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Improving the Private Rented Sector in Brent: Proposals for Consultation on Additional and Selective Licensing 2019

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1.0 Executive Summary

1.1 Brent Council is consulting on the following 3 proposals;

- I. To renew the designation of the whole of the borough, as subject to an additional Houses in Multiple Occupation licensing scheme under Part 2 of the Housing Act 2004, with effect from January 2020.
- II. To renew the selective licensing scheme designation in the wards of Harlesden, Wembley Central and Willesden Green wards under Part 3 of the Housing Act 2004 on the grounds of property conditions and ASB with effect from January 2020, or at a later date in accordance with the statutory time required for the scheme to come into force.
- III. To introduce a selective licensing scheme under Part 3 of the Housing Act 2004 to the following designated areas of the borough with effect from 1st April 2020, or at a later date in accordance with the statutory time required for the scheme to come into force, for the reasons as follows:
Designation 2: Queensbury, Fryent and Brondesbury Park – This is along the A5 corridor and on the; Grounds; Property Conditions and ASB
Designation 3: Barnhill and Welsh Harp – Grounds; Property Conditions, Deprivation and ASB
Designation 4: Northwick Park, Preston, Tokyngton (Excluding Wembley Park), Alperton and Sudbury; Property Conditions and ASB

- 1.2 This report summarises the proposals, the statutory provisions for licensing schemes, and the conditions for the designations. The Council considers that the proposals meet the criteria for renewal or extension of the licensing schemes as the most effective way to regulate the condition, management and occupation of privately rented properties in the borough.
- 1.3 Brent's existing 2014 selective and additional scheme designations will finish on 31st December 2019. In summary we have been successful in delivering a better strategic approach to regulating our private rented sector, to reduce anti-social behaviour in the borough, to improve the quality and management of privately rented properties, and to assist landlords and tenants to improve their status.
- 1.4 This report, which provides new evidence and builds on our previous evidence base shows the need to continue efforts to eliminate or reduce the ongoing problems associated with the PRS and to make the achievements sustainable. Significant findings are in particular related to the proportion of the PRS, the presence of poor housing conditions, antisocial behaviour and deprivation, which, though they are found at higher or lower levels in areas, are generally widespread across the whole borough.
- 1.5 The licensing consultation questionnaire and feedback exercise seeks your views about our proposals. This report is a key part of our consultation exercise. We will consider the findings, and any representations made to the consultation, in deciding how we may proceed.

2.0 Introduction

- 2.1 Our population has increased by 18 per cent over the past 10 years, to 335,000 residents today, projected to increase to almost 350,000 by 2023, and over 375,000 by 2030. We are now the seventh largest of the London boroughs and the fourteenth most densely populated local authority in the country. In 2016-17, 32,900 people moved in and 33,700 moved out – the 22nd highest population turnover rate in UK, and relatively high (202 per 1,000 population) for an Outer London Borough, second only to Merton. Brent has a young population: the median age is 35, five years below the UK average (40).

- 2.2 Almost two thirds (65%) of the Brent population are from Black, Asian and minority ethnic groups. Brent's largest single ethnic group is the Indian population – who comprise 17% of residents – the fourth largest in London. Brent is the second most ethnically diverse (Index score =9, compared to London score of 5.1) borough in London, after Newham (according to the Simpson's Diversity Index (Ethnicity), London 2019).
- 2.3 Our vision for 2023 is to make Brent a borough of culture, empathy, and shared prosperity.
- 2.4 In 2011 there were 35,000 properties in the private rented sector in the Borough - over 32% of the housing stock. Our recent studies have shown that there are 121,250 dwellings in Brent, 41% are owner occupied, the private rented sector is now at 37% and is now bigger than the social rented sector (22%). This significant PRS growth, from 17% of the total stock in 2001 to 31% in 2011 - so that 14% of the stock has changed over that time period to now be private rented. This is higher than the change of 9% seen in England as a whole. The analysis for this current report estimates that 37% of the stock in Brent is now privately rented, implying a further increase since 2011 of 6%.
- 2.5 The private rented sector includes a growing high-quality segment for those able to pay. At the other extreme is a segment operating outside regulation, characterised by overcrowding, disrepair and poor management. Between these poles is a diverse supply, owned and managed almost exclusively by small landlords catering for a range of incomes and household types.
- 2.6 There is also evidence that poorly-managed privately rented properties are having a negative impact on some neighborhoods. Anti-social behavior (ASB), nuisance neighbours and accumulations of rubbish can be linked to the failure of private landlords to effectively manage their properties and tenancies. Overcrowding, subletting and illegal conversions are also features of the private rented sector in Brent on the back of the huge demand for housing in the Borough (and London as a whole).
- 2.7 In 2014, the Council led project (Additional and Selective Licensing in the Private Rented Sector in Brent: A Consultation Exercise, HQN) looked at the links between the private rented sector (PRS) and anti-social behavior and identified areas within the Borough that were suffering from high levels of anti-social behaviour and environmental issues. Based on that evidence the Council introduced an Additional Licensing scheme for the whole borough for houses in multiple occupation (HMOs) and a Selective Licensing designation for three wards of Harlesden, Wembley Central and Willesden Green where anti-social behaviour was identified as a significant problem linked to the poor management of private rented housing. Both of these schemes came into operation on 1st January 2015.
- 2.8 In 2015 the Government set out new criteria for Councils to take into account when considering the approach to selective licensing. Brent Council followed these changes and on 1st June 2018 selective licensing was extended and came into force in the electoral wards of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park. Further detail on the changed guidance is set out in section B.
- 2.9 Whilst the 2018 selective scheme is intended to run for the next 5 years, both of the schemes which commenced on 1st January 2015 will expire this year on 31 December 2019. Brent remains committed to improving the standard and safety of all private rented housing in the borough to make the borough better for tenants, landlords and for the community. This current consultation exercise will also help us gather your views on our proposals to address this priority and to act in line with our housing strategy. These proposals and evidence are set out in 5 sections below;

- Section A – Why are we consulting?
- Section B – Satisfying the legal framework
- Section C – Property Licensing schemes and Enforcement in Brent to date
- Section D - The evidence to support our proposal
- Section E – Proposals Summary and Consultation summary

3.0 SECTION A - Why are we consulting?

- 3.1.1 Our recent studies show that the percentage of the private rented sector (PRS) in Brent is 37%, which is significantly higher than the London (27%) and national (20%) averages.
- 3.1.2 Brent Council's Private Housing Service in conjunction with using its Business Intelligence Team reported on relevant matters relating to licensing in the private rented sector; *PRIVATE RENTED PROPERTY LICENSING IN BRENT: Examining the link between the PRS, ASB and the other prescribed criteria for extending selective licensing in Brent*, April 2017.
- 3.1.3 In addition to this study the Council commissioned three studies as well as conducting a public licensing consultation exercise in late 2016. These studies were as follows:
- b) Review of the housing conditions in Brent: Building Research Establishment (BRE) Integrated Dwelling Level Housing Stock Modelling and Database for Brent, 2019.
 - c) Research undertaken by Housing Quality Network (HQN) during the summer of 2013 examined the feasibility of introducing a licensing scheme for the PRS in the Borough.
 - d) *The case for extending Selective Licensing in Brent*: Research by Mayhew Harper Associates Ltd, December 2016 established the ASB-PRS link in Brent, and
 - e) Findings from the public consultation on extending selective in Brent 2016
- 3.1.4 The studies provide the following key findings to support the proposals.
- 3.1.5 Overall, the percentage of dwellings in the private rented sector across Brent is 37% compared to the national average of 20%. 18 out of the 21 wards in Brent have a percentage of private rented sector dwellings greater than the national average.
- 3.1.6 There is an estimated 16,984 HMOs in Brent, of which approximately 4,831 come under the mandatory licensing scheme. Our analysis shows that only 21% of HMO are currently licensed. We believe that a borough wide licensing scheme is the most effective method of gaining compliance with HMO licensing and improving the management of such properties.
- 3.1.7 Anti-social behaviour:
- ASB occurrences in Brent is 33 per 1000 head of population based on the number of ASB calls to the police in 2017/18. ASB is highlighted as a key concern for residents of Brent. Nationally there has been an increase of ASB across the Borough. This could be down to increased reporting and also an escalation in open drug markets and the impact of gang activities in Brent. Visible evidence of disorder through unchallenged ASB leads to less secure communities, and can impact negatively on feelings of safety and mental health.

Environmental ASB is expensive to react to and leads communities to consider their neighbourhoods negatively, which in turn leads to social disorganisation.

- Brent had the third highest number of ASB calls (at 10,000 see chart below), in comparison to the most similar London boroughs, in the 2017-18.
- A review of the enviro-crime data supports the correlation between the private rented sector and anti-social behaviour at specific locations and across the borough. We have examined such factors as noise, waste and fly-tipping now termed (illegal rubbish dumping IRD), alcohol drinking, graffiti etc.

3.1.8 Poor housing conditions:

- The PRS has a high proportion of category 1 Housing Health and Safety Rating System (HHSRS) hazards, this equates to 9% of PRS properties and the highest proportion of high HHSRS category 2 hazards at 49% of dwellings, compared to 43 % of the owner occupied stock.
- 1,956 or 4.4% of private rented dwellings in Brent are estimated to have an energy performance rating (EPC) rating below E (i.e. F and G). Though below the 2014 EHS figure (7.5%), under the new rules on minimum standards these properties are not eligible to be rented out unless certain exemptions apply.
- A significant amount of the request for services received from private tenants relate to poor property conditions. The majority of enforcement interventions where serious hazards exist relate to overcrowding, poor heating, damp and mould, gas, fire and electrical safety owing to poor management by landlords.
- The total number of dwellings with HHSRS category 1 hazards in Brent's private sector stock is 9,628, and total cost for mitigating all Category 1 hazards is £34.2m. For the 3,819 dwellings in the private rented tenure the total cost for mitigating all Category 1 hazards is £13.6m.

3.1.9 Levels of migration: The net migration figures disguise the considerable flows of population. National Insurance Number Registrations of overseas nationals (NINo) 2017/2018 figures from DWP for Brent show total overseas registration 13,984 with 10,605 from the EU. Looking at internal and international migration in 2016-17, the number of international migrants moving into Brent over the year far outweighed the number of Brent residents leaving for destinations outside the UK (+10,800 vs. -4,700) – resulting in a net inflow of 6,000 international migrants into the borough. An ethnicity analysis of the 34 completed private housing prosecutions Jan 2016 – July 2016 show over 62% of tenants are from EU states with a further 18% of Asian origin. As part of a wider strategy, the Council wants to improve the economic conditions of the area and ensure that all people occupying private rented properties live in well managed housing and in acceptable conditions.

3.1.10 Levels of deprivation: Brent has 173 Lowest Super Output Areas (LSOA). 36 Lower Super Output Areas (LSOAs) in Brent fall into the 20% most deprived areas in England, including all of the LSOAs in Stonebridge and the majority of the LSOAs in Harlesden. The analysis shows that the proportion of privately rented dwellings that are in the 20% most deprived areas is 21% for Brent as a whole.

3.1.11 Levels of crime: Crime levels mapped over the last three years from January 2015 – December 2017 shows that the number of Total Notifiable Offences (all crimes) in Brent has increased in the last 12 months from 27,504 to 29,296 providing an overall increase of 7%. Over this same period London has also seen a 7% increase in Total Notifiable Offences. The latest crime rate is 70.8 per 1,000 head of population, the 15th highest in London. Our earlier report analysis of crime showed a positive correlation with the PRS, though this was much less positive than observed in the social sector.

- 3.1.12 Our evidence shows that problems exist to varying extents for each ward but are but are more significant in certain wards or areas of wards. Specifically, the evidence base justifies the renewal of additional licensing borough wide, and for selective licensing to be renewed and extended. The selective scheme will be subject to multiple designations areas. The areas proposed are shown respectively as maps 9 and 14 of this report as:
- i. Brent area designation for additional licensing, and
 - ii. Brent area designation for selective licensing

3.2 Why is the Council considering this measure?

- 3.2.1 The existing selective licensing and additional HMO schemes will end on 31st December 2019. In June 2017, Brent Cabinet considered the report on extending selective licensing and approved the recommendations. Brent Council is committed to licensing as part of its strategic approach to improving the general quality of housing in the borough.
- 3.2.2 The quality of the environment where people live is important both to the Council and to our residents and the Council is committed to improving the living conditions of all of its residents. We also want to build on lessons the existing mandatory and the discretionary HMO and Selective licensing schemes which were introduced in January 2015 and June 2018 to ensure that our residents live in good conditions and in safe communities where criminal and anti-social behaviour is minimised. We have found a strong link between poor property conditions, levels of anti-social behavior, deprivation and homes that are rented out privately.
- 3.2.3 In seeking to deal with the poor property standards, and also for the large number of HMOs whose owners have neglected to apply for licences, the standard enforcement regime is complicated and time-consuming, making it difficult to act quickly against poorly-managed private rented properties and rogue landlords. To tackle the problems, the Council has identified its private rented sector, and have added discretionary licensing powers to the range of enforcement powers which we use wherever we can.
- 3.2.4 We believe that our stepped approach to licensing the private rented sector is more in line with the current Government's wishes rather than the blanket approach adopted elsewhere. Therefore, provided all other criteria are reasonably met, we feel that an extended scheme submission for the Secretary of State confirmation is likely to be successful.

3.3 Supporting the Council's wider objectives

- 3.3.1 The Borough Plan 2019-2023: Building a Better Brent sets out the council's priorities and desired outcomes for Brent within a number of broad themes.

a) **A BOROUGH WHERE WE CAN ALL FEEL SAFE, SECURE, HAPPY AND HEALTHY**

DESIRED OUTCOMES:

- Reduction in anti-social behaviour, the risk of harm and re-offending
- Support our most vulnerable adults, enabling them to choose and control the services they receive, to remain independent and lead active lives
- Improve the health of Brent residents

b) **STRONG FOUNDATIONS**

DESIRED OUTCOMES

- Building services around residents and their needs
- Increase in resident satisfaction

c) A CLEANER, MORE CONSIDERATE BRENT

DESIRED OUTCOME

- Reduction in illegally-dumped rubbish

d) A FUTURE BUILT FOR EVERYONE, AN ECONOMY FIT FOR ALL

DESIRED OUTCOMES

- Increase in housing supply
- Reduction in the number of households in temporary accommodation

3.3.2 The plan also supports the objectives of the council's Draft Housing Strategy 2017-22 and other strategies aimed at maximising the contribution of the private rented sector to meeting housing need and demand through the provision of decent and well-managed accommodation.

3.4 Links to overall draft Housing Strategy 2017-22

3.4.1 Within the strategy there are opportunities for the private rented sector to play an important role in delivering new supply but there are serious concerns over standards, access and affordability. The strategy aims to work with the sector, supporting landlords to delivery supply that meets required standards of management and maintenance and is accessible to people on a range of incomes in a market that is well regulated and offers appropriate protection to tenants.

3.5 Wider context and Other courses of action being taken

3.5.1 Licensing is set in the context of the Council's wider programmes to tackle housing need, crime and ASB, for example noise nuisance and fly tipping, which are often associated with poor management in the PRS, particularly of HMOs. Similarly, the Council uses its planning and building control powers to ensure that alterations and improvements to PRS properties are undertaken properly.

3.6 Landlord Accreditation and Landlord Forum

3.6.1 Brent started to host accreditation training in 2017 and as part of the London Landlord Accreditation Partnership and has 857 landlords accredited to this scheme as at January 2019, rising from 632 in December 2014. The licensing schemes give a £40.00 discount per property for accredited LLAS members, however although there are over 3,500 licence holders, and, even accepted that some landlords are accredited to other schemes, the number of licence applicants who have claimed this discount is relatively low. Accreditation has its limitations in that being a voluntary scheme, landlords who are not interested in improving their professionalism are less inclined to join. Accreditation has not achieved the level of participation needed to tackle the problems in the PRS.

- 3.6.2 Brent's landlord forum had previously been poorly attended. Since 2015 the Council has operated in conjunction with Midas Property Club to host the forums which is on average are attended by over 200 landlords and agents with private property interest.

3.7 Housing Standards, Regulation and Enforcement

- 3.7.1 Service requests regarding private property standards are treated to an initial response and are referred where there is justification for further investigation. Between January 2015 and 31st December 2018, the Private Housing Service dealt with 2,960 requests for service from tenants, averaging 740 per year. For this period, 2,217 notices have been served on private landlords 1,318 of which required improvement works to be undertaken. There were 159 prosecutions for which £1.5m fines and costs were awarded, as a result of the housing act prosecutions heard. As an alternative to prosecutions the Council have issued over 100 civil penalty notices, 63 of which have been completed and paid.
- 3.7.2 For each of the 2 yearly periods between January 2014 and December 2015 the Environmental Services Noise Team dealt with 3,443 and 3,539 noise complaints respectively. Between January 2016 and September 2016 the Team dealt with 2,982 complaints. A proportion of these will have emanated from the PRS.

3.8 Empty Properties

- 3.8.1 Although the exact number fluctuates, Council tax estimates indicate 663 long term empty private properties. Private Housing has a dedicated Empty Properties Team which last year brought over 119 properties back into use. This not only adds to the available homes, as well as to reduce the nuisance and ASB that empty properties are likely to attract.

3.9 Regulatory Enforcement Group, Partnership working and tasking

- 3.9.1 The EPG (Enforcement Practitioners Group) was set up in 2015 to bring together regulatory enforcement teams from across departments to tackle specific problems which had a visual or environmental impact as the main issue.
- 3.9.2 We utilise a Local Joint Action Group (JLAG) model to tackle ASB issues in Brent, to seek to identify and manage location-based problems either in the public realm or through nuisance properties and locations. These are undertaken on a problem-solving basis and use analytical products to drive activity. Representatives from statutory organisations, voluntary sector agencies and housing providers come together monthly to manage issues raised by residents (through ward panels) or through data analysis. LJAGs also act as a decision-making body for the use of environmental and place-based ASB tools and powers, for example Public Space Protection Orders.

3.10 Homelessness

- 3.10.1 Although Brent has continued to increase its dwelling stock over the last 10 years (period 2006 - 2016) by 10.5%, its current housing stock does not meet demand. Brent Council's own housing stock consists of 11,378 homes as of February 2018, comprised of 7,878 rented and 3,500 leasehold properties. According to the Social Housing Regulator, in 2018, there were 55 RPs operating in Brent, managing 20,221 affordable homes for rent.

- 3.10.2 As of 1st April 2018, 3,632 households are in Bands A-C on the Housing Register (those considered to be in housing need). Brent has had one of the largest temporary accommodation portfolios in the country for many years. As of 31st December 2018, Brent Council reports to have 2,348 households in Temporary Accommodation, a total reduction of around 44% since 2004. In 2016/17 294 individuals were recorded rough sleeping in Brent, a 39% increase on figures from 2015/16. Brent is taking a range of actions to address demand arising from homelessness and reduce reliance on temporary accommodation.
- 3.10.3 The Draft London Plan (2017) sets a new target of 29,150 additional homes to be delivered in Brent over the period 2019/20 to 2028/29, an average of 2,915 per annum. This is almost double the 2015 target of 1525 homes per annum. Of these new homes, The Council's Housing Strategy aims to facilitate the delivery of 1,000 new affordable homes each year from all possible sources with 70% for affordable rent and 30% for affordable homeownership. This includes the Council's own development programme which will deliver 817 new council homes. The Greater London Authority report that Registered Providers who are receiving grant will have 3,330 units started on site in the Brent by 2020. It is important to note, 841 will be Social Rent, London Affordable Rent or Affordable Rent.
- 3.10.4 The number of housing benefit claimants in Brent reached its peak in 2012-13 at 38,099, as of March 2019 this number is 32,644, a reduction of 1,924 since November 2018, when Universal Credit (UC) went live in Brent. The UC caseload in Brent, at 31st March, was 5,849, an increase of 3,674 on November. (This will include our former HB cases plus UC claims from non-dependants etc., with no rent liability.). Brent has the highest number of housing benefit claimants in all of the outer London Boroughs, and has the 2nd highest number of housing benefit claimants in social rented accommodation.
- 3.10.5 As of Q3 2017, Brent had the 12th highest median private rent levels in London, and the highest median private rent levels in outer London.
- 3.10.6 The private sector therefore plays an important role being a key source of temporary and permanent accommodation to meet it. Licensing can play a significant role in ensuring that the sector is well managed and provides settled and decent accommodation for Brent residents. It is also recognised though a Brent commissioned study report by Future of London 2017, that licensing enforcement action could lead to homelessness and the council acts to secure the rights of tenants and provide advice and assistance as required. There has been no evidence of any significant level of homelessness applications directly arising from licensing activity.

3.11 Regeneration

- 3.11.1 Alongside our work with private landlords, our key priority is to increase supply of affordable housing, including the supply of private rented housing. LB Brent was the first local authority to secure designation for Housing Zones in Wembley and Alperton and these two zones have the capacity to support the greatest growth moving forward, with over 20,000 new homes in total and specific interventions to accelerate delivery of over 5,000 new homes by 2025. This represents a significant contribution to London-wide targets and public realm improvements in Brent.

3.12 The Summary and the Effect our Proposals

- 3.12.1 The Council is proposing to renew the additional licensing designation which applies to the entire area of Brent. The current designation will end on 31st December 2019. The reason the Council is proposing to do so is because it considers that a significant proportion of the HMOs of this description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- 3.12.2 The Council is proposing to renew the existing selective licensing scheme designation applying to Harlesden, Wembley Central and Willesden Green which will end on 31st December 2019. The grounds for the designation are the areas are experiencing one or more of either poor property conditions, deprivation and or antisocial behaviour.
- 3.12.3 The Council is proposing that selective licensing is extended to the Brent wards of Alperton, Barnhill, Brondesbury Park, Fryent, Northwick Park, Preston, Queensbury, Sudbury, Tokyngton (excluding Wembley Park) and Welsh Harp. The grounds for the designation are the areas are experiencing one or more of either poor property conditions, deprivation and or antisocial behaviour.
- 3.12.4 The evidence we have collected so far tells us that there is a strong connection between poor property conditions, anti-social behaviour, deprivation and the management of the private rented sector in Brent. We are using the consultation exercise to see if residents and businesses think that the Council should renew and extend licensing schemes.
- 3.12.5 We are also consulting about where selective licensing should apply based on certain criteria.
- 3.12.6 Our proposals are primarily governed by the provisions of the Housing Act 2004. A summary of the legislation that underpins our proposals for additional and for selective licensing, can be found at paragraphs 4.1 to 4.4.
- 3.12.7 We have designed a questionnaire to capture your views on our proposals. This is an open questionnaire for anyone likely to be affected by the proposals. It is for residents including tenants, businesses, private landlords with properties in the borough and also for stakeholders in the London Boroughs of Barnet, Camden, Ealing, Harrow, Hammersmith and Fulham, Kensington and Chelsea, and Westminster, as these boroughs border Brent.
- 3.12.8 The consultation questionnaire will be conducted online, although paper forms will be made available on request and in certain circumstances. Paper forms can be completed by hand and returned to the in a pre- paid self- addressed envelope. The outline consultation will be set out in a communications plan.
- 3.12.9 Licence Fee proposal –We are proposing to keep our basic fee of £840.00 for HMOs and fee of £540.00 for selective licences. The first stage or Part 1 HMO fee is £540.00 and the Part 1 fee for a selective licence proposed is £340.00. The remainder of the full licence fee will be demanded when the licence is ready to be issued. A further discount of £40.00 per application will be given to landlords who are accredited to the London Landlords Accreditation Scheme, which works in partnership with Brent. This is our way of supporting accreditation as an excellent way for responsible landlords to improve their knowledge of the sector as well as demonstrating their professionalism to tenants and to others.
- 3.12.10 The Council has already introduced a split licence fee regime in compliance with the legal rulings. In setting HMO and Selective licence fees, the council must follow certain principles

established the European Services Directive (ESD). The fees are intended to off-set the cost to the Authority of administering the licensing scheme and is split between costs incurred for the processing and administration of the application, Part 1, and after deciding to issue a licence, Part 2, the enforcement costs. Issues raised concerning fee during the consultation will be considered as part of the consultation response. The fee structure is in **Annex A**.

- 3.12.11 Licence conditions proposals – We have reviewed our existing licensing conditions, notably in regard to the *Brown V Hyndburn Borough Council* [2018] decision in regard to selective licensing, and also to reflect the new statutory mandatory conditions. Issues raised concerning our licence conditions during the consultation will be considered as part of the consultation response. The proposed additional licensing conditions are at **Annex B**. The proposed selective licensing conditions are in **Annex C**.
- 3.12.12 If introduced, the effect will be that landlords who rent or let any Additional HMO in Brent; and moreover who let any residential accommodation in any area designated for selective licensing in Brent, that is not occupied as a mandatory House in Multiple Occupation (HMO) must have a licence. There are statutory exemptions to the requirement to licence but in reality this will affect properties occupied;
- For additional licensing: - by at least 3 but less than 5 tenants or licences, living as two or more households irrespective of the number of storeys. The proposal also covers HMOs which are certain converted blocks of flats (section 257 HMOs) and flats in certain purpose built blocks, and,
 - For selective licensing: - the whole of it is occupied either, under a single tenancy or licence or, under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy or licence.
- 3.12.13 In Brent, selective licensing will typically apply to a house or flat occupied by a single family, or occupied by no more than two people forming no more than two tenancies or licences.
- 3.12.14 All applications must be made to the Council and shall be accompanied by the licence fee. The Council will apply the Housing Act mandatory and its own standard conditions where licences are granted. Specific conditions and schedule of works may also be applied.
- 3.12.15 Fit and Proper Persons: In determining whether to grant or refuse a licence, the Council must be satisfied that the proposed licence holder and/or manager is a “fit and proper person” to manage the house. We must refuse and may revoke the licence unless other satisfactory arrangements can be agreed. In determining the test of fitness etc. and satisfactory management arrangements, the Council will consider the requirements set out in sections 66 and 89 of the Housing Act 2004.
- 3.12.16 If the additional or selective licensing schemes are renewed, or the selective licensing scheme is extended in Brent then the designations will last for 5 years unless revoked earlier by the Council.
- 3.12.17 The Council has the discretion to grant licences for a period of up to 5 years. It is proposed that generally where full licences are granted, they will be granted for 5 years from the issue date. Where licences are granted for a reduced period the reasons for this decision will be stated on the licence.

3.12.18 An Equality Analysis (EA) was undertaken in 2017 to identify those affected, assess the impact of the change and to meet their needs. In general, the licensing proposals will have a positive impact for all protected groups. The scoped EA (**Annex D**) and will be reviewed at the end of the consultation and an updated EA will be presented to Cabinet for a decision.

3.12.19 **Paragraph 10.0** provides information about the consultation and details on you can respond to these proposals.

3.13 What will Private Rented Sector licensing achieve?

3.13.1 Overall licensing will help us to work with landlords to drive up management standards for private rented properties in the whole borough and in summary we believe that this will:

- Provide an improved strategic approach to managing the sector
- Help us to identify all properties that are rented out privately and to Establish a register of landlords operating in Brent
- Give us the opportunity to inspect the properties to assess living conditions and to advise landlords, managing agents and tenants about their obligations
- Impose the Housing Act mandatory conditions and a set of local conditions as a minimum letting standard in Brent
- Redefine how the service operates by shifting the emphasis from a customer complaints led, reactive service
- Address issues resulting from the movement of new and emerging communities and to preserve or improve the socio-economic conditions of the area
- Ensure that a proper standard of management of privately rented property is maintained and that properties do not become overcrowded
- Reduce the levels of anti-social behaviour in the borough and take action against those whose properties or tenants cause persistent ASB
- Reduce enviro-crime locally including improvement in the management of waste
- Strengthen enforcement action to tackle the small minority of rogue landlords in the sector

3.13.2 We will focus on poor property conditions and across a wide range of anti-social behavior, including littering and dirty front gardens, noise nuisance and the use of privately rented homes for illegal activities. We will also address sub-standard conversions of and subletting of homes.

3.14 Does the Council want to put off landlords from operating in Brent?

3.14.1 This is not our intention and we recognise that private renting plays a valuable role in providing housing for residents of the Borough. Many landlords operating in the Borough take their responsibilities seriously and we want to encourage and support these landlords. We believe most landlords will welcome our approach. Licensing will help us tackle the worst properties and the poorest management standards in the Borough's private rented sector. Licensing will also help us to support landlords through advice, training and a range of incentives that we believe will assist them in running their businesses effectively and profitably, while mitigating the damage to the sector's reputation caused by bad practice.

3.15 How will Private Rented Sector licensing work?

3.15.1 Where licensing is introduced, properties which are rented out privately must be licensed by the Council. This Part applies to a house if—

- (a) it is in an area that is for the time being designated under section 80 as subject to selective licensing, and
- (b) the whole of it is occupied either—
- (i) under a single tenancy or licence that is not an exempt tenancy or licence or
 - (ii) under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy or licence

3.15.2 The exemptions to this under s79, subsection (3) or (4) are set out below:

- Properties which are required to be licensed as a house in multiple occupation (HMO) under Part 2 of the Housing Act 2004
- Properties subject to a temporary exemption
- Properties subject to a management order
- Properties let by a Local Authority or registered provider
- Properties let under tenancies or licences described as ‘exempt’ from the requirement to be licensed by the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006/370

3.15.3 Private landlords and managing agents who want to let out a property in the areas where licensing operates will need to submit an on-line application form to the Council. The licence fee will be payable and a current valid gas safety certificate for the premises must be submitted. Certain criteria must be met in order to obtain the licence e.g. we would have to consider if the landlord or managing agent is ‘fit and proper’. This means that we could ask whether they have committed certain offences, or, have any criminal convictions and check past history.

3.15.4 There will be conditions attached to the licence which would make sure that landlords keep properties safe; that references are secured for new tenants; and that any complaints of anti-social behaviour are dealt with.

3.15.5 Landlords or managing agents who let homes without a licence would have to pay unlimited fines if they are convicted by the Courts, can face unlimited fines, and may have their licence removed if they do not comply with the licence conditions.

3.15.6 If an applicant feels that a decision is unfair we will discuss the decision and try to resolve it. There is a right to make representations to the Council and also to appeal to the Residential Property Tribunal.

3.16 What about the costs for landlords?

3.16.1 Landlords will have to pay a licence fee for each property that they rent privately within the designated area. Councils are allowed to recover the cost of running the licensing scheme through charging a licence fee but they are not allowed to make a profit on this. The fee structure Annex D shows what activities will be for and those where there is no charge.

3.17 The regional Licensing Scheme picture

3.17.1 Additional licensing schemes have been implemented in half (51%) of London Boroughs. Selective licensing schemes have been implemented in a third (33%) of London Boroughs.

3.17.2 Brent is bordered by boroughs that have part-licensing schemes already in place. Only Kensington and Chelsea and Westminster do not have either additional or selective licensing

schemes. Barnet, Camden, Ealing, Hammersmith and Fulham, and Harrow all have borough-wide licensing for all their HMOs. Strategically, there is a need for Brent to have such a scheme in place to prevent rogue landlords operating in its area.

3.17.3 None of our bordering boroughs have a borough-wide selective licensing scheme. As of November 2017, selective licensing schemes have been introduced in eleven London boroughs - Barking & Dagenham, Brent, Croydon, Ealing, Hammersmith & Fulham, Harrow, Newham, Redbridge, Southwark, Tower Hamlets & Waltham Forest. LB Newham, which was the first to introduce a borough-wide scheme have now renewed their discretionary scheme, while Barking and Dagenham and Waltham Forest are consulting on theirs. Except for very small area these three boroughs have designated or intend to designate most or all of their areas.

3.17.4 Additional licensing schemes have been implemented in half (51%) of London Boroughs. The average licence application fee for an additional HMO containing five single person lettings is £1164. The average selective licence application fee is £560 which is about half that charged under the mandatory HMO scheme (£1116). *[Source: NALS-licensing-fees-research, January 2018].*

4.0 SECTION B - The legal framework

4.1 Licensing in the private rented sector

4.1.1 The Housing Act 2004 enacts three schemes for the licensing of privately rented accommodation, namely mandatory licensing, and discretionary HMO licences and selective licensing of other houses. The discretionary schemes may run for up to five years. Subject to certain exemptions, mandatory licensing was extended on 1st October 2018 to cover all HMOs occupied by five or more persons in two or more households, irrespective of the number of storeys.

4.2 Conditions applying to additional HMO licensing and further background

4.2.1 Part 2 of the Housing Act 2004 provides for HMOs to be licensed if an area is being designated by the authority under section 56 as subject to additional licensing, any HMO in that area which falls within any description of HMO specified in the designation.

4.2.2 We must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. Before making a designation the authority must—

(a) take reasonable steps to consult persons who are likely to be affected by the designation; and

(b) consider any representations made in accordance with the consultation and not withdrawn.

4.2.3 A designation of an area as subject to additional licensing can come into force as it falls within a description of designations in relation to which that authority has given a general approval, in accordance with s58(6) of the Act.

4.3 Conditions applying to Selective licensing and further background

4.3.1 Part 3 of the Housing Act 2004 gives Councils the power to introduce selective licensing schemes for privately rented properties in some or all of its area in order to improve

standards of management in the private rented sector (PRS) and lead to an improvement of the area. In Brent this will apply to privately rented properties falling outside the scope of mandatory or additional licensing. The power to designate is subject to certain conditions and criteria, including the requirement to consult persons who are likely to be affected by the designation; and to consider any representations made in accordance with the consultation being met.

- 4.3.2 The supporting evidence for the 2014 scheme was based on the criterion; that the area is experiencing a significant and persistent problem caused by anti-social behavior, and that some or all private sector landlords in the area are failing to take action to combat the problem that it would be appropriate for them to take; and that making of a designation, will, when combined with other measures taken by the local housing authority (LHA), or by other persons together with the LHA, will lead to a reduction in, or the elimination of, the problem.
- 4.3.3 Section 80 of the Housing Act 2004 prescribes two general conditions for selective licensing, i.e. low housing demand and significant and persistent ASB. Additional criteria for making a scheme came into force in 2015. <http://www.legislation.gov.uk/ukxi/2015/977/contents/made>. In addition to the already existing low demand and antisocial behavior criteria, the Department for Communities and Local Government “Selective Licensing in the Private Rented Sector” Guide for Local Authorities states that a selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions, being an area experiencing:
- i. Low housing demand or is likely to become such an area;
 - ii. Significant and persistent problem caused by anti-social behaviour (ASB);
 - iii. Poor property conditions;
 - iv. High levels of migration;
 - v. High level of deprivation;
 - vi. High levels of crime.
- 4.3.4 A new General Approval came into force on 1 April 2015. Brent Council will be required to obtain confirmation from the Secretary of State for any licensing scheme which would cover more than 20% of its geographical area or would affect more than 20% of the privately rented homes in the Borough. This may be especially so, given that there is a 2018 scheme running which is covering the Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park electoral wards. This 2018 scheme is based on the ASB, poor property conditions, migration and crime criteria.
- 4.3.5 The new legislation, *The Selective Licensing of Houses (Additional Conditions) (England) Order 2015* is supported by non-statutory guidance document *Selective licensing in the private rented sector: A Guide for local authorities*, DCLG, March 2015 explains the criteria for making a selective licensing scheme and the type of evidence needed to support a designation.
- 4.3.6 Before proposing a designation and embarking on a consultation the local housing authority must identify the problems affecting the area to which the designation will apply and provide evidence to support the existence of the problems.
- 4.3.7 The proportion of properties is a statutory requirement- see *The Selective Licensing of Houses (Additional Conditions) (England) Order 2015* - Article 3 (1) (a). It is a prerequisite to making a scheme that such a review has been carried out. *The Selective Licensing of Houses (Additional Conditions) (England) Order 2015* – Article 4 (a).

4.4 Satisfying the licensing legal framework

- 4.4.1 Section 3 of the Housing Act 2004 requires local housing authorities to review the housing statistics in their district. The requirements of the Act are wide-ranging and also refers to other legislation which between them covers the following;
- Dwellings that fail to meet the minimum HHSRS standards
 - Houses in multiple Occupation
 - Selective licensing of other houses
- 4.4.2 The Council is permitted to charge a licensing fee. Two landmark rulings - R (Gaskin) v Richmond-upon-Thames LBC [2018] EWHC 1996 (Admin), and R (Hemming t/a Simply Pleasure) v Westminster CC [2017] 3 WLR 317, therefore applies to licensing under Part 2 and Part 3 of the Housing Act 2004, meaning that licensing fees must be levied in two separate stages, Part 1 – a fee levied at the point of application to cover the costs of obtaining authorisation under the scheme, i.e. the costs of processing the application; and Part 2 - a licence fee levied upon applicants if the application is successful and hence the licence is granted to Part cover the running costs and the enforcement of the scheme.
- 4.4.3 A **The size of the PRS**: at 37%, we consider that Brent has a very high proportion of private rented properties, with reference to the latest English Housing Condition Survey data (January 2019) which reports that the PRS now makes up 20% of the housing stock in England. Existing data sources e.g. the Strategic Market Housing Assessment and Private Housing Services records provide evidence that properties in Brent are occupied under assured tenancies or licences.

5.0 SECTION C - Property Licensing schemes and Enforcement in Brent to date

5.1 Licensing take up

- 5.1.1 A report to the Brent Housing Scrutiny Committee provided an overview of the progress since the implementation of borough-wide Additional and Selective Licensing in the three wards of Harlesden, Wembley Central and Willesden Green in January 2015. There has been a good take-up of Mandatory and Selective licensing in Brent, far exceeding the totals estimated prior to implementation. However, the take up of additional HMO licensing has been poor.
- 5.1.2 Currently there are **11,550** properties of all scheme types licensed as at 31st March 2019. The 2014 selective scheme has exceeded the modelled estimates, while the 2018 selective scheme has already within the first nine months achieved 79% of its modelled estimates. It is important to note that these figures are for existing licences granted and therefore when all current applications made are processed and granted the take up will be seen to be higher.

Table 1: Number of licenced properties 31 March 2019

Ward/Licence Type	Properties Licensed	Estimate of licensable properties	%
Harlesden	1588	1,109	143%
Willesden Green	1790	1,011	177%
Wembley Central	1321	703	188%

Dudden Hill*	595	1081	55%
Kensal Green*	660	1105	60%
Kilburn*	685	693	99%
Mapesbury*	827	1012	82%
Queens Park*	674	469	144%
Total (Selective)	8140	7183	113%
HMO Mandatory	1114	300	222%
HMO Additional	2296	16,000	13%
Total HMO	3410	16,300	21%
All Grand Total	11,550		

*Selective scheme designation commenced 1st June 2018.

5.1.3 As part of our BRE study 2019 we have reviewed the impact on mandatory licensing in response to the 2018 HMO and property licensing reforms. Table 2 below shows the revised estimates and licensing take up.

Table 2: Revised estimates and take up of HMOs in Brent 2019

	Total No. of all HMO	Additional Licensing scheme HMOs	Mandatory Licensing scheme HMOs
Estimated No. of HMOs	16,984	12,153	4,831
No. of HMOs Licensed	3,410	2,296	1114
	20.1%	18.9%	23%

5.2 Management and Enforcement of the Licensing Function

5.2.1 From a very low enforcement base in 2014 of 0 prosecutions and 110 licensed HMOs, Brent is now one of the top housing enforcing authorities nationally, making appropriate use of both *Housing Act 2004* and the *Housing and Planning Act 2016* powers to tackle non-compliant and rogue landlords.

5.2.2 Licensing has been used strategically to deal with problems of ASB and to improve conditions associated with the PRS. A **License, Inspect, Act** approach has been used to actively encourage landlord to apply for licences voluntarily, or otherwise to require applications to be made by proactive measures and formal enforcement. A licence condition and compliance inspection regime is operated with proportionate enforcement action, notably to target the most non-compliant landlords and worst offenders, including rogue landlords. Our approach has involved;

- Understanding the PRS in Brent at borough, ward and LSOA levels
- Consolidated licensing communication plan
- Proactive identification and reactive response and targeted joined up enforcement action
- Entirely on-line licence application process and IT structures
- Licences granted, revoked and granted for reduced periods enable compliance
- Inspection programme
- Brent landlord and tenant education and advice
- Licensing scheme KPI reporting, review and scrutiny

Table 3: Enforcement action for conditions and minimum standards since January 2015

Activity	Output	Outcome
Compliance Inspections	2184	<ul style="list-style-type: none"> Properties improved see tables 2.1 and 2.2 below Compliance - Part 1 hazards or parts 2-3 breaches Failure to licence compliance Reduction in ASB
Compliance schedules issued	1830	
Unannounced inspections (raids)	1558	
Planned Inspections	1181	
Reduced period licence renewal applications (Jan 2016 – Jan 2016) = 452 (May 2017- March 2019)= 427	879	10.8% of properties licensed to address mainly gas safety certificates, overcrowding, and terms of tenancy agreement conditions
No. of warning letters sent	>3000	High level confidence of failure to licence
Successful Prosecutions (since 1/1/16)	159	£1.5m in court fines and cost. 2x prison sentences issued
Civil Penalty Notices completed and paid	63	Robust application of the Housing and Planning Act 2016. Average penalty £4,600
Proceeds of Crime Act (POCA) 2002 awarded	2	£365k in confiscation order, fines and costs. In December 2018, Brent became first LA to be granted a Confiscation Order under the H. Act 2004
Linking licensing with Council Tax and Housing Benefits	>£100k reclaimed	Increase in c/tax revenue and HB from landlords
Landlord training and accreditation	857 Brent landlords accredited	8th highest number of accredited landlords of all London boroughs (at January 2019)

5.2.3 4,424 properties were improved over the 4 years 2015-2019 (Table 4). On inspection only 23.3% of properties were found complaint (Table 5). Of the properties inspected 49.4% were HMOs and only 16.7 % of these were found to be complaint with housing standards.

Table 4: The total PRS properties Improved (yearly outturns)

Year	2015/16	2016/17	2017/18	2018/19
Totals	1,281	968	1,008	1,167

Table 5: Inspection programme improvement 2015 - 2018

How Improved	Count	%	HMO Count	HMO %
Breach of Licence	1503	34%	1830	83.3%
Cat 1 removed	1424	32.20%		
Cat 2 removed	464	10.50%		
Found Compliant	1033	23.30%	354	16.7%
Total	4,424	100%	2184	100%

6.0 SECTION D – The Evidence Base to support our proposals

6.1 Applying HMO and Selective licensing schemes in Brent

- 6.1.1 In Brent additional licensing will apply to a House in Multiple Occupation (HMO) which is any house or flat that is occupied by three or more people who form more than one household.
- 6.1.2 Brent Council considers that the local authority has taken necessary actions to improve standards in the HMO sector in the Borough using the powers currently available. There is evidence however that many HMOs in the borough remain unlicensed, poorly managed and are in an unsatisfactory state of repair.
- 6.1.3 Brent is taking a sensible approach to operating its licensing schemes. Analysis of licensing takes shows HMO licensing take up is higher in wards where there is also a selective licensing designation. Licensing of HMOs (both mandatory and additional licensing) is intended to ensure that:
- the landlord of an HMO is a fit and proper person (or employs a manager who is)
 - each HMO is suitable for occupation by the number of people allowed under the licence and that overcrowding is eliminated, or is at least reduced
 - the standard of management of the HMO is acceptable
 - vulnerable tenants are protected.
 - high-risk HMOs can be identified and targeted for improvement

6.2 Further evidence for selective and additional licensing

- 6.2.1 The following sections further sets out the evidence the Council has looked at before deciding to consult on renewing and extending our licensing scheme. Evidence is presented for the PRS overall and then focused first on the HMO dwellings and thereafter on the single family dwellings. The analysis is for:
- The growth and the distribution of the PRS
 - Levels of poor housing conditions and deprivation in particular, with general data on migration and crime
 - The levels of Housing Act ASB reported to the Council and to the Police and the links between ASB and the PRS

6.3 Methodology

- 6.3.1 Data was gathered from the Council, the Metropolitan Police reported incidences and national databases over the last 2-3-year period. For ASB, incidences that met the MHCLG guidance and Housing Act definition were mapped against the LSOA PRS distribution to establish a correlation between the ASB and the PRS.
- 6.3.2 Brent Council commissioned BRE to undertake a series of modelling exercises on their housing stock which required BRE to produce an integrated stock model which includes Local Land and Property Gazetteer (LLPG), benefits, enforcement/grant records, Houses in Multiple Occupation (HMO), Tenancy Deposit Scheme (TDS) and additional tenure data provided by Brent Council.
- 6.3.3 The main aims of this work were to provide estimates of the percentage of dwellings meeting each of the certain key indicators for Brent overall and broken down by tenure and then mapped by Census Output Area (COA) (private sector stock only), and including an

assessment of Category 1 and high Category 2 hazards. The BRE Housing Stock Models were used to provide such estimates at dwelling level and focussing on private sector housing. The key indicators provide Brent with detailed information on the likely condition of the stock and the geographical distribution of properties of interest. The BRE report also provides additional bespoke analysis to assess the potential for proposals for its private rented sector selective and additional licensing schemes.

6.4 Population projections and the PRS in Brent

6.5 Population projections for Brent

6.5.1 The figure at 2018 is 334,700. According to the latest GLA projections, the Brent population is expected to rise by 18% in the next twenty years which equates to an additional 61,100 residents by 2038 – around an extra 3,000 residents per year.

Figure 1: The population projections for Brent shows annual population increase.

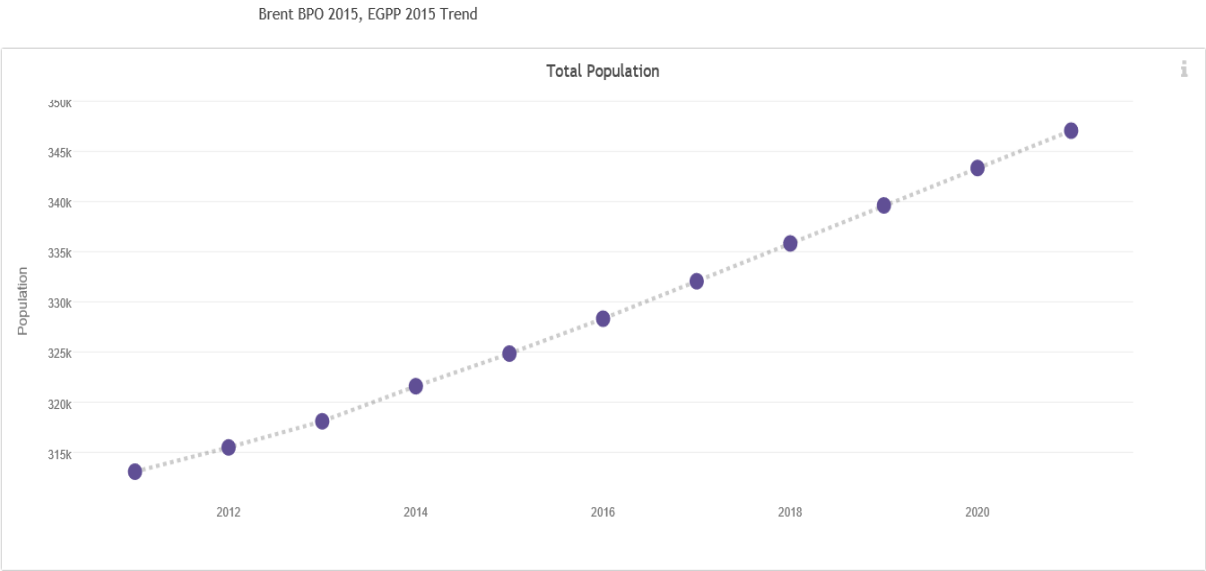
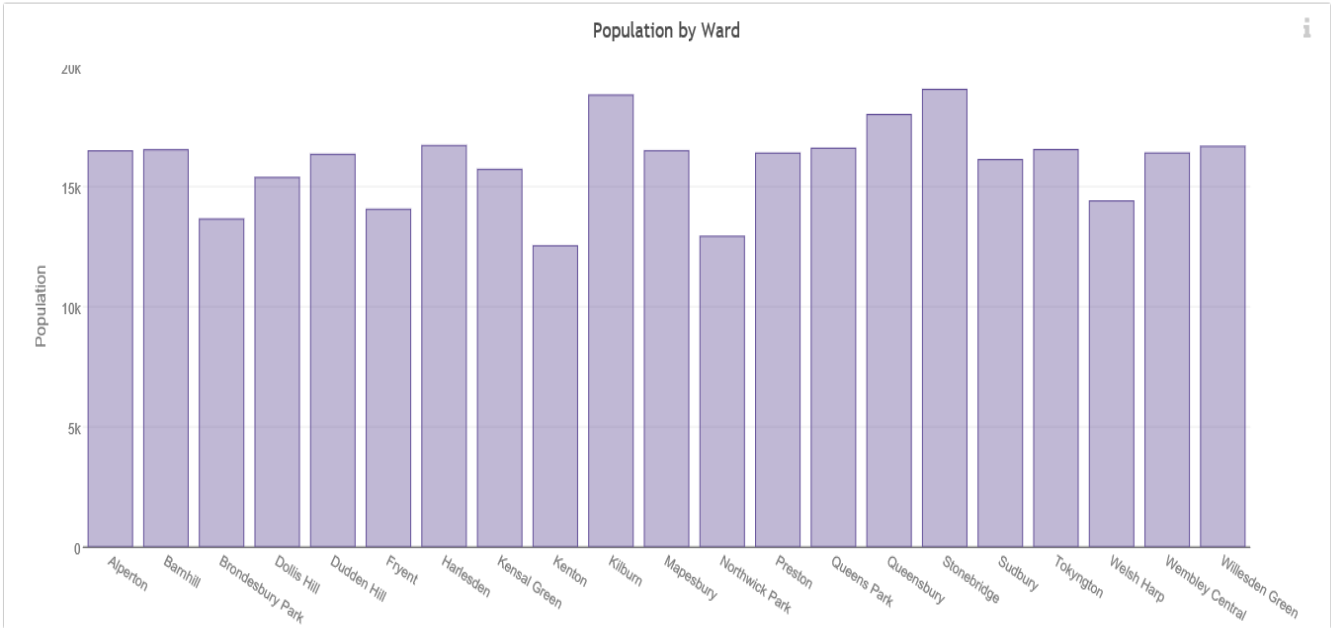


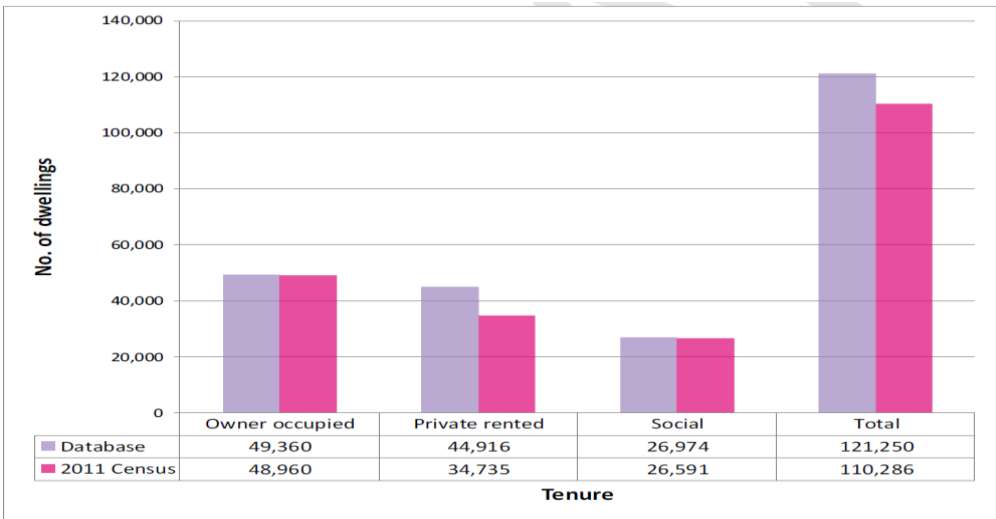
Figure 2: Population by ward



6.6 The private rented sector in Brent: its growth and distribution

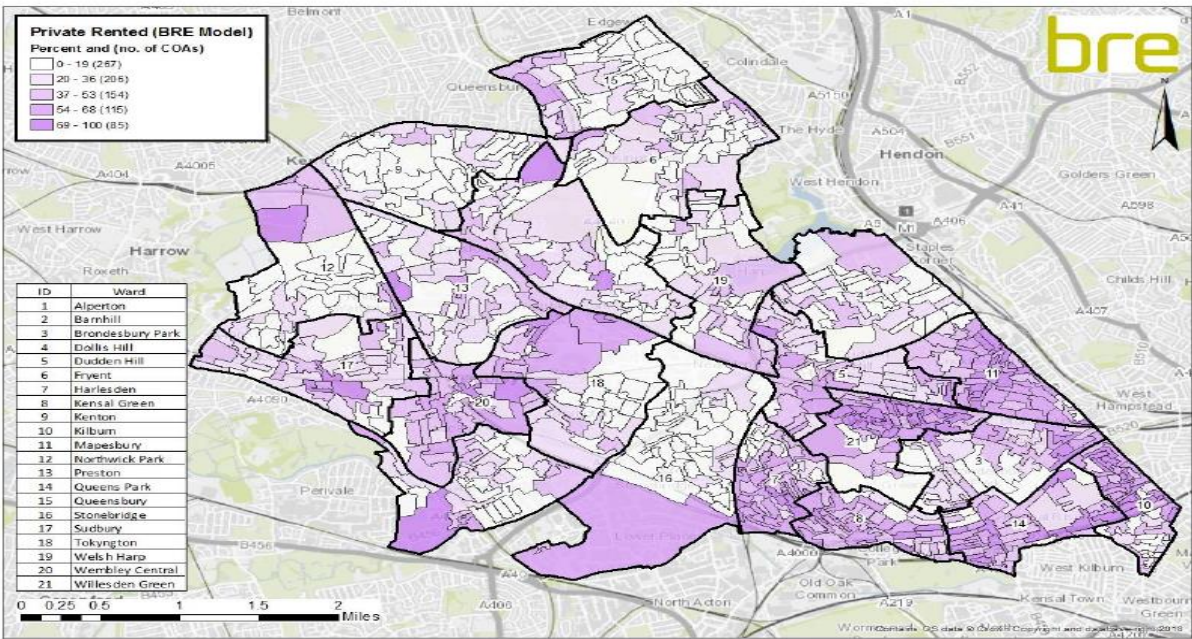
- 6.6.1 The private rented sector in Brent is large and growing. In 2011 there were 35,000 properties in the sector in the Borough - over 31% of the housing stock, a growth from 17% of the total stock in 2001.
- 6.6.2 The analysis for this current BRE report estimates that 37% of the stock is now privately rented, implying a further increase since 2011 of 6%. As this trend continues the private rented sector is now bigger than the social rented sector provided by the Council and housing associations in Brent. The percentage of households in Brent who live in the private rented sector is higher than both the London and national averages.

Figure 3: Tenure Split – comparison of BRE HSCD with 2011 Census figures for Brent



BRE Database (2019) – Map 1

Map 1: Distribution of estimated percentage of private rented dwellings in Brent – based on data



- 6.6.3 Table 6 below is the count and percentage of estimated privately rented dwellings across Brent. The three wards covered by the selective licensing scheme introduced in 2015 are

Harlesden, Wembley Central and Willesden Green. These wards have high levels of private rented stock – 49%, 46% and 60%, respectively.

- 6.6.4 The five wards covered by the selective licensing scheme introduced in 2018 also have private high rented stock proportions; Dudden Hill – 40%, Kensal Green – 51%, Kilburn – 47%, Queen’s Park – 52% and Mapesbury – 58%. Of the remaining thirteen wards, not currently covered by selective licensing, Dollis Hill (19%), Kenton (19%), and Stonebridge (16%) all fall below the 20% national average for percentage of private rented stock.

Table 6: The count and percentage of estimated privately rented dwellings across Brent.

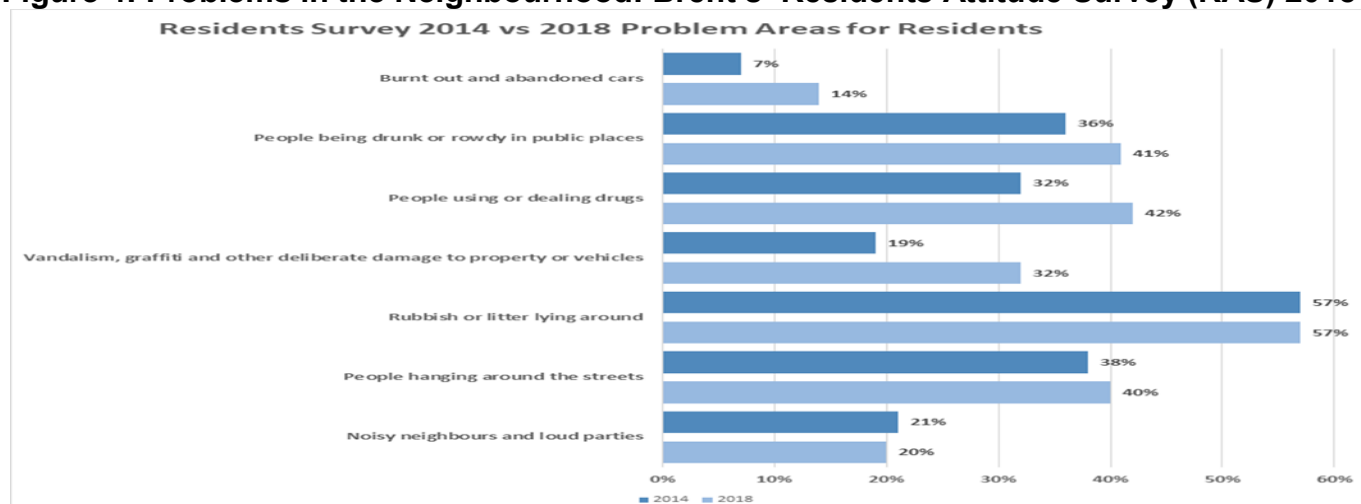
Ward	Dwellings - all stock	Dwellings - private	
		Count	%
Alperton	5,137	1,776	35%
Barnhill	5,824	1,481	25%
Brondesbury Park	5,759	2,316	40%
Dollis Hill	5,009	937	19%
Dudden Hill	5,684	2,271	40%
Fryent	4,622	1,088	24%
Harlesden	7,069	3,433	49%
Kensal Green	6,243	3,154	51%
Kenton	4,170	776	19%
Kilburn	8,155	3,871	47%
Mapesbury	6,779	3,948	58%
Northwick Park	3,916	795	20%
Preston	5,698	1,660	29%
Queens Park	6,473	3,334	52%
Queensbury	5,457	1,164	21%
Stonebridge	6,983	1,106	16%
Sudbury	5,439	1,869	34%
Tokington	6,050	2,444	40%
Welsh Harp	5,106	1,219	24%
Wembley Central	5,066	2,312	46%
Willesden Green	6,611	3,962	60%

6.7 The levels of Housing Act ASB and the links to the PRS

- 6.7.1 In terms of ASB evidence, we are providing some headline stats for ASB in Brent as a well as showing the relationship between ASB and PRS. Three sources highlighted are the residents’ attitude survey, Council recorded enviro-crime data and police recorded enviro-crime. In defining anti-social behavior in our evidence we have used the Police and the Housing Act definitions of ASB to (a), highlight the general problems of ASB and then to, b) link the incidences to the PRS.

- 6.7.2 Brent Residents Attitude Survey 2018:

Figure 4: Problems in the Neighbourhood: Brent’s’ Residents Attitude Survey (RAS) 2018



- 6.7.3 The responses in figure 4 above is a face-to-face survey of 2,100 representative residents carried out during May-June 2018 which captures residents' views about their neighbourhood and the Council. The topics include, community and local area, local priorities and community safety. Figure 4 above shows that both enviro-crime e.g. rubbish and litter, noise, graffiti etc., and police reported crime e.g. alcohol misuse, robbery rank as matters of highest concern, with no significant change in the residents' views in relation to litter, people hanging around the streets and noise nuisance.

6.8 Police recorded Anti-Social Behaviour

- 6.8.1 Anti-Social Behaviour (ASB) is any behaviour that causes alarm, harassment or distress to one or more persons not of the same household. This is divided into three types of behaviour – personal (where the behaviour is deliberately addressed at an individual to cause intimidation or harassment), nuisance (where harm is caused by non-deliberate nuisance behaviour) and environmental (where harm is caused to the environment). ASB creates particularly high levels of demand on services - Brent Police receive around 12,000 calls for ASB in a calendar year.
- 6.8.2 In responding to ASB we have used licensing as part of a coordinated approach. Some cases are managed with liaison with the council Safer Neighbourhood Team (SNT) which includes a number of regulatory partners including the Police. Our partnership involves taking enforcement action using statutory tools and powers, managing high-risk locations generating ASB, diverting offenders from anti-social behaviour and working to reduce the vulnerability of those likely to suffer harm from ASB.
- 6.8.3 Figure 5: Data source: calls received by the Metropolitan Police (Brent) where the call handler has flagged the call as ASB related. During this three-year period ASB calls received by the Police had a slight downturn between 2013 and Sept 2015 but since then reports have slowly increased. as demonstrated by the 12 month rolling average shown in the graph below.

Figure 5: Data source: calls received by the Metropolitan Police (Brent)



- 6.8.4 Figures 6 and 6.1 break this down to ward level. This shows high levels of ASB across all wards though wards such as Wembley Central, Stonebridge, Harlesden, Willesden Green, Kensal Green, Queensbury and Kilburn were significantly higher than the ward average. There is also a rise in some wards e.g. Barnhill and Queensbury over the two-year period, but clearly

we have seen a reduction of calls in terms of Willesden Green and Wembley Central, and no increase in the Harlesden wards.

Figure 6: Distribution of ASB calls to police by electoral ward 2013-2016

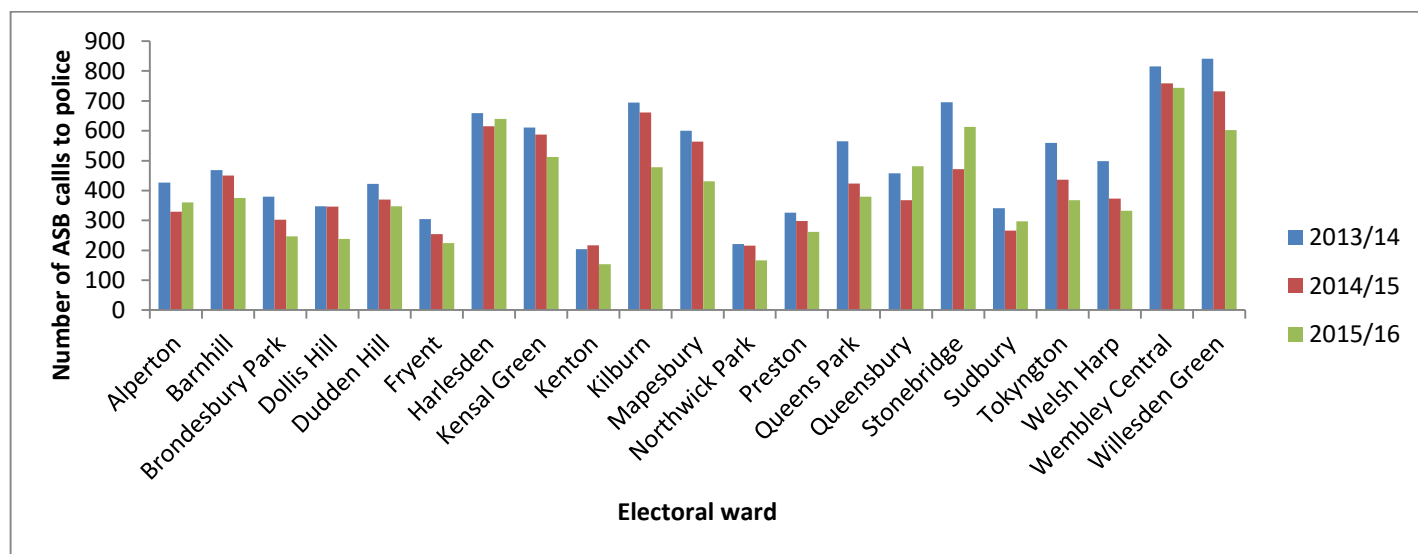
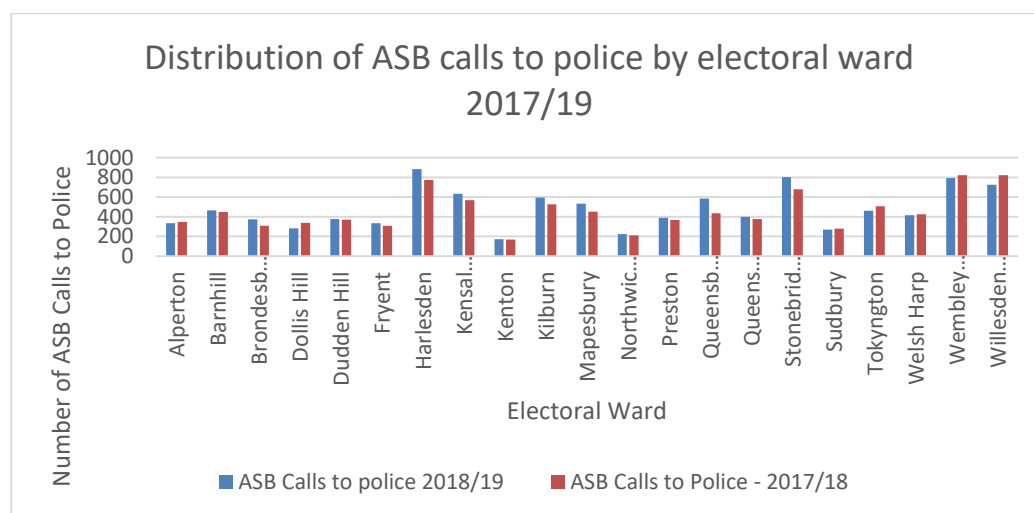


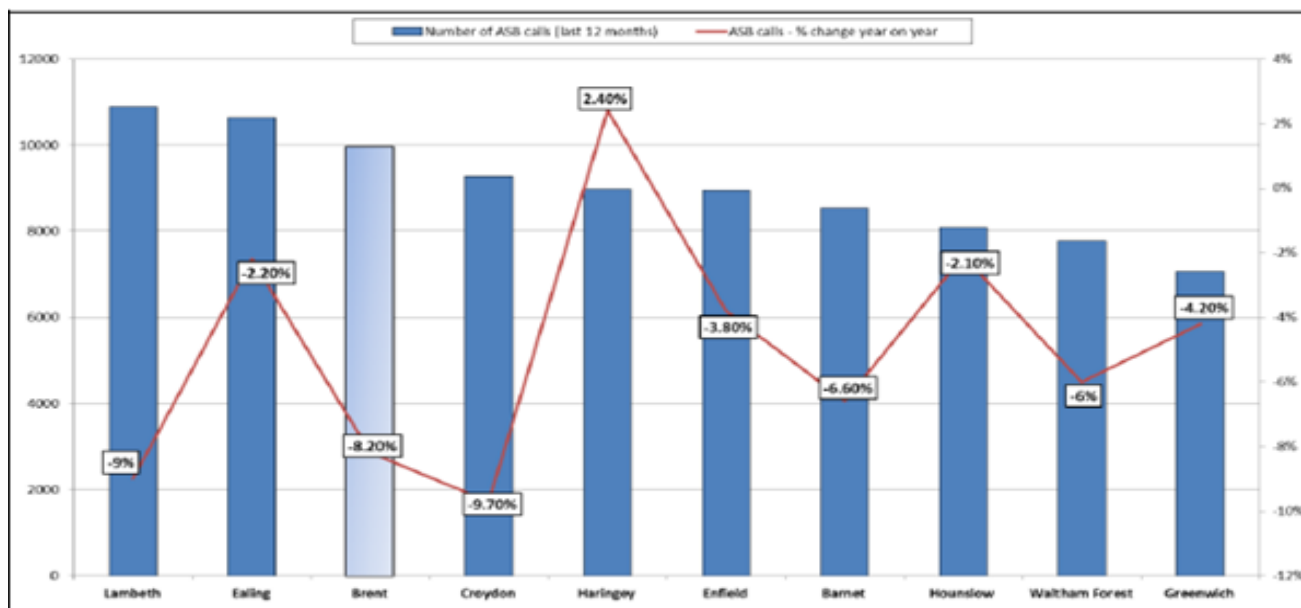
Figure 6.1 Distribution of ASB calls to police by electoral ward 2017/19



6.8.5 Brent ASB Performance borough comparison 2017-18

6.8.6 ASB in Brent 33 per 1000 head of population for ASB calls to police in 2017-18. Anti-social behaviour nationally has increased across the Borough. Brent has the third highest number of ASB calls (see Fig. 7 chart below), in comparison to the most similar London boroughs, in the last 12 months.

Figure 7: Brent ASB Performance borough comparison 2017-18



6.9 Council recorded environmental crime

6.9.1 In Table 7 below, the analysis counts different issues by (Lowest Super Output Areas – see glossary) LSOA in 2015-16. The top 25 LSOAs for each type of tenure are then looked at in turn, and the number of environmental / ASB issues are then counted. The table shows, for example that the top 25 LSOAs for home ownership saw 787 fly tip reports over a year, while the top 25 LSOAs for private rental saw 3,761 fly tip reports. Though we have not updated this table for the immediate 2 years, the table shows that the PRS tenure has the highest link to persistent and significant occurrences of ASB in Brent.

Table 7: Environmental / ASB issues by tenure type

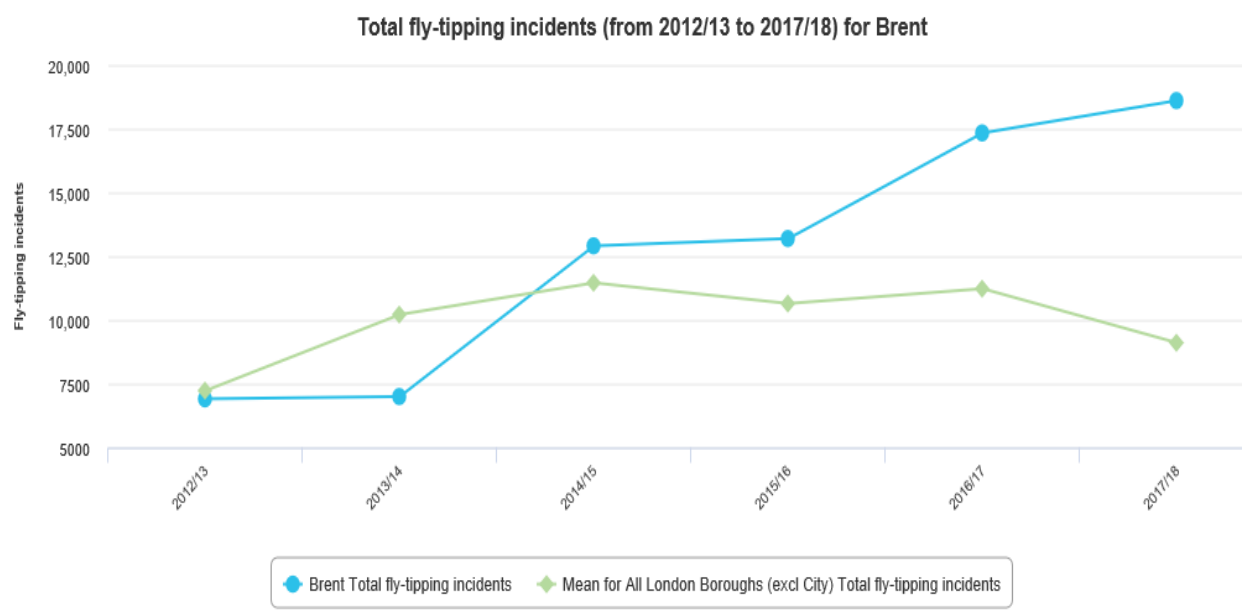
Top 25 LSOAs (by % tenure type)	Illegally dumped waste* (08/09/2015 – 09/09/2016)	Noise complaints (19/09/2015 – 19/09/2016)	Police recorded crimes – last 12 months	Council reported ASB – last 12 months
Owned	787	143	1,747	13
Shared ownership	1,756	274	6,732	34
Social rented	1,726	263	5,661	22
Private rented	3,761	369	4,951	41

*Reported by members of the public through the Cleaner Streets App

Fly- tipping in Brent

6.9.2 Brent normally lies about mid-table for all London Boroughs in the incidences of fly tipping reported. In Brent there was a total of 18,609 incidents fly-tipping incidents reported by the local authority. This is an increase on the previous period when it was 17,340 incidents. (source: Local Authority Reported Fly-tipping [Defra ENV 24]).

Figure 8: Fly-tipping incidences in Brent 2013-2018



6.9.3 In Brent the total number of fly-tipping enforcement actions carried out by the local authority was 7,483. This is more than the previous period when there were 5,660 enforcement actions. The total cost of clearance Fig 9; and enforcement actions for 2017-18 fly-tipping incidents was missing, but the cost for previous period was £830,973 and £187,950 respectively.

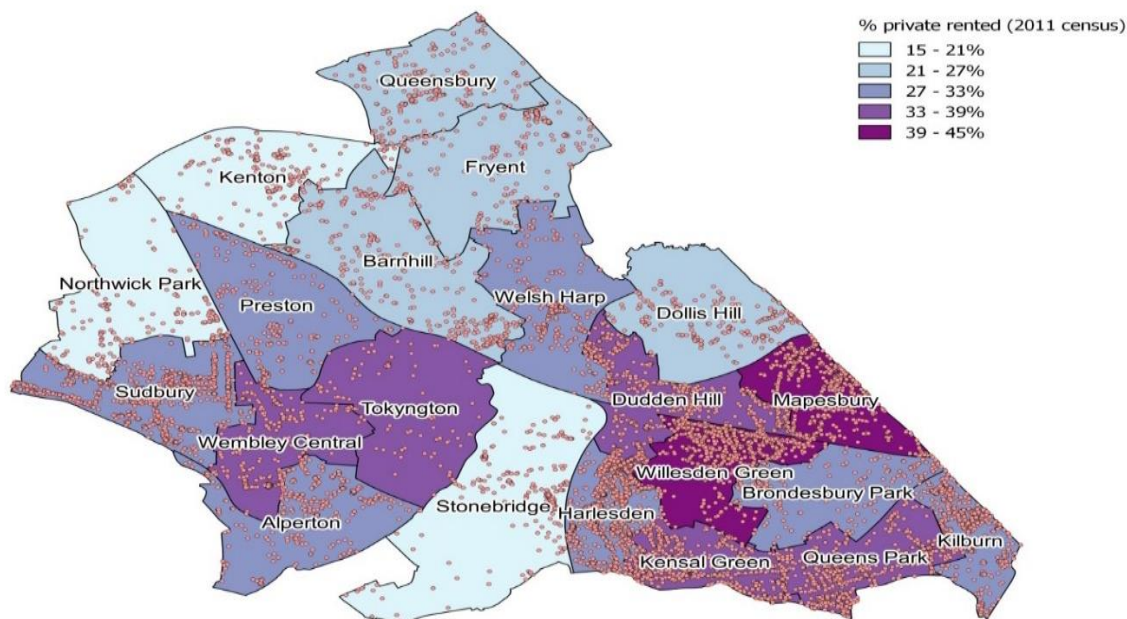
Figure 9: Total cost of clearance in Brent



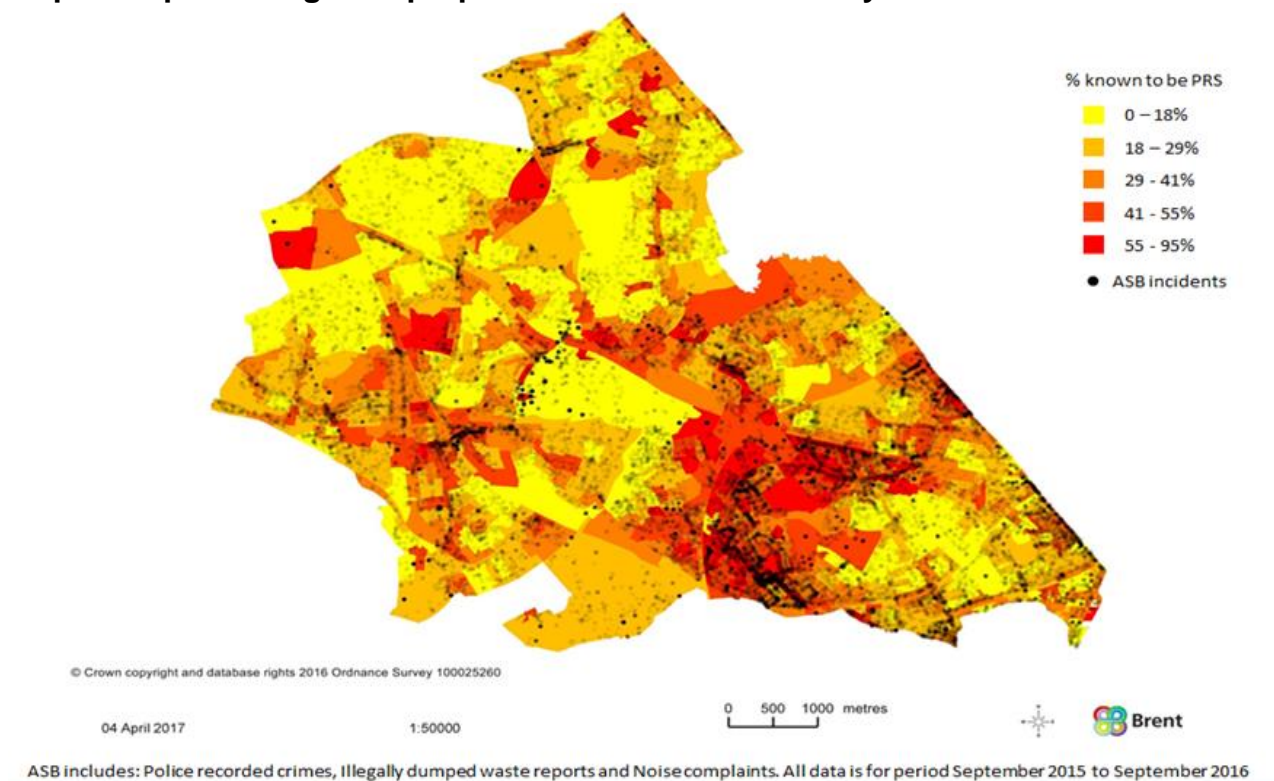
Source:
Metric ID: 6700, Name: Total cost of fly-tipping incident clearance, <http://id.esd.org.uk/metricType/6700>

6.10 Linking ASB to housing tenure

Map 2: All ASB related issues combined (noise complaint, illegally dumped waste and council reported ASB) 2015/16



Map 3: Map showing % of properties known to be PRS by recorded ASB incidents

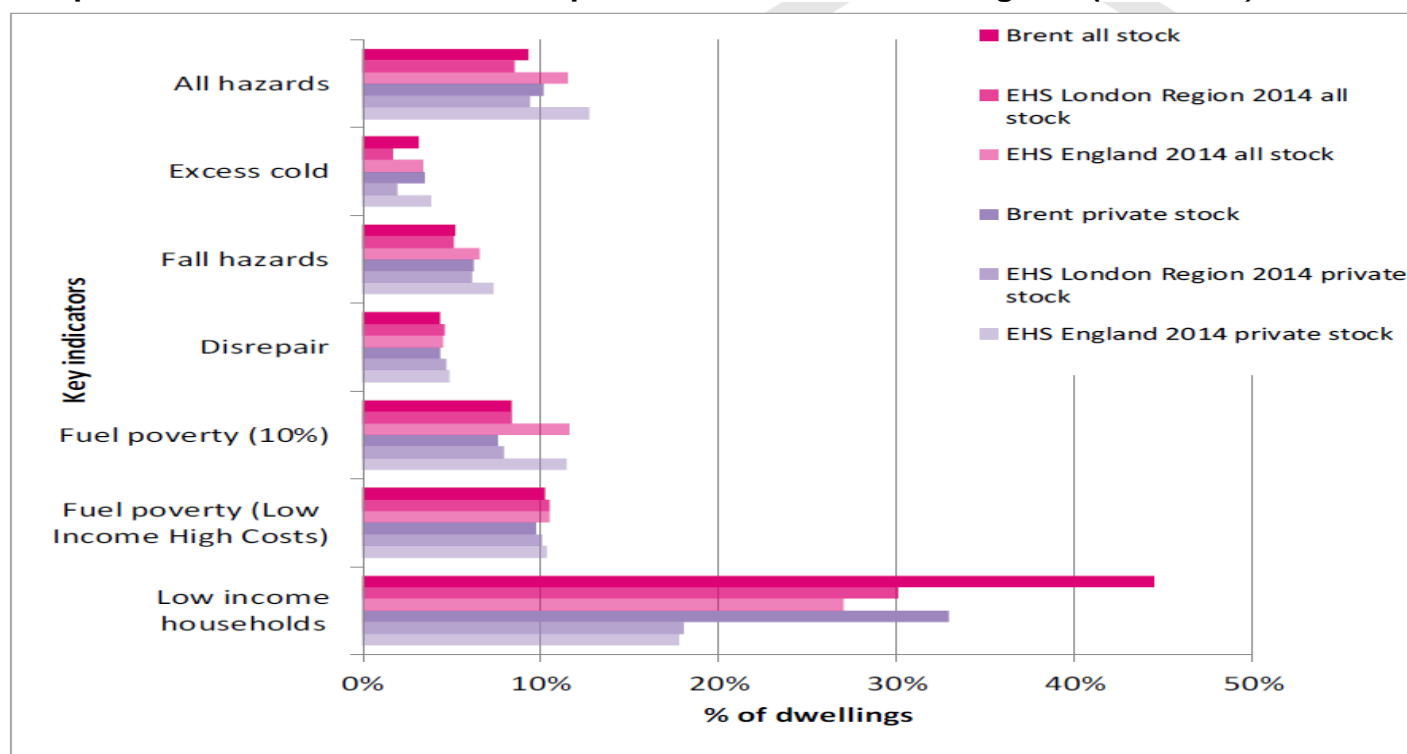


- 6.10.1 The ASB report is for the whole of the PRS. As can be seen, wards with a high proportion of PRS housing as a percentage of their total housing stock are also more likely to see higher levels of ASB. The R-squared value for this is 0.73. The map shows that ASB incidences occur at high levels across all wards with significant showings in wards southeast of the borough.
- 6.10.2 Analysis which were produced in 2017 demonstrate the correlations between different issues (e.g. noise complaints, illegally dumped waste) by different tenure types. In general, there can be seen to be a positive correlation ($R^2 = 0.15$) between areas with high amounts of private sector rented accommodation and ASB incidents. Through the coefficients, R^2 may have changed, there is no reason to doubt that the correlation trend is any different.

6.11 Poor Housing Conditions – HHSRS hazards and levels of Disrepair

- 6.11.1 There are circumstances in which a significant number of properties in the private rented sector are in poor condition and are adversely affecting the character of the area and/ or the health and safety of their occupants. As part of a wider strategy to tackle housing conditions, the Council considers it appropriate to make a selective licensing scheme so that it can prioritise enforcement action under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration and achieve improvements.
- 6.11.2 Evidence of our housing conditions considers a significant number of properties in the private rented sector need to be inspected in order to determine whether any of those properties contain category 1 or 2 hazards. The table below shows the results for 7 of the key indicators in Brent compared to regional data and England (EHS 2014) - split into all stock and private sector stock. For the private sector, compared with the London averages, Brent performs worse for all hazards, excess cold and low income households and similarly for falls hazards, and fuel poverty. Disrepair rates are marginally lower.

Table 8: Estimates of the percentage of dwellings meeting the key indicator criteria for all stock and private sector stock – Brent compared to the London and England (EHS 2014)



6.11.3 The table 9 below shows the number and percentage of Brent of private rented dwellings in Brent with a rating below band E and below. This is 11,212 or 24% of the PRS. Those in bands F and G, is estimated to be 1,957 (4.4%) which are not now allowed to be rented.

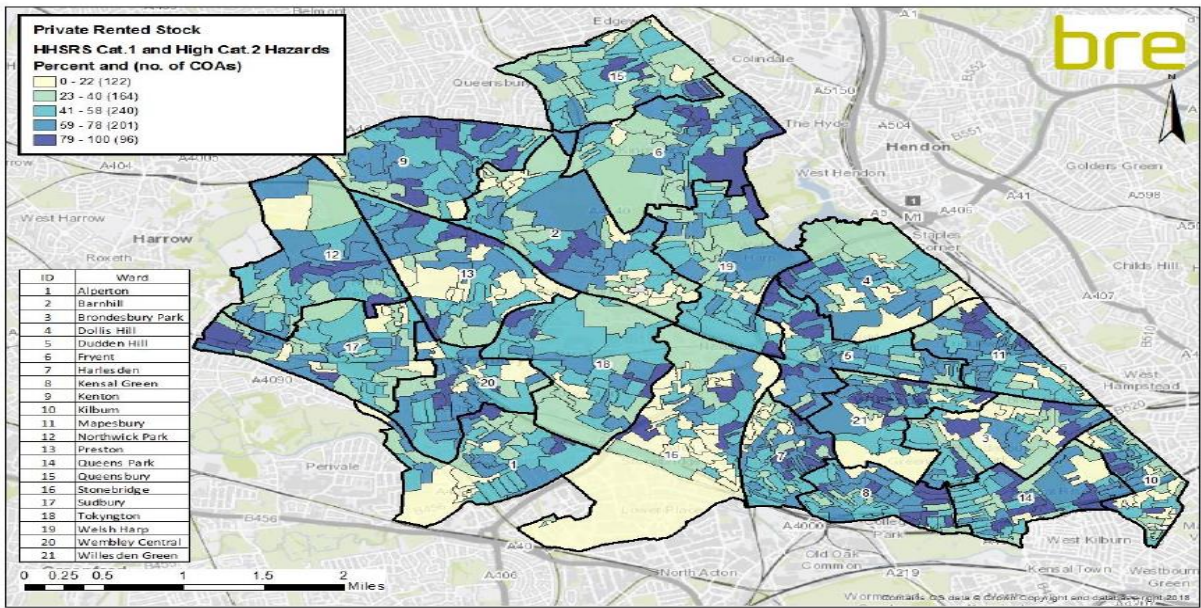
Table 9: Number and percentage of Brent's private rented stock falling into each of the EPC ratings bands (based on SimpleSAP)

		Brent		2014 EHS England
		Count	Percent	Percent
(92-100) A	A	0	0.0%	1.4%
(81-91) B	B	1,681	3.7%	
(69-80) C	C	10,390	23.1%	23.8%
(55-68) D	D	21,633	48.2%	48.9%
(39-54) E	E	9,255	20.6%	18.3%
(21-38) F	F	1,706	3.8%	5.4%
(1-20) G	G	251	0.6%	2.1%

6.11.4 Information on conditions is also provided by the presence of category 1 (Bands A-C) and high category 2 (Band D or E) hazards (Map 4). The analysis also includes proportions of dwellings in disrepair – based on the former Decent Homes Standard. The BRE modelling was enhanced by datasets from Brent's PHS Acolaid system including property inspection and complaints records. The PRS percentages of Cat 1 and Cat 2 hazards in Brent is explained in more detail in paragraph 7.3.

Map 4: PRS percentages of Cat 1 and Cat 2 hazards in Brent

Map 31: Percentage of private rented sector dwellings in Brent with the presence of both a HHSRS category 1 hazard and high category 2 hazard

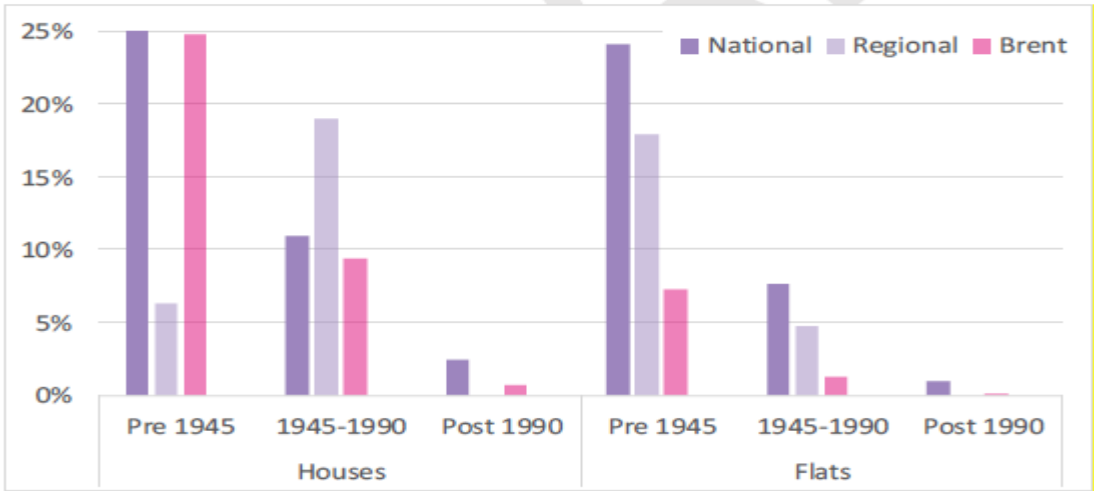


6.11.5 Property condition by dwelling age and type for the private rented stock

The Figure 10 below looks at the private rented stock only and compare various measures of property condition in Brent to the London and national averages for houses and flats of different ages. It is clear that, overall, issues of poor property condition are mainly in houses compared to flats and there are higher levels of problems generally in pre-1945 houses.

The proportion of category 1 hazards in pre-1945 houses in Brent is significantly higher than the regional average – almost 25% of private rented pre-1945 houses in Brent are estimated to contain a category 1 hazard. Looking at the other indicators of property condition it can be seen that this is made up of a much higher proportion of fall hazards in private rented pre-1945 houses in Brent (almost 20% in Brent compared to less than 15% nationally). The proportion of excess cold hazards in private rented 1945-1990 houses is much higher than the regional and national averages and is likely to be indicative of poor energy efficiency in these dwellings. It would appear that dwellings of these ages in the rest of London may have had energy efficiency upgrades – e.g. new boilers, cavity wall insulation, loft insulation – but in Brent these upgrades may be less common.

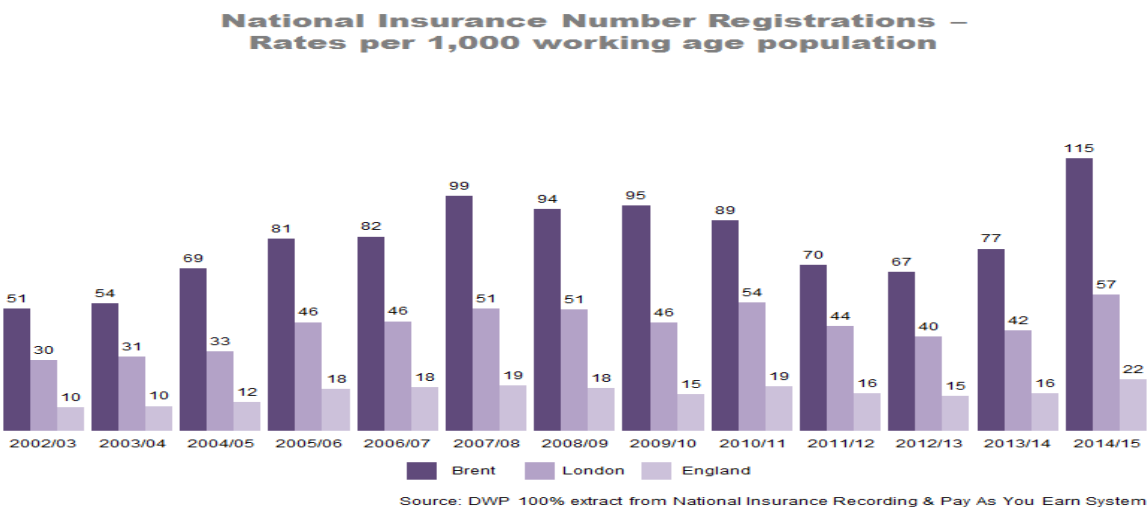
Figure 10: Category 1 hazards by dwelling age band in Brent compared to London and national averages (EHS data) – private rented dwellings, split into houses and flats



6.12 High levels of Migration

6.12.1 Migration refers to the movement of people from one area to another, whether within the UK or from overseas. Brent experiences considerable levels of international in-migration. Within the wards themselves and in Brent there are a high proportion of privately rented properties with a significant number of migrants to the area occupying them. A selective licensing designation can be made, as part of wider strategy, to preserve or improve the economic conditions of the area to which migrants have moved and ensure people occupying private rented properties do not live in poorly managed housing or unacceptable conditions, including that of overcrowding.

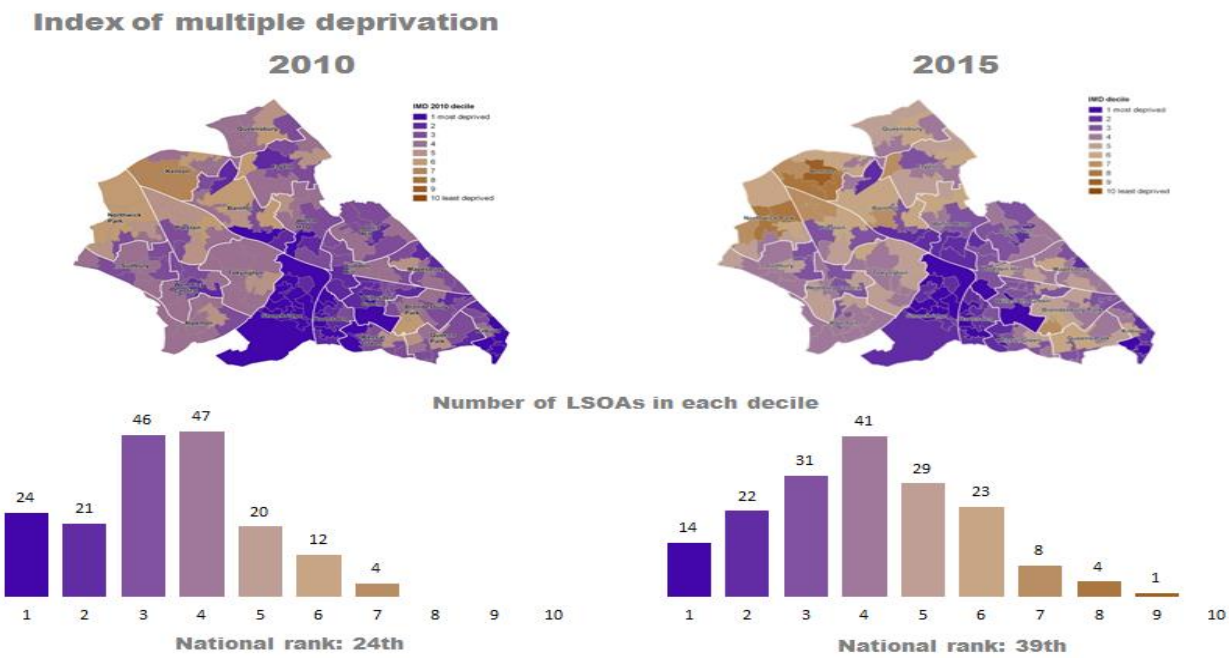
Figure 12: NINo Registrations in Brent (Source: DWP)



6.13 High levels of Deprivation

Map 5: There have been some improvements from the 2010 national ranking position (ranked 24th) to the 2015 national ranking position (ranked 39th), 1 being the most deprived, on 10 being the least deprived on the scale.

Brent Indices of Multiple Deprivation (IMD) 2010 - 2015



6.13.1 The graphs and maps shown in Figures 15 and 16 show that Brent suffers from high level of deprivation. Factors included in the index of deprivation are:

- 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;
- levels of crime.

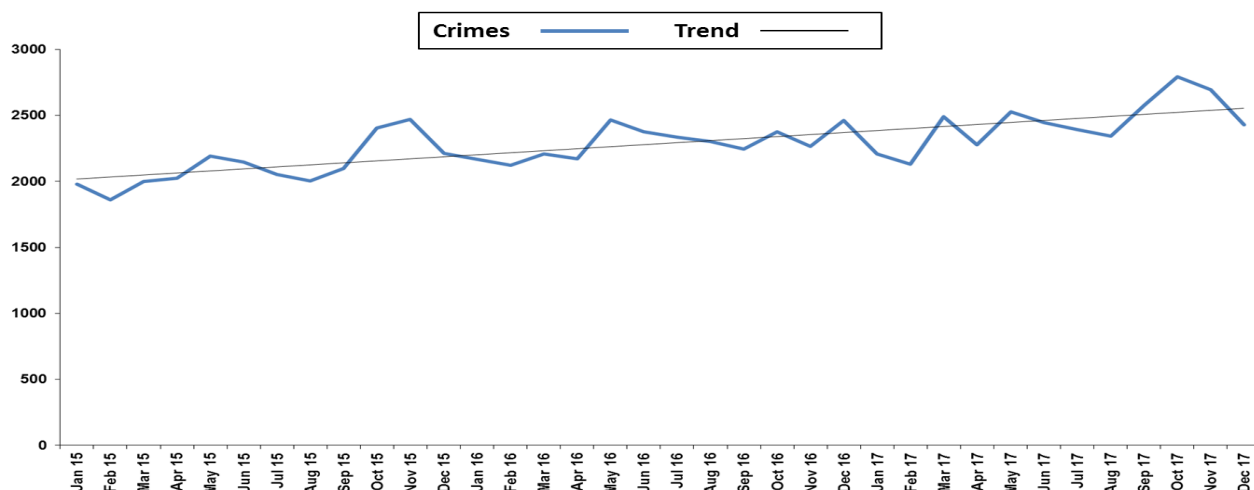
6.14 High levels of Crime

6.14.1 In considering whether an area suffers from a high level of crime we have had regard to whether the area has displayed a noticeable increase in crime over a relatively short period, such as in the previous 12 months and note that though crime is reduced (down 9%), it is still higher than the London average and that there is strong correlation with the rented sectors. Residents have indicated the perception to crime and safety as seen in the 2018 Residents' Attitude Survey.

6.14.2 Any licensing scheme will be part of a wider strategy to address crime in the designated area. It is indicating that there a cross-over of ASB and environmental crime. The evidence gathered has included the nature of the criminal activity, e.g. theft, burglary, arson, criminal damage, graffiti; In addition, the maps show a position correlation between the PRS location and the crime incidences.

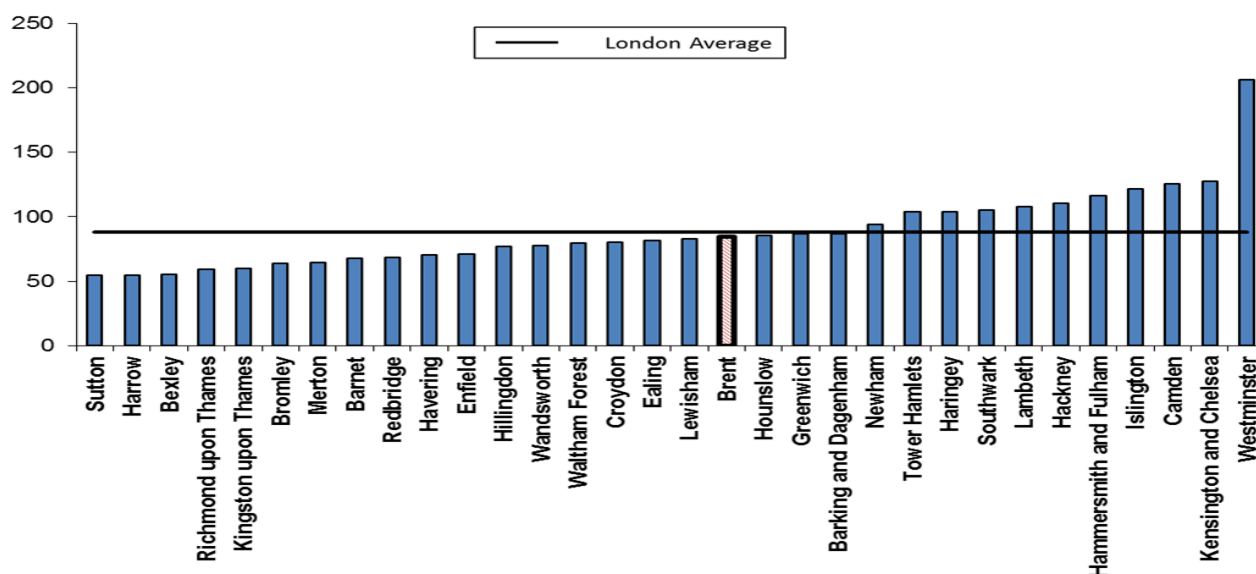
6.14.3 Between February 2015-February 2016 the number of Total Notifiable Offences (all crimes) in Brent had increased from 27,504 to 29,296 providing an overall increase of 7%. Over this same period London had also seen a 7% increase in Total Notifiable Offences. Brent's crime rate per 1000 of the population is still below the London average as seen below (Figure 14), even though there is an overall increase in crime.

Figure 13: Total Notifiable Offences recorded by Brent Police over the three years 2015-2017:



OFFICIAL SENSITIVE - Provisional data before it is finalised and published by the Office for National Statistics

Figure 14: Crimes per 1000 of the population in London, January 2017 - December 2017:



7.0 The proposed designations

7.1 The proposal for renewing additional HMO licensing in Brent

7.1.1 In summary, this proposal is to require those managing or having control of HMOs, that are not subject to mandatory licensing, but are occupied by at least three persons forming two or more households, who share facilities such the bathroom and kitchen to license their property. We are not consulting about mandatory HMO licensing, which is for HMOs occupied by five or more persons forming two or more households, who share said facilities. The recently published *"Houses in Multiple Occupation and residential property licensing reform"* provides guidance to local authorities on changes to rules on licensing HMOs.

7.1.2 Additional licensing applies to HMOs only with the aim of improving conditions for local occupiers and the surrounding communities. In order to make an additional licensing scheme, the local authority must do the following:

- consider that a significant proportion of the HMOs in the area are being managed ineffectively, so as to give rise to one or more particular problems, either for those occupying the HMOs or for the public.
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question
- Identify the objective or objectives that a designation will help it to achieve. In other words,
- The Local Authority must identify whether the area is suffering problems that are caused by or attributable to any of the criteria for making the designation and how it expects the designation to help resolve them.
- The local authority must also consider whether there are any alternative courses of action that would meet its objectives without the need for a designation;
- and it must ensure that its approach is consistent with its housing strategy and its approach to empty properties, homelessness and anti-social behaviour.

7.1.3 Our studies have used different methods to estimate the proportion and location of HMOs. The risk ladder concept and risk factor profiling used in the Mayhew Harper Associates (2016)

and Brent In-house (2017) studies estimated approximately 20,000 HMO properties. The impact in changes in policy on mandatory HMOs, 1st October 2018, made it necessary to review the HMO estimates.

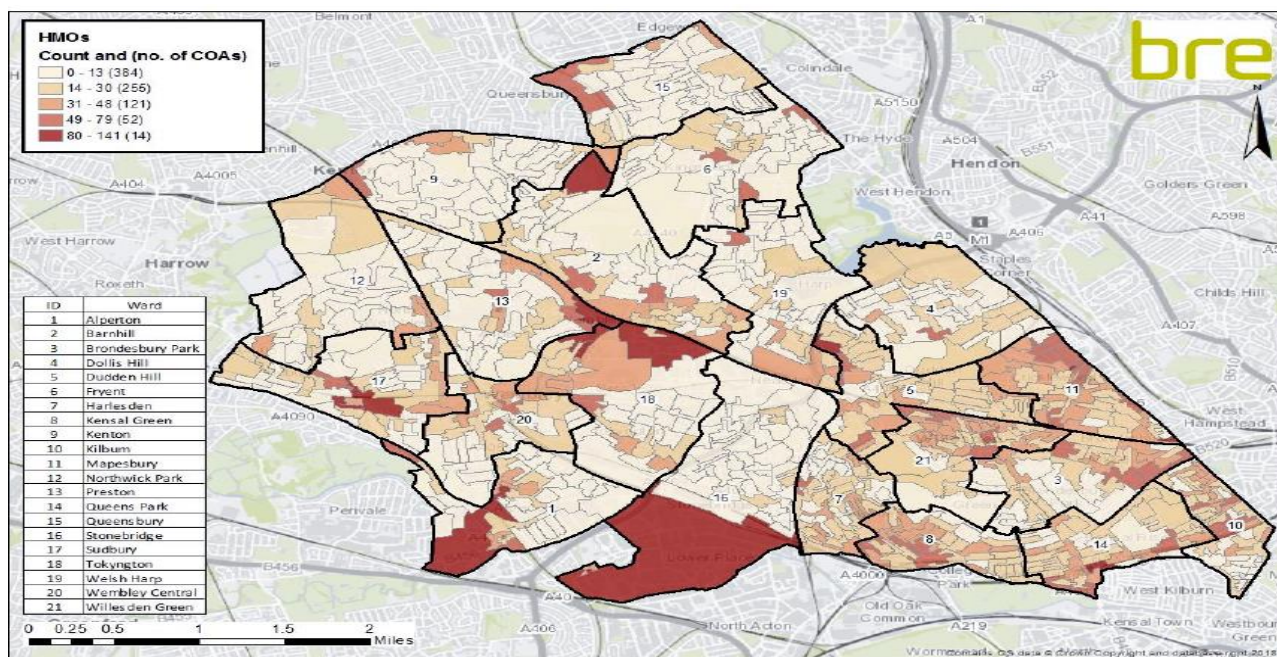
7.1.4 Table 10 below summarises the results of proportion of HMOs, additional and mandatory found in the private rented stock in Brent at ward level. Additional licensing will cover 27% of the total 38% of HMOs found in the private rented stock.

Table 10: Number of HMOs – Additional and mandatory licensable HMOs by ward

Ward	Dwellings - private rented stock	HMOs	Mandatory Licensable HMOs	Additional Licensable HMOs
Alperton	1,776	699 (39%)	144 (8%)	555 (31%)
Barnhill	1,481	798 (54%)	137 (9%)	667 (45%)
Brondesbury Park	2,316	1,063 (46%)	201 (9%)	862 (37%)
Dollis Hill	937	394 (42%)	152 (16%)	242 (26%)
Dudden Hill	2,271	1,058 (47%)	432 (19%)	626 (28%)
Fryent	1,088	486 (45%)	117 (11%)	369 (34%)
Harlesden	3,433	811 (24%)	249 (7%)	562 (17%)
Kensal Green	3,154	1,169 (37%)	454 (14%)	715 (23%)
Kenton	776	315 (41%)	70 (9%)	245 (32%)
Kilburn	3,871	1,232 (32%)	339 (9%)	893 (23%)
Mapesbury	3,948	1,661 (42%)	437 (11%)	1224 (32%)
Northwick Park	795	409 (51%)	107 (13%)	302 (38%)
Preston	1,660	751 (45%)	213 (13%)	538 (32%)
Queens Park	3,334	1,163 (35%)	367 (11%)	796 (24%)
Queensbury	1,164	411 (35%)	127 (11%)	284 (24%)
Stonebridge	1,106	426 (39%)	89 (8%)	337 (31%)
Sudbury	1,869	804 (43%)	183 (10%)	621 (33%)
Tokington	2,444	900 (37%)	241 (10%)	659 (27%)
Welsh Harp	1,219	527 (43%)	177 (15%)	350 (29%)
Wembley Central	2,312	600 (26%)	158 (7%)	442 (19%)
Willesden Green	3,962	1,307 (33%)	437 (11%)	870 (22%)
Totals	44,916	16,984 (38%)	4,831 (11%)	12,153 (27%)

- 7.1.5 The BRE report now estimates that there are 16,984 total HMOs and found that under the previous mandatory licensing definition there were 1,472 HMOs in Brent which met the licensing criteria. This has now more than tripled to 4,831 licensable HMOs in Brent under the new criteria, which means we estimate that 12,153 properties will fall under the additional licensing designation.
- 7.1.6 Below Map 6 shows the geographical distribution of all licensable HMOs at ward and COA level revealing that HMOs are scattered across the borough in high numbers with a slight tendency towards the south east. – in fact the data in Table 6 shows that the wards with the highest numbers of HMOs are Mapesbury (1,661), Willesden Green (1,307) and Kilburn (1,232). Map 6 shows a similar picture for the Additional licensable HMOs with a propensity towards the south east corner and again, the data in Table 6 shows that the wards with the highest numbers of licensable Mapesbury (1,224), and Kilburn (893), Willesden Green (870) and Brondesbury Park 862). The data in Table 6 shows that the wards with the highest percentages of licensable additional HMOs are Barnhill (45%), Northwick Park (38%), Brondesbury Park (37%), Fryent (34%) and Sudbury (33%).

Map 6: HMO Count and (no. of COAs)

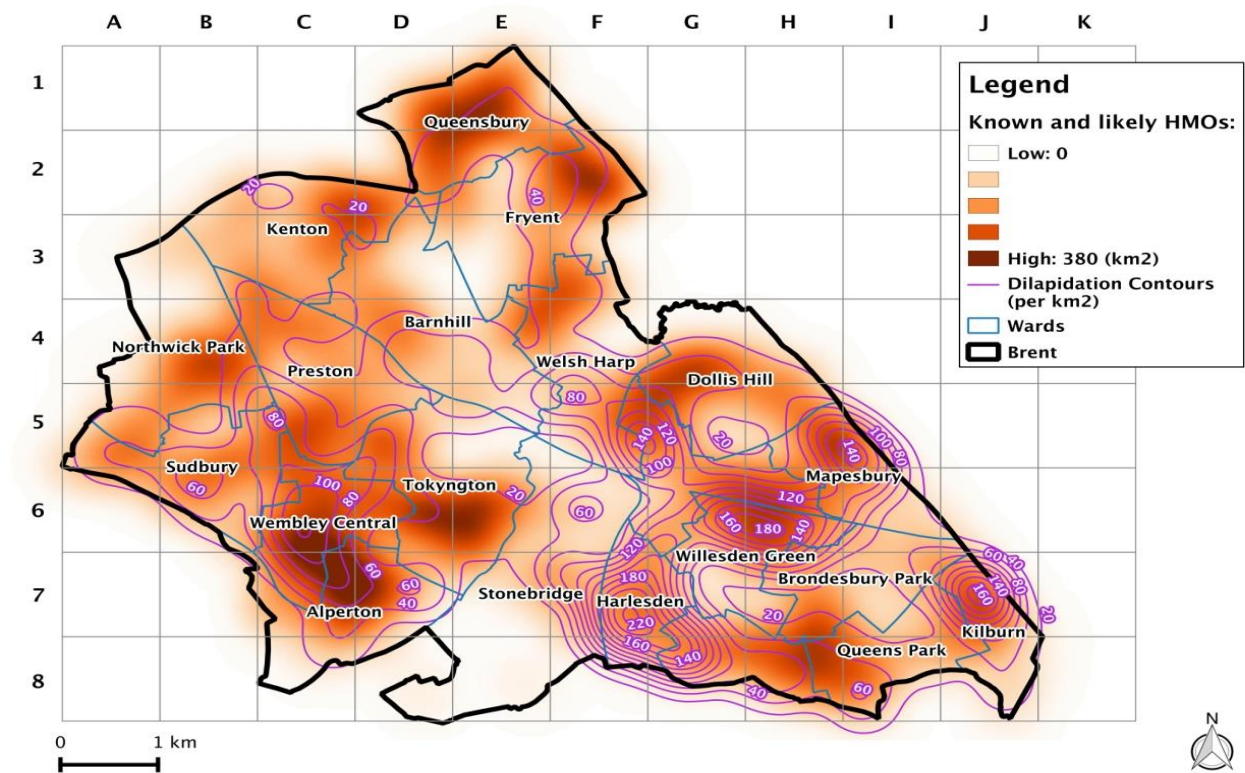


Key Indicators for HMOs

7.1.1.7 Results for each of the key indicators in Brent for the private rented sector split into non-HMOs and HMOs and compared with 2014 EHS regional and national averages. In general, HMOs in Brent show similar levels of HHSRS hazards and disrepair to non-HMOs in the private rented sector. The levels of HHSRS category 1 hazards are slightly higher for HMOs (9% compared to 8% for non-HMOs), but similar for the 2104 EHS regional average (9%). Levels of disrepair are the same for all HMOs (5%) and the 2014 EHS regional average (5%). The levels of fuel poverty are higher for HMOs for the Low Income High Costs definition (11% compared to 10%). Low income households 43% is higher than the 2014 EHS regional average (31%) and 2014 EHS national average (33%).

7.1.8 Map 7 below mirrors the general distribution of HMO to indicate that the ASB and poor property condition are closely correlated. HMOs are present in all wards and with high proportions of hazards or in disrepair are therefore proposed for a borough wide Additional HMO licensing scheme.

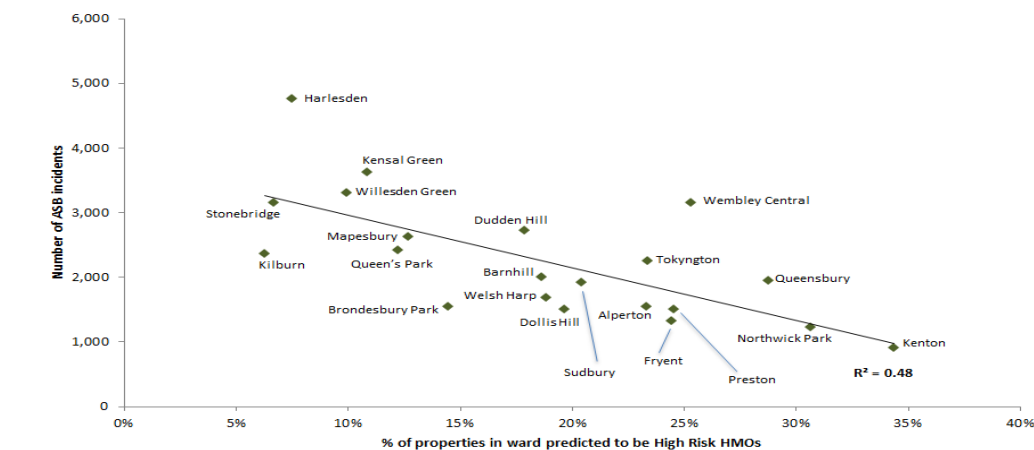
Map 7: Hotspot and contour map showing concentrations of high risk HMOs, attributable ASB and poor housing conditions



7.2 The Link between ASB and High Risk HMOs

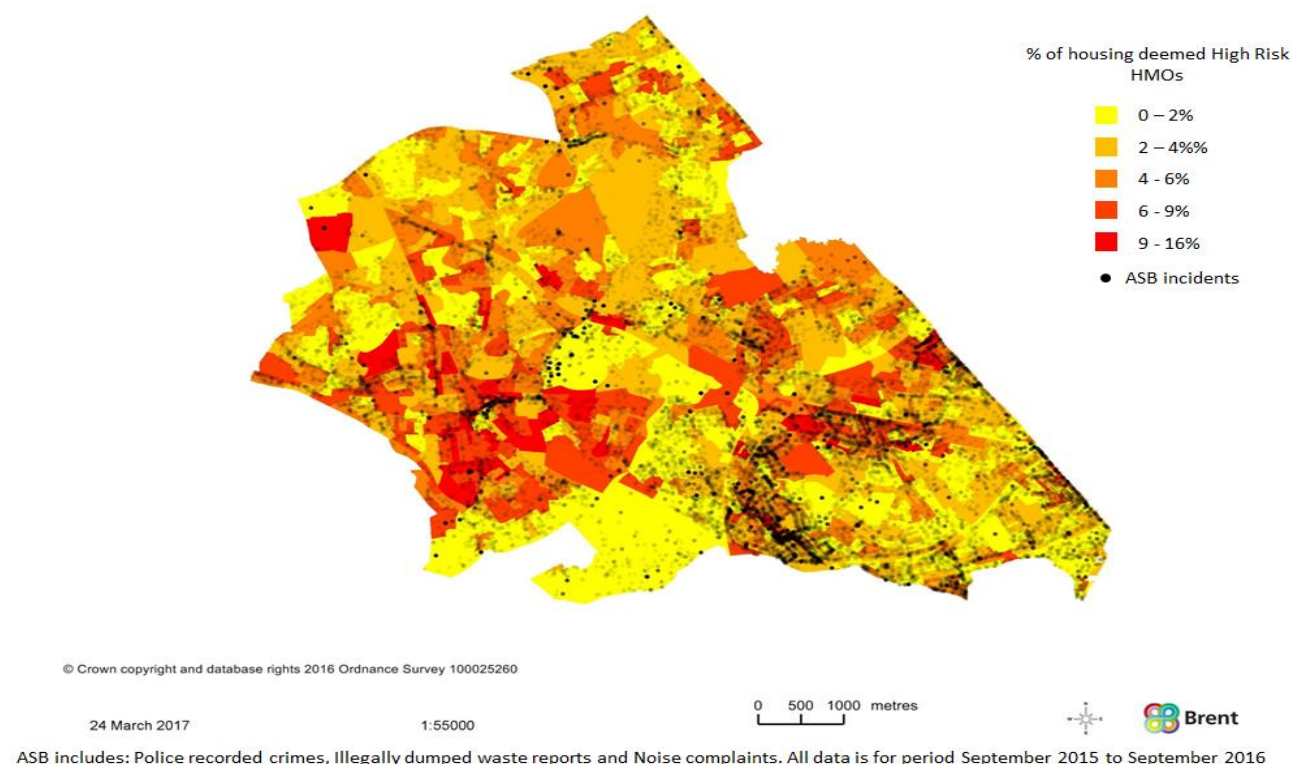
7.2.1 In 2017 we analysed the ASB incidents and established a positive link with HMO at ward level. The correlation $R^2 = 0.48$ was higher than the link between ASB and single family private rented ($R^2 = 0.20$) and the ASB incidents linked to the social sector $R^2 = 0.01$). The resultant map at COA level shows that the incidents are borough-wide with significant concentrations in the south of the borough.

Figure 15: Number of ASB incidents* against % of ward where housing is predicted to be High Risk HMOs



*Includes data from four sources; police recorded crime, fly tipping reports, noise complaints and police recorded ASB – data aggregated to ward level
 **20,826 properties were identified as being high risk of being HMOs. This was deduced by indicators including: no council tax reduction at address, three or more adults at address, reported dilapidations or noise and council tax band D to H.

Map 8: Map showing % of properties by census output area predicted to be High Risk of being HMOs by recorded ASB incidents



7.2.2 The predicted level of ASB in additional HMOs is high and similar to the ASB predicted in other PRS tenures.

Tenure	Dwellings	Attributable % PRS and ASB incidents of total 2016	Incidents per 1000 dwellings
All PRS	44,916	47,511	1058
Single Family	27,932	62% (29,457)	1055
Mandatory HMOs	4,831	11% (5,226)	1081
Additional HMOs	12,153	27% (12,828)	1055

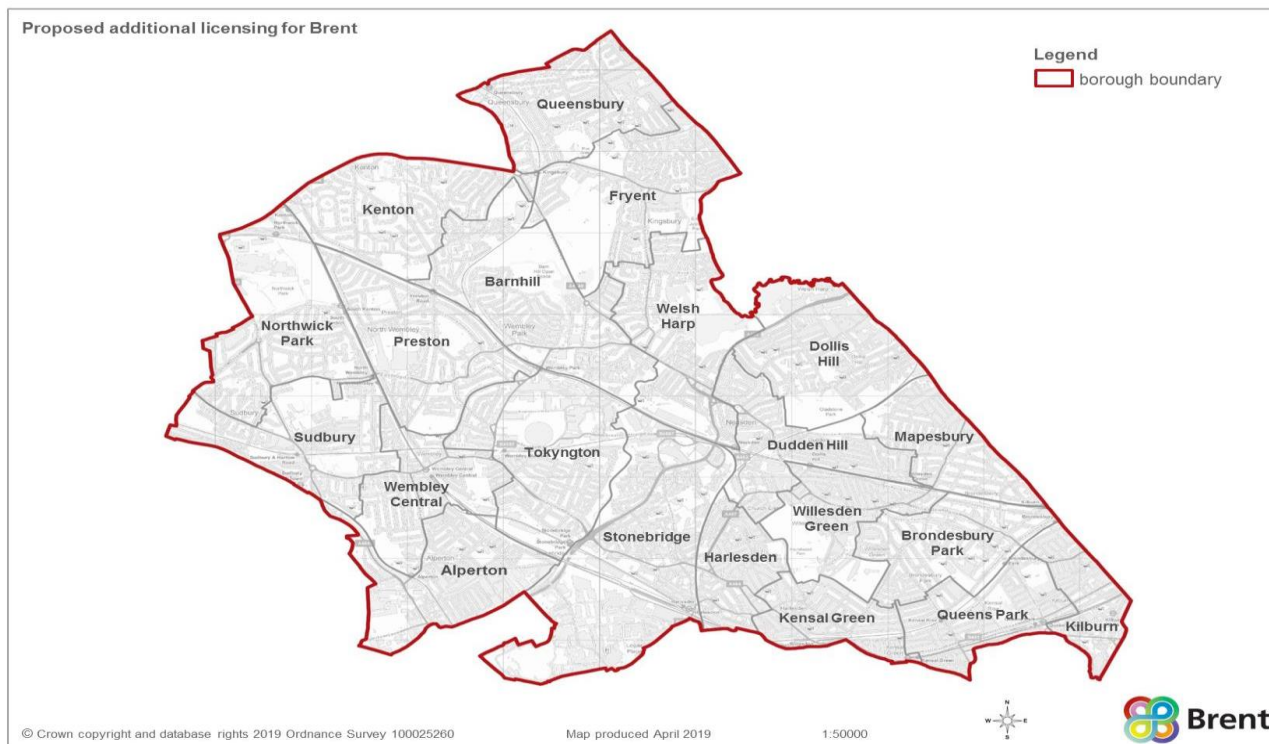
Table 11 Attributing levels of ASB to HMOs

7.3 HMO Compliance Inspection Programme

7.3.1 Earlier Table 2.2 provided evidence that of 2,184 HMOs inspected, 83% were non-compliant. A joint inspection exercise of HMOs undertaken by the Brent Fire Brigade and Private Housing in 2018 showed licensed HMO were more compliant than unlicensed HMOs, and further that those properties which had had compliance inspections by Housing officers were significantly more compliant.

7.3.2 Based on the foregoing information we believe that renewing the borough-wide additional licensing scheme will assist in combating the problems caused by those significantly proportion of HMOs in Brent which are poorly managed. The proposed designation area is delineated in Map 9.

Map 9 - Designation Map for Proposed Additional Licensing as delineated in Red



Selective Licensing

8.0 Selective Licensing

8.1 The proposal for renewing and extending selective licensing in Brent

8.1.1 These proposals are to require those managing or having control of other privately rented accommodation that does not have to be licensed under mandatory or additional licensing schemes, to obtain a licence to let their property. In order to designate an area as a selective licensing area, the local authority must be satisfied that certain, prescribed conditions are met. In summary, the designated area must be experiencing one or more of the following:

- low housing demand (or likely low housing demand in the future);
- a significant and persistent problem caused by ASB;
- poor property conditions;
- high levels of migration;
- high levels of deprivation; and/or
- high levels of crime.

8.1.2 In addition, the area must have a high proportion of property in the private rented sector (PRS) that is let under either assured tenancies or licences.

- 8.1.3 Further, when considering whether to make a selective licensing designation a local housing authority must identify the objective or objectives that a designation will help it to achieve. In other words,
- The Local Authority must identify whether the area is suffering problems that are caused by or attributable to any of the criteria for making the designation and how it expects the designation to help resolve them.
 - The local authority must also consider whether there are any alternative courses of action that would meet its objectives without the need for a designation;
 - and it must ensure that its approach is consistent with its housing strategy and its approach to empty properties, homelessness and anti-social behaviour.
- 8.1.4 The proposed selective designations, especially when combined with our existing 2018 scheme cover more than 20% of an authority's geographical area or would affect more than 20% of the privately rented homes in the area, and therefore the local authority must apply to the Secretary of State for confirmation of the scheme.
- 8.1.5 Table 8 below shows the estimated number of PRS at ward and a summary of the criteria conditions for the designation of the wards/areas. As detailed, there are various criteria which can be used to designate areas for Selective licensing. The criteria which were investigated in more detail above are:
- The proportion of dwellings that are privately rented is high compared with the total number of properties in the area – this is the latest reported EHS national average (currently 20%)
 - Information on property condition: - proportion of dwellings with the presence of one or more Category 1 or 2 hazards covered by the HHSRS
 - In disrepair – this is based on the former Decent Homes Standard criteria for disrepair which is assessed by looking at the age of the dwellings and the condition of a range of building components including walls, roofs, windows, doors, electrics and heating systems.
 - Information on deprivation based on the 2015 Indices of Multiple Deprivation (IMD)
- 8.1.6 The evidence presented below demonstrates that the criteria have been met for:
- I. Proposing one designation for renewing selective licensing in the Harlesden, Wembley Central and Willesden Green electoral wards, and,
 - II. Proposing one further designation for extending Selective licensing to the electoral wards of; Alperton; Barnhill; Brondesbury Park; Fryent; Northwick Park; Preston; Queensbury; Sudbury; Tokyngton (except Wembley Park) and Welsh Harp.
 - III. We have used Table 16 to show which ground or condition each ward meets. The Table shows that for all wards greater than 20% of PRS dwellings, that the poor property conditions, deprivation or ASB condition is met. Category 1, high Category 2 and disrepair all combine to determine the property condition criteria.

8.2 Proportions of privately rented dwellings in Brent

- 8.2.1 The percentage of private rented stock for Brent is 37%, this is much higher than the national average of 20%. Areas within Brent with considerably higher levels of private rented stock in Brent, compared to the national average, were identified and table 8 shows that 18 of the 21 wards in Brent have private rented proportions in excess of the national average currently 20% (2015-16 EHS Headline report). We estimate that between 45% and 62% are single family dwellings. The higher figure is the latest from the BRE estimates of 27,932 dwellings.

- 8.2.2 The three wards which have less than 20% private rented stock are Dollis Hill (19%), Kenton (19%) and Stonebridge (16%) are therefore being excluded.
- 8.2.3 The three wards covered by the selective licensing scheme introduced in 2015 are Harlesden, Wembley Central and Willesden Green. These wards have high levels of private rented stock – 49%, 46% and 60%, respectively.
- 8.2.4 The five wards covered by the selective licensing scheme introduced in 2018 also have private high rented stock proportions; Dudden Hill – 40%, Kensal Green – 51%, Kilburn – 47%, Queen’s Park – 52% and Mapesbury – 58%.
- 8.2.5 Removing the eight wards which are covered by existing selective licensing schemes, of the remaining thirteen, the top 3 highest proportions of private rented stock are in Brondesbury Park (40%), Tokyngton (40%), and Alperton (35%).

8.3 Information on property condition – HHSRS hazards and disrepair

- 8.3.1 For the wards proposed housing conditions in the area are poor (HHSRS and Disrepair) and the Council proposes to inspect them in order to take any necessary enforcement action to improve their conditions.
- 8.3.2 Table 8 provides a summary of property condition at ward level as well as information on deprivation for each ward. Information on property condition is based on the presence of a category 1 HHSRS hazard (one or more of the 29 covered by the HHSRS). Information on the presence of a high category 2 hazard is also provided.
- 8.3.3 We have further detailed for the presence of a category 1 hazard for excess cold and a category 1 hazard for all falls (these are fall hazards where the vulnerable person is over 60 and includes falls associated with baths, falling on the level and falling on stairs).
- 8.3.4 Property condition also includes proportions of dwellings in disrepair. This is based on the former Decent Homes Standard and assesses the age of the dwelling and the condition of a range of building components – e.g. walls, roofs, electrics and heating systems.
- 8.3.5 Table 12 shows the counts and percentage of poor property conditions (HHSRS hazards and Disrepair) of the estimated privately rented dwelling stock across the Brent wards, and also provides information on deprivation at ward level.

Table 12: Count and percentage of estimated privately rented dwellings across Brent and conditions for selective licensing [BRE, HSCD 2019]

Ward	Dwellings - all stock	Dwellings - private		All HHSRS Count/%	All HHSRS Count/%	Disrepair DH Standard	Deprivation
		Count	%	Cat 1	High Cat 2	Count/%	%
Alperton	5,137	1,776	35%	113 (6%)	582 (33%)	51 (3%)	
Barnhill	5,824	1,481	25%	119 (8%)	620 (42%)	48 (3%)	34%
Brondesbury Park	5,759	2,316	40%	199 (9%)	1,102 (48%)	120 (5%)	
Dollis Hill	5,009	937	19%	80 (9%)	377 (40%)	28 (3%)	9%
Dudden Hill	5,684	2,271	40%	227 (10%)	1,293 (57%)	125 (6%)	21%
Fryent	4,622	1,088	24%	109 (10%)	600 (55%)	51 (5%)	
Harlesden	7,069	3,433	49%	300 (9%)	1,835 (53%)	206 (6%)	93%
Kensal Green	6,243	3,154	51%	303 (10%)	1,834 (58%)	204 (6%)	42%
Kenton	4,170	776	19%	75 (10%)	372 (48%)	30 (4%)	
Kilburn	8,155	3,871	47%	290 (7%)	1,834 (47%)	190 (5%)	41%
Mapesbury	6,779	3,948	58%	365 (9%)	2,211 (56%)	233 (6%)	15%
Northwick Park	3,916	795	20%	85 (11%)	391 (49%)	34 (4%)	
Preston	5,698	1,660	29%	120 (7%)	624 (38%)	52 (3%)	
Queens Park	6,473	3,334	52%	314 (9%)	1,838 (55%)	225 (7%)	
Queensbury	5,457	1,164	21%	82 (7%)	452 (39%)	46 (4%)	
Stonebridge	6,983	1,106	16%	58 (5%)	311 (28%)	21 (2%)	100%
Sudbury	5,439	1,869	34%	127 (7%)	686 (37%)	64 (3%)	
Tokington	6,050	2,444	40%	173 (7%)	1,119 (46%)	96 (4%)	
Welsh Harp	5,106	1,219	24%	113 (9%)	580 (48%)	61 (5%)	44%
Wembley Central	5,066	2,312	46%	194 (8%)	1,077 (47%)	96 (4%)	
Willesden Green	6,611	3,962	60%	373 (9%)	2,201 (56%)	239 (6%)	4%

N.B. For figure 12, the information on hazards refers to the number of dwellings with a hazard of the stated type. Because of this there is likely to be some overlap – for example, some dwellings are likely to have excess cold and fall hazards but this dwelling would only be represented once under ‘all

hazards’. The number of dwellings under ‘all hazards’ can therefore be less than the sum of the excess cold plus fall hazards.

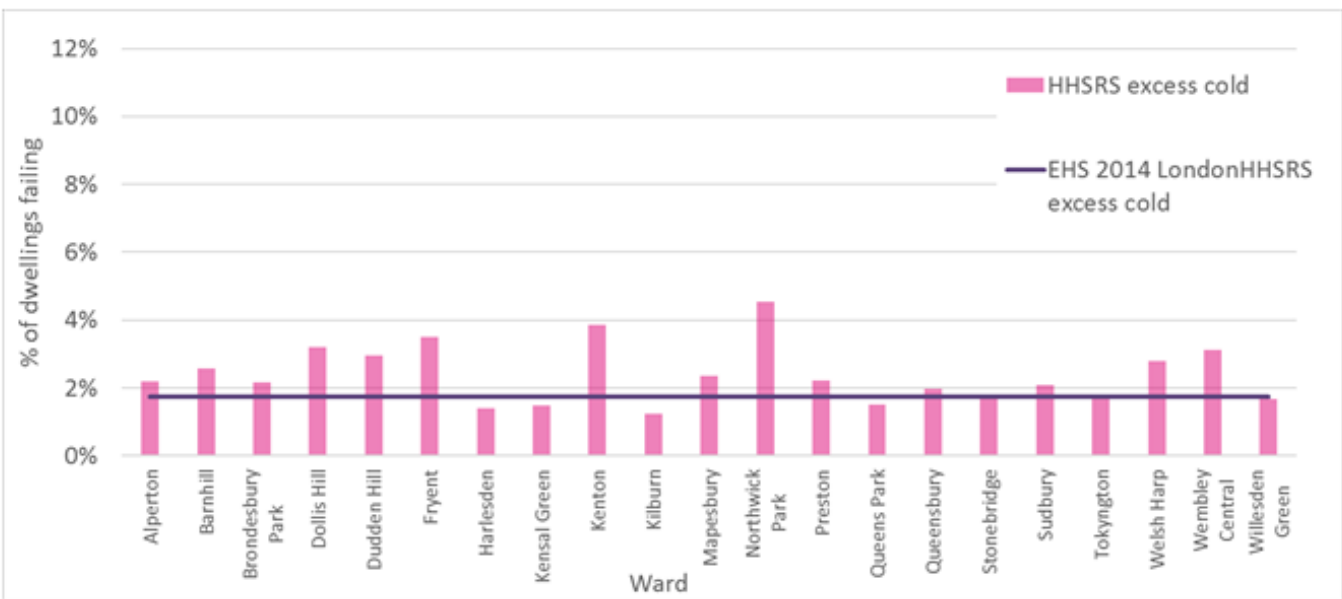
8.3.6 Figure 16 compares these property condition indicators across the wards in Brent and also compared with the London average. Out of the 21 wards, 12 have all category 1 hazards higher or the same levels of hazards compared to the regional average (9%), in particular for selective licensing designation no.1, Harlesden and Willesden Green with (9%) and Wembley Central only slightly less at (8%). For the selective designation no.2, Northwick Park (11%), Fryent (10%) and Welsh Harp (9%) have the highest levels.

Figure 16: Comparison of percentage of dwellings failing the housing condition indicators of HHSRS category 1 hazard across the wards in Brent and compared to the London average



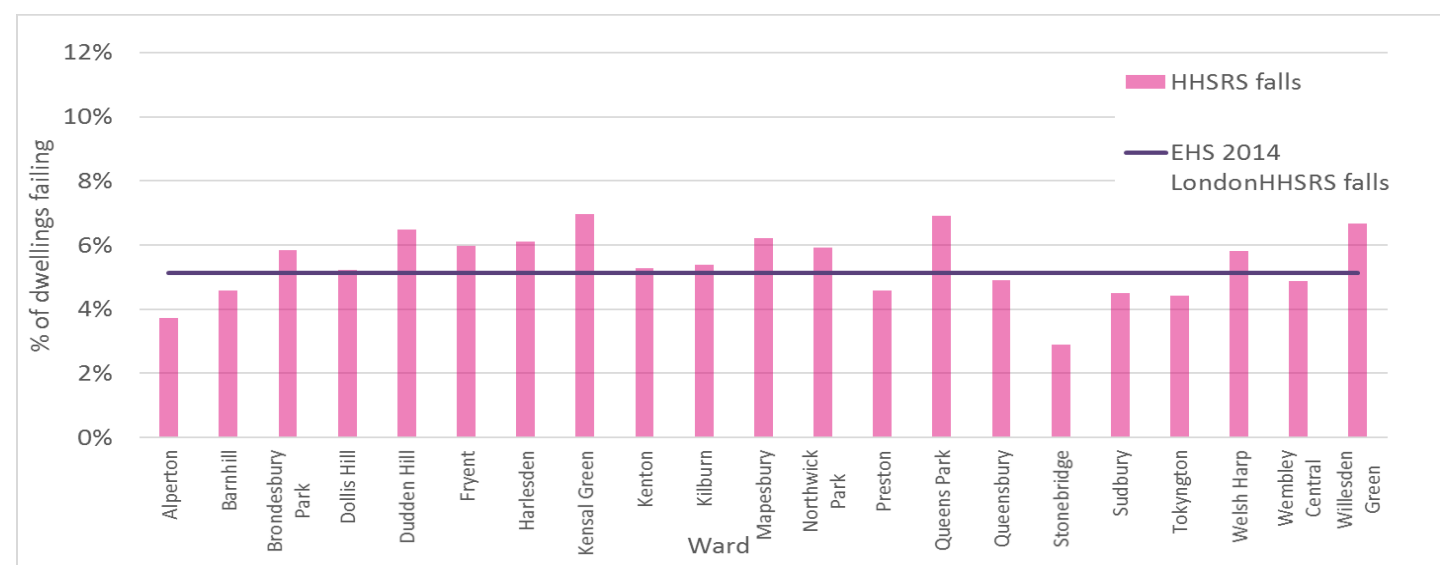
8.3.7 Our analysis looked further at the hazard for excess cold hazard (Fig.17) and found that 14 of the 21 wards have the same or higher levels compared to the regional average – notably Northwick Park, Fryent, Wembley Park, Welsh Harp, Barnhill, Preston and Alperton stand out as having the highest rates.

Figure 17: Comparison of percentage of dwellings failing the housing condition indicators of excess cold hazards across the wards in Brent and compared to the London average



8.3.8 For all HHSRS falls hazards (figure 18, 13 wards have the same or higher levels compared with the regional average, with Willesden Green, Welsh Harp and Harlesden predicted to contain amongst the highest levels.

Figure 18: Comparison of percentage of dwellings failing the housing condition indicators of fall hazards across the wards in Brent and compared to the London average



8.3.9 Most notably, when looking at the data for Brent compared to the averages for London it shows that all of the wards in Brent are either the same as or greater than the London average for one or more of all category 1 hazards, excess cold hazards, fall hazards and disrepair.

8.3.10 **Table 13** shows the total number of dwellings with HHSRS category 1 hazards in Brent’s private sector stock the total cost for mitigating all hazards within those dwellings. The costs are based on the average cost of mitigating category 1 hazards for the region using EHS 2014 data.

Table 13: Estimated costs to mitigate all Cat 1 hazards in private sector stock, split into tenure

Tenure	No. of hazards	Total cost (£)
Private Sector	9,628	34,176,535
Owner occupied	5,809	20,620,221
Private rented	3,819	13,556,314

8.3.11 Proportion of PRS dwellings with a high category 2 hazard. Table 14 shows the numbers and proportions of dwellings with a high category 2 hazard in each tenure. The PRS has the highest proportion at 49%, with the owner occupied sector at 43%.

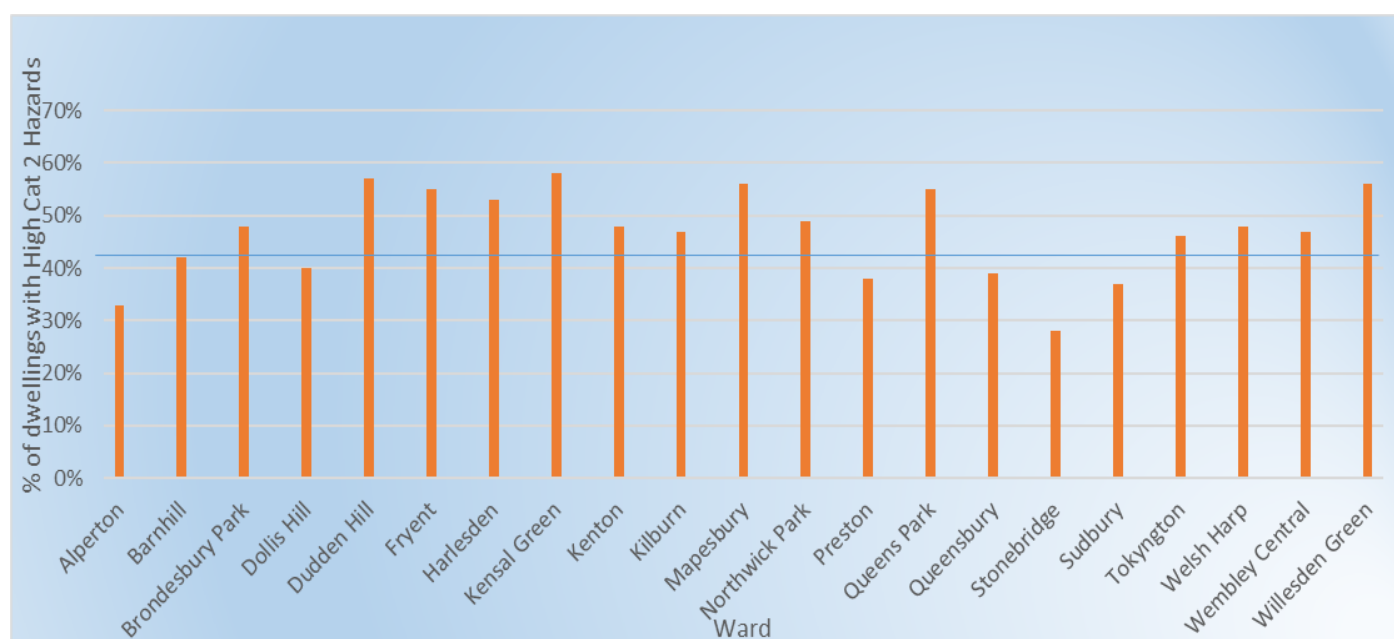
Table 14: Summary of high category 2 hazards by tenure

Indicator	Private sector stock			
	Owner occupied		Private rented	
	No.	%	No.	%
No. of dwellings	49,360	-	44,916	-
HHSRS category 2 hazards	21,026	43%	21,939	49%

8.3.12 Unlike the other indicators that have been reported, the EHS does not publish data on category 2 hazards. To enable comparisons to be made, the BRE category 2 hazard model has been run for the London region and for England. This shows that the proportion for the private rented stock in London is 47%. For England, the proportion of dwellings with a high category 2 hazard in the private rented stock it is 42%. As can be seen from these figures, the percentage for Brent in private rented sector (49%) is higher than that for London and England. The figures shown in the section above are taken from the BRE category 2 hazard model and should not be confused with the standard comparisons that have been made earlier in the report with figures from the EHS.

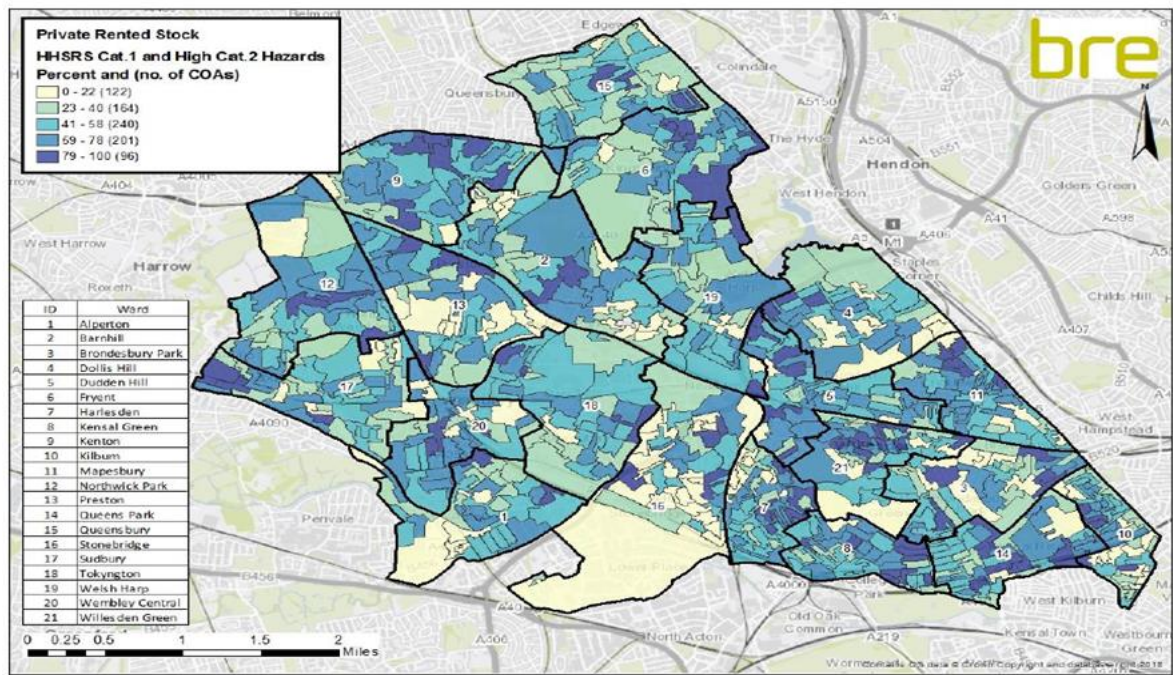
8.3.13 Table 12 also provides a summary of the number and percentage of private rented dwellings in each ward with a high category 2 hazard. Kensal Green has the highest level at 58% of private rented dwellings, with Willesden Green 56%, Fryent 55% and Harlesden 53%. In relation to the proposals only Alperton 33% and Sudbury, Preston Queensbury (37%-39%) have levels which are below the England figure. The data and text for high category 2 hazards has been kept apart from the other text as the data for comparison is not taken from the English Housing Survey. Because the comparison data is not the same, it would not be appropriate to add these **high** category 2 hazards to the category 1 figures.

Figure 19 Percentage of dwellings with a high category 2 hazard by ward, private rented stock and comparison with London average (42%) and England average (47%)



Map 10: The distribution of PRS Cat 1 and High Cat 2 HHSRS hazards at COA level in Brent

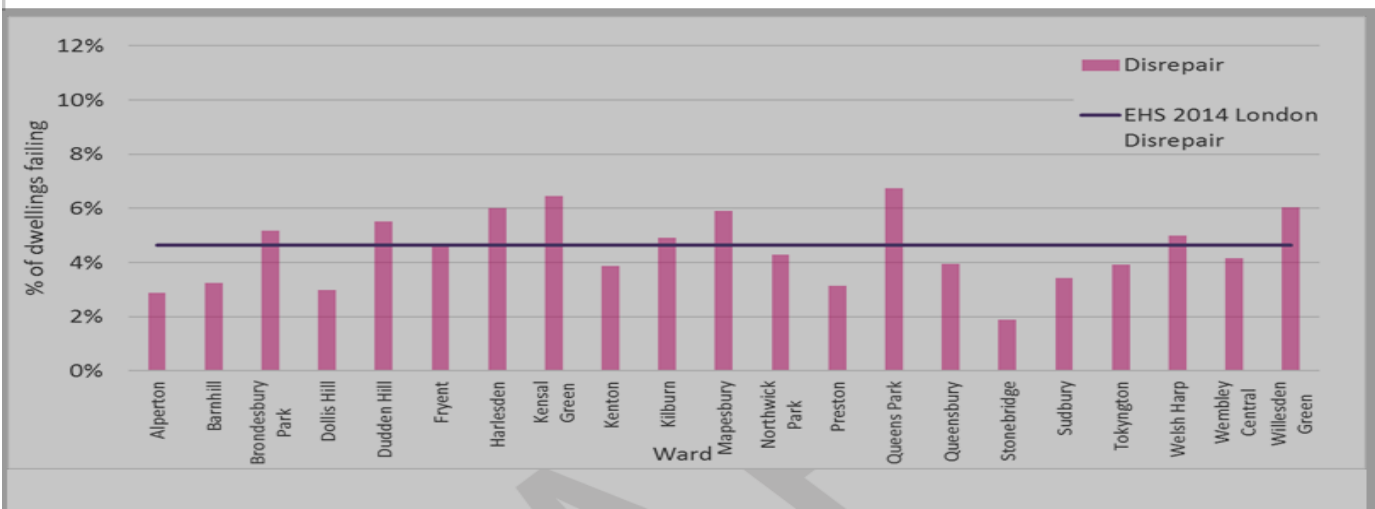
Map 31: Percentage of private rented sector dwellings in Brent with the presence of both a HHSRS category 1 hazard and high category 2 hazard



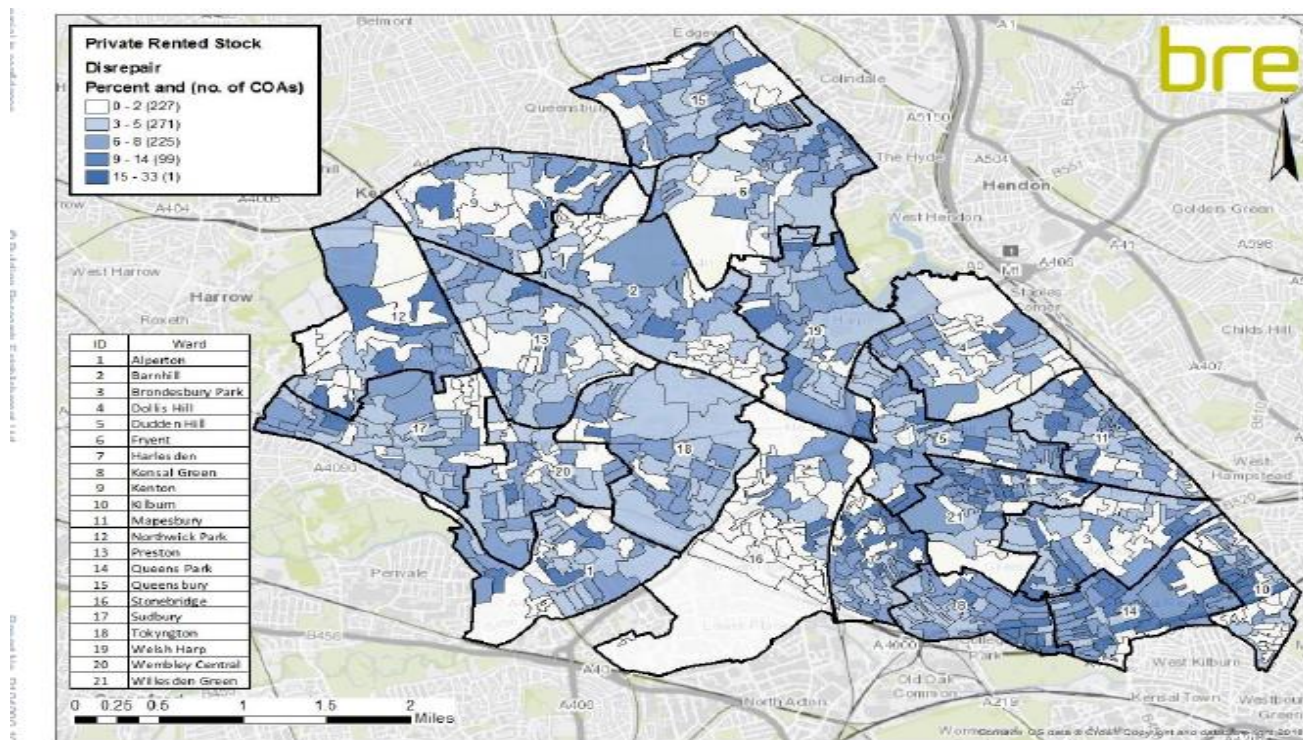
8.4 Information on poor property conditions – levels of disrepair

8.4.1 There is the potential for a dwelling to contain one or more hazards and also be in disrepair. For disrepair, 10 wards are higher than the EHS 2014 regional average (5%), most notably Willesden Green, Harlesden, Welsh Harp and Fryent, again in relation to the proposed designations. The map shows low proportions in Stonebridge and Dollis Hill, with pockets of denser disrepair in Alperton and Tokyngton.

Figure 20: Comparison of percentage of dwellings failing the housing condition indicators of disrepair across the wards in Brent and compared to the London average



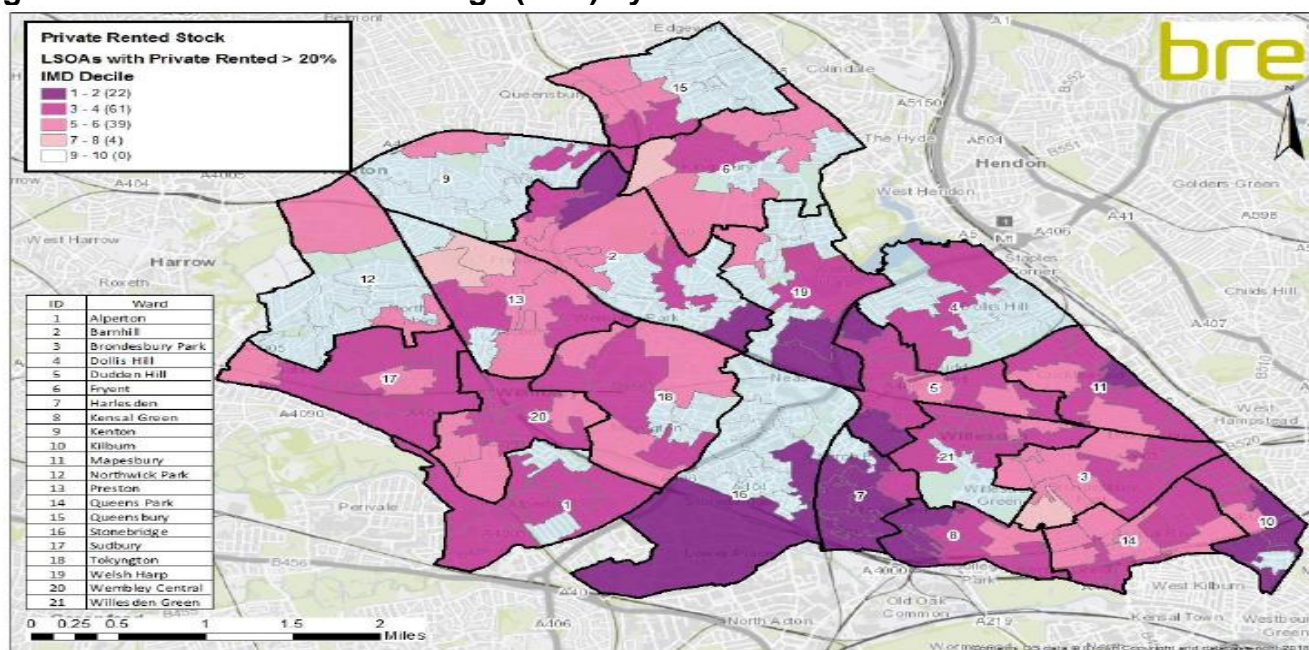
Map 11: Percentage of private rented sector dwellings in Brent in disrepair



8.5 Information on deprivation

8.5.1 To determine deprivation, we have looked at the 2015 Indices of Multiple Deprivation (IMD) taking account of the seven “domains”, including income, crime, and living environment deprivation. To determine whether an area is deprived or not for the purposes of this study, the 20% most deprived LSOAs have been used.

Map 12: Distribution of LSOAs containing proportions of private rented dwellings at levels greater than the national average (20%) by IMD decile

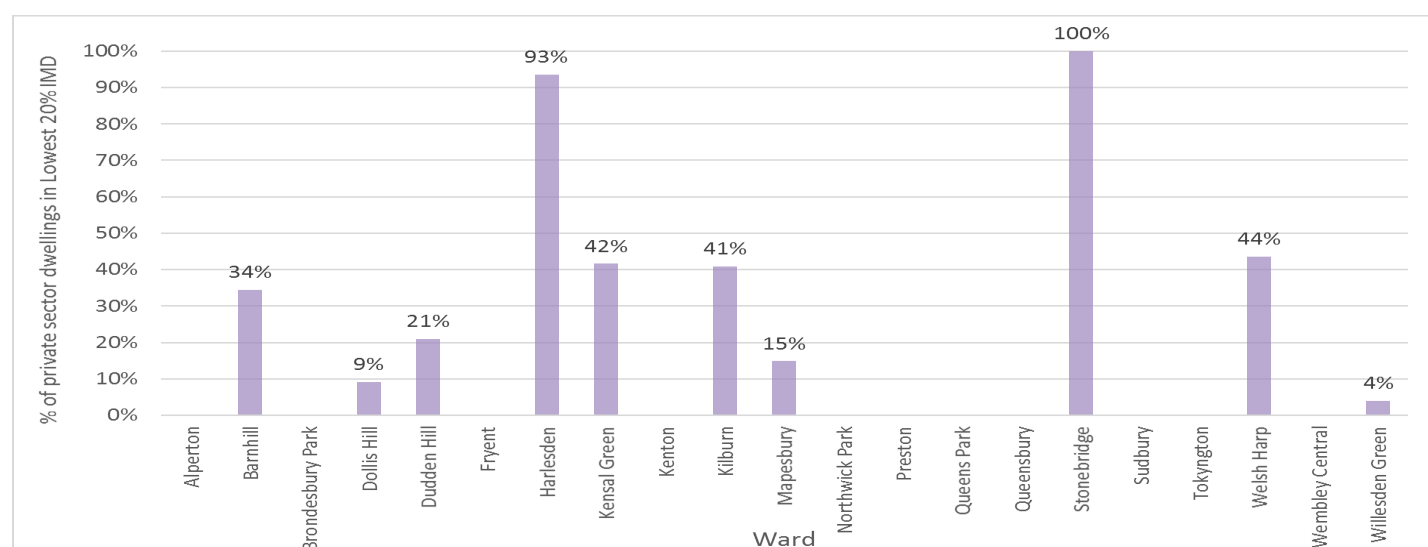


8.5.2 Map 12 shows the distribution of deprivation across Brent at LSOA level with the wards shown over the top (N.B. some LSOAs span more than one ward). The darker colours indicate the most deprived areas – for example, looking at the key there are 36 LSOAs which fall into the

20% most deprived areas in England, including all the LSOAs in Stonebridge and the majority in Harlesden. When cross referencing deprivation our maps show pockets of areas with both high levels of private renting, and deprivation with housing conditions (category 1) in deprived areas, for example most and the Stonebridge and Harlesden wards, and to the of south of Welsh Harp.

8.5.3 Figure 21 shows the results of this analysis from table 19 in graphical form looking at the proportion of privately rented dwellings that are in the 20% most deprived areas in each ward. The figure for Brent as a whole is 21% and it can be seen that in Harlesden 93% of privately rented dwellings are in the 20% of the most deprived LSOAs in England. For Welsh Harp the figure is 44% and for Barnhill 34%.

Figure 21: Percentage of privately rented dwellings in each ward in Brent which are in the 20% most deprived areas in England (IMD 2015)



8.6 Information on antisocial behaviour

8.6.1 The areas likely to be subject to selective licensing are experiencing a significant and persistent problem caused by anti-social behaviour, which some private sector landlords are failing to address. The table below is the residents survey analysis for ASB for the three wards where wider licensing came into effect since 2015. The table shows a reduction in concern of incidences of rubbish and litter across the wards, and some control of noise in Willesden Green with a reduction of incidences in Harlesden. Street drinking concern is reduced in Harlesden.

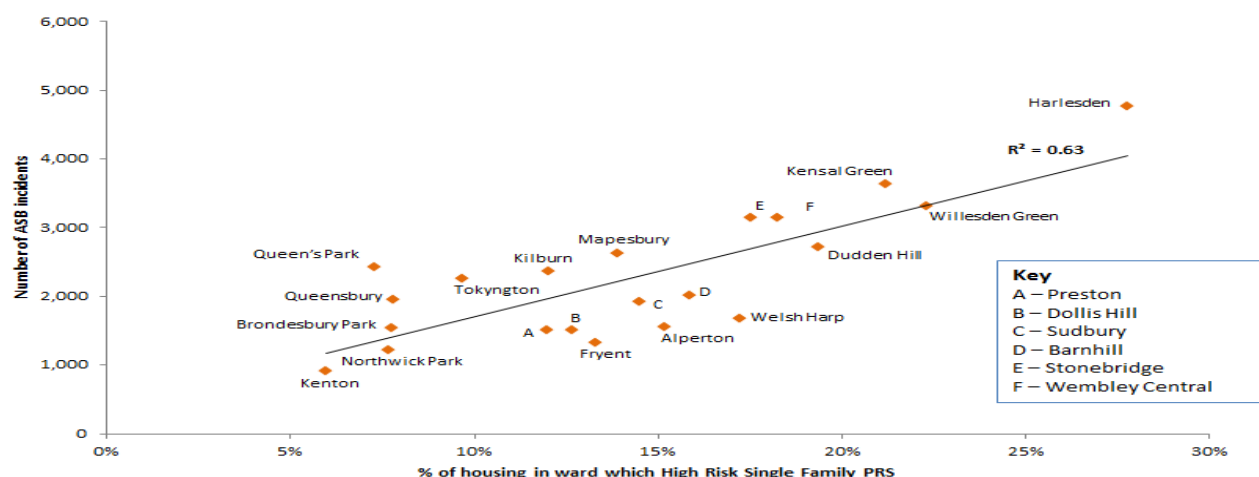
Table 15: Comparison of residents ASB concerns 2014 and 2018

Issue	Wembley Central		Willesden Green		Harlesden	
	2014	2018	2014	2018	2014	2018
Burnt out and abandoned cars	7%	22%	3%	10%	6%	8%
Noisy neighbours and loud parties	19%	30%	31%	32%	23%	20%
People being drunk or rowdy in public places	48%	60%	44%	59%	58%	53%
People hanging around the streets	42%	48%	47%	50%	55%	58%
People using or dealing drugs	39%	42%	33%	56%	53%	62%
Rubbish or litter lying around	69%	70%	72%	65%	75%	57%

Vandalism, graffiti and other deliberate damage to property or vehicles	32%	39%	24%	31%	19%	26%
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8.6.2 Within the overall private rented sector, Selective Licensing is concerned with Single Family dwellings. Individual charts of all data sources were prepared and Figure x is a composite chart which illustrates the positive correlation for these properties with $R^2 = 0.63$.

Figure 23: No. of ASB incidents* against % of ward where housing is predicted to be High Risk Single Family PRS

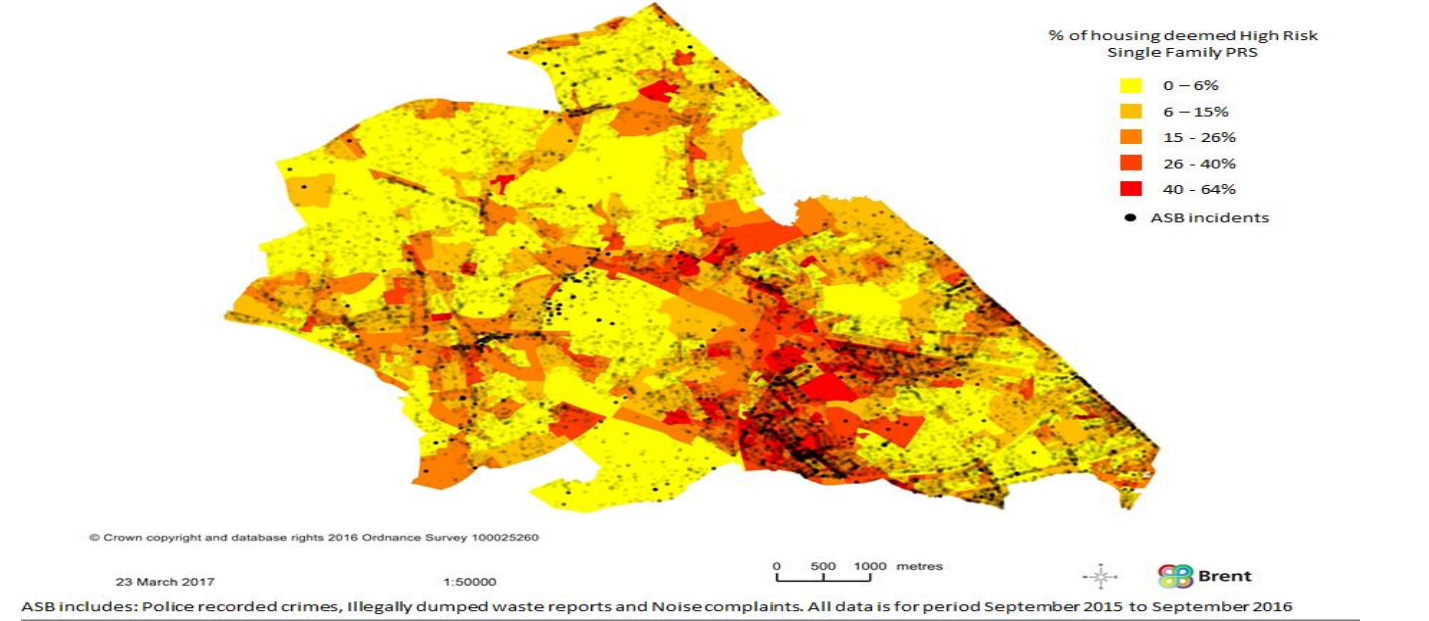


*Includes data from four sources; police recorded crime, fly tipping reports, noise complaints and police recorded ASB – data aggregated to ward level

**17,505 properties were identified as being high risk of being Single Family Private Rented. This was deduced by indicators such as having housing benefit at the address, two or more adults at the address, reports of dilapidation or noise, as well as being smaller properties (council tax bands A-C). Please note that we cannot be 100% certain these are single family PRS, nor indeed private rented.

8.6.3 The indicators most correlated with private renting are enviro-crime (+0.79), fly-tipping (+0.74), and property conditions (0.68). Those correlated least, albeit still positively, are Police-reported ASB (0.58) and Council reported ASB (0.57) [although it must be noted that the sample size for this indicator was relatively small]. The three wards with the highest levels of contaminated waste reports are Brondesbury Park (13,080), Queensbury (12,206) and Barnhill (11,619). The levels of contaminated waste are also high in other wards. There is also a strong relationship between PRS and reports of illegally dumped waste across the borough, with Harlesden, Kensal Green and Willesden Green showing especially high levels. Overall there is a slight positive correlation (0.32) between noise complaints and private renting, with Harlesden, Mapesbury and Kilburn wards showing the highest correlation. Map 13 below breaks down ASB by single family households and shows that there is significant distribution across all Brent wards.

Map 13: Map showing % of properties by census output area predicted to be High Risk of being Single Family PRS by recorded ASB incidents



9.0 SECTION E – Proposals summary and Consultation Summary

9.1 Summary

Table 16 Summary of findings for selective licensing scheme conditions in Brent

Ward	Conditions for licensing								
	% of Dwellings in the PRS	Poor Property Conditions					Deprivation	ASB	
	Dwellings - private rented stock >20%	All Cat 1 > regional average (9%)	1 no. Cat 1 > regional average for Excess Cold or Falls	High Cat 2 > regional average (42%)	Disrepair > regional 5% average	Has one or more elements of poor property condition	Deprivation % in 20% IMD	Persistent & Significant ASB with wards Ranked	
Alperton	YES		√			YES		YES	13
Barnhill	YES		√	√		YES	YES	YES	10
Brondesbury Park	YES	√		√	√	YES		YES	19
Dollis Hill	NO 19%	√		√		YES	YES	YES	17
Dudden Hill	YES	√		√	√	YES	YES	YES	8
Fryent	YES	√		√	√	YES		YES	18
Harlesden	YES	√		√	√	YES	YES	YES	2
Kensal Green	YES	√		√	√	YES	YES	YES	5
Kenton	NO 19%	√		√		YES			21
Kilburn	YES		√	√	√	YES	YES	YES	3
Mapesbury	YES	√		√	√	YES	YES	YES	3
Northwick Park	YES	√		√		YES			20
Preston	YES		√			YES		YES	15
Queens Park	YES	√		√	√	YES		YES	7
Queensbury	YES		√			YES		YES	12
Stonebridge	NO 16%						YES	YES	9
Sudbury	YES		√			YES		YES	14
Tokington	YES	√			√	YES		YES	11
Welsh Harp	YES	√		√	√	YES	YES	YES	15
Wembley Central	YES	√		√		YES		YES	6
Willesden Green	YES	√		√	√	YES	YES	YES	1

9.1.1 Overall table 16 shows that all wards with a PRS stock of 20% and above fits the conditions for inclusion in a selective licensing scheme. The table gives a breakdown of the elements of poor property conditions (Hazards and Disrepair) for each ward where found. Where conditions exist to similar extents, we have grouped wards to form the designations.

Summary of objectives of Additional and Selective licensing

Objective	Performance indicator	Outcome
Improvement in HMO PRS	<ul style="list-style-type: none"> Improve 600 properties annually Undertake 750 Compliance checks 	<ul style="list-style-type: none"> Achieve 100% licensing Reduce Cat 1 and Cat high 2 hazards Increase in % complaint HMO over set baseline
Improvement in Single family dwellings	<ul style="list-style-type: none"> Improve 1500 properties annually Undertake compliance inspection in 25% of licences granted 	<ul style="list-style-type: none"> Achieve 100% licensing Reduce Cat 1 and high cat 2 hazards Achieve a general improvement of property conditions in the designated area within the lifetime of the designation.
Reduction in Antisocial behaviour in HMOs and Single family dwellings	<ul style="list-style-type: none"> Ward level analysis annually Complete 10 cases annually police reported ASB Complete 60 cases per year council reported ASB 	<ul style="list-style-type: none"> Reduction in ASB incidents Reduce ASB concerns by residents over 5 years Reduce ASB in 200 licensed properties annually
Combat problems of Deprivation	<ul style="list-style-type: none"> 25 cases per year regarding excess cold and fuel poverty 100 incidences of tenant homelessness advice 	<ul style="list-style-type: none"> Combat deprivation in the 10 most deprived areas Supporting the most vulnerable tenants

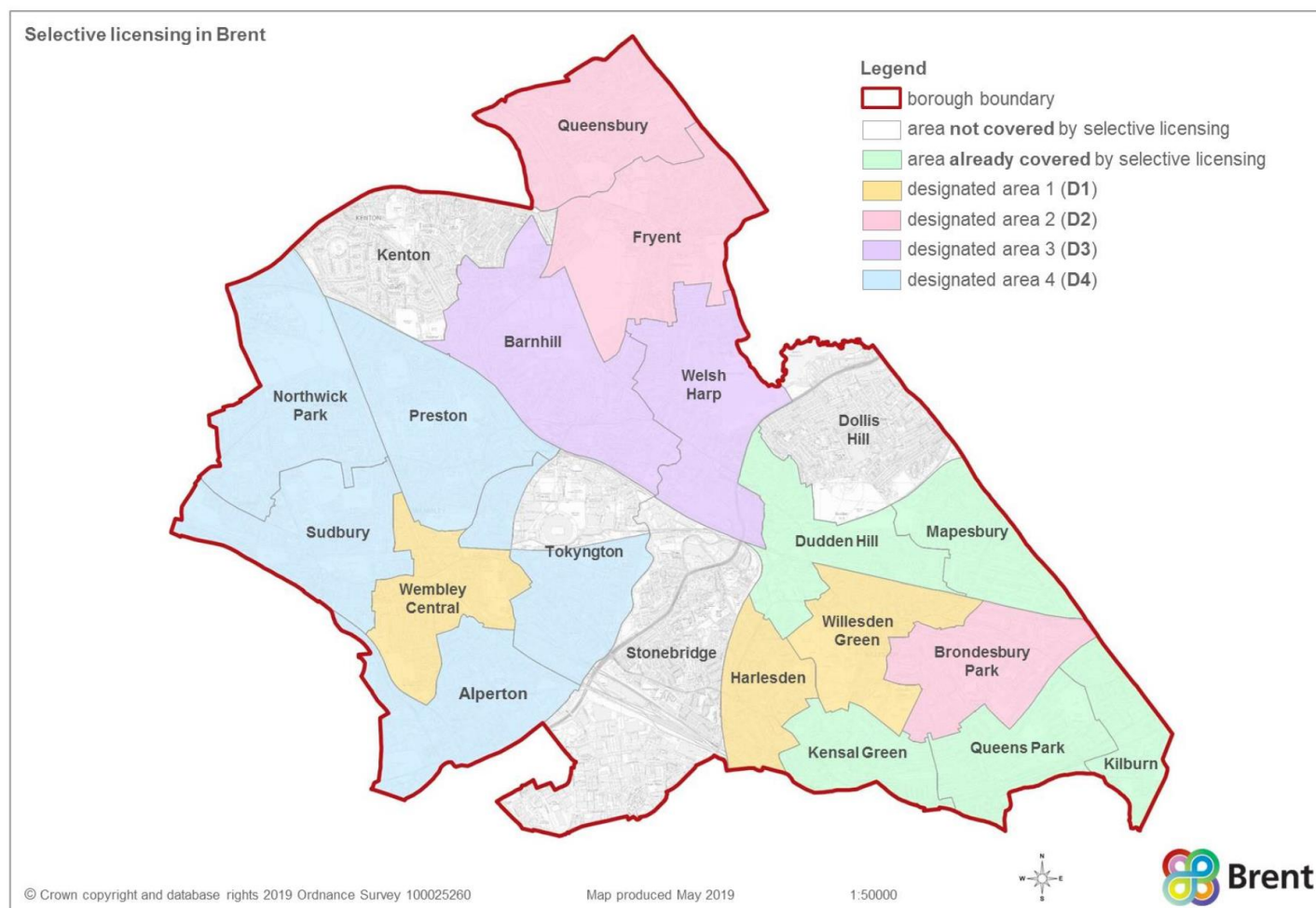
9.2 Summary of conclusions

- 9.2.1 The information outlined above shows the links between Police and Council housing reported ASB and the PRS in Brent. The mapping exercises carried out show positive correlation with the PRS.
- 9.2.2 Evidence also shows that poor property conditions and deprivation levels in Brent are high and impact on the PRS.
- 9.2.3 The wards currently covered by Selective Licensing score highly on all key measures such as poor property conditions. Wards such as Kenton and Northwick Park where private renting is least established show relatively lower scores on almost every indicator.
- 9.2.4 Only Wembley Central scores higher on enviro-crime and fly tipping. By contrast Kilburn and Mapesbury with the highest concentrations of private renting are ranked joint third. The ASB is positively correlated to the private rented sector.
- 9.2.5 When the data is taken into the present context there is justification for Brent to engage in the consultation exercise on proposals to renew additional and selective licensing and also to extend selective licensing to other areas of the borough.
- 9.2.6 We believe that the evidence for selective licensing supports making multiple selective designations, (**Map 14**), these being:

- Designation 1:** Harlesden, Wembley park and Willesden Green wards - Grounds; Property Conditions and ASB
- Designation 2:** A5 Corridor, Queensbury, Fryent and Brondesbury Park – Grounds; Property Conditions and ASB
- Designation 3:** Barnhill and Welsh Harp – Grounds; Property Conditions, Deprivation and ASB
- Designation 4:** Northwick Park, Preston, Tokyngton (Excluding Wembley Park), Alperton and Sudbury; Property Conditions and ASB

We believe this allows for practicable commencement, implementation and enforcement of the schemes should the proposals are approved. Map 14 features three sectors and we intend to focus and coordinate our work based on these sectors in delivering our licensing scheme objectives.

Map 14: Map of designated area for selective licensing



10.0 The Consultation - Have your say

- 10.1 Based on the information provided in this document, the Council believes that the conditions for extending selective licensing scheme are satisfied. However, we want to know your views before any final decision is made about private rented sector licensing in Brent. If we make a decision to introduce selective licensing borough-wide, it will mean that some homes in the Borough that are rented out privately must be licensed by the Council. The consultation runs between for a minimum of 10 weeks **10th June 2019 and 25th August 2019**.

- 10.2 The proposals to designate a renew and extend property is also available on the Council website www.brent.gov.uk/propertylicensing2019. You can also call us on 020 8937 2384/5 or email to prslicensing@brent.gov.uk to be sent a copy. Please read the information about our licensing proposals, before completing the questionnaire. There are questionnaires which apply to different groups of people. Please make sure you complete the one(s) that apply to you.
- 10.3 During the consultation period, we will conduct the following:
- An on-line survey available to all residents, landlords and other stakeholder including people in surrounding areas
 - Focus groups with private tenants and representative organisations
 - Focus groups with landlords, letting agents and landlords' representative organisations, and
 - Face to face interviews with various individuals
- 10.4 The formal consultation is being publicised widely by Brent through various methods including flyers in Housing Benefit and Council Tax statements to residents and landlords; flyers and Posters sent to local leisure and community centres; continuing advertisements in Brent Magazine and other printed media throughout the consultation; front-page marketing on Brent Council's Website; and council officers' attendance at local landlord and tenant forums.
- 10.5 There will also be a number of opportunities for you to come along to Brent Connects Forums to find out more about the proposed schemes. Details of these consultation events will be advertised in the local press and posted on the Council's website.

**If you wish to comment on the proposals, please feedback by Midnight on 25 August 2019.
You can do this by:**

- **You can complete the questionnaire available online at:**
www.brent.gov.uk/propertylicensing2019
- **Paper copies of the questionnaire are available on request** by e-mailing prslicensing@brent.gov.uk or calling us at 020 8937 2384/5. You can scan it and return to us by e-mail to PRSlicensing@brent.gov.uk, or send it back to us in a pre-paid envelope to:
Brent Consultation Team
Civic Centre Level 6
FREEPOST (SCE 11 999)
Engineers Way, Wembley,
HA9 0FJ

You can provide general more comments and representations by sending an email to prslicensing@brent.gov.uk. If you want to know more details about selective licensing and why the Council is considering this measure before completing the questionnaire, please e-mail us at PRSlicensing@brent.gov.uk.

10.6 What happens next?

- 10.7 The consultation with local residents, landlords, local businesses and other organisations with an interest in the private rented sector in Brent will run until 29th July, 2019 to give everyone time to consider and respond to our proposals fully.
- 10.8 The Council will publish the findings of the consultation as soon as possible after the consultation ends. The Council will consider any representations made during the consultation period before deciding whether or not approve the implementation of additional and selective

licensing. Any approval of selective licensing over the 20% rule will require the Secretary of State to confirm the decision. Whether by general consent or by the Secretary of State confirmation of the schemes in Brent there will be a minimum of a three months' notification period before any scheme(s) would come into force. This will allow affected landlords time to apply for licences.

Documents referred to and Annexes

- 14.1 BRE Integrated Level Housing Stock Condition of Brent – Executive Summary
- 14.3 Mayhew Harper Associates Report 2016
- 14.4 Cabinet Report: Selective Licensing in the PRS, 2017.
- 14.5 Annex A - Licence Fees Proposals
- 14.6 Annex B – Additional Licence Conditions Proposals
- 14.7 Annex C – Selective Licence Conditions Proposals
- 14.8 Annex D - The Equalities Assessment (EA) scope

Appendix 1 - Selected Glossary

- ASB - Anti-Social Behaviour
- PRS - Private Rented Sector
- SLS - Selective Licensing Scheme
- IRD – Illegal Rubbish Dumping (Fly-tipping)
- MHCLG – Ministry of Housing Communities and Local Government (formerly DCLG)
- HHSRS - Housing Health and Safety Rating System
- LSOA - A Lower Layer Super Output Area is a geographical area designed to improve the reporting of small area statistics.
- NINo - National Insurance Number Registrations of overseas nationals
- EHS - English Housing Survey
- SHMA - Strategic Housing Market Assessment

Appendix 2 - Analysis of noise, waste and ASB in Brent

Figure App1:1 - Illegally Dumped Waste by Ward 2015/16 (13,262 records). Shows high incident areas are Harlesden, Mapesbury, Willesden Green, Kensal Green, Barnhill, Sudbury, Dudden Hill, Queens Park, Kilburn and Queensbury also feature prominently.

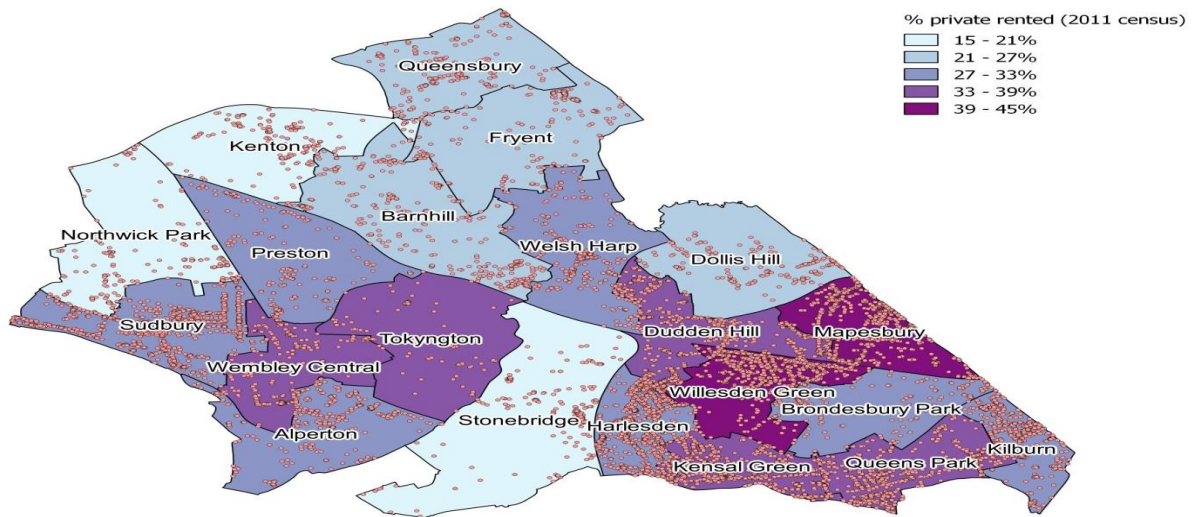


Figure App1:2 - Noise complaints received 2015/16 (998 records)

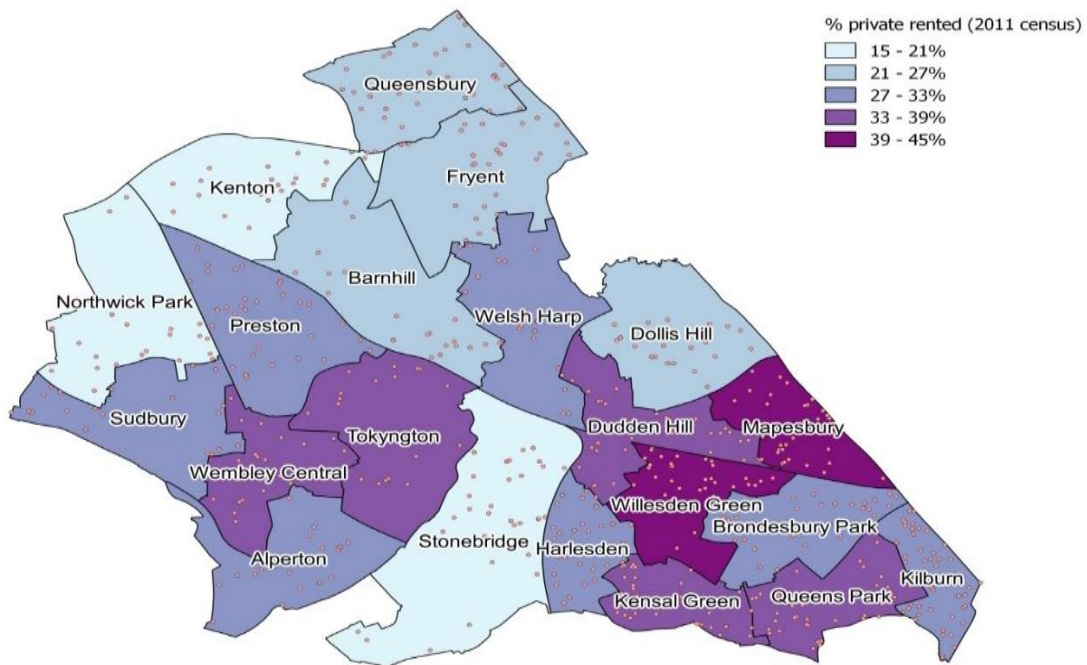


Figure App 1:3 - The link of ASB and the PRS. Council reported ASB 2015/16 (147 records)

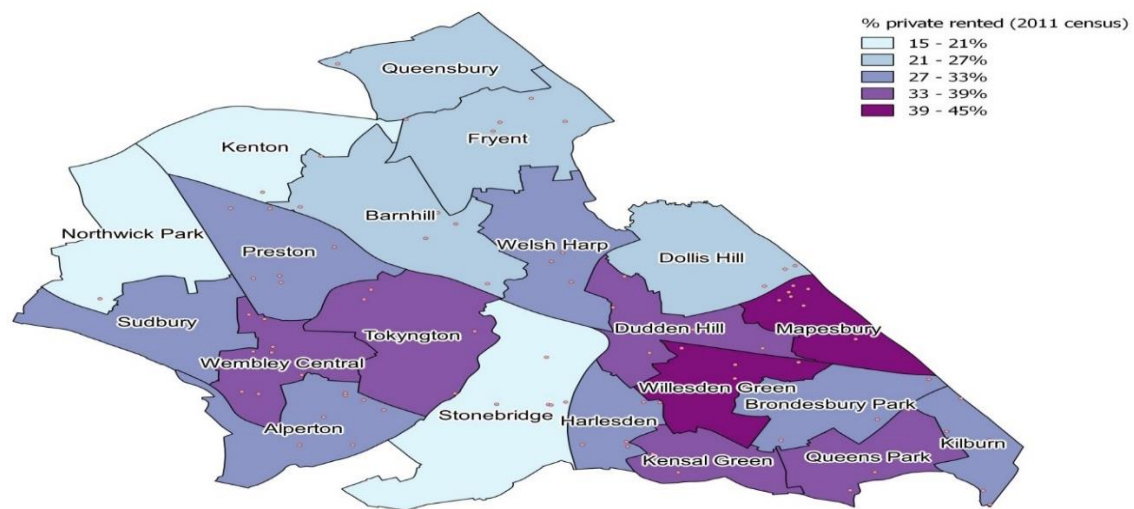


Figure App 1:4 – Illegally Dumped Rubbish (IRD) by Tenure

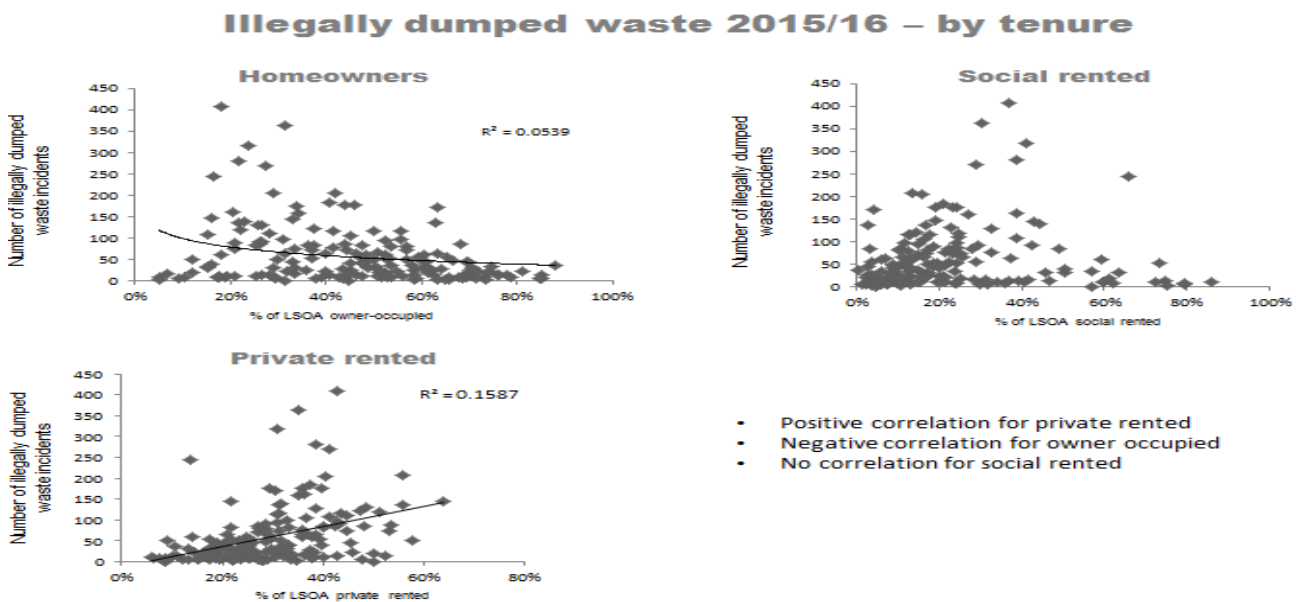


Figure App 1:5 - Noise complaints by tenure

Noise complaints 2015/16 – by tenure

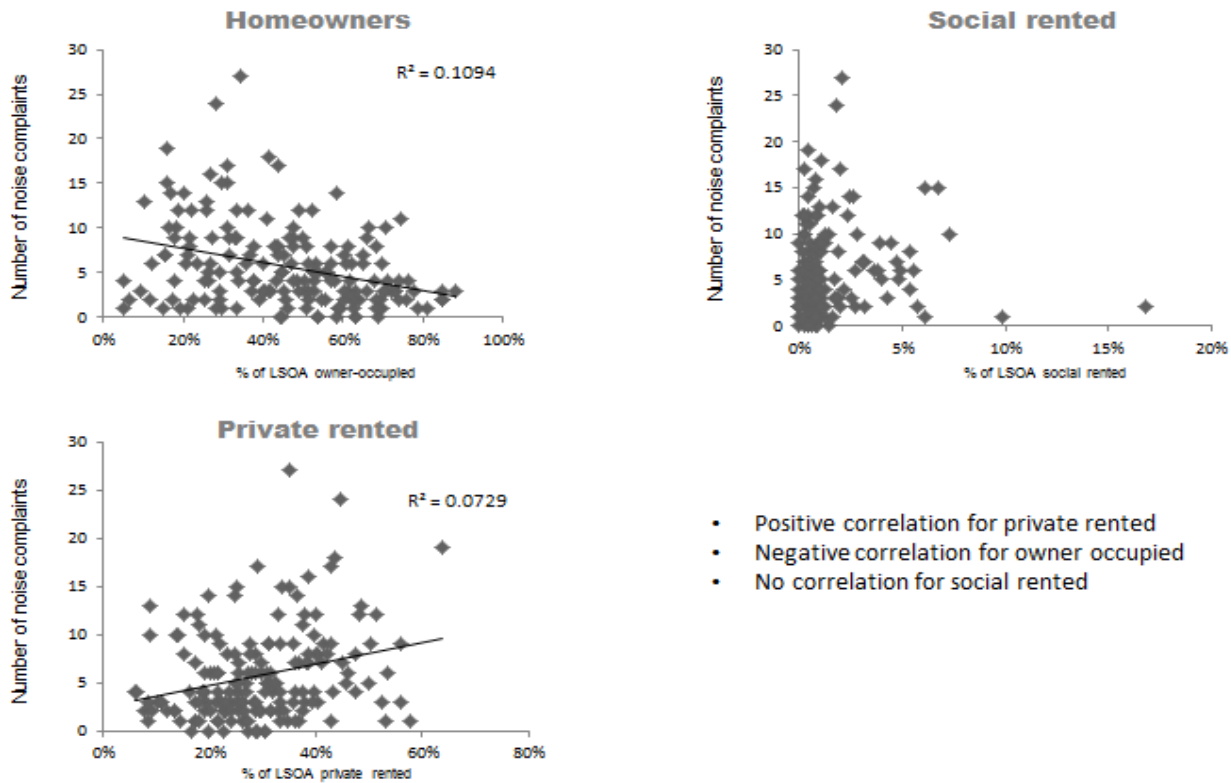


Figure App 1:6 - Police recorded ASB by Tenure

Police recorded ASB 2015/16 – by tenure

