...			
...on landlords			
It punishes good landlords/only good landlords comply with legislation/bad landlords avoid scheme/scheme should only be applied to bad landlords	7.1	27.9	n=2
Proposals affect profitability for landlords i.e. not making enough money/won't make it worthwhile/forcing landlords to sell etc.	2.5	7.3	n=1
Licensing scheme is giving too much power to tenants/taking power from landlords/problem tenants are playing the system	0.8	3.4	.
Smaller/accidental landlords shouldn't be treated the same as bigger landlords/discounted or tiered approach for smaller properties	0.8	2.8	.
...on tenants			
Proposed licensing scheme will mean rental prices will go up/cost will be passed on to tenants/rent is too high already	6.3	8.4	.
Proposal will reduce the number of available housing in area due landlords not investing in area/deterring first time landlords etc.	2.7	2.8	.
Proposals will affect people on lower income i.e. increase people on benefits/increase homelessness	1.9	0.6	n=1
Licenses are causing difficulties for the tenants/no benefits i.e. added pressure on landlords passed on to tenants, invasion of privacy by housing officers etc.	0.3	0.6	.

Theme III - Licensing conditions and fees			
Proposed licensing fee is too high/should be lower/should be free	4.4	25.1	n=1
Proposal is just another money-making scheme/additional tax/increased cost/waste of money/money could be spent on improvements, etc.	7.4	17.9	n=2
Good landlords should pay less than bad landlords/discounted if landlord is proven a good landlord i.e. give a rebate if meeting guidelines/previous license holder/provide incentives etc.	1.4	4.5	n=1
Shouldn't have to pay full licensing scheme price for scheme if entered part way through/should be reduced rates for the less time scheme is available	0.3	2.2	.
Theme IV – Enforcement			
Robust enforcement			
Proposals will need to be properly managed/enforced efficiently/inspections will need to be made/vetting landlords etc.	20.1	16.2	n=2
Better way of communicating/easier system to log complaints i.e. one number you can call	4.7	0.6	n=2
More informed/educated staff to deal with issues/enforces the rules	2.2	2.2	.
More information/awareness about making complaints/protect tenants from harassment/eviction when they do complain	3.8	.	n=2
Enforce regulations on property management companies/letting agents/housing associations	2.7	0.6	.
Need a list of good/bad landlords easily available	1.6	1.1	.
Agree that references/criminal checks on tenants should be compulsory	0.3	.	.
Concerns about targeting landlords only			
Council should target bad households/HMOs etc. where the real problems are not just privately rented properties.	5.5	3.9	.
Landlords shouldn't be held responsible/should have similar scheme for tenants/would be more effective to license tenants/tenants should take more responsibility	0.5	6.1	n=1
Council should target their own problem properties i.e. problem tenants/fly tipping/ASB etc.	2.7	2.8	n=1
Stricter conditions on behaviours of tenants i.e. ASB	3.3	1.7	n=1
Stricter enforcement on tenant subletting/subletting in AirBnBs	4.4	.	n=2
Theme V - Alternatives to licensing proposals			
Council should work with/communicate with the tenants/landlords to help tackle problems with the area/properties	2.7	4.5	.
Council should improve the waste/rubbish collection i.e. the high cost of removal of large items are causing the fly tipping issues	4.9	1.1	.
Councils should focus more on ASB prevention i.e. more officers patrolling, stopping fly tipping etc.	3.0	4.5	.
Landlords/agents are not responsible for tackling ASB/police/council should be more involved	1.1	3.4	.
Tenants should be given more information/rules to prevent ASB, littering issues etc.	1.4	0.6	n=1
Educating landlords would be more efficient than the licensing scheme	0.5	1.1	.
Need more council housing/housing support/landlords are doing the council's job by housing people	0.3	1.1	.
Council should spend more money on community projects i.e. youth clubs, community centres, parks etc. to deter problems in area	0.8	0.6	.
Council are blaming tenants and landlords for rubbish issues when it is the council's responsibility	0.5	0.6	.
Other themes			
Criticism of Brent council in general	3.3	2.2	.
General complaints about the area e.g. cleanliness	2.7	0.6	n=1
Criticism of consultation i.e. biased/flawed/leading answers etc.	0.8	0.6	.
Criticisms of the difference of the rules and conditions for different property types	.	0.6	.
Other comments	35.4	19.6	n=7

Appendix 3: Questionnaire



Consultation on Licensing Landlords of Private Rented Housing

Over the last 10-20 years, there has been an increase in the number of properties in Brent that are rented out by private landlords. The London Borough of Brent wants to ensure that private rented properties offer residents a choice of safe, good quality and well managed accommodation.

In January 2015 it introduced licensing schemes for privately rented properties. These schemes will end in December 2019 and the Council is considering introducing new schemes to replace them. The Council is also proposing to extend selective licensing to other wards of the borough.

You can read about the proposals for the new scheme in the council's 'consultation proposals' document, which is available at www.brent.gov.uk/landlordlicensing

To give your feedback, please complete this questionnaire and return it to: **Opinion Research Services, FREEPOST SS1018, PO Box 530, Swansea, SA1 1ZL**. Please post it back **no later than 21st August 2019**. There is also an online version of this questionnaire, which you can access via the webpage above.

Brent Council has appointed Opinion Research Services (ORS), an independent research company, to manage the questionnaire responses and other consultation feedback. ORS will produce an independent consultation report in which feedback from individual members of the public will be anonymous, but views from organisations may be attributed in full.

All the questions are entirely optional, and any information that you provide in response to this consultation will be processed by ORS in accordance with the UK Data Protection Act and the EU General Data Protection Regulation. Information will only be used to inform this consultation and any personal information that could identify you will be kept for no more than 1 year after any decisions have been finalised. For further information, please see www.ors.org.uk/privacy

If you have any queries about the consultation, please contact Tony Jemmott, Private Housing Licensing Manager at Brent Council on 020 8937 2384/5 or email: prslicensing@brent.gov.uk

YOUR CONNECTION TO LONDON BOROUGH OF BRENT

In what capacity are you responding to this questionnaire?

PLEASE TICK ✓ ONLY ONE BOX THAT BEST APPLIES TO YOU

☐

As a Brent resident or a local business in Brent (but not a landlord) – please answer the red shaded question overleaf, then go to the 'Local Issues?' section

☐

As a landlord, letting or managing agent with properties in Brent – please answer the blue section overleaf, then go to the 'Local Issues?' section

☐

As another type of stakeholder – please answer the green shaded section on page 3, and following questions

Please provide the following information about yourself (where relevant) so that we can monitor the representativeness of the responses and identify trends. We will take all feedback into account, regardless of whether you provide your details.

INFORMATION ABOUT YOU: BRENT RESIDENTS & BUSINESSES

If you are a resident living in Brent, or responding on behalf of a local business in Brent... which of the following best describes you? PLEASE TICK ✓ ONE BOX ONLY

<input type="checkbox"/>	Private tenant living in a single family dwelling (e.g. a self-contained flat or house)
<input type="checkbox"/>	Private tenant living in a House in Multiple Occupation (HMO) or bedsit where you share some basic amenities (e.g. toilet, bathroom, kitchen) with others
<input type="checkbox"/>	Brent Council tenant
<input type="checkbox"/>	Housing association tenant
<input type="checkbox"/>	Owner occupier
<input type="checkbox"/>	Shared owner – with a share in the equity of the home
<input type="checkbox"/>	Local business in Brent (but not a landlord)
<input type="checkbox"/>	Other <input type="text"/>

INFORMATION ABOUT YOU: LANDLORDS AND AGENTS

If you are a landlord or agent with properties in Brent... which of the following best describes you?

PLEASE TICK ✓ ONE BOX ONLY

<input type="checkbox"/>	Landlord who manages their own property	<input type="checkbox"/>	Managing agent
<input type="checkbox"/>	Landlord who uses a managing agent	<input type="checkbox"/>	Registered social landlord
<input type="checkbox"/>	Letting agent	<input type="checkbox"/>	Other <input type="text"/>

Please indicate how many properties you own/manage in Brent, for each of the following types.

PLEASE WRITE IN A NUMBER FOR EACH TYPE OF PROPERTY

Single occupancy house <input type="text"/>	Self-contained flat <input type="text"/>	Houses in Multiple Occupation (Fewer than 5 people) <input type="text"/>	Houses in Multiple Occupation (5 or more people) <input type="text"/>
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Are you a member of any of the following? PLEASE TICK ✓ ALL THAT APPLY

<input type="checkbox"/>	National Landlords Association (NLA)	<input type="checkbox"/>	Association of Residential Lettings Agents (ARLA)
<input type="checkbox"/>	Residential Landlords Association (RLA)	<input type="checkbox"/>	Other landlord/letting agent association <input type="text"/>
<input type="checkbox"/>	London Landlord Accreditation Scheme (UKLAS/LLAS)	<input type="checkbox"/>	No

INFORMATION ABOUT YOU: ORGANISATIONS AND OTHER STAKEHOLDERS

If you are responding on behalf of an ORGANISATION, which organisation do you represent?

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

Please give us the name of the organisation and any specific group or department. Please also tell us who the organisation represents, what area it covers and how you gathered the views of members.

If you are another stakeholder (e.g. with links to a neighbouring borough), please use the box below to provide full details. PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LOCAL ISSUES?

To what extent do you believe each of the following to be a problem in your local area of Brent? PLEASE TICK ✓ ONE BOX IN EACH ROW

	Not a problem at all	Not a very big problem	A fairly big problem	A very big problem	Don't know
Anti-social behaviour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor property conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deprivation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

And thinking about the private rented sector as a whole in Brent, to what extent do you agree with the following statements? PLEASE TICK ✓ ONE BOX FOR EACH STATEMENT

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Poorly maintained properties are contributing to the decline of some areas in Brent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poorly managed privately let properties are contributing to the decline of some areas of Brent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landlords have a responsibility to manage their properties effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To help with the management of privately let properties in the borough, landlords should be 'fit and proper' persons (e.g. have proper management or financial arrangements in place, and not have convictions for certain types of offences)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE CURRENT LICENSING SCHEMES

In January 2015 Brent Council introduced two five-year licensing schemes intended to tackle some of the problems associated with private rented properties in the Borough. The Additional Licensing scheme applies to all small Houses in Multiple Occupation across the whole of the borough, and the current Selective Licensing scheme applies to all other privately rented homes in the wards of Harlesden, Willesden Green and Wembley Central.

Since the schemes were introduced, the Council has licensed 11,550 properties including 3,410 Houses in Multiple Occupation (HMOs). Licensing has also been used strategically to deal with problems of ASB and to improve conditions associated with the PRS. For example, the Council has operated a licence condition and compliance inspection regime, along with proportionate enforcement action, to target non-compliant landlords and improve properties. This has led to over 4,400 properties being improved in the period outturns for the 4 years 2015/16 to 2018/2019.

Over the same period, over 2,200 notices have been served on private landlords and there have been 160 prosecutions resulting in fines and costs totalling £1.5m. As an alternative to prosecutions, in some cases the Council has also issued over 100 civil penalty notices.

In which of the following ways do you think the current licensing schemes has improved things in Brent? PLEASE TICK ✓ ALL THAT APPLY

Improved the condition of properties	<input type="checkbox"/>
Reduced waste/rubbish such as mattresses dumped in private property front gardens	<input type="checkbox"/>
Reduced waste/rubbish dumped on streets	<input type="checkbox"/>
Reduced noise from neighbouring privately rented properties	<input type="checkbox"/>
Reduced overcrowding in privately rented properties	<input type="checkbox"/>
Other (Please specify) <input type="text"/>	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

If the current licensing schemes in Brent stopped and were NOT continued, which of the following do you think would get worse as a consequence? PLEASE TICK ✓ ALL THAT APPLY

The condition of properties	<input type="checkbox"/>
The amount of waste/rubbish such as mattresses dumped in private property front gardens	<input type="checkbox"/>
The amount of waste/rubbish dumped on streets	<input type="checkbox"/>
Noise from neighbouring privately rented properties	<input type="checkbox"/>
Overcrowding in privately rented properties	<input type="checkbox"/>
Other (Please specify) <input type="text"/>	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

To what extent do you agree or disagree that continuing the licensing scheme would improve / further improve the condition and management of privately rented properties in Brent?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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RENEWING THE CURRENT LICENSING SCHEME

Brent Council knows that many landlords operate properly. However, as the number of people moving into Brent continues to grow, the council remains concerned about levels of anti-social behaviour, overcrowding, poor living conditions, and poor tenancy and property management.

Therefore, Brent Council proposes to renew the current licensing schemes, which will expire on 31 December 2019. The council believes that renewing these schemes would allow it to continue to find landlords who are not fit and proper, to improve conditions for tenants and to improve the area in general by tackling anti-social behaviour, poor property conditions and deprivation.

If the schemes are implemented, landlords will be required to apply to the council for a licence for each privately rented property they own or manage in the area. Each licence application must be accompanied by a licence fee. Conditions would be attached to each licence and landlords would be bound by these conditions.

Details of the proposed areas, licence conditions and fees are detailed in the consultation documents on the website www.brent.gov.uk/landlordlicensing.

The Council is considering proposals for two specific types of licensing, each affecting different types of privately rented properties....

Houses in Multiple Occupation

Some rented properties are known as 'Houses in Multiple Occupation' (HMO). This is a property that is rented by three or more people who are not all related and who share some areas like a kitchen and bathroom. Larger HMOs must be licensed by law.

Since January 2015, Brent Council has required all landlords renting out smaller Houses in Multiple Occupation **anywhere in Brent** to have a licence for each of these properties. This is known as Additional licensing.

While the council believes actions have been taken to improve standards, it remains concerned that many HMOs in the borough remain unlicensed, poorly managed or in an unsatisfactory state of repair.

Therefore, the council is now proposing to **renew the current Additional licensing scheme across the whole of Brent** (i.e. the whole of the area within the red outline, in the map on the back of this booklet) **for another five years**, in January 2020.

To what extent do you agree or disagree with this proposal for renewing the Additional licensing scheme for Houses in Multiple Occupation? PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Other privately rented properties

Other rented properties (i.e. which aren't HMOs) will be occupied by a single family or household, or by two unrelated people sharing. Currently, Brent Council requires many landlords who rent these other types of privately rented properties to have a licence for each of these properties. This is known as Selective licensing.

In January 2015 Brent Council introduced a selective licensing scheme in three wards: **Harlesden**, **Willesden Green** and **Wembley Central** (Designated area 1, shaded yellow on the map on the back of this questionnaire). It is now proposing to renew Selective licensing in these three wards for another 5 years, in January 2020 or at a later date as specified by the Government.

The council believes that the proposed Selective licensing areas satisfy one or more of the following conditions: poor property conditions, significant and persistent problem caused by ASB and/or deprivation.

Please note: in 2018 the Council introduced another Selective licensing scheme covering Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queen's Park wards (shaded green in the map on the back of this questionnaire). Selective licensing will remain in place in these wards until at least 2023 (when this five-year scheme expires), therefore these wards do not form part of the proposals currently being consulted on.

To what extent do you agree or disagree with this proposal for renewing the Selective licensing scheme for other privately rented properties in Harlesden, Willesden Green and Wembley Central?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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INTRODUCING SELECTIVE LICENSING INTO NEW AREAS

Selective licensing (i.e. the licensing of properties occupied by a single family or household, or by two unrelated people sharing) can also be considered for any other areas of the borough where certain issues (such as poor property conditions, anti-social behaviour and/or deprivation) are causing a particular problem.

The council has identified particular problems with property conditions in Alperton, Barnhill, Brondesbury Park, Fryent, Northwick Park, Preston, Queensbury, Sudbury, Tokyngton (excluding Wembley Park) and Welsh Harp wards. It also believes the majority of these areas have persistent problems with ASB, and that a couple have specific issues with deprivation. The council believes that there are links between these issues and the private rented sector.

It is therefore proposing to introduce Selective licensing in these wards from April 2020 or at a later date as specified by the Government. There would be three separate designations, as follows:

- » Designated area 2: **Queensbury, Fryent and Brondesbury Park** (Grounds: Property Conditions and ASB)
- » Designated area 3: **Barnhill and Welsh Harp** (Grounds: Property Conditions, Deprivation and ASB)
- » Designated area 4: **Northwick Park, Preston, Tokyngton (excluding Wembley Park), Alperton and Sudbury** (Grounds: Property Conditions and ASB)

The affected areas are indicated on the map on the back of this booklet: Designated Area 2 in pink, Designated Area 3 in purple, and Designated Area 4 in blue.

Three wards (Dollis Hill, Kenton and Stonebridge) are not included in this proposed extension. The council feels they do not satisfy the legal criteria for selective licensing in that those wards have less than the national average of 20% of the properties being privately rented. The council has also chosen to exclude the Wembley Park area of Tokyngton ward because it does not believe the area is suffering from poor property conditions, ASB linked to the private rented sector or deprivation.

Factors that have been used to determine whether a proposed area suffers from high level of deprivation include: the employment status of adults; the average income of households; the health of households; the availability and ease of access to education, training and other services for households; housing conditions; the physical environment; and levels of crime.

More information about the criteria and evidence used to select the areas above, and about the evidence linking the issues to the private rented sector, can be found in Sections D & E of the ‘consultation proposals’ document at www.brent.gov.uk/landlordlicensing.

To what extent do you agree or disagree with the proposals to introduce Selective licensing in the following areas?

PLEASE TICK ✓ ONE IN EACH ROW	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Designated Area 2: Queensbury, Fryent and Brondesbury Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designated Area 3: Barnhill and Welsh Harp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designated Area 4: Northwick Park, Preston, Tokyngton (Excluding Wembley Park), Alperton and Sudbury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you disagree with any of the above, please can you explain why and what alternatives you think should be considered to address the problems?

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LICENCE CONDITIONS

Selective licence conditions

The council has discretion to set the precise conditions of the licence. These can include conditions relating to the management, use or occupation of the house, and measures to deal with anti-social behaviour of the actual tenants or those visiting the property. There are also certain mandatory conditions which must be included in a licence. For example, licensees are required to:

- Present a gas safety certificate annually to the Local Housing Authority, if gas is supplied to the house;
- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Install smoke and carbon monoxide alarms and keep them in proper working order;
- Supply the occupier with a written statement of the terms of occupation; and
- Demand references from persons wishing to occupy the house.

Full Selective licensing conditions can be found in annexe C of the consultation document found at www.brent.gov.uk/landlordlicensing

To what extent do you agree or disagree with the proposed Selective licensing conditions?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Additional HMO licence conditions

The council also has discretion to set the precise conditions of the HMO licence. These can include conditions relating to the management, use and occupation of the house, and its condition and contents. These can also include measures to deal with anti-social behaviour of the actual tenants or those visiting the property.

There are also certain mandatory conditions in addition to those above, for example, licensees are required to:

- Present a gas safety certificate annually to the Local Housing Authority, if gas is supplied to the house;
- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;

Full HMO licensing conditions can be found in annexe B of the consultation document found at www.brent.gov.uk/landlordlicensing

To what extent do you agree or disagree with the proposed Additional HMO licensing conditions?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
---	--	---	---	--	---

If you disagree with any of the conditions for Selective and Additional licensing, please can you explain why?

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LICENCE FEES

The council charges a fee to cover the costs of administering the licensing scheme over five years but does not make a profit. As long as the conditions are complied with, the licence would remain valid until the end of the scheme (i.e. up to a maximum of 5 years). The basic fees under the existing scheme are:

£840 for an Additional (HMO) licence and £540 for a Selective licence

There is also a £40 discount per application for landlords accredited to the London Landlords Accreditation Scheme. The council proposes to keep the Additional and Selective fees at the current level. The licensing fees will be kept under review at least annually.

What are your views on the proposed fees? PLEASE TICK ✓ ONE BOX ON EACH ROW

	I think the fee is too high	I think the fee is at about the right level	I think the fee is too low	Don't know
A basic fee of £840 per property for an Additional HMO licence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A basic fee of £540 per property for a Selective licence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DO YOU HAVE ANY FURTHER COMMENTS?

Are there any other things you think the council should consider to help improve the condition and management, ASB, deprivation and other issues about the private rented sector in Brent? Are there any other comments that you would like to make about the licensing proposals?

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LICENSING DESIGNATION(S)

Brent Council is legally obliged to offer to send you a copy of the Licensing Designation(s) before any licensing scheme is introduced. These are supporting documents that define various things including the area where licensing will be required, as well as detailing the commencement and duration of the designation(s).

If you would like to receive a copy of the Licensing Designation(s) please provide your name with either an email or postal address in the box below.

Please be aware that Brent Council are the data controllers and that Opinion Research Services (ORS) are the data processors for this questionnaire and that any contact details you provide will be sent to Brent Council. Your contact details will be separated from your questionnaire response before being sent, therefore you will not be identified in the results and report of findings received by the Council. ORS will not pass your details on to any third parties. The Council's Data Protection Officer can be contacted via dpo@brent.gov.uk, or 020 8937 1402.

Your contact details will be used by Brent Council only for the purpose of the Notification under the **Housing Act 2004**, and of issuing the Licensing Designation(s), as required to fulfil the council's duties under **Regulation 9 (3) - The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006** – the Publication requirements relating to designations made under the Housing Act 2004, require that within 2 weeks after the designation was confirmed or made the local housing authority must send a copy of the notice to any person who responded to the consultation.

The contact information will not be shared, shall be retained for no more than 3 years after decisions have been finalised, and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. If you are dissatisfied with the processing of your information, you can raise your concern with the council's data protection officer. You have a right to lodge a complaint with the Information Commissioner's Office (www.ico.org.uk). Further information can be found at www.brent.gov.uk/privacy

MORE INFORMATION ABOUT YOU

What is your full postcode?

This will help us understand views in different areas

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If you are providing your own PERSONAL RESPONSE, please answer the questions below...

Brent Council has a duty to promote equality and want to make sure all parts of the community are included in this consultation, but these questions are optional. All consultation responses will be taken fully into account when making decisions, regardless of whether you provide your details.

What was your age on your last birthday?

- | | |
|-----------------------------------|--|
| <input type="checkbox"/> Under 25 | <input type="checkbox"/> 55 to 64 |
| <input type="checkbox"/> 25 to 34 | <input type="checkbox"/> 65 or above |
| <input type="checkbox"/> 35 to 44 | <input type="checkbox"/> Prefer not to say |
| <input type="checkbox"/> 45 to 54 | |

What is your gender?

- ☐ Male
☐ Female
☐ Prefer not to say

How would you describe your ethnic origin?

- ☐ White: English/Welsh/Scottish/Northern Irish/British
☐ White: Irish
☐ White: Gypsy or Irish Traveller
☐ Any other White background
☐ Mixed: White and Black Caribbean
☐ Mixed: White and Black African
☐ Mixed: White and Asian
☐ Any other mixed/multiple ethnic background
☐ Black/Black British: African
☐ Black/Black British: Caribbean
☐ Any other Black/Black British background
☐ Asian/Asian British: Chinese
☐ Asian/Asian British: Bangladeshi
☐ Asian/Asian British: Pakistani
☐ Asian/Asian British: Indian
☐ Any other Asian/Asian British background
☐ Arab
☐ Any other ethnic group
☐ Prefer not to say

Do you have any long-standing illness or disability?

- ☐ Yes
☐ No
☐ Prefer not to say

What is your religion or belief?

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Agnostic | <input type="checkbox"/> Muslim |
| <input type="checkbox"/> Buddhist | <input type="checkbox"/> Sikh |
| <input type="checkbox"/> Christian | <input type="checkbox"/> No religion/belief |
| <input type="checkbox"/> Hindu | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Humanist | <div style="border: 1px solid black; height: 20px; width: 150px;"></div> |
| <input type="checkbox"/> Jewish | <input type="checkbox"/> Prefer not to say |

What is your sexual orientation?

- | | |
|--|--|
| <input type="checkbox"/> Heterosexual/straight | <input type="checkbox"/> Bisexual |
| <input type="checkbox"/> Lesbian | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Gay man | <div style="border: 1px solid black; height: 20px; width: 150px;"></div> |
| | <input type="checkbox"/> Prefer not to say |

How did you hear about this consultation? (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Leaflet | <input type="checkbox"/> Poster |
| <input type="checkbox"/> Email | <input type="checkbox"/> Brent website |
| <input type="checkbox"/> Brent Connects | <input type="checkbox"/> Local newspaper |
| <input type="checkbox"/> Brent Citizens' Panel | <input type="checkbox"/> Word of mouth |
| | <input type="checkbox"/> Other (please specify) |

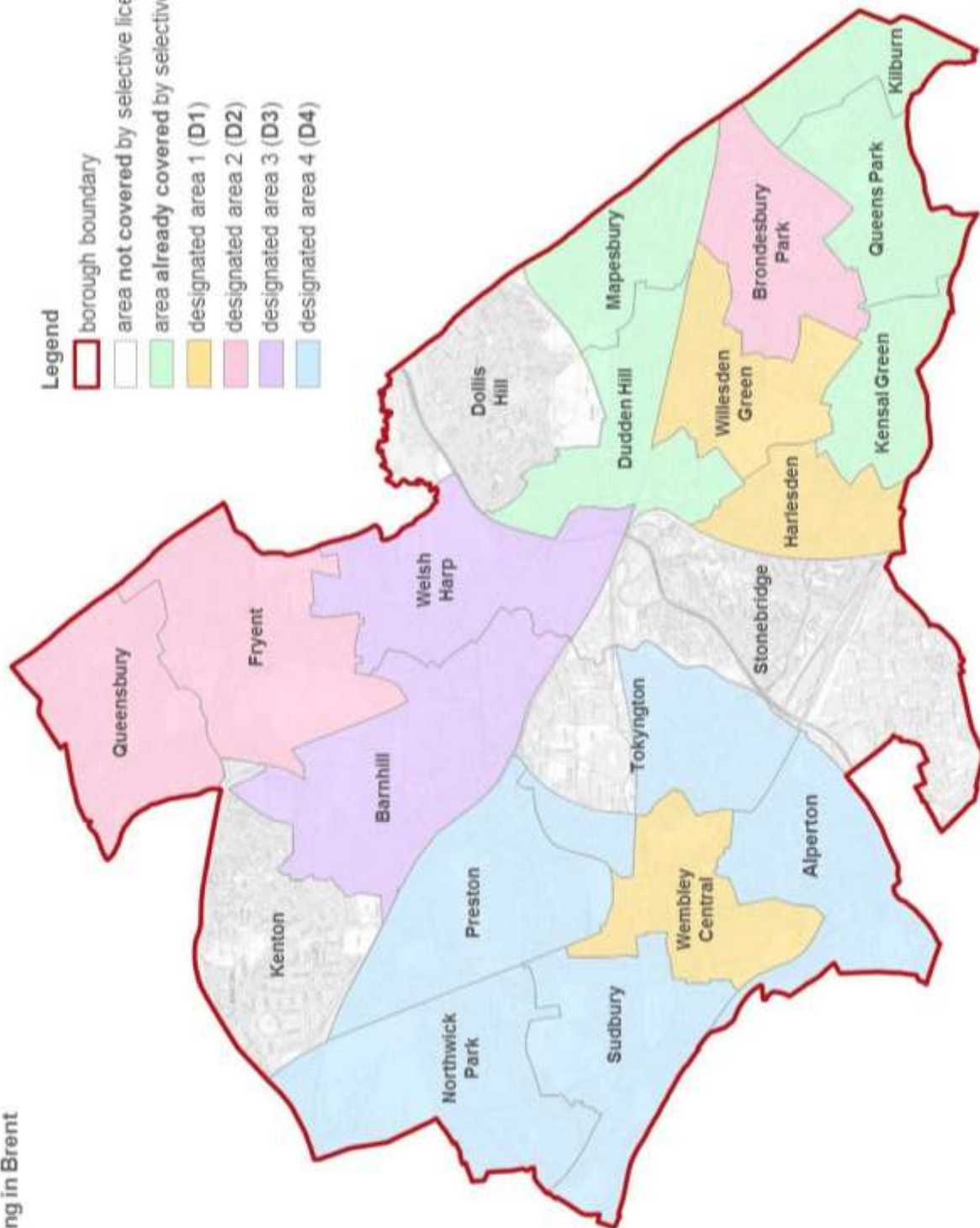
How long have you owned property in Brent?

- | | |
|---|---|
| <input type="checkbox"/> Less than one year | <input type="checkbox"/> 5 - 10 years |
| <input type="checkbox"/> 1 - 2 years | <input type="checkbox"/> 10+ years |
| <input type="checkbox"/> 2 - 5 years | <input type="checkbox"/> Not applicable |

THANK YOU VERY MUCH FOR YOUR TIME
Please post the questionnaire by **21st August 2019** to
Opinion Research Services
FREEPOST SS1018 • PO Box 530 • Swansea • SA1 1ZL

Selective licensing in Brent

- Legend**
- borough boundary
 - area not covered by selective licensing
 - area already covered by selective licensing
 - designated area 1 (D1)
 - designated area 2 (D2)
 - designated area 3 (D3)
 - designated area 4 (D4)



1:50000

Map produced May 2019

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