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Cabinet

Monday 17 April 2023 at 10.00 am

Conference Hall - Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

Please note this will be held as a physical meeting which all Cabinet members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available HERE.

Membership:

Lead Member Councillors:	Portfolio
M Butt (Chair)	Leader of the Council
M Patel	Deputy Leader and Cabinet Member for Finance, Resources & Reform
Donnelly-Jackson	Cabinet Member for Customers, Communities & Culture
Farah	Cabinet Member for Safer Communities & Public Protection
Grahl	Cabinet Member for Children, Young People & Schools
Knight	Cabinet Member for Housing, Homelessness & Renters Security
Nerva	Cabinet Member for Public Health & Adult Social Care
Krupa Sheth	Cabinet Member for Environment, Infrastructure and Climate Action
Tatler	Cabinet Member for Regeneration, Planning & Growth

For further information contact: James Kinsella, Governance Manager, Tel: 020 8937 2063; Email: james.kinsella@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: **democracy.brent.gov.uk**

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Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

(a) **Employment, etc. -** Any employment, office, trade, profession or vocation carried on for profit gain.

(b) **Sponsorship -** Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.

(c) **Contracts -** Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.

(d) **Land -** Any beneficial interest in land which is within the council's area.

(e) **Licences-** Any licence to occupy land in the council's area for a month or longer.

(f) **Corporate tenancies -** Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.

(g) **Securities -** Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item Page

1 Apologies for Absence

2 Declarations of Interest

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Minutes of the Previous Meeting 1 - 10

To approve the minutes of the previous meeting held on Monday 13 March 2023 as a correct record.

4 Matters Arising (if any)

To consider any matters arising from the minutes of the previous meeting.

5 Petitions (if any)

To discuss any petitions from members of the public, in accordance with Standing Order 66.

6 Reference of item considered by Scrutiny Committees (if any)

To consider any reports referred by the Community & Wellbeing or Resources & Public Realm Scrutiny Committees.

Resident Services Reports

7 Household Support Fund 2023/24 11 - 56

This report provides details on the Government announcement regarding the Household Support Fund (HSF) extension from 1 April 2023 to 31 March 2024 and seeks agreement to proposals for the subsequent allocation and distribution of the HSF in Brent.

Ward Affected:
Queens Park

Lead Member: Cabinet Member for Customers, Communities and Culture (Councillor Fleur Donnelly-Jackson)
Contact Officer: Thomas Cattermole, Director of Customer Access

Tel: 020 8937 5446
thomas.cattermole@brent.gov.uk

8 Kilburn Library Development and Refurbishment 57 - 122

This report presents Cabinet with a business case for investment to upgrade the premises and facilities at Kilburn Library and the Library Garden.

Ward Affected:
Queens Park

Lead Member: Cabinet Member for Customers, Communities and Culture (Councillor Fleur Donnelly-Jackson)
Contact Officer: Thomas Cattermole, Director of Customer Access
Tel: 020 8937 5446
thomas.cattermole@brent.gov.uk

9 Selective Licensing in the Private Rented Sector in Brent 2023 123 - 480

This report requests Cabinet approval for the proposed selective licensing scheme designations beyond 30 April 2023.

Ward Affected:
All Wards

Lead Member: Cabinet Member for Housing, Homelessness & Renters Security (Councillor Promise Knight)
Contact Officer: Spencer Randolph, Head of Private Housing Services
Tel: 020 8937 2546
spencer.randolph@brent.gov.uk

Communities & Regenerations Reports

10 Community Grant (NCIL) Funding 481 - 534

This report details the outcome of a review of the current distribution of council community grants and proposed options for a new approach to dispersing community grant funds.

Ward Affected:
All Wards

Lead Member: Cabinet Member for Regeneration, Planning & Growth (Councillor Shama Tatler), Cabinet Member for Customers, Communities and Culture (Councillor Fleur Donnelly-Jackson)
Contact Officer: Lorna Hughes, Director - Communities and Strategy
lorna.hughes@brent.gov.uk

Finance & Resources Reports

11 Brent Civic Centre – Approval to commercially let Civic Centre surplus floor space(s) 535 - 542

Following approval of the Council's budget proposals for 2023/24 (including a proposal to let additional floor space within the Civic Centre to external organisations), this report sets out the Council's approach towards the of letting additional space in the Civic Centre.

Ward Affected:
Wembley Park

Lead Member: Deputy Leader and Cabinet Member for Finance, Resources and Reform (Councillor Mili Patel)
Contact Officer: Tanveer Ghani, Director Property and Assets,
Tel: 020 8937 1722, tanveer.ghani@brent.gov.uk
Denish Patel, Head of Property,
Tel: 020 8937 2529, denish.patel@brent.gov.uk

Adult Social Care Reports

12 Section 75 agreement for Better Care Fund 543 - 556

This report seeks approval for the Council to enter a partnership arrangement, under Section 75 of the National Health Service Act 2006, in respect of the delivery of the approved Better Care Fund Plan with North West London Integrated Commissioning Board for 2023/24 and onwards.

Ward Affected:
All Wards

Lead Member: Cabinet Member for Public Health & Adult Social Care (Councillor Neil Nerva)
Contact Officer: Tom Shakespeare, Integrated Care Partnership Director
Tom.Shakespeare@brent.gov.uk

Governance Reports

13 Review of the Use of Regulation of Investigatory Powers Act 2000 557 - 564

This report informs Cabinet of the Council's use and conduct of surveillance techniques in accordance with the Regulation of Investigatory Powers Act (RIPA) 2000; and requests Cabinet approve the changes to the attached RIPA policy.

Ward Affected:
All Wards

Lead Member: Deputy Leader and Cabinet Member for Finance, Resources and Reform (Councillor Mili Patel)
Contact Officer: Biancia Robinson, Senior Lawyer, Constitutional and Governance
Tel: 0208 937 1544
Biancia.Robinson@brent.gov.uk

14 Exclusion of Press and Public

The following items are not for publication as they relate to the following category of exempt information set out below, as specified under Part 1, Schedule 12A of the Local Government Act 1972:

Agenda Item 11: Brent Civic Centre – Approval to commercially let Civic Centre surplus floor space(s) – Appendix 1 (Negotiations)

This appendix is classified as exempt under Paragraph 3 of Part 1 Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

15 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.

Date of the next meeting: Monday 22 May 2023



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and a number of seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast HERE.

LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET
Held in the Conference Hall, Brent Civic Centre on Monday 13 March 2023 at 10.00 am

PRESENT: Councillor M Butt (Chair), Councillor M Patel (Vice-Chair) and Councillors Donnelly-Jackson, Farah, Grahl, Knight, Nerva, Krupa Sheth, Southwood and Tatler.

Also present (as an online participant): Martin Smith (Chair of i4B Holdings Ltd and First Wave Housing Ltd Boards) for Agenda Items 7 and 8.

1. **Apologies for Absence**

None received.

2. **Declarations of Interest**

Peter Gadsdon and Phil Porter declared personal interests in relation to Agenda Item 7 (i4B Business Plan 2023/24) and Agenda Item 8 (First Wave Housing Business Plan 2023/24) as Council appointed Directors on the Boards of i4B and FWH Ltd.

Councillor Grahl declared a personal interest in relation to Agenda Item 10 (Contract for Leaseholder Property Insurance) as a leaseholder in the borough.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on Monday 6 February 2023 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

None.

5. **Petitions (if any)**

There were no petitions submitted for consideration at the meeting.

6. **Reference of item considered by Scrutiny Committees (if any)**

There were no references from either the Community & Wellbeing or Resources & Public Realm Scrutiny Committee submitted for consideration at the meeting.

7. **i4B Holdings Ltd Business Plan 2023/24**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced a report, providing Cabinet with a final draft of the i4B

Holdings Ltd (i4B) 2023/24 Business Plan for consideration and approval on behalf of the Shareholder. In considering the report, Cabinet noted the update provided in relation to the operational performance of i4B along with the ongoing work being undertaken to address the key operational issues identified in relation to voids and rent collection. Whilst i4B was continuing to forecast positive cash balances the impact of the current economic environment, particular in relation to higher inflation and interest rates along with pressures affecting the supply chain and labour market, had also been recognised in terms of development and delivery of the current and 2023-24 Business Plan. Given the pressures identified, it was noted that the Board had agreed to temporarily suspend their street property acquisition programme pending further review later in 2023.

Following Councillor Mili Patel's introduction Councillor Muhammed Butt (as Leader of the Council) welcomed Martin Smith, Chair of the i4B Holdings Ltd Board, (as an online participant) and invited him to introduce the key themes in relation to the current performance and strategic priorities for i4B as detailed within the company Business Plan. In commenting on the report, Martin Smith outlined the context in which the 2023-24 Business Plan had been developed along with the progress made against the objectives within the 2022-23 Business Plan and key strategic priorities for 2023-24. In highlighting the challenging economic context within which i4B was operating members were advised:

- of the measures taken to secure available finance at preferential interest rates, as part of i4B's Development Strategy.
- that whilst i4B had made the decision to suspend its street property acquisition programme work would continue to enable further consideration to be given to re-entering the market later in 2023, allowing market conditions to stabilise.

In terms of looking ahead, the strategic priorities identified within the 2023-24 Business Plan had remained focused around increasing the supply of affordable housing in the borough; running a viable business; delivering safe and sustainable homes; and providing a consistently good housing service in support of the Council's wider Housing Strategy. Members were advised these also included, as specific priorities, an approach designed to deliver accessible adapted accommodation as well as meet current environmental and decarbonisation requirements and standards, given the additional costs relating to environmental efficiency works. In working towards these objectives, Cabinet noted the current focus within the Business Plan had therefore been adjusted towards the acquisition of new build block properties utilising the funding available pending any decision to re-enter the street property market.

Members supported and welcomed the contribution being made by i4B towards addressing housing need across the borough through the supply of safe, secure and sustainable affordable housing and in support of the Council's wider Housing Strategy. Having noted the current performance and strategic priorities of i4B, along with the exempt information contained within the appendices of the report, Cabinet therefore **RESOLVED**:

(1) To approve the i4B 2023/24 Business Plan.

(2) To approve the content and proposed strategic priorities of i4B's 2023/24 Business Plan.

(3) To approve the updated financial model contained within the 2023/24 Business Plan.

(4) To approve the Service Level Agreement for 2023/25 in Appendix 4 of the report.

(5) To delegate authority to the Corporate Director of Finance & Resources to approve the variation of the Service Level Agreement during 2023/24.

8. **FWH Business Plan 2023/24**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced a report, providing Cabinet with a final draft of the First Wave Housing Ltd (FWH) 2023/24 Business Plan for consideration and approval on behalf of the Guarantor.

In considering the report Cabinet noted the use of FWH as the preferred body to be used by the Council for the purpose of entering into a formal leasing arrangement for the acquisition of 118 London Living Rent units at the Fulton Road site, which was currently being progressed. This was on the basis of the leasing arrangement being structured around FWH's status as a Registered Provider. In terms of FWH's operational performance, members were advised that the key challenge remained void times. Members also noted the overview provided in relation to delivery of the objectives within their 2022-23 Business Plan and key strategic priorities for 2023-24 which, as for i4B, remained focussed around delivering safe and sustainable homes; increasing the supply of affordable housing in the borough; running a viable business; and providing a consistently good housing service. Whilst the cash position of FWH was forecast to remain positive, the impact of the current economic challenges identified in relation to rising inflation, interest rates, corporation tax and levels of rent along with the pressures created as a result of the cost of living crisis on affordability and rent collection, had been recognised and reflected within development of the Business Plan. As with i4B, members noted the way in which FWH was able to benefit from access to acquisition funds and potential GLA funding with support being provided on how access to the loan and other grant funding could be utilised to support the company's strategic objectives and Council's wider Housing Strategy.

On being invited to comment on the report, Martin Smith, Chair of FWH Ltd Board, advised he had nothing further to add in relation to the introductory comments made. Members therefore thanked him for attending the meeting and once again outlined their support for the contribution being made by FWH towards delivery of the Council's Housing Strategy through the supply of safe, secure and sustainable affordable housing.

Having noted the current performance and strategic priorities outlined in relation to FWH, along with the exempt information contained within the appendices of the report, Cabinet **RESOLVED**:

(1) To approve FWH's 2023/24 Business Plan.

(2) To approve the content and proposed strategic priorities of FWH's 2023/24 Business Plan.

(3) To approve the updated financial model contained within the 2023/24 Business Plan.

(4) To approve the Service Level Agreement for 2023/25 in Appendix 4 of the report.

(5) To delegate authority to the Director of Finance to approve the variation of the Service Level Agreement during 2023/24.

9. **Contract for General Insurance Services**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced a report setting out the proposed arrangements for provision of the Councils Insurance Service contracts.

In presenting the report, Councillor Mili Patel advised that the contract had last been tendered in 2018, with the current arrangements due to expire in September 2023. In noting the main risk classes covered under the current insurance cover, as detailed in section 3.1 of the report, members were advised that the insurance requirements would remain the same except for First Wave Housing, which was due to be removed from the main insurance programme and have a standalone policy similar to the existing arrangements for i4B.

Having noted the report and with no further comments, Cabinet **RESOLVED**:

(1) To approve inviting tenders for Insurance Services on the basis of the pre-tender considerations set out in paragraph 3.4 of the report.

(2) To approve officers evaluating the tenders referred to in (1) above on the basis of the evaluation criteria set out in paragraph 3.4(vi) of the report.

(3) To delegate authority to the Corporate Director of Finance & Resources, in consultation with the Cabinet Member for Finance, Resource & Reform, to award the contract for Insurance Services for a term of three years with the option to extend for a further two years.

10. **Contract for Leaseholder Property Insurance**

Councillor Knight (Cabinet Member for Housing, Homelessness & Renters Security) introduced a report setting out the proposed arrangements for provision of the Council's Leasehold Property Insurance contract.

In considering the report members noted the main risk clauses due to be included under the contract arrangements, as detailed in section 3.6 of the report. Members also recognised the importance of the way the procurement process had been structured in order to secure best value for leaseholders in the borough, given the current challenging economic conditions.

Having considered the report and with no further comments, Cabinet **RESOLVED**:

(1) To approve inviting tenders for Leasehold Property Insurance on the basis of the pre-tender considerations set out in paragraph 3.5 of the report.

(2) To note that the Council would undertake consultation with leaseholders and Recognised Tenants Associations pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended), as set out in paragraphs 7.1 – 7.7 of the report.

(3) To approve officers evaluating the tenders referred to in (1) above on the basis of the evaluation criteria set out in paragraph 3.5 (vi) of the report.

(4) To delegate authority to the Corporate Director of Resident Services, in consultation with the Lead Member for Housing, Homelessness and Renters Security, to award the contract for Leasehold Property Insurance for a term of three years with an option to extend for a further two years.

11. **Procurement of Mechanical & Electrical Services works contract for Council Housing**

Councillor Knight (Cabinet Member for Housing, Homelessness & Renters Security) introduced a report seeking approval to commence procurement of the specialist mechanical and electrical (M&E) contracts that support the maintenance and repairs, planned maintenance, and servicing requirements in relation to the Council housing stock.

In considering the report, Cabinet noted the full range of contracts that would be included under the procurement process and their importance in terms of supporting the maintenance of the Council's housing stock in order to ensure that the Council complied with all of its key regulatory and statutory responsibilities and in terms of protecting and keeping its tenants and residents safe.

Having considered the report Cabinet **RESOLVED**:

(1) To note the M&E contracts detailed in the table in paragraph 3.6 of the report were coming to an end but would be extended. The Council was aiming to procure the new Qualifying Long-Term Agreements within a maximum period of 12 months. The existing contracts would need to be extended to align with the re-procurement process with new contracts awarded commencing March 2024.

(2) To note that pursuant to delegated powers officers were procuring a suitably experienced Technical Consultancy that would manage the preparation of the specifications and support the procurement of the new M&E contracts.

(3) To approve inviting tenders for the M&E Contracts detailed in the table within section 3.6 of the report.

(4) To delegate authority to the Corporate Director of Resident Services, in consultation with the Cabinet Member for Housing, Homelessness and Renters Security, to agree pre-tender considerations in respect of the M&E Contracts referred to in (3) above and thereafter evaluate tenders on the basis of the agreed evaluation criteria.

(5) To delegate authority to the Corporate Director of Resident Services, in consultation with the Cabinet Member for Housing, Homelessness and Renters Security, to award the M&E Contracts referred in (3) above.

(6) To approve the allocation of £64million exclusive of VAT over a period of 10 years from revenue and capital to fund the M&E Contracts referred to in (3) above, in accordance with the detail set out in section 3.6 of the report.

(7) To note that the Council would undertake consultation with leaseholders and Recognised Tenants Associations pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended), as set out in section 7.4 of the report.

12. **National Non-Domestic Rates 2023/24 Retail, Hospitality and Leisure Relief, Supporting Small Business Relief and Transitional Relief Schemes**

Councillor Southwood (Cabinet Member for Jobs, Economy & Citizens Experience) introduced a report seeking approval to implement the Council's National Non-Domestic Rates (NNDR) Discretionary Scheme for 2023/24 in relation to Retail, Hospitality and Leisure Relief and a Supporting Small Business Relief scheme.

In considering the report, members noted that the proposals had been designed to reflect recent guidance published by the Government in relation to the administration of both schemes based on the use of existing discretionary relief powers.

Having considered the report and published guidance, Cabinet **RESOLVED**:

(1) To approve the Council's National Non-Domestic Rates (NNDR) Discretionary Scheme in relation to 2023/24 Retail, Hospitality and Leisure Relief as set out in Appendix 1 of the report and pursuant to the Council's powers under Section 47 of the Local Government Finance Act 1988, as amended.

(2) To approve the Council's National Non-Domestic Rates (NNDR) Discretionary Scheme in relation to the 2023 Supporting Small Businesses Relief scheme as set out in Appendix 2 of the report and pursuant to the Council's powers under Section 47 of the Local Government Finance Act 1988, as amended.

(3) To delegate authority to the Corporate Director of Resident Services, in consultation with the Corporate Director of Finance & Resources, to implement the discretionary schemes set out in Appendix 1 and Appendix 2 of the report.

13. **Continuing the business rates discount for London Living Wage accredited employers**

Councillor Southwood (Cabinet Member for Jobs, Economy & Citizens Experience) introduced a report seeking approval to continue provision of the Business Rates Discount for London Living Wage (LLW) accredited employers from 1 April 2023 to 31 March 2026 along with a range of incentives and support for non accredited

LLW businesses and those moving towards LLW payment and accreditation in support of the "Good Work Standard".

In considering the report, members noted and endorsed Brent's long-standing commitment to promoting the LLW recognising the importance of addressing low pay as a cause of poverty and in terms of supporting ongoing economic development and tackling the cost-of-living crisis, post-covid. Whilst supportive of the continuation of the Business Rates Discount, members were also aware of the economic context relating to the make-up of the business sector across Brent and high percentage of small and medium employers not subsequently eligible for the LLW accredited Discount. As a result, members also welcomed the additional proposals outlined within the report designed to offer a more diverse range of incentives and support to meet the needs of the borough's small and micro businesses who were either paying LLW but were not formally accredited or were working towards offering the LLW payment, as detailed within section 3.21 of the report. In addition, members noted and welcomed the additional focus outlined in support of the Mayor of London's "Good Work Standard" given the incorporation of measures designed to encourage fair pay, and enhance working conditions, diversity and workplace wellbeing.

In expressing support for the proposals, Cabinet highlighted the responsibility it was felt the Council had to promote good employment and working practices, especially given the current economic context and challenges faced by many businesses across the borough and efforts being made to tackle the impact arising from the cost-of-living crisis. The efforts being made by the Council to promote the LLW, support businesses and incentivise good working and employment standards across the borough were therefore welcomed and as a result Cabinet **RESOLVED**:

(1) To agree to renew the business rates discount for Living Wage Accredited Employers for a further three years and approve the policy as set out in Appendix A of the report.

(2) To note the proposed dialogue with a broader range of businesses, bearing in mind the nature of Brent's businesses base as set out in sections 3.1 to 3.14 of the report. The Good Work Standard Group, which represented Brent's diversity of businesses, would inform and drive the campaign to enable credible business to business communication.

(3) To note the proposed targeted communications campaign; the Council's offer of support to small and micro business, as set out in section 3.27 of the report; and the Council's offer of priority spaces to businesses committed to joining Brent's Good Work Standard Business Management/Network. The suite of incentives would be endorsed by the Good Work Standard Group and piloted through the network and the Council's weekly newsletter, which currently reached over 13,500 businesses.

14. Corporate Performance - Q3 2022/23 Performance Report

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced the report proving a corporate overview of performance information linked to the Borough Plan priorities for the third quarter 2022/23 (October – December 2022).

In presenting the report, Councillor Mili Patel highlighted the changes made as part of the new performance management framework with a focus around the newly refreshed Borough Plan (Building a Better Brent) and other key corporate strategies including the Black Community Action Plan, Equality Strategy, Poverty Commission, Climate Emergency Strategy and Joint Health & Wellbeing Strategy. In relation to the Borough Plan indicators, members were advised that of the current 51 key indicators for Quarter 3 within the performance scorecard 22 had been rated Green (on or above target), 1 as just off target (Amber), 15 as off target (Red) with 13 included to provide contextual information.

Members were keen to recognise the efforts being made to ensure the continued delivery of services within the current challenging economic and financial circumstances and work being undertaken jointly by Cabinet Members with their relevant Strategic Directors, in seeking to manage and mitigate against the strategic risks identified as part of the overall wider approach towards supporting local residents and in support of the priorities within the updated Borough Plan. In terms of performance against specific indicators, members noted:

- The current challenges identified in relation to performance against the target for rent collection (currently rated as amber) given the impact of the cost-of-living crisis and changes to Universal Credit along with the work being undertaken to ensure residents were provided with holistic support to manage their finances and in adopting a “rent first” approach as a means of sustaining tenancies.
- Current performance in relation to Council Tax collection rates had been rated as green.
- Whilst performance in relation to the collection of Non-Domestic Business Rates (NNDR) was currently rated amber, overall collection rates remained on track when compared to previous quarters. It was, however, recognised that many businesses were continuing to struggle following the increase in energy costs, which meant the year-end target remained at potential risk.
- Whilst the performance in relation to the target for percentage of care leavers (19-21 year olds) in education, employment or training (EET) had been rated as red, the numbers of young people in EET continued to increase from previous quarters. This was also supported by a programme of investment identified to enhance provision including proposals to develop a Post-16 Skills and Resource Centre, expand the Gordon Brown Centre and core focus in seeking to further utilise the Council’s relationship with Connexions and Brent Works to support young people into post 16 provision.
- The continued focus on performance regarding the percentage of Looked After Children with multiple placements which currently remained rated as red, with placement stability remaining a focus of the Corporate Parenting Committee alongside additional work to enhance support for kinship carers.
- Whilst performance against the target for new admissions to residential & nursing care homes for people aged 65+ continued to be rated as red, this reflected the ambitious nature of the target with Brent continuing to outperform London and national benchmarks. Cabinet recognised the Council’s continued commitment in seeking to support people to live in their own homes, which had also been reflected alongside initiatives such as provision of the Council’s own custom-built assisted living and extra care scheme designed as alternatives to care home placements.

- The ongoing concern in relation to performance against the target for new birth visits which again remained rated as red. Whilst performance was improving with the statutory requirements being met this had been identified as a key risk for the Brent Borough Based Partnership with current performance being impacted as a direct result of difficulties in recruiting and retaining health visitors in the face of a national shortage. A multiagency group had been convened to identify and mitigate system risks related to the shortage of health visitors, and the team continued to prioritise new birth visits to ensure that the most vulnerable were visited first with the recruitment and retention issues identified also having been raised through the North West London Integrated Care System.

With no other issues raised and having considered the update provided, it was **RESOLVED**:

(1) To note the performance information contained in the updated report format.

(2) To note the current and future strategic risks associated with the information provided and agree the remedial actions on strategic risks identified as appropriate alongside the challenge on progress being provided with responsible officers as necessary.

15. **Exclusion of Press and Public**

There were no items that required the exclusion of the press or public.

16. **Any other urgent business**

In thanking members and colleagues for their support during her tenure as a Cabinet Member, Councillor Southwood formally announced her decision to resign as a member of the Cabinet.

In noting that Councillor Southwood would continue to serve as a member of the Council, Cabinet Members expressed their gratitude for the dedication Councillor Southwood had shown to Brent during her time as a Cabinet Member and praised her efforts in supporting the work undertaken to ensure the best outcomes for all of Brent's residents.

The meeting ended at 10.25 am

COUNCILLOR MUHAMMED BUTT
Chair

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Brent	**Cabinet** 17 April 2023
	Report from the Corporate Director of Resident Services

Household Support Fund (from 1 April 2023 to 31 March 2024)

Wards Affected:	All
Key or Non Key Decision	Key
Open or Part/Fully Exempt: (if exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three Appendix 1 Launch letter for the Household Support Fund extension including draft allocations and grant determination criteria Appendix 2 Household Support Fund Grant determination letter Appendix 3 Household Support Fund guidance
Background Papers	N/A
Contact Officer(s): (Name, Title, Contact Details)	Thomas Cattermole Director of Customer Access Tel: 020 8937 5446 Email: Thomas.Cattermole@brent.gov.uk Asha Vyas Head of Customer Services and Assessments tell: 020 8937 2705 Email: Asha.Vyas@brent.gov.uk

1.0 Purpose of the Report

1.1 Cabinet is asked to note the Government announcement regarding the Household Support Fund (HSF) extension from 1 April 2023 to 31 March 2024 and to agree proposals for the allocation and distribution of the HSF.

1.2 External factors such as the ongoing cost-of-living crisis have increased demand on Brent's Resident Support fund (RSF) with an increasing number of residents needing financial support. The paper outlines options for Cabinet to

consider for the allocation of HSF funding and consider allocating additional funds from the HSF extension to the current RSF fund.

2.0 Recommendations for Cabinet

That Cabinet:

2.1 Notes Brent's allocation for the Household Support Fund (HSF) for the period 1 April 2023 to 31 March 2024.

2.2 Approves the proposed approach for allocating and distributing the HSF as set out in paragraph 4 of the report.

2.3 Approves the proposed approach, whereby the decision seeks approval from Cabinet. Subsequently, The Corporate Director of Resident Services in consultation with the Cabinet Member for Customers, Communities and Culture will exercise his authority to establish revised eligibility criteria regarding the Household Support Fund grant scheme as may be necessary to enable the appropriate allocation of funding.

2.4 Approves the proposed approach whereby the Corporate Director of Resident Services in consultation with the Cabinet Member for Customers, Communities and Culture has the authority to amend the Council's eligibility criteria during the lifetime of this Household Support Fund grant scheme if necessary for the reasons detailed in paragraph 3.6, subject to the parameters set by the Department for Work and Pensions in its Determination and Guidance.

3.0 Details of the Household Support Fund scheme

3.1 The DWP confirmed that an additional £842 million Household Support Fund (HSF) grant would be available to all Local Authorities in England. This is the fourth round of HSF, with amended criteria attached to it.

3.2 The Council cannot carry over any residue of the HSF grant fund to the next financial year 2024/25.

3.3 The aim is to support those most in need to help with the significantly rising living costs by providing extra funds to alleviate food and fuel poverty.

3.4 In previous iterations of HSF, prescriptive direction has been given about how the HSF fund should be allocated to certain groups such as pensioners and households with Children. In this most recent version, the funding criteria from DWP is not restricted to specific groups. Unlike previous iterations, there is emphasis on proactive and reactive support with help from partners, voluntary organisations and charities.

3.5 The DWP has stipulated that every local authority must operate at least part of their scheme on an application basis. In other words, residents should have the opportunity to come forward to ask for support. Brent has operated such a scheme since the start of the RSF in August 2020.

3.6 Local Authorities have been given the flexibility to identify those at need and have been asked to use the data and information at their disposal in order to do this. There must be a clear rationale or documented policy/framework outlining our approach including how we are defining eligibility and how households access the scheme. Furthermore, Authorities have access to DWP's Searchlight portal and can use information relating to Universal Credit claims to aid the identification of households at need. The eligibility criteria are outlined in Section 4 of this report as part of the proposed approach for Brent.

3.7 Direction has been given from DWP that households who will not be awarded additional help from welfare benefits should be considered for help, alongside disabled residents.

3.8 There is also the requirement to make some of the fund available to residents through an application-based award system, which Brent already has in place with the Resident Support Fund (RSF) and we propose some of the fund is added into the existing RSF and to include an allocation for emergency payments to residents as per the guidance.

3.9 The funds must be used or committed to by 31 March 2024. The DWP has advised that the scheme can be delivered through a variety of routes such as providing vouchers, bank transfers, making direct provision of food, energy bills including gas, electric and water.

3.10 The funds can be used to include financial support for residents through third parties.

3.11 There is no requirement for the Council to undertake a means test or conduct benefit checks unless this specifically forms part of the Authority's local eligibility criteria.

4 Proposed approach for Brent

4.1 **Free School Meals** – It is proposed to help families with children who receive free school meals during term times so that they receive additional support during the school holiday periods. This includes Easter Holiday, May half term, summer holidays, October half term, Christmas break and February half term. A total of thirteen weeks. The funding allocation is based on £15.00 per week per child. Paragraph 4.10 of this report shows how we propose to allocate the funds.

4.2 **Support to disabled people -** The guidance makes explicit reference to support disabled residents, and residents who would not have received any support from DWP. The support from DWP currently includes the following- £900 cost of living payment for residents who are on means tested benefits, £150 Disability Cost of Living payments for disabled residents and £300 for Pensioners Cost of Living payment through Winter fuel. We allocate £50 for 6600 disabled residents as a one-off payment.

4.3 Below is the proposed allocation of the grant and number of households that will be supported through proactive initiatives.

4.4 **Housing Benefits residents** who have not received any other government grant due to the cost of living. £900 per household for 750 Households.

4.5 £200,000 proactive support through Food banks in Brent.

4.6 £250,000 allocated to our partners and voluntary organisations, charities and partners in Brent to proactively support our residents.

4.7 £150,000 for 150 carers housing costs

4.8 £2,000,000 to be allocated to Resident Support fund.

4.9 This matrix sets out the allocation of HSF funds for different groups of residents and the fund available for RSF for reactive support to the most vulnerable households:

Type of Support	**Number of Households supported**	**Amount**
Free School meals during holidays (13 weeks) £15 per week per child	7850	£1,530,750
Food vouchers for 0-4 year old during holidays (13 weeks) where parents/guardian in receipt of Housing Benefits	1740	£339,300
Emergency Super Market Vouchers	410	£87,395
Disabled residents-£50 one off payment	6600	£330,000
Housing Benefits only (no other govt grant)-£900 one off payment	750	£675,000
Local Food bank grants**		£200,000
Partners, charities and voluntary organisations	500	£250,000
Carers in Brent (Housing costs)	150	£150,000
Resident Support Fund (reactive support)	2000	£2,000,000
Total	**20,000**	**£5,562,445**

please note number of households supported by food banks is not included

5.0 Financial Implications

5.1 The Council's allocation for HSF is £5,562,445, and must be used from 1 April 2023 to 31 March 2024. The aim of this funding is to give vulnerable households support with the cost of living and provide extra support with food, energy, water bills and other essentials.

5.2 The proposals for spend shown above in 4.10 are within the grant allocation, so there is no financial risk to the Council. It is a requirement of the grant conditions to submit regular claims of any costs incurred which will be reimbursed provided they are within the permitted spend in the guidance. Any unspent funds from this allocation will not be claimed, so there will no requirement to refund any monies to the DWP.

5.3 As with previous iterations of the Household Support Fund, local authorities are unable to carry forward any underspends from previous schemes.

5.4 Grant payments will be made to Authorities in arrears on receipt of a fully completed, compliant and verified MI return.

6.0 Legal Implications

6.1 The funding provided under the HSF is required to be distributed by 31 March 2024 to support those most in need with the cost of food, energy, water bills and other essentials. The HSF funding must only be used to provide support as defined within the grant conditions as set out by the Department for Work and Pensions. To this end the Council is required to develop a local eligibility framework and approach. HSF funding was previously provided for the period from September 2022 to 31 March 2023, and has now been extended from April 2023 to 31 March 2024. Officers have set out a proposed approach in paragraphs 4.1 to 4.3 of the report and will seek authority from the Corporate Director for Resident Services in consultation with the lead member for Customers, Communities and Culture to establish such detailed criteria as may be necessary to enable appropriate allocation of funding.

6.2 The new HSF funding runs from the 1 April 2023 to 31 March 2024 and funds must be used or committed by 31 March 2024. Given the value of the HSF allocation to Brent (in the sum of £5,562,445), decisions by the Corporate Director for Resident Services regarding its distribution and the establishment of eligibility criteria for its distribution will be classed as a key decision.

6.3 Officers will need to have regard to the Subsidy Control regime in relation to any arrangements entered into for the distribution of the HSF.

7.0 Equality Implications

7.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those

who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

7.3 There is a requirement to consider how the Household Support Fund impacts those with characteristics protected under the Equality Act 2010. There is no prescribed manner in which the Council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

7.4 Due to the urgency of the situation, formal assessments have not been undertaken in respect of the decisions which are the subject of this report. Such formal assessments are not a requirement of the duty. An underlying purpose of the recommended decisions is to have regard to the protection of those with protected characteristics e.g. children eligible for free school meals and families with pre-school children eligible for benefits. The proposed approach for allocating and distributing the funding recommended for adoption however, seeks to provide funding to a wide range of vulnerable households. In the circumstances, Officers do not consider that there are any adverse equalities impacts but Officers will keep the equalities impact of the decisions under review.

8.0 Consultation with Ward Members and Stakeholders

8.1 It is not considered in the circumstances that non-statutory public consultation is a viable or reasonable option for the Council in taking the decisions which are the subject of this report, on account of the very short period which the government has given local authorities regarding the extension of the Household Support Fund grant scheme even if at other times it would have considered consultation with the public and / or stakeholders affected by the decision.

9.0 Human Resources/Property Implications

9.1 It is not considered at this time that there are any Human Resources/Property/Environmental Sustainability Implications arising from decisions which are the subject of this report.

Report sign off:

Peter Gadsdon
Corporate Director Resident Services

Department for Work & Pensions

My address: Clare Elliott, Head of Local Authority, Partnership, Engagement and Delivery (LA-PED) division

Date: 20 February 2023

By email

Chief Executive Officers
Chief Finance Officers
LA Single Points of Contact

Dear colleagues

Household Support Fund extension (from 1 April 2023 until 31 March 2024)

On 17 November 2022 in the Autumn Statement the Chancellor announced, as part of a number of measures to provide help with global inflationary challenges and the significantly rising cost of living, that the Household Support Fund (HSF) would be extended from 1 April 2023 to 31 March 2024 with a further £842m of funding. As has been done for previous schemes, the fund will be made available to County Councils and Unitary Authorities in England to support those most in need.

As part of the support package, the Devolved Administrations have also been allocated funding in parallel as a result of the Barnett Formula to spend at their discretion.

Included in the guidance for this extension are a number of changes from previous versions, so it is strongly recommended that even those familiar with previous iterations of the HSF familiarise themselves with this new guidance. We bring to your attention a number of key differences:

- Authorities must make sure that the mandatory element of application-based support delivered through the scheme is clearly advertised to residents and is available throughout the majority of the fund period, either continuously or in regular intervals over the course of the scheme
- details of the scheme must also be publicised on a dedicated website page with specific requirements set out in the guidance
- funding for supplementary advice services, including debt and benefit advice, is now considered eligible spend within the HSF scheme. As the primary focus of this grant is on practical support, expenditure on such services is expected to be limited and linked to the provision of practical support
- it is mandatory that in any publicity material for the scheme, including via online channels and media releases, Authorities make clear that this funding is being provided by the Department for Work and Pensions or the UK Government
- the guidance document itself has been reduced in size and there is now separate MI and Delivery plan guidance.
- delivery plans must be signed off by both your 151 Officer and the responsible Cabinet Member.

There also remains an expectation of Authorities to particularly consider those groups who may not have benefited from any of the recent cost of living support.

In terms of type of support, energy bills may be of particular concern to low-income households during the period of the scheme, and Authorities should prioritise supporting households with the cost of energy. The fund can also be used to provide support with food, essentials linked to energy and water, wider essentials.

As with previous iterations of the Household Support Fund, Authorities are unable to carry forward any underspends from previous schemes. This is because this is a new grant with different conditions.

This HSF scheme will be distributed as usual by County Councils and Unitary Authorities in England. Shire Councils must work closely with District Councils and other local partners to identify a broad range of vulnerable households across their local area. The scheme runs from 1 April 2023 to 31 March 2024 and Authorities should aim to have arrangements in place as quickly as possible to support vulnerable households throughout the grant period.

Authorities will be required to provide four management information (MI) returns outlining their grant spend and the volume of awards:

- an interim MI return for the period 1 April 2023 to 30 June 2023 will be due by 21 July 2023
- a second interim MI return for the period 1 April 2023 to 30 September 2023 will be due by 20 October 2023
- a third interim MI return for the period 1 April 2023 to 31 December 2023 will be due by 26 January 2024
- a FINAL MI return and delivery record for the period 1 April 2023 to 31 March 2024 will be due by 26 April 2024.

The third interim and FINAL MI return dates have been extended by 1 week as we are aware processing of the return may be impacted by leave over the Christmas and Easter holidays.

Grant payments will be made to Authorities in arrears on receipt of a fully completed, compliant and verified MI return.

All interim and FINAL payments will be made in 2 tranches if required. Tranche 1 will be for all Authorities who have submitted fully compliant MI by the return date. Tranche 2 will be made after we have received the last submitted compliant MI.

The funding for this grant has been allocated to Authorities using the population of each Authority weighted by a function of the English Index of Multiple Deprivation. Authority allocations are shown in **Annex B.** Authorities are able to add their own funding or partner contributions from local organisations on top of the grant, including seeking match funding from local community foundations.

Authorities are asked to provide the Department for Work and Pensions (DWP) with a summary of how you are planning to spend the additional funding during the period 1 April 2023 to 31 March 2024.

The planning questionnaire has been issued with this letter asking Authorities to outline their spending plans. Please complete and return this questionnaire to lawelfare.pdt@dwp.gov.uk by 17 May 2023**. Do not amend the questionnaire format or add lines as this causes issues with its uploading.** Any questionnaire that has had its format changed will need to be returned to the

Authority to recomplete. At the end of the scheme, we will also ask for a summary of spend against the original delivery plan.

Authorities are required to complete a quarterly MI reporting template. The MI template has been updated and any changes are covered in the new guidance document. Additionally, MI must be returned on the MI template provided and copied to your 151 Officer. **No local versions or PDF copies are acceptable and will be returned to the Authority.**

DWP will continue to share the Universal Credit, Pension Credit and Employment Support Allowance (income related) customer data to local authorities (LAs) on a monthly basis. DWP will also continue to provide additional data for customers who are in receipt of Housing Benefit only and aren't in receipt of a means tested benefit. Authorities may find this useful in targeting support to vulnerable households.

Authorities must ensure that they have signed the Memorandum of Understanding (April 2022) and sign the revised version when it is issued later this year in order to receive the data.

Following feedback from Authorities we have decided to hold a number of knowledge-share events and 'drop in' sessions throughout the scheme where you are encouraged to attend to raise any questions you may have or to share good practice. Full details of these will be made available in due course.

Urgent next steps for Authorities

The grant period runs from 1 April 2023 and Authorities are asked to start making immediate preparations to administer The Fund and deliver the support to vulnerable households as soon as possible. Following feedback from Authorities and due to the length of the scheme and the number of Bank Holidays in the planning period, the deadline for the return of the Delivery plan has been extended.

Please complete and return your planning questionnaire to lawelfare.pdt@dwp.gov.uk by 17 May 2023**.**

You or your nominated single point of contact should dial into a County Councils and Unitary Authorities all-LA MS Teams call on 1 March 2023 at 14.00pm. The purpose of this call is to discuss the grant arrangements and give Authority representatives the opportunity to ask any questions or raise any points of clarification. Dial-in details are attached in **Annex A**.

If you have any additional questions, contact LA-PED.lagrantsprojectteam@dwp.gov.uk

Yours faithfully



Head of LA-PED

Annex A

County Councils and Unitary Authorities all LA MS Teams call on 1 March 2023

Title	County Councils and Unitary Authority Household Support Fund 4 information event
Speaker(s)	Rebecca Bryning
Event call time	1 March 2023 at 14.00pm to 15.00pm (60 minutes) (Dublin, Edinburgh, Lisbon, London)

Link and dial in details

Join on your computer, mobile app or room device
Click here to join the meeting
Meeting ID: 337 648 746 317
Passcode: W36JJR
Download Teams | Join on the web
Or call in (audio only)
+44 20 3787 4277,,89936260# United Kingdom, London
Phone Conference ID: 899 362 60#
Find a local number | Reset PIN
Learn More | Meeting options | Legal

Annex B

Household Support Fund 1 April 2023 to 31 March 2024 allocations.

County Councils and Unitary Authorities	DWP allocation of £842 million
Barking and Dagenham	£4,324,103
Barnet	£4,910,366
Barnsley	£4,702,528
Bath and North East Somerset	£1,933,721
Bedford	£2,402,970
Bexley	£3,084,619
Birmingham	£25,582,270
Blackburn with Darwen	£3,237,053
Blackpool	£3,491,715
Bolton	£5,560,633
Bournemouth, Christchurch and Poole Council	£5,306,734
Bracknell Forest	£1,110,936
Bradford	£11,388,976
Brent	£5,562,445
Brighton and Hove	£4,280,722
Bristol, City of	£8,079,930
Bromley	£3,735,765
Buckinghamshire	£4,798,381
Bury	£3,068,400
Calderdale	£3,666,007
Cambridgeshire	£7,162,849
Camden	£4,013,864
Central Bedfordshire	£2,966,148
Cheshire East	£4,407,784
Cheshire West and Chester	£4,580,095
City of London	£126,161
Cornwall	£9,057,140
Coventry	£6,448,445
Croydon	£6,027,379
Cumberland	£4,334,878
Darlington	£1,827,708
Derby	£4,449,423
Derbyshire	£10,808,162
Devon	£10,129,752
Doncaster	£5,978,546
Dorset	£4,589,883
Dudley	£5,251,038
Durham	£9,352,199
Ealing	£5,317,610
East Riding of Yorkshire	£4,123,665
East Sussex	£7,793,568
Enfield	£5,695,989
Essex	£18,873,086

Gateshead	£3,673,260
Gloucestershire	£7,384,966
Greenwich	£4,757,386
Hackney	£5,644,517
Halton	£2,595,761
Hammersmith and Fulham	£2,828,750
Hampshire	£14,248,254
Haringey	£4,813,343
Harrow	£2,953,414
Hartlepool	£1,986,043
Havering	£3,296,302
Herefordshire	£2,659,204
Hertfordshire	£12,344,130
Hillingdon	£4,138,684
Hounslow	£4,084,792
Isle of Wight	£2,263,152
Isles of Scilly	£22,260
Islington	£4,436,319
Kensington and Chelsea	£2,360,738
Kent	£22,130,762
Kingston upon Hull, City of	£6,076,587
Kingston upon Thames	£1,725,734
Kirklees	£7,405,647
Knowsley	£3,724,377
Lambeth	£5,441,274
Lancashire	£19,356,470
Leeds	£14,197,296
Leicester	£6,858,706
Leicestershire	£7,240,078
Lewisham	£5,337,075
Lincolnshire	£10,929,370
Liverpool	£12,108,040
Luton	£3,658,548
Manchester	£12,906,326
Medway	£4,524,926
Merton	£2,373,215
Middlesbrough	£3,307,230
Milton Keynes	£3,585,033
Newcastle upon Tyne	£5,796,808
Newham	£6,678,390
Norfolk	£13,393,612
North East Lincolnshire	£3,119,329
North Lincolnshire	£2,647,786
North Northamptonshire	£4,930,984
North Somerset	£2,615,696
North Tyneside	£3,219,996
North Yorkshire	£7,075,100
Northumberland	£4,960,660
Nottingham	£7,113,868

Nottinghamshire	£11,292,900
Oldham	£4,838,738
Oxfordshire	£6,722,512
Peterborough	£3,649,273
Plymouth	£4,589,594
Portsmouth	£3,776,429
Reading	£2,261,298
Redbridge	£3,931,958
Redcar and Cleveland	£2,592,762
Richmond upon Thames	£1,672,713
Rochdale	£4,674,768
Rotherham	£4,978,060
Rutland	£314,742
Salford	£5,467,798
Sandwell	£6,942,885
Sefton	£4,870,222
Sheffield	£10,407,651
Shropshire	£4,177,590
Slough	£2,355,383
Solihull	£2,816,718
Somerset	£7,640,831
South Gloucestershire	£2,820,033
South Tyneside	£2,969,708
Southampton	£4,445,352
Southend-on-Sea	£2,826,158
Southwark	£5,468,732
St. Helens	£3,559,162
Staffordshire	£11,013,096
Stockport	£4,326,259
Stockton-on-Tees	£3,371,748
Stoke-on-Trent	£5,373,444
Suffolk	£10,212,060
Sunderland	£5,347,124
Surrey	£10,581,659
Sutton	£2,311,578
Swindon	£3,030,691
Tameside	£4,449,373
Telford and Wrekin	£3,029,094
Thurrock	£2,590,082
Torbay	£2,470,714
Tower Hamlets	£5,992,559
Trafford	£2,916,149
Wakefield	£6,249,854
Walsall	£5,639,620
Waltham Forest	£4,655,055
Wandsworth	£4,138,970
Warrington	£2,881,501
Warwickshire	£6,945,994
West Berkshire	£1,389,699

West Northamptonshire	£5,199,257
West Sussex	£9,740,724
Westminster	£3,903,014
Westmorland and Furness	£3,045,591
Wigan	£5,636,469
Wiltshire	£5,457,313
Windsor and Maidenhead	£1,175,810
Wirral	£6,098,690
Wokingham	£1,051,147
Wolverhampton	£5,263,754
Worcestershire	£7,898,278
York	£2,075,813
Total	**£842,000,000**

Department for Work & Pensions

Household Support Fund Grant Determination 2023 No 31/6496

The Secretary of State for Work and Pensions ("the Secretary of State"), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following Determination:

Citation

1) This Determination may be cited as the Household Support Fund Grant Determination 2023 No 31/6496.

Purpose of the grant

2) The purpose of the grant is to provide support to certain local authorities in England for expenditure lawfully incurred or to be incurred by them in accordance with the Grant Conditions to provide support to households, who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency), to help them with significantly rising living costs.

Determination

3) The Secretary of State determines as set out in Annex A, the authorities to which grant is to be paid and the amount of grant to be paid.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid in respect of the period 1 April 2023 to 31 March 2024 and subject to the conditions in Annex B.

Treasury consent

5) Before making this Determination in relation to the upper tier local authorities in England, the Secretary of State obtained the consent of the Treasury.

Signed by authority of the Secretary of State for Work and Pensions

Donna Ward

A senior civil servant within the Department for Work and Pensions

20 February 2023

ANNEX A

Household Support Fund 2023 Grant FINAL Funding Allocations per County Councils/Unitary Authorities for the period 1 April 2023 to 31 March 2024

Upper Tier LA	Total Funding Allocation
Barking and Dagenham	£4,324,103
Barnet	£4,910,366
Barnsley	£4,702,528
Bath and North East Somerset	£1,933,721
Bedford	£2,402,970
Bexley	£3,084,619
Birmingham	£25,582,270
Blackburn with Darwen	£3,237,053
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Luton	£3,658,548
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Medway	£4,524,926
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Milton Keynes	£3,585,033
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North Tyneside	£3,219,996
North Yorkshire	£7,075,100
Northumberland	£4,960,660
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Nottinghamshire	£11,292,900
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Rotherham	£4,978,060
Rutland	£314,742
Salford	£5,467,798
Sandwell	£6,942,885
Sefton	£4,870,222
Sheffield	£10,407,651
Shropshire	£4,177,590
Slough	£2,355,383
Solihull	£2,816,718
Somerset	£7,640,831
South Gloucestershire	£2,820,033
South Tyneside	£2,969,708
Southampton	£4,445,352
Southend-on-Sea	£2,826,158
Southwark	£5,468,732
St. Helens	£3,559,162
Staffordshire	£11,013,096
Stockport	£4,326,259
Stockton-on-Tees	£3,371,748
Stoke-on-Trent	£5,373,444
Suffolk	£10,212,060
Sunderland	£5,347,124
Surrey	£10,581,659
Sutton	£2,311,578
Swindon	£3,030,691
Tameside	£4,449,373
Telford and Wrekin	£3,029,094
Thurrock	£2,590,082
Torbay	£2,470,714

Tower Hamlets	£5,992,559
Trafford	£2,916,149
Wakefield	£6,249,854
Walsall	£5,639,620
Waltham Forest	£4,655,055
Wandsworth	£4,138,970
Warrington	£2,881,501
Warwickshire	£6,945,994
West Berkshire	£1,389,699
West Northamptonshire	£5,199,257
West Sussex	£9,740,724
Westminster	£3,903,014
Westmorland and Furness	£3,045,591
Wigan	£5,636,469
Wiltshire	£5,457,313
Windsor and Maidenhead	£1,175,810
Wirral	£6,098,690
Wokingham	£1,051,147
Wolverhampton	£5,263,754
Worcestershire	£7,898,278
York	£2,075,813
Total	**£842,000,000**

ANNEX B

Grant Conditions

1. In this Annex:

> "the Scheme" means the use by the Authority of as much of the grant money identified in Annex A as it deems necessary to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional circumstances of genuine emergency);
>
> "the Department" means the Department for Work and Pensions**;**
>
> "the Authority" means any local authority listed in Annex A**;**
>
> **"**the Secretary of State" means the Secretary of State for Work and Pensions;
>
> "the Grant Period" means the period of time set out in paragraph 4 of this Grant Determination.

2. The grant is paid to the Authority to support eligible expenditure only (see paragraphs 4 to 7 below); and on the basis overall that the provision of grant funding remains subject to the Secretary of State's ongoing satisfaction that all grant usage by the Authority complies fully with the relevant conditions.

3. The Authority must have regard to any guidance issued by the Department or sources of information and data available to it that may assist in the decision-making regarding the Scheme.

Eligible expenditure

4. Eligible expenditure means payments made, or committed to, by the Authority or any person acting lawfully on behalf of the Authority, during the Grant Period, under the Scheme.

5. Unless the Secretary of State decides otherwise (for all Authorities or any one Authority), the Authority must determine individual eligibility in its area for assistance under the Scheme and the means by which assistance will be provided (whether directly by the Authority or through a third party) and use the grant monies as follows:

a) the Authority is to ensure that the grant is primarily allocated to support with the costs of energy (for heating, lighting and cooking), food, water (for household purposes, including sewerage) and other essential living needs in accordance with the Scheme guidance;

b) by exception and where existing housing support has been exhausted, the Authority may allocate grant funds to support with housing costs as set out in the Scheme guidance;

c) the Authority, during the Grant Period, is to facilitate applications for assistance under the Scheme from individuals who are eligible for assistance in its area;

d) the Authority may, in accordance with the Scheme guidance, allocate a limited portion of the grant to fund the provision of advice to individuals that is likely to assist those individuals in meeting their essential living needs in the longer term and complements other assistance provided to those individuals under the Scheme.

6. If the Authority or any third party incurs any of the following costs, they must be excluded from eligible expenditure:

a) contributions in kind,

b) payments for activities of a political or exclusively religious nature,

c) depreciation, amortisation or impairment of fixed assets,

d) input VAT reclaimable from HM Revenue & Customs,

e) interest payments or service charge payments for finance leases,

f) gifts, other than promotional items with a value of no more than £10 in a year to any one person,

g) entertaining (entertaining for this purpose means anything that would be a taxable benefit to the person being entertained, according to current UK tax regulations), or

h) statutory fines, criminal fines or penalties,

and, for the avoidance of doubt, the exclusions at a) and f) above do not apply to the provision of direct assistance, including food, to the intended eligible beneficiaries of the Scheme.

7. The Authority must not deliberately incur liabilities for eligible expenditure before there is an operational need for it to do so.

Payment arrangements

8. The grant will be paid in arrears following receipt by the Department of the Statement of Grant Usage described in paragraph 10.

9. If at any time the Authority becomes aware that the payment in arrears will affect the delivery of the Scheme, the Authority must inform the Department as soon as possible. The Secretary of State reserves the right to alter the timing or amount of grant payments accordingly.

Statement of Grant Usage

10. The Authority must prepare a Statement of Grant Usage to be submitted to the Department at a time and in a form directed by the Secretary of State. The Statement of Grant Usage must provide details of eligible expenditure in the Grant Period. The Statement of Grant Usage must be certified by the Authority's Section 151 officer that, to the best of the officer's knowledge, the amounts shown on the Statement are all eligible expenditure and that the grant has been used for the purposes intended.

11. If the Statement of Grant Usage identifies any overpayment of grant, the Authority must, unless offset by the Department in accordance with paragraph 20, repay this amount within 30 days of being asked by the Secretary of State.

12. The Secretary of State may at any time require a validation or audit to be carried out by officers of the Department or an appropriately qualified independent accountant or auditor, on the use of the grant.

Progress Report and Management Information Return

13. The Authority must provide a Progress Report and Management Information Return with the Statement of Grant Usage in a form directed, and subject to any guidance issued by, the Secretary of State.

Financial management

14. The Authority must maintain a sound system of internal governance and financial controls in relation to the grant.

15. If the Authority has any grounds for suspecting financial irregularity in the use of any grant paid under this Determination, it must notify the Department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes "financial irregularity" includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

Records to be kept

16. The Authority must maintain reliable, accessible and up to date accounting records with an adequate audit trail for all expenditure funded by grant monies under this Determination.

17. The Authority and any person acting on behalf of the Authority must allow:

a) the Comptroller and Auditor General or appointed representatives, or

b) the Secretary of State or appointed representatives,

free access at all reasonable times to all documents (including computerised documents and data) and other information as are connected to the grant, or to the purposes for which grant was used, subject to the provisions in paragraph 18.

18. The documents, data and information referred to in paragraph 17 include such which the Secretary of State or the Comptroller and Auditor General may reasonably require for the purposes of 'spot checking' administrative costs or significant amounts paid under the Scheme or a financial audit of any department or other public body or for carrying out examinations into the economy, efficiency and effectiveness with which any department or other public body has used its resources. The Authority must provide such further explanations as are reasonably required for these purposes.

19. Paragraphs 17 and 18 do not constitute a requirement for the examination, certification or inspection of the accounts of the Authority by the Comptroller and Auditor General under section 6(3) of the National Audit Act 1983. The Secretary of State and Comptroller and Auditor General will seek access in a measured manner to minimise any burden on the Authority and will avoid duplication of effort by seeking and sharing information with local auditors.

Breach of Conditions and Recovery of Grant

20. If the Authority fails to comply with any of these conditions, or if any overpayment or underpayment is made in relation to this grant or any amount is paid in error, or if any of the events set out in paragraph 21 occurs, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or any part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the Authority. Such sum as has been notified will immediately become repayable to the Secretary of State who may set off the sum against any future amount due to the Authority from central government.

21. The events referred to in paragraph 20 are:

a) the Authority purports to transfer or assign any rights, interests or obligations arising under this Determination without the prior agreement of the Secretary of State,

b) any information provided in any application for grant monies payable under this Determination, or in any subsequent supporting correspondence is found to be significantly incorrect or incomplete in the opinion of the Secretary of State,

c) it appears to the Secretary of State that other circumstances have arisen or events have occurred that are likely to significantly affect the Authority's ability to deliver the Scheme,

d) the Authority's Section 151 officer is unable to provide reasonable assurance that the Statement of Grant Usage, in all material respects, fairly presents the eligible expenditure in the Grant Period in accordance with the definitions and conditions in this Determination, or

e) the Authority fails to provide the Statement of Grant Usage and a Progress Report and Management Information Return in accordance with the Grant Conditions.

Communications

22. The Authority must, as appropriate and practical, reference that the grant is funded by the Department or UK Government in any publicity material, including online channels and media releases.

23. The Authority must publish on their website, and by any other appropriate means, such information as it considers sufficient to enable the general public to understand the Scheme (including the Authority's eligibility criteria and how the Scheme can be accessed) in accordance with the Scheme guidance.

Household Support Fund: Guidance for County Councils and Unitary Authorities in England (1 April 2023 to 31 March 2024)

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Introduction

1. £842m has been made available to County Councils and Unitary Authorities in England to support those most in need and to help with global inflationary challenges and the significantly rising cost of living via the Household Support Fund ("The Fund"). This funding covers the period 1 April 2023 to 31 March 2024 inclusive ("The Fund Period"). County Councils and Unitary Authorities have discretion on exactly how this funding is used within the scope set out in the accompanying grant determination and this guidance. This guidance sets out the required collaboration between the Department for Work and Pensions (DWP), County Councils and Unitary Authorities, including their delivery partners (such as District Councils as well as any charitable or third-party organisations) to successfully meet the policy intent within the agreed framework. It also provides the framework that County Councils and Unitary Authorities need to work within and the arrangements for distribution of funding and reporting.

2. DWP is providing funding to County Councils and Unitary Authorities (including Metropolitan Councils and London Boroughs – hereafter referred to as "Authorities"), under section 31 of the Local Government Act 2003, to administer The Fund and provide assistance to households most in need.

3. The expectation is that The Fund should be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need and who require crisis support. This includes the Cost of Living Payments and the energy support we are providing for 2023/24 set out on 17 November 2022 (information on these schemes can be found at Annex A). For the Cost of Living payments this may include, but is not limited to, people who are entitled to but not claiming qualifying benefits, people who are claiming Housing Benefit (HB) only and people who begin a claim or return to payment of a benefit after the relevant qualifying date. There may be groups who are vulnerable to rising prices even though they are supported through these schemes, for example large families or single-income families. It is important to stress that The Fund is intended to cover a wide range of low income households in need including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people.

4. Energy bills may be of particular concern to low income households during the period of The Fund and Authorities should prioritise supporting households with the cost of energy. Support which can make a quick but sustainable impact on energy costs is particularly encouraged; for example, the insulation of hot water tanks, fitting draft excluders to a door, or replacing inefficient lightbulbs or white goods. The Fund can also be used to support households with the cost of food and water bills, essential costs related to energy, food and water, and with wider essential costs. The Fund can additionally be used to support housing costs where existing housing support schemes do not meet this need.

5. Authorities should also consider providing support to disabled people in their area. Disabled people in particular may be facing acute challenges due to the disproportionate impact that rising costs bring for the additional services they need in

order to manage their conditions, remain independent and avoid becoming socially isolated. For example, some disabled people may have increased utility bills due to the usage of equipment, aids or adaptations associated with their disability. They may also have additional heating, water or transport costs. Authorities are therefore strongly encouraged to explore ways in which this group may be supported and must record the total value of awards granted to disabled people in their Management Information (MI) returns for this grant.

6. Authorities should also consider providing support to people with caring responsibilities in their area. People with caring responsibilities may be facing acute challenges incurred through their fulfilling these responsibilities for vulnerable citizens due to the disproportionate impact that rising costs may bring for the additional services they need. For example, they may have additional heating, water or transport costs. Authorities are therefore encouraged to explore ways in which this group may be supported.

7. Authorities have the ability to deliver the scheme through a variety of routes including providing vouchers or cash to households, making direct provision of food and goods, or issuing grants to third parties. Every area must operate at least part of their scheme on an application basis - in other words, residents should have the opportunity to come forward to ask for support. There is flexibility on exactly how this can be run, including through third parties rather than directly by the Authority. We expect Authorities to offer application-based support throughout the duration of The Fund, either continuously over the majority of The Fund Period or in regular intervals throughout the scheme.

8. Authorities are expected to offer support throughout the duration of The Fund Period and must develop their delivery plans to reflect this.

9. Authorities have access to DWP's Searchlight portal which provides information on individual citizens' entitlement to (and confirms receipt of) DWP welfare benefits.

10. DWP is providing data and information to Authorities to support them to identify those in need in their area. We are providing:

    - information relating to Universal Credit (UC) claims with limited capability for work or earnings below the Free School Meals (FSMs) and free prescription thresholds in their area

    - data on people receiving the Guarantee Credit and/or Savings Credit elements of Pension Credit

    - data on all claimants on income-related (IR) Employment and Support Allowance (ESA IR).

11. In October 2022, DWP introduced a further data share for those who are only in receipt of HB. This group is not eligible for the up to £900 means-tested Cost of Living Payment. Authorities may find this information useful in identifying those most

in need. Authorities should consider how they could use this data to provide support to this group.

12. However, support is not restricted only to vulnerable households in receipt of benefits. Therefore, Authorities should also use other sources of information to identify vulnerable households, including by taking advice or application referrals from professionals who come into contact with vulnerable households such as social workers, keyworkers delivering early help and family support, health visitors and housing support officers.

13. This guidance applies to Authorities in England only and when finalised should be read in conjunction with the Household Support Fund Grant Determination issued alongside it.

Communication

14. It is mandatory for Authorities to reference that the grant is funded by the Department for Work and Pensions or the UK Government in any publicity material, including online channels and media releases.

15. It is mandatory for Authorities to make public their plans for The Fund, including how and when they intend to deliver the application-based portion of their scheme. This should be through a website page dedicated to the Fund headed with 'Household Support Fund' on their Authority website. This webpage must be easily accessible for residents and outline the Authority's plans for funding, including with details of who is eligible in the area, as well as how and when residents might be able to apply for the application-based element of the scheme. Links to the Government's Cost of Living Hub should be included, as well as a specific reference that the grant is funded by the Department for Work and Pensions or the UK Government.

16. Authorities should consider inclusive and accessible ways in which they might advertise the availability of The Fund to their residents for example in local family or community hubs and GP surgeries. We expect Authorities to advertise the scheme – and in particular the application-based element of their provision – through various channels and not just online.

Objective and key principles

17. The objective of The Fund is to provide crisis support to vulnerable households in most need of support to help with significantly rising living costs.

18. Although this is considered an extension to the previous three Household Support Fund schemes, it is a new grant subject to its own grant conditions as is set out in the Grant Determination letter. Any underspends from the previous schemes cannot be carried forward.

19. Funds should be spent or committed before 31 March 2024 and cannot be carried over for future usage. All Authorities are encouraged to ensure, wherever possible, that any vouchers issued are redeemed before the end of The Fund, or shortly thereafter, or consider recycling unused vouchers. It is acceptable for vouchers that have been purchased and delivered to households before the end of The Fund to be spent shortly thereafter (see paragraphs 70 to 74 on committed spend).

20. When administering The Fund, Authorities are encouraged to adopt the following principles:

- use discretion on how to identify and support those most in need, taking into account a wide range of information

- use the funding from 1 April 2023 to 31 March 2024 to meet immediate needs and help those who are struggling to afford energy and water bills, food, and other related essentials. Authorities can also use the funding to support households who are struggling to afford wider essentials including housing costs where existing housing support does not meet this need

  - **Note:** this includes payments made, or committed to, by the Authority or any person acting on behalf of the Authority, from 1 April 2023 to 31 March 2024

- work together with District Councils and third parties including, where necessary and appropriate, other local services. This may include social workers, housing and family support services and local charities. This may also incorporate intelligence and data from wider children's social care systems to help identify and support individuals, families and households within the scope of The Fund. It may also include receiving referrals for support and applications made on behalf of an individual from professionals working with vulnerable individuals such as social workers, keyworkers delivering early help and family support, health visitors and housing support officers.

21. When deciding how to help people, Authorities should consider:

- how they plan to provide support to vulnerable households, such as by paying into bank accounts, use of cash and vouchers, provision of goods. When determining the most appropriate mechanism of providing support for households, Authorities should consider any potential risks to vulnerable individuals, for example the risk of holding cash, as well as the risk of any potential for fraud

- any fraud risks associated with these payment methods (see section ‘Managing the risk of fraud’ at paragraphs 76-88 for further information).

Delivery Plans

22. Authorities are required to complete a delivery plan to outline their intentions for The Fund, clearly setting out their priorities and approach for use of the Fund, and to demonstrate the ways in which they intend to allocate their funding.

23. Authorities are required to send the delivery plan to DWP by 17 May 2023. At the end of The Fund we will also ask for a summary of spend against the final delivery plan with this due at the same time as the final MI in April 2024. Delivery plans must be signed off by your Section 151 Officer and responsible Cabinet Member before submission to DWP.

24. Authorities are required to appoint an appropriate Senior Responsible Officer who will be accountable for ensuring a strong delivery plan is developed and agreed through necessary decision making mechanisms including engagement with the

relevant Cabinet Member, and ensuring compliance with and progress against their commitments in the delivery plan

25. We understand that local priorities for The Fund may change over the course of The Fund Period, including in response to local feedback such as from professionals working with households. Authorities should engage with DWP if they wish to revisit their delivery plan during The Fund Period.

Working with other organisations

26. Authorities must work together with District Councils to ensure the funding meets its objectives by identifying those most in need. Authorities must likewise work collaboratively with District Councils and other organisations in their area who may come into contact with those households who may benefit from this grant. Authorities should work closely with third sector and other partner organisations who may come into contact with people in need.

27. Authorities that do not have the mechanisms in place to administer this grant should consider whether District Councils are better placed to do so on their behalf. Authorities are encouraged to engage with District Councils as quickly as possible to ensure roles, responsibilities and effective arrangements are put in place to deliver The Fund promptly and efficiently.

28. Third party organisations (TPOs) may include but are not limited to:

- registered charities and voluntary organisations
- schools
- food banks
- general practitioners
- organisations providing support in particular circumstances (such as but not limited to “baby banks”)

29. Where Authorities are working with TPOs, this should be done on an objectively fair, transparent and non-discriminatory basis whilst having regard to the time available to deliver The Fund. As with District Councils, Authorities should make arrangements with any TPOs as quickly as possible.

Unused funding returned from a TPO

30. Where a TPO returns unused funding before the end of The Fund, the Authority is free to spend that funding in any eligible category for the duration of The Fund Period.

31. Where a TPO returns unused funding after The Fund Period has ended the Authority can re-issue any returned funding within a reasonable timeframe, but only under the same category that the spend was originally reported against. Authorities are able to distribute this funding themselves and do not have to go back through the original TPO.

32. For audit purposes, where an Authority re-issues returned TPO funding after The Fund Period has ended, they must confirm the following by email to **lawelfare.pdt@dwp.gov.uk** (copying in their Section 151 Officer):
    - the amount that has been returned
    - reason for the return (for example TPO underspend)
    - what the original spend was reported against in their **final** management information (MI) return
    - the intention to spend the total unspent amount against the same category of spend for the same group.

Establishing eligibility

33. In accordance with their general legal duties, Authorities must have a clear rationale or documented policy/framework outlining their approach, including how they are defining eligibility and how households access The Fund. We expect Authorities to review any existing approach and to have a strong rationale for their targeting so that funding is available to the households who most need it.

34. Authorities have the flexibility within The Fund to identify which vulnerable households are in most need of support and apply their own discretion when identifying eligibility. Rather than focus on one specific vulnerable group, Authorities should use the wide range of data and sources of information at their disposal, including through engagement with relevant TPOs, to identify and provide support to a broad cross section of vulnerable households to prevent escalation of problems. Authorities should ensure that they consider the needs of various households including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people.

35. Authorities should particularly consider how they can support those vulnerable households who are ineligible for other government support with the cost of living, including:

    - amended Energy Price Guarantee from April 2023
    - up to £900 in Cost of Living Payments for those on eligible means tested benefits
    - £150 Disability Cost of Living Payment
    - one-off £300 Pensioner Cost of Living Payment (through the Winter Fuel Payment).

Details on these schemes can be found at **Annex A**.

36. Authorities should have regard to the fact that receipt of any of the above support should not exclude a resident from receiving support through The Fund in principle and households in receipt of support from these schemes may still be in need. It remains at the discretion of Authorities to establish their local eligibility and identify those most in need in their area.

37. However, the schemes listed in paragraph 35 do not cover everyone and Authorities should consider prioritising those households, who (for example):

    - are eligible for but not claiming qualifying benefits
    - become eligible for benefits after the relevant qualifying dates
    - are in receipt of Housing Benefit only
    - are ordinarily eligible for benefits but who had a nil award in the qualifying period due to, for example, a fluctuation in income.

    This list is not exhaustive and there may additionally be households that are vulnerable to rising costs despite being in receipt of this government support with the cost of living.

38. Authorities must operate an application-based service for support to ensure those in need have a route to emergency support. This can be delivered directly by the Authority or by a TPO on their behalf. Authorities should establish eligibility criteria for their application service and should communicate with residents to ensure that their scheme and the mechanism for applying is clear and accessible. Authorities could make the entirety of their scheme application-based. Authorities must make sure that this support is clearly advertised to residents and is available throughout the majority of The Fund Period, either continuously or in regular intervals over the course of the scheme.

39. Where Authorities proactively identify households who may benefit from support, they should consider how they can ensure that they are focusing on those in the most need to prevent escalation of problems. There is no requirement for Authorities to undertake a means test or conduct a benefit check unless this specifically forms part of the Authority's local eligibility criteria. However, in relation to housing costs, Authorities must establish whether other forms of support are available to the household, such as Discretionary Housing Payments (DHPs).

Types of support

40. Eligible spend includes:

    - **energy and water**: The Fund should primarily be used to support energy bills for any form of fuel that is used for the purpose of domestic heating, cooking, or lighting, including oil or portable gas cylinders. It can also be used to support water bills including for drinking, washing, cooking, as well as for sanitary purposes and sewerage.
    - **food:** The Fund can be used to provide support with food, whether in kind or through vouchers or cash.
    - **essentials linked to energy and water**: The Fund can be used to provide support with essentials linked to energy and water (for example warm clothing, blankets, the purchase of equipment such as fridges, freezers, ovens, slow cookers), in recognition that a range of costs may arise which directly affect a household's ability to afford or access energy, food and water. In particular, we encourage Authorities to consider supporting households on low incomes to repair or replace white goods and appliances with more energy efficient

ones, or to invest in simple energy efficiency measures which will pay back quickly, such as insulating a hot water tank, fitting draft excluders to a front door, or replacing inefficient lightbulbs or white goods. The intention of this is to provide sustainable support which could result in both immediate and long-lasting savings for the household.

- **wider essentials**. The Fund can be used to support wider essential needs not linked to energy and water should Authorities consider this appropriate in their area. These may include, but are not limited to, support with other bills including broadband or phone bills, clothing, period and hygiene products, essential transport-related costs such as repairing a car, buying a bicycle, or paying for fuel. This list is not exhaustive.
- **advice services.** The Fund may be used to provide supplementary advice services to award recipients, including debt and benefit advice, where Authorities consider this appropriate. Authorities are reminded that the primary intention of The Fund is to provide crisis support for households, and we would expect any advice services to complement this. We would not expect a large portion of funding to be spent on advice services. We would expect to see a connection between the funding provided for advice services and the practical support provided under HSF. We anticipate that a significant proportion of this will be through signposting to existing advice services funded through other routes, such as the Help to Claim scheme which supports those making a claim to Universal Credit.

- **housing costs.** The Fund can be used to support housing costs. However, where eligible, ongoing housing support for rent must be provided through the Housing cost element of UC and HB rather than The Fund. In addition, eligibility for DHPs must first be considered before housing support is offered through The Fund. The Authority must also first consider whether the claimant is at statutory risk of homelessness and therefore owed a duty of support through the Homelessness Prevention Grant (HPG). It is expected that the focus of support should be on bills and that support for housing costs should only be given where existing housing support schemes do not meet need. Beyond this, Authorities have discretion to determine the most appropriate Fund for their area, based on their understanding of local need and with due regard to equality considerations.

    - Households in receipt of HB, UC, or DHPs can still receive housing cost support through The Fund if it is deemed necessary by their Authority. However, The Fund should not be used to provide housing support on an ongoing basis or to support unsustainable tenancies.

    - Individuals in receipt of some other form of housing support could still qualify for the other elements of The Fund, such as food, energy, water, essentials linked to energy and water and wider essentials.

    - The Fund cannot be used to provide mortgage support, though homeowners could still qualify for the other elements of The Fund (such as energy, food, water, essentials linked to energy and water and wider essentials). Where a homeowner is having difficulty with their mortgage payments, they should contact their lender as soon as possible to

discuss their circumstances as lenders will have a set procedure to assist. Those who are in receipt of or treated as receiving a qualifying benefit could be entitled to Support for Mortage Interest.

- The Fund can exceptionally and in genuine emergency be used to provide support for historic rent arrears built up prior to an existing benefit claim for households already in receipt of UC and HB. This is because these arrears are excluded from the criteria for DHPs. However, support with rent arrears is not the primary intent of the fund and should not be the focus of spend.

- **reasonable administrative costs**. This includes reasonable costs incurred administering The Fund. These include for example:

  - staff costs
  - advertising and publicity to raise awareness of The Fund
  - web page design
  - printing application forms
  - small IT changes, for example, to facilitate MI production

41. There is no prescriptive definition of essentials. Authorities have discretion to assess what is reasonable to assist those in genuine need with regard to the examples above.

42. Individual awards can be whatever type and amount is deemed appropriate by Authorities for the receiving household, bearing in mind the overall spend eligibility priorities listed above and the risk of fraud and error. Awards to any given household can cover several or only one of the spend eligibility categories listed above.

43. Authorities should not make The Fund eligibility conditional on being employed or self-employed, or directly linked to a loss of earnings from employment or self-employment. This will ensure that there is no National Insurance contribution liability payable on any payments by either the citizen, the Authority or employer.

Funding overlap

44. Authorities should consider household circumstances when making a decision on how to spend this grant. Households could be receiving other forms of support, and this should be taken into account to avoid duplicating provision where possible. In particular, Authorities should prioritise those who have not already received additional support for the cost of living. However, households receiving other forms of assistance are not excluded from receiving support through The Fund.

Individuals with no recourse to public funds

45. Authorities can provide a basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, for example if:

    - there are community care needs

- they have serious health problems
- there is a risk to a child's wellbeing

46. The rules around immigration status have not changed. Authorities must use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance.

Access to data

47. The Household Support Fund is being classified as Local Welfare Provision (LWP). The provision of DWP data to Authorities is under the terms of the Memorandum of Understanding (MoU) between the 'Department for Work and Pensions and local authorites (LAs) (Access, handling, exchange and protection of DWPs' and HM Revenue and Customs' data)'.

48. Authorities who have signed and returned the relevant section (Annex C) of the current DWP/LA MoU have legal permission to access DWPs Searchlight portal and specific UC, Pension Credit, ESA (IR) and HB only data through a monthly data share for the purpose of The Fund.

49. Authorities will need to ensure they sign future iterations of the MoU and the appropriate Annex to continue to have the legal permission to access the data sources for LWP.

50. Staff accessing Searchlight will need to be registered with the Employee Authentication System. Further information on Searchlight can be found in the Local Authority Searchlight Training Pack available in the Searchlight folder on Glasscubes (the LA/DWP online collaboration tool). If your Authority needs to discuss access to Glasscubes, contact DWP at lawelfare.lasupport@dwp.gov.uk

DWP Searchlight

51. This portal provides information on individual citizens' entitlement to (and confirms receipt of) DWP welfare benefits. Therefore, this data can be used to help Authorities identify and target those families and individuals to support. Authorities may also wish to establish if other forms of support are available to the household. In relation to housing costs this must include checking whether the household could receive DHPs. The Authority must also first consider if the claimant is at statutory risk of homelessness and, therefore, owed a duty of support through the HPG.

52. Searchlight can only be used to verify a specific individual's DWP benefit information. Therefore, if an Authority identified a group of potential claimants who may be eligible for The Fund from their own records, they can access Searchlight to verify each claimant's DWP benefit entitlement (although benefit entitlement is not a condition of support).

Monthly data share

53. We are providing Authorities with details of UC claimants in their Authority whose income is below the FSM and free prescription thresholds and those with Limited Capability For Work both at individual level and summary level by Ward. We are also providing Authorities with details of those in receipt of Guarantee Credit and/or Savings Credit element of Pension Credit and their appointees if appropriate, as well as for all claimants on ESA (IR). Authorities may find this information useful in

identifying those most in need. We are also providing a further data share for those in receipt of HB only. Individuals in this group are not eligible for a means-tested Cost of Living Payment and so this data share will allow Authorities to identify them and more easily consider their need for support.

54. The UC, Pension Credit, ESA (IR) and HB only data will be provided monthly via Transfer Your File.

55. Authorities will receive two data shares on a monthly basis:

File one - contains individual data of the National Insurance number and names of UC claimants within the Authority area and:

- income below the thresholds of £7,400 per year for FSMs and income below the free prescription threshold of £935 per month as identified in their last UC assessment period
- those with a Limited Capability for Work indicator within the last assessment period
- the number of children in the household.
- those whose award is subject to the benefit cap
- those with a deduction for Removal of the Spare Room Subsidy and who receive Local Housing Allowance

- the National Insurance number, names, addresses and contact telephone numbers of those in receipt of Guarantee Credit and/or Savings Credit element of Pension Credit and their appointees if appropriate, as well as for all claimants on ESA (IR).

- the National Insurance number, names, addresses and contact telephone numbers of customers who are in receipt of HB but not in receipt of a means tested benefit (for example: UC, Income based Jobseekers Allowance, ESA (IR), Income Support and Pension Credit) or Tax Credits.

File two - contains aggregate data showing those UC claimants that are:

- at or below the FSM income threshold

- at or below the free prescription income threshold, and

- in the Limited Capability for Work group.

56. For a full breakdown of the file contents see Local Welfare Provision monthly data share field definitions at Annex B.

57. Authorities also have access to their own non-DWP data to help identify vulnerable households who may be eligible for support under The Fund.

Reporting and Management Information

58. Authorities are required to comply with DWP's reporting and Management Information (MI) requirements. For full details of MI and reporting requirements, see Household Support Fund (2023-2024) MI Reporting requirements.

DWP engagement

59. LA Performance Relationship Managers (PRMs) from DWPs LA Partnership, Engagement and Delivery (LA-PED) division will contact Authorities to provide support and gather information throughout The Fund. LA-PED will contact Authorities for initial compliance (where necessary) including where:

    - the MI templates or delivery plans have not been completed and returned,
    - the MI templates have not been copied to the Authority's Section 151 Officer or Chief Finance Officer.
    - an incorrect template has been used – MI should only be returned on the MI template provided. No local versions or PDF copies are acceptable.

60. They will also contact Authorities where further clarification is needed in respect of the information provided on the MI reporting template, if for example:

    - critical data is missing, or the data looks odd
    - the Authority is reporting a high value of awards where they have not been able to establish the household composition. We may need the Authority to explain why that is the case and provide supporting evidence.
    - the Authority is reporting a high value of administration costs. We may need the Authority to explain why that is the case and provide supporting evidence.
    - there is a significant gap between actual and allocated spend. We may need the Authority to explain why spend was so low.

61. They will look to identify good practice and identify case studies where appropriate.

62. DWP will also continue to engage with Authorities throughout the course of The Fund Period and will provide opportunities to engage with the department and other Authorities to share good practice and work collaboratively. DWP will host quarterly Ministerial roundtable events focused on Authority MI returns; where Authorities are invited to these events, an appropriate representative will be expected to attend. DWP will continue to respond to questions we receive via the designated inbox as quickly as possible.

63. Where Authorities work with District Councils and TPOs it is the responsibility of Authorities to collect and collate MI and complete one collated MI return and submit to DWP.

DWP funding arrangements

64. The Fund is ring-fenced to be spent as detailed in this guidance and the accompanying grant determination. To ensure that the objectives of The Fund are being met during the course of the grant and reduce administration costs for all concerned, including the need for DWP to recover underspend, grant payment will be made in arrears upon DWP being satisfied with the MI returns. This will enable DWP to adjust the amount of the payment based on the MI returns.

65. Payment of The Fund from DWP to Authorities will be made in arrears after the interim MI returns in July and October 2023 and January 2024 and the final MI return

at the end of The Fund Period in April 2024 after DWP has verified the MI. If an Authority feels that the payment arrangements will create significant cash flow problems, please notify DWP as soon as possible with supporting evidence. Three interim returns and a final MI return will be required and grant payments will be made in respect of the periods 1 April 2023 to 30 June 2023, 1 April 2023 to 30 September 2023, 1 April 2023 to 31 December 2023 and 1 April 2023 to 31 March 2024.

66. MI returns must be endorsed by the Section 151 Officer in accordance with their statutory assurance responsibility in order for the grant payment to be made.

67. Authorities must copy their Chief Finance Officer/Section 151 Officer into the email.

68. The guidance for completion is provided within the Household Support Fund (2023-2024) MI Reporting Requirements document.

69. For MI purposes, the definition of spend is grant funding that has been provided to vulnerable households, within the scope of the eligibility criteria, and within The Fund Period of 1 April 2023 to 31 March 2024.

70. Spend also includes 'committed spend'. For the purpose of The Fund committed spend relates to grant funding that has been spent and delivered to vulnerable households even though the vulnerable household may not have used their grant funding. An example would be the award of a food voucher on 31 March 2024 to a vulnerable household. It would be unreasonable to expect the household to be restricted to redeem the voucher on the day of receipt. In this example, spend has been committed by the Authority, support has been provided to a vulnerable household and, therefore, should be included as eligible grant spend. It would be reasonable to expect the vulnerable household to redeem the food voucher during the month following the end of The Fund.

71. However, committed spend does not include large volumes of food vouchers, procured quite late in The Fund, which cannot be distributed to vulnerable households within the period of The Fund.

72. Authorities that plan to order vouchers in bulk should attempt to be realistic in the volumes ordered to avoid holding large stocks of unused vouchers at the end of The Fund. Alternatively, Authorities may want to consider:

    - purchasing vouchers on a sale or return basis, so that they can return any unused vouchers, or

    - expired vouchers returned to an Authority after The Fund has ended can be recycled and re-issued within a reasonable timeframe but must be done so under the same categories of spend as originally reported and under the same terms as The Fund they were issued under.

73. For audit purposes where an Authority recycles and reuses expired vouchers the Authority must confirm by email to lawelfare.pdt@dwp.gov.uk, copying in the Section 151 Officer:

    - the amount that has been returned
    - reason for the return (for example, expired voucher)
    - what the original spend was reported against in their **FINAL MI** return

- confirm they intend to spend the total unspent amount against the same category of spend for the same group.

74. The definition of committed spend for the purpose of The Fund does not affect its accounting treatment in accordance with normal rules.

75. The timetable for provision of funding is as follows:

Funding:

Payment	Amount	Date	Notes
Interim	Actual grant spend	August/September 2023	Payment made in arrears
Interim	Actual grant spend less any previous interim payment	November/December 2023	Payment made in arrears
Interim	Actual grant spend less any previous interim payment	February/March 2024	Payment made in arrears
Final	Actual grant spend up to 100% of grant allocation* less any previous interim payment	June/July 2024	Payment made in arrears

*Subject to eligible spend criteria

Managing the risk of fraud

76. Fraudsters can target funds of this type.

77. As with any welfare payment to vulnerable recipients there is a risk of fraud, as recipients might appear to be eligible when they are not.

78. To help mitigate this risk, Authorities should involve District Councils and other organisations chosen to administer The Fund to help identify vulnerable families, households and individuals.

79. Authorities wishing to work with TPOs to deliver The Fund must carry out suitable due diligence checks to ensure they are viable and able to deliver the support. So, for example, ensuring all charities are registered and taking extra caution if they are new organisations.

80. Authorities are also encouraged to ensure checks are in place to verify the identity of those eligible.

81. Authorities are encouraged to ask neighbouring Authorities to work together to help prevent double provision and/or no provision – especially where allocation of provision is by school in one area and by residential address in another.

82. It is for Authorities to decide how payments are made to recipients. However, when making decisions, Authorities should consider the risks involved. Although they still carry fraud risks, vouchers should be used instead of cash where possible as this helps to mitigate the risk of the money being spent by the recipient on things outside of the policy intent.

83. Authorities should ensure that they consider and put in place suitable controls when making use of vouchers as part of The Fund. Authorities may wish to consider restricting access to these vouchers; and also consider restricting usage to ensure that they cannot be spent outside the intended scope of The Fund.

84. It is important to be vigilant to fraud and error risks in relation to housing costs, and to assure yourself that the appropriate checks are in place. Authorities should take appropriate steps, which may be requested and reviewed as set out in the grant determination, to ensure they take into consideration household income and rent liability. We expect Authorities to work with district councils to ensure support is going to those with genuine need and to help minimise the risk of fraud on housing support.

85. Where possible, any payments made into a bank account should be in the same name of the person that is eligible for that payment. Authorities have access to a range of data sources, and checks can be carried out against this data to verify the identity of the recipient. Authorities are also encouraged to use existing tools at their disposal to verify personal bank accounts.

86. If the Authority has any grounds for suspecting financial irregularity in the use of any grant paid under the determination, it must notify DWP immediately, explain what steps are being taken to investigate the suspicion and keep DWP informed about the progress of the investigation. For these purposes ‘financial irregularity’ includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

87. If you suspect fraud, you should notify DWP of the:

    - number of instances
    - total amount lost

88. This will help DWP identify any emerging threats and share them with other Authorities, so they can take steps to prevent and detect any fraud in their Fund.

Complying with Subsidy (previously State Aid) rules

89. The funding is intended to benefit households most in need of support with energy bills, food, related essentials, wider essentials and (in limited circumstances where existing housing support does not meet need) housing costs, in order to help with global inflationary challenges and the significantly rising cost of living. The funds should not be used for any economic undertaking.

90. Whichever way you use the funding, including where you work in partnership with others, you should consider all Subsidy rules (previously State Aid) issues. Check whether the ‘de minimis’ regulation exception applies. You should also follow government procurement procedures where relevant.

Administration costs

91. The Household Support Fund funding allocation includes reasonable administration costs to enable Authorities to deliver The Fund. Authorities should deduct their administration costs from the total allocation to determine the amount remaining.

92. In all cases, Authorities should keep administrative costs to a reasonable level.

93. Administration costs for each Authority will be published on www.gov.uk alongside detail of all spend and volumes related to The Fund.

Public Sector Equality Duty

94. In accordance with the public sector equality duty, DWP has had due regard to the potential equalities impacts of this grant.

95. Under the Equality Act 2010, all public authorities must comply with the Public Sector Equality Duty. For the purposes of this grant, you should consider how any support that helps people facing severe financial hardship impacts those with characteristics protected under the Equality Act.

96. When developing your local delivery frameworks, you should ensure people are not disadvantaged or treated unfairly by The Fund. For example, any application process should be easy to access and to navigate.

Contact

97. If you have any queries about the content of this guidance or use of the funding, you can contact lawelfare.pdt@dwp.gov.uk

Eligibility for cost of living and energy support

Detailed eligibility requirements for the Cost of Living Payments can be found at:

Cost of Living Payment - GOV.UK (www.gov.uk)

Further details on the Energy Price Guarantee can be found at

Energy Price Guarantee - GOV.UK (www.gov.uk)

Local Welfare Provision monthly data share field definitions

The definitions will be updated to include information regarding the additional data share of those who are in receipt of HB only when the details are confirmed.

File 1 – The list of Individuals**:**

Field Name	Description
claimant1_nino	The national insurance number (NINO) of the lead UC claimant
claimant1_surname	The surname of the lead UC claimant in the Household
claimant1_forename1	The forename of the lead UC claimant in the Household
claimant2_nino	If applicable the NINO of the UC partner in the household. In some cases this may be the same as the UC claimant NINO, usually where the partner NINO data is not available.
claimant2_surname	The surname of the UC partner if Claimant 2 NINO provided
claimant2_forename_1	The forename of the UC partner if Claimant 2 NINO provided
ap_start_date	The start date of the household's UC assessment period (AP)
ap_end_month	This will always be the month of the extract.
has_children_latest_ap	Set to 1 if the UC Household is recorded to have children in the AP used for the extract 1= children 0 = no children
total_children	The number of children recorded in the UC Household for the AP used in the extract, null = no children, the field HAS_CHILDREN_LATEST_AP will also be 0 if there are no children
has_lcw_latest_ap	Set to 1 if a member of the UC Household is in the UC limited capability for work group
elgible_prescription_latest_ap	Set to 1 if the UC Household is below the Free Prescription threshold
earnings_below_fsm_threshold	Set to 1 if the UC Household is below the Free School Meal threshold
country_name	England Scotland Wales
local_authority_name	Your LA name

local_authority_code	the standard lookup code for your authority
tyf_la_id_code	the LA ID code as registered on Transfer Your File for your authority
postcode_outward_code	Postcode sector in the ward
ward_name	Name of the ward
ward_code	Code of the ward
cap_applied	True, False or Null
spare_room_subsidy_removal	True, False or Null
local_housing_allowance_applied	True, False or Null
BENEFIT_TYPE	Will show one of the following: UC PC GC SC SC/GC ESA-IR HB
PC/ESA-IR/HB _NINO	The NINO of the PC/ESA-IR/HB customer
PC/ESA-IR/HB _SURNAME	The surname of the PC/ESA-IR/HB customer
PC/ESA-IR/HB_FORENAME_1	The first name of the PC/ESA-IR/HB customer
PC/ESA-IR/HB_ADDRESS_LINE_1	The PC/ESA-IR/HB customer address as recorded on the PC/ESA-IR/HB claim
PC/ESA-IR/HB_ADDRESS_LINE_2	The PC/ESA-IR/HB customer address as recorded on the PC/ESA-IR/HB claim
PC/ESA-IR/HB_ADDRESS_LINE_3	The PC/ESA-IR/HB customer address as recorded on the PC/ESA-IR/HB claim
PC/ESA-IR/HB_ADDRESS_LINE_4	The PC/ESA-IR/HB customer address as recorded on the PC/ESA-IR/HB claim
PC/ESA-IR/HB_POSTCODE	The postcode as recorded on the PC/ESA-IR/HB customer claim
PC/ESA-IR/HB_TELEPHONE_NO1	The telephone number of the PC/ESA-IR/HB customer as reported on the PC/ESA-IR/HB claim
PC/ESA-IR/HB_TELEPHONE_NO2	The second telephone number (if applicable) of the PC/ESA-IR/HB customer as reported on the PC/ESA-IR/HB claim
PC_APPOINTEE_SURNAME	If appropriate the surname of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_FORENAME_1	If appropriate the forename of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_ADDRESS_LINE_1	If appropriate the address of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_ADDRESS_LINE_2	If appropriate the address of the Personal/Corporate Acting Body as reported on the PC claim

PC_APPOINTEE_ADDRESS_LINE_3	If appropriate the address of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_ADDRESS_LINE_4	If appropriate the address of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_POSTCODE	If appropriate the address of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_TELEPHONE_NO1	If appropriate the telephone number of the Personal/Corporate Acting Body as reported on the PC claim
PC_APPOINTEE_TELEPHONE_NO2	If appropriate the second telephone number of the Personal/Corporate Acting Body as reported on the PC claim

File 2 – The Aggregate file

This shows for your Authority:

Country (England, Scotland or Wales)
Local Authority (the name of your Authority)
LOCAL_AUTHORITY_CODE (the standard lookup code for your authority)
TYF_LA_ID_CODE (the Transfer Your File code for your authority)

For each postcode sector (POSTCODE_OUTWARD_CODE) in a ward (WARD_NAME), (WARD_CODE)
Number of Households in the ward with UC Limited Capability to Work group (HAS_LCW_LATEST_AP)

Number of UC households in the Authority without children (HHS_NO_CHILDREN_IN_LA)
Number of UC households in the Authority with children (HHS_WITH_CHILDREN_IN_LA)
Number of children in the Authority in UC households with children (NO_OF_CHILDREN_IN_LA)
Number of UC households without children in the postcode sector that are below the Free School Meal income threshold and free prescription threshold (HHS_NO_CHILDREN_PRESC_OR_FSM)
Number of UC households without children in the postcode sector that are below the Free Prescription income threshold (HHS_NO_CHILDREN_PRESC)
Number of UC households without children in the postcode sector that are below the Free School meal income threshold (HHS_NO_CHILDREN_FSM)

Number of UC households with children in the postcode sector that are below the Free School Meal income threshold and free prescription threshold (HHS_WITH_CHILDREN_PRESC_OR_FSM)
Number of UC households with children in the postcode sector that are below the Free Prescription income threshold (HHS_WITH_CHILDREN_PRESC)
Number of UC households with children in the postcode sector that are below the Free School meal income threshold (HHS_WITH_CHILDREN_FSM)

Number of children in UC households in the postcode sector that are below the Free School Meal income threshold and free prescription threshold (CHILDREN_PRESCRIPTIONS_OR_FSM)
Number of children in UC households in the postcode sector that are below the Free Prescription income threshold (CHILDREN_PRESCRIPTION)
Number of children in UC households in the postcode sector that are below the Free School meal income threshold (CHILDREN_FSM)

Brent	**Cabinet** 17 April 2023
	Report from the Corporate Director of Resident Services

Kilburn Library Development and Refurbishment

Wards Affected:	Queens Park, Kilburn
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix A - Drawings and plans Appendix B - Kilburn Library Accessibility Audit 2022 Appendix C - Kilburn Library Enhancement and Improvement Works 2023 - RIBA 4 – 5 Appendix D - Kilburn Library 2023 Risk Register Appendix E - Concept Cost Plan - RIBS Stage 3 Appendix F - Photographs of Kilburn Library
Contact Officer(s): (Name, Title, Contact Details)	Thomas Cattermole Director of Customer Access 020 8937 5446 Thomas.Cattermole@brent.gov.uk Peter Baxter Libraries, Arts and Heritage Manager 0208 937 1722 Peter.baxter@brent.gov.uk

1.0 Purpose of the Report

1.1 This report presents a business case for investment to upgrade the premises and facilities at Kilburn Library and the library garden.

1.2 The project to upgrade Kilburn Library responds to the Brent London Borough of Culture 2020 legacy, the Arts Council England's (ACE) 'Let's Create' strategy and their 'Library Improvement Fund' initiative, Brent's Borough Plan 2023-27, Brent Black Community Action Plan, Health and Wellbeing Strategy 2022, Asset Management Strategy, and the library service action plan across each of the national strategic themes. (See section 3.6 Alignment with Strategic Objectives).

1.3 This is the second round of ACE's 'Library Improvement Fund', which supports library services in England by helping them upgrade their buildings. In the first round, Harlesden Library was successful and is near completion and reopening. In the second round, Kilburn Library was successful and was awarded 231K in February 2023. From March 2023, ACE begun to publicising this nationally. The third round will open in quarter 1 2023. Harlesden Library and Kilburn Library will demonstrate an alignment of Brent's intent with ACE's commitment. There is currently no funding beyond round 3.

1.4 The building and garden at Kilburn Library are in a poor state. If no investment is put into the current facilities the condition will decline further and become unsafe. The building itself may need partial closure if structural problems are not addressed quickly.

1.5 The investment outlined in this report is required. This will support income generation initiatives to hire space by extending the library footprint, creating a new community event space, implementing a flexible design to accommodate a better resource for all of residents in the locality with more uses. The total project costs are forecast at £765k.

1.6 The investment outlined in this paper aligns with the Council's asset management strategy and is key to bringing another asset back into line with service delivery expectations whilst ensuring the building is fit for purpose and maintained correctly.

2.0 Recommendation

2.1 Cabinet is asked to:

2.1.1 Note the proposals to redevelop the library for reasons detailed in section 3.1.

2.1.2 Approve the project budget of £765k which will be funded by £231k from Arts Council England Grant and £534k from SCIL as outlined in section 4.0 Financial Implications.

2.1.3 Note that temporary facilities will be identified in the immediate locality while works are underway.

3.0 Detail

3.1 The Library Building

3.1.1 Kilburn Library and garden are in a poor state. (See 'Appendix G - Photographs of Kilburn Library' for an illustration). Further 'wear and tear' to the building will mean it will become increasingly unsafe and costly. If the Library Service doesn't act now with the support from the ACE grant, then the long-term future of Kilburn Library may be jeopardised and potential funding from external funders for other libraries may be too. For example, Arts Council England (ACE) 'Libraries Improvement Fund' Round 3 in 2023-2024.

3.1.2 Development will prevent inevitable full or partial closure in the future and ensure the library building and garden are safe to use. It will alleviate some of the pressures of cyclical maintenance required to maintain its current condition.

3.1.3 In November 2019, Brent's Library Service Action Plan was agreed which identified a need for long term investment through a Libraries Premises Development Plan. Though delayed by the pandemic, an outline of this premises development plan was reported in the Infrastructure Delivery Plan in October 2021. The first project within this plan commenced at Harlesden library in 2022 and is due to be completed imminently.

3.1.4 The last refurbishment undertaken at Kilburn Library took place in 2009/10. Structurally, the building is in a poor state. There are large cracks forming in the structure of the building and there is concern that debris may fall. Furnishings are mostly fixed and offer limited flexibility to develop the library offer or adapt the space for different audiences and uses. There is no dedicated event space despite the strong demand for cultural programmes in the area. Local consultation for the Health and Wellbeing Strategy 2022 also identified community priorities of food growing and access to green space. Kilburn Library has an underutilised garden and will meet this need, but it requires investment to make it fully accessible and be used more extensively by the community.

3.1.5 The works would entail building an extension to the existing building and reconfiguring the layout to create a larger more flexible space. The driver for this is a need to increase engagement with residents in the South Kilburn area and to meet an increased demand and need for services, with a particular focus on digital, learning, culture and health, following the large amount of growth that is currently taking place and expected to take place. The new spaces and design would enable us to increase our programming in these areas and work more with local partners to expand our reach and library usage in the area.

3.1.6 This project further strengthens the case for investment in the current site to realise the investment to improve the energy efficiency of the site through the Public Sector Decarbonisation Programme in 2022.

3.2 Arts Council England's 'Libraries Improvement Fund'

3.2.1 By 2030, Arts Council England (ACE) is committed, through investment, to ensuring England is a country in which the creativity of everyone is valued and given the chance to flourish. To achieve this, ACE identified Brent as one of 54 'Priority Places' across England in which the investment and engagement is too low, but demand for cultural activities and quality venues is high. ACE's commitment to Brent is to increase investment and engagement in Brent to help the Council achieve this by 2024.

3.2.2 In June 2021, Arts Council England (ACE) launched its 'Libraries Improvement Fund' (LIF) for capital projects to improve library premises in England. Brent Council was successful in bidding for £285k towards a major refurbishment at Harlesden Library. The second round of the fund opened in June 2022, and Brent Council submitted a bid of £231k to develop the facilities at Kilburn Library. This bid was also successful and is now being publicised by ACE.

3.3 Queens Park and Kilburn Localities

3.3.1 Queens Park and Kilburn has a growing, high-density population with areas in South Kilburn with significant deprivation, high rates of unemployment and many residents with long term health conditions.

3.3.2 South Kilburn area is a significant area of population density and need. It is in the highest 20% for deprivation in England and local spaces are limited. With 16 early years and education settings in the area, there is a huge young population. It is a designated Growth Area in Brent's Local Plan and is a priority for investment and regeneration in the borough. This project will help futureproof the library building through investment in modern design, flexible furniture, and sustainable building management. With an attractive, functional building, new community space, and an accessible and substantial garden and food growing space the Library will be able to expand our offer and develop the library as a key community hub for residents.

3.3.3 This development will enable us to expand our current offer and deliver more activities to support employability and digital and language skills, such as ESOL classes. Collaborative internal and external partnerships, for example, activities delivered with Brent Start or Public Health, will enable health improvement through exercise classes and health information sessions, and skills through our English Conversation and digital skills classes,

3.3.4 This project also reflects its designation as one of the first Green Neighbourhoods in the borough as part of our response to the climate emergency, providing additional resource and support for residents locally to adapt.

3.4 Improved Community Partnership

3.4.1 Brent 2020 galvanised demand for local cultural and creative activity. The Kilburn Library Development project intends to build on this in three ways:

- Reconfigure the library design, creating an exhibition space;
- Extend the library through construction of an event space that connects the library to its garden;
- Co-designed cultural programming with the community.

3.4.2 The project will support outreach to more people with a quality library venue, supported by creative and cultural partnerships and programming. To achieve this, a library is needed to reflect a renewed space that will allow us to improve access, offer a broader range of events connected with the natural garden environment and enable partnerships with other arts organisations and the Local Cultural Education Partnership (LCEP). It will help create better opportunities for local artists and a platform to share the stories of our area. The library will become a local cultural centre attracting a more diverse audience with a broader creative offer.

3.4.3 The project will improve the accessibility of the building through improved design and signage, extend the footprint of the building to create a dedicated event and learning space which could also be used for community hires – including outside of core hours.

3.4.4 In conclusion, this investment will:

- Upgrade the library facilities and building, including the substantial but underused garden;
- Implement a flexible design to expand the use of the library and enable hires outside of core opening hours;
- Improve the accessibility of the building through improved design and signage;
- Extend the footprint of the building to create a dedicated event and learning space which could also be used for community hire.

3.4.5 By developing this offer, the Library Service can deliver wraparound support alongside the specialist Kilburn Community Hub advice services, realising long lasting improved outcomes for residents. Delivery of this offer is currently hampered by a fixed design with no clear welcome point and no dedicated space for classes and courses.

3.4.6 The redesign will also enable the community to hire space in the library for classes, events and exhibitions, a popular offer at Willesden Green which supports local SME's, creatives and community groups and can generate income for the service.

3.4.7 The garden has huge potential and has been identified by Brent's public health partners as having benefits for mental health outcomes, especially for those residents who do not have access to their own garden.

3.4.8 The library service will engage with the local community to ensure barriers to access are addressed and the new library space and programme offer is inclusive and responsive to local need. The Library, Arts and Heritage service

has partnership agreements in place to work with the Kilburn Hub and South Kilburn Trust to support this engagement with a particular focus on the South Kilburn Community but residents across Kilburn, Queens Park and beyond would benefit from the project.

3.4.9 The project objectives will re-establish the library as an attractive, engaging and safe place to visit for Kilburn residents, and in particular engage with residents in South Kilburn where provision and participation in cultural, learning and skills activity is lower.

3.5 Benefits of the project

3.5.1 The benefits to the Borough, both financial and non-financial, are numerous. Table 1 below summarises the estimated benefit amount and realisation.

Description of Benefit	Financial/ non-financial benefit?	Estimated benefit amount?	When will the benefit be realised?	One-off or recurring?
Increased use of library facilities at Kilburn	Non-/financial	Queens Park & Kilburn population circa 23k	March 2024	Recurring
New space used for community activity	Non-/financial	85% of groups responding to engagement survey would be interested in using space at the library	March 2024	Recurring
New space used for commercial hire	Financial	Currently no provision / hire. Estimated there will be an interest in commercial bookings	From March 2024	Recurring
Higher user satisfaction ratings for the library and increased usage amongst residents in South Kilburn	Non-/financial	10% increase in active users	March 2024	Recurring

3.6 Alignment with Strategic Objectives

3.6.1 Asset Management Strategy:

- With the closure of Brondesbury Road and Challenge House to Brent Staff/Services in 2021, the Council's operational estate is now concentrated in 24 assets across Brent, down from circa 40 in 2013
- Of the remaining buildings, the six libraries are vital community resources, which along with their traditional reading, learning, cultural and information services, include locality-based working for social workers, and Community Hubs.
- This proposal will support delivery of the strategy through maximising the space available for community benefit, broadening the library offer and improving the efficiency and effectiveness of the building

3.6.2 Borough Plan 2023-27:

- Prosperity, Pride and Belonging in Brent
- Greater availability and uptake of skills development and training initiatives
- Increasing footfall and animation to the high streets
- A Cleaner, Greener future
- Increase in resident engagement and influence in decision making
- The Best Start in Life
- Encouraging young people to be active in their communities, working with existing youth forums and working to widen and diversify their reach
- Improved opportunities for people in Black African, Somalian and Caribbean communities

3.6.3 Brent Black Community Action Plan:

- *Early Intervention, Children & Young People*; improved facilities and attractive venues to platform black history and black excellence
- *Supporting the Black Community and Voluntary Sector*; provision of community space and programme of workshops and skills development for capacity building
- Residents of black ethnic groups represent around 40% of the South Kilburn population so this project would present a significant opportunity to engage with these communities and deliver material improvements to local services with them

3.6.4 Brent Local Plan 2019-2041

- Libraries are key cultural and community facilities, which support participation through their general use, culture and learning provision

- Local Plan Objective - Strong & Inclusive Communities: ensure the delivery of a wide range of essential social infrastructure in Growth Areas and across the borough to support the delivery of sustainable communities

3.6.5 Digital Strategy:

- The plans will create dedicated digital workspace areas to improve the capacity and reach of the digital support offer delivered between the Hubs, libraries and Brent Start

3.6.6 Climate & Ecological Emergency Strategy:

- The plans will improve energy efficiency at the library; sustainable practices and materials will be followed in the development

3.7 Timescales

3.7.1 Table 2 below summarises an indicative timeline of milestones.

Milestone	Start	Finish
Decision on ACE funding (publicised from the 20th March)	21/02/23	21/02/23
Community engagement	01/05/23	29/06/23
Submit planning application	14/05/23	14/05/23
Tender period	19/07/23	21/08/23
Receive planning decision	23/07/23	23/07/23
Award tender; notification of contract	18/10/23	23/10/23
Close library, open pop up & decant into storage	16/11/23	27/11/23
Construction period	30/11/23	21/03/24
Installation of furniture & relocation of items from storage	26/03/24	08/04/24
Soft launch reopening	11/04/24	11/04/24

3.8 Risks

3.8.1 Table 3 below summarises the main risks and mitigations of the development.

Risk/issue description (incl. impact)	Planned mitigation or resolution	Owner
No library provision during development and refurbishment	Partnership agreements are being explored to provide temporary library facilities at The Granville in South Kilburn whilst works are undertaken on the main library building.	Libraries Operations Manager

Delays in procurement and contracting process hold up project timeline	Early and ongoing engagement with Brent procurement and legal teams with close monitoring of timeline and action plan	Project Manager / Properties Team
Further building faults identified causing cost inflation at RIBA Stage 4	Confirmation given from properties team that no further works outside of this scope are anticipated	Project Manager / Properties Team
Works delayed due to supply chain / labour shortages	Orders to be placed in good time to ensure supply; Successful bidder to be interviewed and undertaking to commit resources given before contract award	Project Manager / Properties Team
Excessive price inflation on materials and construction costs	Estimating this project in the current financial climate is a difficult job for this project. However, with hindsight of the Harlesden development a generous contingency of 19% (approx.) of total spend (inclusive of contingency) has been factored into the budget; orders to be placed early in the project where possible and close contact maintained with suppliers to track any anticipated major fluctuations	Project Manager / Library Operations Manager

4.0 Financial Implications

4.1 The project will futureproof the library facilities and enabling more flexible use, building in capacity for the service offer to adapt to changing community needs. Opportunities for limited income generation will also be created through the community room and redesign to enable the library to be hired outside of normal operating hours, however, this is yet to be quantified.

4.2 The total cost of the project is anticipated to be £765k. The Council has secured £231k from the ACE Libraries Improvement Fund. The remaining £534k will be funded through SCIL.

4.3 The project was reviewed by the Infrastructure Officer Working Group (IOWG) on 13 April 2023. It was considered that the project meets the regulations for spending SCIL in accordance with Section 216(2) of the Planning Act 2008 (As amended). The IOWG also advised that they considered that the project would be a good use of SCIL as it would support development and growth within the Kilburn area as outlined in the Brent Local Plan and Infrastructure Delivery Plan

where this project has been specifically identified to support the level of growth and development.

4.4 The proportion of the funding included in the bid to ACE LIF was determined in consultation with them and focussed on the elements of the project most aligned to the objectives of the grant fund. Whilst no minimum matched funding was required, bids with higher rates of additional funding are rated more highly in the competitive assessment process.

4.5 The expected costs for the scheme are based on estimates submitted by OCR Surveying, commissioned by the Council to produce a method statement, designs and access report and FG Library, a design company who advised on the library fit out.

4.6 The estimates were issued in Dec 2022 and include a forecast uplift in prices for fixtures and fittings by the estimated purchase date in Q2 2023 However, all suppliers have cautioned that due to the unpredictable nature of the current inflationary and supply chain challenges facing the construction sector there may be further variation in prices. A programme contingency of 23% has been included on the project costs and will be managed through the Capital Programme governance arrangements.

4.7 Breakdown of cost are shown below in Table 4.

Item	Cost
Construction and refurbishment to the premises (including the accessible toilet)	£453,629
Project management, surveying & professional fees	£66,871
Furniture, fittings, and equipment	£100,000
Contingency	£144,500
Total Estimated Project Cost	**£765,099**
Total value of ACE funding application	**£231,500**
Total SCIL funding	**£534,000**

5.0 Procurement

5.1 The figures quoted for the works and supplies detailed in this report would likely amount to a medium value contract and be advertised for open tender with a quality/price scoring ratio of 60/40.

5.2 Successful bidders will be required to demonstrate they have the appropriate skills and experience of working on similar projects and a high emphasis will also be placed on social value contributions in the bidding stage. The contractor will be given a list of possible options regarding their social value contribution and will

submit their proposal alongside the tender. This may include apprenticeships, community activities, CV clinics, purchasing materials locally and other similar activities.

5.3 Our contracted surveyor will review and assess the tenders to ensure they are equal and consistent and will work with the project management team and Brent's procurement team to ensure legal compliance and best value. At all times the process will be carried out transparently and ethically and in line with the internal procurement guidelines.

6.0 Legal Implications

6.1 The Council has a statutory duty under the Public Libraries and Museums Act 1964 (the Act) 'to provide a comprehensive and efficient library service for all persons' for all those who live, work or study in the area (section 7). This proposal will support the Council's delivery of this duty by improving and investing in library facilities, enhancing the library offer for residents and improving access for residents with additional needs.

6.2 The Guidance for Libraries as a Statutory Service 2021 states

> Every council in England is required to provide a 'comprehensive and efficient' library service under the Act. It must do so in a way which meets the needs of local library users taking into account the resources available. What a comprehensive and efficient service means will differ between councils and will depend on the needs of each area. It is therefore the role of councillors and officials at a local level to determine how much they spend on libraries and how they manage and deliver their service. This must be done:
>
> - in consultation with their communities
> - through analysis of evidence around local needs
> - in accordance with their statutory duties

6.3 The project originates from the CMT recommendation in November 2019 that a review of the library property portfolio be conducted, and a plan developed to improve the estate.

6.4 The building is fully owned by the Council and, though unlisted, the proposals will support the retention of a heritage site and ensure the new design compliments the existing historic elements from the original 1894 building.

6.5 In awarding the contract the Council is required to comply with the procurement principles of equal treatment, transparency, and non-discrimination.

7.0 Equality Implications

7.1 The project outlined in this paper has positive diversity implications by helping to make the Kilburn Library site and service offer accessible for a wider age

range of users and particularly enhancing the offer for children, young people and students.

7.2 The project also supports the Black Community Action Plan through the opportunities to bring particular improvements and resources for those residents who represent a significant proportion of the South Kilburn community.

8.0 Consultation with Ward Members and Stakeholders

8.1 The Lead Member with responsibility for the work of this service area has and will continue to be kept informed about this development, plan and its delivery.

9.0 Human Resources/Property Implications (if appropriate)

9.1 There are no implications arising from this paper.

Report sign off:

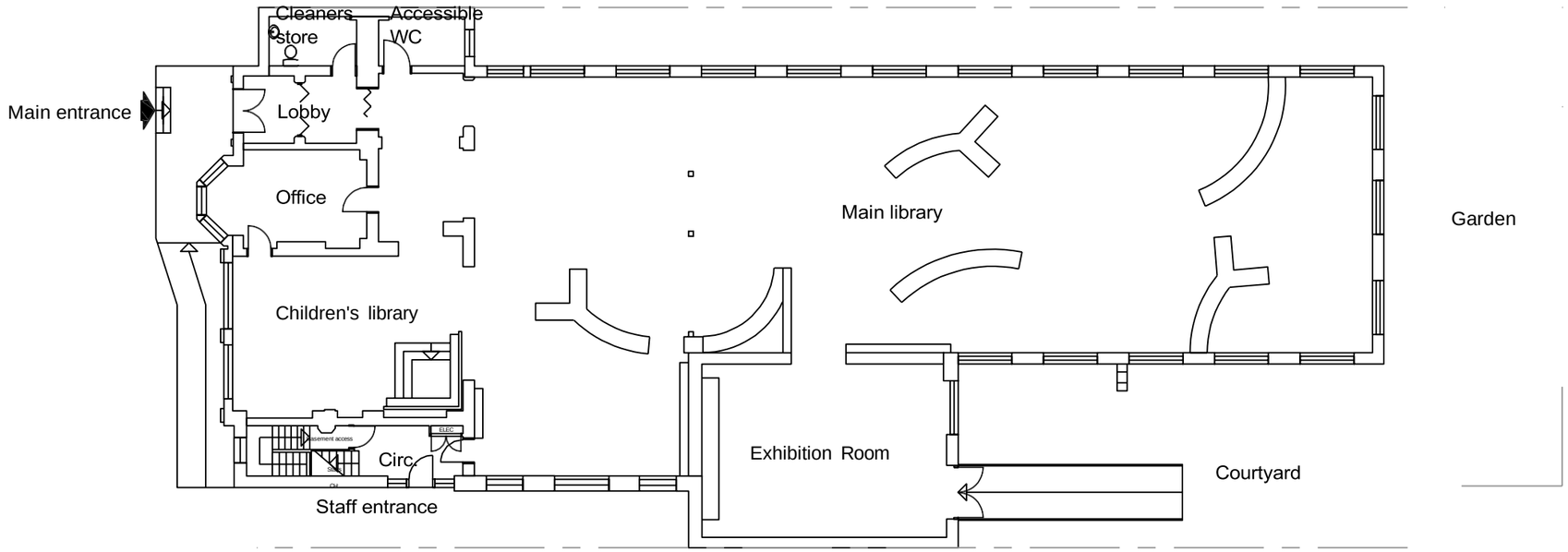
Peter Gadson
Corporate Director of Resident Services

Appendix A | Drawings and plans

General Notes

- This drawing is to be read in conjunction with all relevant specifications and drawings issued.
- The contractor is to check and verify all building and site dimensions and check levels before work commences
- For discrepencies or ommissions contact OCR Surveying
- Do not scale this drawing, check all dimensions on site
- All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant Codes of Practice and British Standards.

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Date:	Revision:	Dr:
Client:		

London Borough of Brent

Drawing Issue:
FEASIBILITY

Project:
Kilburn Library Improvement Works 2021

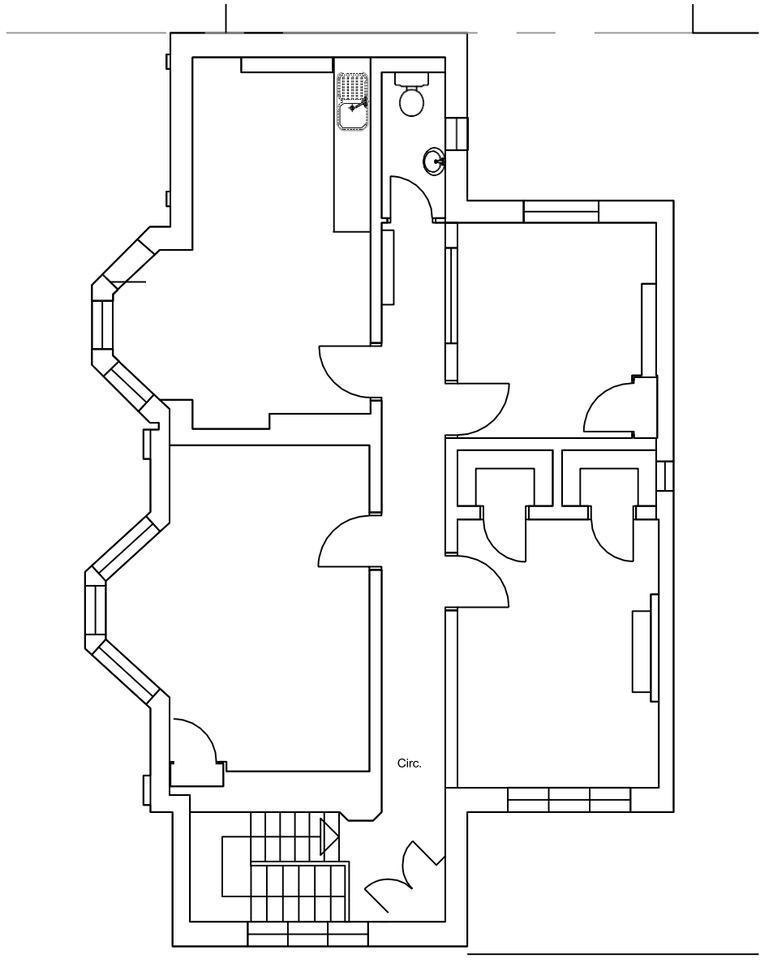
Drawing Title:
Ground floor plan as existing

Scale:	Drawing Nr:
1:200 @ A3	22026/F/01

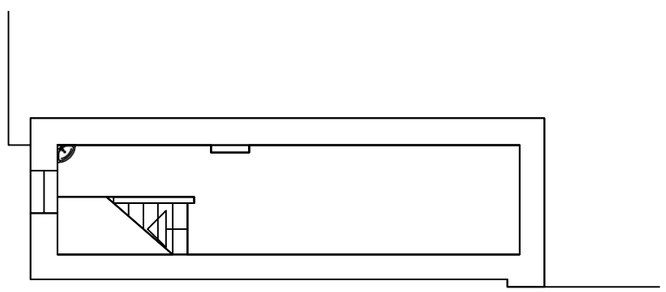
Revision:	Drawn:	Date:
-	SC	31/08/2022

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RICS Registration: 804703



First floor



Basement

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Date:	Revision:	Dr:
-	SC	31/08/2022

Client:

London Borough of Brent

Drawing Issue:

FEASIBILITY

Project:

Kilburn Library Improvement Works 2021

Drawing Title:

Basement and first floor plan as existing

Scale:	Drawing Nr:	
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Revision:	Drawn:	Date:

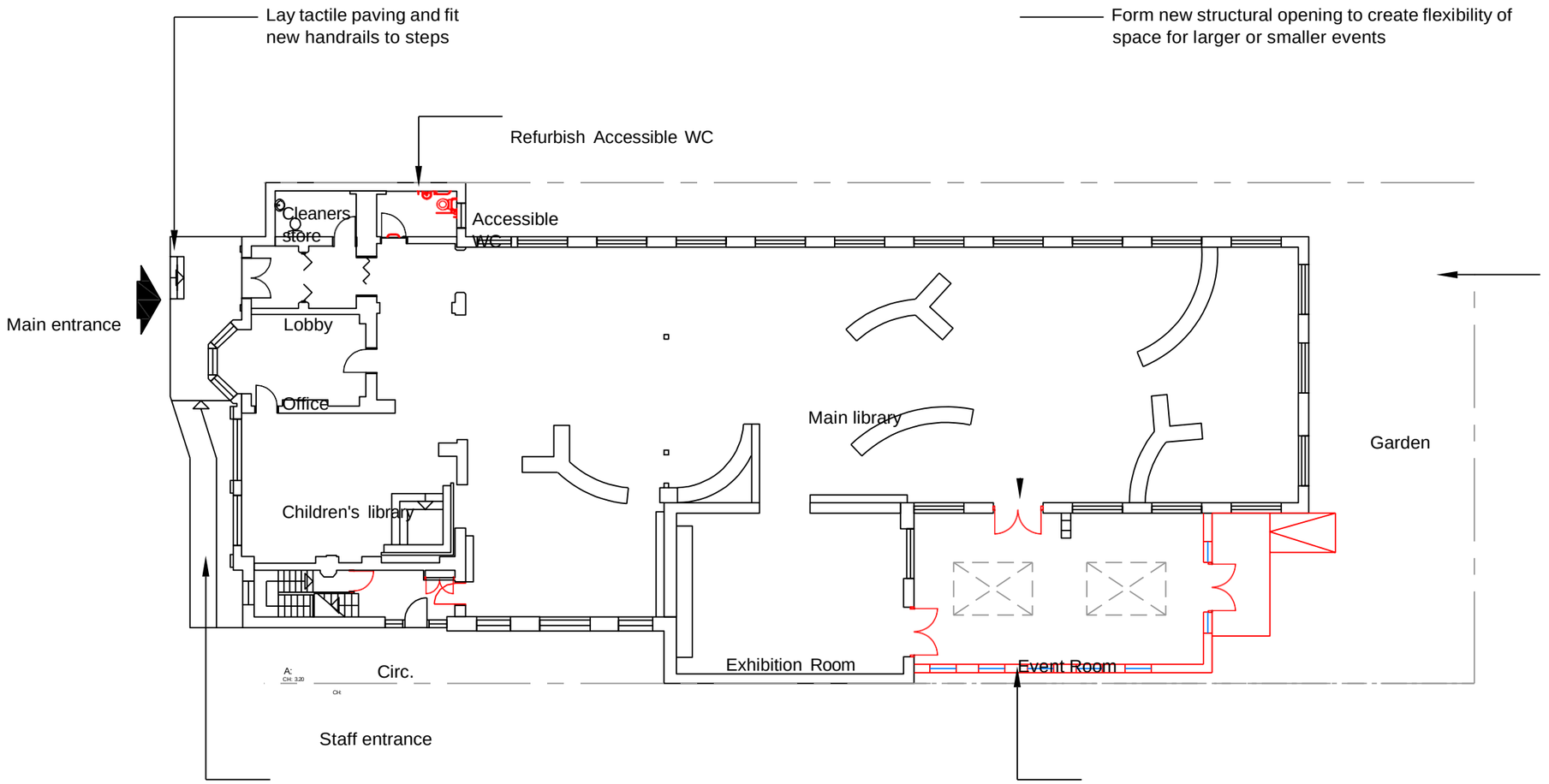
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Date: Revision. Dr:

Client:

London Borough of Brent

Drawing Issue:

FEASIBILITY

Project:

Kilburn Library Improvement Works 2021

Drawing Title:

Ground floor plan as proposed

Scale: 1:200 @ A3

Drawing Nr: 22026/F/03

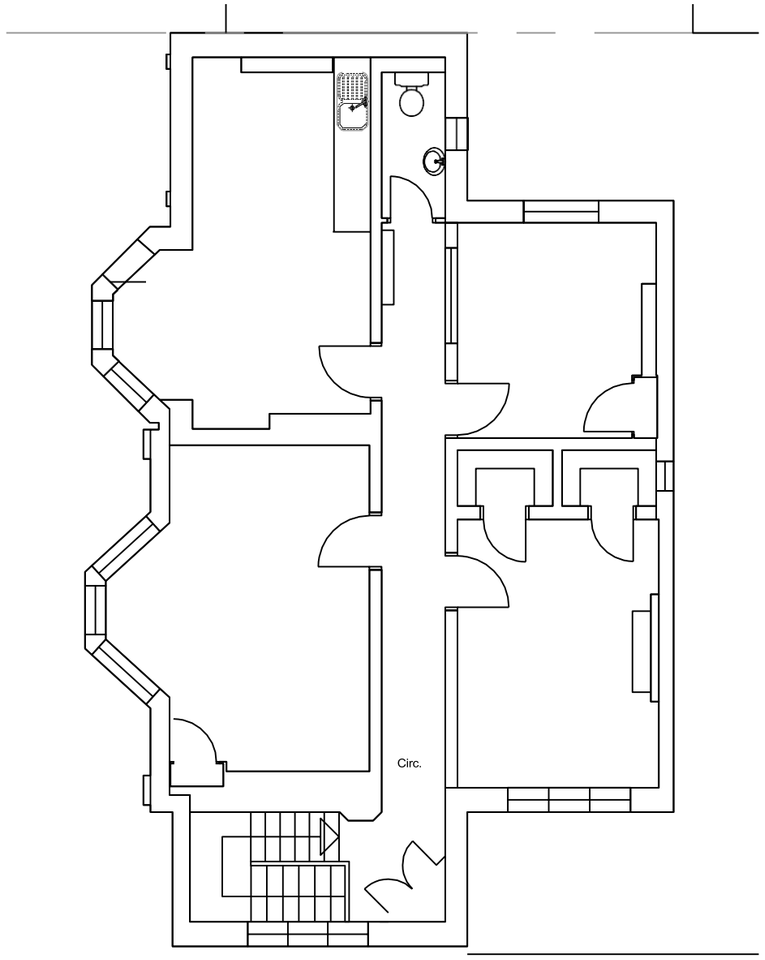
Revision:

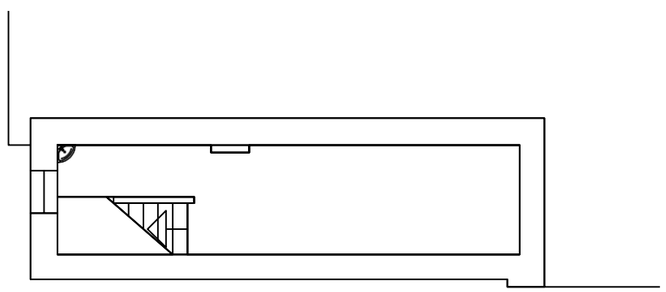
Drawn: SC

Date: 31/08/2022

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Date:	Revision:	Dr:
-	SC	31/08/2022

Client:

London Borough of Brent

Drawing Issue:

FEASIBILITY

Project:

Kilburn Library Improvement Works 2021

Drawing Title:

Basement and first floor plan as proposed

Scale:	Drawing Nr:
1:200 @ A3	22026/F/04

Revision: Drawn: Date:

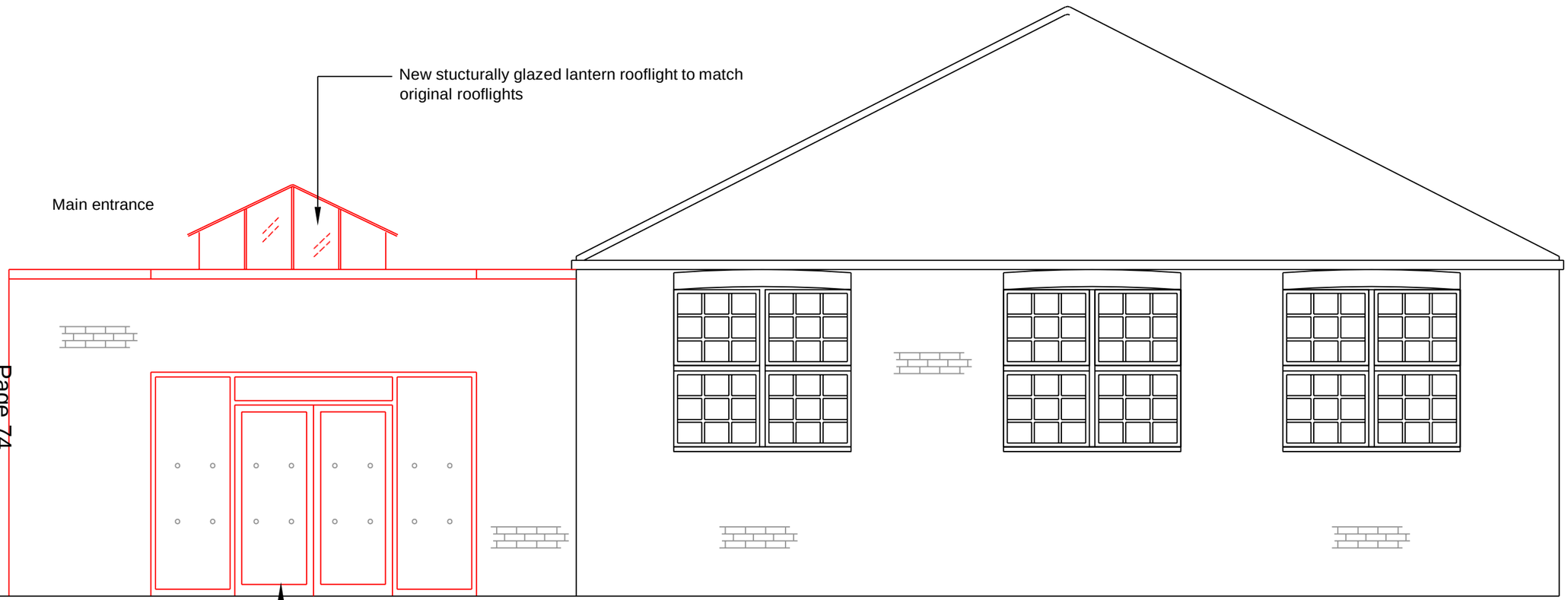
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Date:	Revision:	Dr:
-	SC	31/08/2022

Client:

London Borough of Brent

Drawing Issue:

FEASIBILITY

Project:

Kilburn Library Improvement Works 2021

Drawing Title:

Rear elevation as proposed

Scale:	Drawing Nr:	
1:200 @ A3	22026/F/05	
Revision:	Drawn:	Date:

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Report for London Borough of Brent

Kilburn Library, Salusbury Road, London NW6 6NN

Accessibility Audit

05 September 2022

Prepared By: Sam Crowe MRICS

OCR Surveying Ltd |
Kemp House | 160 City Road | London | EC1V 2NX

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1.0 INTRODUCTION

1.1 Instruction and brief

This Access Audit report has been prepared for London Borough of Brent and undertaken by OCR Surveying Limited. The audit report was undertaken at Harlesden Library by Sam Crowe MRICS on 23 August 2022. The property was occupied at the time of audit.

The purpose of this audit report is to identify and report upon access issues for disabled users of the property.

1.2 Legislation

This report has been prepared in accordance with the Equality Act 2010 and BS 8300:2018 - Design of an accessible and inclusive built environment.

1.3 Terminology used in this report

Given below is the meaning of certain terms and abbreviations used in this audit:

"DDA" means Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Discrimination Act 2005)

"Instigator" means the person, or persons, responsible under the DDA for considering discrimination issues and for deciding on any changes required to working practices or physical adjustments required to buildings and property. In multi-tenanted properties this responsibility can fall upon landlords as well as occupying tenants

"Access Policy" means a written document setting out a building occupier's managerial approach to avoiding discrimination against disabled people.

"Access Plan" means a written document setting out the approach for considering and planning access improvements identified within the Access Audit report. This is effectively a plan setting out the proposed strategy for improving access.

1.4 Methodology and report format

This audit report is based on a visual inspection of the property on foot.

Our inspection and reporting has been carried out against a comprehensive checklist of issues derived from:

- BS8300:2018 - Design of an accessible and inclusive built environment.- Code of Practice
- Approved Document 'M' of the Building Regulations 2004, and
- Current best practice and guidance

Our findings and recommendations are presented in the form of a table detailed herein. In the table we detail the particular area and item of concern, our comments on this item, our recommendations, and budget costs to provide an indicative value of works required; and a category rating together with photograph and drawing references where applicable.

Our audit report prioritises our recommendations in accordance with the criteria explained in section 3.

1.5 Implementation of recommendations

This audit report focuses, primarily, on potential shortcomings in the physical features of the property and the adjustments required to alleviate the shortcomings. While we are not familiar with the building occupier's management practices and procedures, or the service delivery systems, we believe some of the issues that we have identified might be addressed by adjusting management practices and procedures, or the service delivery systems, rather than by physical adjustments to the building. We have suggested some adjustments to management procedures in this audit report, but these will need further consideration by the instigator.

We have made an initial assessment of, and recommendations for, improvements required to reduce the potential liability of both you and the building occupiers under the DDA. When further prioritising implementation of our recommendations, the priorities we suggest in this audit report will need to be reviewed by the instigator. The instigator will need to consider:

- Reasonableness of cost (which might be negligible if new management procedures can be adopted or existing procedures altered)
- How areas of the building are being used and by whom and;
- How any changes in use of the premises will be affected by duties under the DDA

As a part of implementing our recommendations, the preparation of an Access Plan should be considered and developed to address the delivery of accessible services and the associated management issues.

Duties to effect adjustments to the property, or to alter management procedures and practices, will require reconsideration, if use of the property changes.

1.6 Limitations

1.6.1 Compliance with legislation

OCR Surveying Ltd has used their best endeavours when providing advice to enable the instigator, to minimise their exposure to claims of discrimination under the Equality Act.

The Equality Act does not prescribe a detailed set of requirements, which, if satisfied, enable the avoidance of liability for discrimination. Furthermore, the Equality Act does not contain any certification procedures. Consequently, compliance with the Equality Act cannot be guaranteed and it should be noted that a property cannot be certified as being "DDA Compliant".

While the advice provided in this audit report does not offer immunity from litigation under the Equality Act, it will demonstrate that the instigator has taken reasonable measures to discharge their obligations under the Equality Act by commissioning a specialist report. This is even more the case, if recommendations in this audit report are implemented.

1.6.2 Existing disabled employees

It should be noted that this Access Audit report does not take account of the specific needs of any existing disabled employees and accordingly; these needs should be addressed separately through management procedures and PEEP's (Personal Emergency Egress Plans)

1.6.3 Purpose of audit

Please note that this audit report specifically concerns the existing disability discrimination legislation and the related access issues associated with buildings and property generally. While there is an element of overlap between access issues and general health and safety issues, it must be appreciated that this audit report is not a Health and Safety Audit, nor a Fire Risk Assessment.

If health and safety or fire risk issues are of concern, we recommend that separate inspections and reports are commissioned.

1.6.4 Exclusion of third parties

Our inspection of the property and production of this audit report has been undertaken for London Borough of Brent and should not be relied upon by any third parties.

2.0 DESCRIPTION OF PROPERTY

Kilburn library is a two storey Late Victorian period property, constructed in 1893 in Queen Ann style. The frontage is built in Leicester red brick with a plain clay tile roof. The front elevation is two stories in a three bay design. The main entrance benefits from an oversized stone consoled scrolled pediment forming canopy and cast iron bracketed lamp. There is a brick panel above with 'Kilburn Library' picked out in applied lettering.

To the right hand side of the entrance is a double height canted bay window breaking through roofline in the form hexagonal brick panelled turret with a plain tiled roof and topped with a lead ball finial. Windows are presumed to be the original timber sash windows.

The rear of the building comprises a single storey double height library space constructed in solid brickwork with sash windows to either side and clerestorey windows at high level.

3.0 CATERGORISATION OF RECOMMENDATIONS

Consideration should be given to the execution of all recommendations in order to provide accessible facilities and to minimise existing and prospective occupier's exposure to claims of discrimination against employees and service users alike.

Our recommendations have, however, been categorised using the designations and criteria in the table below.

Category	Description of issue
"A"	- A potential deficiency associated with health and safety, which requires immediate, or urgent, attention to eliminate a severe barrier, or a health and safety hazard, to disabled people. The issue concerned, if of a health and safety nature, might also be relevant to non-disabled persons.
"B"	A potential deficiency in respect of which a landlord might be liable as a "service provider" under the DDA.
"C"	A potential deficiency in common parts in respect of which a landlord might be found liable but which could be more appropriately addressed as part of a more comprehensive refurbishment scheme or maintenance works.
"D"	A potential deficiency in respect of which a tenant might be found liable as a "service provider" under the DDA and which might therefore give rise to anticipatory duties to avoid discrimination, or a potential deficiency requiring attention to meet the needs of an existing or potential employee under Part 2 of the DDA.
"E"	A potential deficiency that might be more appropriately addressed by implementing a new, or modifying an existing, management procedure or policy, rather than carrying our physical adjustments or alterations.

We have categorised items based upon our understanding of the current use of the property. Categories given in respect of potential deficiencies provide a general indication only and may, therefore, require further consideration by the instigator. Some further checking may be required to establish whether earlier consideration may be required, dependent upon use of the area. An illustration on the use of category ratings within the report table is shown below:

C - Category C alone is generally applicable

C/D - Both category C and D are applicable or, consideration should be given to carrying out works under both categories

4.0 SUMMARY OF COSTS

The total approximate cost of implementing our recommendations is **£17,935.00** plus VAT and fees.

This figure is compiled as follows:

- Category A items sub-total: £1,450 plus VAT and fees
- Category B items sub-total: £1,300 plus VAT and fees
- Category C items sub-total: £14,375 plus VAT and fees
- Category D items sub-total: £810.00 plus VAT and fees
- Category E items sub-total: £Nil

Where items are given a joint category such as B/C the cost has been allocated to the first category i.e. B.

Please note that the total approximate cost includes all costed categorised items. Recommended items of work will require further consideration and prioritisation on the basis of the benefit that they will bring to disabled users, the building maintenance and development plan and the available financial resource of the instigator. The instigator will need to establish the reasonableness or otherwise of implementing the recommended works, (see also Appendix B).

With regard to all approximate cost figures given in this audit, please note that the costings:

1. Include allowances for preliminaries, main contractor's overhead costs and profit
2. Are based on approximate quantities estimated from the visual inspection we carried out on the day of our inspection and are not based on detailed measurements
3. Have not been corroborated by tenders from the marketplace and it should be noted that market conditions and tender factors could produce figures that might differ from those given in this audit
4. Have been prepared on the basis of general rates prevailing in the marketplace at present and are exclusive of:
    a. Financing charges, if any
    b. Value added tax
    c. Professional fees
    d. Statutory fees
5. Assume that all building work will be undertaken to similar details and using materials similar to those existing
6. Assume each item of work will be carried out under separate building contracts with appropriate contractors at different times. It should be noted however that, if some works are carried out together under a single building contract, certain savings might accrue due to economies of scale
7. Are proposed on a day one basis at Q3 2022 and no allowance has been made to project these costs into the future.

5.0 ACCESS AUDIT AND RECOMMENDATIONS

OCR Surveying
Property Consultants

Item	Element	Observations	Recommendations	Cost £	Priority	Photo
	Externally					
1	**Parking**	There is no vehicular parking provision to the Library.	No action required	n/a	n/a	n/a
2	**Approach to building**					
i	Main entrance	The main entrance is stepped, measuring 1600mm wide with 3no steps measuring 130mm Risers and 250mm Goings. Nosings are absent from steps. Tactile paving is absent from steps. Guard railings are provided which serve as a hand rail but this does meet the standard requirements for a handrail.	Fit new non slip nosings where missing. Lay new tactile paving to base of steps. Install new nylon coated handrail to steps, both sides.	£375.00 £400.00 £2,000.00	A C	

ii	Accessible entrance	An accessible ramp is provided, leading to the main entrance constructed in concrete with a masonry dwarf wall. A painted steel handrail is provided to both sides. Tactile paving is absent. The ramp is 11.34m in length with a rise of 390mm. This is a 1:29 fall and does not meet requirements. There is no level landing at a mid-point. The ramp slope does not contrast with level landings and is not of a slip resistance nature.	Due to site constraints, it is not possible to address the fall or length. Provide and apply non slip finish to slope and level landings. Provide and fit tactile paving.	 £675 £400.00	 A B	
3 i	**Signage** Generally	Building name signage comprises laser cut stainless steel clear lettering above the no main entrance. The signage contrasts well with the surrounding brickwork.	No action			

ii	Accessible	An information board is present but is absent Braille lettering. Font choice and colour could be more defined with better colour contrast.	Provide and fit new signage to main entrance. To be in accordance with BS 8300:2018 and the Sign Design Guide and inclusive of Braille.	£750.00	B	
4 i	**External doors** Main entrance	The main entrance doors are the original painted timber panelled doors with a fully glazed automatic folding doors. Manifestation is absent. Both doorways have a clear width of 1400mm	Provide and apply frosted film manifestation to folding doors at 900 and 1400mm AFFL.	£150.00	B	
ii	Accessible entrance	The accessible entrance is the same as the main entrance	n/a	n/a	n/a	

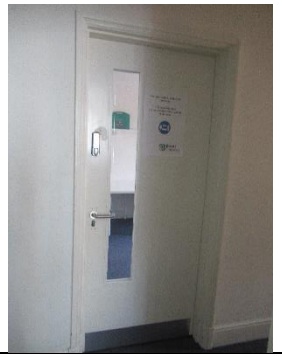
iii	Garden access door	Access to the garden is via painted timber half glazed double doors with a clear width of 1230mm. There is a stained timber threshold which is in excess of 13mm.	Replace with new painted timber door with low profile threshold	£1,500.00	C	
iv	Fire exit doors, North passage	Doors comprise painted timber half glazed panelled single door with a clear width of 770mm and suitable panic exit hardware	No action	n/a	n/a	
v	Fire exit gates, North passage	The fire exit is a stained timber double gate with a clear width of 1200mm. The method of operation to escape is not within reach of a non ambulant person	Review exit strategy and ensure that a responsible person unlocks the gate in the event of an emergency	n/a	E	

	Internally					
5	**Transition lighting**	Upon entering there is one suspended fluorescent light fitting in the foyer leading into the main library space which has been newly installed as part of energy saving programme of works. The light includes a daylight sensor to ensure levels are adequate at all times.	No action	n/a	n/a	
6	**Main entrance foyer**	The foyer comprises a small entrance lobby comprising painted plaster masonry walls and a floor finished with a multi directional barrier mat, suitable for non ambulant visitors.	No action	n/a	n/a	

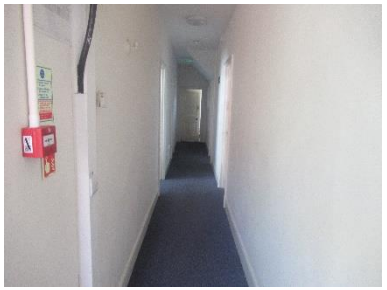
7	**Reception desk**	A small reception desk is provided to the centre of the library. There is a small dropped counter section albeit the desk is filled with PC, screens and equipment blocking any benefit that a non ambulant person may derive.	Desk to be cleared and rationalised if possible, consider replacing the desk with a more suitably sized desk if equipment must stay. In the meantime, put in place a management plan that staff come around desk to discuss queries with non ambulant visitors directly.	£0.00	E	
8 i	**Lobbies** Staff area lobby	Painted plaster walls and ceiling with painted timber skirting with fluorescent bulkhead lights and multi directional diamond pattern carpet.	Consider decorating joinery in alternative contrasting colour.	incl	C	
9 i	**Staircases** Staff area staircase (original)	Timber staircase with painted timber handrail 50mm diameter and a clear width of 790mm. Finished in a dark carpet with yellow nosings to bottom and top steps and dark intermediate nosings which do not contrast with carpet finish.	Replace carpet and/ or nosings so that colours contrast sufficiently. Building constraints do not allow for a second handrail.	£810.00	D	

		Handrail provided to one side only. Nosings do not contrast sufficiently with carpet.				
ii	Basement staircase	Original open tread timber staircase with wrought timber handrail for plant access only. Nosings are absent.	Paint on contrasting nosings to comply with BS 8300.	£400.00	A	
10 i	**Lifts** Main lift	There are no lifts on the property. All public facing areas are at ground level.	n/a	n/a	n/a	n/a
11	**Accessible WCs**					
i	Ground floor - Public use	WC measures 3 x 1.7m, finished with floor to ceiling ceramic tiles and vinyl floor. Doc M pack WC is provided with dark blue handrails. Mirror is absent above the basin but a larger mirror is present on the rear wall. There is no colostomy bag shelf or padded back rest to WC seat.	Replace wall finishes with a contrasting colour, replace emergency alarm, fit new padded back rest WC seat and fit new TMV to regulate hot water to 43°C. Provide and fit new colostomy bag shelf.	£7,675.00	C	

		The emergency alarm is broken and the reset button is in the wrong location. Hot water is not regulated to 43°C. Generally in poor condition.				
12 i	**General WCs** First floor - Staff use	Single WC finished with painted plaster and vinyl floor including a step with contrasting nosing. Sanitaryware comprises a close coupled WC and wall hung wash hand basin. Colour contrast between decorations is insufficient.	Renew all and joinery finishes with a contrasting colour.	£300.00	C	
13 i	**Internal doors** Ground floor	Doors are painted timber flush doors with vison panels to offices/ circulation and solid to WCs/ stores. Average clear width approx. 840mm with single polished chrome lever handle at 940mm above finished floor level. Doors are painted in a contrasting colour but door leading edges do not contrast.	Decorate leading edges in a contrasting colour. Consider decorating architrave in a contrasting colour.	£500	C	

ii	Accessible WC	The accessible WC door is a painted timber flush door with a clear width of 865mm with a compliant accessible toilet lock. A grab is proved to the back face in a contrasting colour.	No action	n/a	n/a	
iii	First floor	Doors are painted timber flush doors with vison panels to offices/ circulation and solid to WCs/ stores. Average clear width approx. 840mm with single polished chrome lever handle at 940mm above finished floor level. Doors and leading edges do not contrast with surrounding decorations.	Decorate leading edges in a contrasting colour. Consider decorating architrave in a contrasting colour.	£500.00	C	
14	**Fire escape doors**	The staff access doors serves as a fire escape door and has been reported above.	n/a	n/a	n/a	

15	**Door furniture**	Door furniture comprises a combination of lever handles, pull handles and digilocks. All are located within correct tolerances	No action required	n/a	n/a	
16	**Overhead door closers**	Overhead door closers are provided throughout and generally acceptable	No action	n/a	n/a	n/a
17 i	**General circulation** Ground floor	Library space is very open plan with no fixed corridor or designated circulation space. Shelving is used to create zones between areas and clear widths are in excess of 1.8m	No action	n/a	n/a	

ii	First floor	There is a single corridor with a clear width of 1030mm. Finished with broadloom carpet, painted plaster walls and ceilings. Decorations do not contrast sufficiently.	Ensure decorations at next refurbishment contrast between surfaces.	n/a	n/a	
18	**Floor surfaces**					
i	Ground floor and mezzanine	Flooring is a combination of carpet tiles and timber effect sheet vinyl. Safety vinyl is provided to the Accessible WC	No action	n/a	n/a	
		Barrier mat to main entrance and fire exit lobbies is multi directional and suitable for wheelchairs.	No action	n/a	n/a	

ii	First floor and mezzanine	Carpet tiles provided throughout Sheet vinyl has been used to the staff room/ kitchenette and WC.	No action required	n/a	n/a	
19	**Lighting**	Lighting comprises suspended LED light fittings which have been recently fitted as part of an energy saving programme. Lights benefit from daylight sensors and adjust to the correct LUX levels as required.	No action	n/a	n/a	
20	**Electrical socket/outlets/light switches etc**	Floor sockets are mounted at varying heights either floor level or 450mm above finished floor level. These are for permanent fittings or staff use only. Dado trunking is provided to ICT areas for public/ teaching PCs	No action required	n/a	n/a	

		Light switches, where present are mounted between 1100 – 1250mm AFFL.				
21	**Acoustics**					
i	Generally	The library is a double height space with carpet floor finishes and shelving with books throughout. Generally the reverb time was deemed acceptable.	No action.			
ii	Induction loop systems	The library operates a portable induction loop for those with hearing impairments.	Ensure a management plan is in place for use of portable induction loop system.	n/a	E	
22	**Signage**					
i	Wayfinding signage	Wayfinding signs are present throughout, being suspended at high level. Sie of the signs have very small font and colours do not contrast sufficiently. There is little or no accessible signage, wayfinding signs do not have Braille.	Provide wayfinding signage at the main entrance. All new signage including that to doors should have Braille to accompany text.	£1,500.00	C	

ii	Fire action and directional signage	Combination of photoluminescent and illuminated. Illuminated signs are small and suspended at high level, and not easily read. Some signs present conflicting information.	Replace illuminate exit signage with larger signs and drop the height to approx. 2.6m above finished floor level	£225.00	A	
23	**Use of Colour**	Generally the use of contrasting colours is not good throughout the building with joinery and walls having an LTV of less than 30 points.	Ensure any redecoration programme follows a similar principle of contrasting colours to delineate routes and obstacles	£0.00	C	
24	**Means of Escape in Fire** Generally	There are two routes of exit being the main entrance and North passage. Both exits are accessible albeit the final exit to the North passage would be harder to operate.	Review management plan and ensure that a suitable plan is in place for staff and general public through the use of a Personal Emergency Egress Plan (PEEP)	£0.00	E	

	Horizontal escape	Ground, ground mezzanine and first floor have a clear and unobstructed route to a place of safety.	No action	£0.00	E	
	Vertical escape	There is a single route of escape from the first floor. Previously reported upon.	n/a	n/a	n/a	n/a
25	**Fire alarm visual warnings**	There are no beacon sounders present throughout, either to the library or WCs	Consideration must be given to the safe evacuation of hearing-impaired users in the event of fire. Asses risk and consider installing additional beacons to public facing areas.	£500.00	A	

6.0 CONCLUSION AND RECOMMENDATIONS

It should be appreciated that this audit report is effectively the start of a process of analysis and action focused on generally improving accessibility and also avoiding discrimination against disabled persons.

The parties holding duties under the legislation will next need to consider the development of an Access Plan in order to set a strategy for maximising, to a subjectively reasonable level, the accessibility of a property over a subjectively reasonable period of time.

We have prepared this report on the basis that the building is multi-tenanted. We recognise that you have acquired this property for investment, and not for occupation. Notwithstanding this, we believe that you may have a direct duty, as a "service provider" under the Equality Act 2010, to consider our findings and recommendations, in respect of the following items:

1. Improvements to approach and access
2. New signage internally and externally
3. Upgrade to WCs
4. Review of colour scheme and use of contrasting colours to stairs and general areas
5. Provision of fire warning beacons to public facing areas

The total approximate cost of implementing works to deal with the issues indicated above is **£17,935.00** + VAT and fees.

In respect of the remaining findings and recommendations in this audit, we believe that these fall to the individual tenants to consider and, if appropriate address. Both you, as landlord, and the occupying tenants might therefore constitute instigators of different items of work.

The decision to implement each of our recommendations will be reliant on consideration of all relevant factors to determine the reasonableness, or otherwise, of such implementation. Relevant factors for you to consider in connection with the works indicated above will include:

1. Available resources- financial and staffing;
2. Impact on other building users;
3. Impact on the operation of your business;
4. Impact on the viability of your business;
5. The practicality of addressing them;
6. Resources already spent on making access improvements.

The instigator, might also wish to implement recommendations that go beyond the test of reasonableness in order to meet specific needs of individuals.

The instigator should review the recommendations, taking account of programmes of planned maintenance and refurbishment works proposed. It might be possible to modify the proposed maintenance or refurbishment works in a way that enables recommendations to be implemented at no, or relatively little, extra cost. Items such as changes in the use of colour have generally not being costed and should be undertaken during any proposed maintenance and refurbishment work.

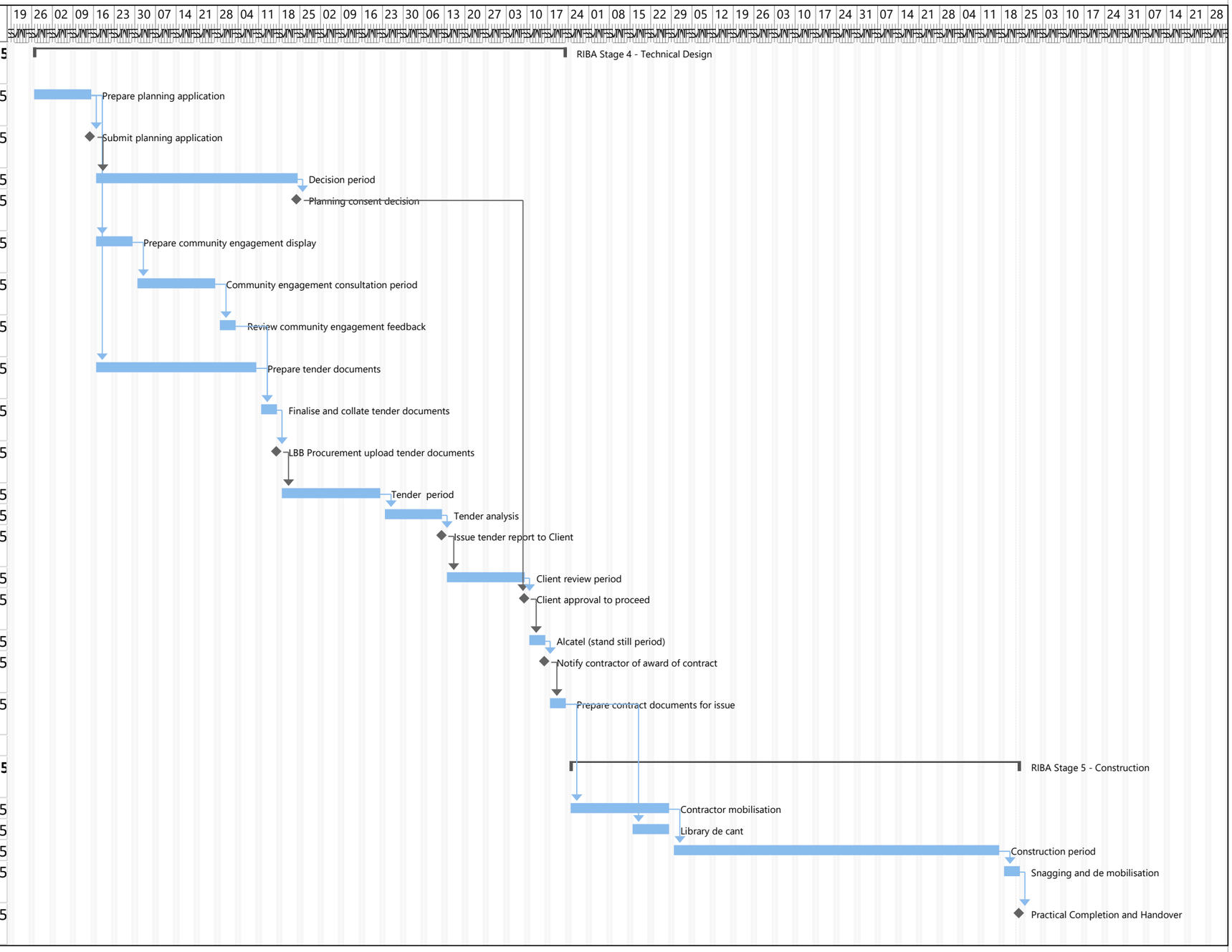
Although the report, and indeed the costings may appear daunting, the recommended items of work should be carefully considered and prioritised on the basis of the benefit that they will bring to disabled property users and visitors. Similarly, other items identified within the audit report can be undertaken as part of an on-going maintenance plan. Improving the accessibility of the site does not necessarily need to be a costly burden.

In conclusion, we would recommend that the instigator(s) review the contents of this report to ensure that issues identified are considered and implemented according to duties under the Equality Act 2010.

It is for a duty holder to demonstrate the reasonableness of their actions (or indeed inactions) and factors such as cost, practicability, relative benefit and the like are all relevant factors to take into consideration.

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	Task Name	Duration	Start	Finish
1	**RIBA Stage 4 -**	**130 days**	**Mon 27/03/23**	**Fri 22/09/23 5**
2	Prepare planning	15 days	Mon 27/03/23	Fri 14/04/23 5
3	Submit planning	0 days	Fri 14/04/23 5	Fri 14/04/23 5
4	Decision period	50 days	Mon 17/04/23	Fri 23/06/23 5
5	Planning consent	0 days	Fri 23/06/23 5	Fri 23/06/23 5
6	Prepare	10 days	Mon 17/04/23	Fri 28/04/23 5
7	Community	20 days	Mon 01/05/23	Fri 26/05/23 5
8	Review community	5 days	Mon 29/05/23	Fri 02/06/23 5
9	Prepare tender	40 days	Mon 17/04/23	Fri 09/06/23 5
10	Finalise and collate	5 days	Mon 12/06/23	Fri 16/06/23 5
11	LBB Procurement	0 days	Fri 16/06/23 5	Fri 16/06/23 5
12	Tender period	25 days	Mon 19/06/23	Fri 21/07/23 5
13	Tender analysis	15 days	Mon 24/07/23	Fri 11/08/23 5
14	Issue tender report	0 days	Fri 11/08/23 5	Fri 11/08/23 5
15	Client review period	20 days	Mon 14/08/23	Fri 08/09/23 5
16	Client approval to	0 days	Fri 08/09/23 5	Fri 08/09/23 5
17	Alcatel (stand still pe	5 days	Mon 11/09/23	Fri 15/09/23 5
18	Notify contractor	0 days	Fri 15/09/23 5	Fri 15/09/23 5
19	Prepare contract	5 days	Mon 18/09/23	Fri 22/09/23 5
20				
21	**RIBA Stage 5 -**	**110 days**	**Mon 25/09/23**	**Fri 23/02/24 5**
22	Contractor mobilisat	25 days	Mon 25/09/23	Fri 27/10/23 5
23	Library de cant	10 days	Mon 16/10/23	Fri 27/10/23 5
24	Construction period	80 days	Mon 30/10/23	Fri 16/02/24 5
25	Snagging and de	5 days	Mon 19/02/24	Fri 23/02/24 5
26	Practical	0 days	Fri 23/02/24 5	Fri 23/02/24 5



Project: Kilburn Library Enhancement and Improvement Works 2023
Date: Fri 09/09/22 11:45 AM

Task		Project Summary		Manual Task		Start-only		Deadline
Split		Inactive Task		Duration-only		Finish-only		Progress
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress
Summary		Inactive Summary		Manual Summary		External Milestone		

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Category Key:

Client	Client Brief/ User Requirements
Team	Consultants, Contractors, Suppliers, Procurement
External	Town Planning, Third Parties, Statutory Bodies
Design	Consultant/ Contactor Design
Construction	Construction, Logistics, Decanting

Responsible person

SURV:	Surveyor/ consultants
PM:	LB Brent building project manager
LIB:	Library, Arts & Heritage Manager
CON:	Contractor
ALL:	All parties

KEY:

Key/ Critical	6-10
Intermediate	3-5
Minor	1-2

RISK IDENTIFICATION & MITIGATION						RISK ASSESSMENT - RESIDUAL RISK					Allowance made - Cost Plan (CP)/ Contingency (C)	ACTION PLAN - RESIDUAL RISK				COMMENTS
Item	Category	Risk	Potential Impact	Mitigation Action	Responsible person	Problty. 1-3	Impact 1-3	Risk Score/ Category 1-9	Cost Impact (Project Costs) [£K]	Programme Impact [weeks]		Action Plan	Action Owner	Next Action Target Date	Date Achieved	
1	Client	Interpreting the aims of the project incorrectly.	Final outcome of the project does not meet the Library requirements or strategic plan	Clarify the Client brief and issue Stage drawings and cost plan/ outline scope to Client team for review and commentary.	CON/LIB	1	2	2	£0.00	0		Establish regular design team meetings an updates, agree method of communication				
2	Client	The end result does not fulfil the aims and desired outcomes of the Life Improvement Fund criteria	Final outcome of the project does not provide the benefits to local populace as intended	Cross reference the proposed scheme against the LIF criteria with Client team to interrogate and ensure that a meaningful benefit will be created by the scheme.	LIB	1	2	2	£0.00	0		Assign a 'champion' of the outcomes to check and cross reference benefits vs the desired outcomes				
3	Client	Low take up for use of the community event room	New facilities under utilised	Ongoing engagement with community partners and local stakeholders to develop and promote the space. Affordable rates to be determined.	LIB	1	2	2	£0.00	0						
4	Client	Failure to engage local community with co-production process	Project not sufficiently responsive to local need; failure to increase participation with local community	Development of co-production approach with key local stakeholders; community steering group established; sufficient time allotted to enable recruitment and participation in the process to take place	LIB/PM	1	2	2	£0.00	6	Y	Client team to agre steering group and milestones dates for presentation of information and feedback period				
5	Client	Failure to obtain full funding for the works	Reduced scope of works and benefits arising.	Engage with strategic leadership team and prepare robust application to align with corporate priorities as well as LIF outcomes for best chance of success	LIB/PM	1	3	3				Design and Client teams to work closely to ensure a robust application is made				
6	Team	Late appointment of specialist consultants	Potential to create design conflicts or changes to the design at a later stage	Identify consultants and specialists required and seek early engagement with each	PM	2	2	4	£0.00	4		Seek quotations and agree early appointments				
7	Team	Late instruction of intrusive and specialist surveys	Delay the design phase or lead to increase cost in unforeseens	Identify all specialist or intrusive surveys required and seek quotations for instruction. Information to be gathered as early as possible to factor in conclusions and recommendations	PM	2	2	4	£9,200.00	4	CP	Seek quotations and commence intrusive surveys where required				
8	External	Planning consent for new build extension	Programme delay, change of approach strategy	Early engagement, initial contact to be made upon appointment. Milestone for planning submission with project float identified in programme	SURV	1	2	2	£0.00	4		Develop the design, engage with the local authority Planning Department and prepare planning consent in line with project milestones				
9	External	Building Control Compliance	Unacceptable design details	Early liaison with London Borough of Brent Building Inspector. Early issue of the compliance report to be pursued, and the actions closely monitored and incorporated with the finalised design. Use of a tracker should be instigated.	SURV	1	3	3	£5,000.00	6	C	Develop the design, engage with the local authority Building Control to ensure that design details are in accordance with expectations				
10	Design	End user engagement and design changes	Design is changed mid tender or post contract leading to additional consultancy and construction costs through re design of signed off scheme.	Each RIBA Stage design is issued to the Client and end user with feedback sought and design freeze milestones agreed. Interrogate design against brief to mitigate risk of changing design.	LIB/ SURV	1	3	3	£0.00	4	C	Maintain engagement with end user team throughout early design phase. Stage 4 plans to be reviewed and signed off by Client and End User prior to procurement stage.				
11	Design	Quality - Ensuring materials and products are good quality with reasonable lifecycle.	Over or under specifying quality levels on materials and products.	Materials to be reviewed and discussed with Client before tender. Utilise client standard specification materials where possible. Provide advise on materials options and highlight cost and life expectancy differences.	SURV	1	3	3	£0.00	0		Ensure that value of money is reviewed on all product selections, where possible obtain warranties on works and design out future maintenance requirements wherever possible.				
12	Design	Health and Safety: Asbestos	Asbestos may be identified in the building leading to delays to programme an increased costs	3no. Asbestos Survey quotes to be obtained.	SURV	1	3	3	£2,500.00	4	CP	Review report as part of collating Pre construction information and highlight to contractor. Consider enabling package pre contract.				
13	Design	Acoustics - Increase in hard surfaces, high reverb time	Difficult to hear around large groups and to concentrate	Site discreet acoustic panels around the building to improvement sound attenuation	SURV	1	2	2	£0.00	0		Ensure supplier demonstrate benefits of acoustic panelling during design phase				
14	Design	Coordination of Design	This could cause delays.	Regular design team meetings are to be held with early engagement /opening up works upon commencement of the contract period.	SURV	1	3	3	£0.00	6		All members are to ensure that all information is to be issued and checked before distributing to the relevant parties.				
15	Design	Change of key personnel	This could cause a delay and critical information being lost.	Difficult to mitigate, with market conditions dictating the movement of resources. Where changes occur, sufficient planning and handover periods are to be implemented.	ALL	1	3	3	£0.00	0						
16	Design	Health and Safety: Means of escape	Lack of clear means of escape signage could lead to loss of life occupants and general public	Review exit signage ensure clearly visible and correct	SURV	1	2	2	£0.00	0		Undertake survey of wayfinding and emergency exit signage and plot onto floor plans. Review Fire Risk Assessment				
17	Procurement	Preparation and collation of tender documents	Delay to project delivery/programme - main works	Early engagement with procurement department required to agree procurement strategy.	SURV	2	2	4	£0.00	6		Procurement officer to be established early in project. Design to work alongside to prepare ITT documents and set milestones				
18	Procurement	Fluctuations of materials and labour prices is rising regularly	Cost plan is not accurate at the time of tender submission	Allow for fluctuations percentage increase between RIBA Stage 3 and Stage 4 cost plans, assume 5% as a worst case scenario	SURV	2	2	4	£26,526.19	0	CP					
19	Construction	Damage to Existing Building	Damage could be made to the existing structure	Contractor to implement protection measures to the existing building.	CON	2	2	4	£0.00	0		Full condition surveys are to be completed for all areas prior to occupation.				
20	Construction	Unknowns below ground	Unforeseen construction details or problems could affect the detailed design at Stage 4	Early opening up and site investigation works, where possible, with the findings discussed and overcome in regular workshops/design team meetings.	SURV	2	2	4	£10,000.00	6		Progress the site nvestigations/opening up works as early as possible.				
21	Construction	Lack of Labour, or trade contractor shortages	This could delay the project	Ensure resources are procured in sufficient time to meet the programme obligations.	CON	1	3	3	£0.00	4		Orders are to be placed in good time to meet the design periods/sign off prior to them starting on site. Successful bidder to be interviewed and undertaking to commit resources obtained prior to contract award.				
22	Construction	Site Security	This could be risk to members of the public an injury could occur	Secure fencing and signage are to be installed to the working areas.	CON	1	3	3	£0.00	0		Daily checks are to be carried out to all hoardings and the implemented control measures.				
23	Construction	Site Traffic	This may cause disruption to the local community	Site traffic management plan to be put in place , utilising and taking note of the control measures.	CON	1	2	2	£0.00	0		All visitors are to be made aware of the restrictions prior to visiting the site, and signage is to be checked on a daily basis.				
24	Construction	Manual handling	This could cause a person injury	Identify within pre construction phase plan that the contractor shall use mechanical lifting equipment if possible, with all staff to have manual handling training, in the event that mechanical lifting is not possible.	CON	1	3	3	£0.00	0		Manual handling certs to be checked during induction, with checks also carried out on the safe working practices to be adopted.				

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Client	Client Brief/ User Requirements	SURV: Surveyor/ consultants	
Team	Consultants, Contractors, Suppliers, Procurement	PM: LB Brent building project manager	
External	Town Planning, Third Parties, Statutory Bodies	LIB: Library, Arts & Heritage Manager	
Design	Consultant/ Contactor Design	CON: Contractor	
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Key/ Critical	6-10
Intermediate	3-5
Minor	1-2

RISK IDENTIFICATION & MITIGATION						RISK ASSESSMENT - RESIDUAL RISK					Allowance made - Cost Plan (CP)/ Contingency (C)	ACTION PLAN - RESIDUAL RISK				COMMENTS
Item	Category	Risk	Potential Impact	Mitigation Action	Responsible person	Problty. 1-3	Impact 1-3	Risk Score/ Category 1-9	Cost Impact (Project Costs) [£K]	Programme Impact [weeks]		Action Plan	Action Owner	Next Action Target Date	Date Achieved	
25	Construction	Working at Height	A person could fall from height and be injured.	All operatives are to have working at height training, all platforms and scaffolds are to be signed by competent persons, and checked at the required periods.	CON	1	3	3	£0.00	0		Working at height training and other relevant certs to be confirmed in the induction.				
26	Construction	Falling materials from high level works	These could fall and injure someone	Scaffold to be closed in with brick guards and debris netting, with standards on perimeter scaffold extending above 8ft and sheeted to prevent materials falling. No loose materials are to be left at high level, with all sheeting secured down.	CON	2	2	4	£0.00	0		The risks are to covered during the site induction, and RAMS will be monitored regarding surplus materials at high level. Site supervisors are to check the working area at high level at the end of each working shift to ensure that these plans are being followed.				
27	Construction	Dust	This could cause damage to a worker, damage to the building and valuable contents of the library. Dust could inhibit the continued opening of the library.	All works carried out with the possibility to create dust are to be identified in weekly updates, with the necessary control measures implemented - e.g. sheeting, dampening, vacuum control etc.	CON	1	2	2	£0.00	0		Site management to assess the weekly works, and those with potential to create dust, ensuring that control measures have been put in place.				
28	Construction	Noise complaints from staff and visitors	Disruption to business operations, reduced occupancy and use by general public	Plan period of closure, phase works where possible to re open. Inform management of the planned works, and identify noisy operations (on a weekly basis). Planning conditions will be adhered to.	CON	3	1	3	£0.00	4		Weekly update meetings to be held between site management and school to identify upcoming works and plan for any contentious issues.				
29	Construction	Emergency routes. Avoid obstructing escape routes.	Loss of life, injury	Contractor to identify escape routes and keep clear all escape routes during works.	CON	1	3	3	£0.00	0		To be checked throughout the works on a twice daily basis. Operatives to be told which areas are to be kept clear.				

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Kilburn Library, Salusbury Road, London, NW6 6NN
Improvement and Enhancement Works 2023
Concept Cost Plan - RIBS Stage 3 Rev A
London Borough of Brent
13 December 2022

Prepared By: Sam Crowe
OCR Surveying Ltd |
Kemp House | 160 City Road | London | EC1V 2NX
T: 07737 547 501 | Web: www.ocrsurveying.co.uk

Basis of Cost Model

Purpose and Status of Cost Model

This Cost Model is based on the information identified below. The developing design will have to be reviewed against the allowances made within this report going forward.

The costs are current at August 2022

Cost model based upon the following outline scope of works

Prifce fluctuation between Aug 2022 and July 2023 has been estimated. Note that market rates and inflation are rising on a weekly basis and this is a guide only. We cannot predict the rate of inflation at this stage.

Areas

Total Areas (GIA) measured are based on approximate quantities using measured plans provided in AutoCAD format

Programme

The Cost Model is based on current day rates (Q3 2022). Inflation to start on site and during construction is excluded.

Basis of Procurement

The costs have been based on a traditional procurement with contractors design portion of Mechanical and Electrical services using JCT Intermediate Building Contract with Contractors Design 2016

Basis of Costs / Assumptions

> Costs are based at current pricing levels and no allowance has been made for increases in tender prices between the date of this Cost Model and the start on site and changes in the level of building costs during the construction period.

> Assumes normal ground conditions and new fooundations not exceeding 1m

> Provisional allowances have been made for remedial works to mechanical and electrical services

> Assumed that electrical capacity is sufficient to provide electrical heating

> No allowance for disposal of contaminated material is included in the Cost Model.

> No allowance for breaking out and removal of obstructions has been included in the Cost Model. No unusual obstructions are assumed to be present.

> Assumed that existing below ground foul and sewer drainage in good condition for reconnection.

Exclusions

VAT.

Loose FF&E

Site acquisition costs, fees and finance.

Inflation beyond the date of this Cost Model.

Costs associated with surveys and reports.

Changes in regulation relating to building control, planning and sustainability.

Party wall agreements, rights of light and easement issues.

Disposal of contaminated material

PCs, printers and electrical items

ICT, CCTV and access control works installation beyond infrastructure which is provisional at this stage

Any costs in connection with Phasing the works.

OCR Surveying
Property Consultants

Item	Element	Cost
1	C20 Stripping out	£15,635.00
2	C41 Repairing/ Renovating/ Conserving masonry	£825.00
3	C51 Repairing/ renovating/ conserving timber	£3,875.00
4	C90 Spot items - Alterations	£108,152.50
5	E05 - In situ concrete/ Groundwork	£23,850.00
6	F10 - Masonry	£15,472.00
7	G20 - Carpentry/ first fixing	£33,400.00
8	J41 Reinforced bitumen membrane roof coverings	£17,480.00
9	K10 - Parititions/ Linings/ Ceilings	£11,765.00
10	K13 Rigid sheet fine linings and panelling	£2,250.00
11	L10 - Windows	£21,800.00
12	L20 Doors/ shutters/ hatches	£11,800.00
13	M20 Plastered/ Rendered/ Roughcast coatings	£7,176.00
14	M50 Rubber/ plastics/ cork/ lino/ carpet tiling/ sheeting	£23,938.00
15	M60 Painting/ clear finishing	£44,828.00
16	N13 Sanitary appliances and fittings	£3,950.00
17	N15 Internal fire and safety signage systems	£225.00
18	P12 Fire stopping systems	£3,250.00
19	P20 - Joinery/ door linings/ skirtings	£2,410.00
20	P21 Door/ window ironmongery	£2,100.00
21	Granular sub-bases to roads/ pavings	£11,400.00
22	Q25 Slab/ brick/ sett/ cobble pavings	£25,425.00
23	Q31 External planting	£7,000.00
24	R10 Rainwater drainage systems	£1,350.00
25	R12 Below ground drainage systems	£3,000.00
26	T90 Heating systems	£58,000.00
27	U90 General ventilation	£8,500.00
28	V90 Electrical systems	£11,550.00
29	Site logistics/ set up	£9,750.00
	Sub total	**£490,156.50**
30	Preliminaries	£61,269.56
31	OH&P	£49,015.65
32	Contingency	£34,310.96
33.00	**Sub Total estimated construction cost Ex VAT**	**£634,752.67**
34	Fluctuations between Stage 3 and Stage 4 tender prices	£63,475.27
33.00	**Sub Total estimated construction cost Ex VAT - July 2023**	**£698,227.93**
35	Professional fees	£66,871.25
36.00	**Total Estimated Project Cost Ex VAT**	**£765,099.18**

Item	Description	Rate	Qty	Unit	Cost
1.00	**C20 Stripping out**				
	Internally				
1.01	Carefully pack up books, shelves etc and store safely for duration of the works. Reinstate on completion	£2,000.00	1	Item	£2,000.00
1.02	Strip up flooring to libraries space and WC and cart away	£10.00	396	m²	£3,960.00
1.03	Isolate, disconnect and strip out Accessible WC to ground floor	£500.00	1	Item	£500.00
1.04	Hack off wall tiles to Accessible WC and cart away	£250.00	1	No	£250.00
1.05	Alow the provisional sum of £2,500 for removal of asbestos containing materials	£2,500.00	1	Item	£2,500.00
	Externally				
1.06	Carefully remove existing doors and screen leading into garden and cart away.	£200.00	1	No	£200.00
1.07	Carefully, de glaze remove existing window to main library space to form new doorway to conservatory	£500.00	1	No	£500.00
1.08	Form new external door opening between main library areas and proposed Conservatory, cut back brickwork and make good for new door	£1,500.00	1	No	£1,500.00
1.09	Break out concrete ramp, handrail and associated foundations and cart away.	£2,000.00	1	No	£2,000.00
1.10	Strip up artificial grass and cart away	£10.00	25	m²	£250.00
1.11	Strip paving slabs and cart away	£15.00	55	m²	£825.00
1.12	Take down trellis fencing and cart away	£150.00	1	No	£150.00
1.13	Lift and re site 2no raised bed planters comprising Fig and Cherry trees into garden area	£500.00	2	No	£1,000.00
2.00	**C41 Repairing/ Renovating/ Conserving masonry**				
	Boundary wall				
2.01	Rake out and repoint whole of boundary wall prior to construction of new Conservatory	£25.00	33	m²	£825.00
3.00	**C51 Repairing/ renovating/ conserving timber**				
3.01	Undertake Timber Care resin repairs to front elevation windows. Prov qty	£125.00	25	No	£3,125.00
3.02	Cut out larger defective sections of windows and splice in new softwood sections. Prov qty	£150.00	5	No	£750.00
4.00	**C90 Spot items - Alterations**				
4.01	BWIC - Allow for all builders work in connection for M&E works	5.00		%	£3,902.50
4.02	Carry out sparkle clean of works areas and welfare/ store spaces on completion of the works	£750.00	1	No	£750.00
4.03	Provide and fit new nylon coated handrail to main entrance steps.	£2,000.00	1	No	£2,000.00
4.04	Provide and install new Accessible signage with Braille to main entrance - internally and externally	£750.00	2	No	£1,500.00

4.05	FF&E - Provide and fit new FF&E to library space	£100,000.00	1	Item	£100,000.00
5.00	**E05 - In situ concrete/ Groundwork**				
5.01	Excavate for new trench foundations to building. Loadbearing capacity and depth of trenches to be designed by contractor. For budget purposes assume 1000mm deep foundations.	225	17	m³	£3,825.00
5.02	Excavate oversite for new solid concrete floor and cart away.	75	69	m²	£5,175.00
	Concrete				
5.03	Place concrete trench foundations for building and ramp	225	20	m³	£4,500.00
5.04	Place new insulated solid concrete floor slab to meet Building Regulations requirements with DPM	150	69	m²	£10,350.00
6.00	**F10 - Masonry**				
6.01	Provide and lay new below DPC brickwork to trenches to receive new superstructure	£275.00	12	m²	£3,300.00
6.02	Provide and lay new damp proof course	£50.00	17	lm	£850.00
6.03	Clad SIPS structure with new Red Rubber brick slips to closely match existing. Samples to be agreed prior to commencement.	£185.00	61	m²	£11,322.00
7.00	**G20 - Carpentry/ first fixing**				
7.01	Construct new SIPS treated timber framed flat roof structure including trimmers for new lantern rooflights	£250.00	129	m²	£32,125.00
7.02	Provide and fix new s/w treated fascia board to perimeter of new conservatory	£75.00	17	lm	£1,275.00
8.00	**J41 Reinforced bitumen membrane roof coverings**				
8.01	Provide and lay new three layer reinforced bitumen roof covering with insulation to current building regulations.	£160.00	69	m²	£11,040.00
8.02	Provide and lay new three layer reinforced bitumen roof covering to single storey flat roofs	£140.00	46	m²	£6,440.00
9.00	**K10 - Parititions/ Linings/ Ceilings**				
9.01	Line new ceiling with plasterboard	£45.00	69	m²	£3,105.00
9.02	Line all walls with plasterboard/ drylining system	£75.00	109	m²	£8,160.00
9.03	Line brick buttress, following existing contours	£250.00	1	No	£250.00
9.04	Box in rainwater pipework and gulley. Fit access hatch	£250.00	1	No	£250.00
10.00	**K13 Rigid sheet fine linings and panelling**				
10.01	Provide and fit new PVC hygienic cladding to Accessible WC, full height	£90.00	25	m²	£2,250.00
11.00	**L10 - Windows**				
11.01	Provide and fit new timber framed double glazed top hung opening casements to external flank wall. Size 1000 x 600mm	£750.00	5	No	£3,750.00
11.02	Provide and fit new electronic teleflex windows to operate high level windows	£1,250.00	1	Item	£1,250.00
11.03	Refurbish existing windows to be enclosed by conservatory	£450.00	4	No	£1,800.00
11.04	Provide and fit new solar reflective glazed lantern aluminium rooflights, Sized 2x3m	£6,500.00	2	No	£13,000.00

11.05	Provide and fit new painted timber double glazed window to head of new door opening to closely match existing.	£750.00	1	No	£750.00
11.06	Replace non fire rated glazed internal window to first floor with new fire rated hardwood window as per FRA recommendations	£1,250.00	1	No	£1,250.00
12.00	**L20 Doors/ shutters/ hatches**				
	Internal doors				
12.01	Provide and fit new FD60S doorset to electrical riser cupboard	£1,250.00	1	No	£1,250.00
12.02	Provide and fit new FD30S doorset to from library into staff area	£950.00	1	No	£950.00
12.03	Provide and fit new FD30S doorset to basement	£950.00	1	No	£950.00
12.04	Provide and fit new fully glazed timber framed double doors between exhibition space and conservatory	£1,500.00	2	No	£3,000.00
12.05	Undertake door repairs to smoke seals, closers etc. Prov sum	£1,500.00	1	Item	£1,500.00
12.06	Provide and apply manifestation to folding doors	£150.00	1	No	£150.00
12.07	Provide and fit new Accoya double glazed external double doors with sidelights to Conservatory leading into garden	£4,000.00	1	No	£4,000.00
13.00	**M20 Plastered/ Rendered/ Roughcast coatings**				
13.01	Plaster skim all new linings	£20.00	109	m²	£2,176.00
13.02	Hack off loose, damp, defective plaster and renew with two set coat with salt inhibitor. Prov qty	£50.00	100	m²	£5,000.00
14.00	**M50 Rubber/ plastics/ cork/ lino/ carpet tiling/ sheeting**				
14.01	Provide and lay new latex self levelling screed	£12.00	69	m²	£828.00
14.02	Provide and lay new carpet tiles to Conservatory	£45.00	69	m²	£3,105.00
14.03	Provide and lay new barrier to external doorway	£400.00	1	No	£400.00
14.04	Provide and lay new carpet tiles to ground and first floors	£45.00	396	m²	£17,820.00
14.05	Provide and lay new non slip vinyl to Accessible WC	£60.00	10	m²	£600.00
14.06	Provide and apply new vinyl inserts to existing nosings.	£45.00	18	No	£810.00
14.07	Provide and fit new external non slip nosings to external steps	£125.00	3	No	£375.00
15.00	**M60 Painting/ clear finishing**				
	Internally				
15.01	Decorate ceilings to Ground and First floors	£20.00	630	m²	£14,100.00
15.02	Decorate all walls to Ground and First floors	£20.00	1105	m²	£22,108.00
15.03	Decorate all new and existing joinery and metalwork within the space	£4,000.00	1	Item	£4,000.00
15.04	Decorate boundary wall and main building brickwork not enclosed by the works prior to construction of conservatory.	£25.00	42	m²	£1,045.00

15.05	Provide and apply non slip finish to ramp slope and level landing	£30.00	23	m²	£675.00
15.06	Paint on nosings to basement stairs	£25.00	16	No	£400.00
15.07	Decorate existing joinery and metalwork to front elevation	£2,500.00	1	Item	£2,500.00
16.00	**N13 Sanitary appliances and fittings**				
16.01	Provide and fit new Doc M pack sanitaryware inclusive of grab rails to meet AD M.	£2,250.00	1	Item	£2,250.00
16.02	Provide and fix new low energy high velocity hand drier	£650.00	1	No	£650.00
16.03	Provide and fit new mirrors to meet ADM requirements	£200.00	2	No	£400.00
16.04	Provide and fit new emergncy alarm pull cord	£650.00	1	No	£650.00
17.00	**N15 Internal fire and safety signage systems**				
17.01	Provide and fit new photoluminescent fire exit signage throughout	£45.00	5	No	£225.00
18.00	**P12 Fire stopping systems**				
18.01	Employ competent person to undertake fire stopping of all penetrations. Allow provisional sum:	£750.00	1	Item	£750.00
18.02	All fire stopping to be dated and labelled by a competent person under an accredited scheme i.e. Q Mark BM Trada	incl	incl	incl	incl
18.03	Allow provisional sum for fire stopping	£2,500.00	1	Item	£2,500.00
19.00	**P20 - Joinery/ door linings/ skirtings**				
19.01	Provide and fix new architrave and door linings	£175.00	6	No	£1,050.00
19.02	Provide and fix new skirting boards	£40.00	34	lm	£1,360.00
20.00	**P21 Door/ window ironmongery**				
20.01	Provide and fit new door furniture to all doors	£350.00	6	Item	£2,100.00
21.00	**Granular sub-bases to roads/ pavings**				
21.01	Provide and lay new sub base to paving/ ramp area leading to the garden	£150.00	49	m²	£7,350.00
21.02	Provide and lay new self binding gravel accessible pathwaythrough garden	£150.00	27	m²	£4,050.00
22.00	**Q25 Slab/ brick/ sett/ cobble pavings**				
	<u>Patio</u>				
22.01	Provide and lay new sandstone paving to courtyard areas	£125.00	22	m²	£2,750.00
22.02	Provide and lay new sandstone seating area within garden	£125.00	15	m²	£1,875.00
22.03	Construct new Accessible ramp leading to garden, prov sum	£20,000.00	1	Item	£20,000.00
22.04	Lay new tactile paving to main entrance	£400.00	2	Item	£800.00
23.00	**Q31 External planting**				
23.01	Cut back vegetation to garden and clear away arisings	£2,000.00	1	Item	£2,000.00
23.02	Allow the provisional sum of £5,000 for new planting/ landscaping	£5,000.00	1	Item	£5,000.00
24.00	**R10 Rainwater drainage systems**				
24.01	Provide and run new rainwater pipe to collect existing run and new Conservatory	£350.00	1	No	£350.00

24.02	Allow provisional sum of £1,000 for rainwater collection system	£1,000.00	1	No	£1,000.00
25.00	**R12 Below ground drainage systems**				
25.01	Allow the provisional sum of £3,000 for below ground drainage repairs pending report recommendations	£3,000.00	1	PS	£3,000.00
26.00	**T90 Heating systems**				
26.01	Extend heating system into new Conservatory	£750.00	4	No	£3,000.00
26.02	Provie and fit new boiler heating system to replace existing	£27,500.00	2	No	£55,000.00
27.00	**U90 General ventilation**				
27.01	**Provisionally** Provide and fit new mechanical back ground ventilation extract and fresh air	£7,500.00	1	PS	£7,500.00
27.02	Provide new through wall/ ceiling extract fans to cleaners cupboard and Accessible WC	£500.00	2	No	£1,000.00
28.00	**V90 Electrical systems**				
	Small power:				
28.01	**Provisionally** Provide new compliant distribution board to serve building. Board to have 25% spare capacity upon completion of the works.	£1,250.00	1	No	£1,250.00
28.02	Provide small power to power points. For pricing purposes allow the provisional quantity of 8no	£225.00	8	No	£1,800.00
	Lighting:				
28.03	Provide and fit new suspended LED lighting to Conservatory	£125.00	22	m²	£2,750.00
28.04	Provide and fit new LED external lighting to courtyard/ garden areas	£100.00	10	m²	£1,000.00
	Fire Alarm:				
28.05	Alter, adapt and extend automatic detection system to include new build	£2,250.00	1	PS	£2,250.00
	Security alarm:				
28.06	Alter, adapt and extend security alarm system to include new build	£1,500.00	1	PS	£1,500.00
	Data				
28.07	Alter, adapt and extend data points.	£250.00	4	No	£1,000.00
29.00	**Site logistics/ set up**				
	Provide suitable temporary protection where necessary	£1,500.00	1	Item	£1,500.00
29.01	Erect secure hoarding with access door to Exhibition space to serve as store/ wlefare area.	£1,250.00	1	Item	£1,250.00
29.02	Allow provisional sum for Cranage and pavement licenses. Assume 3 days	£1,500.00	3	Days	£4,500.00
29.03	Provide access scaffold where required	£2,500.00	1	Item	£2,500.00
	Sub total construction cost				**£490,156.50**
30.00	Preliminaries	12.5%			£61,269.56
31.00	OH&P	10.0%			£49,015.65
32.00	Contingency	7.0%			£34,310.96
33.00	**Sub Total estimated construction cost Ex VAT**				**£634,752.67**

34.00	Fluctuations between Stage 3 and Stage 4 tender prices (estimated)	10.0%			£63,475.27
35.00	**Sub Total estimated construction cost Ex VAT - July 2023**				**£698,227.93**
35.00	**Professional fees**				
i	Design, contract administration, project management **Provisional sum**	5.5%	1	Item	£38,402.54
ii	Principal Designer	0.3%	1	Item	£2,304.15
iii	M&E engineer design **Provisional sum**	2.0%	1	Item	£13,964.56
iv	Structural engineer	£3,000.00	1	Item	£3,000.00
v	Neighbourly matters - access license with Church	£1,500.00	1	Item	£1,500.00
vi	Ground investigations	£3,000.00	1	Item	£3,000.00
vii	CCTV below ground drainage survey	£750.00	1	Item	£750.00
viii	Planning consent	£1,500.00	1	Item	£1,500.00
ix	Building regulations approval	£1,500.00	1	Item	£1,500.00
x	SBEM calculations	£950.00	1	Item	£950.00
	Sub Total professional fees Ex VAT				**£66,871.25**
36.00	**Total Estimated Project Cost Ex VAT**				**£765,099.18**
	Cost per category (excl Prl, OH&P, contingency, fees, inflation)			**%age**	**Cost**
	Extension			46.81%	£229,438.50
	Fabric/ compliance			19.73%	£96,730.00
	FF&E			20.40%	£100,000.00
	Service improvement			13.05%	£63,988.00
	Sub total construction cost			100.00%	**£490,156.50**

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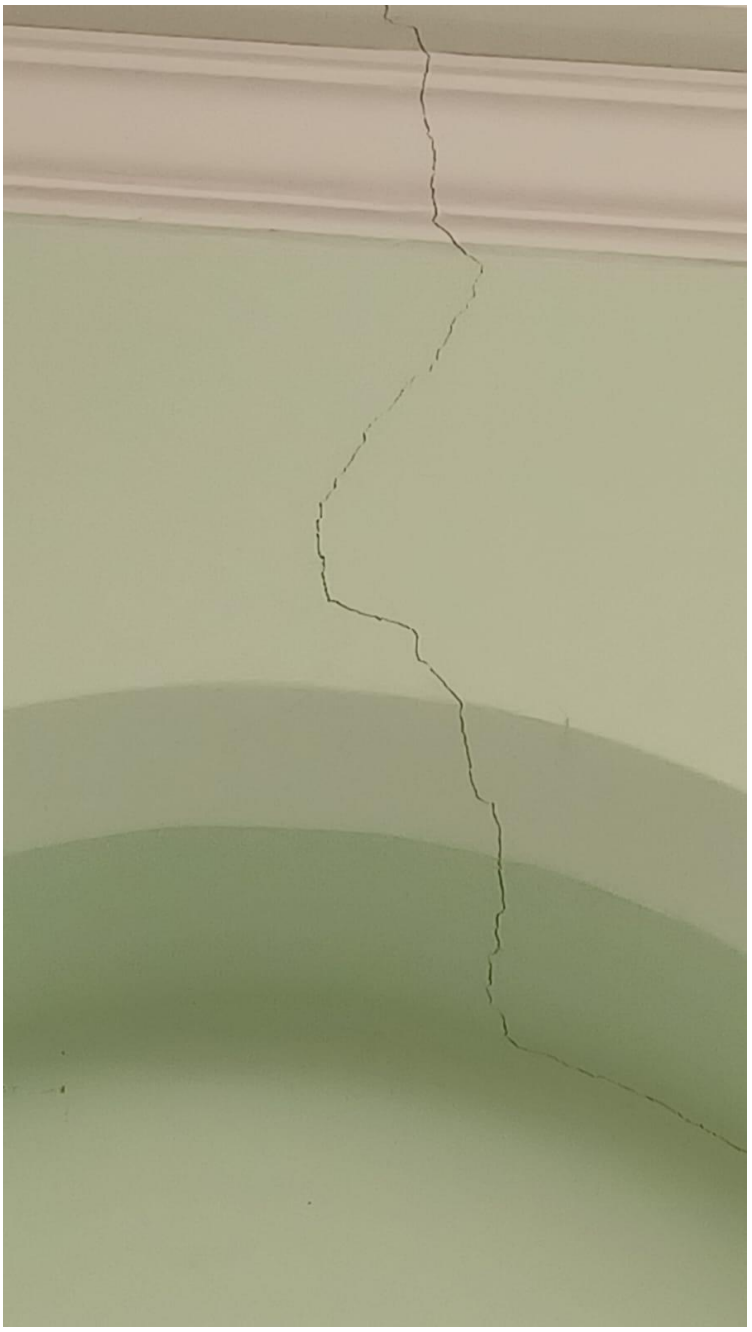

Fast Lane Service
Self serve
Join the Library
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Reserve books
Renew books
Check your Library Account
Customer reservations
Brent

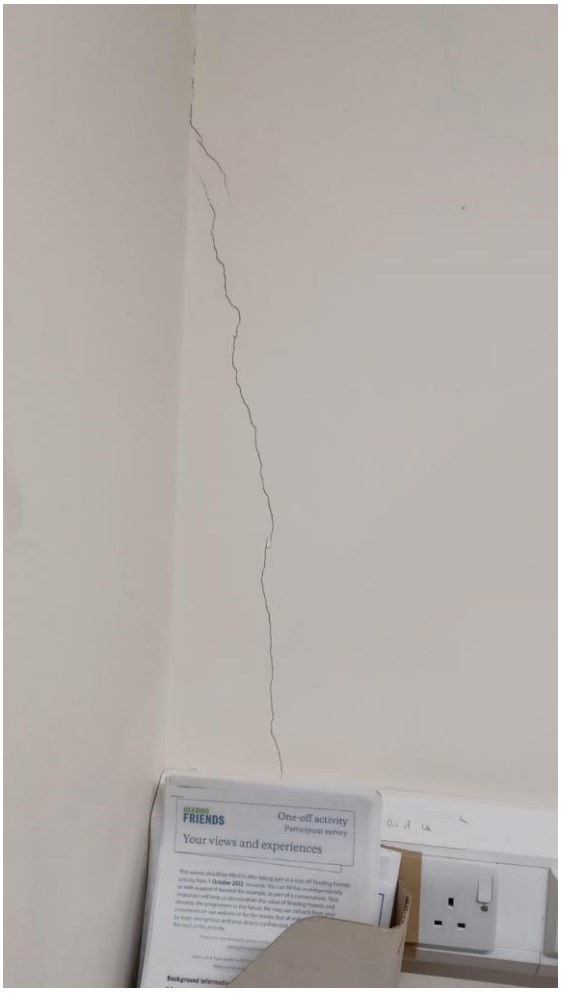

Fast Lane Service



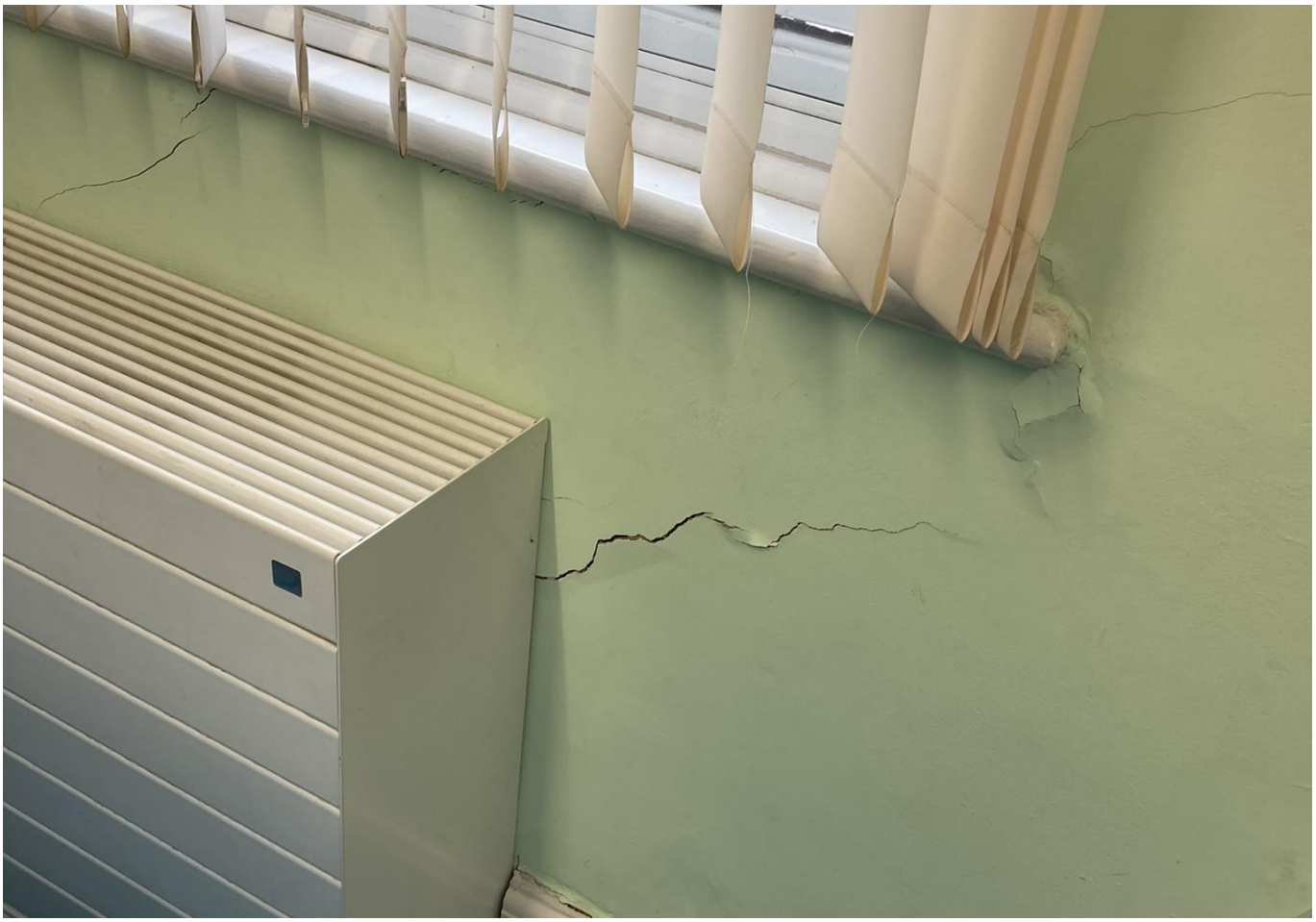

BOOK BEE
has been buzzing
around the library and
thinks that we should...






FRIENDS
One-off activity
Participant survey
Your views and experiences



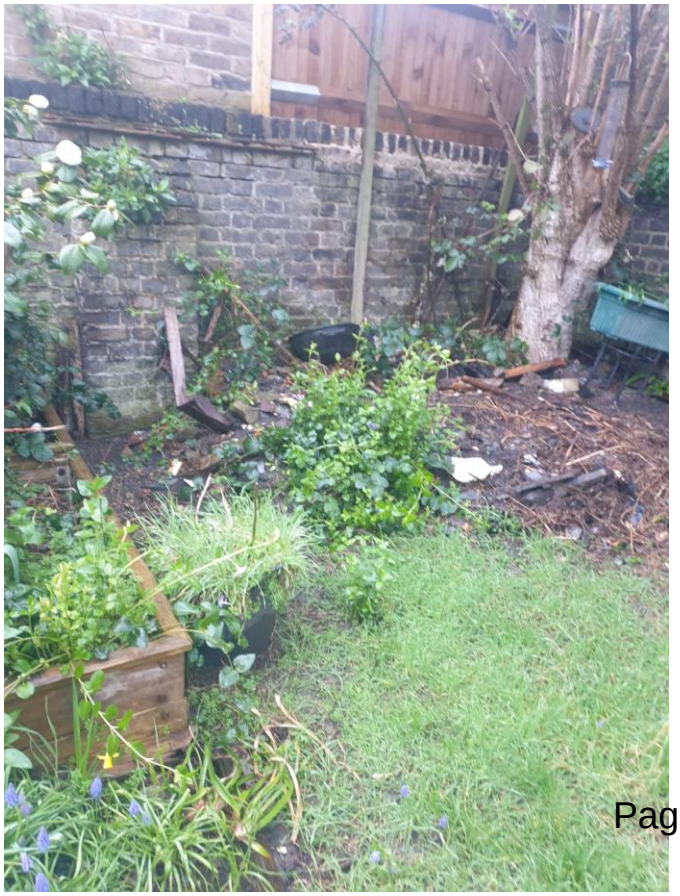



FRIENDS
One-off activity
Participant survey
Your views and experiences











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	Cabinet 17 April 2023
	Report from the Corporate Director of Resident Services

Selective Licensing in the Private Rented Sector in Brent 2023

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	12 – Appendix 1 - Consultation Findings Report (Feb 2023) Appendix 1(a) - Consultation Findings Report (Feb 2023) Appendices Appendix 2 - Council response to representations (Feb' 23) Appendix 3 - Consultation Proposals Evidence Report Appendix 4 - Metastreet Evidence Report Appendix 5 - Selective Licensing Scheme Designation Appendix 6 - PHS Enforcement Policy Appendix 7 - Fee structure for Selective Applications Appendix 8 - Selective Licence scheme conditions Appendix 9 - Equalities Analysis (EA) Appendix 10 - Letters of support for the licensing Appendix 11 - Designation Map & Draft Designation notice
Contact Officer(s): (Name, Title, Contact Details)	Hakeem Osinaike Director of Housing Hakeem.Osinaike@brent.gov.uk Spencer Randolph Head of Service – Private Housing Spencer.Randolph@brent.gov.uk Tony Jemmott Private Housing Licensing Manager Anthony.Jemmott@brent.gov.uk

Introduction

Brent's private rented sector (PRS) has been subject to small selective licensing schemes for the past eight years. While the Council has Government consent to implement schemes of up to 20% of the total stock, or up to 20% of the borough's geographical area, larger schemes require confirmation from the Secretary of State from the Department for Levelling Up Housing and Communities (DLUHC).

The private rented sector (PRS) in Brent has seen rapid growth over the last eleven years, with around 58,000 homes in the borough privately rented (46% of the total dwellings). Renters in private accommodation make up the largest proportion of occupants in our borough. For a greater proportion though living in the PRS is not a choice freely made, but a result of a housing market that leaves little other route to a roof over their heads.

However, poverty is widespread across the borough with many households experiencing financial difficulties. In addition, all areas are affected by poor property conditions and there is significant and persistent evidence of antisocial behaviour (ASB) across wards in the borough.

The Brent-Labour Manifesto 2022 sets out rationale for further landlord licensing in the borough as part of this Council's administration's agenda for "safe, secure and decent housing", and to protect the safety and wellbeing of renters through high standards.

Subject to Cabinet's approval of the scheme, we intend to commence a programme of inspection of selectively licensed properties, to run alongside our existing programme of inspection of Houses in Multiple Occupation (HMOs). We will continue our responsive activities of homes falling outside the selective scheme and continue to build the Brent PRS evidence base.

This report seeks approval of the steps for new licensing schemes.

1.0 Purpose of the Report and Executive Summary

1.1 In August 2014 the Council approved the introduction of a Selective Licensing scheme, covering all private rented housing in the wards of Harlesden, Wembley Central and Willesden Green. The scheme came into effect in January 2015 and ran until 31st December 2019. In June 2018 the selective licensing scheme was extended to the (pre-May 2022 Boundary Commission changes) electoral wards of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park. This latter designation will end on 30 April 2023.

1.2 Under the selective licensing schemes, landlords of privately rented homes within the designations are required to apply to the Council for licences for which fees must be paid. Where licences are granted, the Licence Holder and Manager, if different, are required to comply with property management licence conditions.

1.3 On 22 September 2022, the Cabinet Member for Housing, Homelessness & Renters Security agreed to consult on proposals to renew and extending selective licensing to other areas of the borough. The decision was informed by

an evidence-based report and the relevant Government guidance on the introduction of discretionary licensing schemes. The detailed proposed schemes are;

I. Introducing a selective licensing scheme designation for five years in the three wards of Dollis Hill, Harlesden & Kensal Green and Willesden Green (covering 18% of the Private Rented Sector stock in Brent) on the grounds of poor property conditions and anti-social behaviour.
II. Introducing a selective licensing scheme designation for five years in 18 wards of the borough of Brent excluding Dollis Hill, Harlesden & Kensal Green, Willesden Green and Wembley Park on the ground of poor property conditions.
III. Setting the fees for selective licensing for the above-mentioned proposed designations at £340.00 for the application fee and £300.00 for the remaining fee if the application for a licence is approved; and
IV. The review and content of licensing conditions for selective licensing.

1.4 The consultation with landlords, tenants, residents, stakeholders and other interested parties started on the 31 October 2022 and ran for 12 weeks, concluding on 23 January 2023. The council used digital and print media to advertise the consultation, as well as in-person methods.

1.5 The main feedback method was via an online or paper questionnaire. The council also hosted several public meetings with landlords, tenants, residents, and landlord groups. 853 individuals or organisations completed the online or postal questionnaire. Qualitative feedback was received at deliberative meetings with interested groups and from written responses from landlord representatives. In summary the results were very similar to previous consultation exercises we have undertaken on private sector licensing, with residents and business being in favour of the schemes and landlords less in favour or not at all. Of those who returned the questionnaire 53% were residents or businesses, 42% were landlords or agents and 5% where other stakeholders.

1.6 The consultation looked at the level of support for introducing selective licensing, and looked at views on the proposed licence conditions, fees, and the respondents' perceptions.

1.7 The findings of the consultation exercise are provided in Appendix 1 2023 and the Report Appendices 1(A).

1.8 This report makes recommendations in relation to the licensing schemes beyond 30 April 2023.

2.0 Recommendations

Cabinet is recommended to:

2.1 Note the outcome of the consultation process detailed in the Consultation Findings Report of February 2023 and the Report Appendices [Appendix 1 & Appendices 1(A)], the representations received and the Council's consideration thereof, and response to these representations [Appendix 2].

2.2 Note the consultation evidence [Appendix 3] relating to the problems being caused by poorly managed privately rented properties, and that the report has considered that selective licensing will assist the Council in achieving wider objectives, as well as the alternatives to licensing.

2.3 Note the content of the Equality Impact Assessment as set out in Appendix 9.

2.4 Note the legal implications section 11 which sets out the legislative requirements of selective licensing.

2.5 Note that upon approval, if granted, that the scheme shall be publicised via an agreed communications plan, and in accordance with the regulations before the scheme comes into force.

2.6 Agree that the evidence report [Appendix 3] highlights that the legal requirements as set out in paragraphs 11.6 to 11.27 of this report for introducing Selective Licensing on the grounds of anti-social behaviour (ASB); and/or poor property conditions; have been met regarding the proposed selective licensing designation.

2.7 To note that this designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 82 of the Housing Act 2004 and The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 as both the size of the private rented stock and the geographical area of the designation are under 20%.

2.8 Agree, subject to paragraphs 2.1 and 2.2 above, to authorise the designation of 3 wards for selective licensing to last for five years from the date of designations coming into force, and which cover the following Council wards as delineated and edged red on the map in Appendix 4:

Designation 1/2023: A selective licensing scheme designation in the wards of Dollis Hill, Harlesden & Kensal Green, Willesden Green under Part 3, s.80 Housing Act 2004 on the grounds of (1) poor housing (property) conditions and (2) ASB with effect from 1 August 2023 (in accordance with the criteria set out in the Housing Act 2004 and Selective Licensing of Houses (Additional Conditions) (England) Order 2015 , or at a later date in accordance with the statutory time required for the scheme to come into force.

2.9 Agree that the selective scheme described in 2.8 above shall be cited as the London Borough of Brent Designation No 1/2023.

2.10 Agree the authority to issue the required statutory notification in relation to the Selective Licensing Scheme Designation 1/2023 is delegated to the Corporate Director of Residents Services, in consultation with the Lead member for Housing, Homelessness, and Renters' Security.

2.11 Agree that, subject to the issue of statutory notifications, that the Corporate Director of Residents Services, in consultation with the Cabinet Member for

Housing, Homelessness & Renters Security is authorised to decide the date from which the council will begin to accept applications for selective licensing.

2.12 Agree to the proposed fee structure for licence applications made under the Selective Licensing scheme set out at in Appendix 7 and in section 9 of this report.

2.13 Agree that authority be delegated to the Corporate Director of Residents Services, in consultation with the Cabinet Member for Housing, Homelessness & Renters Security to agree the basis for, and level of any changes including discounts which may be applied to these licensing application fees.

2.14 Agree that the standard licensing conditions for licences granted in the proposed designation areas for selective licensing as set out in Appendix 8 be approved and to authorise the Corporate Director for Residents Services, in consultation with the Cabinet Member for Housing, Homelessness & Renters Security, to make any minor variations to such licensing conditions.

2.15 Note that the Selective Licensing scheme will be kept under review at least annually and that any significant changes, including the withdrawal of a licensing designation or a proposal to introduce any new designation(s), will be subject to further decision by Cabinet.

2.16 Note the letters of support for the licensing proposals as attached in Appendix 10.

2.17 Note that a further report will be brought to Cabinet in 2023 regarding any further proposed designation.

3.0 Background

3.1 Brent's population has increased by 18 per cent over the past 10 years. The Office of National Statistics (ONS) Census 2021 population estimates for Brent was 339,800. This makes Brent the 5th most populous London borough. Like most London boroughs Brent has a younger age profile, with more adults aged 20-44.

3.2 Brent is one of the most diverse boroughs in the country with over 55% of its residents born outside the UK (This is the highest proportion in England and Wales). Our largest single ethnic group is Indian (17.3% of the population) followed by White Other (16.2%) and then White British (16.0%). There were more applications to the EU Settlement Scheme from Romanians (21,180) in Brent than for any other nationality. As well as Indian and European residents, around 17% of residents were from Black ethnic groups (higher than the London average (13%). Brent also has Pakistani (4.7%), Chinese (1.2%), and Bangladeshi (0.5%) residents.

3.3 The private rented sector (PRS) in Brent has grown from 32% (35,000 properties) of the total housing stock in 2011, to our current estimates of 46% in 2022. All of Brent's wards have a higher percentage of PRS than the national average

(England), which was 19% in 2021. The average is 39.6% for 21 of the 22 wards, which excludes Wembley Park. There are a total of 127,378 residential dwellings in Brent, 58,105 of which are privately rented. The PRS in Brent at 46%, is now higher than its owner- occupied sector (35%), and bigger than its social rented sector (19%).

3.4 The Indices of Multiple Deprivation (IMD) is a measure of relative deprivation based on seven domains of deprivation: income, employment, education, health, crime, living environment, and barriers to housing and services. Brent ranks as the 49th most deprived borough in England out of 317, with 16 of 22 wards having an aggregated IMD ranking below the national average.

3.5 A household is considered to be fuel poor if they have required fuel costs that are above average (the national median level); and were they to spend that amount, they would be left with a residual income below the official poverty line. The fuel poverty score was produced by the Department for Business, Energy & Industrial Strategy (BEIS) using 2019 data and published in 2021. Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%). Over the next 12 months these figures are likely to change significantly as a result of acute fuel price increases.

3.6 Brent has the 4th highest number of private landlord possession claims in London, with 2,399 in 2019 (Appendix, Figure 6). The average number of claims for London boroughs during this period was 1,224.

3.7 Local authorities are required by law to either provide accommodation to homeless households, work to stop households becoming homeless or relieve homelessness when it does occur. Homelessness returns to government in 2017/18 for Brent has the 12th highest numbers accepted as being homeless (536).

3.8 Brent has above average rents for London, with 53% of average (median rent for one-bedroom dwellings) earnings used to pay rent. The London average is 47.9%.

3.9 Housing conditions are affected by the level of maintenance and quality of repair, the age of the property, thermal efficiency, and type of construction. Category 1 (HHSRS) hazards have a physiological or psychological impact on the occupant and may result in medical treatment. Hazardous conditions in the PRS cost the NHS around £340 million a year. In 2021, 12% of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than the average for the total housing stock (9%). 21 of the 22 Brent wards have levels of category 1 hazards above the national average (12%).

3.10 Under the Housing Act 2004, there are three types of licensing available to local authorities:

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

(b) Additional Licensing - Section 56 of the Housing Act 2004 provides a power to licence HMOs not covered by mandatory licensing; defined as properties containing 3 or 4 people forming 2 or more households. Under Additional Licensing, local authorities can designate an area for an initial 5 years but must be satisfied that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise to one or more problems, either for those occupying the HMOs or for members of the public. In April 2014 the Executive approved the designation of an Additional Licensing Scheme covering the whole borough with effect from 1st January 2015. The Brent additional licensing scheme was renewed for a further five years with effect from 1st February 2020.

(c) Selective Licensing - Under Part III of the Act, local authorities can introduce Selective Licensing schemes that focus on improving the management of privately rented properties accommodating single households as well as HMOs, which are not subject to additional licensing. A scheme covering three wards has been in place since 1st January 2015, and this was extended to a further five wards of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park in June 2018.

3.11 This report is concerned solely with the designation of selective licensing to areas of the borough. The statutory and non-statutory provisions are set out later in section 11 – Legal Implications

3.12 According to the proposal document, the Council had licensed 17,930 properties including 6,660 Houses in Multiple Occupation (HMOs). Licensing has been used strategically to deal with problems of ASB and to improve conditions associated with the PRS. For example, the Council has operated a licence condition and compliance inspection regime, along with proportionate enforcement action, to target non-compliant landlords and improve properties. This has led to over 8,240 properties being improved for the years January 2015 to October 2022.

3.13 Over the same period, over 2,200 housing notices have been served on private landlords and there have been 187 prosecutions resulting in fines and costs totalling £1.8m. As an alternative to prosecutions, in some cases the Council has also issued over 253 Civil Penalty Notices.

4.0 The Proposals for Selective Licensing in Brent

4.1 The council has been truly selective in proposing the areas for this licensing scheme. Thorough evidence gathering and research has been carefully carried out to ensure that the most severe problems in each ward can be dealt with. All properties in the designated area that are rented to single families (or two sharers) will need to have a licence to be legally let. These proposals which are set out in Section 7 of the consultation proposals [appendix 3].

4.2 The council is proposing a five-year scheme made up of two proposed designations to be implemented in, potentially, two phases. -designation 1 and designation 2. The scheme would apply to all private rented sector properties in the designated areas that are not included in the mandatory or additional licensing schemes. A second designation, phase 2 (designation 2/2023), would cover a total of 18 wards and 62% of the total PRS. Whilst the Council collated evidence and carried out a public consultation for both designation 1 and designation 2, this report does not seek approval to implement designation 2 at this time for the reasons set out in 4.7 below.

4.3 The first proposed phase (designation 1/2023) covers a total of 3 wards. The size of designation1 is 19.7% of the total private rented sector stock and the total geographical area of the designation is 13.9% of the total geographical area (43.13 Km^2.) which affect less than 20% of the geographical area of Brent and less than 20% of its privately rented housing, means they can be agreed locally by the council's cabinet under the general approval set out in the 2015 Statutory Instrument and could be brought in by June/July 2023 (see further in legal implications in paragraph 11.15)

4.4 Subject to consideration of the responses in the consultation process, the Council is keen to seek to address the serious problems of ASB and poor property / housing conditions in the 3 wards at Dollis Hill, Harlesden and Kensal Green, and Willesden Green as soon as reasonably practicable.

4.5 All 853 online consultation respondents answered the question on the proposal for Selective Licensing in Designation 1. Looking at the responses by group, residents / local business and other stakeholder are in favour of the proposals with over 65% of each group agreeing. Landlords are opposed to the proposals with over 65% disagreeing

4.6 All 853 online consultation respondents answered the question on the proposal for Selective Licensing in Designation 2 (excluded Wembley Park ward). Looking at the responses by group, residents / local business and other stakeholder are in favour of the proposals with over 65% of each group agreeing. Landlords are opposed to the proposals with over 73% disagreeing.

4.7 The Council proposes to introduce designation 1 first under the general approval set out in the 2015 Statutory Instrument as referred to in paragraphs 2.8 and explained in the legal implications at 11.15. There are several good reasons for this:

(i) This will allow the Council to continue to have a selective licensing scheme in operation in the borough, in the areas where there is the most acute need. The timeline for implementation of this designation means that there should only be a small break (2-3 months) between the existing selective scheme and the new designation 1. This is important as these three wards, as set out in the table at Figure 10, paragraph 7 below have the highest levels of ASB and the highest levels of repeat incidents of ASB in the borough.

(ii) To introduce both designation 1 and designation 2 at the same time would overwhelm the Private Rented Housing Service (PHS) team and if the targeted ward based approach does not meet completely with the Council's objectives in the first few months any minor changes necessary to improve outputs would be more difficult with a larger scheme. The phased approach ensures that the new approach to licensing is effective, that the Council has the capacity to run the schemes effectively and make changes to improve the performance of the schemes where necessary before introducing a larger and more complex scheme.

(iii) The Council needs time to scale up staffing from the current team size of 22 ½. The relatively small size of this designation means that the Council will be able to scale up staffing from 22 ½ to 33 officers over the next 3 to 6 months to manage the current proposed Designation. It is envisage that designation 2 would require the number of suitably qualified officers to increase substantially to 60. Due to the anticipated size of designation 2, subject to aggreement by the Council's cabinet, approval will also be sought from Cabinet to make an application to the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) requesting confirmation of the Selective Licensing Designation 2.

5.0 The Scope for selective licensing

5.1 A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

(i) low housing demand (or is likely to become such an area); (note: this criterion is not applicable to LB Brent)
(ii) a significant and persistent problem caused by anti-social behaviour (see 5.3 (i))
(iii) poor property conditions (see 5.3 (ii))
(iv) high levels of migration (see 5.3 (iii))
(v) high level of deprivation (see 5.3 (iv))
(vi) high levels of crime (see 5.3(v))

5.2 In considering whether to designate an area for selective licensing on the grounds above on property conditions, migration, deprivation and crime the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England (EHS 2021). Where the actual number of privately rented properties in a given area is more than 19%, the area can be considered as having a high proportion of privately rented properties.

5.3 Below provides further guidance in satisfying the conditions in 5.1(ii to vi) above.

(i) (*a*) that the area is experiencing a significant and persistent problem caused by ASB where some private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take, and; (*b*) that making a

designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of the problem.

(ii) That there is evidence of poor housing conditions in the sector and that making a designation will, combined with other measures, contribute to an improvement in general housing conditions in the area.

(iii) High levels of migration, in that a) recently experienced or is experiencing an influx of migration into it; (b) that a significant number of the properties are occupied by those migrants; and (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to (i) the preservation or improvement of the social or economic conditions in the area; and (ii) ensuring that the properties are properly managed, and in particular, that overcrowding is prevented.

(iv) That the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of relevant properties; and that making a designation will, with other measures, contribute to a reduction in the level of deprivation in the area.

(v) That the area suffers from high levels of crime and criminal activity affects those living in relevant properties or other households and businesses in the area; and that making a designation will, with other measures, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

6.0 Selective licensing general set of conditions

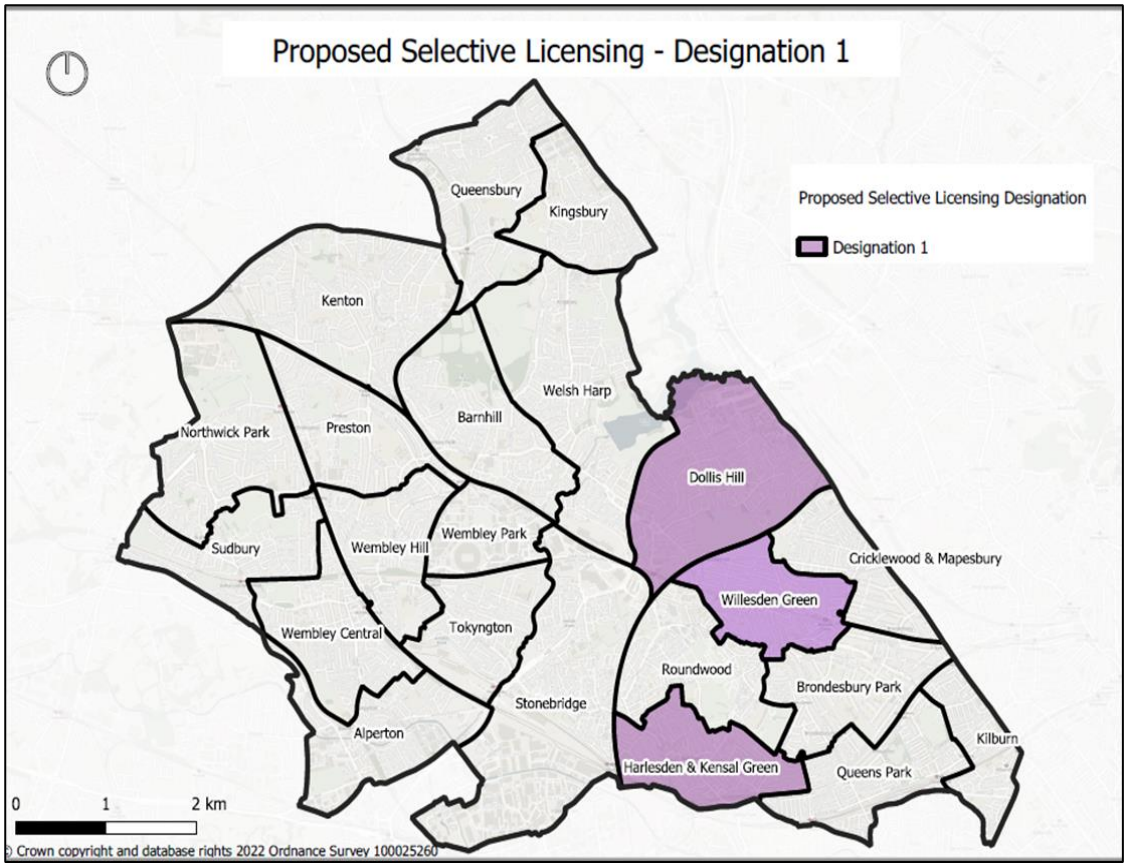
6.1 Figure 1 below shows a summary of data for all wards in the borough of Brent when considering some of those factors in 5.1 and 5.2 above, i.e. does each ward have above average levels of PRS properties, above average levels of poor property conditions and finally high levels of repeat ASB associated with PRS properties.

	Designation Criteria		
Wards	**High Proportion of PRS (above the national average of 19%)**	**Poor Property Conditions (above national average of 12%)**	**Very High Number of PRS Properties with Repeat ASB**
Alperton	✓	✓	X
Barnhill	✓	✓	X
Brondesbury Park	✓	✓	X
Cricklewood & Mapesbury	✓	✓	X
Dollis Hill	✓	✓	✓
Harlesden & Kensal Green	✓	✓	✓
Kenton	✓	✓	X

Kilburn	✓	✓	X
Kingsbury	✓	✓	X
Northwick Park	✓	✓	X
Preston	✓	✓	X
Queens Park	✓	✓	X
Queensbury	✓	✓	X
Roundwood	✓	✓	X
Stonebridge	✓	✓	X
Sudbury	✓	✓	X
Tokyngton	✓	✓	X
Welsh Harp	✓	✓	X
Wembley Central	✓	✓	X
Wembley Hill	✓	✓	X
Wembley Park	✓	X	X
Willesden Green	✓	✓	✓

Figure 1 - Metastreet, Appendix 4, wards summary overview actual figures

6.2 The three wards selected for this designation are Dollis Hill, Harlesden & Kensal Green and Willesden Green. As can be seen in figure 1 above, these wards have poor property conditions and the highest levels of ASB connected to the PRS compared to all other wards in the borough. In addition, these wards have the high proportion of private rented sector (above the PRS national average) properties. The geographical location of the wards can be seen in the map below.



6.3 Housing Tenure - Consistent with the long term nationwide and regional trend, the private rented sector (PRS) in Brent has grown steadily from 32% in 2011 to 46% in 2022. This represents a 43.8% increase over the last 11 years as seen below in Figure 2. There are a total of 127,378 residential dwellings in Brent, 58,105 of which are privately rented under assured shorthold tenancies (ASTs) or licences. Private renting has grown at the expense of owner occupation; however, a sizable proportion of the growth appears to come from new supply. The new supply is dominated by the build-to-rent (BtR) sector, with purpose-built blocks of flats concentrated in the Wembley Park ward. Metatstreet Appendix 4, pg. 24, Table 2 below shows the % PRS dwellings in each ward and compares these to the national average of 19%.

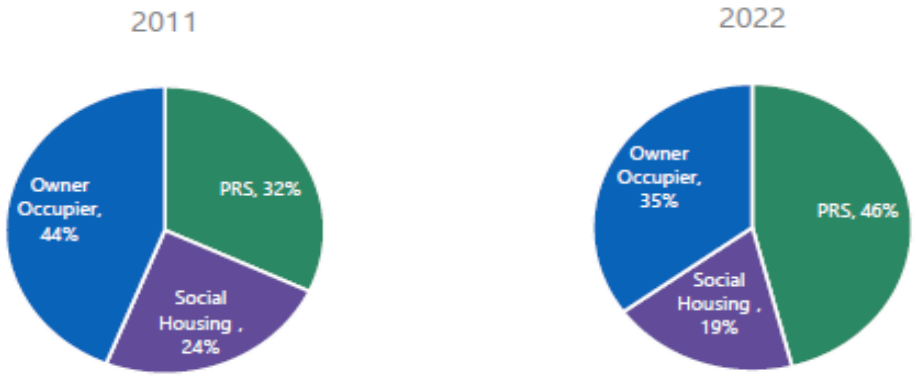


Fig. 2 Housing Tenure in Brent 2011 compared to 2022

6.4 Proportion of PRS dwellings across Brent wards - The PRS is spread across all 22 wards in Brent. The percentage of PRS properties in each ward ranges between 98% in Wembley Park and 31% in Stonebridge. (Figure 3). All of Brent's wards have a higher percentage of PRS than the national average (England), which was 19% and the London average of 29% according to the English Housing Survey (EHS) 2021-22. The average rate of PRS across all wards is 46%, (and the average is 39.6% for all wards excluding Wembley Park). The numbers and proportions of PRS dwellings in Designation 1- Dollis Hill (48.8%), Harlesden and Kensal Green (46%) and Willesden Green (50.5%) are high compared to the total housing stock.

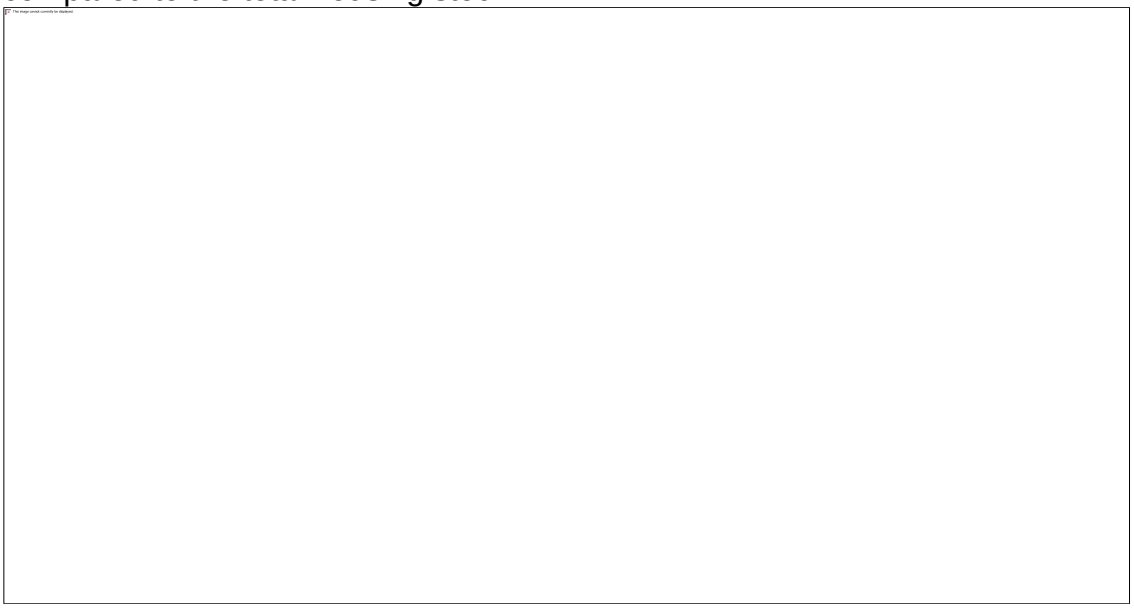


Figure 3: % of PRS Dwellings by each ward - *Horizontal black line shows national average 2021 (19%)*

Anti-social behaviour (ASB) (excluding known HMOs)

6.5 The second set of general conditions is set out in section 80(6) of the HA 2004 in relation to ASB and already summarised in section 5.3 (i) (a), (b) and (c) above. Anti-social behaviour is defined in law as conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person. The law also gives specific definitions of anti-social behaviour in housing and can include loud noise from neighbours, harassment such as verbal abuse or threats, vandalism, property damage and graffiti, fly posting, dumping rubbish, abandoned cars, and animal nuisance. Our Appendix 3: The Metastreeet Evidence report has analysed the data related to ASB in the borough.

ASB (a) that the area is experiencing a significant and persistent problem caused ASB.

6.6 The number of ASB incidents by tenure recorded by the council over the last 5 years, (expressed as a rate per 100 properties) are shown in Appendix 4 Figure 25 (ASB Rates/100 properties). They relate to ASB associated with residential premises only. ASB incidents investigated that cannot be linked to a residential property are excluded from the study. The study showed that the PRS rate is highest at 18%, compared to 10% for social housing and 3% for the owner-occupied properties.

ASB (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take.

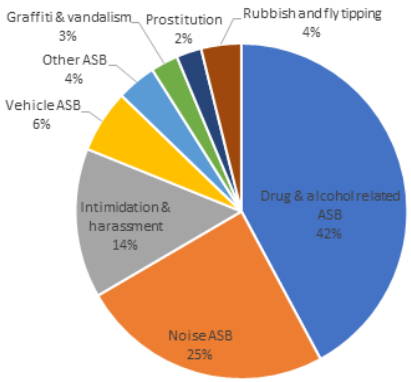


Figure 4 - ASB incidents linked to PRS dwellings by type (Source: Ti 2022).

6.7 ASB directly linked to PRS properties occurs across the borough. Over a 5-year period, a significant number of 10,398 ASB incidents have been recorded. (Metastreet Appendix 4, Figure 27, and Map 8). Follow up investigations identified that the majority of complaints were around substance misuse and noise and rowdy behaviour. (Figure 4).

6.8 Figure 5 below shows the results for the Designation 1/2023 area of Dollis Hill, Harlesden and Kensal Green, and Willesden Green. In these three wards alone, there were 2421 (23.3%) complaints of ASB over the five-year period. 424 properties (17.5%) in these wards had repeat ASB, showing that some landlords are failing to take the appropriate action to deal with ASB in their properties when it first occurs.

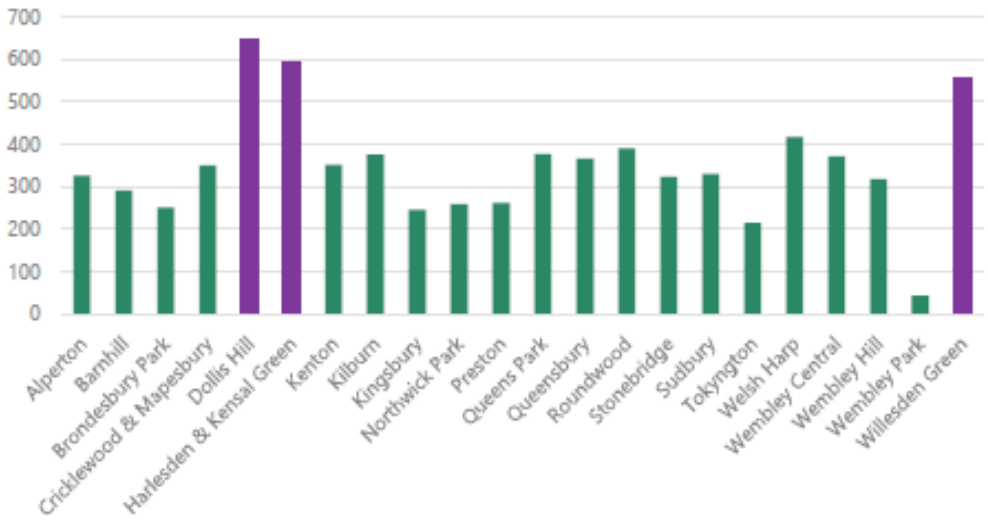


Figure 5: ASB incidences linked to Designation 1 Area

ASB (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

6.9 A new selective licensing scheme in these wards would give the council greater information and powers to deal with the properties that cause such a problem for neighbours and the community.

6.10 A designation of these three wards would allow the council to work proactively with the landlords and owners of the properties to prevent ASB and, where necessary, deal with ASB in their properties. The licence conditions will clearly state the responsibilities of landlords to prevent and also deal with any ASB that arises. There will also be guidance and support for landlords on how to manage tenants who are causing ASB. Information for tenants about their responsibilities about causing ASB will also be available.

6.11 Since 2015 an Enforcement Practitioners Group (EPG) has been operational which brings together regulatory enforcement teams from across the council, including Trading Standards and Planning to tackle complaints about ASB in privately rented properties. These complaints range from crack houses, brothels and cannabis factories to harassment of neighbours and issues with aggressive dogs. The group meets every five weeks, shares intelligence and works together to try and resolve ASB. On average twenty multi-agency operations are carried out each year.

6.12 In addition, the Brent Joint Action Group (BJAG) is a multi-agency group which meets monthly to manage issues raised by residents (through ward panels) or through data analysis. Monthly hotspot maps are used routinely to prioritise multi-agency enforcement and engagement in the appropriate areas. In 2021/22, eight high priority cases were referred and managed through the BJAG. Issues such as drug dealing, and drug use were tackled during tasking operations and ASB enforcement powers such as Closure Orders used to deal with nuisance.

6.13 The Private Housing Service has a quality management procedure agreed with the Council's Nuisance, Crime and Community Safety team on combating reported ASB in PRS properties.

Poor Property conditions

6.14 The Council has carried out recent reviews of its housing conditions as required by Section 3 (1) of the Housing Act 2004, and The Selective Licensing of Houses (Additional Conditions) (England) Order 2015. The published and archived reports are,

- Housing Quality Network (HQN), 2014
- Mayhew Harper Associates, 2016
- Brent In-house, Business Intelligence Team Study, 2018
- Building Research Establishment (BRE) Dwelling Level Housing Stock Report, 2019

6.15 For this scheme, a *Housing Stock Condition and Stressors Report, October 2022,* has been provided by Metastreet. The Evidence Report *Appendix 3* will facilitate the delivery of a private sector housing strategy and will enable a targeted approach to tackling poor housing and provides accurate estimates of

levels of serious housing hazards that might amount to a Category 1 hazard under the *Housing Health and Safety Rating System* (HHSRS).

6.16 There are 10,108 private rented properties in Brent that are likely to have at least 1 serious housing hazard (Category 1, HHSRS). PRS properties with serious hazards are distributed across the borough. Our evidence shows that the three wards in this designation have the highest number of properties with at least one Category 1 hazard. Harlesden & Kensal Green (812), Dollis Hill (796) and Willesden Green (766). Overall, at 2,374 properties, Designation 1 accounts for almost one quarter (23.5%) of the total Category 1 hazards in the borough and a significant number of these would need to be inspected to ensure tenant safety. The proportion of properties in each ward with category 1 hazards is also around double the national average of 12% (Figure 6 and 7).

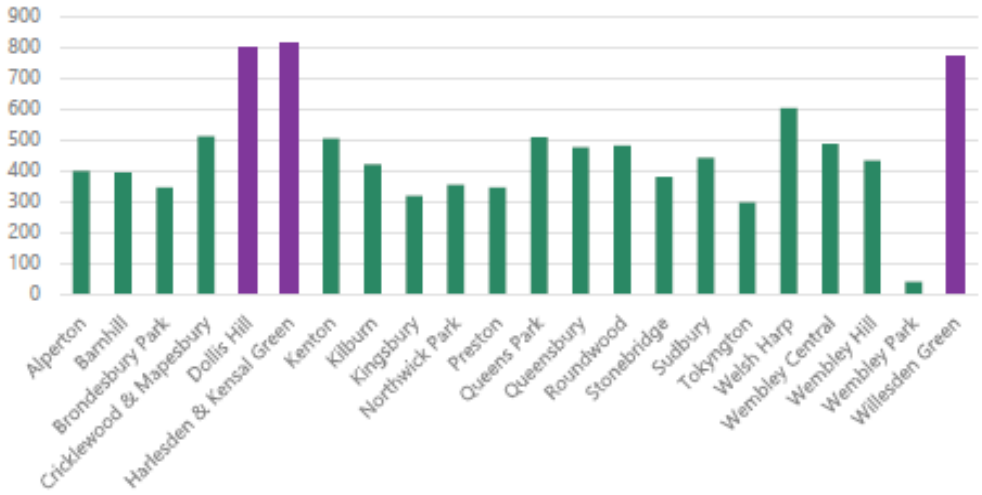


Figure 6: Predicted number of properties with a Category 1 hazard by ward

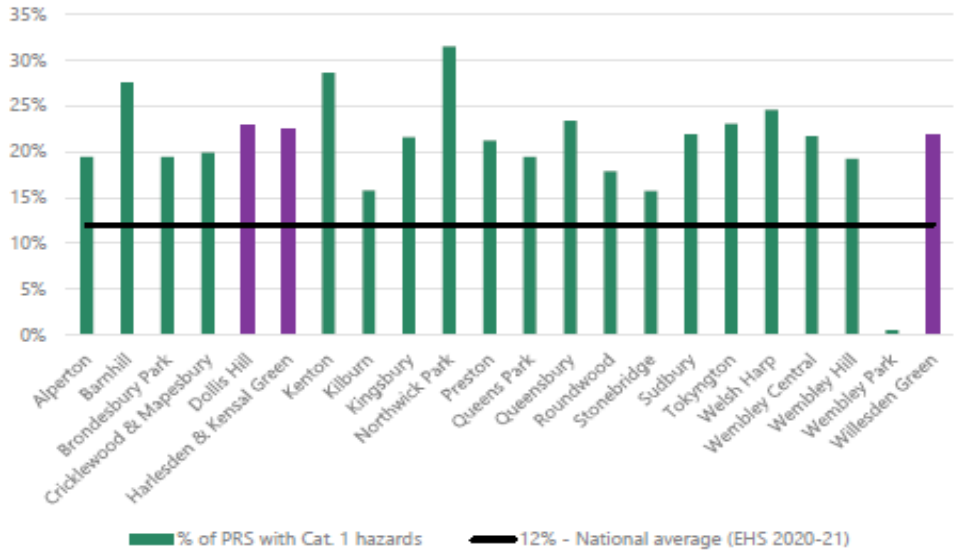


Figure 7: Percentage of PRS dwellings with Category 1 hazards by ward

PRS Enforcement and regulation interventions (excluding known HMOs)

6.17 Brent recorded 3,229 complaints and service requests from private tenants and others about poor property conditions and inadequate property management linked to PRS properties over a 5-year period. Harlesden & Kensal Green (337), Dollis Hill (290) and Willesden Green (240) generated most private tenant service requests *(Metastreet, Appendix 3, Figure 18 & Map 5*).

6.18 Brent uses a range of statutory housing and public health notices to address poor housing standards in the PRS. Over a 5-year period (2017-22) Brent served 6,920 housing and public health notices (*Metastreet, Appendix 3, Figure 23 & Map 6*). Additionally, over a 5-year period 1,282 planning enforcement notices have been served on PRS properties in Brent.

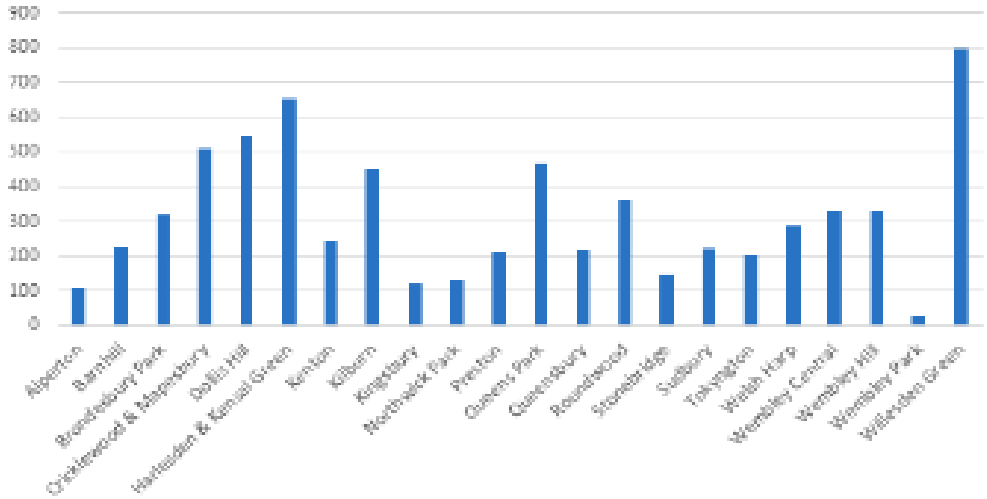


Figure 8: Statutory housing notices served on PRS properties (excl. known HMOs)

6.19 When combined with the PRS planning enforcement notices (131) issued, the properties in the three wards comprising Designation 1 have required a significant number of council interventions, representing a huge drain on council resources. Over a five-year period (2017-2022) the council has issued 2,283 housing, public health and planning enforcement notices where Willesden Green (875), Harlesden & Kensal Green (729) and Dollis Hill (679) received the most statutory notices.

Other stressors analysed which impacting on poor housing conditions

Housing stock age, type, and construction profiles

6.20 A local authority's property age profile can have an impact on housing conditions. It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1900, and lowest in the more energy efficient dwellings built after 1980. Brent has a high number of residential properties (65.7%) built pre-Second World War *(Metastreet, Appendix 3, Figure 14*).

6.21 A borough's property type profile offers an indication of housing density, construction type and other population factors. The most common private rented property type in Brent is flats (67%). (*Metastreet, Appendix 3, Figure 15*).

6.22 Using a sample of properties that are known to have at least one serious housing hazard (Category 1, HHSRS), it is possible to show the distribution and rates of PRS properties with at least one serious hazard. across the wards in the borough *(Metastreet, Appendix 3, Map 4 and Figure 17).*

Assessment of Energy Efficiency (EPC rating) and Fuel Poverty

6.23 The energy efficiency of a dwelling depends on the age, thermal insulation of the structure, on the fuel type, and the size and design of the means of heating and ventilation. Any disrepair or dampness to the dwelling and any disrepair to the heating system may affect efficiency.

6.24 The Minimum Energy Efficiency Standard (MEES) regulation applies to PRS properties. All dwellings must have an EPC rating of E and above to be compliant. It has been calculated that 12.2% of PRS properties in Brent have an E, F, and G rating. 1.3% of PRS properties have an F and G rating (Figure 19). Extrapolated to the entire PRS, 755 PRS properties are likely to fail the MEES statutory requirement and present a Category 1 or High Category 2 HHSRS *Excess Cold* hazard.

6.25 F and G properties present a serious risk to the occupants' health, particularly if over the age of 65. The statistical evidence (HHSRS Guidance 2006) also shows that children in cold homes are twice as likely to suffer from a variety of respiratory problems. EPC ratings in the Brent PRS by ward is shown *(Metastreet, Appendix 3, Figures 20 to 22*). The difference and gap between the current and potential energy performance scores (EPC) represents the opportunity to improve the energy performance of PRS dwellings within the designation area.

6.26 Fuel poverty (termed "Low Income High Costs") is where a household has required fuel costs that are above the average (the national median level), and is that amount is spent, the would be left with a residual income below the official poverty line. Figures for the fuel poverty score (published by BEIS in 2021) are likely to change significantly because of acute fuel price increases. Notwithstanding, Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%). *(Appendix 3, Figure 5)*

Information on Deprivation – Cross referencing deprivation with Housing Conditions

6.27 To determine deprivation, Metastreet has looked at the 2019 Indices of Multiple Deprivation (IMD) with LSOAs matched to the new wards using ONS Open Geoportal lookup tables. Factors that have been used to determine whether a proposed area suffers from high level of deprivation include: the employment status of adults; the average income of households; the health of households; the availability and ease of access to education, training, and other services for households; housing conditions; the physical environment; and levels of crime.

6.28 Brent ranks (Rank of average rank) as the 49th most deprived borough in England out of 317. Data at ward level (*Metastreet, Figure 4 and Map 1*) shows

16 of the 22 wards worse than the national IMD average (5), including the three wards in Designation 1. Stonebridge and Roundwood wards are most deprived (IMD average 1-2), followed by ***Dollis Hill***, ***Harlesden & Kensal Green*** (IMD averages 2-3), with ***Willesden Green*** in the next less deprived group of 5 wards (IMD averages 3-4).

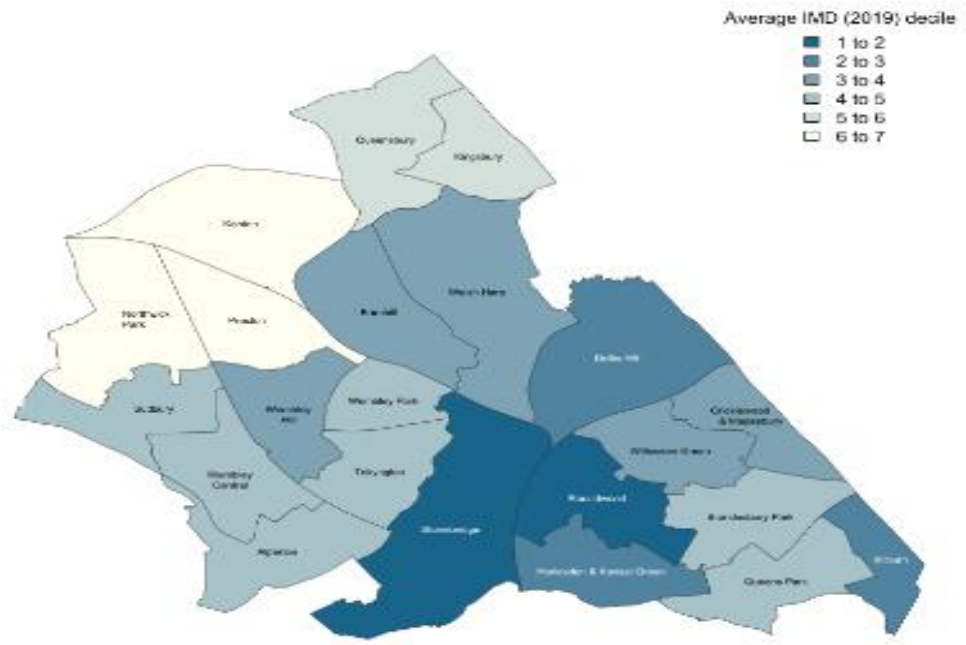


Figure 9 – Distribution of average IMD (2019) decile by ward (Source: ONS 2019, map by Metastreet)

6.29 The Council is not proceeding with a selective licensing scheme under this condition as it would be a huge challenge to satisfy section 5.3 (iv) above. However, it is useful to cross-reference deprivation with poor housing conditions, by looking at the distribution of LSOAs with category 1 hazards at levels which are greater than the national average (12%), or the London average (9%) and also the IMD decile. The picture would show that there are pockets of areas with both high levels of hazards and in deprived areas – for example, Stonebridge, Harlesden & Kensal Green, and Dollis Hill, and supporting the case for inclusion of the last two wards in designation 1.

The contribution of Selective Licensing to an improvement in general housing conditions in the area.

6.30 The designation of these three wards will allow the council to start dealing with some of the worst property conditions in the borough. This could be effective by August 2023.

6.31 Selective licensing will allow for the collection of additional data that will allow us to take a strategic and operational approach to address current and emerging issues e.g., excess cold, damp and mould, energy efficiency of PRS, and the national PRS Rental Reforms and Decent Homes proposals.

6.32 There will be clear licence conditions relating to the standard and management of rented properties in the area. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with licence conditions. The council will take enforcement action (under Part 1 of the Housing Act), where necessary, to improve poor property conditions. It is much easier to rectify property issues under the legal framework of the licensing scheme and when the landlord and other property management companies are known to the council. Landlords who fail to licence their properties could receive a civil penalty for failure to license.

6.33 Information and support on the professional management of properties will be available to landlords through the council's web site and landlord forums (in person and online). The licence conditions relating to the management of the properties will help ensure that properties are properly managed to prevent further deterioration.

6.34 The council will work with landlords to address poor property conditions and help them to comply with the licence conditions in these wards. The council will also continue to work with the London Fire Brigade, Home Office, Police, HMRC, as well as additional council departments, to identify properties that need improvement. In addition, licensing has seen better and more effective working with internal stakeholders too, such as planning enforcement, The Brent Joint Action Group (BJAG), Brents Enforcement Practitioners Group (EPG), Empty Properties Team, Housing Needs and Council Tax.

6.35 Over the last seven years of the previous schemes, this co-working resulted in an increase in prosecutions of rogue landlords to 189. This can largely be attributed to the increased and efficient intelligence sharing across multiple disciplines and a robust enforcement policy.

7.0 Summary of evidence for selective licensing Designation 1/2023

7.1 The evidence for the selective licensing designation proposal is summarised in Section 7 of Evidence for Consultation 2022 report (Appendix 3). Figure 10 below gives a breakdown of the size and distribution of the PRS stock, elements of poor property conditions (Category 1 hazards) and ASB for each ward and the ranking based on outcome tables. Other specific reasons for Designation 1/2023 include;

a. Although the % PRS average for all wards is significantly above the national average (19%), these wards are individually more than double the national average, and of the three, only Harlesden & Kensal Green (42%) rank below the Brent ward average (43.6%).

b. Very high repeat ASB – The three wards alone account for almost one-fifth (23.3%) of all recorded complaints of ASB over the five-year period. 17.5% of their total were repeat ASB complaints showing that some landlords are failing to take the appropriate action to deal with ASB in their properties when it first occurred.

c. The highest levels of poor property conditions - overall Designation 1 accounts for almost one quarter (23.5%) of the total Category 1 Health and Housing Safety hazards in the borough.

d. High levels (30%) of the total recorded complaints and service requests about poor property conditions and inadequate property management linked to PRS properties over a 5-year period.

e. As set out in paragraph 6.19 the three wards comprising Designation 1 have required a significant number of council interventions, representing a huge drain on council resources. Over (2017-2022) they account for (30%) of the housing, public health and planning enforcement notices served in the borough.

f. Cross referencing the area shows close links with high levels of deprivation and other housing related stressors

g. The three wards are well geographically located, separated only by the newly formed Roundwood ward and for the most part will be restarted or continued under the selective licensing regime.

h. Allowing the council to continue to improve standards in the PRS in what was pervious designated areas that are considered to be the worst, those being Harlesden, Kensal Green, Willesden Green. Although Dollis Hill has not been previously designated, the ward boundaries have changed such that some properties and occurrences in the previously licensed Dudden Hill ward, are now attributed to designation 1/2023.

i. Facilitates delivery through Brent Harlesden Connect (Harlesden & Kensal Green ward), Brent Willesden Green Connect (Willesden Green and Dollis Hill wards), Brent Community Safety Team localities, and the supportive Harlesden Neighbourhood Forum (whose membership is drawn primarily from the Harlesden and Kensal Green wards) and the Willesden Green Town Team (WGTT) residents' association.

j. The ability to target problems and to deploy resources to designations over time, working strategically with others to achieve the desired scheme benefits.

k. From the consultation responses, the overall majority, around 45% of respondents, agree with the proposal for Selective Licensing in Designation 1 and around 41% disagree. Looking at the responses by group, residents/local business (68%) and other stakeholder (73%) are in favour of the proposals. Fewer landlords and agents (16%) agree with to this proposal.

Ward	No. PRS (predicte	% PRS and Rank (ex. W/Pk		Category 1 (predicted) and		ASB Incidents and Rank	
Alperton	2,051	45.1	7	399	14	448	12
Barnhill	1,426	37.9	12	393	15	413	15
Brondesbury Park	1,779	31.8	18	346	18	336	20
Cricklewood & Mapesbury	2,572	46.4	3	512	5	443	13
Dollis Hill	3,471	46.9	1	796	2	878	1
Harlesden & Kensal Green	3,626	42.0	9	812	1	812	2
Kenton	1,765	31.3	19	505	7	493	10
Kilburn	2,665	32.0	17	420	13	496	7
Kingsbury	1,474	36.9	15	318	20	348	18
Northwick Park	1,124	31.3	19	354	17	380	17
Preston	1,626	43.8	8	345	19	342	19
Queens Park	2,620	35.8	16	508	6	495	8
Queensbury	2,034	37.7	14	475	10	505	6
Roundwood	2,693	42.0	9	481	9	548	5
Stonebridge	2,419	30.2	21	379	16	483	11
Sudbury	2,020	46.8	2	442	11	435	14
Tokyngton	1,285	41.3	11	296	21	284	21
Welsh Harp	2,448	40.7	12	602	4	570	4
Wembley Central	2,237	45.5	5	485	8	495	9
Wembley Hill	2,257	45.2	6	433	12	411	16
Wembley Park	8,405	98.4		41	22	52	22
Willesden Green	3,498	46.0	4	766	3	731	3
Total	**55,495**	**43.6**		**10,108**		**10,398**	

Figure 10 - Ward PRS summary overview for selective licensing (Source Ti 2022) (Excluding known HMOs).

7.2 ***The Exclusion of the Wembley Park ward*** - The Council has also chosen to exclude the Wembley Park ward because the evidence does not support the criteria for selective licensing as stated in its proposal (Appendix 3, section 7.3). The area is characterised by BtR purpose-built blocks of flats, which are owned and managed by institutional landlords. In defining the selective area, the council considers it more appropriate to focus it resources on the worst affected areas.

7.3 The Wembley Park ward is already covered under the council's HMO licensing schemes, where Part 2 of the Housing Act requires dwellings shared by 3 or more unrelated people, including certain student accommodation to be licensed.

7.4 Although licensing under Part 2 requires the council to "satisfy themselves, as soon as is reasonably practicable, that there are no Part 1 functions that ought to be exercised by them in relation to the premises in respect of which such applications are made". *The HHSRS Fire hazard* has been assessed in relation to those buildings with external wall cladding material and system (EWS). The issue is being resolved through the new Building Safety Act 2022, support from the LGA's Joint Inspection Team and the Building Safety Fund. Where necessary Part 1 HHSRS enforcement notices have been served.

7.5 However, this ward will be kept under review and a further designation could be considered should the evidence change.

7.6 From the consultation responses to question 14 (*to what extent do you agree or disagree with this proposal for the selective the licensing scheme in the three wards of Dollis Hill, Harlesden & Kensal Green and Willesden Green*), the overall majority, around 45% of respondents, agreed with the proposal. and around 41% disagree. Looking at the responses by group, residents/local business (68%) and other stakeholder (73%) are in favour of the proposals. Most landlords and agents are opposed to the proposals with over 68% disagreeing and 16% agreeing. The landlord response rates are typical for licensing schemes in general (Appendix 1).

Other matters applying to selective licensing

7.7 **Effect of the schemes** - If introduced, the effect will be that landlords who rent or let any property that is not occupied as a House in Multiple Occupation (HMO) must have a licence. The licence application must be accompanied by a fee [Appendix 7], and where a licence is granted, licensing conditions will be applied to the licence [Appendix 8]. See section 9.0 on licensing fees and section 8.0 on licensing conditions.

7.8 **Selective licensing exemptions** – Some properties are exempt from licensing. The full list of exemptions is found in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006, but includes,

a) properties licensable as a mandatory or additional HMO.

b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association.

c) properties already subject to a management order.

d) properties subject to a temporary exemption notice.

e) owners who reside in the property they own as their main residence (owner occupiers).

f) holiday lets; and tenancies under a long lease and business tenancies.

g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education, or the relief of suffering.

h) Student accommodation directly managed by educational institutions, e.g., halls of residence.

i) properties managed by a charity registered under the Charities Act 2011 and which— a. is a night shelter, or b. consists of temporary accommodation for

persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Objectives licensing aim to achieve

7.9 Licensing is part of an overall approach to help improve privately rented properties in the London Borough of Brent. As such, any outcomes will be because of a range of initiatives and methods that the council can use. However, licensing is an important element and will place the responsibility on the landlord to inform the council that their property is licensable and encourage them, with the council's support, to ensure that they meet the required standards. The council can then prioritise its resources effectively to dealing with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.

7.10 The selective licensing scheme will be assessed against the following scheme objectives:

Objective	Link to strategic goals	Performance indicator (target)	Outcome	Benchmark targets
Improve property conditions in single family dwellings	Addressing BAME and equality Poverty and housing conditions Linking to LBB manifesto	Improve 1500 properties annually Undertake compliance inspection in **50%** of licences issued and measure improvement outcomes. 100% of all licence application desk-based risk assessment competed. Achieve 100% selective licence applications over the life of the scheme. (Compared with modeled figures).	Reduce Cat 1, Cat 2 hazards and compliance of licence conditions Achieve a general improvement of property conditions in the designated area within the lifetime of the designation. Improve engagement of tenants in the PRS.	hazards identified and dealt with over 5 years 250 year 1 350 year 2 400 subsequent years
Improve management standards in PRS	Poverty and housing conditions	Be in the top 5 of London Council whose landlords are accredited to the LLAS 1 landlord forums per annum 4 newsletters sent to registered landlords that have signed up Take appropriate enforcement action against those landlords who fail to license or breach licence conditions.	Engagement with Landlords Improve engagement of tenants in the PRS.	100% of licensable properties to be licensed Proactively target high risk part 3 properties within the designation and carry out audit and compliance checks as per enforcement plan Respond to 100% of tenant complaints

Reduction in (repeat) Antisocial behaviour in single family dwellings	ASB seems to be an issue and could be used as part of the objectives	Conduct a detailed analysis to identify causes of ASB in wards included in Designation 1 Work more closely with the ASB to combat the causes of ASB in those wards. Review the existing ASB strategy and make sure that a more strategic and integrated approach is taken that combines both regulatory services and Housing.	Reduction in ASB incidents Reduce ASB concerns by residents over 5 years	10% reduction in ASB compared to the baseline 25% reduction in repeat ASB over 5 years compared to the baseline Four properties per year with repeat ASB addressed
Increased awareness for tenants on the minimum standards to be expected in rented accommodation and what their other rights are when renting in the PRS	Sustainability – increasing the energy efficiency in PRS and link government green policy Poverty Commission report Future of London Report Cost of Living Crisis & the Resident Support Fund	Create and promote a new tenant pack available on and offline and in different languages to inform PRS residents of their rights, services available to them, what to do in case of issues. Links with MEES and Green Doctor Services and Grants	Combat deprivation in the most deprived areas Supporting the most vulnerable tenants e.g., benefits assessments	Tackle fuel poverty by reducing number of homes with F&G rating Identify properties below C rating as a result of licensing Provide education to 50 households on MEES

Alternatives to licensing that have been considered –

7.11 When considering whether to make a selective licensing designation a local authority must identify the objectives that a designation will help it to achieve. We have considered other courses of action, or alternatives to the selective licensing proposals. But we do not believe that they provide as effective means of tackling poor housing conditions and repeat ASB in the borough. These other courses of action and the reasons why we believe that they will be ineffective are set out in the table below.

Alternative Measure	Strengths	Weaknesses
Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers	Following an investigation, formal statutory notices can be served that require improvements to be carried out to a property. Councils can carry out work in default if a notice is not complied with. Landlords risk being prosecuted if they do not comply with the notice, or the Council can impose a civil penalty on the person responsible.	The powers do not place any obligation on landlords to be proactive in improving conditions. Formal action is generally slow, with appeal provisions against most types of notices served, which can significantly delay the time for compliance. Work in default can be effective but it is expensive and time consuming to the Council, with the risk that not all costs are recovered. Successful prosecutions and civil penalties do not in themselves secure improvements in property conditions and the Council's costs in pursuing legal action are often not met in full.
Rely on prosecutions and civil penalties for housing offences	Provides a disincentive to keep properties in poor conditions.	These powers do not place any obligation on landlords to be proactive in improving conditions. Successful prosecutions, or the imposition of civil penalties, do not in themselves secure improvements in property conditions. The absence of licensing significantly reduces the scope of the council to impose civil penalties in respect of identified housing breaches.
Wider promotion of voluntary accreditation schemes to facilitate improvement in management practices and standards	For those landlords who take part, accreditation can increase their knowledge and competence and their ability to effectively manage a property.	This requires voluntary landlord engagement and rogue operators are unlikely to attend/engage in such schemes.
Improvement grants to improve sub-standard properties	Grants subsidise improvement works, improving standards and giving benefits for landlords and tenants.	Generally, there are few grants available, and the council has very limited scope to offer grants through successful external funding bids. In the most part, grant awards would fund improvements that the landlord should be carrying out to meet their legal obligations. Any grant scheme would be discretionary and would rely on voluntary landlord engagement.
ASB powers	Formal notices can be served at addresses identified as having ASB issues. This can resolve ASB at the address.	Action would generally be taken against the tenant in occupation. The powers do not place any obligations on landlords to be proactive in managing their properties to prevent or reduce the likelihood of ASB occurring.

Approach consistent with housing strategy/Licensing and wider council strategies

7.12 As part of this project, we have mapped strategies and policies across the council which link to PRS licensing. The licensing proposals are set in the context of the council's wider programmes to tackle housing need, improve property standards, and reduce ASB.

Council Borough Plan

7.13 The Council's Borough Plan 2023-27 is about moving Brent forward together. The plan sets out five strategic themes to improve the lives of those who live work, study, and do business in Brent. Desired outcomes include improve the quality of housing in Brent across the private sector. Also, to reduce anti-social behaviour (including environmental nuisance) by tackling it on a targeted neighbourhood basis.

Housing Strategy

7.14 Brent Council is currently in the process of drafting the new overarching Housing Strategy and a Private Sector Housing Strategy for 2023 onwards. However, the licensing proposals are also in line with the existing strategic priorities.

7.15 The interventions in the proposed areas support the Council's Draft Private Sector Housing Strategy, 2023-27 looking to "increase the supply of private sector homes available in Brent so it is an accessible housing option for our residents" whilst also making sure that "we effectively tackle poor property conditions across the private sector in Brent". In addition, the draft strategy commits to "prioritise supporting residents to stay in their private-sector home and live comfortably".

7.16 "The Housing Strategy identifies opportunities for the private rented sector to "play an important role in delivering new supply" to deliver "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".

Homelessness Strategy

7.17 Brent Council has outlined its strategy to maximise the prevention of homelessness and to minimise the negative impacts of homelessness upon families and individuals where prevention is not possible in the Brent Homelessness and Rough Sleeping Strategy 2020-2025. The council's homelessness review has shown that the loss of a private sector assured-shorthold tenancy is still the most common reason for people to approach the council for help.

7.18 Working to improve access to and conditions in the private sector is therefore vital for providing a wider housing offer for Brent residents and the council has

committed (commitment 3) to '*work to increase the supply of and access to stable and affordable homes across the borough'.*

7.19 This will be achieved through licensing and enforcement processes and working together with local landlords through the Landlord forum to improve standards and drive-up conditions in the private rented sector. Continuing to facilitate access to stable homes in the private rented sector.

Poverty Reduction Strategy

7.20 The council has outlined its strategy for poverty reduction. The Poverty Reduction Strategy states Brent households in poverty stands at 17% before housing costs and rises to 33% with housing expenditure included. For children, rises from 22% in poverty before, rising to 43% with housing costs. In the PRS, rents very often exceed 40% of net incomes. The policy states there is a need to rigorously enforce standards in the private rented sector (PRS).

7.21 The policy states that many of those renting privately reported issues with the quality, security, and affordability of their housing. These issues included overcrowding damp, disrepair, needing to share facilities and ultimately homelessness, which is closely linked to difficulty paying rent. The latter can lead to eviction associated with poverty.

7.22 The policy acknowledges that the council does "have powers to improve standards within the private rented sector, including through licensing of landlords."

Brent Climate & Ecological Strategy

7.23 In 2021 Brent declared a climate and ecological emergency and pledged to achieve carbon neutrality in the borough by 2030. The Brent Climate & Ecological Strategy 2021-2030 recognises that better insulating homes and making them more energy efficient is one of the key actions that must be taken to reduce carbon emissions.

Anti-social behaviour Policy

7.24 Brent Council recognises the need to challenge any form of Anti-Social Behaviour (ASB) in an effective robust and proportionate manner. Residents have a right to a quiet and peaceful enjoyment of their environment, which they live in making sure cases are resolved through effective intervention and support services.

7.25 Brent Council ASB policy applies to all residents including all landlords and tenants in the private rented sector. To tackle ASB problems, we have made it conditional on all private landlords who hold licences under our HMO or selective scheme to prevent and combat ASB associated with properties they manage. Section 57(5) of the Housing Act 2004 gives a definition of ASB for the purposes of licensing under Parts 2 and 3 of the Act.

7.26 PHS will use all tools and powers available to Council officers to support our customers affected by anti-social behaviour (ASB) and to take action, including prosecution, against licence holders who do not take adequate steps to tackle ASB. The Housing Act 2004 refers to an offence being committed if a landlord breaches a condition of a licence without reasonable excuse.

PHS Enforcement Policy

7.27 It is important to stress that enforcement must consider a wide range of factors and activities that are essential to improving standards by landlords and managing agents to enable compliance in the sector. There are broadly four types of regulatory approaches: Light-touch, Hard-line, Compliance-focused, and Creative approaches.

7.28 Notably since 2014, Private Housing Service in Brent has responded to the challenges posed by the sector by restructuring into Licensing and Enforcement teams, strengthening its engagement with Government, landlords, tenants, and regulatory agencies and by the practical application of the legislation powers available.

7.29 Since March 2020, the service has adopted procedures in response to the impact of Covid-19 on private renting and the lockdown changes.

7.30 Whilst there is no doubt that, there is a wealth of legislation governing housing standards and the remedies available where landlords breach their obligations, there are concerns about the effectiveness and application of the laws. Generally, the legal framework is found in the Acts below or safety regulations and statutory guidance made under these Acts.

- The Landlord and Tenant Act 1985
- The Housing Act 2004
- The Protection from Eviction Act 1977 and The Deregulation Act 2015
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- The Selective Licensing of Houses (Additional Conditions) (England) Order 2015.
- The Housing and Planning Act 2016
- The Licensing and Management of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
- The Homes (Fitness for Human Habitation) Act 2018.

7.31 Our enforcement policy considers a wide range of factors and activities that are essential to improving standards and compliance in the sector.

7.32 The light touch approach starts with regulating the relationship between the landlord, tenant, and the Council at an individual level, with landlords and tenants in particular being aware of their rights and responsibilities. Two areas to mention relate to providing “Right to Rent” requirements, and to advice on section 21 eviction. The success of such areas is backed by the willingness of all concerns to be able to exercise the rights.

7.33 Typical problems reported to us or identified through inspections include general disrepair, dampness, cold and fuel poverty, security of tenure, nuisance (antisocial) behaviour and enviro-crime. These problems are likely to pose threats to the health and safety of the tenants and have a negative impact on the local communities.

8.0 Licensing Conditions

8.1 The conditions for Selective Licensing are set out in Appendix 8 of this report. Some of these are mandatory requirements given under the *Schedule 4 of the Housing Act 2004,* and therefore must be included in any scheme (this requirements are set out at paragraph 11.9 in the legal implications)

8.2 The council also has discretion to set the precise conditions of the licence subject to the requirements set out in section 90 of the Housing Act 2004.

8.3 Appendix 8 "Conditions for the selective property licensing scheme" is produced in a booklet form and accompanies each and every licence that is granted. However, in some circumstances, for a particular property, where the council believes there are specific issues not being covered by the conditions in the booklet, additional or more specific conditions can be added. This forms part of the formal notice of the granting of the licence which always also includes the "terms of the licence" examples of these can be found in appendix 8a and 8b.

8.4 The conditions in Appendix 8 have been slightly amended from those currently in operation under the current selective licensing scheme in order to reflect changes in legislation and comments/feedback from the consultation. This includes the mandatory conditions relating to electrical installations and information on Minimum Energy Efficiency Standards (MEES). The full list of deletions and amendments can be seen in the table below.

Table of Deletions and Amendments to proposed licence conditions

Proposed Condition topic	Deletion from existing conditions	Amend-ment	Reason/ change
ASB prevention	6a(1v)		Does not relate to the property being licensed. Risks disclosure of personal information
ASB Action	6b(v1)		Covered in 6b(1V) and likely to be covered in a tenancy agreement
Door Security	10(b)		Falls outside management, use and occupation parameter
Smoke alarms	15.1 (e)		Exceeds the mandatory smoke alarm condition which is already included
Means of escape from fire	16		Unclear in respect to single family properties. However, a fire safety advisory note and fire safety guidance has been added to condition 15.

Tenant references		2	Condition 2 - We have accepted that a strict requirement in every case may cause difficult to those good landlords who house certain vulnerable tenants. The condition is amended to "*As a minimum any reference checks should give consideration to the tenant's history and credit and must consider whether the tenant has the right to rent the property*".
Rent payments		3	Condition 3 - Slightly amended to reflect the move away from rent books and note other normal methods of paying rent and records.
Gas safety		7	Condition 7 – The short sentence requiring a new certificate if a risk is identified has been removed as it is deemed inconsistent with the gas safety enforcement regime.
Electrical Appliances		8	Condition 8 - Amended to include the schedule 4 mandatory electrical installation condition
Security of the property		10(a)	Condition 10 (a) - Following the deletion of 10(b), this condition has been amended to also require that "entry systems are appropriate"
Inspection of the external Areas		11	Condition 11 – Amended to clarify that one six-monthly inspection may be sufficient to complete all the required checks
Refuse and waste		12 (e)	Condition 12(e) - Amended to avoid interference with the terms under which the tenancy is granted, s90(7).
Pest Control		14	Condition 14 – Amended to restrict the requirement to "checking and ensure", as it is accepted that the licence holder will not be responsible for all pest issues in single-family property.

8.5 Most respondents (54%) agreed with the proposed licence conditions Substantial majorities of Brent residents and other stakeholders agreed with the proposed conditions for a Selective Licence (71% of each). Landlords and agents were split, with 30% agreeing and 45% disagreeing, though a significant 25% of these respondents neither agreed or disagreed or responded, "Don't Know". (See Appendix 1).

8.6 Comments and submissions were received regarding some specific selective conditions. These comments were considered and where accepted, we have deleted and amended the conditions, as well as more clearly indicated what matters are licensing conditions, as opposed to those which are for advice and guidance. No changes were made to the mandatory conditions. The standard conditions to be applied to all licenses that are expected to be granted if the scheme is approved are at Appendices 8 to the Cabinet Report. The Council's response to representations raised on the condition is provided in Appendix 2 to the Cabinet report.

9.0 Licensing Fees

9.1 The council is entitled to cover the costs associated with the scheme through a fee but is not allowed to make a surplus or to use the fee income for purposes

unrelated to licensing. If the conditions are complied with, the licence would remain valid until the end of the scheme (i.e., up to a maximum of 5 years). To meet these conditions, applicants are required to pay a fee for each property licence application. Fees are set at £640 for five years for a Selective Licence, payable in two parts – Part 1 for the processing and administration, and Part 2 for the enforcement of the scheme. The proposal included a discount for certain landlords who are members of the London Landlords Accreditation scheme (LLAS).

9.2 From the open questionnaire, most respondents, 63% said that they thought that the fee is too high. Looking at the responses by group, residents / local businesses and other stakeholder had a more mixed view of the fee, with 40% and 47% respectively saying that the fee was too high, however 53% of residents/local business and 44% of other stakeholders said the fee was about the right level or too low.

9.3 In contrast, Landlord / agents had a more consistent view, with 95% saying that the fee was too high. From the questionnaire free text comments, landlords also expressed some concern that PRS fees would incentivise them to sell their properties, resulting in reduced housing stock in Brent as a whole.

9.4 Consultation comments were made e.g., extending the discount to landlords accredited to other schemes, pro-rating the charging and “early-bird” discounts. These have been captured in the consultation report, Appendix 1. The Council’s response to representations made regarding fees is provided in Appendix 2 to this report.

9.5 Brent current licensing fees (£540 for selective and £840 for HMOs) are low when benchmarked against comparable London boroughs, where the typical average fees are £750 for selective and £1075 for an additional (smaller) HMO licence.

9.6 Where licences run for the full 5 years, a new fee of £640 equates to £2.46 per week. It should not be necessary for landlords to pass this cost onto tenants.

9.7 The fee structure is set out at Appendix 7 and will be kept under review to ensure that the running of the licensing function is cost neutral. The council does not agree that further discounts are appropriate but will consider a range of measures to ease any financial burden on good landlords e.g., maintaining a lower renewal fees, inviting “early applications” before any fee increases are applied, raising invoices for bulk applications and for certain portfolio landlords.

9.8 Brent Council works in partnership with LLAS to provide training and education to landlords and agents operating in the borough. We will continue to work with other landlord bodies e.g., NRLA, Safeagent and Propertymark, to ensure that their members benefit from the scheme, are able to make early applications and avoid incurring enforcement action costs.

10.0 Consultation Summary and Representations

10.1 The consultation exercise was undertaken over 12 weeks starting on 31st October 2022 and closing on 23 January 2023. To consult with landlords, tenants, residents, stakeholders and other interested parties, the council carried out an online survey. The council also hosted several public meetings with landlords, tenants, residents, and landlord groups. The council used digital and print media to advertise the consultation, as well as in-person methods.

10.2 The consultation received 853 responses to its online/paper questionnaire. For the sake of clarity, the views of the responses from residents, tenants and businesses, private landlords and managing agents have been analysed and reported separately. Qualitative feedback was received at public meetings and written responses from interested parties.

10.3 The consultation looked at the level of support for introducing selective licensing in designated areas, both designation 1/2023 and designation 2/2023. The consultation also looked at views on the proposed licence conditions, fees, and the respondents' perceptions of the issues in the borough.

10.4 The open questionnaire responses were analysed and reported separately. A full report on the consultation findings is attached at Appendix 1, with paragraphs which summarise the process and key findings on their views.

10.5 Looking at the responses by group, residents / local business and other stakeholder are in favour of the various elements of the proposals with over 65% of each group agreeing. Landlords are generally opposed to the various proposals with over 75% disagreeing. A summary of the responses to the consultation questions found in appendix 1 are as follows:

10.5.1 Overall, 45% of respondents were in support of the designation 1/2023 wards proposed. This varied from 68% of residents and local businesses, 73% other stakeholders being in support compared to 16% of landlords or managing agents. Overall, 41% of respondents disagreed with the proposals. Most of this disagreement was by was landlords (68%), while residents and local business (25%) and other stakeholders (21%) disagree.

10.5.2 59% of landlord or agents who responded managed their own properties with 34% that they use a managing agent.

10.5.3 56% of landlords responding live in Brent, 44% live outside Brent, also indicating the reach of the consultation

10.5.4 Fees – Overall, 20% agree with the proposal that it was about right; Residents and local business (34%), other stakeholders (23%), landlords and managing agents (3%). Overall, 63% of respondents though the fee was too high; Residents and local business (40%), other stakeholders (47%), landlords and managing agents (95%) thought the fee was too high. Overall, 11% of respondents though the fee was too low: Residents and local business (19%), other stakeholders (21%), landlords and managing agents (0%) thought the fee was too low.

10.5.5 Licence conditions – Overall, 54% of respondents agree with the proposed licensing conditions; Residents and local business (71%), other stakeholders (71%), landlords and managing agents (30%). While overall, 32% of respondents disagree with the proposed licensing conditions; Residents and local business (19%), other stakeholders (20%), landlords and managing agents (52%) disagree.

Views on issues in Brent

10.5.6 Antisocial behaviour – Most respondents, (52%) thought that that ASB was a very big or fairly big problem in their local area as opposed to 42% who thought otherwise. Analysed by group, Residents and local business (63%), other stakeholders (71%), landlords and managing agents (51%) thought that ASB was a big or fairly big problem in their area.

10.5.7 Poor property conditions - A majority of respondents stated that they thought that poor property conditions are a fairly big or very big problem (46%). Analysed by group, Residents and local business (68%), other stakeholders (76%), landlords and managing agents (16%) thought poor property conditions were a problem, compared to Residents and local business (27%), other stakeholders (19%), landlords and managing agents (68%) who thought not a problem at all or not a very big problem.

10.5.8 Deprivation – The largest proportion of respondents (52%) though that deprivation was fairly, or very big problem as opposed to 36% who thought not. Looking at the responses by group, Residents and local business (69%), other stakeholders (68%), landlords and managing agents (31%) thought that deprivation was a problem, compared to Residents and local business (26%), other stakeholders (23%), landlords and managing agents (54%) who thought not a problem at all or not a very big problem.

Views on the PRS in Brent

10.5.9 Poorly maintained properties – The largest proportions of respondents (34%) strongly agreed, while 21% tend to agree, that poorly maintained properties were contributing to the decline of some areas in Brent. Looking at the responses by group, residents/local business (74%), other stakeholders (66%), and landlords and managing agents (31%) agreed. Disagreeing were landlords and managing agents (37%) and equal amounts of residents/local businesses and other stakeholders (19%).

10.5.10 Poorly managed properties - The largest proportions of respondents (34%) strongly agreed, while 19% tend to agree, that poorly managed privately let properties were contributing to the decline of some areas in Brent. Looking at the responses by group, residents/local business (74%), other stakeholders (68%), and landlords and managing agents (25%) agreed. Disagreeing were landlords and managing agents (42%), residents/local businesses (19%) and other stakeholders (22%).

10.5.11 Landlord responsibility - When asked if landlords have a responsibility to manage their properties effectively, the largest proportion of respondents (75%) strongly agreed. Looking at the responses by group, there is consistent strong agreement (>94%) from each stakeholder group.

10.5.12 'Fit and proper' person - When asked if to help with the management of privately let properties in the borough, landlords should be 'fit and proper' persons, there was very strong agreement (81%). Looking at the responses by stakeholder group landlords and agents (74%) and percentages of the two other groups agreed with the statement.

Views on whether selective licensing scheme had improved things in Brent

10.5.13 Respondents were asked if they thought that the selective licensing scheme had improved things in Brent. The question gave the following options and respondents could choose as many as they thought applied:

- Improved the condition of properties
- Reduced waste/rubbish such as mattresses dumped in private property front gardens
- Reduced waste/rubbish dumped on streets
- Reduced noise from neighbouring privately rented properties
- Reduced overcrowding in privately rented properties
- Tackled deprivation and inequalities in Brent
- Support to landlords and tenants
- Other (Please specify)
- None of the above

A significant number of residents/local businesses and other stakeholders thought that all matters had been improved with "improved property conditions", "reduction in waste" and the "support to landlords" scoring highest. The landlords scores were significantly lower.

Views on the consequences of stopping the selective licensing schemes

10.5.14 Respondents were asked if the selective licensing schemes in Brent stopped and were not continued, what issues they thought would get worse as a consequence. The question choices were the same as in 10.5.14 above. The highest number of responses were for "overcrowding in privately rented properties", "none of the above" and "the condition of properties". Looking at the responses by group, residents/local businesses and other stakeholders gave the highest number of responses to "the condition of properties" and "overcrowding in privately rented properties" and "the amount of waste and rubbish dumped on the street".

Views on if continuing selective licensing would improve the condition and management of privately rented properties

10.5.15 Overall. equal numbers (42%) of all respondents agree and disagree with the statement. Looking at the responses by group, residents / local businesses (63%), other stakeholder (68%), and landlords and managing

agents (12%) agree that continuing selective licensing would improve the condition and management of privately rented properties in Brent, whilst residents / local businesses (23%), other stakeholder (17%), and landlords and managing agents (68%) disagree.

10.6 The council has considered the representations made during the consultation as required by HA 2004, and a consultation response is provided in appendix 2**.**

10.7 The diversity of the respondents to the open questionnaire are representative of the Borough population profile (Equalities Analysis - Appendix 9).

11.0 Legal Implications

Selective Licensing

11.1 Under section 80(2) of the Housing Act 2004 ("HA 2004"), before introducing a selective licensing scheme, the Council (in this case, the Council's Cabinet) must consider that –

(a) the first or second set of general conditions mentioned in section 80(3) or (6) of the HA2004; or
(b) any conditions specified in an order under section 80(7) of the HA 2004 as an additional set of conditions are satisfied in relation to the area. In this case, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 ("2015 statutory instrument") will apply as they have provided for additional conditions which involve poor housing conditions, migration, deprivation, and crime.

11.2 Section 80(3) of the HA 2004 refers to the first set of general conditions which relates to low housing demand and that is not relevant for this report.

ASB (anti-social behaviour)

11.3 The second set of general conditions is set out in section 80(6) of the HA 2004 and relates to ASB and they are as follows:

(a) that the area is experiencing a significant and persistent problem caused by anti-social behaviour.
(b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem. "Private sector landlord" does not include a non-profit provider of social housing or registered social landlord within the meaning of Part 1 of the Housing Act 1996.

11.4 ASB is relied upon as the one of the reasons and justifications for the proposed designation area and the Council's Cabinet must be satisfied the requirements

set out in (a), (b) and (c) in the previous paragraph are met when considering and deciding to make Selective Licensing Designation area as set out above on the ground of anti-social behaviour.

11.5 The definition of “ASB”, is set out in section 57(5) of the HA 2004 which states that: “anti-social behaviour” means conduct on the part of occupiers or, or visitors to, residential premises –

(a) Which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or
(b) Which involves or is likely to involve the use of such premises for illegal purposes.

2015 Statutory Instrument – additional conditions

11.6 In relation to the 2015 statutory instrument, the following conditions are specified as additional conditions which the Council’s Cabinet must consider are met in relation to a proposed designation area before making a selective licensing designation:

(i) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;
(ii) that the properties referred to in sub-paragraph (i) above are occupied under either assured tenancies or licences to occupy; and
(iii) The additional four sets of conditions referred to above are poor housing conditions, migration, deprivation and crime.

11.7 This report will explain the conditions relating to poor housing but will not expand upon migration, deprivation and crime because they are not relevant to this report

Conditions in relation to housing conditions

11.8 The additional four sets of conditions referred to above are poor housing conditions, migration, deprivation and crime. This report will explain the conditions relating to poor housing but will not expand upon migration, deprivation and crime because The first set of additional conditions, which are set out in the 2015 statutory instrument, relate to poor housing conditions. The requirements to rely on poor housing conditions as a sufficient reason to introduce a designation for selective licensing are as follows:

(a) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in paragraph 11.16(i) above to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises;
(b) that the local housing authority intends to carry out such inspections as referred to in the previous sub-paragraph, with a view to carrying out any necessary enforcement action; and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

11.9 Poor housing conditions are relied upon as the reason and justification for the proposed designation area. The Council's Cabinet must be satisfied the requirements set out in paragraph 11.16 above and in (a), (b) and (c) in the previous paragraph are met when considering and deciding to make a Selective Licensing Designation area for the proposed designation on the ground of poor housing conditions.

Other matters relating to selective licensing

11.10 Under section 81(2) of the HA 2004, the Council must ensure that any exercise of the power in relation to a selective licensing designation is consistent with the Council's overall housing strategy.

11.11 Under section 81(3) of the HA 2004, the Council, when making its designation, must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and ASB affecting the private rented sector, both: (a) As regards combining licensing (under Part 3 of the HA 2004 – selective licensing) with other courses available to them, and (b) As regards combining licensing with measures taken by other persons.

11.12 Under section 81(4) of the HA 2004, the Council must not make a particular designation (for selective licensing) under section 80 of the HA 2004 unless –

(a) They have considered whether there are other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve; and
(b) They consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).

11.13 As for the Council's general duties regarding selective licensing under Part 3 of the HA 2004, these are set out in section 79(5) of the Housing Act 2004 which states as follows: "every local housing authority has the following general duties:

(a) To make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part (i.e., Part 3 HA 2004 regarding selective licensing).
(b) To ensure that all applications for licences and other issues falling to be determined
(c) by them under this Part are determined within a reasonable time."

11.14 Under section 80(9) of the HA 2004, before making a designation relating to selective licensing, the Council must-

(a) take reasonable steps to consult persons who are likely to be affected by the designation, and,
(b) consider any representations made in accordance with the consultation and not withdrawn.

11.15 By section 82 of the HA 2004 and paragraphs 5 and 6 of the *Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015* ("the General Approval"):-

(a) a selective licensing designation that covers no more than 20% of the geographical area of the Council's district, nor affects more than 20% of its privately rented homes, will not require Ministerial confirmation before it comes into force, but will be approved under section 82 and will come into force on a date set by the Council, provided it has first consulted about the designation for no less than ten weeks; Consultation as taken place as per the requirement.

(b) by contrast, a selective licensing designation that, either itself or in combination with other such designations, covers more than 20% of the district's geographical area, or affects more than 20% of its privately rented homes, *will* require Ministerial confirmation, and will not come into force until confirmation is given.

11.16 In this case, Selective Licensing Designation 1 equates to 13.9% of the geographical area of the borough and 19.7% of the total private rented sector in Brent, so this designation can be agreed locally and will not require confirmation from the Secretary of State.

11.17 As soon as a designation regarding selective licensing has been made pursuant to section 83 HA 2004, the Council must publish in the prescribed manner a notice stating —

(a) that the designation has been made;
(b) whether or not the designation was required to be confirmed by the Secretary of State and that it has been confirmed;
(c) the date on which the designation is to come into force; and
(d) any other information which may be prescribed.

Licence Fees

11.18 Sections 87(7) of the HA 2004 provide for the fixing of selective licensing fees respectively. In summary, they say that local authorities take into account all costs incurred when carrying out their functions in relation to selective licensing. The power to charge fees for selective licensing is set out in section 87(3) of the HA 2004. Those powers to charge allow the Council to require a licensing application to be accompanied by a fee. 11.18 However, the EU

Directive and the Provision of Services Regulations 2009 was subsequently passed. Regulation 18 of the Provision of Services Regulations 2009, which incorporates Article 13(2) of the 2009 EU Directive, states: “Any charges provided for or by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

11.19 In the case of *Hemming v Westminster CC*, the Supreme Court stated that the fee relating to the administration of the application can be charged when the application is submitted and is non-returnable if the application is refused and is compatible with the EU Directive. The Supreme Court also stated that the fee to cover the costs of managing and enforcing the licensing regime can be charged and is compatible with the 2009 EU Directive if the application for a license is successful. However, as for the costs of managing and enforcing the licensing regime if the application for a license is unsuccessful, the European Court of Justice stated that charging in advance for costs other than those directly related to the authorisation process, even if the payment is refundable where the application for a license is refused.

Licence Conditions

11.20 Section 90 of the HA 2004 allows the Council local authorities to impose such conditions that are considered appropriate to regulating the management, use or occupation of the properties.

11.21 Schedule 4 of HA 2004, sets out the mandatory conditions and states that a licence under Part 2 or 3 must include the following conditions:

2) Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
(3) (a) to keep electrical appliances and furniture made available by him in the house in a safe condition;
(b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture;
(c) (i) to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
(ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;
(d) for the purposes of paragraph (c) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.]
(4) (a) (i) to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and
(ii) to keep each such alarm in proper working order;
(b) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
(4A)

(a) to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker;
(b) to keep any such alarm in proper working order; and
(c) to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
(5) Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

Additional conditions to be included in licences under Part 3
2) A licence under Part 3 must include conditions requiring the licence holder to demand references from persons who wish to occupy the house.

11.22 The Council has reviewed the licence conditions and in so doing have taken account of relevant legal decisions, including the Court of Appeal decision of *Brown v Hyndburn [2018] EWCA* in relation to selective licensing.

Public Sector Equality Duty

11.23 The Council's duty under section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the introduction of additional licensing for the area of Brent and the introduction of selective licensing. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision-making process. When the decision comes before the Cabinet, Members must consider the effect that implementing a particular policy will have in relation to equality before deciding. An Equality Impact Assessment will assist with this.

11.24 The "protected characteristics" are age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

11.25 Having "due regard" to the need to "advance equality of opportunity" between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities. Having due regard to "fostering good relations" involves having due regard to the need to tackle prejudice and promote understanding.

11.26 There is no prescribed way the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This

can be achieved by means including engagement with the public and interest groups and by gathering relevant detail and statistics.

11.27 The Equality Impact Assessment is set out in Appendix 9 to this report.

12.0 Equality Implications

12.1 The introduction of selective licensing is intended to enhance housing management practices in the private rented sector (PRS), in compliance with the Housing Health and Safety Rating System (HHSRS) standards. It is anticipated that this will have positive outcomes for tenants across all protected characteristics, particularly those who are currently over-represented in the PRS.

12.2 It should be stressed that data relating to the protected groups among both tenants and landlords is limited, partly due to the unregulated nature of the sector. Although Census data provides a breakdown of tenure by ethnicity and age, analysis relevant to other issues such as disability has not yet been completed by ONS. Overall, the size of the sector and the estimated number of landlords suggests that there will be members of all protected groups among both tenants and landlords. The sector also contains a mix of household and income types that ranges across the spectrum.

12.3 To inform the final licensing proposals, officers have carried out an extensive consultation and research available in Appendix 1 and a full Equality Analysis available in Appendix 10. The findings of the analysis show that the groups that are over-represented in PRS are ethnic minority groups (notably Asian, but also including White: Other groups), older adults, people under 35, households with children (including single parent households), as well as people with disabilities and long-term health conditions, socio-economic and other vulnerable groups.

12.4 If the licensing schemes are introduced, all equality groups are likely to benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers. Information would relate to such matters as changes in the law affecting the PRS, energy efficiency measures and grants availability, information on local organisations and agencies which may be able to provide support. One of the intended outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support and funding available to them and their tenants such as the Disabled Facilities Grant for reasonable adaptations. Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System in terms of reasonable adaptations, reducing trip hazards and falls, personal hygiene and sanitary facilities, as well as the requirements around excess cold, which can cause or exacerbate poor health. This will further enhance the equality outcomes for people with disabilities and long-term health conditions, older adults and their carers, as well as other vulnerable groups.

12.5 One of the key aims of licensing is to reduce antisocial behaviour, including hate crime and homophobic incidents. This will benefit all protected

characteristics, including sexual orientation, gender identity, disability, race and religion.

12.6 The Equality Analysis, however, has also identified some potential negative consequences for over-represented equality groups in the affected landlord, agent and tenant cohorts. Black, Asian and minority ethnic (BAME) landlords are overrepresented in Brent, and it is recognised that the introduction of the scheme is likely to have a greater impact on them in relation to increased business costs and potential financial penalties.

12.7 The main identified risk of negative impact at this stage is the possibility that the introduction of licensing may lead some landlords – particularly those likely to struggle to comply with licensing conditions – to withdraw from the market and evict their tenants. It is not possible to assess the scale of this risk accurately, although experience elsewhere has not demonstrated any significant withdrawal from the market. The findings of the study by Future of London (2017) bear directly on this point and will be considered in the implementation of any scheme. Any impact, in this or other areas, will be monitored closely and will inform regular reviews of the operation of licensing.

12.8 It is likely that tenants most impacted by these proposals will be among the lower income groups in the sector, living in the poorest quality housing and, similarly, that the landlords of these properties will experience the greatest impact from their perspective.

12.9 In addition, data indicates that Black and Asian tenants are over-represented in the private rented sector. There is a high presence of European migrants in the sector. Again, it is likely that many of these are living in properties at the poorer condition end of the market.

12.10 Some landlords may seek to pass on costs arising from the scheme to tenants, which may result in cases of tenant displacement and landlords' claims for possession through both legal and illegal actions. If landlords decide to increase rents, tenants from over-represented equality groups such as people under 35, migrants, single parent households may be particularly affected by this. However, based on the PRS team's experience of licensing over the past seven years and that of other Councils who have introduced s licensing, it is believed that this unintended outcome is very unlikely to materialise.

12.11 Tenants may also potentially be affected by enforcement actions against landlords of overcrowded properties. Wherever possible the Council will work with landlords to make properties fit for the number of tenants. In cases when tenants have been unlawfully displaced or evicted, every effort will be made to effectively support and signpost them to available information and support.

12.12 Much concern has been expressed about the Government's plan to end section 21 "no-fault" evictions. Both landlord and tenant groups say that licensing will add to the problems they will face and have asked that the Council clearly sets how it will act with regard to section 21, should the ban be introduced.

12.13 In the longer term, licensing will, among its other benefits, provide an opportunity to obtain a more complete picture of the sector and its operation that will assist in identifying issues relevant to protected groups. At the same time, closer partnership working with landlords should support promotion of good practice on equalities in the sector. The Equality Analysis includes a detailed action plan available in Appendix 9.

13.0 Financial Implications

13.1 The administration of the scheme is such that it is intended to be self-financing over a five-year period with higher levels of income from years 1 and 2 funding expenditure over the full 5 years. This will be managed with a use of an earmarked reserve. Fees of £640 will be charged per application and are set at a level where the total revenue from the fee is intended to cover the total costs incurred.

13.2 It is estimated that licences issued in the 5-year period will generate income in the region of £6.4m which will be commensurate with the total expenditure.

13.3 The income will be closely monitored, and a team proportionate to the demand for the service will be employed. The costs of the scheme exclude the cost of any enforcement action on non-licensed properties but will cover the cost of processing the license application, compliance monitoring and enforcement against an applicant who is given a licence.

14.0 Staffing Implications

14.1 With the introduction of Selective licensing in January 2015 Private Housing Services already has a dedicated and experienced team of officers employed to both process applications and inspect properties as well as carry out and required enforcement activities. As explained in paragraph 4.7 above the Council is intending to increase the size of the PHS team considerable and will be bringing a report to Cabinet later in the year setting out the plan to do this as part of the proposed designation 2/2023.

15.0 Next Steps

15.1 A decision to proceed with selective licensing proposals triggers a formal notification by way of a designation notice, which must be followed by a period of at least three months before any scheme comes into effect. Following the issue of the designation notice and, on a date, to be set by the Corporate Director for Residents Services in consultation with the Cabinet Member for Housing, Homelessness & Renters Security, licensing applications will be invited and processed.

Related Documents:

- Housing Act 2004: Licensing of HMOs and Selective Licensing of other residential accommodation (England) General Approval 2015

- Selective Licensing in the private rented sector: A guide for local authorities (MHCLG, March 2015
- Lead Member Consultation Decision - https://democracy.brent.gov.uk/ieDecisionDetails.aspx?ID=6141
- Selective Licensing Cabinet Report June 2017 - https://democracy.brent.gov.uk/documents/s54742/Extending%20Selective%20Licensing%20Covering%20Report.pdf

Report sign off:
Peter Gadsdon
Corporate Director of Residents Services

Report on Brent Council's Consultation on Selective Licensing Proposals

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Executive Summary

Brent Council carried out a public consultation into their proposals to introduce two selective licensing designations, the first known as designation one in three wards, the second designation in 18 additional wards. The council proposed introducing selective licensing through two designations, designed to tackle the most pressing issues within the ward.

Designation one – Poor property conditions and very high repeat antisocial behaviour (ASB):

- Dollis Hill
- Harlesden & Kensal Green
- Willesden Green

Designation two - Poor property conditions:

- Alperton
- Barnhill
- Brondesbury Park
- Cricklewood & Mapesbury
- Kenton
- Kilburn
- Kingsbury
- Northwick Park
- Preston
- Queens Park
- Queensbury
- Roundwood
- Stonebridge
- Sudbury
- Tokyngton
- Welsh Harp
- Wembley Central
- Wembley Hill

To consult with landlords, tenants, residents, stakeholders and other interested parties, the council carried out an online survey. The council also hosted several public meetings with landlords, tenants, residents, and landlord groups. The council used digital and print media to advertise the consultation, as well as in-person methods.

The consultation ran for 12 weeks from 31 October 2022 until 23 January 2023.

In total, 853 responses were received from the online survey. The online survey incorporated a quantitative approach and qualitative responses through free text boxes. Qualitative feedback was also received at public meetings and written responses from interested parties.

The consultation looked at the level of support for introducing selective licensing. The consultation also sought views on the proposed licence conditions, fees, and the respondents' perceptions of the issues of poor property conditions, anti-social behaviour and deprivation in the borough.

Key Findings

	Overall	Landlords, letting or managing agents	Residents or local businesses	Other stakeholders
Total consultation survey responses	853	358	448	47
Agree with selective licensing proposal for designation 1	**45%**	16%	68%	73%
Disagree with selective licensing proposal for designation 1	**41%**	68%	22%	15%
Agree with selective licensing proposal for designation 2	**43%**	10%	66%	66%
Disagree with selective licensing proposal for designation 2	**46%**	75%	25%	21%
Agree with proposed selective licensing conditions	**54%**	30%	71%	71%
Disagree with proposed selective licensing conditions	**32%**	52%	19%	20%
Responses to the question	848	356	445	47
Selective licensing fee is about the right level	**20%**	3%	34%	23%
Selective licensing fee is too high	**63%**	95%	40%	47%
Selective licensing fee is too low	**11%**	0%	19%	21%

The results of the consultation survey and the views of stakeholders gathered during the consultation will be analysed in this report.

Introduction

Background

The private rented sector (PRS) in Brent has seen rapid growth over the last eleven years, with around 58,000 homes in the borough privately rented. However, poverty is widespread across the borough with many households experiencing financial difficulties. In addition, there is significant and persistent evidence of antisocial behaviour (ASB) across particular wards in the borough.

Above average London rents and rising energy costs has severely impacted affordability which in turn has led to overcrowding, a deterioration in property conditions and high levels of evictions and homelessness.

The prevalence of Covid-19 has demonstrated the vulnerabilities of those in the most deprived areas, often where Black, Asian and Minority Ethnic (BAME) communities are concentrated.

Whilst the majority of PRS properties are well maintained and safe, there is a growing minority that are sub-standard and dangerous. Even well-meaning landlords may not always be up to date with the latest legal and safety requirements. These properties not only endanger the health, safety and wellbeing of tenants, but cause issues with neighbours and end up requiring many interventions from already stretched council teams.

Brent Council has introduced various five-year licensing schemes intended to tackle some of the problems associated with private rented properties in the borough. The first selective licensing scheme applied to all non-HMO privately rented homes in the wards of Harlesden, Willesden Green and Wembley Central and ended in December 2019. The current five–year selective scheme applies to the old wards boundaries of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park.

Proposals

The council is proposing to introduce two new selective licensing designations that will apply to all privately rented properties in 21 wards of the borough.

The first phase (designation 1) would cover a total of three wards and would allow the council to deal with the worst ASB and poor property conditions.

The second phase (designation 2) would cover a total of 18 wards on the basis of poor property conditions.

The consultation focused on the extent to which respondents agree or disagree with the council's proposal to introduce the selective licensing scheme, and the two proposed designations. The consultation also looked at views on the proposed licence conditions, fees, and the respondents' perceptions of the issues of anti-social behaviour and poor property conditions in the borough.

Public Consultation

The consultation ran for 12 weeks from 31 October 2022 until 23 January 2023. To try and capture as much feedback from landlord, tenants, residents and other stakeholders the council used several approaches to promote the consultation.

A programme of communications and marketing activity took place to inform all stakeholders that the council were consulting on a new selective licensing scheme and encourage participation.

The communications informed and educated all stakeholders on the successes of the previous scheme, proposals for the new scheme and the benefits.

The approach to communications and marketing focussed on digital activities, physical hard copy communications and in-person events to meet the needs of the digitally excluded.

Landlord and managing/letting agent events

The council held a series of meetings and forums to gather feedback from landlords and to make them aware of the consultation. These events are summarised below:

- Virtual landlord forum, 14 December 2022
- Midas Landlord focus group, 11 January 2023

The above meetings were widely publicised and more than 500 people registered for the events. A total of more than 260 attended.

Residents, tenants and other stakeholder events

The council held a series of meetings and forums to gather feedback from residents, tenants and other stakeholders and to make them aware of the consultation. These events are summarised below:

- Harlesden Brent Connects, 31 October 2022
- Kilburn Brent Connects, 2 November 2022
- Kingsbury & Kenton Brent Connects, 10 November 2022
- Residents meeting with Roundwood ward, 11 November 2022
- Willesden Brent Connects, 15 November 2022
- Wembley Brent Connects, 17 November 2022
- Public drop in session, 6 December 2022
- Public drop in session 7 December 2022
- Public drop in session 11 January 2023
- Public drop in session 18 January 2023
- Renters representative groups, 11 January 2023

The above meetings were publicised to more than 7,000. A total of more than 420 attended.

Communications Channels

The council used a wide range of communication channels to promote the consultation and make stakeholders aware of the proposals.

Activities to engage all stakeholder groups, inside and outside the borough, and raise their awareness included:

- A direct email to landlords, MPs and landlord and tenant representatives was sent on 10 November 2022
- Updating the council website corporate homepage to include the consultation
- Posting a news article about the consultation on the council website
- Press release to announce start of consultation was published on 31 October 2022
- Inclusion within the Brent Black Community Action Plan members newsletter on 14 November 2022, 19 December 2022, 9 January 2023 and 23 January 2023.

Using the council's social media

- 15 twitter posts with a total of 14,503 impressions, 533 engagements, 84 re-tweets and 32 likes
- 14 Facebook posts with a total of 4,761 people reached, 28 engagements, 15 likes, 225 clicks, 5 comments, 8 shares and 5,149 impressions
- One LinkedIn post on 1 November with a total of 607 impressions, 15 engagements, 10 clicks, 4 reactions and 1 comment.

Activities to reach out to Brent tenants and residents included:

- The consultation was included as an item in an email to private tenants on 4 January 2023 to 1,777 subscribers
- A direct email to all resident associations in Brent was sent on 14 November 2022
- The consultation was included within the following e-newsletters:
    - Your Brent on 31 October 2022 and 9 January 2023 to 12,121 subscribers
    - Business newsletter on 8 November to 13,682 subscribers
    - Brent Town Centre newsletter at the end of November to more than 220 Brent businesses
- A full page advertisement was placed within the Brent Magazine, delivered to 135,905 households across the borough.
- An out of home campaign ran with adverts added to 55 JC Decaux print and digital sites across the borough. The out of home campaign ran from 21 November to 5 December 2022
- A borough-wide leaflet drop to 135,905 Brent households was completed on 25 November 2022
- Pull up banners were installed and displayed at:
    - Ealing Road Library
    - Kilburn Library
    - Kingsbury Library
    - Willesden Green Library
    - Wembley Civic Centre Library
    - Wembley Civic Centre Welcome Desk from 9 November 2022
- Two libraries within the borough displayed information on digital screens
- The Civic Centre displayed information across six screens
- Seven Community Hubs displayed pull up banners
- An announcement was published on 17 November 2022 and sent to 164 Brent headteachers
- Six student sector providers were contacted on 28 November 2022:

- Iqstudent.com
- Scape
- CRM
- Fresh
- UNITE
- Quintain.

Activities to reach out to landlords included the landlords newsletter and was distributed on 31 October 2022 to 20,909 subscribers.

Activities to reach out to landlords outside the borough included:

- A digital campaign on the London Property Licensing (LPL) website which ran for 12 weeks. LPL is the award winning, leading website for informing private landlords in the UK. It is the only website dedicated to providing simple, impartial and expert advice on property licensing and explaining the licensing requirements across every London borough. The website reaches out to landlords based throughout the UK and those based abroad. The campaign started on 31 October 2022 and ran until 23 January 2023. The campaign included:
  - A pixel banner advert promoting the licensing consultation was placed on eight London borough pages from 31 October 2022 to 23 January 2023. Anyone clicking on the advert was taken directly to the council's consultation webpage. The eight boroughs were the neighbouring boroughs:
    - Barnet
    - Brent
    - Camden
    - Ealing
    - Hammersmith & Fulham
    - Harrow
    - Kensington & Chelsea
    - Westminster
  - On 31 October 2022, the London Borough of Brent webpage was updated with information about the licensing consultation and how to take part. During the consultation the London Borough of Brent's webpage was the third most viewed borough webpage on the LPL website
  - From 31 October 2022 to 23 January 2023 a pixel banner advert promoting the consultation was placed on the LPL homepage
  - From 31 October 2022 to 23 January 2023 a banner headline attached to a rotating image at the top of the LPL home page with a link to the consultation listing
  - From 3 November 2022 to 23 January 2023, the consultation was promoted on the LPL latest events webpage. It was also promoted in the events section on the LPL home page and eight borough pages
  - A news article about the consultation was posted in the LPL news section on 31 October 2022, promoted on social media and in the LPL newsletter. The five most recent news stories are listed on the LPL home page and the London Borough of Brent's page

- The licensing consultation was promoted in posts on the LPL Facebook page and the LPL LinkedIn page on 1 November 2022
- Tweets about the licensing consultation were published on the LPL Twitter Feed (@lplicensing) every 12 to 14 days, timed to cover a variety of morning, afternoon and evening posts, between 2 November 2022 and 23 January 2023. During this period the @lplicensing twitter feed had more than 2,300 followers, generating impressions, likes, retweets and comments.
- The consultation was promoted in the LPL newsletter on 2 November 2022, 8 December 2022 and 21 December 2022. The newsletter is widely distributed to landlords, letting agents, organisations, local authority officers and government officials and sent to more than 3,500 people who have requested updates on housing regulation and property licensing schemes
- A paid Facebook campaign ran from 9 November to 21 November 2022. The campaign received 583 clicks that went directly to the consultation page
- Emails were sent to neighbouring borough regulatory services on 14 November.

Activities to make digitally excluded and vulnerable stakeholders aware of the consultation included:

- Reaching out to local community and outreach groups to ask them to share the consultation with the groups they interact with:
  - Rumi's Kitchen
  - Granville Community Kitchen
  - Kilburn Street Kitchen
  - Salvation Army Lunch Club Brent Food Bank
  - Sufra
  - Willesden Mutual Aid
  - Posters were sent to eight Wellbeing Family Centres on 9 November 2022.

Activities to make stakeholders within the council aware of the consultation included:

- Notices were placed on the internal channel Yammer on:
  - 31 October 2022, and seen by 157 members of staff
  - 9 January 2023 and seen by 93 members of staff
- Updating the council website corporate homepage to include the consultation
- Posting a news article about the consultation on the council website on the first day of the consultation
- Six digital screens in the Civic Centre displayed messages
- Members bulletin was published on 4 November 2022
- Managers brief was published on 7 November 2022
- Weekly round up was published on 23 November 2022
- Email to all Housing staff was sent on 5 December 2022
- Brent Black Community Action Plan members newsletter on 14 November 2022, 19 December 2022, 9 January 2023 and 23 January 2023
- Using the council's social media:

- 15 twitter posts with a total of 14,503 impressions, 533 engagements, 84 re-tweets and 32 likes
- 14 Facebook posts with a total of 4,761 people reached, 28 engagements, 15 likes, 225 clicks, 5 comments, 8 shares and 5,149 impressions
- One LinkedIn post on 1 November with a total of 607 impressions, 15 engagements, 10 clicks, 4 reactions and 1 comment.

Activities to make other stakeholders outside the borough aware of the consultation included emails to neighbouring London borough councils Private Sector Housing teams at:

- Ealing
- Westminster City
- Camden
- Harrow
- Royal Borough of Kensington & Chelsea
- Hammersmith & Fulham
- Barnet.

Consultation Methods

The council used several formats to gather feedback from stakeholders on the consultation.

Online Survey

The online survey was open to the general public. In total, there were 853 responses to the online survey. The consultation survey was the main method of gathering feedback during the consultation. Respondents were asked their views on selective licensing, the proposed fees and conditions, and their views on issues within the borough. Their responses are analysed and broken down by stakeholder type below. Respondents could also request a paper version of the survey.

Public Forums

The council ran online public forums to provide more information about the proposed scheme and to gather feedback from stakeholders who would be impacted by licensing. The public meetings were held over Microsoft Teams and in person where council officers presented information about the proposed schemes, followed by a question-and-answer session.

Other Written Feedback

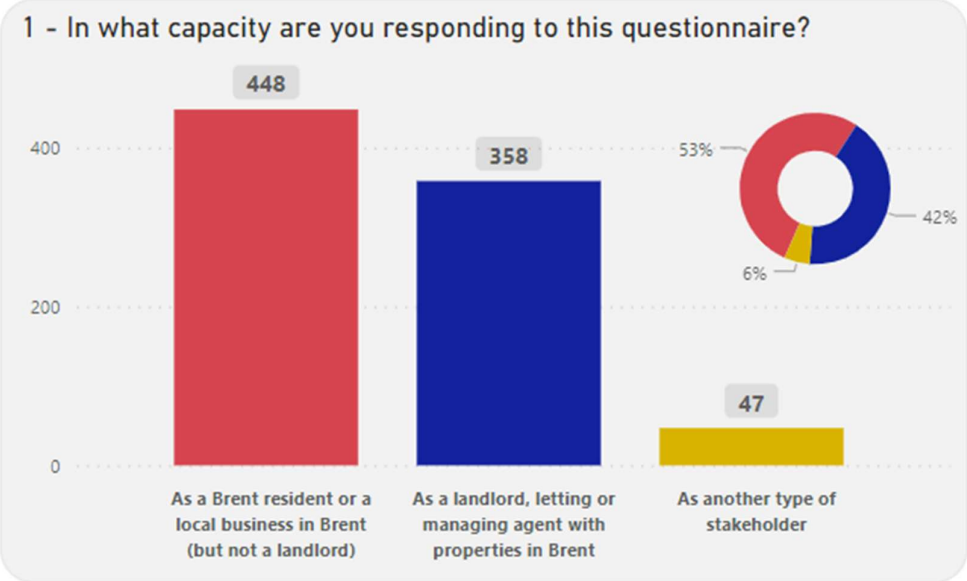
The council accepted feedback on the proposed licensing schemes by email or written response. The feedback in the emails received has been analysed below and the written responses received can be found in the appendices.

Consultation Survey Results

This section of the report presents the results from the consultation survey. There were 853 responses to the consultation survey.
In the following analysis, the percentages are based on the answers to the question and will state where less than the total 853 respondents answered the question.

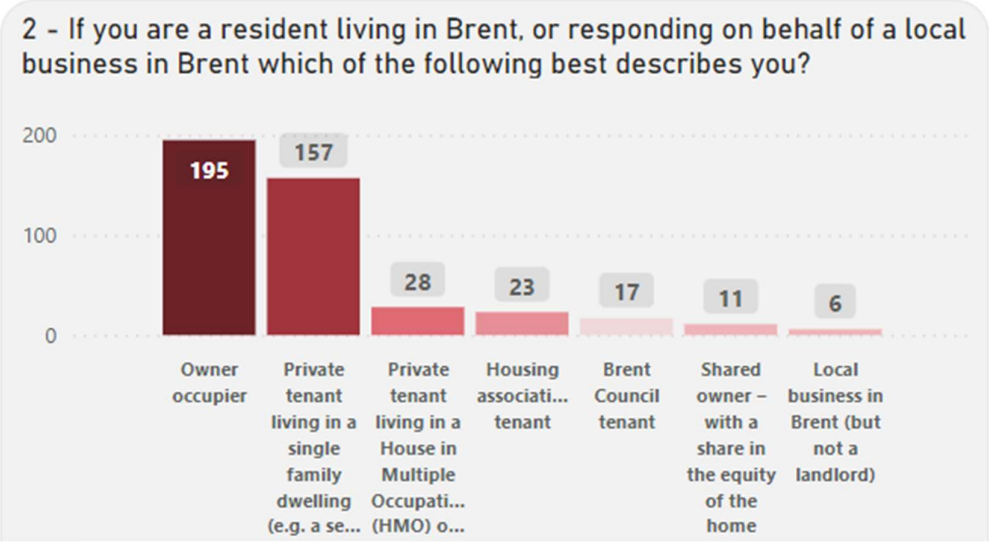
Overall Consultation Response

Respondents to the consultation were categorised into the following stakeholder groups.



Respondents who stated they were a Brent resident or local business, or a landlord, letting or managing agent were then asked which description would best describe them.

Of the 448 residents and local businesses who responded, 195 (44%) said they were an owner occupier and 157 (35%) said they were private tenants living in a single family dwelling.

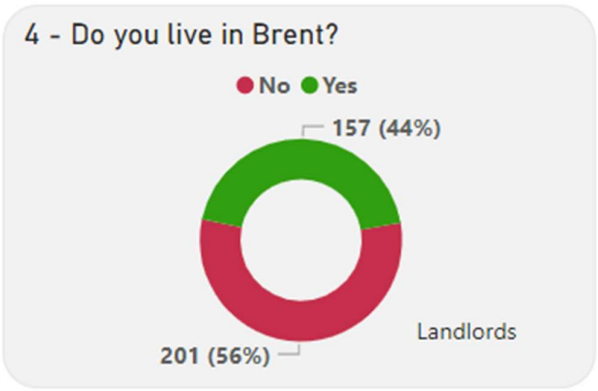


Of the 358 landlords, letting or managing agents who responded, 213 (59%) said they were a landlord who manages their own property, and 121 (34%) said they were a landlord who uses a managing agent.



The range of respondents to the consultation show a good representation of views from different stakeholder groups.

Landlords, letting or managing agents who responded to the consultation were asked if they lived in the London Borough of Brent. Of the 358 landlords, letting or managing agents who responded, 157 (44%) said they lived in Brent, and 201 (56%) said they lived outside of Brent.



These results clearly indicate that the consultation reached landlords both in and outside the borough.

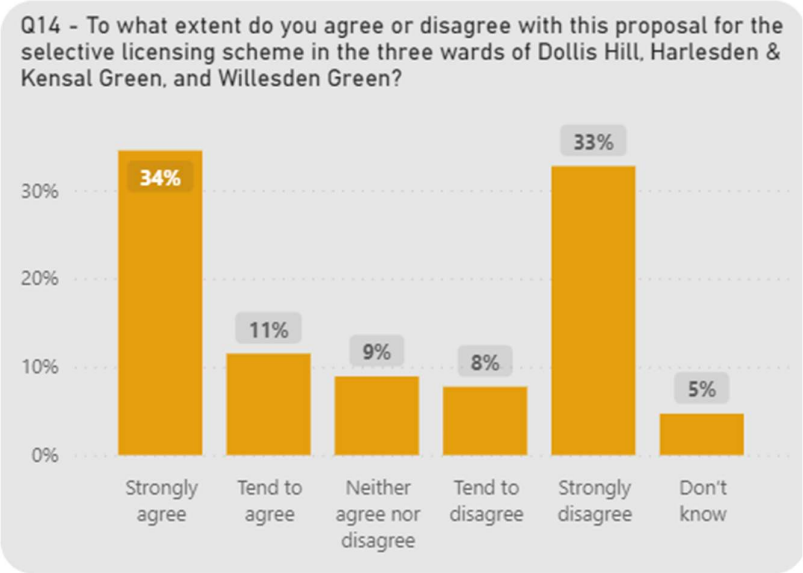
Views on the proposed licensing scheme for designation 1

The council is proposing to introduce two selective licensing designations which would apply to privately rented homes across 21 wards. To understand the views on the two designations, respondents were asked about the two designations separately. This section covers the responses regarding the proposed selective licensing scheme in designation 1, which would apply to the following three wards, Dollis Hill, Harlesden & Kensal Green and Willesden

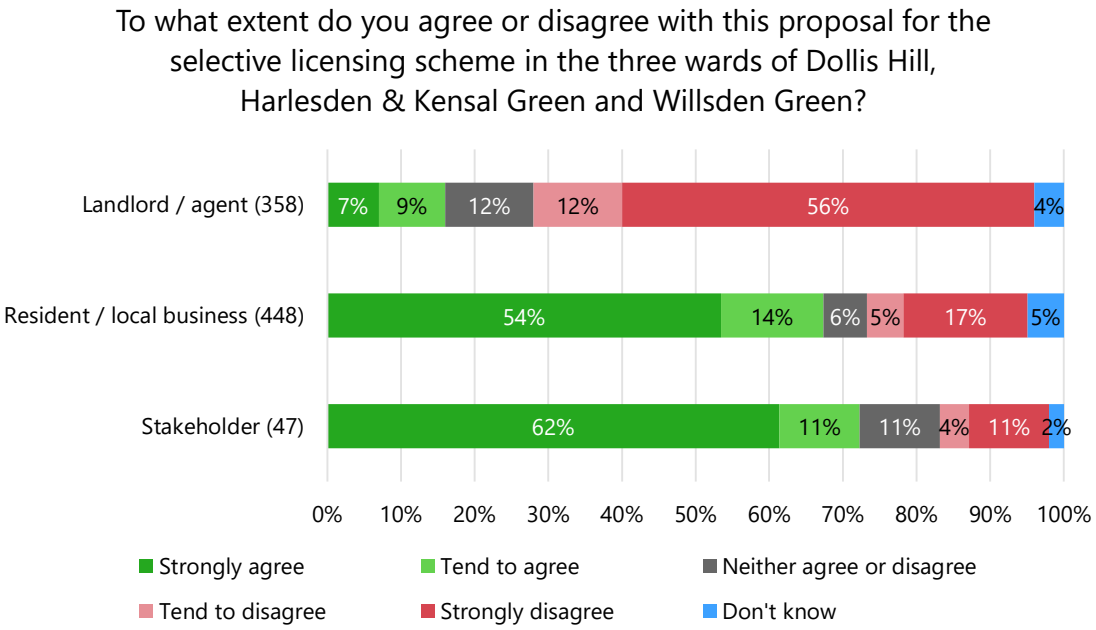
Green based on the criteria of poor property conditions and very high repeat antisocial behaviour (ASB).

The overall majority, around 45% of respondents, agree with the proposal for selective licensing in designation 1 and around 41% disagree.

All respondents (853) to the online consultation answered this question.



Looking at the responses by group, residents / local business and other stakeholders are in favour of the proposals with over 65% of each group agreeing. Landlords are opposed to the proposals with over 65% disagreeing.



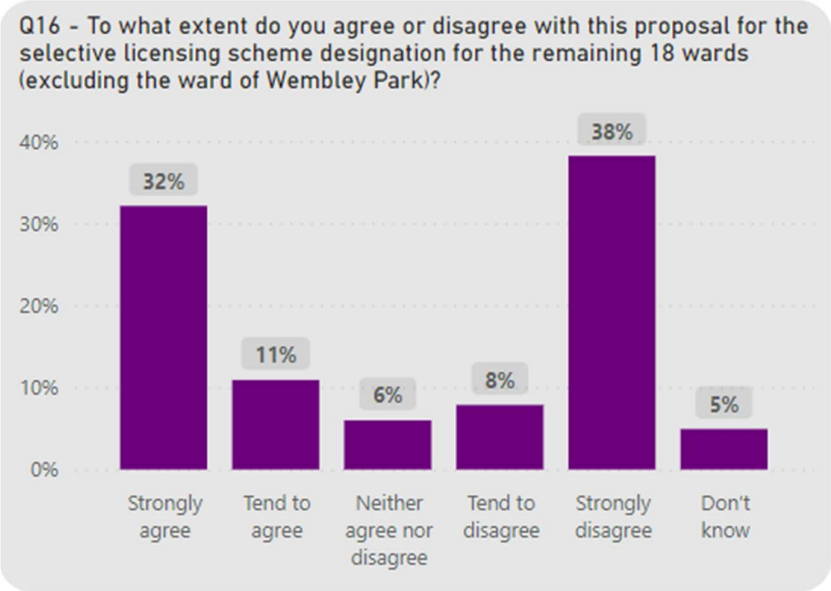
Views on the proposed licensing scheme for designation 2

The council is proposing to introduce two selective licensing schemes which would apply to privately rented homes across 21 wards. To understand the views on the two designations, respondents were asked about the two schemes separately. This section covers the responses regarding the proposed selective licensing scheme in designation 2, which would apply to the following 18 wards based on the criteria of poor property conditions:

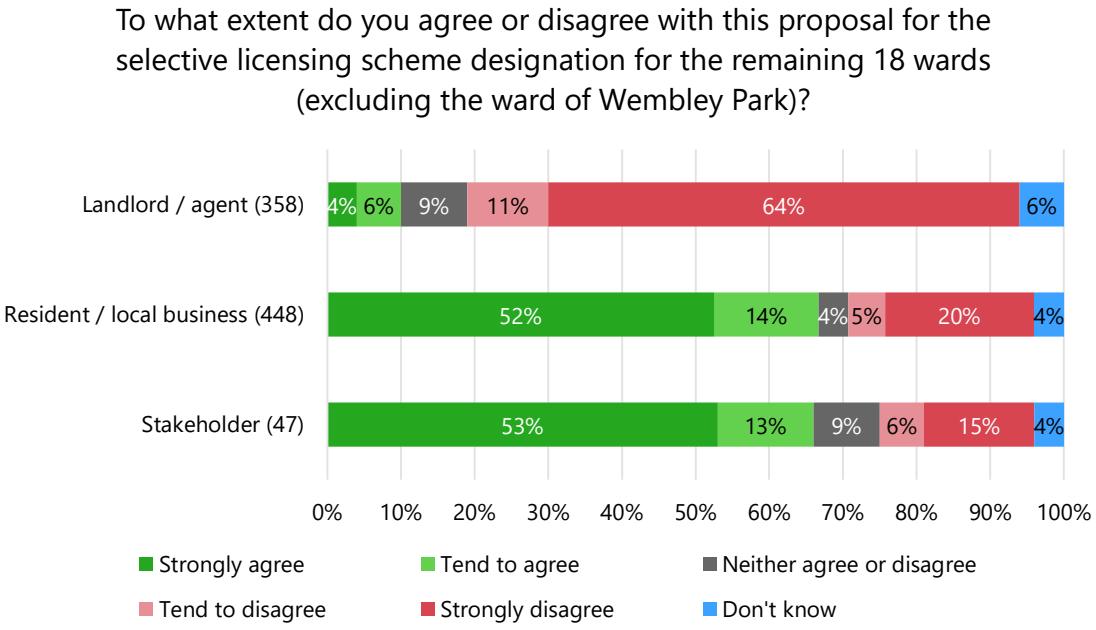
- Alperton
- Barnhill
- Brondesbury Park
- Cricklewood & Mapesbury
- Kenton
- Kilburn
- Kingsbury
- Northwick Park
- Preston
- Queens Park
- Queensbury
- Roundwood
- Stonebridge
- Sudbury
- Tokyngton
- Welsh Harp
- Wembley Central
- Wembley Hill

The overall majority, around 46% of respondents, disagree with the proposal for selective licensing in designation 2 and around 43% agree.

All respondents (853) to the online consultation answered this question.



Looking at the responses by group, residents / local business and other stakeholders are in favour of the proposals with over 65% of each group agreeing. Landlords are opposed to the proposals with around 75% disagreeing.

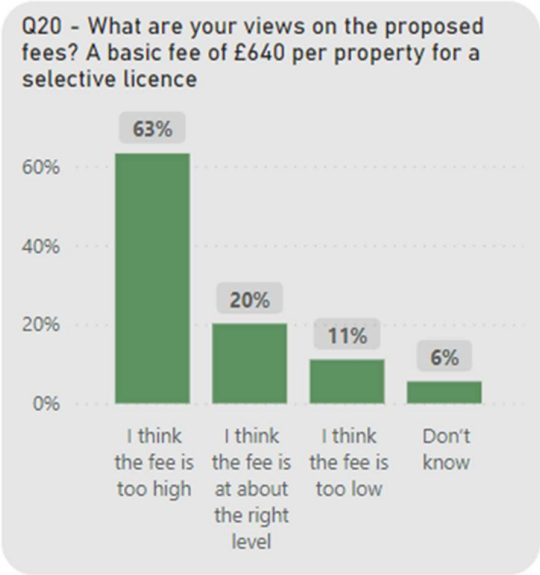


Views on the proposed licensing scheme fees

The consultation asked respondents for their views on the proposed licence fees for the proposed selective licensing scheme. Information about the proposed licence fees was provided within the consultation documents.

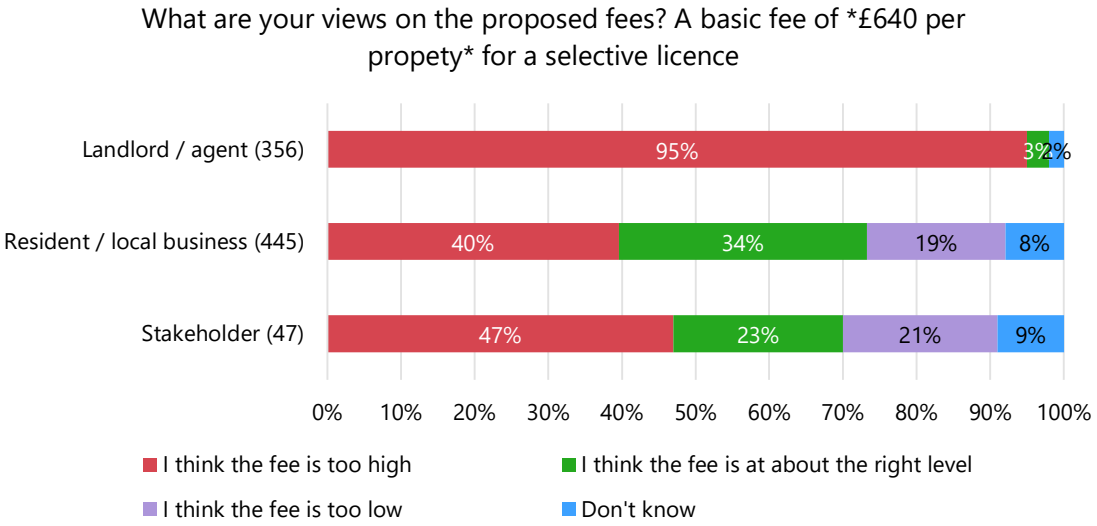
Respondents were asked how reasonable they feel the proposed selective licence fee of £640 for a five-year licence is.

The overall majority of respondents, 63% said that they thought that the fee is too high. 848 respondents to the online consultation answered this question.



Looking at the responses by group, 356 landlords/ agents, 445 residents / local business and 47 other stakeholders answered the question.

Residents / local businesses and other stakeholders had a more mixed view of the fee, with 40% and 47% respectively saying that the fee was too high. However, 53% of residents/local business and 44% of other stakeholders said the fee was about the right level or too low. Landlords / agents had a more consistent view, with 95% saying that the fee was too high.



Free Text Comments

The free text comments for the questions asking respondents to explain if they disagreed with the proposed licence schemes, and if they had any further comments were analysed. The analysis looked at the responses by stakeholder type.

Landlords/agents

For landlords / agents, the top reason given for negative responses is the perception that PRS licensing is a money-making scheme for Brent Council. Over a quarter of negative comments from landlords focused on this subject area. This reflects a general sense of cynicism about Brent Council. For instance, respondents question what the council is doing with the money from the scheme. There also are some requests to see the data and calculations that the fees are based on.

- *"This is just another 'cash grab' introduced to rinse landlords' pockets as much as possible."*
- *"I believe Selective Licensing is nothing more than a cash collecting scheme for Brent Council."*
- *"I feel it is another money grabbing exercise, not to help the landlord or tenant."*
- *"I paid the fee and have seen nothing from the council. No checks, no property inspection."*
- *"Prove with facts that the last scheme from 2015 achieved anything. I haven't seen any data."*

In regards to the concerns raised by landlords, the next most important issues with PRS licensing are that 1) extra costs incurred by landlords will lead to higher rents, and 2) the PRS scheme treats both responsible and rogue landlords in the same way. Both these notions received around a fifth of negative comments from landlords.

- *"As I stated in the previous page, any cost to landlords is passed to the end users, who are tenants."*
- *"Unnecessary burden on the landlord which WILL be passed onto tenants."*
- *"Deal with problem landlords and not have one size fits all policy and be more flexible with responsible landlords."*
- *"The licensing scheme does nothing for decent landlords."*

Lastly, landlords also expressed some concern that PRS fees would incentivise them to sell their properties, resulting in reduced housing stock in Brent as a whole. While, as with residents, concerns over lack of enforcement were also mentioned as some landlords felt that current legislation is already robust enough and more bureaucracy isn't needed.

- *"The higher the fees are the more landlords will just quit the market."*
- *"If the fee gets too high the landlords will leave the borough."*
- *"I would only be in favour of selective licensing in Brent if I really thought it targeted rogue landlords and had the resources to be properly enforced."*
- *"Anything a selective license is likely to add is already covered by existing procedures and services."*

Residents/ local businesses

For residents, the top reason for negative responses is the perception that PRS licensing will increase rents. Almost a third of negative comments from residents mentioned this.

- *"Licensing only has the effect of pushing up rents and property prices."*
- *"You will push landlords out of renting resulting in fewer properties which will result in higher rents."*
- *"I don't believe it's time to do more licensing which in the end will be reflected in the tenant's rent."*

Next comes the idea that PRS licensing is a money making scheme for Brent. Over 20% of resident comments mentioned this.

- *"Kensal does not have an anti-social problem and I view this as a method of raising more funds in an illegitimate manner."*
- *"Licences are purely being introduced to raise revenue for the Council."*
- *"Licensing appears to be a money-making scheme for Brent."*

Other notable themes were lack of enforcement and the idea that PRS licensing treats good and bad landlords in the same way.

- *"A difference will only be made if they are properly enforced."*
- *"Be careful not to price good landlords out of Brent. Good landlords have a much lower profit margin. Bad landlords charge us tenants the same rent but with much worse upkeep and responsiveness to repairs."*

Other stakeholders

The most notable sentiment among stakeholders is that PRS licensing is unnecessary, providing no benefit to those involved. A third of stakeholder comments related to this.

- *"I don't see any benefit."*
- *"No need for it."*

Other themes that appear important to stakeholders are that licensing will lead to higher rents and that it is a money-making scheme for Brent.

- *"Licensing is not necessary, it is just a money making exercise."*
- *"A blanket rule of selective licensing for every PRS property will increase the cost for landlords therefore the rent will go up which is already high, this can lead to homelessness."*

Alternative Solutions

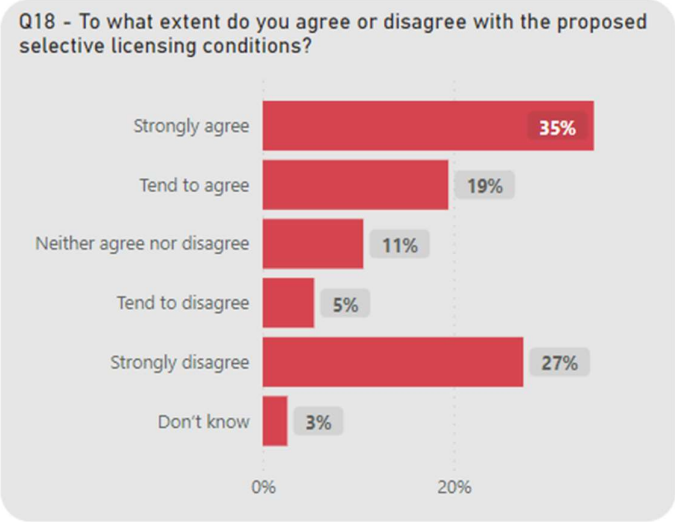
Many of the respondents had suggestions about how to improve the scheme and the private rented sector in Brent in general. These focused on three main areas:

- Lowering the licensing fee
- Better enforcement of current legislation
- The council should increase its own housebuilding

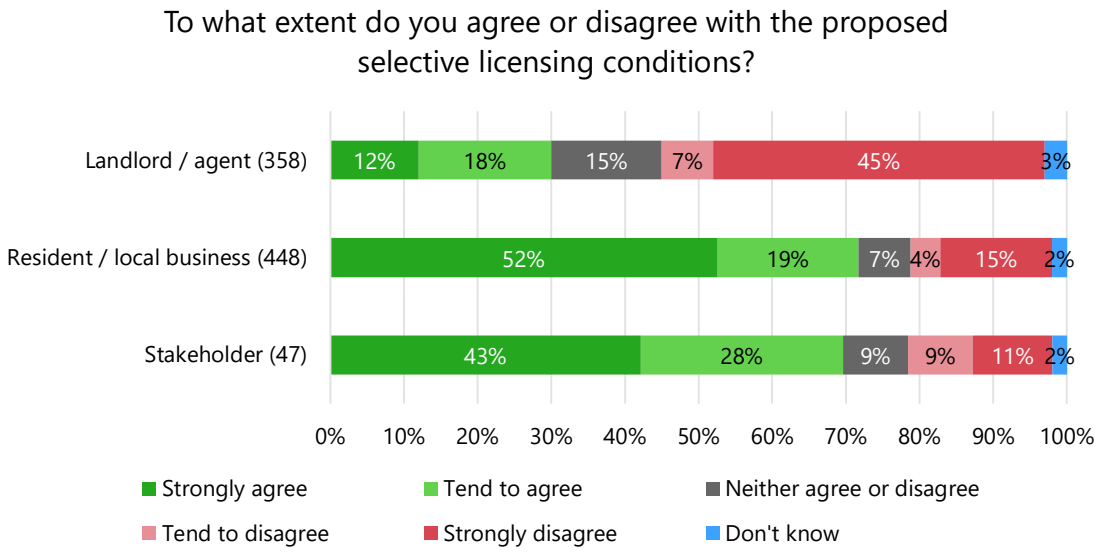
Views on the proposed licensing scheme conditions

The consultation asked respondents for their views on the proposed set of licence conditions. Information about the licence conditions was provided within the consultation documents.

The overall majority of respondents (54%) agreed with the proposed licence conditions. All respondents (853) to the online consultation answered this question.



Looking at the responses by group, residents / local businesses and other stakeholders are in favour, with over 70% of each group agreeing. Landlords are opposed, with 52% disagreeing with the proposed licence conditions.



Comments regarding the licence conditions

The free text comments for the questions asking respondents to explain why they disagreed with the proposed licence conditions were analysed. The analysis looked at the responses by stakeholder type.

Landlords / agents

For landlords / agents, the most common theme in the comments regarding the licence conditions is that the conditions are already covered by existing law, and therefore questioning the value of the proposed scheme:

- *"All of these issues are already addressed by law and by competent landlords who also require them for building insurance. Brent is adding nothing by requesting what is already being complied with."*
- *"All the conditions are already mandatory under Landlords and Tenants legislation. Putting this in a licensing is nothing more than check tick exercise. The license simply does not add value"*
- *"Most of these conditions are covered by law anyway and should be followed but I do not agree selective licencing is the way to do this"*
- *"Some of the conditions are already mandatory. there is no need for more paperwork and red tape. tenants are free to move on if conditions are unsuitable."*
- *"These are basic requirements which most responsible landlords do anyway. Making them for a licence in addition to this is unnecessary."*
- *"These are covered by Law in any case we don't need repetitive work by Brent on this"*

Landlords also expressed a view that good landlords will already be meeting these conditions:

- *"They are all things a responsible landlord already does, by Law. The council do not require any further fees to chase down those that do not comply"*
- *"All the conditions listed (gas appliance safety cert, electrical safety cert, How to Rent booklet, references, and so on are things a good landlord does anyway, and he/she should not need to pay the council for a licence for something they already do. Why not canvass individual tenants asking about their personal tenancies then target the bad landlords that way?"*

A theme in landlord responses, and in all other stakeholder responses, was opposition to the licence condition requiring references from tenants:

- *"Landlords can vet their own tenants and shouldn't be forced to obtain references and council should not be able to have this much control on properties"*
- *"many Brent tenants do not have any persons who could provide honest references for their renting, even when they are existing/previous Brent council tenants!"*

Another theme was that licensing would cause rents to increase and that it is a money-making scheme for the council, and that the fee is too expensive.

- *"It is just going through the motions and a way for the council to make money."*

- *"as before, not fair on tenants. increased costs for landlords will always be passed to tenants in higher rents. this is unfortunate for tenants."*
- *"I agree to the standards but not the high fee that the council requires for doing nothing."*

Lastly, landlords felt that the council should be doing more to support landlords and that tenants also have responsibilities as well:

- *"Other than the costly eviction route that can take up to 12 months through the courts - what support does a landlord have when the tenant does not look after the furniture or comply with the terms of the occupation? As it stands the tenant can in many ways trip up the landlord on technicalities which prevents the landlord seeking justice though the courts. The landlord can also do with free legal support as the tenant currently does - justice shouldnt be one sided!"*
- *"Landlords should not shoulder all responsibility, tenants must do their part as well"*

Residents / local businesses

Similarly to the responses from landlords / agents, the most common theme was that the licence conditions are covered by existing law:

- *"Aren't this already legal requirements?"*
- *"The conditions set out are already legal conditions applicable to any rental houses"*
- *"These are generally already required under a standard lease. This scheme does not provide additional requirements"*
- *"These are standard conditions which landlords already have to meet in order to let a property."*

Residents / local businesses also stated that they thought licensing would cause rents to increase:

- *"Just adding further layers of cost, which will increase rents for tenants. You will end up with a borough with little or no rental accommodation available within the next five years."*
- *"Reduce rental stock and push up rent prices"*

Other themes were that there should be more conditions and opposition to the condition requiring references from tenants:

- *"How about having to provide the right number of bins? Telling the truth about the number of people? Having the right number of people relative to rooms and bathrooms in-line with Building Regulations? Insulating the property to a minimum level? Proving they have a cleaning contract for properties in multiple occupation, when tenants tend to not do anything?"*
- *"There ought to be greater regulation on people proposing to be landlords I.e that they are indeed a "fit and proper" person, are responsible, have the means and capability of maintaining a property and the basic understanding and respect that the property is another a tenant's home"*

- *"They do not go strong enough - some of these landlords own hundreds of properties and businesses in the borough and they should have a duty of care to ensure their properties are well maintained, clean and tidy inside and out and that their tenant do not undertake ASB"*
- *"I don't agree with the final condition of references. It's an unfair ask on tenants who might face barriers in securing a reference that is deemed acceptable, and might lead to forms of discrimination. While the conditions for selective license puts some onus on landlords, they aren't required to provide proof of being an otherwise good landlord, so tenants shouldn't be asked either."*

Other stakeholders

The most consistent comment from stakeholders was that they disagreed with the licence condition relating to licence holders asking for references from tenants:

- "*References are a further obstacle to prospective tenants which disproportionately affects lower income families"*
- *"The requirement for persons wishing to occupy a dwelling to supply references makes it extremely difficult/impossible for people with no history of renting in England to live anywhere but 'the shadow PRS' as landlords will invariably demand a reference from a previous landlord. For those who have recently arrived in England, it is extremely difficult/impossible to negotiate an alternative referee because those people are not familiar enough with local law to know that landlords are not obliged to provide a reference so landlords cannot be specific about the source of any reference. But in any event, in practice, such a requirement leaves those newly-arrived unable to access licensed property."*

Other themes that appeared in the comments from stakeholders are that the conditions are already law and concerns about the implementation of the scheme:

- "*All the conditions included to obtain a selective licencing are already law (such gas safety etc) so why you need a separate licence. If you need to see safety documents create a central database where landlords can upload themselves. This shouldn't cost much and doesn't require admin teams to administrate the licencing scheme like how its done now. Council can check the landlords on database for up to date documents where necessary."*
- *"Do not disagree however have doubts regarding if it is going to be executed properly"*

Views on issues in the Brent

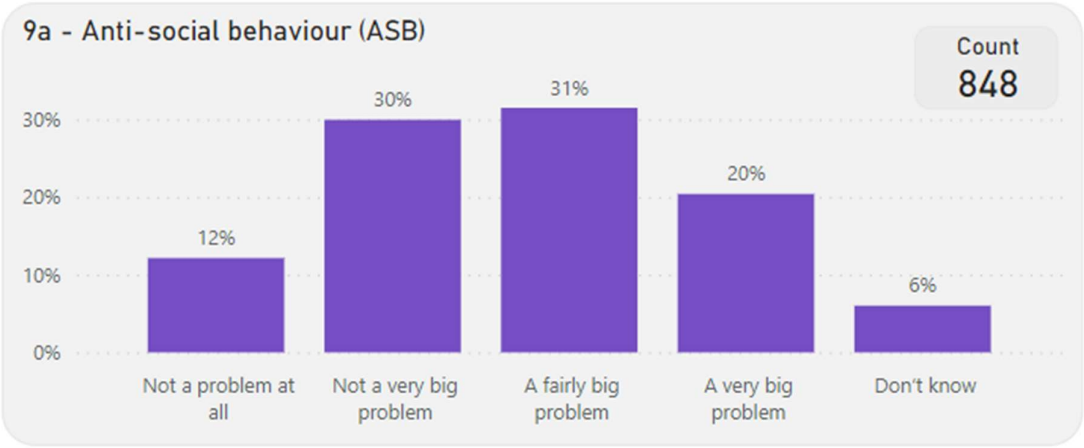
Respondents to the survey were asked their opinion of issues relating to poor property conditions, ASB and deprivation in private rented properties in the borough.

Respondents were asked to what extent they believed that anti-social behaviour, poor property conditions and deprivation are problems in their local area of Brent.

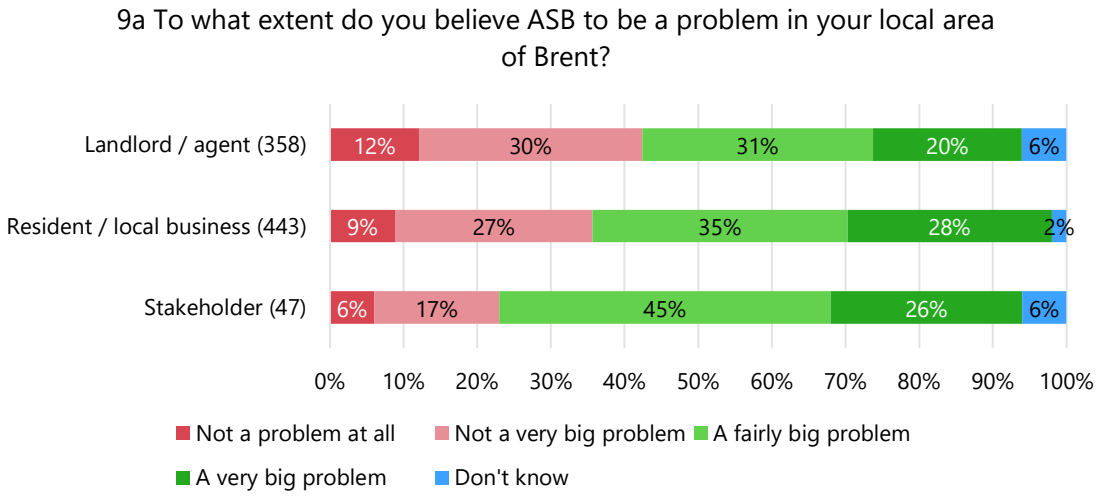
For each question the number of responses is shown as 'count' for the total responses, and in brackets against each stakeholder type.

Anti-social behaviour

51% of respondents thought that ASB was a very big or fairly big problem as opposed to 42% who thought it was not a problem at all or not a very big problem.

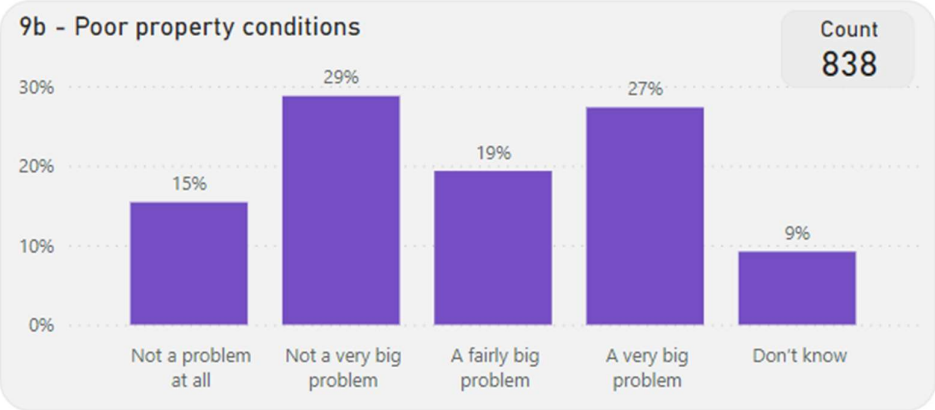


Looking at the responses by group, over 50% of all respondent groups think that ASB is a fairly big or very big problem in their area.

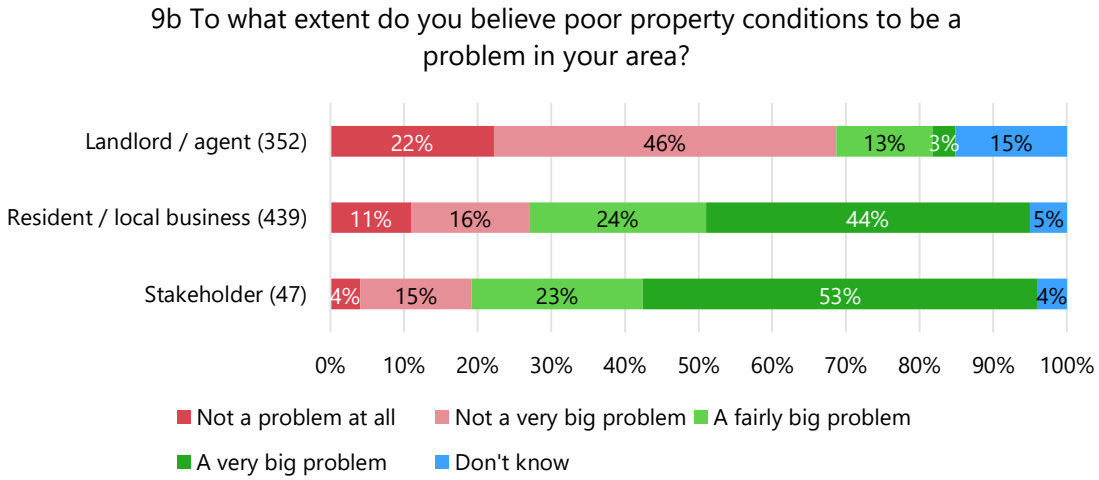


Poor property conditions

For poor property conditions, the majority of responses stated that they thought that poor property conditions are not a very big problem (29%) or a very big problem (27%).

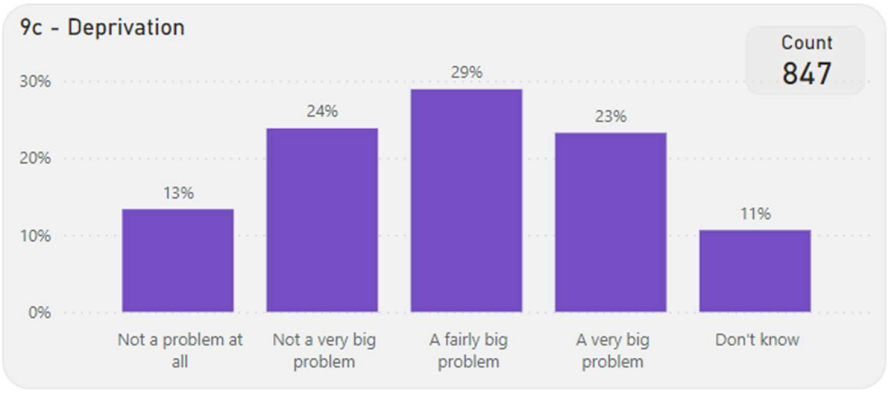


Looking at the responses by group, residents / local businesses and other stakeholders think that poor property conditions are a fairly big or very big issue (over 65% of each group). Landlords / agents think it is not a problem at all or not a very big problem.

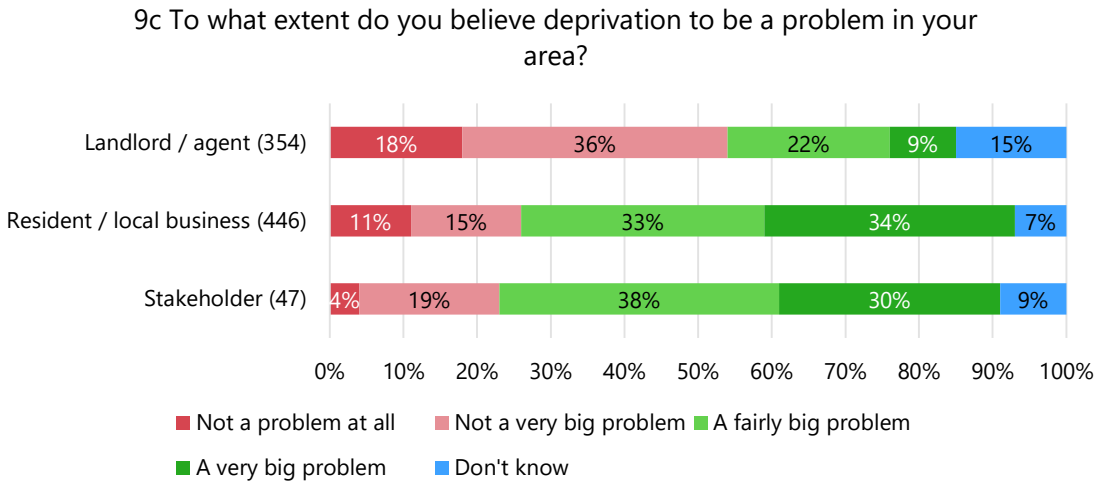


Deprivation

For deprivation, the largest proportion of respondents (29%) responded that deprivation is a fairly big problem.



Looking at the responses by group, residents / local businesses and other stakeholders think that deprivation is a fairly big or very big issue (over 65% of each group). Landlords / agents think it is not a problem at all or not a very big problem (54%).



Views on the private rented sector in Brent

Respondents were also asked about their views on the private rented sector in Brent.

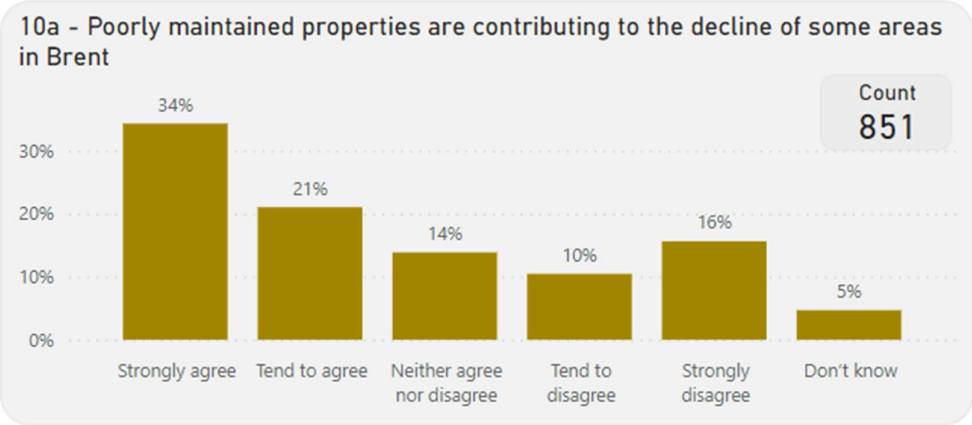
Poorly maintained and poorly managed properties

Respondents were asked to what extent they agreed that poorly maintained properties and poorly managed properties are contributing to the decline in some areas in Brent.

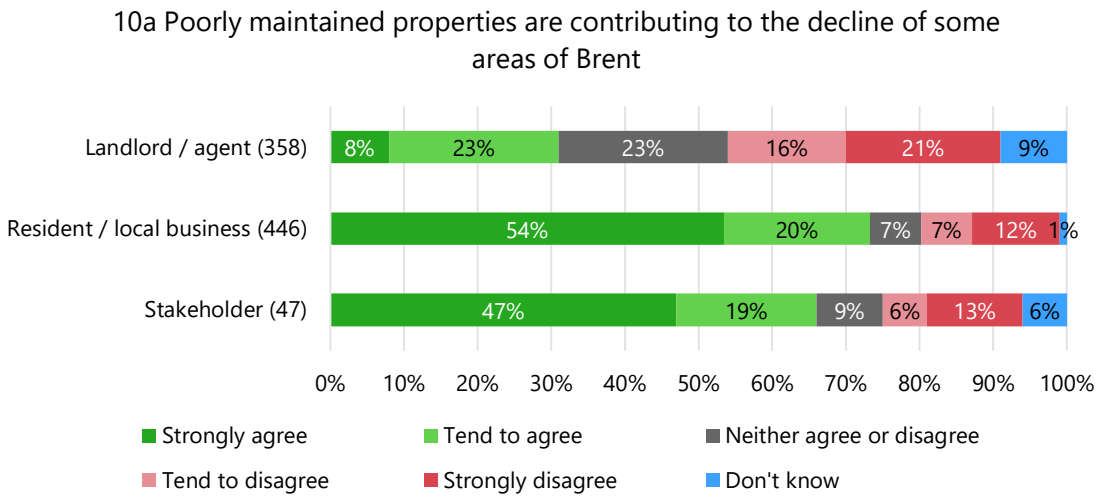
For each question the number of responses is shown as 'count' for the total responses, and in brackets against each stakeholder type.

Poorly maintained properties

When asked about poorly maintained properties contributing to the decline of some areas in Brent, the largest proportion of respondents (34%) strongly agreed.

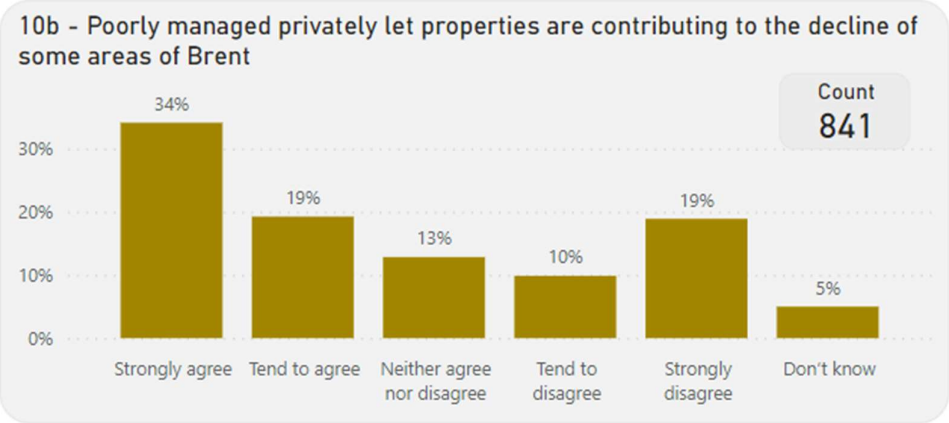


Looking at the responses by group, residents / local business and other stakeholders strongly agree that poorly maintained properties are contributing to the decline of some areas in Brent. The response from landlords is more evenly spread, with 23% responding with tend to agree and neither agree or disagree, and 21% strongly disagreeing.

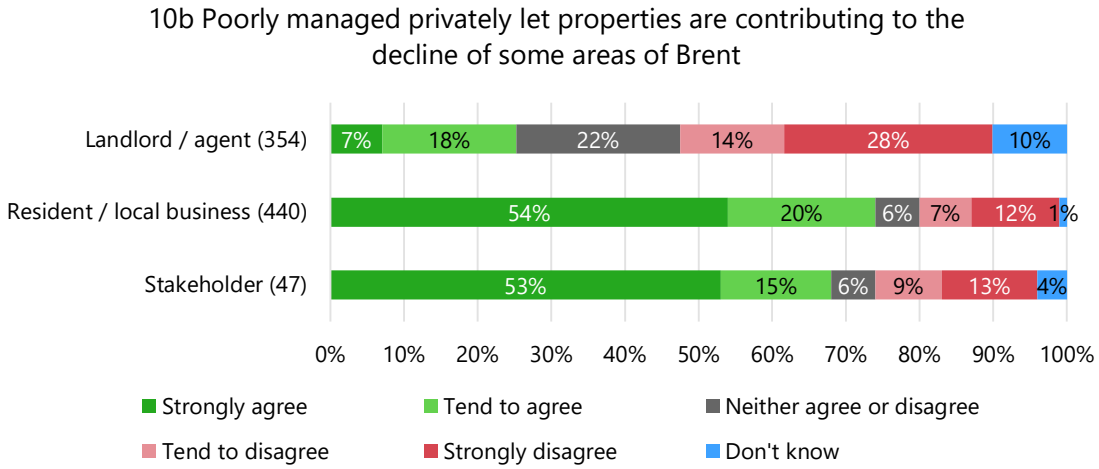


Poorly managed properties

When asked about poorly managed privately let properties contributing to the decline of some areas in Brent, the largest proportion of respondents (34%) strongly agreed.



Looking at the responses by group, residents / local business and other stakeholders strongly agree that poorly maintained properties are contributing to the decline of some areas in Brent. The response from landlords is more evenly spread, but the largest portion of respondents (28%) strongly disagree.



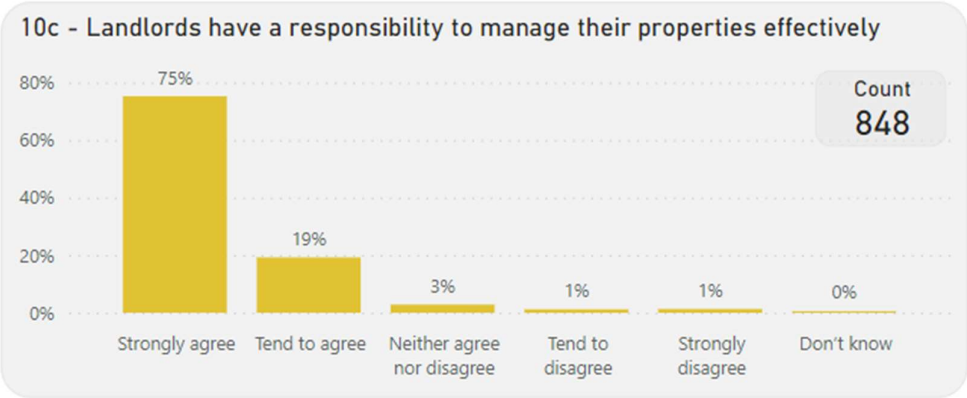
Landlord responsibility and 'fit and proper' persons

Respondents were asked to what extent they agreed that landlords have a responsibility to manage their properties properly, and that to help with the management of privately let properties in the borough, landlords should be 'fit and proper' persons.

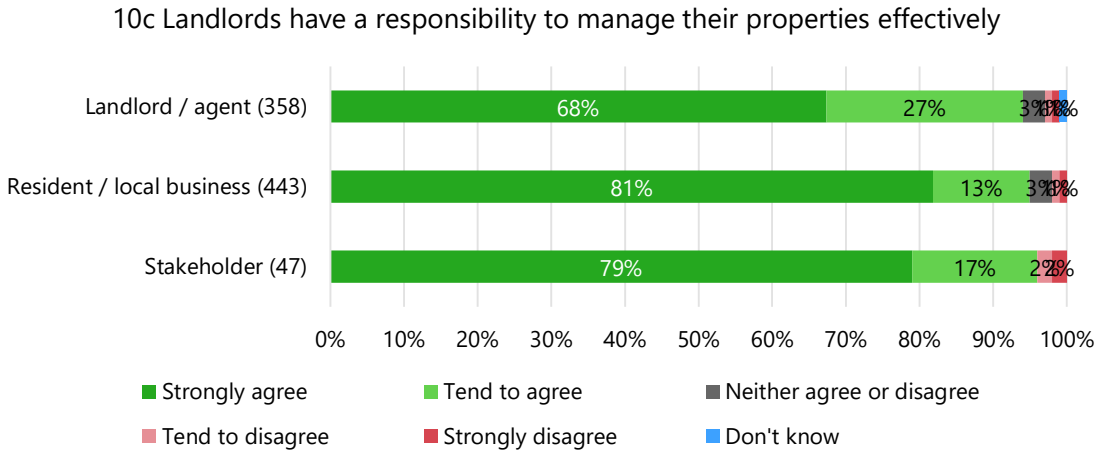
For each question the number of responses is shown as 'count' for the total responses, and in brackets against each stakeholder type.

Landlord responsibility

When asked if landlords have a responsibility to manage their properties effectively, the largest proportion of respondents (75%) strongly agreed.

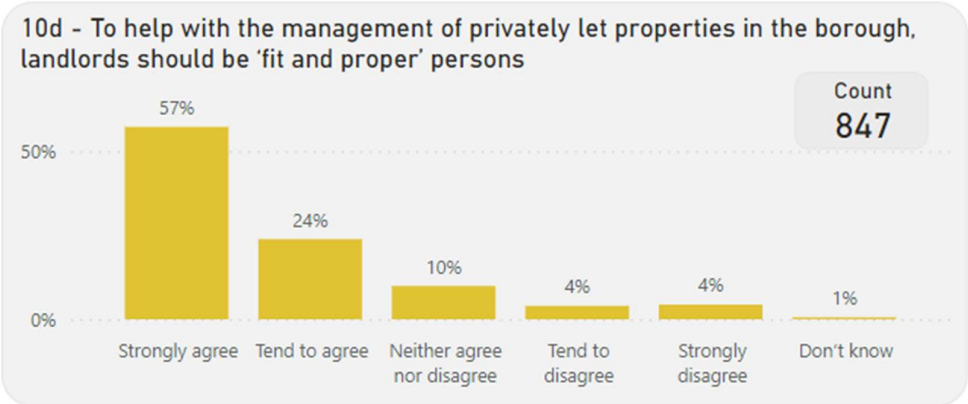


Looking at the responses by group, there is consistent strong agreement from each stakeholder group.

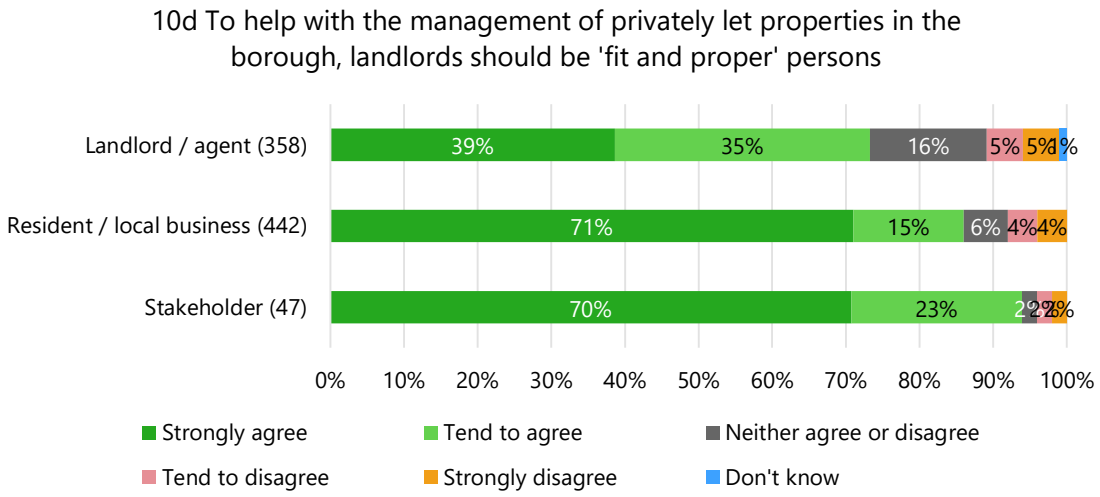


'Fit and proper' person

When asked if to help with the management of privately let properties in the borough, landlords should be 'fit and proper' persons, there was strong agreement (57%).



Looking at the responses by stakeholder group, the majority of each stakeholder group agreed with the statement.



Views on existing and previous selective licensing schemes in the Brent

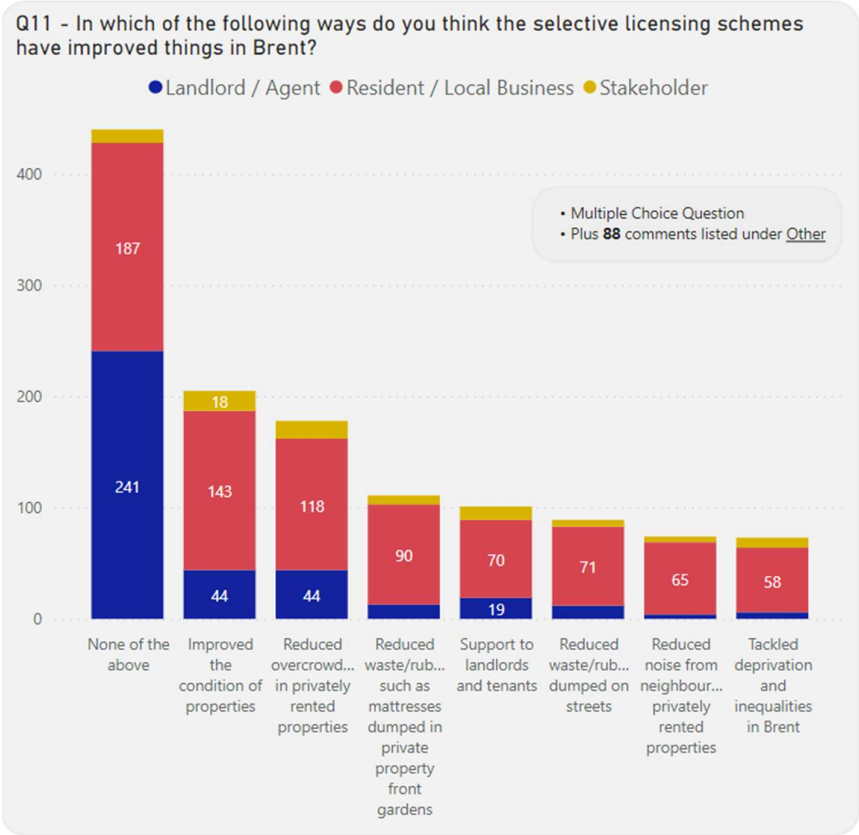
Respondents were also asked about their view on the previous and current smaller selective licensing schemes in Brent.

Views on the existing selective licensing scheme

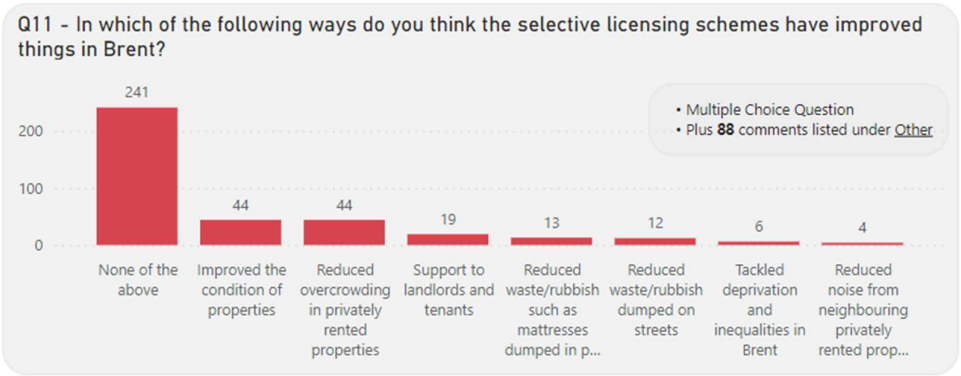
Respondents were asked if they thought that the selective licensing scheme had improved things in Brent. The question gave the following options and respondents could choose as many as they thought applied:

- Improved the condition of properties
- Reduced waste/rubbish such as mattresses dumped in private property front gardens
- Reduced waste/rubbish dumped on streets
- Reduced noise from neighbouring privately rented properties
- Reduced overcrowding in privately rented properties
- Tackled deprivation and inequalities in Brent
- Support to landlords and tenants
- Other (Please specify)
- None of the above

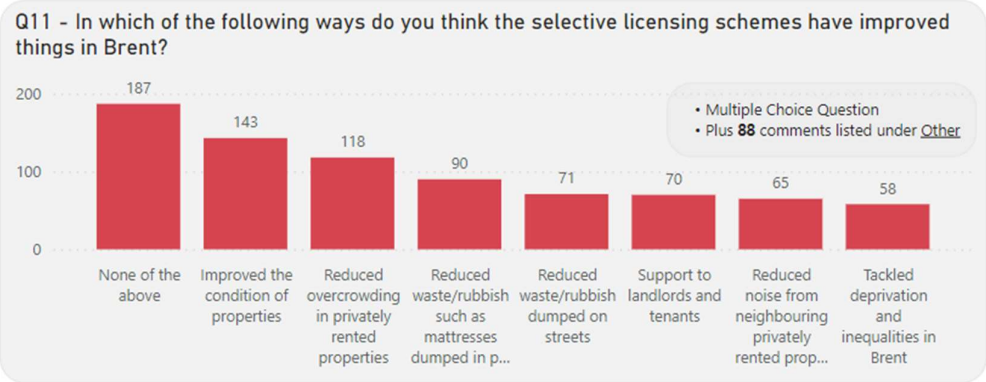
The option that received the highest number of responses was “none of the above”.



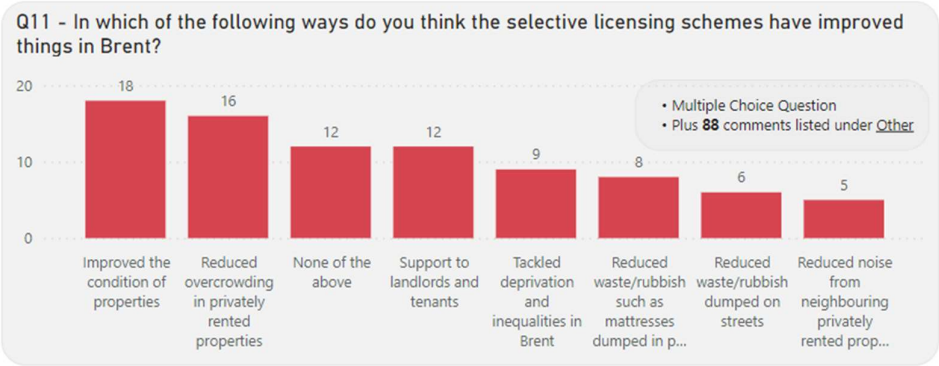
Looking at the responses by group, landlords / agents had the largest response for "none of the above", with comparatively very few other responses.



Residents / local businesses also gave the highest number of responses to "none of the above", but there were also a high number of responses for "improved the condition of properties" and "reduced overcrowding in privately rented properties".



The highest response of other stakeholders was "improved the condition of properties" and "reduced overcrowding in privately rented properties".



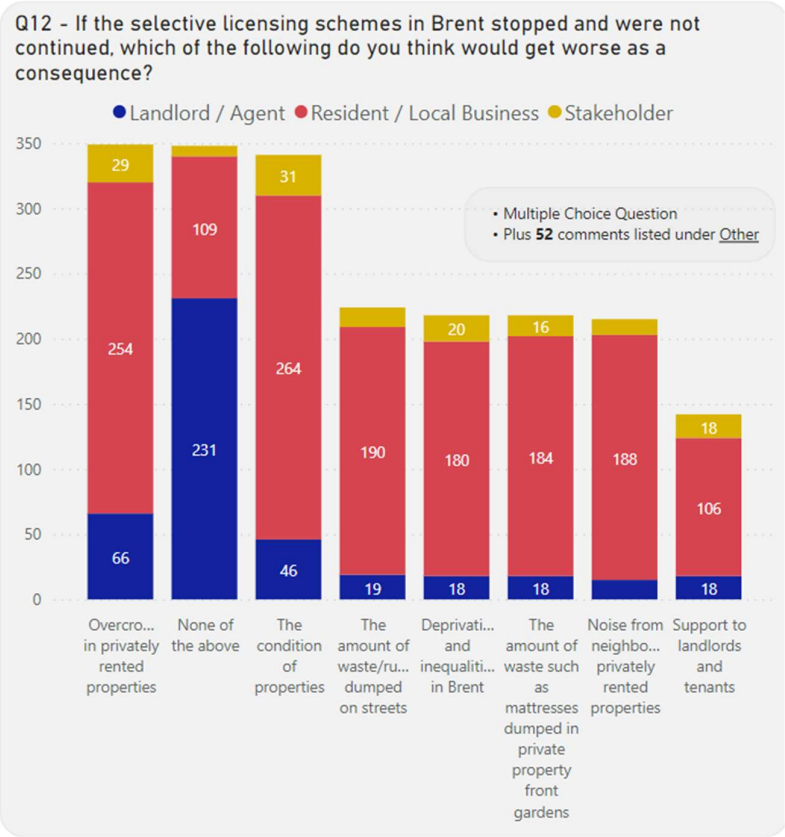
Views on the consequences of stopping the selective licensing schemes

Respondents were asked if the selective licensing schemes in Brent stopped and were not continued, what issues they thought would get worse as a consequence.

The question gave the following options and respondents could choose as many as they thought applied:

- The condition of properties
- The amount of waste such as mattresses dumped in private property front gardens
- The amount of waste/rubbish dumped on streets
- Noise from neighbouring privately rented properties
- Overcrowding in privately rented properties
- Deprivation and inequalities in Brent
- Support to landlords and tenants
- Other (Please specify)
- None of the above

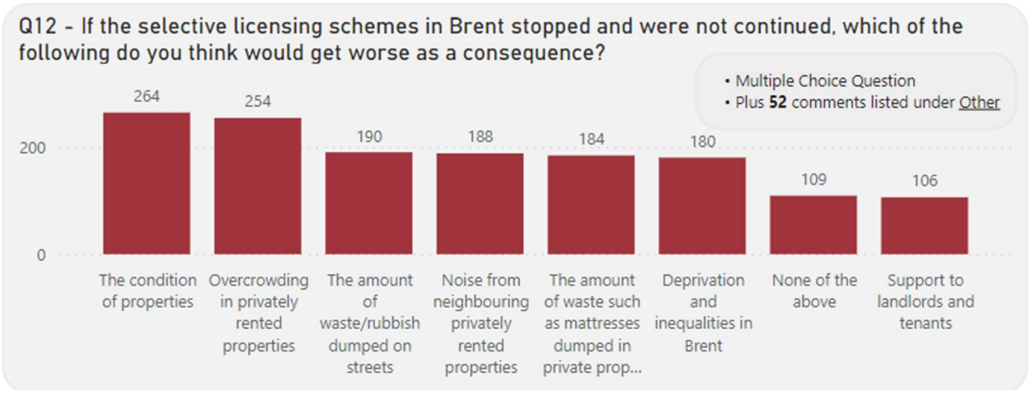
The highest number of responses were for "overcrowding in privately rented properties", "none of the above" and "the condition of properties".



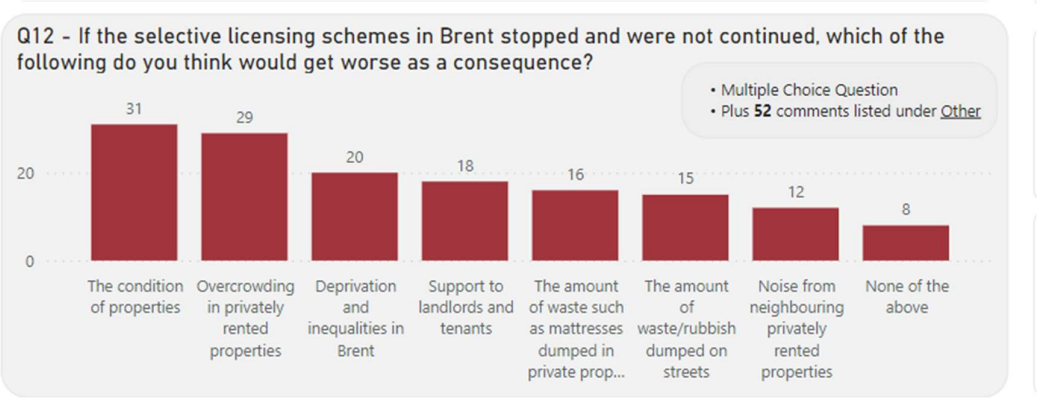
Looking at the responses by group, landlords / agents had the largest response for "none of the above", with comparatively very few other responses.



Residents / local businesses gave the highest number of responses to "the condition of properties" and "overcrowding in privately rented properties".



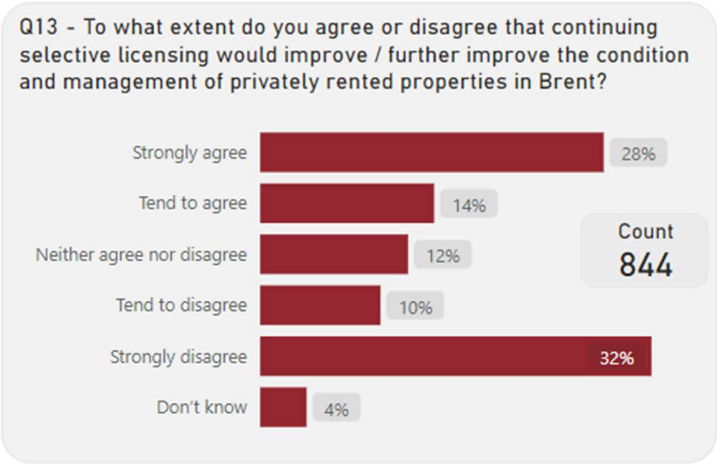
Similarly, other stakeholders also gave the highest number of responses to "the condition of properties" and "overcrowding in privately rented properties".



Views on if continuing selective licensing would improve the condition and management of privately rented properties

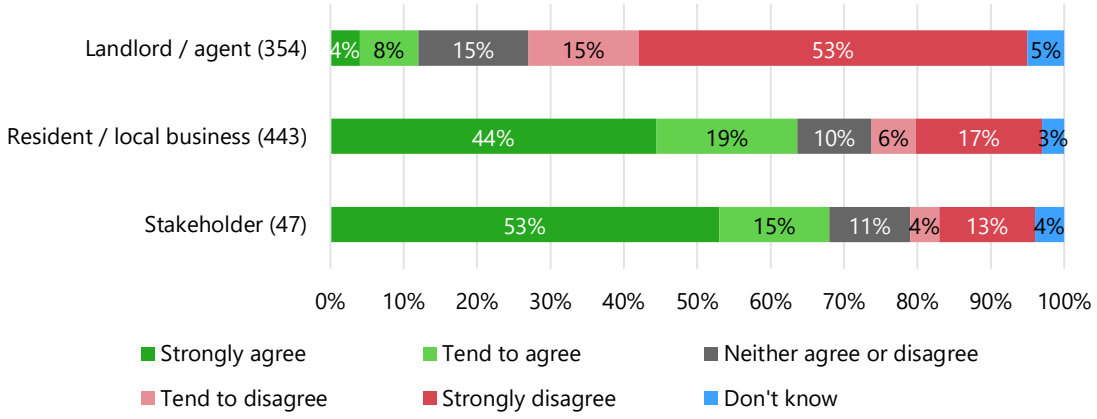
Respondents were asked the extent they agreed or disagreed that continuing selective licensing would improve / further improve the condition and management of privately rented properties in Brent.

844 respondents to the survey answered this question.



Looking at the responses by group, residents / local businesses and other stakeholder agree that continuing selective licensing would improve the condition and management of privately rented properties in Brent, whilst landlords / agents disagree.

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



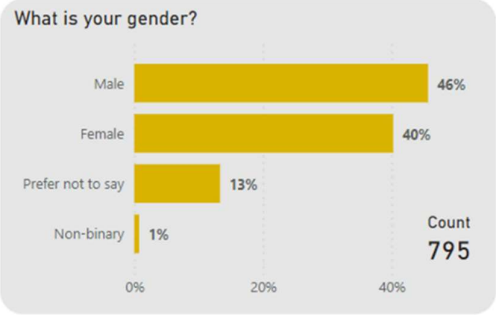
Online Survey Respondents

The respondents to the consultation survey were asked if they would give their age range, sex and their ethnic background. Their responses were compared with benchmarks for the borough.

The number of respondents to each question is shown in each graph as the "count".

Gender of respondents

Respondents were asked their gender. 93% of respondents chose to respond to this question. The highest proportion of responses were from male respondents.

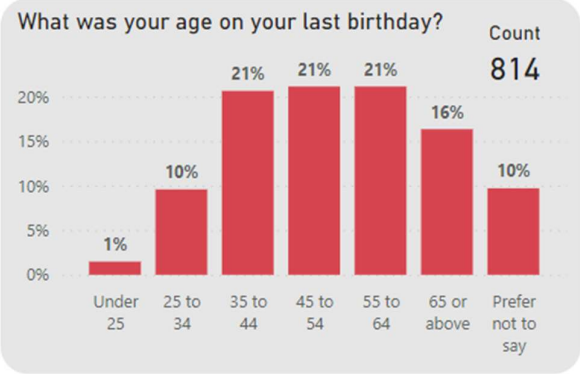


A proportion (13%) of those who answered the question gave the response of "Prefer not to say".

According to the 2021 Census, the population of Brent is 51% female and 49% male, therefore male respondents are slightly overrepresented, and female respondents are underrepresented in the consultation.

Age of respondents

Respondents were asked which age bracket they were in. 95% of respondents chose to answer this question.

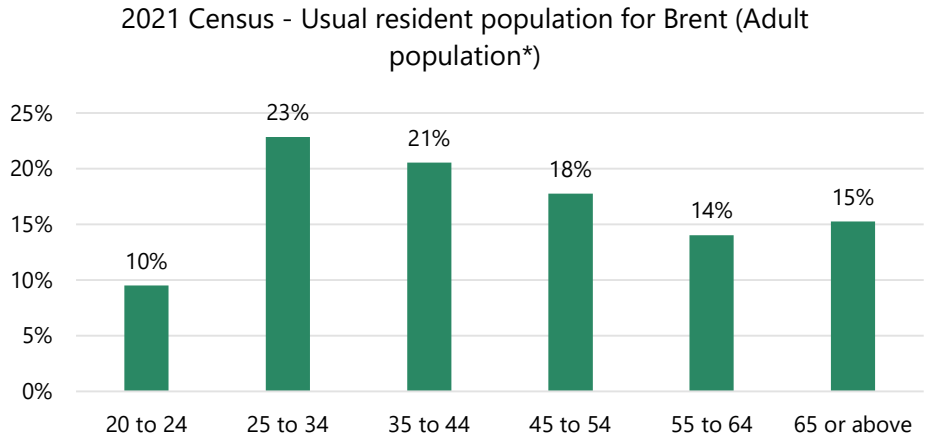


The expectation is that residents, landlords and stakeholders 18 and over were likely to respond to the consultation.

A proportion (10%) of those who answered the question gave the response of "Prefer not to say".

The age groups of 35 to 44, 45 to 55 and 55 to 64 were evenly represented by the respondents, with each group making up 21% of respondents. The age groups of 55 to 64 were overrepresented in the consultation.

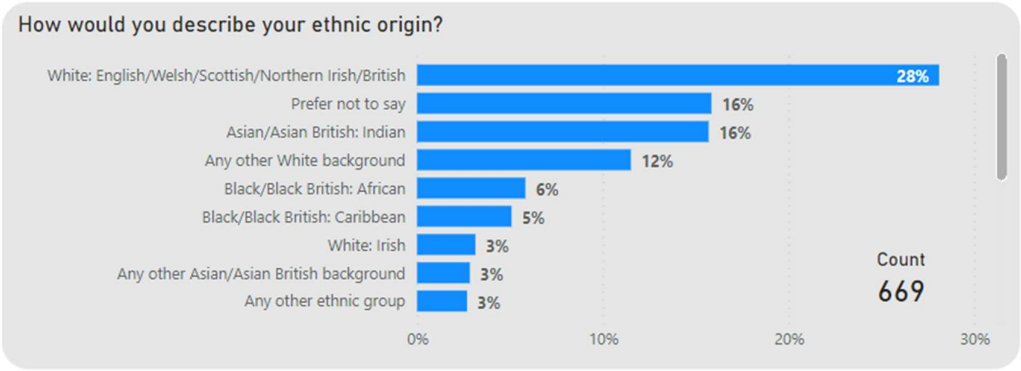
The 25 to 34 age group is underrepresented at 10% compared to the Census figure of 23% for that age group in the London Borough of Brent.



*Please note that the Census figures are the percentage of the adult population (percentage based on figures with ages 0-19 removed)

Ethnic origin of respondents

Respondents were asked "How would you describe your ethnic origin?". 669 (78%) of respondents chose to respond to this question.



31 - How would you describe your ethnic origin?	%	Count
White: English/Welsh/Scottish/Northern Irish/British	28%	188
Prefer not to say	16%	106
Asian/Asian British: Indian	16%	105
Any other White background	12%	77
Black/Black British: African	6%	39
Black/Black British: Caribbean	5%	34
White: Irish	3%	21
Any other Asian/Asian British background	3%	19
Any other ethnic group	3%	18
Asian/Asian British: Pakistani	2%	12
Any other mixed/multiple ethnic background	1%	10
Mixed: White and Black African	1%	8
Arab	1%	7
Mixed: White and Asian	1%	7
Asian/Asian British: Bangladeshi	1%	5
Asian/Asian British: Chinese	1%	5
Mixed: White and Black Caribbean	1%	5
White: Gypsy or Irish Traveller	0%	2
Any other Black/Black British background	0%	1
Total	**100%**	**669**

A notable proportion (16%) of those who answered the question gave the response of "Prefer not to say".

The 2021 Census results for Brent regarding ethnic groups are shown below:

Ethnic Group	**Percentage (2021 Census)**
Asian, Asian British or Asian Welsh: Bangladeshi	0.6
Asian, Asian British or Asian Welsh: Chinese	1.0
Asian, Asian British or Asian Welsh: Indian	19.5
Asian, Asian British or Asian Welsh: Pakistani	4.5
Asian, Asian British or Asian Welsh: Other Asian	7.2
Black, Black British, Black Welsh, Caribbean or African: African	9.1
Black, Black British, Black Welsh, Caribbean or African: Caribbean	6.3
Black, Black British, Black Welsh, Caribbean or African: Other Black	2.1
Mixed or Multiple ethnic groups: White and Asian	1.1
Mixed or Multiple ethnic groups: White and Black African	0.9
Mixed or Multiple ethnic groups: White and Black Caribbean	1.1
Mixed or Multiple ethnic groups: Other Mixed or Multiple ethnic groups	2.0
White: English, Welsh, Scottish, Northern Irish or British	15.2

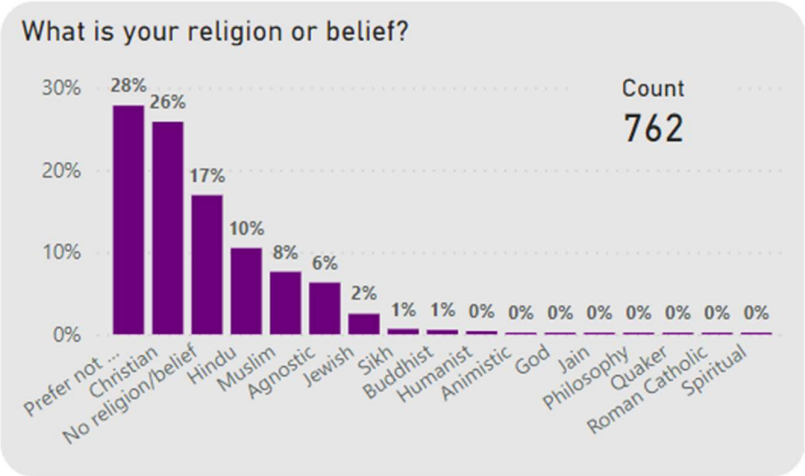
Ethnic Group	Percentage (2021 Census)
White: Irish	2.7
White: Gypsy or Irish Traveller	0.1
White: Roma	0.7
White: Other White	15.9
Other ethnic group: Arab	5.3
Other ethnic group: Any other ethnic group	4.7

The largest group were people of White British ethnic origin (28%), which is above the borough's demographic figure of 15.2%. However, any other white background (12%) is slightly under the borough figure of 15.9%. The proportion of respondents of Asian/Asian British: Indian ethnic origin (16%) is slightly below the borough figure of 19.5%.

The proportion of black / black British: African (6% of respondents vs 9.1% of the borough), black / black British: Caribbean (5% of respondents vs 6.3 of the borough), Asian / Asian British: Pakistani (2% of respondents vs 4.5% of the borough) and other Asian / Asian British background (3% of respondents vs 7.2% of the borough) are below the borough figures.

Religion and beliefs of respondents

Respondents were asked their religion or beliefs. 89% of respondents chose to answer this question. The largest proportion of respondents gave "Prefer not to say" as their response.



The 2021 Census results for Brent regarding religion or beliefs are shown below.

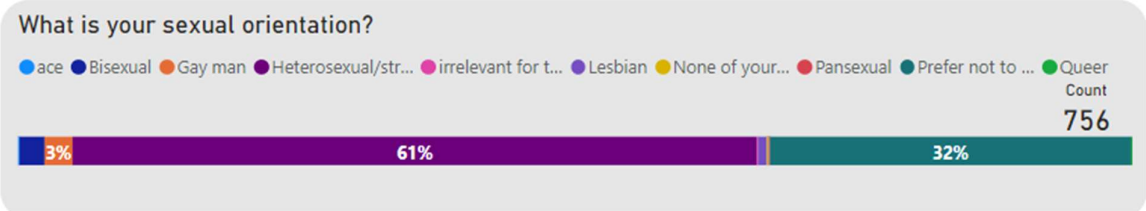
Religion or beliefs	Percentage (2021 Census)
No religion	13.6
Christian	38.8
Buddhist	0.9
Hindu	15.6

Jewish	1.1
Muslim	21.4
Sikh	0.5
Other religion	1.3
Not answered	6.9

Based on the answers of those who gave their religion or beliefs, Christians, people with no religion, Hindus and Muslims were underrepresented in the survey's respondents.

Sexual orientation of respondents

Respondents were also asked their sexual orientation. 89% of respondents chose to answer this question. The largest proportion of responses were from people who identified as heterosexual / straight. A large portion of respondents, 32%, gave the responses "prefer not to say".



For clarity, the consultation survey respondents responses were:

Sexual orientation	**Percentage (Consultation response)**
Straight or Heterosexual	61.4%
Prefer not to say	32.4%
Gay man	2.5%
Bisexual	2.2%
Lesbian	0.8%
Pansexual	0.1%
Asexual	0.1%
Queer	0.1%
Irrelevant / none of your business	0.2%

The 2021 Census results for Brent regarding sexual orientation are below.

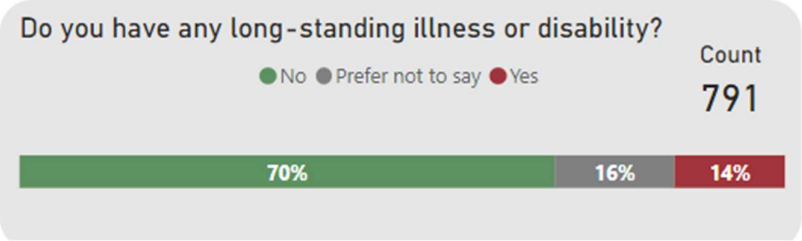
Sexual orientation	**Percentage (2021 Census)**
Straight or Heterosexual	85.10
Gay or Lesbian	1.31
Bisexual	1.29
Pansexual	0.45
Asexual	0.04
Queer	0.03
All other sexual orientations	0.07

Sexual orientation	Percentage (2021 Census)
Not answered	11.70

Straight / heterosexual respondents are underrepresented by the consultation responses (61% compared to 85% according to 2021 Census). Gay and lesbian respondents were slightly over presented, as were bisexual respondents.

Long standing illness or disability of respondents

Respondents were also asked if they had a long-standing illness or disability. 93% of respondents chose to respond to this question.



A proportion (16%) of those who answered the question gave the response of "Prefer not to say".

14% of the respondents to the question said they have a long-standing illness or disability, which is comparable with the combined figures of 7.1% of people in Brent who are disabled under the equalities act and their day-to-day activities are limited a lot, and the 7.6% of Brent who are disabled under the equalities act and their day-to-day activities are limited a little (figures from 2021 Census).

Public Meetings and Written Responses

Brent Council held three public meetings, attended five Brent Connects meetings and a residents' ward meeting and held four public drop-in sessions to gather feedback from stakeholders. Feedback was also gathered through written responses on the proposed schemes by email. Below is a summary of the key themes that came out of the Brent Connects and the written feedback. It should be noted that council officers were present at every meeting and that most of the sessions were taken up by a question and answer session following on from a presentation about the proposals. During each public meeting, council officers attempted to address all questions posed by attendees or directed them to the consultation documents for further information (often when there were specific questions about the proposed licence conditions, fees etc). Council officers also responded to email queries that were sent as part of the consultation.

The full email and written responses can be found in the appendices. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation report.

Landlord Meetings

The council held two meetings aimed at engaging with landlords and agents, to make them aware of the consultation and to gather their feedback. There was an online meeting (via Microsoft Teams) which was held on 14 December 2022 with around 120 attendees (the actual number of attendees fluctuated during the meeting as attendees joined late or left early), and an in-person event held on 11 January 2023, with 140 attendees.

For both meetings, a presentation was given on the two proposed selective licensing schemes, followed by a question and answer session, where attendees could give their views and ask questions about the proposals. Participants were able to express their opinions freely and to highlight areas on which they required clarification while suggesting matters for the council officers to consider. The main themes of the questions and views expressed were:

- Licensing will force landlords to leave the market / sell their properties
- The fee is too high
- Questions about the level of inspections that will take place under the scheme
- Licensing is money making scheme for the council / a landlord tax
- The emphasis of the scheme is to penalise not supporting landlords
- Which landlord organisations are eligible for a discount?
- Why is licensing necessary for landlords with managing agents
- Issues are often due to tenant behaviour, which is not the responsibility of the landlord
- What is the benefit of the scheme to landlords?
- Will there be advice and support for landlords?
- How will the council make landlords aware of the proposed scheme if approved?
- If there are issues with damp and mould, this may be due to the tenants behaviour, as they will control the heating and ventilation of the property, and may not want to

heat and air the property in the winter and during a cost of living crisis/high energy prices.

In summary, most landlords and agents held strong views and were negative to PRS licensing in general. In particular, the negative perception linking ASB to private renting and the effectiveness of selective licensing schemes in combating problems in the areas, and the economic costs of licensing schemes on landlords.

Some attendees made points and suggestions about ways that Brent Council might act to make the scheme either more effective or less unpalatable to landlords and agents e.g., a focus on inspections and to consider the impact of the licence conditions, with thoughts on the impact on housing homeless clients.

Renters Representative Forum

The council held a meeting with renter representatives aimed at gathering their feedback on the proposed schemes. The forum was held in person on 11 January 2023 with representatives from Brent Renter's Union, Willesden Residents Town Centre team, Crisis, Single Homeless Prevention Service and Brent Advice for Renters.

At the meeting a presentation was given on the two proposed selective licensing designations, followed by a question and answer session, where attendees could give their views and ask questions about the proposals. Participants were able to express their opinions freely and to highlight areas on which they required clarification while suggesting matters for the council officers to consider. The main themes of the questions and views expressed were:

- How is the scheme going to be enforced and what difference will it make to tenants?
- The scheme should be more about aggressive enforcement, and punishing landlords if they don't meet the conditions
- What is the enforcement policy?
- Will the council fine landlords if properties aren't licenced?
- How are you planning to educate tenants and landlords?
- The licence conditions should have more emphasis on the property conditions
- The council need to educate tenants on their rights, but be aware that tenants can face eviction if they report their landlords, so the emphasis should be on the council not the tenants, and there needs to be better information for tenants when threatened with eviction
- Other councils found that landlords feel more responsible for their properties with licensing schemes, but they are aware it's a balance between improving conditions and not reducing the stock of PRS available
- The council should support smaller landlords, who may need a lot of communication and support. The licence conditions can give them a guide
- Will the council consider an early bird scheme to encourage early applications?
- What are metrics for success when the scheme is rolled out, and what the benefits of the scheme will be.

In summary, the attendees supported the proposed selective licensing scheme, but were of the view that the schemes had to be enforced for them to have an impact. There was also an emphasis on support for tenants who complain to the council about their rented properties, or make the council aware of an unlicensed property, as there was a view that this would lead to illegal evictions.

Brent Connects and Written Responses

Below is a summary of the key themes that came out from both the written responses and the feedback from the public meetings:

- Concerns that licensing will cause an increase in rents
- Questions about how the scheme will be enforced and inspections
- Questions about the council's capacity to enforce the scheme
- Questions about how licensing can address ASB, and if it would have an impact in ASB
- Questions about the role of tenants, and the need for tenants to be educated on their rights and responsibilities
- Questions about what the benefit is for landlords of the scheme
- Questions about why licensing is necessary, with existing legislation on rented properties.

Appendices

Please see Consultation on Private Sector Licensing in Brent Appendices document. The appendices include:

- Maps of the proposed licensing designations
- The survey questions
- Communication visuals
- Email responses to the consultation.

Report on Brent Council's Consultation on Selective Licensing Proposals

Report Appendices

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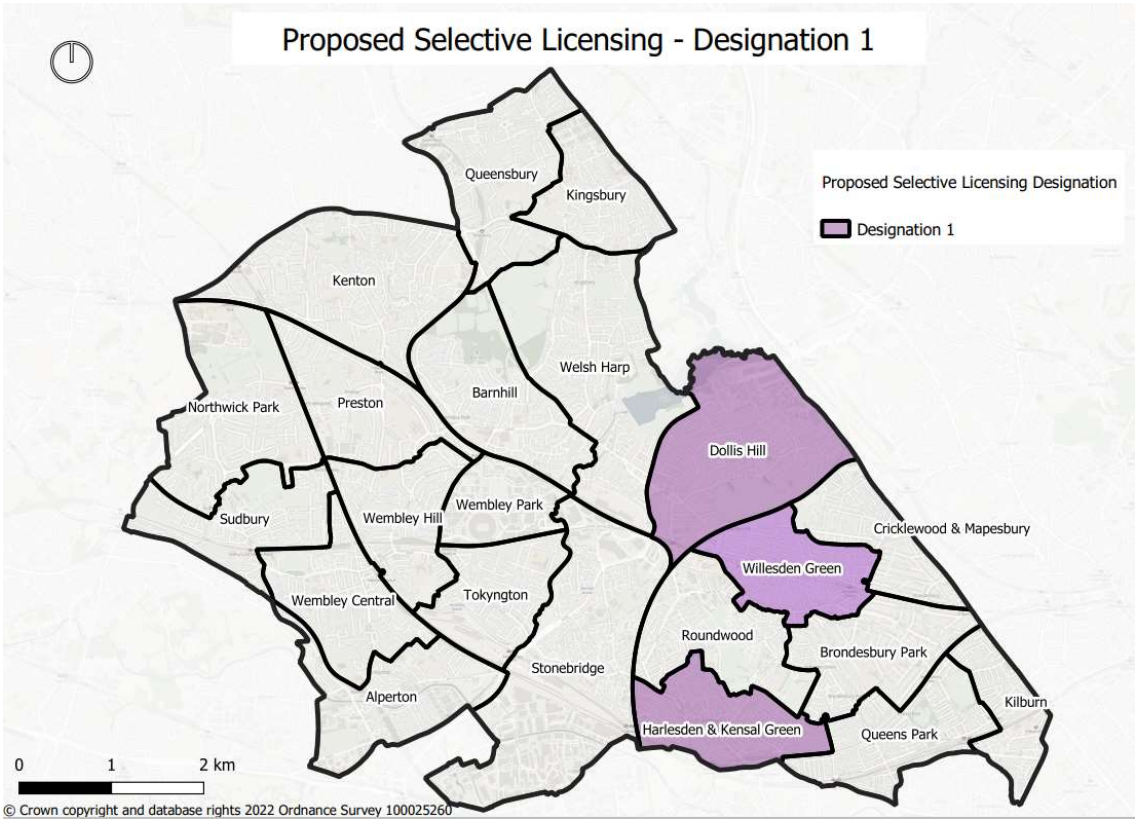
Email Response 1 39

Email response 2 41

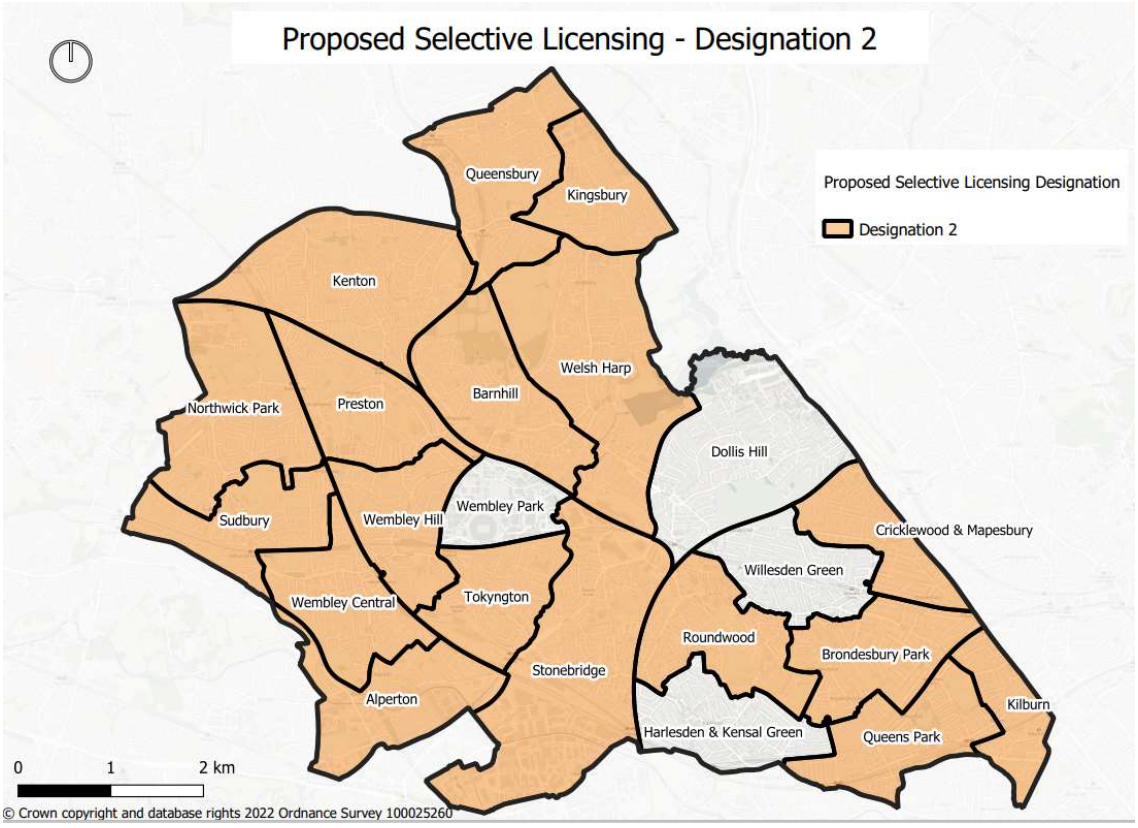
Email Response 3 42

Maps of the Proposed Licensing Designations

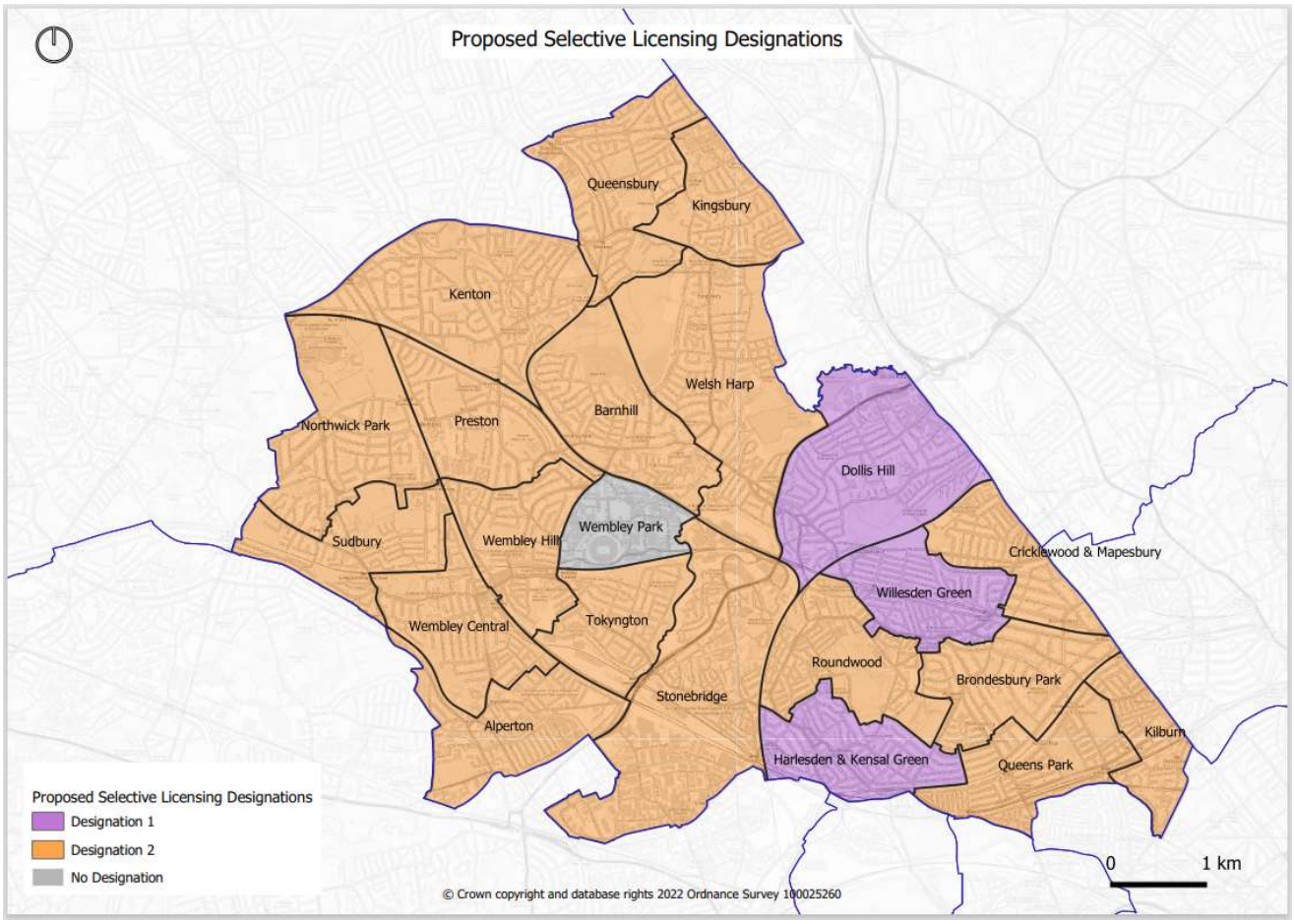
Map of Designation 1



Map of Designation 2



Map of the Both Proposed Designations



Consultation on selective licensing of private rented housing

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

In January 2015, the council introduced an additional licensing scheme which applied to Houses in Multiple Occupation (HMOs) borough-wide and selective licensing for all other privately rented properties such as single-family dwellings in certain wards. In the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury the council introduced a further (current) selective licensing scheme in 2018 for non-HMO privately rented properties which will end in April 2023. The council is considering introducing new schemes that will apply to the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green and also extending to a further 18 wards (excluding the ward of Wembley Park.

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

To give your feedback, please complete the online questionnaire, which you can access via the Council website [URL} by 23 January 2023 deadline, or you can request a paper copy complete and return it FREEPOST to the Council to arrive by the same deadline date.

Brent Council has appointed Cadence Innova, an independent business management company, to support the consultation exercise. Brent will produce a consultation report in which feedback from individual members of the public will be anonymous, but views from organisations may be attributed in full.

Any information that you provide in response to this consultation will be processed in accordance with the UK Data Protection Act and the EU General Data Protection Regulation. Information will only be used to inform this consultation and any personal information that could identify you will be kept for no more than one year after any decisions have been finalised. For further information, please see https://www.brent.gov.uk/the-council-and-democracy/access-to-information/data-protection-and-privacy/brent-privacy-policy .

If you have any queries about the consultation, or to request a paper copy of the survey, please contact Tony Jemmott, Private Housing Licensing Manager at Brent Council by emailing the licensing team on prslicensing@brent.gov.uk or by telephoning the team on 020 8937 2384/5.

YOUR CONNECTION TO LONDON BOROUGH OF BRENT

Q1 In what capacity are you responding to this questionnaire?
PLEASE TICK ✓ ONLY ONE BOX THAT APPLIES TO YOU

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

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

☐ **As another type of stakeholder** – *please answer the green shaded section overleaf, and following questions*

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

INFORMATION ABOUT YOU: BRENT RESIDENTS & BUSINESSES

Q2 If you are a resident living in Brent, or responding on behalf of a local business in Brent which of the following best describes you? PLEASE TICK ✓ ONE BOX ONLY

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

INFORMATION ABOUT YOU: LANDLORDS AND AGENTS

Q3 If you are a landlord or agent with properties in Brentwhich of the following best describes you? PLEASE TICK ✓ ONE BOX ONLY

☐	Landlord who manages their own property	☐	Managing agent
☐	Landlord who uses a managing agent	☐	Registered social landlord
☐	Letting agent	☐	Other

Q4 Do you live in Brent?

☐	Yes	☐	No

Q5 Please indicate how many properties you own/manage in Brent, for each of the following types. PLEASE TICK ✓ ONE BOX FOR EACH TYPE OF PROPERTY

	0	1	2-10	11-50	51-100	101+
Single family occupancy house/bungalow	☐	☐	☐	☐	☐	☐
Self-contained flat converted	☐	☐	☐	☐	☐	☐
Self-contained flat	☐	☐	☐	☐	☐	☐

purpose built						
HMO (3 or more people)	☐	☐	☐	☐	☐	☐

Q6 Are you a member of any of the following? PLEASE TICK ✓ ALL THAT APPLY

☐	National Landlords Association (NLA)	☐	Association of Residential Lettings Agents (ARLA)
☐	Residential Landlords Association (RLA)	☐	Other landlord/letting agent association
☐	London Landlord Accreditation Scheme (UKLAS/LLAS)	☐	No

INFORMATION ABOUT YOU: ORGANISATIONS AND OTHER STAKEHOLDERS

Q7 If you are responding on behalf of an organisation, which organisation do you represent?
PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

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

Q8 If you are another stakeholder (e.g. with links to a neighbouring borough), please use the box below to provide full details. PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LOCAL ISSUES?

Q9 To what extent do you believe each of the following to be a problem in your local area of Brent? PLEASE TICK ✓ ONE BOX IN EACH ROW

	Not a problem at all	**Not a very big problem**	**A fairly big problem**	**A very big problem**	Don't know

Anti-social behaviour (ASB)	☐	☐	☐	☐	☐
Poor property conditions	☐	☐	☐	☐	☐
Deprivation	☐	☐	☐	☐	☐

Q10 And thinking about the private rented sector (PRS) as a whole in Brent, to what extent do you agree with the following statements?

PLEASE TICK ✓ONE BOX FOR EACH STATEMENT

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

THE LICENSING SCHEMES

Brent Council has introduced various five-year licensing schemes intended to tackle some of the problems associated with private rented properties in the borough. The first selective licensing scheme applied to all non-HMO privately rented homes in the wards of Harlesden, Willesden Green and Wembley Central and ended in December 2019 and the current five–year selective scheme applies to the old wards boundaries of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park.

Since the schemes were introduced, the council has selectively licensed 11,000 properties. Licensing has also been used strategically to deal with problems of ASB and to improve conditions associated with the PRS. For example, the council has operated a licence condition and compliance inspection regime, along with proportionate enforcement action, to target non-compliant landlords and improve the condition of properties. This has led to over 9,600 properties being improved in the period outturns for the eight years 2015 to 2022/23.

Within Private Housing Services over the same period, over 2,200 enforcement notices have been served on private landlords with over 160 prosecutions, resulting in fines and costs totalling £1.5m. As an alternative to prosecutions, the council has also issued over 100 civil penalty notices.

Q11 In which of the following ways do you think the selective licensing schemes have improved things in Brent? PLEASE TICK ✓ ALL THAT APPLY

Improved the condition of properties	☐
Reduced waste/rubbish such as mattresses dumped in private property front gardens	☐
Reduced waste/rubbish dumped on streets	☐
Reduced noise from neighbouring privately rented properties	☐
Reduced overcrowding in privately rented properties	☐
Tackled deprivation and inequalities in Brent	☐
Support to landlords and tenants	☐
Other (Please specify)	☐
None of the above	☐

Q12 If the selective licensing schemes in Brent stopped and were <u>not</u> continued, which of the following do you think would get worse as a consequence? PLEASE TICK ✓ ALL THAT APPLY

The condition of properties	☐
The amount of waste such as mattresses dumped in private property front gardens	☐
The amount of waste/rubbish dumped on streets	☐
Noise from neighbouring privately rented properties	☐
Overcrowding in privately rented properties	☐

Deprivation and inequalities in Brent	☐
Support to landlords and tenants	☐
Other (Please specify)	☐
None of the above	☐

Q13 To what extent do you agree or disagree that continuing selective licensing would improve / further improve the condition and management of privately rented properties in Brent? PLEASE TICK ✓ ONE BOX ONLY

Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
☐	☐	☐	☐	☐	☐

SELECTIVE LICENSING SCHEMES *(i.e. the licensing of properties occupied by a single family or household, or by two unrelated people sharing)*

Brent Council knows that many landlords operate properly. However, as the PRS in Brent continues to grow, the council remains concerned about levels of ASB, poor living conditions, deprivation and poor tenancy and property management.

Therefore, Brent Council proposes to continue selective licensing scheme(s) beyond the current scheme which received Secretary of State Approval in 2018, for the wards of Dudden Hill, Kilburn, Queens Park, Kensal Green and Mapesbury. This scheme ends on 30 April 2023. The council believes that licensing will allow it to continue to find landlords who are not fit and proper, to improve conditions for tenants and to improve the area in general by tackling ASB, poor property conditions and deprivation.

The council has identified particular problems with property conditions and ASB in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green. It also believes that the remaining 18 wards (excluding the ward of Wembley Park) have poor property conditions significantly higher than the national average, and that particular have specific issues with deprivation. The council believes that there are links between these issues and the PRS.

The council has also chosen to exclude the Wembley Park ward because it does not believe the area is suffering from poor property conditions, ASB linked to the PRS or deprivation.

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

More information about the criteria and evidence used to select the areas above, and about the evidence linking the issues to the PRS, can be found in the consultation document.

The council is considering proposals for two specific designations for selective licensing, each affecting different wards in the borough. The council proposes to consult with the public for a minimum of ten weeks commencing in November 2022.

1. To introduce a selective licensing scheme under Part 3 of the Housing Act 2004 to the following designated area of the borough with effect from 1 June 2023, or at a later date, in accordance with the statutory time in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green (covering 18% of the PRS stock in Brent and 14.12% of the total geographical area of the borough). The grounds for this designation will be Poor Property Conditions and ASB.

2. Consult on the designation **in** the remaining 18 wards (excluding the ward of Wembley Park) on the grounds of poor property conditions. The decision to designate other areas will be brought to a Cabinet meeting at a later date than the first proposed designation as more time will be needed to consider the consultation responses as this proposed designation covers a significantly much larger area. If this was to be designated, consent from the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) will be needed.

If the schemes are implemented, landlords will be required to apply to the council for a licence for each privately rented property they own or manage in the area. Each licence application must be accompanied by a licence fee. Conditions will be attached to each licence and landlords would be bound by these conditions. Details of the proposed areas, licence conditions and fees are detailed in the consultation document and on the website www.brent.gov.uk/landlordconsultation

INTRODUCING SELECTIVE LICENSING INTO AREAS

Q14 To what extent do you agree or disagree with this proposal for the selective licensing scheme in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green? PLEASE TICK ✓ ONE BOX ONLY

Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
☐	☐	☐	☐	☐	☐

Q15 To what extent do you agree or disagree with this proposal for the selective licensing scheme designation for the remaining 18 wards (excluding the ward of Wembley Park)?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
☐	☐	☐	☐	☐	☐

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

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

LICENCE CONDITIONS

Selective licence conditions

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

- Have a valid gas safety certificate covering the current 12 month period, if gas is supplied to the house;
- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Install smoke and carbon monoxide alarms and keep them in proper working order;
- Supply the occupier with a written statement of the terms of occupation; and
- Request references from persons wishing to occupy the house.

Full selective licensing conditions can be found in the annex of the consultation document found at www.brent.gov.uk/landlordconsultation

Q16 To what extent do you agree or disagree with the proposed selective licensing conditions?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
☐	☐	☐	☐	☐	☐

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

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

LICENCE FEES

The Housing Act 2004 permits the council to set licensing fees to cover the costs of administering the licensing scheme over five years but this charging is not designed to make a profit. As long as the conditions are complied with, the licence would remain valid up to a maximum of five years.

The current basic fee in Brent effective from 1 June 2018 is £540.00 for a selective licence. A fee discount of £40.00 per property application is allowed for landlords who are accredited to the London Landlords Accreditation Scheme (LLAS).

It is proposed that the fee for a selective licence will increase to **£640.00.** Due to case law and in accordance with the European Services Directive (ESD), the licensing fee is collected in two parts. For the selective licence, a proportion at the time of the application **(£340.00) and the remainder (£300.00) prior to the licence being issued.**

The licensing fees will be kept under review at least annually.

Q17 What are your views on the proposed fees? PLEASE TICK ✓ ONE BOX ON EACH ROW

	I think the fee is too high	**I think the fee is at about the right level**	**I think the fee is too low**	Don't know
A basic fee of **£640 per property** for a selective licence	☐	☐	☐	☐

DO YOU HAVE ANY FURTHER COMMENTS?

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

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

LICENSING DESIGNATION

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

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

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

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

The contact information will not be shared, shall be retained for no more than three years after decisions have been finalised, and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. If you are dissatisfied with the processing of your information, you

can raise your concern with the council's data protection officer. You have a right to lodge a complaint with the Information Commissioner's Office (www.ico.org.uk). Further information can be found at www.brent.gov.uk/privacy

MORE INFORMATION ABOUT YOU

What is your full postcode?
This will help us understand views in different areas

If you are providing your own personal response, please answer the questions below…

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

What was your age on your last birthday?

- ☐ Under 25
- ☐ 25 to 34
- ☐ 35 to 44
- ☐ 45 to 54
- ☐ 55 to 64
- ☐ 65 or above
- ☐ Prefer not to say

What is your gender?

- ☐ Male
- ☐ Female
- ☐ Prefer not to say

How would you describe your ethnic origin?

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

Do you have any long-standing illness or disability?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

What is your religion or belief?

- ☐ Agnostic
- ☐ Buddhist
- ☐ Christian
- ☐ Hindu
- ☐ Humanist
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ No religion/belief
- ☐ Other *(please specify)*

☐ Prefer not to say

What is your sexual orientation?

- ☐ Heterosexual/straight
- ☐ Lesbian
- ☐ Gay man
- ☐ Bisexual
- ☐ Other *(please specify)*

☐ Prefer not to say

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

- ☐ Leaflet
- ☐ Email
- ☐ Brent Connects
- ☐ Brent Citizens' Panel
- ☐ Poster
- ☐ Brent website
- ☐ Local newspaper
- ☐ Word of mouth
- ☐ Other *(please specify)*

How long have you owned property in Brent?

- ☐ Less than one year
- ☐ 1 -2 years
- ☐ 2 - 5 years
- ☐ 5 - 10 years
- ☐ 10+ years
- ☐ Not applicable

Examples of Communication Visuals

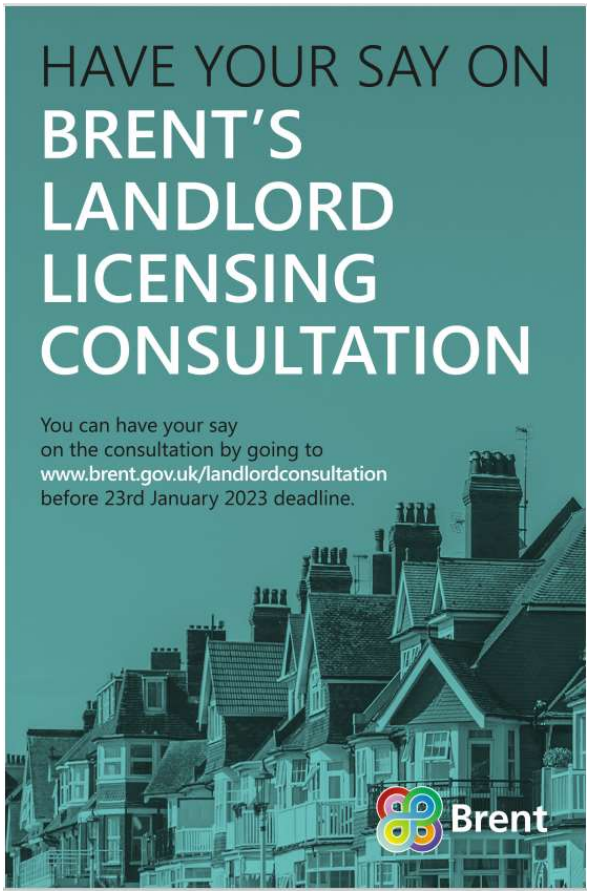
Flyer



Library Screen Graphic

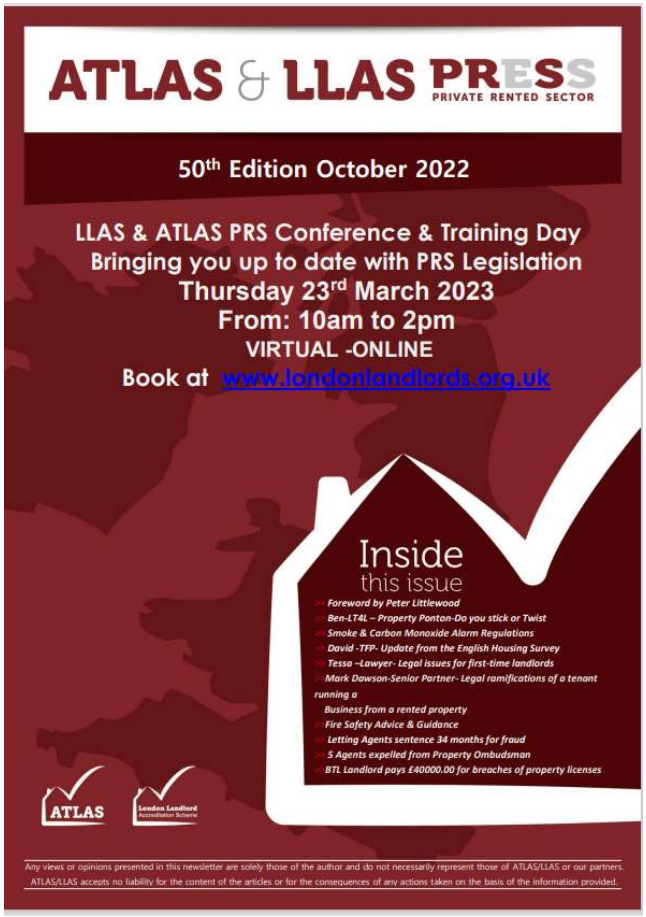


JCD Screen Graphic and JCD Screen Photo





ATLAS & LLAS (London Landlord Accreditation Scheme) Press Advertisement





Have your say on licensing for private rented properties in Brent

A borough-wide consultation on landlord licensing for privately rented properties in Brent launched yesterday (31 October 2022) for twelve weeks. The consultation is now live.

The online consultation is open to anyone to have their say on landlord licensing in the borough.

Three types of licensing schemes operate in the borough: mandatory, additional, and selective licensing. Selective licensing applies to a single household renting a property, be that a family or just one or two tenants.

This consultation asks people whether they are in favour of selective licensing schemes in Brent.

Cllr Promise Knight, Cabinet Member for Housing, Homelessness & Renters Security, said: "More than a third of people in Brent rent in the private sector. Whilst most landlords provide safe and decent homes, sadly that isn't always the case.

"Licensing has helped keep renters safe. Since we introduced our first selective licensing scheme in 2015, we've driven up housing standards, reduced overcrowding and tackled anti-social behaviour. Where landlords have fallen short, we have been relentless in taking action and will not hesitate to throw the full-force of the law at rogue landlords."

All wards, with the exception of Wembley Park, are being considered for selective licensing in Brent. Selective licensing previously applied to Harlesden, Wembley Central and Willesden Green, and presently applies to the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury. But this current scheme ends on 30 April 2023.

Have your say on the licensing consultation today at **www.brent.gov.uk/landlordconsultation**

Letters of Support

Willesden Green Town Team

Willesden Green Town Team is a not-for-profit volunteer lead organisation and limited by guarantee. We work with all stakeholders in the Willesden Green area, from businesses to local residents, Brent Council and other organisations, to help bring about improvements that will benefit the entire community. Our projects focus on environmental improvements and other leisure and cultural activities for the wellbeing of our community.

We wish to submit a letter in support of Brent Council's application for Selective Licensing for the Private Rented sector, in Willesden Green and across the borough of Brent. This letter is in addition to the video* in support of the scheme produced by Willesden Green Town Team, and to feedback provided when I attended the consultation meeting hosted by yourself on the 17th of January, 2023. (*Video can be viewed on our Facebook page or www.youtube.com/watch?v=wcgIzL6ef9Y)

Willesden Green, has long suffered from problems of Antisocial Behaviour including noise nuisance, flytipping, waste mismanagement, and poor quality and unsafe property conditions that are associated with the private rented (46% of residents in Willesden Green live in private rented accommodation). As such, we are in favour of the additional powers and funds that the Selective Licensing Scheme and fees will bring, in order for Brent Council to tackle these long standing issues more effectively by targeting rogue landlords and bad tenants.

The aim of further licensing is to provide an additional tool to assist Brent Council, the Police, Social Services and other parties to help to bring about a transformation of the private rental market in Willesden Green; by improving the condition of private rental properties the scheme will also encourage better and longer term tenancies which in turn will help to create a stronger sense of belonging and community spirit.

As a lot of antisocial behaviour and linked activity isn't limited by ward boundaries, we support Brent Council application for Selective Licensing across all other wards. This will ensure a consistent approach and clear messaging across the entire borough which we believe will ensure greater success of the scheme.

Harlesden Neighbourhood Forum Response

The Harlesden Neighbourhood Forum's (HNF) membership is drawn primarily from the Harlesden and Kensal Green (ward) community, and HNF works closely with other local stakeholders in the aim of making our area a better place to live and work.

The HNF is in favour of the new selective licensing scheme proposed, which includes designation of our local ward in Phase 1. The Forum is very supportive of Brent's drive to improve the condition of housing in the private rented sector, but also keen to see solutions that aim to tackle anti-social behaviour. Having reviewed the evidence base it is encouraging to see that the pilot scheme, over the last five years, has raised substantial funds for the Council to invest in enforcement and compliance, for the benefit of members of our

community dealing with the consequences of London's insecure and expensive housing market.

The HNF also supports the proposal of the Phase 2 extension, which would bring these benefits to more of the Borough.

Email responses to the consultation

NRLA Response

Introduction

The National Residential Landlords Association (NRLA) exists to protect and promote the interests of private residential landlords.

The NRLA would like to thank the council for the opportunity to respond to the consultation. We are happy to discuss any comments that we have made and develop any of the issues with the local authority.

The NRLA seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

Response

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Brent has seen the development of an unhealthy situation due to policies delivering high rents and where the poor have greater difficulty renting in the private rented sector. The ability to provide a variety of housing types that can be flexible around meeting the needs of both the residents that live and want to live in the area and the landlords in the area. There are already significant challenges around housing in Brent, and we have concerns that this will be exasperated by this policy, unless it is introduced in a fair and equitable way.

The sector is regulated, and enforcement is an important part of maintaining the sector from criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. While Brent has been active in enforcement it can do more. We have concerns around the council's approach to licensing, you have failed to inspect all properties that come under previous schemes, while you have done the most in London, you should be aiming to inspect all the properties. Some schemes are delivering multiple inspections, up to 3 of every property during a scheme, while this is at the top and Brent is close to it, it should undertake an inspection of all properties covered by the scheme. Multiple inspections push criminals out of the sector and drives up the standards for landlords and tenants. Brent has been good so far but there is still room for improvement.

Landlords are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties through county lines and other criminal activity such as people smuggling, drugs and prostitution.

We believe the council should adopt an approach similar to the Leeds rental Standard, which supports the compliant landlords and allows the local authority to target the criminals and inspecting all properties.

The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. As you will be aware, the NRLA publishes data against performance against peer councils. We support league tables of councils performances.

Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. We recognise Brent has done good work on enforcement, we just believe it needs to go further. How does the local authority plan to communicate best practice to the landlord and tenants of Brent? Brent should commit to inspect each property at least once?

The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the council make it clear in the report that they will support the landlord in the ending of the tenancy for anti-social behaviour? Will the council support the landlord going to court to regain possession, if they are, what is the process? The House of Commons (Library report) says it is not the landlord's responsibility, who's is it?

With the government proposal to reform Section 21 (Renters Reform Bill) and Anti-social Behaviour clear guidance on how the council will support landlords when an allegation is made needs to be documented. Landlords will require support, if the tenancy is to be ended, how will the council provide support and what will it be? Will the council support the ending of a tenancy?

Licensing is a powerful tool. If used correctly by Brent Council, it could resolve specific issues. We have supported/worked with many local authorities in the introduction of licensing schemes (additional and selective) that benefit landlords, tenants and the community. We can support parts of the proposal. Our main questions are

You sight poor property conditions; this would mean that you will be required to inspect all properties in the scheme?

In relation to anti-social behaviour, will you provide guidance for landlords with the government reforms up to and including support in the removal of problem tenants?

The increase in rent-to-rent or those who exploit people (both tenants and landlords), has increased in recent years. Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license, with the council not inspecting all properties they know there is no risk. The landlord does not rent the property as an HMO,

but is illegally sublet. The license holder can end the tenancy (of the superior tenant, the sub tenants have no legal redress) but the landlord would need support the local authority for a criminal prosecution. Including the work to identify elsewhere is the borough where this is happening. But what is the process for landlords, it would help if the council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?

The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this.

Costs

While any additional costs levied on the private rented sector runs the risk of these being passed through to the tenants, as has previously been established. We are disappointed that the local authority has not looked at a cost in a monthly basis. Is the council going to allow landlords to pay monthly, thus following best practice? If other councils are able to do this, why cannot Brent? The introduction of licensing post Covid 19 will have an impact on cash flow for many landlords, and tenants therefore following best practice a monthly fee as highlighted by other councils does seem appropriate. As other local authorities are able to deliver this, we hope Brent follows these examples as it benefits all parties.

This will also the issue of insurance is often overlooked as a cost, as premiums increase for everyone (homeowners and landlords) when a local authority designates an area with licensing it is indicating problems in the area. This will add costs to those renting as well as to owner-occupiers. Already Brent is expensive, and this will continue affecting those on the lowest income.

A joined-up coordinated approach within the council will be required. Yet there is no evidence from the council that this will be done – can this be provided? How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support.

Tenant behaviour

Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to. The contractual arrangement is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug

and alcohol dependency. If there are allegations about a tenant causing problems (e.g., nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the additional licensing scheme, even if the tenant has any of the above issues. This moves the problems around Brent, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within licensing for the landlord to resolve an allegation of behaviour, as outlined by the House of Commons. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce.

We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.

Waste

Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the council to collect. This is in hope of getting there deposit back. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues while staying in the framework of a local authority.

Current law

A landlord currently has to comply with over 180 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.

Changes to Section 21

We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice (or future notice as currently being consulted upon under the Renters Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour. What steps will the council take to support the landlord? It would be useful if the

council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.

The change to how tenancies will end and a move to a more adversarial system, especially in the lower income market. Landlords will become more risk adverse to take tenants that do not have a perfect reference and history. It also poses a question where does the council expect people to live who have been evicted due to a tenancy issue?

Safeagent response

An Introduction to safeagent

Safeagent is a not for profit accrediting organisation for lettings and management agents in the private rented sector. Safeagent (formerly NALS) provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents. Safeagent operates a government approved client money protection scheme and is a training provider recognised by the Scottish and Welsh governments for agents meeting regulatory requirements in those devolved nations.

Safeagent agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet safeagent criteria on an annual basis to retain their accreditation. The scheme operates UK wide and has 1,700 firms with over 3,000 offices, including agents within the London Borough of Brent.

We very much welcome the opportunity to contribute to this consultation exercise

Overview

We understand that Brent Council is seeking to introduce a new selective licensing scheme covering most of the borough, to be implemented in two phases. In preparing this consultation response, we have carefully considered the information published on the council's website.

Previous licensing scheme

The council's consultation report explains that one selective licensing scheme covering three wards ended on 31 December 2019 and a second selective licensing scheme covering five wards will end on 30 April 2023. Whilst the report explains how many properties have been licensed under the current and previous licensing schemes, there is limited evaluation about how successful these schemes have been in achieving their objectives. For example, the

report says the worse property conditions and highest repeat ASB is found in Dollis Hill, Harlesden & Kensal Green and Willesden Green. Whilst we understand some ward boundaries have changed, Harlesden, Willesden Green and Kensal Green have all been subject to five year selective licensing schemes. If these areas remain the worst in the borough, it calls into question how successful the schemes have been and what value will be achieved in repeating the schemesfor another five years.

We would encourage the council to publish a more detailed evaluation of the current and previous schemes. This will help us understand how many of the licensed properties have been inspected and improved, what steps have been taken in partnership with landlords and agents to tackle poor tenant behaviour and whether staffing resources have been maintained at an appropriate level to address these issues.

Evidence base

We note that Wembley Park ward is the only ward to be excluded from the proposed selective licensing scheme. According to the council's report it has 98% private rented properties and no serious concerns about property condition or ASB. This ward could be a useful benchmark for a comparative study exploring factors that influence poor condition, poor property management and poor tenant behaviour. What is the demographic of tenants in that area and why does the ward differ so markedly from those around it?

We understand the council's greatest concern relates to the council wards of Dollis Hill, Willesden Green and Harlesden & Kensal Green and these three wards would form phase I of a proposed selective licensing scheme. It is unclear whether the statistical mapping takes account of housing enforcement activity to raise standards under previous licensing schemes. It is also unclear whether the data excludes Houses in Multiple Occupation that fall outside the scope of this scheme.

If these factors have been considered, commentary could helpfully explain why the council think housing conditions remains so poor after five years of intensive licensing activity designed to address this issue.

From an ASB perspective, we are given no breakdown of the data which we understand is cumulative data gathered over five years. This approach gives no indication of annual trends and no comparison of data between wards that were and were not previously subject to licensing. Is ASB data in these wards trending up or down and what interventions are being proposed to address these issues?

We note that the main ASB concerns relate to substance misuse, noise and rowdy behaviour. Whilst dealing with excess noise is a common housing management function, our safeagent members have limited ability to address substance misuse and no control over the availability of health treatment programmes for addiction. Likewise, whilst the police can tackle rowdy behaviour, it is not an easy topic to resolve through tenancy management. We would welcome a further discussion with the council to explore how our members can assist in addressing these challenging societal issues.

We do have concerns that a proposed scheme encompassing around fifty thousand properties distributed across the borough is a step too far. The council will lack the resources needed to deliver meaningful results within five years. Instead, we would encourage the council to focus their limited resources in the three wards where the worst problems are concentrated. Once those issues have been addressed the council could then refocus their resources on a new area.

Licensing fees

We recognise that the council need to charge a reasonable fee to cover the cost of administering and enforcing the licensing scheme. It is important that the council implement an efficient and streamlined licence application processing system. This will help to minimise costs and keep fees at a reasonable level, thereby minimising upward pressure on the rent that is charged to tenants.

We understand the council is intending to increase the selective licensing fee from£540 to £640, with the same fee for licence renewals. Whilst we appreciate this fee is below average when compared to all London Boroughs, we would question whether an 18.5% fee increase is reasonable and necessary in the midst of a costof living crisis.

One alternative option would be to charge a new application fee of £640 and retaining the £540 fee for licence renewals. This would acknowledge the reduced workload involved in reissuing a licence and benefit those landlords who licensed their property under the previous scheme.

We welcome the proposed fee discount if the licence holder or managing agent is accredited. However, we do not agree it should be restricted to one accreditation scheme. The discount should be widened to other recognised schemes. Safeagent is a not for profit accrediting organisation for lettings and management agents in the private rented sector. We are a training provider recognised by the Scottish and Welsh governments for agents meeting regulatory requirements. Our members are required to deliver defined standards of customer service, operate within strict client accounting standards, maintain a separate client bank account and be included under a Client Money Protection Scheme. Membership of safeagent can be easily verified by visiting our website: https://safeagents.co.uk/find-an-agent/ or by contacting us by phone or email. We would ask the council to include safeagent within their list of recognised accreditation schemes.

There is no mention of an early bird fee discount for landlords who apply before the start date of the scheme. To ensure landlords and agents have sufficient time to prepare and submit applications, we would request that the application process is launched and early bird discount offered for a three month period before the scheme comes into force.

Licence Conditions

We have studied the proposed list of licence conditions in the consultation report. We have made some suggestions to help improve and fine tune the wording of the conditions. This in turn should help landlords and agents to understand and comply with the requirements.

3. Rent payments

Whilst we appreciate that rent books are appropriate for rent paid in cash, they are not appropriate for the vast majority of rent payments made by BACS transfer, standing order or direct debit. Neither are weekly or monthly rent statements appropriate for payments made via bank transfer which are recorded on the bank statements of both parties.

We would ask that this condition is reworded to differentiate between cash and other rent payments.

5. Complaints

Whilst all safeagent members belong to a government approved redress scheme and will have an associated complaints policy, it is unlikely that all private landlords would have such an arrangement in place.

Tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written complaints policy within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork.

6. Antisocial Behaviour

As mentioned above, tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written ASB procedure within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork.

If an ASB procedure must be provided, we would suggest the council publish a template that can be used for this purpose and supply a copy with the licence. We would also enquire whether similar arrangements will be rolled out to all new council housing tenants so private landlords are not placed under more onerous requirements than the council provide for their own tenants.

We think condition 6a (IV) is not appropriate as a licence condition. It does not relate to management of the property being licensed and the council should not seek to insist on information being disclosed which could be sensitive personal information under GDPR. Likewise, we have concerns about condition 6a (VI) as it would be unreasonable, and could appear threatening, to advise tenants that any ASB by them or their visitors, regardless of how serious, could result in eviction. We would encourage the council to seek legal advice before adopting these proposed conditions.

7. Gas safety

The condition contains an unusual requirement that if the council highlight any safety risk, the licence holder must submit a new gas safety certificate within 14 days. This contradicts the gas safety enforcement regime enforced by HSE that imposes no such requirement. It is also potentially unlawful as case law confirms any perceived hazards should be dealt with via HHSRS and not selective licence conditions.

10. Security

Whilst well meaning, condition 10 a, b and c cannot be imposed on a selective licence as they breach the more restricted power to impose conditions under Part 3 of the Housing Act 2004. For selective licensing, conditions can only relate to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018]).

11. External areas

Condition 6a (V) imposes a reasonable requirement for six monthly inspections. The reference to regular and interim inspections in condition 11 need to be defined to make clear one six monthly inspection will satisfy all these requirements.

12. Refuse and waste

We disagree with condition 12e. The Housing Act 2004 makes clear the council cannot impose specific clauses within a current or future tenancy agreement. Each house or flat will have different provisions for waste storage which would be difficult to capture in a tenancy condition. We believe condition 12a and d deal with this matter appropriately. i.e., that tenants are told how to dispose of waste and recycling and that any concerns are investigated and appropriately dealt with.

14. Pest Control

In a single family property subject to selective licensing, the licence holder will not be responsible for all pest issues. It will depend on the circumstances. For example, if the tenant complains about a wasps nest, it is more likely this will be the tenant's responsibility and advice given about contacting a reputable pest control company. Clearly, if there was a rodent infestation caused by a broken drain, this would be the landlord's responsibility although it is unlikely all remedial action could be completed within 7 days.

15.1 Smoke Alarms

Condition 15.1 (e) and advisory note 3 in Appendix 1 should be deleted. It exceeds the Schedule 4 smoke alarm condition and breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.

16. Means of escape

Condition 16 and advisory note 4 in Appendix 1 should be deleted. It is unclear what it means in the context of a single family property and it breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.

20. Compliance inspections

Whilst safeagent members will always cooperate with the council to help facilitate access for an inspection, they have no power to guarantee access if the tenant is unavailable and/or refuses entry. Council officers have much stronger powers of entry then landlords or agents.

Delivering effective enforcement

It is vital that the council have a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme. In the absence of a previous scheme evaluation, we do not know and cannot comment upon what arrangements are currently in place.

Without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar. This creates unfair competition for safeagent members who seek to comply with all their legal responsibilities. They are saddled with extra costs associated with the licence application process and compliance, whilst others evade the scheme completely.

Recognising the important role of letting agents

Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as safeagent accredited firms.

Regulation of letting agents

To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.

Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, new legislation required agents to display all relevant fees, the redress scheme they belong to and whether they belong to a client money protection scheme. On 1 April 2019, new legislation required letting agents and property managers that hold client money to be members of a government approved client money protection scheme. At safeagent we operate one of the six government approved client money protection schemes.

To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed an Effective Enforcement Toolkit. Originally published in June 2016, the second edition was published in 2018. The third and most recent edition of the safeagent Effective Enforcement Toolkit, developed in conjunction with London Trading Standards, was published in 2021. It can be downloaded free of charge from our website: https://safeagents.co.uk/wp-content/uploads/2021/11/safeagent-EffectiveEnforcement-Toolkit-2021.pdf

Should you wish to discuss any aspect of this consultation response, please do not hesitate to contact me. Can you also please confirm the outcome of the consultation exercise in due course

Propertymark response

Background

1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.

Overview

2. Brent Council are consulting on a proposal to implement a borough-wide selective licensing scheme for all Private Rented Sector (PRS) accommodation. The scheme will include all Brent wards apart from the Wembley Park ward and builds on previous selective licensing schemes that the council implemented back in 2015.

3. Thank you for the opportunity to respond to the consultation on the licensing proposals for the borough-wide scheme in Brent Council. Propertymark is supportive of efforts made by local authorities to improve housing stock within the PRS. However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.

4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.

Licensing structure

5. Number of properties – One of our concerns about licensing schemes, especially ones as large as the proposed Brent scheme, is that the enforcement of schemes to ensure standards are being met in the PRS is often inadequate resulting in compliant landlords having to pay for the scheme and rogue landlords continuing to operate below standard under the radar.

6. Clarification needed on Council resources - The licensing scheme will operate in 21 of the 22 Brent wards only excluding the Wembley Park ward. The PRS is very large in Brent and is an important housing tenure that in total makes up 45.6 per cent of total housing stock. In total there are around 50,000 PRS properties within the scope of the scheme. This is a very large number of properties to check to ensure that landlords are operating to standard. We would like clarification on how much resources Brent will put into enforcement and compliance of the scheme. If insufficient resources are not put into staffing the scheme, then we are concerned the aims of the scheme will not be met.

7. Identifying non-registered properties - For a scheme on this scale, we are disappointed that there is no clear strategy on how the council will identify properties that have not been registered within the proposed scheme. Turning back to our concern that complaint landlords will pay for the scheme while rouge landlords will operate under the radar, we advocate using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar.

With this approach, the council would not need to seek permission from the UK Government and would be able to implement it with no difficulty

8. Fees – At £640 for a selective licence, the fee is in line with fees incurred in other local authority areas including £650 in Newcastle and £550 in Liverpool. However, other local authority schemes have considered 'early bird' discounts which given the large number of properties involved in this scheme would be a good incentive to ensure compliance. We also note that other schemes sometimes offer discounts for landlords or agents who belong to an accredited scheme. We note there is a discount for members of the London Landlord accreditation scheme, but consideration could have been given to members of landlord and letting agent accreditation schemes such as Propertymark (formally, the Association of Residential Letting Agents – ARLA).

9. Impact of cost-of-living and landlords - Regardless of the fee level, we are concerned these charges will come at a time when landlords are impacted by the cost-of-living crisis and the impact fees could have on the ability of landlords to improve standards. Our members have also told us that a common concern from landlords on licensing schemes is that the costs can be extremely high for landlords who own several properties within a self-contained unit such as a block of flats. We welcome Merton Council's acknowledgement of the high cost for these landlords who offer discounts for multiple licenses within one unit in their proposed scheme.

10. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns, those landlords who remain in the market, often have less money to improve conditions from increased costs. If the decision to operate a selective licensing scheme across the whole of Brent is approved, then there is a concern that landlords currently operating within Brent could invest in neighbouring local authority areas or exit the market altogether. This could result in fewer housing options for people living in Brent meaning some people might be forced to find housing options outside the area, change employment or break social ties within the community.

11. Unintended Consequences – We are pleased to see that Brent Council acknowledge that the PRS is an important and increasingly growing tenure that is home to many people living within Brent. Renting in parts of London, including Brent, can be very expensive. The median monthly rent for London is £1,750 compared to £1,775 in Brent4. Some renters living within Brent will require cheaper accommodation due to being on a low income and the continued challenges in the cost-of-living crisis. We previously outlined the possibility that further legislation could reduce the housing options of the most vulnerable from landlords exiting the market there could be further implications on the rent level for those landlords who remain. As is the general law of supply and demand, if the supply of PRS property reduces, the cost of rent for the remaining properties is likely to rise. With already high rental prices

within the area, there is a very real danger that many low-income families will be priced out of living in the area.

Improving standards

12. Property condition – Large parts of Brent is characterised as including large amounts of terraced housing and older stock. The purpose for excluding Wembley Park is due in part to the large amounts of new build housing to concentrate on older stock in other areas. Areas that have these characteristics are often inner-city communities with large section of pre-1919 built housing. Accordingly, a significant amount of investment is required to improve the condition of stock including the energy efficiency of properties. We would be grateful if Brent Council have any proposed grants or funds available for landlords to improve stock and energy efficiency.

13. Energy efficiency – Brent Council have highlighted improving energy efficiency as one of the key aims of the selective licensing scheme. This is not the purpose of selective licensing schemes. The Department for Business, Energy and Industrial Strategy (BEIS) already have the Minimum Energy Efficiency Standards (MEES) in place to improve the energy efficiency of PRS stock in place.

14. Empty properties – Brent Council briefly mention in their proposal document that they have worked with the Empty Property Team. However, details are vague and there is no clear strategy of the council's aims in reducing empty properties. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans/grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken the reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.

15. Current enforcement – Brent is experienced in the implementation of Selective Licensing Scheme and have introduced them since 2015. We would be grateful for some clarity on the performance of previous schemes. For example, how many working days did it take for a typical selective licence application to be processed and issued? The council also highlight some of the key statistics on their enforcement activity including warning letters, prosecutions, and civil penalties issues. We would be grateful if this data could be broken down by years and whether the action was within a selective licensing scheme area or from general enforcement. We would also be grateful for clarity on the reasons for issuing civil penalties for example, how many were for over-crowding, banning orders or for simply not obtaining the correct license.

Engagement

16. Engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, Brent Council have made several efforts to positively engage with landlords in the local area.

17. To strengthen this engagement, we would be very happy to support the council in engaging with our members and local property agents. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme of education to engage with landlords on helping them improve before a situation gets worse. We would welcome clarity on what training opportunities the council will provide to landlords and agents to help them understand their responsibilities and improve standards. We recognise the council have made strong efforts in this in the past with engagement via the council's Landlord Forum and an accreditation scheme for local landlords. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year. We would be very happy to work with the council to engage with local agents over a victual roundtable discussion on how standards can be improved.

Tackling Anti-Social Behaviour (ASB)

18. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Brent to another.

19. In this context, it should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as the Metropolitan Police in reducing anti-social behaviour within communities.

20. Brent highlights burglary as an issue for the local PRS. The council misjudges selective licensing as a tool to reduce home burglary, as selective licensing is designed to address property conditions, not burglary. Should the council wish to address this issue, there are alternatives such as offering grants to tenants for home security improvements and strengthening community ties with police and voluntary organisations. Furthermore, securing entry points, i.e., secure doors and locks, falls under HHSRS and Section 11 of the landlord and tenant act. Selective licensing is not needed to tackle these issues.

Selective Licensing and Section 21

21. Propertymark would like clarification on the council's policy concerning helping a landlord when a section 21 notice is served, the property is overcrowded, or the tenant is causing antisocial behaviour, as per the council's consultation. What steps will the council take to support the landlord? It would be useful if the council were to put a guidance

document before introducing the scheme to outline its position regarding helping landlords remove tenants who are manifesting antisocial behaviour. The change in section 21 legislation and how tenancies will end will mean landlords will become more risk-averse to taking tenants with a perfect reference and history. We would be willing to work with the council and develop a dispute resolution service with other local authorities.

Conclusions and alternatives

22. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.

23. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Brent Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of the proposed measures is the most effective approach to achieve this aim both in the short term and long term.

24. We would welcome the opportunity to work with Brent Council to further engage with our members and property agents in the local area.

Email Responses from Individuals

Email Response 1

I have a number of points to raise and questions to ask as part of your consultation as follows:

1. Consultation with landlords and publicising of the consultation process

There are a number of references to the need to consult and publicise within The Government Guide for Local Authorities on Selective Licensing in the Private Rented Sector.

In respect of landlords, this has not been adequately complied with and therefore undermines the validity of the consultation process.

The references are as follows:

- Take reasonable steps to consult persons who are likely to be affected by the designation, and, consider any representations made in accordance with the consultation

- Local housing authorities should ensure that the consultation is widely publicised using various channels of communication.
- Consultees should be invited to give their views, and these should all be considered and responded to.

1.a Could you clarify the purpose of the 'drop in session' please?

I attended your drop in session on Wednesday 11th January. It was disappointing to discover that there was no means of providing verbal input to the consultation process in a way that could be relied upon to systematically feed into the consultation process. I was advised instead to simply complete the online form. How can there be confidence in the consultation process without any systematic method of capturing input?

1.b How were the Brent Connect Forums conducted?

I attempted to attend one of them. There was insufficient information on your website to enable this. My attempts to communicate with your office were unable to provide me with any further information.

1.c Did these happen? I have asked the question already, but not received a response.

1.d Please confirm when you added the information concerning the Landlord forum which took place on 14th December to your web page?

The information regarding this event only has only recently appeared on your web page.

1.e Please also confirm how you publicised the Landlord Forum event. As a Brent landlord (whose details you have) I was not informed of it.

2. Previous Licensing Consultations

I can see from your documents that there was at least one previous Licensing Consultation from 10 June to 25th August 2019.

2.a Please confirm how this was publicised, who was invited to participate, what was the criteria for inclusion as a landlord?

I was a landlord in Brent at that time but have no knowledge of this consultation.

3. Implications of increased costs for landlords

3.a The cost of the licence will add to the already considerably increased costs borne by landlords, particularly good landlords who have higher cost bases as they actively maintain their properties in good order.

Landlords will have no option but to pass on the cost to tenants, reduce costs in other areas (reducing active maintenance) or exit the market reducing the amount of quality housing in the area.

The Government Guide for Local Authorities on Selective Licensing in the Private Rented Sector states 'Local authorities should also carefully consider any potential negative

economic impact that licensing may have on their area – particularly the risk of increased costs to landlords who are already fully compliant with their obligations. These additional costs can reduce further investment and are frequently passed on to tenants through higher rents.'

How are you addressing this?

4. Inequity of licensing only private landlords

The cost burden of improving rented housing conditions is falling entirely on the shoulders of private landlords. This is unfair and unreasonable.

It is evident that the issues relating to rented housing (poor quality housing, antisocial behaviour and overcrowding) is not exclusively limited to the private rental sector. Yet those are the only landlords required to pay the licence and therefore fund the attempted enforcement of matters related to these issues.

The licence fee is effectively a tax on private landlords designed to fill a gap in local authority funding.

5. Value for money

I have been a licensed landlord in Brent since 2018 and have seen no input/value to either myself or my tenants as a result of this scheme.

Your own documentation states 'all groups will benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers.'

I have had no communication apart from one email on 31st October inviting me to participate in this consultation process for the extension of the scheme.

5.a What evidence is there that the scheme already in place has been effective and that it has been implemented in the way intended?

6. Access to the full consultation report

6.a When and where will the full consultation report be made available?

Currently the only information I can find is that it will be will be 'published on the property licensing pages of the web site'. This is not specific enough to ensure that I will be able to access it in a timely manner.

Email response 2

The questionnaire did not give me the opportunity to make my points, so-

Overall the proactive ethos of this consultation is a good thing.

Why are these basic standards not applied and enforced throughout the borough?

Yes landlords must come under scrutiny- they play a big part in civic life.

When a housing association is renting from the council or vice versa is that covered by these standards?

My daughter lives in [removed]. Disgustingly irresponsible attitude to waste disposal by residents. There is always stuff dumped on the street and residents are oblivious to recycling, risk of rodents etc. The council needs to be more forthright on this. People should be fined if their bins are open and spilling onto the street. Roundwood Road was really unpleasant during the summer.

One property on [removed] is very poorly maintained and has bars at all the front windows. There are children living at the property. I know there is a lot of temporary housing in the road and Victorian property is expensive to maintain, especially when landlords have maximised renting income by chopping up properties, messing around with drainage etc. The culture of the slum landlord getting the upper hand is alive and kicking in Brent. We are not after gentrification, just a pleasant streets and clean and tidy properties.

My impression is that nothing is being enforced. Current legislation surely exists to stop fly tipping, not refunding deposits etc?

Please take my points into consideration.

Email Response 3

I would like to inquire into the scope of the scheme and areas covered. We live in the [removed] and have experienced a dramatic escalation of property investors buying up family houses and converting them into multiple dwellings. This is having an increasingly detrimental impact on the area, we have seen an increase in traffic, anti social behaviour, fly tipping and above all, seen these properties managed to a very poor standard.

I would be interested to know if there were plans to extend this initiative to surrounding areas like ours, and who would be best placed to speak to about our growing concerns

Consultation on Private Sector Licensing in London Borough of Brent

Summary of Representations made to the Consultation and of the Council's Considerations and Responses

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Introduction

Sections (9)(b) Housing Act 2004 requires the Council to consider any representations made in accordance with the consultation which are not withdrawn. The representations received are captured in this document. The table also shows the Council's considerations and responses.

Changes made in response to Consultation Feedback

In response to the consultation feedback, the council has made the following changes to the proposed two selective licensing designations:

Licence Condition	Previous wording	Summary of Feedback	Changed Wording
Condition 3	"The licence holder must ensure that there is a record of all rent payments received in respect of the property. All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement. This should be provided to the occupiers at weekly or monthly intervals as a minimum. Evidence of rent records must be provided to the Council within 14 days on demand."	Rent books are not appropriate for the vast majority of rent payments made by BACS transfer, standing order or direct debit. Neither are weekly or monthly rent statements appropriate for payments made via bank transfer which are recorded on the bank statements of both parties. The condition should be reworded to differentiate between cash and other rent payments.	Tenants or licensees should be given a rent book or written rent receipt, invoice or a statement for payments made, confirming the tenant, the date and amount paid. This should be provided to the occupiers at weekly or monthly intervals as a minimum after the payment is made.
Condition 6a (IV)	"When giving a reference state whether or not they are aware of any allegations of anti-social behaviour made against the tenant. If allegations have been made they must give details, to the best of their knowledge, of	The condition does not relate to management of the property being licensed and the council should not seek to insist on information being	This has been considered and we will reflect any changes in the final conditions to be imposed.

Licence Condition	Previous wording	Summary of Feedback	Changed Wording
	whether the allegations have been admitted or have been found proven in any court or tribunal. "	disclosed which could be sensitive personal information under GDPR.	
Condition 6a (V)	"Ensure regular inspections of the property are carried out, at least every six (6) months to check on the state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions."	The condition imposes a reasonable requirement for six monthly inspections. The reference to regular and interim inspections in condition 11 need to be defined to make clear one six monthly inspection will satisfy all these requirements	This has been considered and we will reflect any changes in the final conditions to be imposed.
Condition 7	"If gas is supplied to the property, the Licence Holder must produce to the local housing authority, within 14 days if requested, an annual gas safety certificate obtained in respect of the house within the last 12 months for the Authority's inspection. If gas is supplied to the property, the licence holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. Within 14 days of the licence holder being notified by the Council of any safety risk, a new Gas Safe certificate must be submitted to the Council. The licence holder must provide to the Council, a current Gas Safe Certificate within 14 days on demand."	The condition contradicts the gas safety enforcement regime enforced by HSE that imposes no such requirement. Also, case law confirms any perceived hazards should be dealt with via HHSRS and not selective licence conditions.	This has been considered and we will reflect any changes in the final conditions to be imposed.

Licence Condition	Previous wording	Summary of Feedback	Changed Wording
Condition 10a, 10b and 10c	The licence holder is responsible for ensuring adequate precautions are provided for the security of the property and must ensure: a. The access to the property, such as locks, latches and entry systems are maintained and in good working order at all times. b. The front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level. c. Where window locks are fitted, the keys are provided to the relevant occupants.	Selective licensing conditions can only relate to the management, use and occupation of the property.	This has been considered and we will reflect any changes in the final conditions to be imposed.
Condition 11	"The licence holder must ensure that they: a. Carry out regular inspections of the exterior of the property, including the roof, walls, drainage, window and door elements to identify any problems in relating to the maintenance and state of repair. b. Carry out interim inspections to ensure that gardens, fencing, paths, etc., and other external elements are kept in a clean, clear and/or sound condition. c. Carry out interim inspections to identify any maintenance problems associated with outbuildings such as garages, sheds and	The reference to regular and interim inspections in condition 11 need to be defined to make clear one six monthly inspection will satisfy all these requirements	The licence holder must ensure that they carry out inspections at least every 6 months.

Licence Condition	Previous wording	Summary of Feedback	Changed Wording
	to ensure that such buildings are not used for sleeping purposes. d. Provide any such inspection report to the Council with 14 days, on demand.		
Condition 12e	"The Licence Holder must ensure that the statement, in any tenancy or licence granted contains a clause which stipulates that no refuse or rubbish may be kept in the front or rear gardens of the house, or in any yards, forecourts, alleyways or other spaces within the house curtilage, other than in refuse and rubbish storage facilities provided specifically for that purpose."	The Housing Act 2004 makes clear the council cannot impose specific clauses within a current or future tenancy agreement. Each house or flat will have different provisions for waste storage which would be difficult to capture in a tenancy condition. We believe condition 12a and d deal with this matter appropriately. i.e., that tenants are told how to dispose of waste and recycling and that any concerns are investigated and appropriately dealt with	This has been considered and we will reflect any changes in the final conditions to be imposed.
Condition 14	"The licence holder is responsible for ensuring that the property, including external areas such as gardens, are free from pest infestation e.g. rodents. Any pest infestations must be managed effectively and within a period of 7 days of being reported. Records of treatment and management must be kept and copies of these must be provided to the Council within 14 days on demand. "	In a single-family property subject to selective licensing, the licence holder will not be responsible for all pest issues. It will depend on the circumstances.	This has been considered and we will reflect any changes in the final conditions to be imposed.

Licence Condition	Previous wording	Summary of Feedback	Changed Wording
Condition 15.1 (e)	The licence holder must ensure that; e. The installed smoke alarms are appropriate to the house	It exceeds the Schedule 4 smoke alarm condition and breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.	This has been considered and we will reflect any changes in the final conditions to be imposed.
Condition 16	"The licence holder must ensure that all means of escape from fire that adequate fire precautions are maintained. "	Means of escape – Condition 16 and advisory note 3 in Appendix 1 should be deleted. It is unclear what it means in the context of a single family property and it breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004	This has been considered and we will reflect any changes in the final conditions to be imposed.

Positive Responses to the Proposed Scheme

The council would like to acknowledge some of the comments received during the consultation in support of the proposed scheme:

- I personally think landlords should take more interest and care of their properties. Some areas of Brent, not all of course, look very deprived and private property does look old and unkept. I believe the licensing proposal and the points made in this section will enforce some of the landlords to engage more with their tenants and improve conditions.
- Landlord earn a lot of money from renting their properties and the least they can do, is provide a decent home for its renters.
- Landlords should be regulated
- Licensing properties is important
- Overall I'm happy with the way the Council is approaching the improvement of conditions for tenants. The message must be clear to landlords that all tenants must be respected and therefore properties must be maintained to a safe and high standard. This will have a positive impact on local communities.
- The proposed fee would help ensuring professionalism amongst landlords and go some way in reducing the decline of the area
- Increased regulation of the private rented sector is a good thing
- I think it a great idea and it will make deprivation improve
- Too many landlords don't care about the condition of the property, they are only care about the money. So many tenants live in squalor and unsafe conditions.
- EVERY landlord in Brent should be licenced NOW, without any further delay. There is no reason whatsoever why ALL landlords have not been licenced yet! I was amongst the first to be licenced and it is only right. What is wrong and grossly unfair is that there are still so many unlicensed landlords!
- Lots of landlords don't know what they're doing, conditions will give them a guide
- Large landlords often support licensing as they want good areas to invest in
- [Licensing] improves the neighbourhoods and creates a level playing field. The council can change things in response to knowing more about the PRS such as changing waste disposal systems (more tips etc). Also, the council can look at how to create more community in the knowledge that some areas have a more transient population. Landlords should want long term tenancies (less hassle for them) and the council can support that by knowing where the PRS is, and investing in areas to make them areas that people want to stay in

Comments Received in Written Submissions

Submission	Consultation Responses	Council's Response
Propertymark	Propertymark is supportive of efforts made by local authorities to improve housing stock within the PRS. However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected	We engage with landlords advising of management issues, providing training and accreditation. Licensing builds upon this work especially aimed at non-complaint landlords and those who fail to engage voluntarily. A robust enforcement policy which is adequately resourced will support any the licensing scheme introduced.
Propertymark	Number of properties – One of our concerns about licensing schemes, especially ones as large as the proposed Brent scheme, is that the enforcement of schemes to ensure standards are being met in the PRS is often inadequate resulting in compliant landlords having to pay for the scheme and rogue landlords continuing to operate below standard under the radar	If the schemes are approved, the Council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.
Propertymark	Clarification needed on Council resources - The licensing scheme will operate in 21 of the 22 Brent wards only excluding the Wembley Park ward. The PRS is very large in Brent and is an important housing tenure that in total makes up 45.6 per cent of total housing stock. In total there are around 50,000 PRS properties within the scope of the scheme. This is a very large number of properties to check to ensure that landlords are operating to standard. We would like clarification on how much resources Brent will put into enforcement and compliance of the scheme. If insufficient resources are not put into staffing the scheme, then we are concerned the aims of the scheme will not be met	
Propertymark	Identifying non-registered properties - For a scheme on this scale, we are disappointed that there is no clear strategy on how the council will identify properties that have not been registered within the proposed scheme. Turning back to our concern that complaint landlords will pay for the	The council will develop an enforcement strategy for the proposed scheme, which would come into effect if the schemes are approved. This strategy would include :

Submission	Consultation Responses	Council's Response
	scheme while rouge landlords will operate under the radar, we advocate using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar. With this approach, the council would not need to seek permission from the UK Government and would be able to implement it with no difficulty	• Using the Tenure intelligence model to identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations. • Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. • The use application and case management systems which will flag properties that are a high priority for inspection, including properties without gas and electric safety certificates and properties with a record of ASB incidents or complaints.
Propertymark	Fees – At £640 for a selective licence, the fee is in line with fees incurred in other local authority areas including £650 in Newcastle and £550 in Liverpool. However, other local authority schemes have considered 'early bird' discounts which given the large number of properties involved in this	We are not proposing an "early bird" discount. The cost of the licence has been calculated based on the cost of administration and enforcement

Submission	Consultation Responses	Council's Response
	scheme would be a good incentive to ensure compliance. We also note that other schemes sometimes offer discounts for landlords or agents who belong to an accredited scheme. We note there is a discount for members of the London Landlord accreditation scheme, but consideration could have been given to members of landlord and letting agent accreditation schemes such as Propertymark (formally, the Association of Residential Letting Agents – ARLA).	The council feels that the proposed fees are at a lower level than comparable schemes in London, and this is because we have looked carefully at our charging and activities. However, we will look at the timing and the circumstances around when the fee is applied. Currently, a renewal fee is less than the initial fee.
Propertymark	Impact of cost-of-living and landlords - Regardless of the fee level, we are concerned these charges will come at a time when landlords are impacted by the cost-of-living crisis and the impact fees could have on the ability of landlords to improve standards. Our members have also told us that a common concern from landlords on licensing schemes is that the costs can be extremely high for landlords who own several properties within a self-contained unit such as a block of flats. We welcome Merton Council's acknowledgement of the high cost for these landlords who offer discounts for multiple licenses within one unit in their proposed scheme.	We are mindful of the impact of the cost-of-living crisis on our PRS. Where there are multiple units, our team can assist with making multiple applications. This is particularly well developed for our build-to rent sector and "bulk applications" for larger landlords and agents.
Propertymark	Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS3 found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns, those landlords who remain in the market, often have less money to improve conditions from increased costs. If the decision to operate a selective licensing scheme across the whole of Brent is approved, then there is a concern that landlords currently operating within Brent could invest in neighbouring local authority areas or exit the market altogether. This could result in fewer housing options for people living in	The council appreciates that the private rented sector plays a very important role in providing decent homes throughout the borough. However, as outlined in the evidence base, there is evidence of persistent issues relating to ASB and poor property conditions throughout the borough. In light of the evidence, the council believes that is has to take steps to address these widespread issues in the borough

Submission	Consultation Responses	Council's Response
	Brent meaning some people might be forced to find housing options outside the area, change employment or break social ties within the community.	
Propertymark	Unintended Consequences – We are pleased to see that Brent Council acknowledge that the PRS is an important and increasingly growing tenure that is home to many people living within Brent. Renting in parts of London, including Brent, can be very expensive. The median monthly rent for London is £1,750 compared to £1,775 in Brent. Some renters living within Brent will require cheaper accommodation due to being on a low income and the continued challenges in the cost-of-living crisis. We previously outlined the possibility that further legislation could reduce the housing options of the most vulnerable from landlords exiting the market there could be further implications on the rent level for those landlords who remain. As is the general law of supply and demand, if the supply of PRS property reduces, the cost of rent for the remaining properties is likely to rise. With already high rental prices within the area, there is a very real danger that many low-income families will be priced out of living in the area.	
Propertymark	Property condition – Large parts of Brent is characterised as including large amounts of terraced housing and older stock. The purpose for excluding Wembley Park is due in part to the large amounts of new build housing to concentrate on older stock in other areas. Areas that have these characteristics are often inner-city communities with large section of pre-1919 built housing. Accordingly, a significant amount of investment is required to improve the condition of stock including the energy efficiency of properties. We would be grateful if Brent Council have any proposed grants or funds available for landlords to improve stock and energy efficiency.	Energy grants and support is available via the Council's Energy and Climate Change Team Empty Property grants are also available for landlord and developers to return empty property back into use and provides significant funding to return properties to a Decent Homes standard. The Council has had previous successful Government bids for funding targeted PRS work

Submission	Consultation Responses	Council's Response
		activities including enforcement. We will submit bids to DHULU, BEIS etc., when funding streams are available
Propertymark	Energy efficiency – Brent Council have highlighted improving energy efficiency as one of the key aims of the selective licensing scheme. This is not the purpose of selective licensing schemes. The Department for Business, Energy and Industrial Strategy (BEIS) already have the Minimum Energy Efficiency Standards (MEES) in place to improve the energy efficiency of PRS stock in place.	We do not require ang EPC rating. Information should be available for all rented properties at https://www.gov.uk/find-energy-certificate . We will check as part of the licensing administration especially in relation to MEES requirements. The scheme will be used to identify properties for (Part 1) HHSRS inspections or fuel poverty action.
Propertymark	Empty properties – Brent Council briefly mention in their proposal document that they have worked with the Empty Property Team. However, details are vague and there is no clear strategy of the council's aims in reducing empty properties. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans/grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken the reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing	We have considered empty properties as part of our overall coordinated approach to Housing in Brent. Information on the council's approach to empty properties can be found here on the council's website. The council is addressing empty properties in the borough through increases to council tax if properties remain empty, and through the use of grants, to bring properties back into use. These grants include: • refurbishment grants - a grant which could cover works such as faulty and unsafe electrics, inferior heating system, windows that are so faulty as to be very poor insulation, inadequate kitchen food safety or food preparation arrangements

Submission	Consultation Responses	Council's Response
		and bathrooms that are very old. It may also cover work to provide additional bedroom(s) • conversion grants - a grant can help pay for converting a large empty home into smaller units) • commercial grants – a grant aimed at converting commercial units into residential units
Propertymark	Current enforcement – Brent is experienced in the implementation of Selective Licensing Scheme and have introduced them since 2015. We would be grateful for some clarity on the performance of previous schemes. For example, how many working days did it take for a typical selective licence application to be processed and issued? The council also highlight some of the key statistics on their enforcement activity including warning letters, prosecutions, and civil penalties issues. We would be grateful if this data could be broken down by years and whether the action was within a selective licensing scheme area or from general enforcement. We would also be grateful for clarity on the reasons for issuing civil penalties for example, how many were for over-crowding, banning orders or for simply not obtaining the correct license.	Typically, licenses are determined within 6 weeks with initial drafts issued within 28 days of the application. The system is supported by our IT and in line with the minimum timelines as set out in schedule 5 of the Housing Act 2004 Statistics were submitted as analysed as part of the Metastreet "stocks and stressors" report appended to the proposals. We have met with PropertyMark and have clarified the general enforcement data
Propertymark	Engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, Brent Council have made several efforts to positively engage with landlords in the local area.	Brent has run face to face training and accreditation in conjunction with London Landlords Accreditation Scheme. These training sessions will shortly be restarting this post Covid impasse. Landlords are encouraged to attend training and at present we have 5th highest number of accredited landlords.

Submission	Consultation Responses	Council's Response
	To strengthen this engagement, we would be very happy to support the council in engaging with our members and local property agents. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme of education to engage with landlords on helping them improve before a situation gets worse. We would welcome clarity on what training opportunities the council will provide to landlords and agents to help them understand their responsibilities and improve standards. We recognise the council have made strong efforts in this in the past with engagement via the council's Landlord Forum and an accreditation scheme for local landlords. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year. We would be very happy to work with the council to engage with local agents over a victual roundtable discussion on how standards can be improved.	The council will continue with our e-newsletters to registered landlords, and landlord forums inviting notable landlords and industry experts to address the meetings. We accept and welcome the opportunity to work with PropertyMark
Propertymark	The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Brent to another. In this context, it should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their	The council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The council do not expect landlords to be responsible for the behaviour of their tenants, but the council would expect landlords to meet the proposed licence conditions, which lay out how to help address issues with ASB in licensed properties. The council is also proposing, if the schemes are approved, to recruit a dedicated ASB officer and resources to help with tenancy relations, and to work with the housing team and landlords to address issues with ASB.

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	properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as the Metropolitan Police in reducing anti-social behaviour within communities	The council's ASB policy is available on the council's website here which outlines how the council will investigate reports of ASB when both the person experiencing and the person perpetrating anti-social behaviour are owner occupiers or reside in privately rented accommodation As stated in the evidence pack provided, the council works with a number of partner organisation on ASB. Since 2015 an Enforcement Practitioners Group (EPG) has been operational which brings together regulatory enforcement teams from across the council, including Trading Standards and Planning to tackle complaints about ASB in privately rented properties. These complaints range from crack houses, brothels and cannabis factories to harassment of neighbours and issues with aggressive dogs. The group meets every five weeks, shares intelligence and works together to try and resolve ASB. On average twenty multi-agency operations are carried out each year. In addition, the Brent Joint Action Group (BJAG) is a multi-agency group which meets monthly to manage issues raised by residents (through ward panels) or through data analysis. Monthly hotspot maps are used routinely to prioritise multi-agency

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		enforcement and engagement in the appropriate areas. In 2021/22, eight high priority cases were referred and managed through the BJAG. Issues such as drug dealing, and drug use were tackled during tasking operations and ASB enforcement powers such as Closure Orders used to deal with nuisance.
Propertymark	Brent highlights burglary as an issue for the local PRS. The council misjudges selective licensing as a tool to reduce home burglary, as selective licensing is designed to address property conditions, not burglary. Should the council wish to address this issue, there are alternatives such as offering grants to tenants for home security improvements and strengthening community ties with police and voluntary organisations. Furthermore, securing entry points, i.e., secure doors and locks, falls under HHSRS and Section 11 of the landlord and tenant act. Selective licensing is not needed to tackle these issues	The scheme is not predicated on the crime criteria For entry by intruders or acquisitive crime, we agree there are provision within part 1 of the Housing Act. However, SL will deal with the management of the property including inspections and addressing issues in connection with the tenancy.
Propertymark	Propertymark would like clarification on the council's policy concerning helping a landlord when a section 21 notice is served, the property is overcrowded, or the tenant is causing antisocial behaviour, as per the council's consultation. What steps will the council take to support the landlord? It would be useful if the council were to put a guidance document before introducing the scheme to outline its position regarding helping landlords remove tenants who are manifesting antisocial behaviour. The change in section 21 legislation and how tenancies will end will mean landlords will become more risk-averse to taking tenants with a	The current policy is that t he council do not assist landlords to obtain possession. The council will intervene to try and prevent the eviction, but if they want to proceed the council advises them to seek independent legal advice. We await final outcomes of proposed reforms and will work with all agencies to adopt a workable and supportive framework for landlord

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	perfect reference and history. We would be willing to work with the council and develop a dispute resolution service with other local authorities.	while ensuring that tenants' rights are protected within the provision of the law.
Propertymark	Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.	Brent Council already has a very effective enforcement policy that is key in seeing improvements within the PRS. This policy will be refined and developed with these proposals in mind and this will include the steps for proactive enforcement for unlicensed properties.
Propertymark	If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Brent Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of the proposed measures is the most effective approach to achieve this aim both in the short term and long term	The council intends to produce an annual review of the licensing schemes, which will show how the council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme
Propertymark	We would welcome the opportunity to work with Brent Council to further engage with our members and property agents in the local area.	Brent Council welcomes the opportunity to engage with Propertymark, and would want to continue to meet with their members and agents
NRLA	An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. While Brent has been active in enforcement it can do more. We have concerns around the council's approach to licensing, you have failed to inspect all properties that come under previous schemes, while you have done the most in London, you should be aiming to inspect all the	The council appreciates that its good work for the previous scheme is acknowledged. The council will inspect at least 50% of licensed properties but will have risk based, intelligence led programmes and will proactively look to find

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	properties. Some schemes are delivering multiple inspections, up to 3 of every property during a scheme, while this is at the top and Brent is close to it, it should undertake an inspection of all properties covered by the scheme. Multiple inspections push criminals out of the sector and drives up the standards for landlords and tenants. Brent has been good so far but there is still room for improvement.	unlicensed properties. Whilst the council would want to inspect every property, (and aims to inspect a high percentage,) within the proposed scheme, the staff implications of this would greatly increase the cost of the proposed licence fee. The council believes that its strategic and targeted approach will improve the property conditions across the borough, without increasing the cost further to landlords
NRLA	Landlords are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties through county lines and other criminal activity such as people smuggling, drugs and prostitution. We believe the council should adopt an approach similar to the Leeds rental Standard, which supports the compliant landlords and allows the local authority to target the criminals and inspecting all properties.	The council have looked at the Leeds experience and while there are good benefits, the council feels that this is not appropriate for Brent. The council also acknowledges that Leeds Council does also have a selective licensing scheme, as well as the rental standard. Brent Council does already work with the police to on issues facing the borough (please see the above response on the Enforcement Practitioners Group and the Brent Joint Action Group), and information is available on the council's website about their work with the police, fire brigade, the National Probation Service, the Community Rehabilitation Company and other agencies in the Safer brent Partnership, which is a multi-agency, strategic group that oversees the approach to reducing crime and antisocial behaviour.

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NRLA	The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. As you will be aware, the NRLA publishes data against performance against peer councils. We support league tables of councils performances. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. We recognise Brent has done good work on enforcement, we just believe it needs to go further. How does the local authority plan to communicate best practice to the landlord and tenants of Brent? Brent should commit to inspect each property at least once?	As stated above, the council intends to produce an annual review of the licensing schemes, which will show how the council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme. The council welcomes benchmarking data, which will be considered in the reviews of the scheme. As stated above, Brent Council has run face to face training and accreditation in conjunction with London Landlords Accreditation Scheme. These training sessions will shortly be restarting this post Covid impasse. Landlords are encouraged to attend training and at present we have 5th highest number of accredited landlords. The council will continue with our e-newsletters to registered and landlords forums inviting notable landlords and industry experts to address the meetings. The council will inspect at least 50% of licensed properties and will proactively look to find unlicensed properties. Whilst the council would want to inspect every property, (and aims to inspect a high percentage,) within the proposed scheme, the staff implications of this would

Submission	Consultation Responses	Council's Response
		greatly increase the cost of the proposed licence fee.
NRLA	The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the council make it clear in the report that they will support the landlord in the ending of the tenancy for anti-social behaviour? Will the council support the landlord going to court to regain possession, if they are, what is the process? The House of Commons (Library report) says it is not the landlord's responsibility, who's is it?	Our SL conditions gives actions which landlords should take to indicate that they are dealing with ASB associated with their properties. Evidence presented to the LA may be used in claims for possession. The Council has dedicated ASB officers who work with the Police and the Brent safety Partnership to support landlords in dealing with tenants causing ASB.
NRLA	With the government proposal to reform Section 21 (Renters Reform Bill) and Anti-social Behaviour clear guidance on how the council will support landlords when an allegation is made needs to be documented. Landlords will require support, if the tenancy is to be ended, how will the council provide support and what will it be? Will the council support the ending of a tenancy?	We await final outcomes of proposed reforms and will work with all agencies to adopt a workable and supportive framework for landlord while ensuring that tenants' rights are protected within the provision of the law.
NRLA	Licensing is a powerful tool. If used correctly by Brent Council, it could resolve specific issues. We have supported/worked with many local authorities in the introduction of licensing schemes (additional and selective) that benefit landlords, tenants and the community. We can support parts of the proposal. Our main questions are • You sight poor property conditions; this would mean that you will be required to inspect all properties in the scheme? • In relation to anti-social behaviour, will you provide guidance for landlords with the government reforms up to and including support in the removal of problem tenants?	The Council is committing to inspecting all HMOs licensed and at least 50% of selectively licensed properties during the life of the licence. In regards to ASB, the council will work with LLAS to provide training for landlords, and also will send out an e-newsletter to registered landlords, which will include guidance for landlords with the government reforms. The council will work with landlords who are experiencing issues with tenants, and are proposing that, if the schemes are approved, a

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		dedicated resources will be appointed to work with the private rented sector team to support this work.
NRLA	The increase in rent-to-rent or those who exploit people (both tenants and landlords), has increased in recent years. Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license, with the council not inspecting all properties they know there is no risk. The landlord does not rent the property as an HMO, but is illegally sublet. The license holder can end the tenancy (of the superior tenant, the sub tenants have no legal redress) but the landlord would need support the local authority for a criminal prosecution. Including the work to identify elsewhere is the borough where this is happening. But what is the process for landlords, it would help if the council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?	We appreciate the problems that can arise from subletting and rent-to-rent, neither of which are illegal schemes. The requirement to licence a PRS property means that ownership and landlord details are checked. Tenants are able to find certain information on our public register. Concerns about licensed and unlicensed properties reported to us will be investigated. Landlords may be signposted to reputable agencies for specific and independent advice regarding illegal letting and claims for possession.
NRLA	The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this.	The council believes there are steps that landlords can take to determine if a property has been sublet or overfilled. In the licence conditions, it states that the licence holder should carry out regular inspections to "check on the state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions". The NRLA's own guidance recommends that "inspections should be no less than every three months" (Source:

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		The landlord's essential guide to periodic property inspections | NRLA). The council does not believe that these inspections would impact the tenants' welfare. As stated above, the council will work with landlords who are experiencing issues with tenants, and are proposing that, if the schemes are approved, a dedicated resources will be appointed to work with the private rented sector team to support this work.
NRLA	While any additional costs levied on the private rented sector runs the risk of these being passed through to the tenants, as has previously been established. We are disappointed that the local authority has not looked at a cost in a monthly basis. Is the council going to allow landlords to pay monthly, thus following best practice? If other councils are able to do this, why cannot Brent? The introduction of licensing post Covid 19 will have an impact on cash flow for many landlords, and tenants therefore following best practice a monthly fee as highlighted by other councils does seem appropriate. As other local authorities are able to deliver this, we hope Brent follows these examples as it benefits all parties	The payment of fees on a weekly/monthly basis would lead to a substantial increase in administration which would raise the overall cost of the licence. Fees are however payable in two instalments. Our experience show that pro-rating fees or monthly payments is unrealistic as it would incur a administrative burden on the scheme
NRLA	This will also the issue of insurance is often overlooked as a cost, as premiums increase for everyone (homeowners and landlords) when a local authority designates an area with licensing it is indicating problems in the area. This will add costs to those renting as well as to owner-occupiers. Already Brent is expensive, and this will continue affecting those on the lowest income. A joined-up coordinated approach within the council will be required. Yet there is no evidence from the council that this will be done – can this be	Landlords are encouraged to claim the reasonable business expenses. We will continue to feature advise on money, taxation etc as part of our Brent Landlords forums and the e-newsletters

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	provided? How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support.	We have considered as part of an overall approach how licensing is coordinated with other Council strategies and policies, which can be seen in the evidence pack provided as part of the consultation We can liaise with the Council has "Safeguarding" and Wellbeing Teams to support vulnerable residents where concerns are found.
NRLA	Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to. The contractual arrangement is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g., nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the additional licensing scheme, even if the tenant has any of the above issues. This moves the problems around Brent, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within licensing for the landlord to resolve an allegation of behaviour, as outlined by the House of Commons. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce. We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the	As stated above, the council will work with landlords who are experiencing issues with tenants, and are proposing that, if the schemes are approved, a dedicated resources will be appointed to work with the private rented sector team to support this work

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	problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.	
NRLA	Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the council to collect. This is in hope of getting there deposit back. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues while staying in the framework of a local authority.	Conditions relate to dealing with waste, including buking items or items which the regular waste collection will not ordinarily take. Tenants can contact the councils waste service. Landlords can advise tenants re-waste as part of the end of tenancy information.
NRLA	A landlord currently has to comply with over 180 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.	The council is not sure what the comment is referring to regarding keeping a record of a tenant, as this is not required by the proposed licensing scheme or the proposed conditions
NRLA	We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice (or future notice as currently being consulted upon under the Renters Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour. What steps will the council take to support the landlord? It would be useful if the council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.	We will await the passage of the Renters Reform Bill and together with our Legal team ensures that the requirement of the bill is satisfied and that the rights of landlords as allowed in the law are protected.

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	The change to how tenancies will end and a move to a more adversarial system, especially in the lower income market. Landlords will become more risk adverse to take tenants that do not have a perfect reference and history. It also poses a question where does the council expect people to live who have been evicted due to a tenancy issue?	The Council will carefully consider and note any relevant government guidance and good industry practice.
Safeagent	The report says the worse property conditions and highest repeat ASB is found in Dollis Hill, Harlesden & Kensal Green and Willesden Green. Whilst we understand some ward boundaries have changed, Harlesden, Willesden Green and Kensal Green have all been subject to five year selective licensing schemes. If these areas remain the worst in the borough, it calls into question how successful the schemes have been and what value will be achieved in repeating the schemes for another five years.	The Council has analysed the evidence for ASB across all borough wards. New schemes will allow the Council to continue with previous actions and to use new approaches in dealing with the neighbourhood problems which still exist.
Safeagent	We would encourage the council to publish a more detailed evaluation of the current and previous schemes. This will help us understand how many of the licensed properties have been inspected and improved, what steps have been taken in partnership with landlords and agents to tackle poor tenant behaviour and whether staffing resources have been maintained at an appropriate level to address these issues.	As stated above, the council intends to produce an annual review of the licensing schemes, which will show how the council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme
Safeagent	We note that Wembley Park ward is the only ward to be excluded from the proposed selective licensing scheme. According to the council's report it has 98% private rented properties and no serious concerns about property condition or ASB. This ward could be a useful benchmark for a comparative study exploring factors that influence poor condition, poor property management and poor tenant behaviour. What is the demographic of tenants in that area and why does the ward differ so markedly from those around it?	The council has chosen to propose licensing in areas where there is the evidence to support a scheme. In this case, there evidence supported a scheme based on poor property conditions (and ASB in the three wards), however, there was not the evidence of poor property conditions or ASB in Wembley Park, therefore it is not included in the proposed designation. The demographics of tenants in the area is not relevant to the designation.

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		If respondents would like more information on Wembley Park, information on the area may be gained from Census 2021 data
Safeagent	We understand the council's greatest concern relates to the council wards of Dollis Hill, Willesden Green and Harlesden & Kensal Green and these three wards would form phase I of a proposed selective licensing scheme. It is unclear whether the statistical mapping takes account of housing enforcement activity to raise standards under previous licensing schemes. It is also unclear whether the data excludes Houses in Multiple Occupation that fall outside the scope of this scheme. If these factors have been considered, commentary could helpfully explain why the council think housing conditions remains so poor after five years of intensive licensing activity designed to address this issue.	The council took a fresh look at the housing data and noted the effect of boundary changes and the effectiveness of longitudinal studies and ultimately the mapping exercise on its wards. Brent commissioned a fresh report by Metastreet following the BRE 2019 report Known HMO properties were removed from analysis and figures presented as part of the evidence base. The previous small SL schemes and the decision not to approve the renewal of Harlesden and WG schemes by SoS in 2020 has meant that previous scheme actions came to an end.
Safeagent	From an ASB perspective, we are given no breakdown of the data which we understand is cumulative data gathered over five years. This approach gives no indication of annual trends and no comparison of data between wards that were and were not previously subject to licensing. Is ASB data in these wards trending up or down and what interventions are being proposed to address these issues?	Over a 5-year period, 10, 398 ASB incidents have been recorded linked to PRS properties. We have the data incidences information and this has been independently analysed and reported as part of our Private Rented Sector: Housing Stock Condition and Stressors Report.

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		Again, we feel that Electoral Commission Boundary changes has made it not possible to show trends. The council's objectives with the proposed scheme are to reduce ASB and repeat ASB in single family dwelling, to reduce ASB incidents and the number of ASB concerns raised by residents over the lifetime of the scheme, and to improve engagement with tenants in the PRS. The council intends to inspect 50% of licensed properties and work with licence holders and tenants to address ASB
Safeagent	We note that the main ASB concerns relate to substance misuse, noise and rowdy behaviour. Whilst dealing with excess noise is a common housing management function, our safeagent members have limited ability to address substance misuse and no control over the availability of health treatment programmes for addiction. Likewise, whilst the police can tackle rowdy behaviour, it is not an easy topic to resolve through tenancy management. We would welcome a further discussion with the council to explore how our members can assist in addressing these challenging societal issues.	The council welcomes the opportunity to engage with Safeagent to discuss how their members can assist in addressing the issues raised.
Safeagent	We do have concerns that a proposed scheme encompassing around fifty thousand properties distributed across the borough is a step too far. The council will lack the resources needed to deliver meaningful results within five years. Instead, we would encourage the council to focus their limited resources in the three wards where the worst problems are concentrated. Once those issues have been addressed the council could then refocus their resources on a new area.	If the proposed schemes are approved, the council will scale up resources to administer and enforce the schemes. The evidence provided shows that there are widespread issues with poor property conditions across the borough, and the council does not wish to ignore the evidence of these issues. Three wards have been

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		selected for a separate designation on the basis of poor property conditions and high ASB, but the council's aim is to improve housing standards across the borough
Safeagent	We recognise that the council need to charge a reasonable fee to cover the cost of administering and enforcing the licensing scheme. It is important that the council implement an efficient and streamlined licence application processing system. This will help to minimise costs and keep fees at a reasonable level, thereby minimising upward pressure on the rent that is charged to tenants.	We already have an adequate IT system the licensing function. Systems changes and functionally will be implemented as necessary within our licensing cost structure to support the service
Safeagent	We understand the council is intending to increase the selective licensing fee from £540 to £640, with the same fee for licence renewals. Whilst we appreciate this fee is below average when compared to all London Boroughs, we would question whether an 18.5% fee increase is reasonable and necessary in the midst of a cost of living crisis. One alternative option would be to charge a new application fee of £640 and retaining the £540 fee for licence renewals. This would acknowledge the reduced workload involved in reissuing a licence and benefit those landlords who licensed their property under the previous scheme	Currently the renewal fee is less than the new fee and this can be continued in addition to the LLAS discount. The licence fee structure has been calculated to cover the cost of the scheme. The Council will look at the fee in terms of when licence applications will commence.
Safeagent	We welcome the proposed fee discount if the licence holder or managing agent is accredited. However, we do not agree it should be restricted to one accreditation scheme. The discount should be widened to other recognised schemes. Safeagent is a not-for-profit accrediting organisation for lettings and management agents in the private rented sector. We are a training provider recognised by the Scottish and Welsh governments for agents meeting regulatory requirements. Our members are required to deliver defined standards of customer service, operate within strict client accounting standards, maintain a separate client bank account and be included under a Client Money Protection Scheme. Membership of	The council have a partnership working group with LLAS as part of London alliance. The council welcomes the opportunity to continue working and communicating with Safeagent and other landlord groups on how their members can best engage with the scheme.

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	safeagent can be easily verified by visiting our website: https://safeagents.co.uk/find-an-agent/ or by contacting us by phone or email. We would ask the council to include safeagent within their list of recognised accreditation schemes.	
Safeagent	There is no mention of an early bird fee discount for landlords who apply before the start date of the scheme. To ensure landlords and agents have sufficient time to prepare and submit applications, we would request that the application process is launched and early bird discount offered for a three month period before the scheme comes into force.	As stated above, the council are not proposing an "early bird" discount. The cost of the licence has been calculated based on the cost of administration and enforcement The council fees that the proposed fees are at a lower level than comparable schemes in London, and his is because we have looked carefully at our charging and activities.
Safeagent	Whilst we appreciate that rent books are appropriate for rent paid in cash, they are not appropriate for the vast majority of rent payments made by BACS transfer, standing order or direct debit. Neither are weekly or monthly rent statements appropriate for payments made via bank transfer which are recorded on the bank statements of both parties. We would ask that this condition is reworded to differentiate between cash and other rent payments.	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Rent payments - Whilst all safeagent members belong to a government approved redress scheme and will have an associated complaints policy, it is unlikely that all private landlords would have such an arrangement in place. Tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written complaints policy within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork.	The council does not believe that the addition of a complaints policy would cause a problem to new tenants receiving paperwork at the start of a new tenancy. A clear complaints procedure, outlining how complaints of property conditions will be dealt with, is something many tenants would expect to receive, and would be keen to understand, when starting a new tenancy.

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Safeagent	ASB - As mentioned above, tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written ASB procedure within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork	Similar to the above, the council does not believe that the addition of a ASB procedure would cause a problem to new tenants receiving paperwork at the start of a new tenancy.
Safeagent	ASB - If an ASB procedure must be provided, we would suggest the council publish a template that can be used for this purpose and supply a copy with the licence. We would also enquire whether similar arrangements will be rolled out to all new council housing tenants so private landlords are not placed under more onerous requirements than the council provide for their own tenants	The council will share templates and examples of ASB and complaints procedures for landlords/licence holders if the scheme is approved
Safeagent	ASB - We think condition 6a (IV) is not appropriate as a licence condition. It does not relate to management of the property being licensed and the council should not seek to insist on information being disclosed which could be sensitive personal information under GDPR. Likewise, we have concerns about condition 6a (VI) as it would be unreasonable, and could appear threatening, to advise tenants that any ASB by them or their visitors, regardless of how serious, could result in eviction. We would encourage the council to seek legal advice before adopting these proposed conditions.	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Gas safety - The condition contains an unusual requirement that if the council highlight any safety risk, the licence holder must submit a new gas safety certificate within 14 days. This contradicts the gas safety enforcement regime enforced by HSE that imposes no such requirement. It is also potentially unlawful as case law confirms any perceived hazards should be dealt with via HHSRS and not selective licence conditions.	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Security - Whilst well meaning, condition 10 a, b and c cannot be imposed on a selective licence as they breach the more restricted power to impose conditions under Part 3 of the Housing Act 2004. For selective licensing,	This has been considered and we will reflect any changes in the final conditions to be imposed.

Submission	Consultation Responses	Council's Response
	conditions can only relate to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018])	
Safeagent	External areas - Condition 6a (V) imposes a reasonable requirement for six monthly inspections. The reference to regular and interim inspections in condition 11 need to be defined to make clear one six monthly inspection will satisfy all these requirements	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Refuse and waste - We disagree with condition 12e. The Housing Act 2004 makes clear the council cannot impose specific clauses within a current or future tenancy agreement. Each house or flat will have different provisions for waste storage which would be difficult to capture in a tenancy condition. We believe condition 12a and d deal with this matter appropriately. i.e., that tenants are told how to dispose of waste and recycling and that any concerns are investigated and appropriately dealt with	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Pest Control - In a single-family property subject to selective licensing, the licence holder will not be responsible for all pest issues. It will depend on the circumstances. For example, if the tenant complains about a wasps nest, it is more likely this will be the tenant's responsibility and advice given about contacting a reputable pest control company. Clearly, if there was a rodent infestation caused by a broken drain, this would be the landlord's responsibility although it is unlikely all remedial action could be completed within 7 days	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Smoke Alarms - Condition 15.1 (e) and advisory note 3 in Appendix 1 should be deleted. It exceeds the Schedule 4 smoke alarm condition and breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.	This has been considered and we will reflect any changes in the final conditions to be imposed.

Submission	Consultation Responses	Council's Response
Safeagent	Means of escape – Condition 16 and advisory note 4 in Appendix 1 should be deleted. It is unclear what it means in the context of a single family property and it breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004	This has been considered and we will reflect any changes in the final conditions to be imposed.
Safeagent	Compliance inspections - Whilst safeagent members will always cooperate with the council to help facilitate access for an inspection, they have no power to guarantee access if the tenant is unavailable and/or refuses entry. Council officers have much stronger powers of entry then landlords or agents	The council accepts that they have powers to enter a property if required, the licence condition states that the licence holder must not obstruct the council officers
Safeagent	It is vital that the council have a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme. In the absence of a previous scheme evaluation, we do not know and cannot comment upon what arrangements are currently in place. Without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar. This creates unfair competition for safeagent members who seek to comply with all their legal responsibilities. They are saddled with extra costs associated with the licence application process and compliance, whilst others evade the scheme completely	Agreed.
Safeagent	Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as safeagent accredited firms	The council will consider further improving our engagement with letting agents including SafeAgent, PropertyMark and our Consumer Protection/Trading Standards Team.
Safeagent	To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.	The council will consider creating resources for landlords, as a possible output from the engagement with landlords and landlord

Submission	Consultation Responses	Council's Response
	Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, new legislation required agents to display all relevant fees, the redress scheme they belong to and whether they belong to a client money protection scheme. On 1 April 2019, new legislation required letting agents and property managers that hold client money to be members of a government approved client money protection scheme. At safeagent we operate one of the six government approved client money protection schemes. To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed an Effective Enforcement Toolkit. Originally published in June 2016, the second edition was published in 2018. The third and most recent edition of the safeagent Effective Enforcement Toolkit, developed in conjunction with London Trading Standards, was published in 2021. It can be downloaded free of charge from our website: https://safeagents.co.uk/wp-content/uploads/2021/11/safeagent-Effective-Enforcement-Toolkit-2021.pdf	groups, which could include sharing the safeagent toolkit

Main Themes from the Consultation Survey

The consultation focused on the extent to which respondents agree or disagree with the council's proposal to introduce the selective licensing scheme, and the two proposed designations. The consultation also looked at views on the proposed licence conditions and fees. The Text comments in the consultation questionnaire provided respondents with opportunities to comment on the proposals in their own words, specifically:

- If you disagree with any of the above, please can you explain why and what alternatives you think should be considered to address the problems?
- If you disagree with any of the conditions for Selective licensing, please can you explain why?
- Are there any other things you think the council should consider to help improve the condition and management, ASB, deprivation and other issues about the private rented sector in Brent? Are there any other comments that you would like to make about the licensing proposals?

The comments received from the survey have been analysed and categorised into themes. The council's response to these comments and themes are shown below

Responses regarding the proposed licensing schemes

Theme	Comment	Council response
PRS licensing is unnecessary, providing no benefit to those involved	*"I don't see any benefit."*	Whilst the Council acknowledges that many landlords operating in the borough keep their properties to a high standard, the evidence presented during the consultation shows that there are large scale issues with poor property conditions, and ASB in the borough's private rented sector, that licensing can help to address. The council believes that many landlords will meet the licence conditions, and do keep their properties in good condition, but licensing enables the council to take action against those landlords who place their tenants in unsafe properties.
	"No need for it."	

Theme	Comment	Council response
Licensing will lead to higher rents	*"A blanket rule of selective licensing for every PRS property will increase the cost for landlords therefore the rent will go up which is already high, this can lead to homelessness."*	The council has seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere and this is similar to the findings from other authorities who have also been operating licensing schemes. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent level
	"Licensing only has the effect of pushing up rents and property prices."	
	"You will push landlords out of renting resulting in fewer properties which will result in higher rents."	
	"I don't believe it's time to do more licensing which in the end will be reflected in the tenant's rent."	
it is a money-making scheme for Brent	*"Licensing is not necessary, it is just a money making exercise."*	Under the law, the Council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications the Council anticipate, under the proposed designations.
	"Kensal does not have an anti-social problem and I view this as a method of raising more funds in an illegitimate manner."	
	"Licences are purely being introduced to raise revenue for the Council."	
	"Licensing appears to be a money-making scheme for Brent."	
Concerns about scheme enforcement	*"A difference will only be made if they are properly enforced."*	If the schemes are approved, the Council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.
	"I would only be in favour of selective licensing in Brent if I really thought it targeted rogue landlords and had the resources to be properly enforced."	
	"Be careful not to price good landlords out of Brent. Good landlords have a much lower profit	The council understands that many landlords who rent out properties in the private sector manage their properties

Theme	Comment	Council response
Licensing treats good and bad landlords in the same way.	*margin. Bad landlords charge us tenants the same rent but with much worse upkeep and responsiveness to repairs."*	responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented sector with poor property conditions and Anti-Social Behaviour. The Council's intention is to use the regulatory framework provided by selective licensing scheme to focus on those that do not comply and impact negatively on the reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance and work with landlords to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.
	"Deal with problem landlords and not have one size fits all policy and be more flexible with responsible landlords."	
	"The licensing scheme does nothing for decent landlords."	
PRS fees would incentivise them to sell their properties, resulting in reduced housing stock in Brent as a whole	*"The higher the fees are the more landlords will just quit the market."*	We have seen no evidence that landlords have moved elsewhere or that there has been an increase in difficulty in finding rental properties in a licensable area. This is similar to the evidence from other authorities who have also been operating licensing schemes. The private rented sector is a growing sector, and properties continue to be in high demand, including in areas where licensing has been introduced.
	"If the fee gets too high the landlords will leave the borough."	
The fee is too high	*"I agree to the standards but not the high fee that the council requires for doing nothing."*	The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications the Council anticipate, under the proposed designations. A selective licence obtained at the start of the five-year scheme for a property will pay a one-off fee of £640 (which equates to around £2.46 per week). Whilst the Council recognises that the licence fee is a cost to the landlord, this is
	"I agree with them, and feel like setting standards is a positive move, however the expensive fees involved doesn't seem fair as all of the requirements to uphold standards are still sat with the landlord."	
	"Selective licensing is fine in theory, but reputable landlords renting nice flats are asking to pay	

Theme	Comment	Council response
	£500+ for basically nothing. Just pointless admin from the Council. A £100 fee would cover the cost of someone coming to do a quick check. £500 is just a money-making scam for the Council. The result is it just pushes up rental costs."	not considered unaffordable compared to the average rental income obtainable in Brent at present
Why is Wembley Park excluded	*"All wards of Brent should be treated equally, removing licensing from some wards over others is literal discrimination"*	The council can only introduce selective licensing in areas in the borough where there is evidence that the area meets the criteria as laid out in section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015.The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor property conditions and ASB.
	"For a small property the licensing fee is expensive. Not sure that Wembley Park should be left out of the scheme."	
	"Why is Wembley Park being excluded?"	
ASB is not the landlords' responsibility	*"Anti-social behaviour is a police and council matter not one for landlords to manage"*	The council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The council do not expect landlords to be responsible for the behaviour of their tenants, but the council would encourage landlords to include clauses in their tenancy agreements about ASB, and to manage their tenancies and ensure that ASB caused by their tenants is effectively addresses and if necessary appropriate action taken. As stated above, the council will work with LLAS to provide training for landlords, and also will send out an e-newsletter to registered landlords, which will include guidance for landlords with the government reforms. The council will work with landlords who are experiencing issues with tenants, and are proposing that, if the schemes are approved, a dedicated resources will be appointed to work with the private rented sector team to support this work.
	"The landlord is now responsible for the tenants behaviour. Surely the Tenant should answer for bad behaviour ???? Maybe they should Licence themselves?? A Tenant Licence."	

Responses in relation to the Licence Conditions

Theme	Comment	Council response
Opposed to the condition regarding electrical appliances	*"As a tenant it is none of the landlords business what electrical appliances I use, it is an invasion of my privacy. Furthermore, none of these conditions have any relevance to your claims as to why you want selective licensing."*	The licence condition only applies to electrical appliances provided by the licence holder, not to appliances that the tenant may bring into the property. The conditions is "The Licence holder must keep electrical appliances made available by him in the house in a safe condition" which does not impact the privacy of the tenant, and which is relevant to the aims of the selective licensing scheme, which is to address poor property conditions (such as unsafe properties or properties containing unsafe electrical goods) in the designated area.
Opposed to the references condition	*"References are a further obstacle to prospective tenants which disproportionately affects lower income families"*	Schedule 4 of the Housing Act 2004 sets out the mandatory conditions to be applied to property licences, including for selective licences that the licence holder must demand and obtain references from persons who wish to occupy the house. Enforcement action is considered on a case-by-case basis and factors impacting on the ability to obtain references will be taken into consideration
	"A request of letters of reference may unfairly penalize those who are potentially good tenants but face difficulty accessing such letters, and may be ineffective in deterring those who fraudulently obtain such letters."	
	"I disagree with the condition asking for references in regards to tenants. I believe this condition doesn't protect the right for everyone to have a home (especially immigrants and homeless people)"	
	"I don't agree with the final condition of references. It's an unfair ask on tenants who	

Theme	Comment	Council response
	might face barriers in securing a reference that is deemed acceptable, and might lead to forms of discrimination. While the conditions for selective license puts some onus on landlords, they aren't required to provide proof of being an otherwise good landlord, so tenants shouldn't be asked either."	
Provide routes for tenants to complain	*"Having a licence is NO guarantee of adherence to conditions. Legislate for this and provide tenants with ways of complaining, possibly via a routes such as the deposit protection important information sheet."*	The council does respond to complaints (information about how to raise an issue with housing conditions and disputes is here on the council website) and the council will respond to complaints raised as part of the licensing scheme. However the current process of reacting to complaints is very reactive and relies on complaints being made to the council. The council believes that a proactive approach will have a greater impact on improving property conditions and will increase the awareness of tenants of acceptable standards in privately rented properties.
	"Put in place a help line for tenants where they can complain about their landlords."	
Tenants should have responsibilities as well	*"Written license agreement should be binding on both sides that is bad tenants should not be allowed to hold landlords at ransom for months at a time making them lose their homes."*	The council agrees that tenants should be aware of their rights and responsibilities and this is key for the scheme to work. The council has advice for landlords who are experiencing issues with a tenant here on the council website. Also, as part of the proposed scheme, the council intends to increase their engagement with landlords, through forums and communication of good practise, and licence holders would be able to reach out to the council for advice if they are experiencing issues with a tenant

Theme	Comment	Council response
The conditions are already law	*"All of the examples given are legally required by landlords already, there seems to be no additional benefits of the licensing."*	The Council acknowledges that landlords are subject to existing regulations and laws. However, as stated above, the existing regulations and powers do not require landlords to declare themselves to the council. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about. Formal action under the Housing Act can be a slow process, and improvements to properties can take many months.
	"Most these are conditions that have to be met regardless of a licensing scheme. Landlords have to abide by these rules anyway when they set up a tenancy."	
	"Stop burdening landlords with things that they already gave to follow on issues required by central government legislation"	
	"The gas certificate has always been a condition for any rented property.lots of insurance companies also ask for electrical certificate and fire alarm system. These safety measures are all in place already and there is no need to bring them under licensing"	
Good landlords already meet these conditions	*"I disagree on the basis that responsible landlords conduct all these measures already"*	Whilst the Council acknowledges that many landlords operating in the borough keep their properties to a high standard, the evidence presented during the consultation shows that there are large scale issues with poor property conditions, and ASB in the borough's private rented sector, that licensing can help to address. The council believes that many landlords will meet the licence conditions, and do keep their properties in good condition, but licensing enables the council to take action against those landlords who place their tenants in unsafe properties.
	"I do all of the above without issue. The safety of my tenants is paramount and of course I want to do as much as possible to ensure that I have good tenants so would take references etc. A contract of expectations is necessary to keep everyone aware"	
	"These are required anyway and any proper landlord would ensure that they happen."	
Change the wording on Clause 16 - means of escape	*"Clause 16 Means of escape is badly worded, unclear and possibly grammatically incomplete.*	The council will delete condition 16 and add a revised advisory note on means of escape in cases of fire.

Theme	Comment	Council response
	Please expand and improve this clause to make it more useful."	
Exemption for landlords with letting/managing agents	*"It needs to be to landlords who have no letting agents - this would create an incentive to hire a letting agent who is regulated."*	Letting agents do not have legal powers under the Housing Act. Landlords should not rely on letting agents to ensure that they are meeting their legal obligations. The council acknowledges that many good letting agents operate in the borough, but the council's experience is that the use of letting agents doesn't guarantee a good standard of properties.
	"This is already legal and agents hold all this information. If a landlord uses an agent they should be exempt from the licence costs"	
Licensing will not stop bad landlords and punishes good ones	*"The council does not seem to target all rented properties. so landlords like me who pay the fees and keep the properties in good condition do the work whereas the dodgy ones escape. unless the council physically walk into properties unannounced there is no way of catching these landlords. Also tenants are not aware of the rules so they rent houses with no licenses"*	The council does and will be actively inspecting for unlicensed properties and will take action against those who refuse to licence their properties. The council will also inspect properties and where they are not in a safe condition, the council can issue Management orders and Penalty Notices to the licence holder if they do not address the issue raised. If the scheme is approved, the council will undertake a large communications campaign to raise awareness of the scheme to both landlords and tenants, to make tenants aware of the fact they need to check that a property is licenced, and what conditions they should expect from their rented property.
The council should do more to support landlords	*"This is not helping struggling landlords teetering on the edge of bankruptcy"*	If the licensing schemes are introduced, the council proposes to increase the landlord forums and support events, with help and guidance for dealing with anti-social behaviour as part of the programme. In relevant cases, the Council will also provide further support for responsible landlords who are struggling with their tenants' behaviour and causing deliberate ASB.
	"Help landlords rather than making matter worst through licensing"	
	"Other than the costly eviction route that can take up to 12 months through the courts - what support does a landlord have when the tenant does not look after the furniture or comply with	

Theme	Comment	Council response
	the terms of the occupation? As it stands the tenant can in many ways trip up the landlord on technicalities which prevents the landlord seeking justice though the courts. The landlord can also do with free legal support as the tenant currently does - justice shouldn't be one sided!"	
There should be more conditions	*"Also have restrictions on the number of properties one landlord can rent out - if they have too many they are not effective and able to manage"*	The council does not have the authority under the Housing Act to restrict the number of properties a landlord can rent out
	"How about having to provide the right number of bins? Telling the truth about the number of people? Having the right number of people relative to rooms and bathrooms in-line with Building Regulations? Insulating the property to a minimum level? Proving they have a cleaning contract for properties in multiple occupation, when tenants tend to not do anything?"	The proposed licence conditions state that "The Licence Holder must ensure that there are adequate arrangements for the storage and disposal of waste. In particular…Ensure that a sufficient number of suitable external rubbish bins for the occupiers to dispose and recycle waste." Landlords are required to comply with the 2018 Minimum Level of Energy Efficiency standard which is an EPC rating of band E. Licence applicants will be required to submit the EPC rating for the property as part of the application process for a selective licence, and if the property is below an E rating, they will be required to take steps to improve the rating. Selective Licensing does not apply to properties in multiple occupation. Properties in multiple occupation are licensed under Mandatory and Additional HMO licensing schemes. Information about the licence conditions for additional and mandatory licensing can be found via the council's website here
	"I think the conditions should include upkeep of communal areas and the outside of the property	The proposed licence conditions do require the licence holder to:

Theme	Comment	Council response
	(gardens, roof, pathways etc). And the conditions should also include conditions on the disposal of waste and rubbish - to ensure people don't flytip and dump their furniture etc on the street, and put their household waste in your provided bins, keep the bins in their gardens and off the public pathway etc."	"11a Carry out regular inspections of the exterior of the property, including the roof, walls, drainage, window and door elements to identify any problems in relating to the maintenance and state of repair. 11b. Carry out interim inspections to ensure that gardens, fencing, paths, etc., and other external elements are kept in a clean, clear and/or sound condition. 11c. Carry out interim inspections to identify any maintenance problems associated with outbuildings such as garages, sheds and to ensure that such buildings are not used for sleeping purposes. 11d. Provide any such inspection report to the Council with 14 days, on demand." The proposed licence conditions do also require the licence holder to: "12. The Licence Holder must ensure that there are adequate arrangements for the storage and disposal of waste. In particular; a. ensure that the occupiers of the house are given the information in writing about waste and recycling within 7 days of the start of their occupation: b. Ensure that a sufficient number of suitable external rubbish bins for the occupiers to dispose and recycle waste. c. Ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

Theme	Comment	Council response
		d. Actively respond to complaints of poor waste practices associated with the property. The licence holder must keep a record of the action taken and provide this to the Council within 14 days on demand. e. The Licence Holder must ensure that the statement, in any tenancy or licence granted contains a clause which stipulates that no refuse or rubbish may be kept in the front or rear gardens of the house, or in any yards, forecourts, alleyways or other spaces within the house curtilage, other than in refuse and rubbish storage facilities provided specifically for that purpose." The council believes that these conditions are sufficient to address the upkeep of communal areas and the exterior of properties, and to address issues relating to waste disposal.
	"I think there should be annual or 'every 5 years' inspections in order to ensure everything is working in the property. This will help ensure that the landlords fix any issues there are in the property without tenet being worried of the rent being increased or being kicked out property if they tell the landlord about the issue."	The licence conditions state that the landlord should inspect the property at least every six months to check on the state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions. The Council will carry out a desktop risk assessment of the licence applications to determine the properties in most urgent need of inspection. If a tenant raises a complaint or says that the property is in a state of disrepair, the council will inspect the property and can take action, such as an improvement notice, to get the landlord to address the issues.
	"Landlords must be identified to neighbours of property"	The council cannot disclose personal information

Theme	Comment	Council response
	"Have the below conditions - but only impose licence of penalty fee to those that landlords that don't comply: Have a valid gas safety certificate covering the current 12 month period, if gas is supplied to the house; *• Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;* *• Install smoke and carbon monoxide alarms and keep them in proper working order;* *• Supply the occupier with a written statement of the terms of occupation; and* *• Request references from persons wishing to occupy the house."*	The Licensing team will offer guidance to landlord to help them make their application, and will contact applicants where further information is needed, or documents are missing before deciding whether to refuse to grant a licence. Failure to satisfy these mandatory conditions may result in the licence being refused or a licence being granted for a less than the full 5 years. If they are not supplied the council may issue a notice requiring them to be supplied, and take action if they are not? The matters will directly affect the proposed licence duration and gives the opportunity for the applicant to comply prior to any final licence being granted. In addition, these matters will be used to determine the licensing inspection priority and need for housing conditions enforcement.
	"ensure anti- eviction terms are included"	During the licensing application processing, fit and proper person checks are done. The licence application requires a response regarding whether illegal eviction has happened.
	"References required by tenants should be fair and not onerous. There needs to be a greater focus on accountability for landlords, such as response times to emergencies, responding to problems such as damp and mould, and responsibilities to neighbouring residents. The conditions should commit landlords to housing only suitable numbers of people in their properties. They could be a focus on a joint	As stated above, Schedule 4 of the Housing Act 2004 sets out the mandatory conditions to be applied to property licences, including for selective licences that the licence holder must demand and obtain references from persons who wish to occupy the house. Enforcement action is considered on a case-by-case basis and factors impacting on the ability to obtain references will be taken into consideration

Theme	Comment	Council response
	responsibility for landlords and tenants when it comes to antisocial behaviour, dumping etc."	The council accepts that the conditions on repairs does not have specific timeframes. However, strict time limits on repairs in a licence condition would be difficult as the council understands that a wide range of works fall under the phrasing of "repair" – ranging from serious structural works to minor repairs to devices, and therefore the timescale which is reasonable for a structural repair is different to a reasonable timescale for a small repair However, the council will monitor repairs time frames on a case-by-case basis and follow up with repeat inspections and further action if necessary to ensure repairs are carried out. As stated above, the licence conditions state that the licence holder must ensure that there are adequate arrangements for the storage and disposal of waste, and actively respond to complaints of poor waste practices associated with the property
	"There ought to be greater regulation on people proposing to be landlords I.e that they are indeed a "fit and proper" person, are responsible, have the means and capability of maintaining a property and the basic understanding and respect that the property is another a tenant's home"	For a licence to be issued, the licence holder has to be a "fit and proper person". According to the Housing Act of 2004, Section 89, "In deciding…whether a person ("P") is a fit and proper person to be the licence holder… the local housing authority must have regard (among other things) to any evidence … [that] it shows that P has— (a)committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);

Theme	Comment	Council response
		(b)practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or (c)contravened any provision of the law relating to housing or of landlord and tenant law... (a)it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) has done any of the things set out in subsection (2)(a) to (c), and (b)it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house. A person is not a fit and proper person... if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person." When a person is applying to be a licence holder, they will be assessed by the above criteria to determine if they are a "fit and proper" person.
	"They do not go strong enough - some of these landlords own hundreds of properties and businesses in the borough and they should have a duty of care to ensure their properties are well maintained, clean and tidy inside and out and that their tenant do not undertake ASB"	The council believes that the licence conditions are sufficient, and that if the licence holder meets these conditions, their properties will be kept in a good condition and will address issue with ASB within the properties
More clarity is needed on some conditions	*"I am not clear on what is meant by 'a suitable written complaint procedure' for the tenants. This*	The council will share templates and examples of ASB and complaints procedures for landlords/licence holders if the scheme is approved

Theme	Comment	Council response
	is not clear from the proposed conditions document."	
	"I don't disagree with them however you need to be more specific on how to implement things, for example: a declaration to say furniture is in safe conditions - this is very vague, what exactly document/declaration you require, would a written email from the Landlord suffice or there is a specific document that you will need to see, same for smoke alarms, a written declaration in form of email, a specialist certificate???? reading the licence conditions and understand some is a mission impossible at times. Please be more clear in licence conditions what you wants from the Landlords/ Managing agents"	We have created the online application form so that the applicant responds "yes" or "no" to these questions. A signed declaration is needed indicating that the information provided is true to the best of their knowledge. Inspection officers may ask to see other documents or for verification.
Other	*"There must be provisions for the agent of a licensed person to act on their behalf eg 6biii licence holder OR THEIR AGENT should visit the premises within 7 days (not all landlords will be able to visit themselves in such a short timeframe to deliver a letter). Section12e - where tenancy agreements already exist it would not be possible to insert new clauses. Section 10b - it would not be possible or desirable in all properties to comply, especially the older housing stock, and represents a huge expense to replace a door to already financially burdened landlords. Section 11 - the terms 'regular' and 'interim' need to be*	The conditions are for the Licence Holder and anyone who e.g. agent who has agreed, to be bound by the conditions. We normally ask for a signed statement of agreement. This may be limited to some or to all of the conditions.

Theme	Comment	Council response
	clarified, are they interchangeable or do they mean the same thing?	
	"Although we support both designations, we do not agree with the ASB basis for Designation 1. Property conditions are clearly very poor in these wards, and we have not seen any compelling evidence base for reducing ASB through punitive housing exclusion. Brent LRU wants a tenant-centred licensing scheme, which holds landlords accountable rather than excluding prospective renters from the borough. *The focus of the license conditions should be on the landlord's responsibilities regarding management, including a greater focus on ensuring quality repairs when a tenant has complained, and clearer timelines, as in for example Waltham Forest's license conditions.* *We strongly disagree with point 6a. II, in which any prospective tenant is asked to disclose unspent criminal convictions. If the council wish to deal with ASB in 3 wards, they should consider having two license conditions documents. A condition which means that someone with an unspent criminal conviction has more challenges to accessing housing across the entire borough apart from Wembley Park is inappropriate.* *It should be clear to landlords that not only their*	The council believes that the evidence provided in the evidence pack shows that in the wards in designation 1 are experiencing high levels of ASB. The council accepts that the conditions on repairs does not have specific timeframes. However, strict time limits on repairs in a licence condition are would be difficult as the council understands that a wide range of works fall under the phrasing of "repair" – ranging from serious structural works to minor repairs to devices, and therefore the timescale which is reasonable for a structural repair is different to a reasonable timescale for a small repair However, the council will monitor repairs time frames on a case-by-case basis and follow up with repeat inspections and further action if necessary to ensure repairs are carried out. The Council will check whether the licence holder and or manager are "fit and proper" persons. As well as looking at criminal convictions, also considers if they have "practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or…contravened any provision of the law relating to housing or of landlord and tenant law"

Theme	Comment	Council response
	criminal convictions will be taken into account, but also previous incidences of complaints to EH by tenants. This should also be publicly stated as a deterrent. *LRU believes that where likely to succeed, managing agents should be fined for lack of license or breach of conditions. To this end, the license conditions should have a clearer section regarding the responsibilities of managing agents - i.e. that any managing agent must accept the license terms, and their liability for any breaches."*	The council must ensure that any information the council provides is compliant with the council's data protection policy and GDPR rules The conditions are for the Licence Holder and anyone who e.g. agent who has agreed, to be bound by the conditions. We normally ask for a signed statement of agreement. The council will look into properties at the licence application stage to determine who us responsible and should be the licence holder. If the managing agent is not the licence holder, then they are not bound by the licence conditions, however, if a managing agent is involved in keeping a property in an unsafe condition or other offences, then the council can take action against managing agents using other legalisation, and can prosecute the license holder and managing agent for the same offence

Theme	Comment	Council response
	"As the scheme is aimed at improving the PRS for the benefit of tenants (and the area), we believe the licensing conditions should concentrate on benefitting tenants, in particular improving the condition and management of properties (rather than ASB issues), given some properties are badly managed and in very poor condition (mould and damp), badly affecting tenants' and their family's health. Tenants' safety should be emphasised (eg. fire, CO, gas) and deposit protection requirements complied with.	Schedule 4 of the Housing Act 2004 sets out the mandatory conditions to be applied to property licences, including for selective licences that the licence holder must demand and obtain references from persons who wish to occupy the house. Enforcement action is considered on a case-by-case basis and factors impacting on the ability to obtain references will be taken into consideration
	Tenant Reference (para 2): second paragraph 'No new....checks.' should be removed.	The council has been very careful with the conditions being imposed and the wording as selective licensing can only deal with the management, use and occupation (not conditions) of the property. In addition to the mandatory and standard conditions, the Council is able to use other legal powers to deal with poor conditions and bad management practices.
	Deposits (para 4): please could you add: first para - place in deposit scheme - within 30 days of receipt; and a sentence about financial penalties for landlords for not complying with Deposit requirements (s213/214 Housing Act 2004)	Considered and provision in place with help also provided by external agencies.
	ASB (para 6, 6a and 6b): as ASB is only identified as a problem in designation area 1, and in any event, we ask that much of the conditions relating to ASB be removed, in particular para 6a II	As stated above, Schedule 4 of the Housing Act 2004 sets out the mandatory conditions to be applied to property licences, including for selective licences that the licence holder must demand and obtain references from persons who wish to occupy the house. To address the issues relating to ASB, the council would recommend that a

Theme	Comment	Council response
	regarding checks before tenancy starts.. *Regarding 6b IV, if any eviction action is being proposed, tenants should be given information regarding where they can get housing support from Brent Housing Options/tenancy relation service and independent legal advice (local legal advice agencies, CAB, Shelter).* *Fit and proper person: the criteria used by Brent should by published by Brent/set out in the licensing conditions so landlords and tenants can check. They should also apply to any person the license holder intends to appoint to manage the property (para 19). Any tenant's complaints about landlord or poor condition/management of property should be taken into consideration (e.g. disrepair/EHO/TRO involvement).* *Suggested additions to conditions:* *Rent increases: any rent increases must only be by landlord serving a Notice complying with section 13 Housing Act 1988.* *Penalties: in particular financial penalties for license holders or managers breaching licence conditions should be clearly set out in the conditions* *Landlord training sessions: We suggest that it should be a condition that landlords should attend a training session by Brent, before license*	landlord/licence holder ask about ASB when asking for the required references The licence conditions are for the licence holders, rather than conditions imposed on the tenants. However, if tenants are threatened with eviction, they can reach out to the council for support and advice. Also, when the council visits properties and carries out inspections, tenants are given information regarding evictions, and this information is available on the council website An explanation of the Fit and Proper person requirements will be included in the landlords guide to applying for a licence We are limiting the terms of the licence to the specific conditions attached to the licence and those which must be complied with and practicably enforced. We have placed guidance and supporting information for users where it can be easily located elsewhere. Our licensing application form sets out detailed questions which must be answered. The applicant is advised to read the landlord's guide before completing the application and is

Theme	Comment	Council response
	granted, regarding statutory obligations (Fire and CO safety, gas safety certificates, deposit protection etc.) and obligations under Brent Selective licensing conditions. *We suggest that Waltham Forrest Selective Licensing conditions be considered when finalising Brent's conditions eg. regarding tackling ASB, Manager's responsibility for compliance, setting out Penalties for breach of licence conditions."*	required to sign a declaration as to the truth of the information being submitted to the council. We are careful that conditions are not included which alter or affect the terms under which the tenancy has been granted. Additional information is provided in the landlord guide and Enforcement policy. The Council is able to add supplementary conditions, e.g. re training to the standard condition being applied to some licences.
	"I do not necessarily disagree, but I think there could be issues around requirements of landlords re ASB. 6a. 1 and iv. Could be open to discrimination. 6b is open to false allegation and is onorous for a landlord to seek clarity. 1 - iv should there not first be a duty to investigate/hear other side?"	The licence conditions states that the licence holder has to contact the tenants and state the allegations made against them and the consequences of continued ASB. If the allegation has been made to the council, police service or other agencies, then as part of their work, they would have looked into the claim and determined if it is likely to be a false claim. If a false claim has been made against a tenant, then they can discuss this with the landlords on receipt of the letter
	"The main concern is that the proposed selective licensing conditions are not based on the principle of equality between housing provider and renter and the principle of proportinality. For instance, if a housing provider (license holder) 'must demand references from persons who wish to occupy	As stated above, when someone applies to be a licence holder, they have to prove that they are a fit and proper person, which as well as looking at criminal convictions, also considers if they have "practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any

Theme	Comment	Council response
	the house' why can't the renter demand references from the license holder? If 'no new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. When referencing consideration must be given to the tenant's history, credit and right to rent checks.', a housing provider (license holder) should not be allowed to let until they are unable to provide a suitable reference (incl. service provision history and credit check) either. Moreover, the license holder should be the same as the housing provider to assure quality of service. If the license holder and the housing provider are not the same entity, the license holder may meet the conditions stipulated in the proposed licensing condition, but the actual housing provider can keep providing low quality service to a renter. There is no room here to comment on the proposed text here, but there are plenty of other paragraphs, when the proposal favours the housing provider over the renter. This will never lead to better housing situation in the borough"	business; or…contravened any provision of the law relating to housing or of landlord and tenant law" According to the Housing Act 2004, the licence holder should be "out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;". When reviewing a licence application, the council will consider the relationship of the applicant to the property, as the most appropriate person may not be the landlord.
	Comments in a public meeting - *Brent has less emphasis on property conditions in the licence conditions which they disagree with, and this should change* *See Waltham Forest's licence conditions on disrepair, they set expectations in regard to the*	We are asking the licence holders to ensure that the properties are well managed, maintained and elements of the property kept in proper working order. We accept that guidance is needed to assist landlords in meeting expectations and the scheme aims.

Theme	Comment	Council response
	quality of contractors, the time taken to address a repair, pest control, a clause addressing the use of agents	Poor properties conditions can be improved through Part 1 of the Housing Act.
	Comments in a public meeting - *People have been evicted if they have reported their property as an illegal HMO. The response from the landlord has been an illegal eviction, and there has not been support for the tenants. Want to know how the scheme will support tenants if evicted. Could the council use an interim management order to protect tenants?* *There needs to be better information for tenants when threatened with eviction*	The council will support and advice tenants who have been illegally evicted or are at risk of being eviction. An Interim Management Order (IMO) may be used to ensure that steps are taken to protect the health, safety or welfare of occupiers and to ensure the proper management of the house. This includes providing information and referring tenants to specialist agencies for legal advice.
	Comments in a public meeting - *Question about section 18 – can the council share or should the landlord have to tell tenants how many times they have been inspected by the council and how many enforcement visits have ben made (e.g. landlords gets new tenants every year and every year has enforcement action take and the tenants aren't aware that the landlord has had previous action against them* *)*	Information may be asked from the Council for under the Freedom of Information Request Act 2000 Information may also be available the Brent Licensing public register or from the Greater London Authority's Rogue Landlords Database to help tenants avoid bad landlords.

Table of Deletions and Amendments to proposed licence conditions

Proposed Condition topic	Deletion from existing conditions	Amend-ment	Reason/ change
ASB prevention	6a(1v)		Does not relate to the property being licensed. Risks disclosure of personal information
ASB Action	6b(v1)		Covered in 6b(1V) and likely to be covered in a tenancy agreement
Door Security	10(b)		Falls outside management, use and occupation parameter
Smoke alarms	15.1 (e)		Exceeds the mandatory smoke alarm condition which is already included
Means of escape from fire	16		Unclear in respect to single family properties. However, a fire safety advisory note and fire safety guidance has been added to condition 15.
Tenant references		2	Condition 2 - We have accepted that a strict requirement in every case may cause difficult to those good landlords who house certain vulnerable tenants. The condition is amended to "*As a minimum any reference checks should give consideration to the tenant's history and credit and must consider whether the tenant has the right to rent the property*".
Rent payments		3	Condition 3 - Slightly amended to reflect the move away from rent books and note other normal methods of paying rent and records.
Gas safety		7	Condition 7 – The short sentence requiring a new certificate if a risk is identified has been removed as it is deemed inconsistent with the gas safety enforcement regime.
Electrical Appliances		8	Condition 8 - Amended to include the schedule 4 mandatory electrical installation condition

Security of the property		10(a)	Condition 10 (a) - Following the deletion of 10(b), this condition has been amended to also require that "entry systems are appropriate"
Inspection of the external Areas		11	Condition 11 – Amended to clarify that one six-monthly inspection may be sufficient to complete all the required checks
Refuse and waste		12 (e)	Condition 12(e) - Amended to avoid interference with the terms under which the tenancy is granted, s90(7).
Pest Control		14	Condition 14 – Amended to restrict the requirement to "checking and ensure", as it is accepted that the licence holder will not be responsible for all pest issues in single-family property.

Improving the Private Rented Sector in Brent

Selective Licensing Proposals

Evidence for Consultation 2022

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1. Glossary

Term	Meaning
Private Rented Sector (PRS)	The portion of housing in the borough that is rented from private landlords
Privately rented	Homes rented from a private landlord
Socially rented	Homes rented from the council or a housing association
Selective Licensing	A local scheme which requires landlords to have a licence to legally let their property to a family or two sharers
Additional Houses in Multiple Occupation (HMO) Licensing	A local scheme which requires landlords to have a licence to legally let their property to three or four unrelated sharers living in two or more separate households
Mandatory Houses in Multiple Occupation (HMO) Licensing	A national scheme which requires landlords to have a licence to legally let their property to five or more unrelated sharers living in two or more separate households
Designation	A geographical area chosen for licensing based on evidence
Housing Health and Safety Rating System (HHSRS)	A government prescribed system that rates housing hazards based on their risk to occupiers' health, safety, and welfare
Category 1 hazard (Cat 1)	A serious or immediate risk to a person's health and safety that is related to housing
Category 2 hazard (Cat 2)	A less serious or less urgent risk that can still be regarded as placing the occupiers' health, safety, and welfare at risk
Statutory Notice	A legal document issued by the Council that requires the recipient to complete specified actions within a specified timeframe
Antisocial behaviour (ASB)	Behaviour related to a rented property that causes annoyance and irritation to neighbours and the community. Most commonly noise, litter and waste.
Deprivation	Living on low income and not having the money to pay for some basic requirements.
Indices of Multiple Deprivation	A dataset produced by the government to give a relative value to how deprived an area is, compared to the rest of the country.
Barriers to housing and services	One of the government's measures of deprivation. It combines measures relating to housing affordability, overcrowding and homelessness.
Minimum Energy Efficiency Standard (MEES)	Regulations that set a minimum energy efficiency standard (EPC rating of E) that applies to private rented properties.
Energy Performance Certificate (EPC)	EPCs rate how energy efficient properties are using grades from A to G (with 'A' the most efficient grade).
Accreditation	Schemes overseen by various organisations, including local authorities and landlord associations, to provide training and encourage good practice by private landlords.

2. Executive Summary

The private rented sector (PRS) in Brent has seen rapid growth over the last eleven years, with around 58,000 homes in the borough privately rented. However, poverty is widespread across the borough with many households experiencing financial difficulties. In addition, there is significant and persistent evidence of antisocial behaviour (ASB) across particular wards in the borough.

Above average London rents and rising energy costs has severely impacted affordability which in turn has led to overcrowding, a deterioration in property conditions and high levels of evictions and homelessness.

The prevalence of Covid-19 has demonstrated the vulnerabilities of those in the most deprived areas, often where Black, Asian and Minority Ethnic (BAME) communities are concentrated.

Whilst the majority of PRS properties are well maintained and safe, there is a growing minority that are sub-standard and dangerous. Even well-meaning landlords may not always be up to date with the latest legal and safety requirements. These properties not only endanger the health, safety and wellbeing of tenants, but cause issues with neighbours and end up requiring many interventions from already stretched council teams. The council needs to use all the tools it has to improve the situation for tenants renting properties in this sector. Licensing is a vital part of this.

In order to build on the successes of its current licensing schemes, the council is proposing to introduce a new selective licensing scheme that will apply to all privately rented properties in 21 wards of the borough. The scheme will be implemented in two phases. The phased approach to implementation will allow the Council to scale up resources to administer and enforce a larger designation.

The first phase (designation 1) would cover a total of 3 wards and would allow the council to deal with the worst ASB and poor property conditions as soon as possible. ASB and poor property conditions are the grounds relied upon for this proposed first designation, which covers less than 20% of the geographical area of Brent and less than 20% of its privately rented housing and therefore, this can be approved by the Council's Cabinet. This designation could be implemented in June/July 2023.

The second phase (designation 2) would cover a total of 18 wards on the basis of poor property conditions. Due to its size, this designation would need confirmation by the Department of Levelling up Housing and Communities (DLUHC). If approved, designation 2 could be introduced by the end of 2023, or early in 2024 however this will be dependent upon DLUHC.

Whether you are a private tenant, landlord, managing or letting agent, local resident or business, we want to hear your views on the councils' proposals for private property licensing in Brent.

3. Introduction

This consultation document provides information about the scale of problems relating to poor housing conditions and high ASB in Brent's private rented sector and the evidence to support the council's proposal to introduce new licensing schemes. It also provides a detailed description of the proposed new licensing schemes, the proposed new licence conditions and proposed fees.

We want to know your views on our proposals before any final decision is made about private rented sector licensing in Brent. We are keen to hear from all Brent residents, especially private tenants. Also, landlords and managing agents with properties in the borough and anyone or any organisation with an interest in the private rented sector.

We would encourage you to complete our online survey by visiting: www.brent.gov.uk/landlordconsultation

We shall also be holding a number of forums and workshops during the consultation period. If you are interested in sharing your experiences and views, please email prslicensing@brent.gov.uk

The consultation will run for 12 weeks from **31 October 2022 until 23 January 2023**

For further information about the proposed new licensing schemes, assistance with completing the questionnaire or to request a paper copy of the consultation please contact:

- **Email**: prslicensing@brent.gov.uk
- **Telephone**: 020 8937 2384/5
- **Post:** Tony Jemmott, Private Housing Services, 6th Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

Once the consultation has closed the council will review the replies. A full consultation report, including the council's response to any alternatives suggested, will be published on the property licensing pages of the web site.

4. The private rented sector in Brent

In order to obtain a greater understanding of the private rented sector in Brent, Metastreet Ltd was commissioned to review the housing stock in the borough and investigate and provide accurate estimates of:

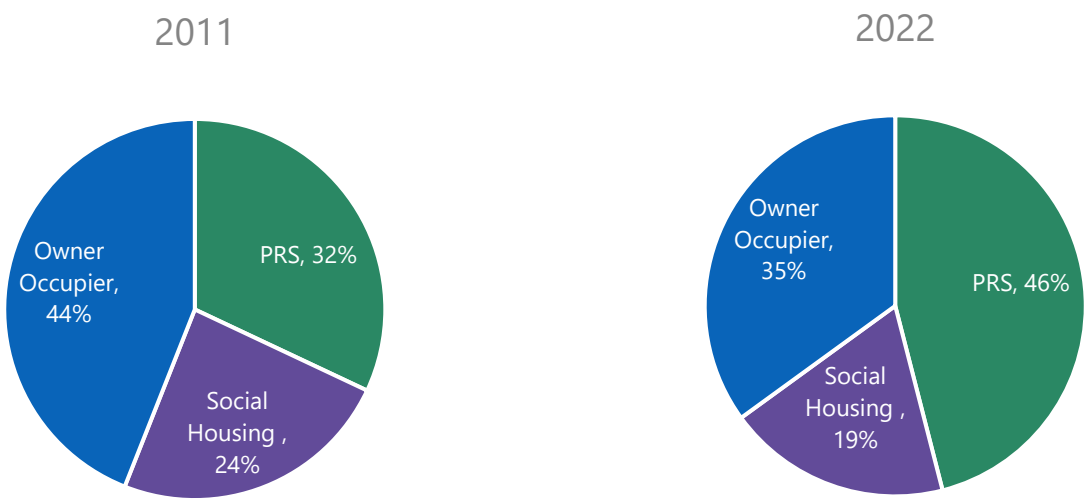
- Current levels of private rented sector (PRS) properties and tenure change over time.
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS).
- Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.

The full report is attached as **Appendix 1** however, some key findings from the report are detailed below.

Housing Tenure

Consistent with the long term nationwide and regional trend, the private rented sector (PRS) in Brent has grown steadily from 32% in 2011 to 46% in 2022.[1] This represents a 43.8% increase over the last 11 years. There are a total of 127,378 residential dwellings in Brent, 58,105 of which are privately rented.[2]

Housing Tenure in Brent 2011 & 2022



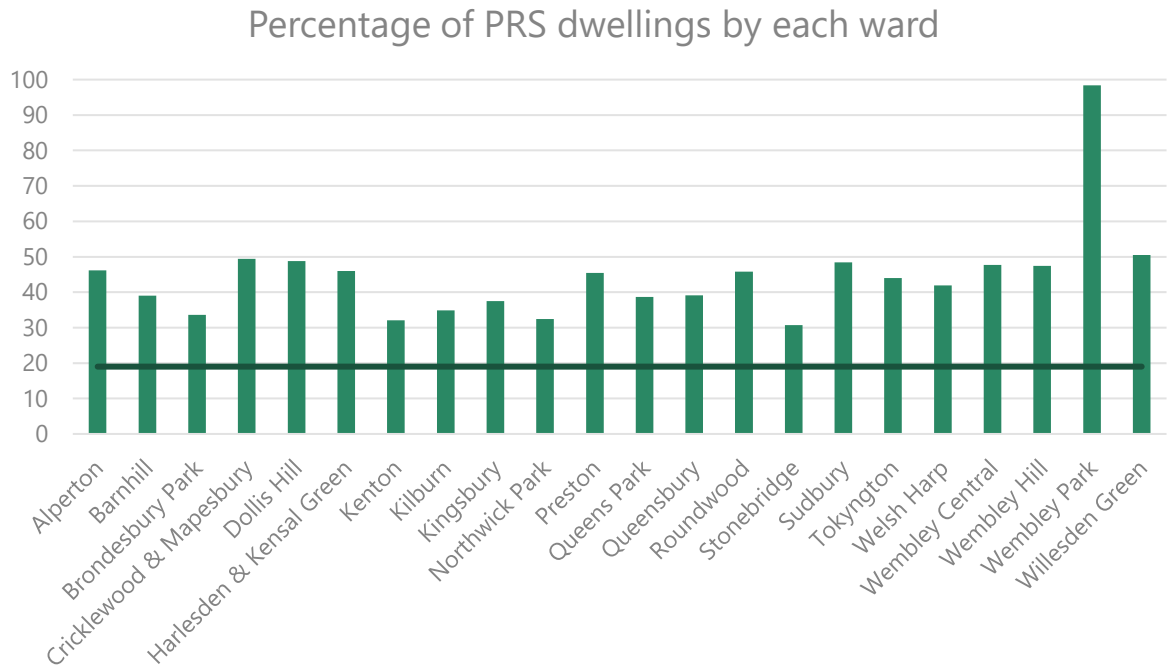
Private renting has grown at the expense of owner occupation; however, a sizable proportion of the growth appears to come from new supply.

[1] https://data.london.gov.uk/dataset/dwelling-stock-tenure-and-condition-borough
[2] Housing Stock and Stressors Report, Metastreet, 2022

Number of dwellings by tenure 2001, 2011 & 2022 dwellings by ward [3]

	2001	2011	2022
PRS	20,183	34,735	58,105
Social housing	23,881	26,591	24,053
Owner occupier	55,927	48,960	45,220
Total	**99,991**	**110,286**	**127,378**

The PRS is spread across all 22 wards in Brent. The percentage of PRS properties in each ward ranges between 98% in Wembley Park and 31% in Stonebridge. All of Brent's wards have a higher percentage of PRS than the national average (England), which was 19% in 2021. The average rate of PRS across all wards is 46%, (and the average is 39.6% for all wards excluding Wembley Park).



Horizontal black line shows national average 2021 (19%)

Rent and affordability

One of the major changes to the PRS across London over the last 20 years has been the increase in rent. This has resulted in problems with residents being able to afford and access decent, affordable housing. Brent has above average rents for London, with 53% of average earnings used to pay rent.[4] The London average is 47.9%.

[3] ONS & Housing Stock and Stressors Report, Metastreet, 2022
[4] Valuation Office Agency (VOA), Private rental market summary statistics: 2018



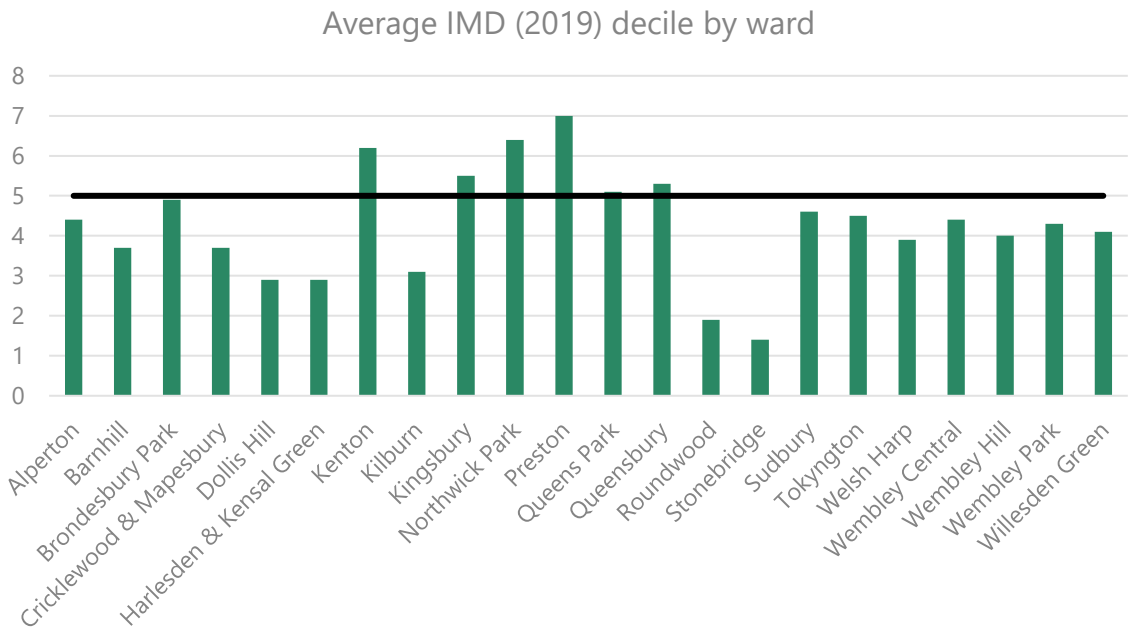
Horizontal black line shows London average (47.9%)

Deprivation

The Indices of Multiple Deprivation (IMD) is a measure of relative deprivation for small areas (Lower Super Output Areas (LSOAs), based on seven domains of deprivation: income, employment, education, health, crime, living environment, and barriers to housing and services. Brent ranks as the 49th most deprived borough in England out of 317.[5]

Brent has a mixture of high and low deprivation wards with 16 of 22 wards having an aggregated IMD ranking below the national average.

[5] ONS 2019 https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019,



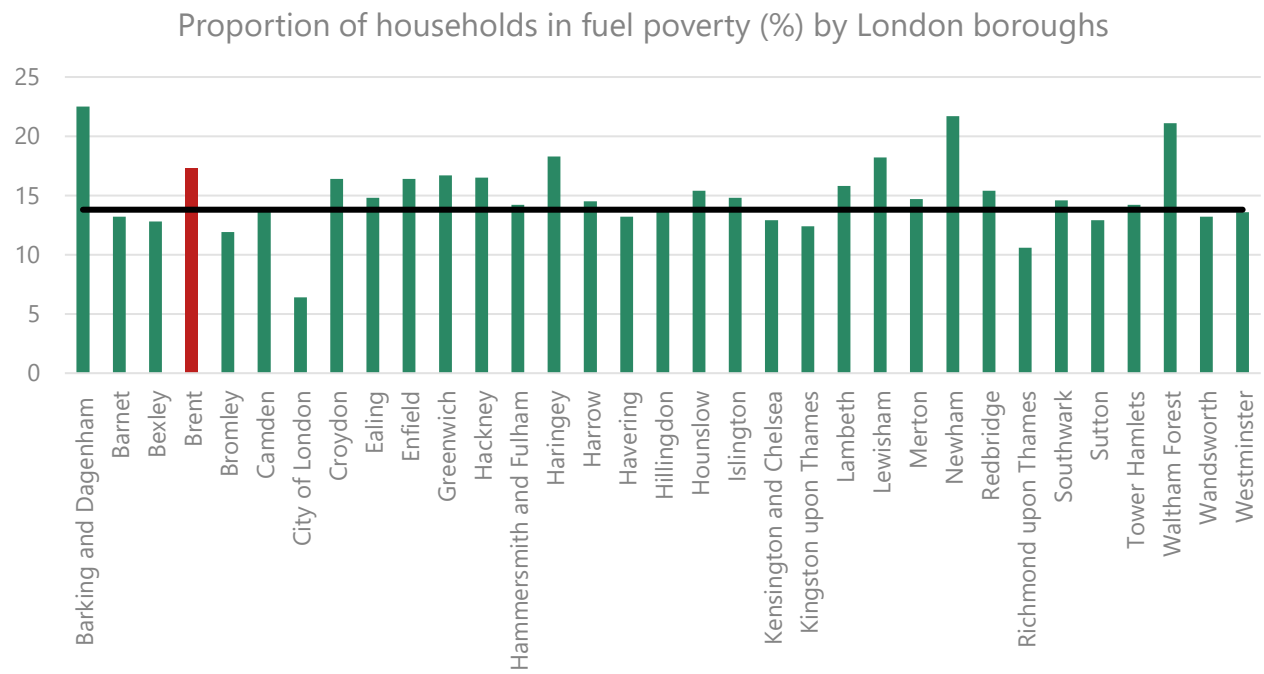
Horizontal line shows the national average (5)

Fuel Poverty

With energy prices set to surge in the next 12 months, the number of households in fuel poverty is set to significantly rise. In general, fuel poverty relates to households that must spend a high proportion of their household income to keep their home at a reasonable temperature. Fuel poverty is affected by three key factors: a household's income, their fuel costs, and their energy consumption (which in turn is affected by the energy efficiency of the property).

The fuel poverty score produced by the Department for Business, Energy & Industrial Strategy (BEIS) using 2019 data and published in 2021 shows that currently Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%).[6] These figures are likely to significantly change as a result of the recent acute fuel price increases.

[6] Department for Business, Energy & Industrial Strategy 2021 https://www.gov.uk/government/statistics/sub-regional-fuel-poverty-data-2021



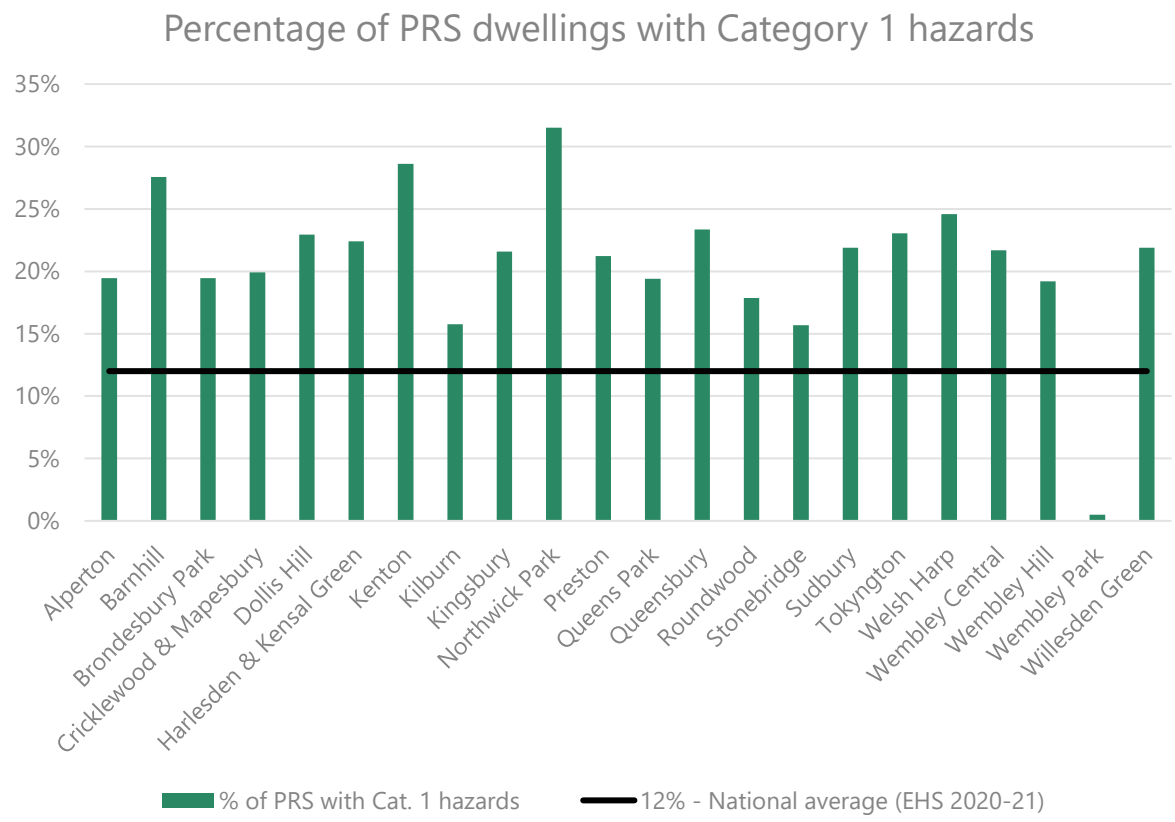
Horizontal line shows England average (13.8%)

Housing Conditions

The recent review of Brents housing stock has provided insights about the presence and distribution of a range of housing factors in the borough[7]. The main finding was that poor housing conditions are widespread in the PRS. Under the Housing Health and Safety Rating System (HHSRS), category 1 hazards are the most serious housing hazards and may result in the immediate risk to a person's health and safety. A significant category 2 hazard, although less serious or less urgent, can still be regarded as placing the occupiers' health, safety and welfare at risk.

Our evidence shows that category 1 hazards in Brent's PRS are distributed across the whole borough, with over 10,000 private rented properties having at least one category 1 hazard, representing 18% of Brents PRS (excl. known HMOs). 21 of 22 wards have levels of category 1 hazards above the national average (12%).

[7] Housing Stock and Stressors Report, Metastreet, 2022



Under the current Minimum Energy Efficiency Standard (MEES), properties must have an Energy Performance Certificate (EPC) rating of E and above before they can be let out. Currently in Brent, 1.3% of the PRS have an F and G rating, which means approximately 755 PRS properties are likely to fail the MEES statutory requirement.

The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related deaths [8]. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. Children in cold homes are twice as likely to suffer from a variety of respiratory problems [9]. Therefore, the F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

There is also a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980[10]. Brent has a high level of residential properties (65.7%) built before the Second World War. Wards with a majority of older properties tend to have more hazards such as excess cold, fire & electrical issues, damp and mould.

[8] Housing Health and Rating System, Operation Guidance, 2006 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf
[9] Health Equity in England: The Marmot Review 10 Years On, 2020 https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on
[10] Housing Health and Rating System, Operation Guidance, 2006

5. Property licensing schemes

Property licensing allows the council to regulate private rented properties in their areas by issuing a licence to the person responsible for the property, usually the landlord, which contains conditions that relate to the properties management, use and upkeep. This helps to improve the condition and management of privately rented properties and makes renting in the private rented sector safer and fairer for tenants.

Property licence conditions are wide ranging and include requirements relating to maximum occupation, gas, electrical and fire safety, pest control, refuse/recycling management and energy efficiency.

There are three types of property licensing schemes operating in Brent:

Selective Licensing

- Applies to properties let to single family households or two sharers
- Area designated by the council
- Large scheme need approval by DLUHC



Additional HMO Licensing

- Applies to smaller houses in multiple occupation (HMOs) let to 3 or 4 unrelated people, forming 2 or more households who share amenities such as a kitchen or bathroom.
- Certain converted blocks of flats (Section 257 HMOs)
- Area designated by the council



Mandatory HMO licensing

- National scheme
- Applies to all Councils and affects large HMOs, let to 5 or more unrelated people, forming 2 or more households who share amenities such as a kitchen or bathroom.



6. Property licensing schemes in Brent

In January 2015 Brent introduced a Selective Licensing scheme which applied to all private rented housing in the wards of Harlesden, Wembley Central and Willesden. This scheme expired on 31st December 2019.

In June 2018 the Selective Licensing scheme was extended to the wards of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park. This latter designation is still in operation and will run until 30th April 2023.

Borough wide Mandatory HMO Licensing and Additional HMO licensing schemes are also in force.

Licensing schemes require landlords to proactively manage their properties and take action to address any problems in order to comply with licence conditions. It encourages better standards of property management. The council has worked collaboratively with landlords to make sure these requirements are met. The council has carried out enforcement actions when needed to raise standards. Whilst these schemes have enabled the council to begin to make real progress in raising standards in the private rented sector, there is still much more to do.

Results of the previous licensing schemes

Key to any licensing scheme is an inspection and enforcement regime that ensures that licences are applied for, valid applications are processed and that there is compliance with the conditions of licences issued.

Since the introduction of the licensing schemes in 2015, a total of 17,930 licences have been granted.

Licence Type	Licences Granted
Mandatory	3419
Additional	3241
Selective (Scheme 1) 2015 -2019	5644
Selective (current scheme) 2018 – To date	5626

Prior to the existing schemes coming into force the council had estimated the number of properties that would be licensable. The actual number of properties licensed has been greatly exceeded. The success of the take-up of the selective licensing schemes is shown in the following table.

Licence Type	Properties Licensed	Estimated Number of licensable properties	Percentage %
Selective (Scheme 1) 2015 -2019	4699	2823	166%
Selective (current scheme) 2018 – To date	5626	4360	129%

Local authority housing statistics data returns for 2020 to 2021[11] show that Brent has licensed the highest number of mandatory HMOs out of all London boroughs and the fifth highest in England.

England		London	
Bristol	2,718	**Brent**	**2,364**
Nottingham	2,574	Ealing	1,452
Birmingham	2,500	Haringey	1,225
Liverpool	2,394	Southwark	851
Brent	**2,364**	Lewisham	847
Manchester	2,247	Croydon	804
Southampton	2,208	Hounslow	800
Newcastle upon Tyne	2,168	Newham	759
Brighton & Hove	2,155	Tower Hamlets	680

As part of the licensing process properties are risk assessed and prioritised for compliance inspections. This approach has allowed the council to target properties of most concern. The council has carried out over 11,000 targeted and random inspections during the lifetime of the schemes to ensure ongoing compliance and that landlords are making necessary improvements to property conditions.

As a result of direct action taken, over 8,200 properties have been improved during the lifetime of the schemes.

Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Total
Totals	1281	968	1008	1167	1055	1245	1004	516*	8244

**Year to date – The total PRS properties improved per year*

Over the past five and a half years 8,753 properties have been inspected, resulting in 5,995 properties seeing an improvement in condition as a consequence. This equates to an improvement rate of 68%.

An effective licensing scheme relies on robust enforcement and by using intelligence gathered via licence applications and service requests, the council has been able to

[11] Local authority housing statistics data returns 2020 to 2021

better target enforcement action towards the minority of landlords who fail to invest in their properties or meet their legal obligations.

Properties owned by landlords who have deliberately evaded the licensing schemes are often doing so in order to operate under the radar. This allows them to cover up evasion in other areas such as unpaid tax on rental income, unpaid Council tax, fraudulent housing benefits claims, illegal immigration and even slavery[12]. Their properties are also much more likely to have hazards. Bringing landlords into the framework of licensing schemes shines a light on these other areas and can bring them into compliance in multiple areas.

The table below summarises the councils' enforcement outcomes that have been achieved through the licensing schemes.

Activity	Output	Outcome
One-year licences issued as a consequence of concerns at time of application	2131	Issues mainly regarding lack of gas safety certificates, overcrowding, planning issues and irregularities in ownership details.
Warning letters sent	5280	Properties brought into compliance i.e. licence application made or confirmation of property status received.
Prosecutions	187	£1.8m in fines and costs 1 prison sentence issued
Civil Penalty notices issued	253	£850,000 reinvested in to PRS Enforcement
Proceeds of Crime Confiscation Award	1	£365k in confiscation order, fines and costs. In December 2018, Brent became first LA to be granted a Confiscation Order under the Housing Act 2004
Landlords training and accreditation	1796	Third highest number of accredited landlords of all London boroughs (January 2022)

Supporting good landlords

Through the licensing schemes a database of over 10,500 landlords and agents operating in Brent has been compiled, supporting better communication and engagement with the sector through a regular e-newsletter and a twice-yearly landlords forum.

The council recognises that having accredited landlords is part of the key to raising standards in the private rented sector and have actively encouraged all landlords to become accredited to achieve a level of housing knowledge and competence before letting a home. As of January 2022, Brent had 1796 landlords accredited to the

[12] Dealing with Rogue Landlords, P7, DCLG, 2012

London Landlord Accreditation Scheme, which is the third highest figure of all London boroughs.

Since 2015, in conjunction with Midas Property Club, the Council has hosted landlord forums which on average have been attended by over 200 landlords and agents with private property interest. Landlord training and forums have continued virtually during and post the covid-19 pandemic.

Supporting private rented sector tenants

In promoting tenant's rights and responsibilities, tenants' awareness of the minimum standards to be expected in rented accommodation has dramatically increased. Tenants have been encouraged to report landlords who do not comply with licensing conditions. Since the start of the licensing schemes the council has received 5804 requests for service from tenants in the private rented sector regarding disrepair, resulting in significant interventions and property improvements.

It is clear from running these schemes, that licensing allows the council to work proactively with landlords and tenants. Licensing provides clear conditions for landlords to comply with, promotes an improvement in property conditions and enables ASB to be minimalised through better, effective management. Licence conditions can be enforced against much more effectively and quickly than using other powers available to the council, such as Part 1 of the Housing Act (2004). Formal action under Part 1 is generally a slow process with appeals allowed for most types of notices, which can significantly delay the time period for compliance.

7. Proposals for a new selective licensing scheme

Brent is a diverse borough with various housing issues related to the PRS. There is evidence of poor housing in most wards, which is compounded by other factors such as ASB, deprivation, high rents, above London average private rented property possession claims, fuel poverty and homelessness.

The council has been truly selective in proposing the areas for this licensing scheme. Thorough evidence gathering and research has been carefully carried out to ensure that the most severe problems in each ward can be dealt with. All properties in the designated areas that are rented to single families (or two sharers) will need to have a licence to be legally let.

The council is proposing a five-year scheme made up of two proposed designations to be implemented in, potentially, two phases.

The first proposed phase (designation 1) covers a total of 3 wards. The size of these designations, which affect less than 20% of the geographical area of Brent and less than 20% of its privately rented housing, means they can be agreed locally by the council's cabinet and could be brought in by June/July 2023.

Subject to consideration of the responses in the consultation process, the Council is keen to seek to address the serious problems of ASB and poor property / housing conditions in the 3 wards at Dollis Hill, Harlesden and Kensal Green, and Willesden Green as soon as reasonably practicable

The Cabinet decision on whether to designate other areas in the second designation phase as set out below will be brought to a subsequent Cabinet, to give further consideration to the larger designation, as well as giving time to scale up resources and systems to administer and enforce a larger designation

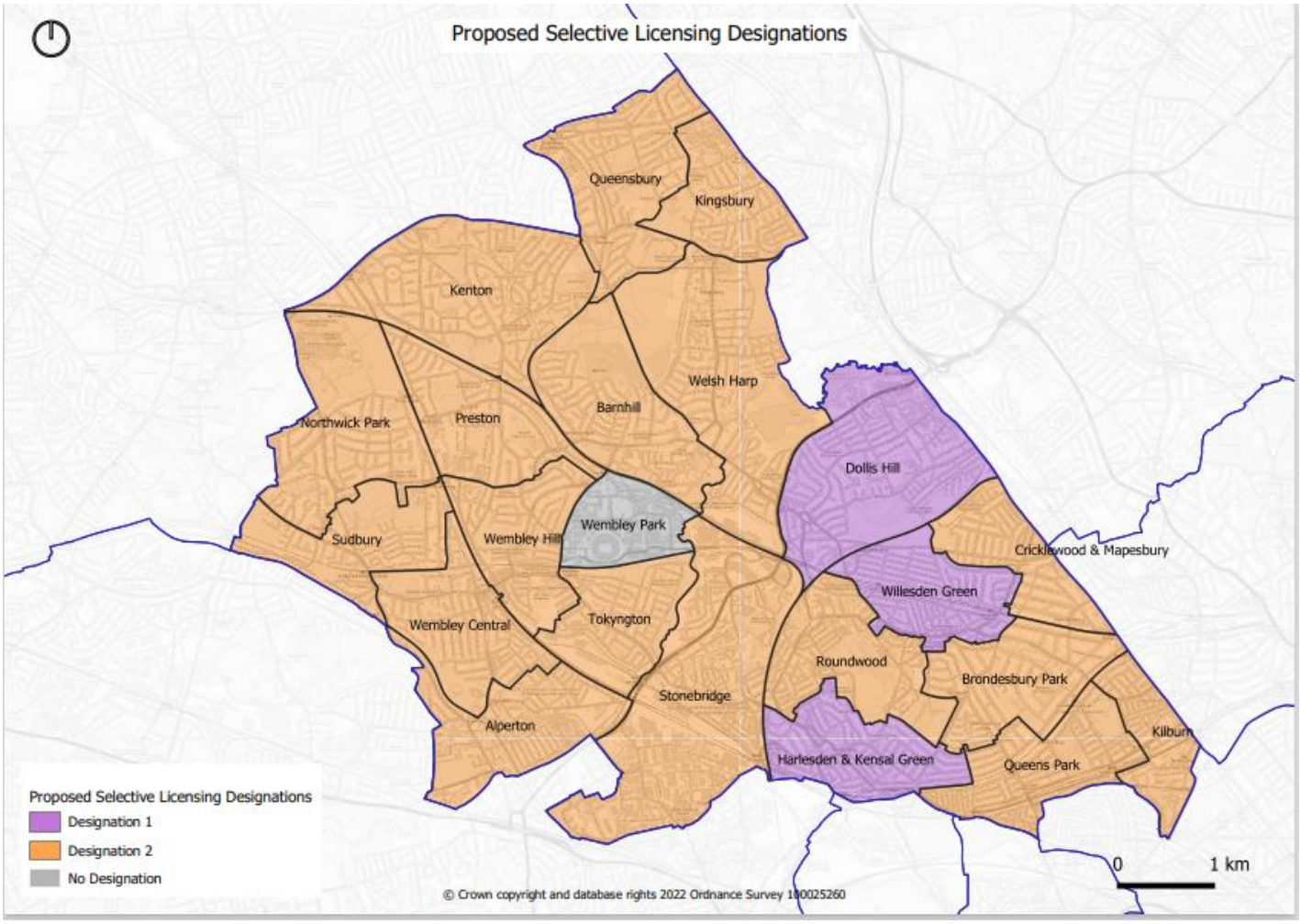
The second phase (designation 2) covers a total of 18 wards and 62% of the total PRS. Due to its size, after being agreed by Brent Council, this designation would need confirmation by the Department of Levelling up Housing and Communities (DLUHC). If approved, designation 2 could be introduced by the end of 2023. The decision on designation 2 will be made at a separate and subsequent later Cabinet meeting after the Cabinet decision on designation 1.

DESIGNATION 1	DESIGNATION 2
Poor Property Conditions & Very High Repeat ASB	**Poor Property Conditions**

Dollis Hill Harlesden & Kensal Green Willesden Green	Alperton Barnhill Brondsbury Park Cricklewood & Mapesbury Kenton Kilburn Kingsbury Northwick Park Preston	Queens Park Queensbury Roundwood Stonebridge Sudbury Tokyngton Welsh Harp Wembley Central Wembley Hill

All the designations are subject to change as a result of this consultation and the council welcomes input into the scheme.

Map of the proposed selective licence scheme designations



Designation	Designation Criteria
1	Poor property conditions and very high, repeat ASB
2	Poor property conditions

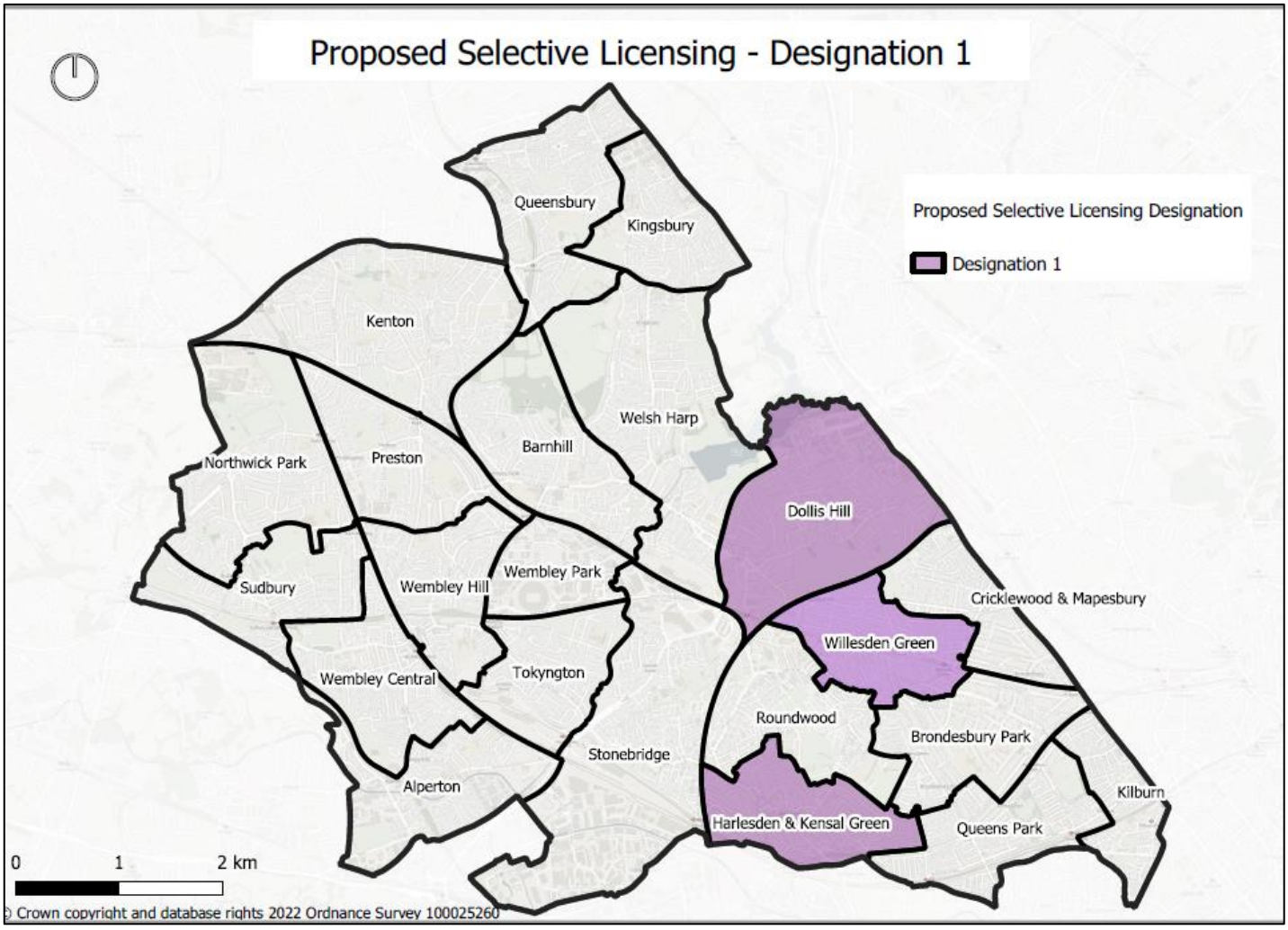
Data summary for the borough

Wards	Designation Criteria		
	High Proportion of PRS (above the national average of 19%)	Poor Property Conditions (above national average of 12%)	Very High Number of PRS Properties with Repeat ASB
Alperton	✓	✓	
Barnhill	✓	✓	
Brondesbury Park	✓	✓	
Cricklewood & Mapesbury	✓	✓	
Dollis Hill	✓	✓	✓
Harlesden & Kensal Green	✓	✓	✓
Kenton	✓	✓	
Kilburn	✓	✓	
Kingsbury	✓	✓	
Northwick Park	✓	✓	
Preston	✓	✓	
Queens Park	✓	✓	
Queensbury	✓	✓	
Roundwood	✓	✓	
Stonebridge	✓	✓	
Sudbury	✓	✓	
Tokyngton	✓	✓	
Welsh Harp	✓	✓	
Wembley Central	✓	✓	
Wembley Hill	✓	✓	
Wembley Park			
Willesden Green	✓	✓	✓

7.1 Phase 1 - Designation 1: Poor property conditions and Antisocial behaviour (ASB)

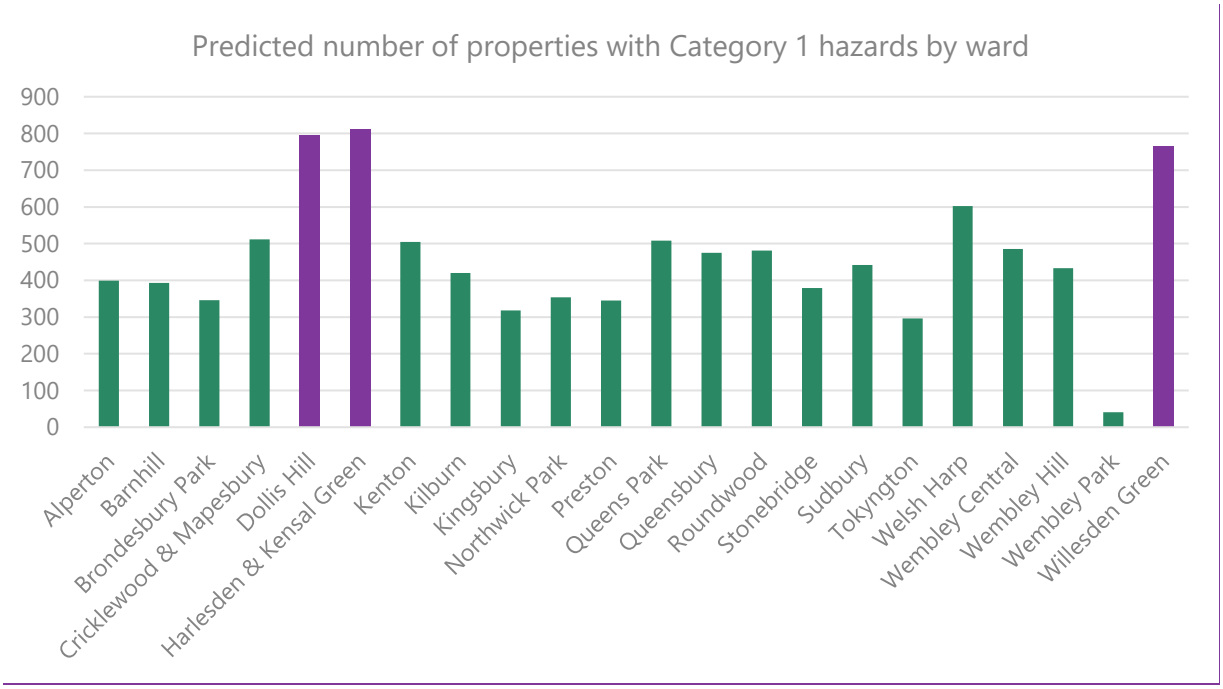
Which areas are included in this designation?

The three wards in this designation are Dollis Hill, Harlesden & Kensal Green and Willesden Green. These wards have poor property conditions and the highest levels of ASB connected to the PRS compared to all other wards in the borough. In addition, these wards have a high proportion of properties in the private rented sector (above the national average of rented properties).

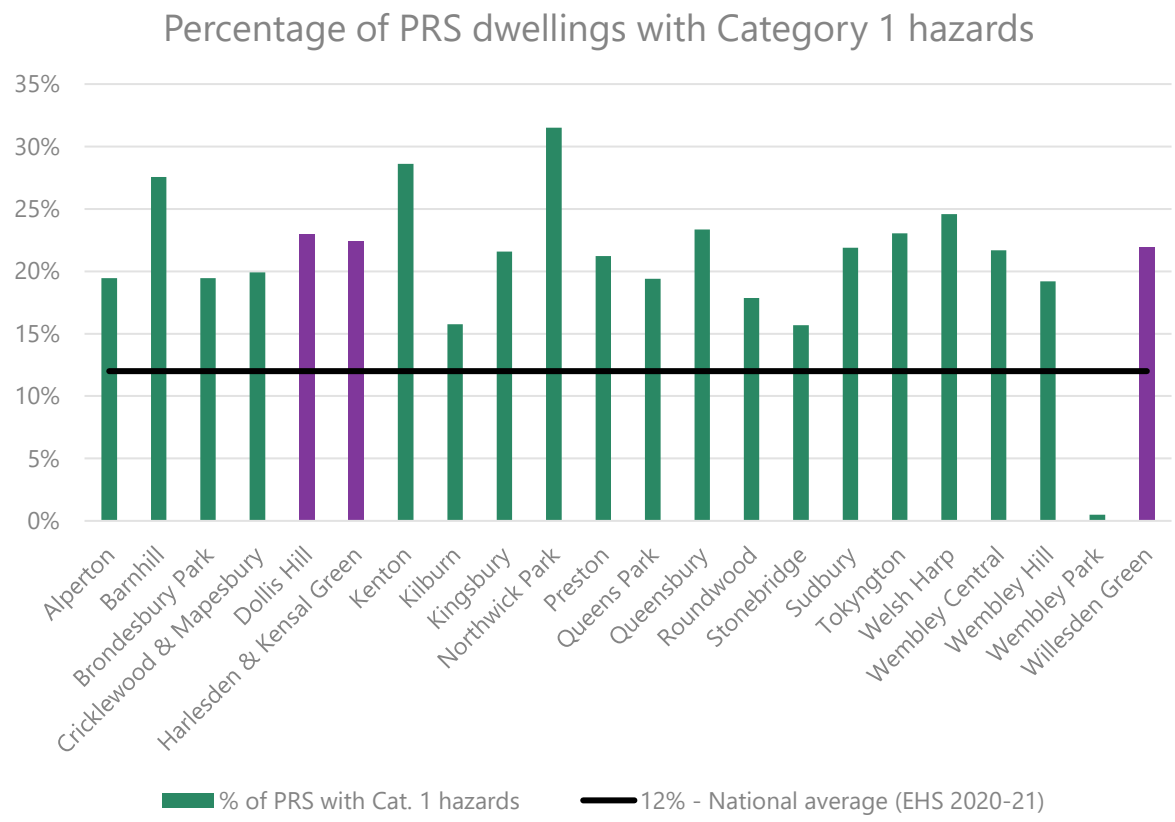


What is the evidence of poor property conditions in this area?

Our evidence shows that the three wards in this designation have the highest number of properties with at least one Category 1 hazard. Harlesden & Kensal Green (812), Dollis Hill (796) and Willesden Green (766). The proportion of properties in each ward with category 1 hazards is also around double the national average of 12%.[13]



[13] English Housing Survey 2020-21



Overall, in these three wards, there are 2,374 properties in the PRS that are predicted to have category 1 hazards. A significant number of these would need to be inspected to ensure tenant safety.

The council has powers to take enforcement action under various legal provisions. Where housing hazards, disrepair, public health or planning concerns are identified that need enforcing, statutory notices can be served on the responsible persons requiring action to be taken within a specified timeframe.

The properties in these three wards have required a significant number of council interventions, representing a huge drain on council resources. Over a five-year period (2017-2022) the council has issued 2283 housing, public health and planning enforcement notices. Willesden Green (875), Harlesden & Kensal Green (729) and Dollis Hill (679) received the most statutory notices.

How will licensing deal with poor property conditions in the designated area?

The designation of these three wards will allow the council to start dealing with some of the worst property conditions in the borough. This designation is in phase 1, which could be brought in by June / July 2023.

There will be clear licence conditions relating to the standard and management of rented properties in the area. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with licence conditions. The council

will take enforcement action (under Part 1 of the Housing Act), where necessary, to improve poor property conditions.

It is much easier to rectify property issues under the legal framework of the licensing scheme and when the landlord and other property management companies are known to the council. Landlords who fail to licence their properties could receive a civil penalty for failure to license.

Information and support on the professional management of properties will be available to landlords through the council's web site and landlord forums (in person and online). The licence conditions relating to the management of the properties will help ensure that properties are properly managed to prevent further deterioration.

The council will work with landlords to address poor property conditions and help them to comply with the licence conditions in these wards.

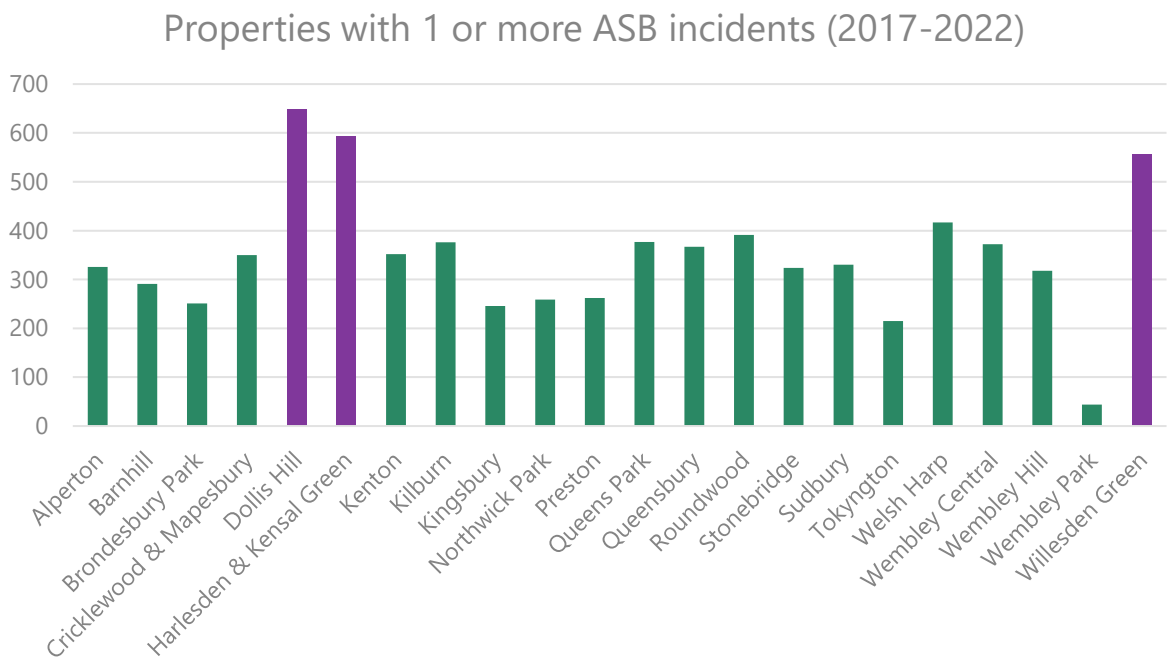
The council will also continue to work with the London Fire Brigade, Home Office, Police, HMRC, as well as additional council departments, to identify properties that need improvement. In addition licensing has seen better and more effective working with internal stakeholders too, such as planning enforcement, The Brent Joint Action Group (BJAG), Brents Enforcement Practitioners Group (EPG), Empty Properties Team, Housing Needs, Council Tax and others.

Over the last seven years of the previous schemes, this co-working resulted in an increase in prosecutions of rogue landlords to 189. This can largely be attributed to the increased and efficient intelligence sharing across multiple disciplines.

What is the evidence of ASB in the private rented sector in this area?

In these three wards alone, there were 2421 complaints of ASB over a five-year period. Follow up investigations identified that the majority of complaints were around substance misuse and noise and rowdy behaviour.

Once a complaint is received and verified as being in a property that is privately rented, the Housing Enforcement team is notified. 424 properties in these wards had repeat ASB, showing that some landlords are failing to take the appropriate action to deal with ASB in their properties when it first occurs.



How will selective licensing deal with ASB in the designated area?

A new selective licensing scheme in these wards would give the council greater information and powers to deal with the properties that cause such a problem for neighbours and the community.

A designation of these three wards would allow the council to work proactively with the landlords and owners of the properties to prevent ASB and, where necessary, deal with ASB in their properties. The licence conditions will clearly state the responsibilities of landlords to prevent and also deal with any ASB that arises. There will also be guidance and support for landlords on how to manage tenants who are causing ASB. Information for tenants about their responsibilities about causing ASB will also be available.

Since 2015 an Enforcement Practitioners Group (EPG) has been operational which brings together regulatory enforcement teams from across the council, including Trading Standards and Planning to tackle complaints about ASB in privately rented properties. These complaints range from crack houses, brothels and cannabis factories to harassment of neighbours and issues with aggressive dogs. The group meets every five weeks, shares intelligence and works together to try and resolve ASB. On average twenty multi-agency operations are carried out each year.

In addition the Brent Joint Action Group (BJAG) is a multi-agency group which meets monthly to manage issues raised by residents (through ward panels) or through data analysis. Monthly hotspot maps are used routinely to prioritise multi-agency enforcement and engagement in the appropriate areas. In 2021/22, eight high priority cases were referred and managed through the BJAG. Issues such as

drug dealing and drug use were tackled during tasking operations and ASB enforcement powers such as Closure Orders used to deal with nuisance.

Case study 1: A service request was received by the Housing Licensing & Enforcement Team regarding a first floor flat with disruptive tenants and leak from bathroom flowing into the electrics in ground floor flat and failure to licence.



Initial Research: Properties were in a Selective Licence ward but were not licensed.

Action: The managing company were requested to submit an application without delay. As part of the application process, the Team arranged a Compliance Inspection of both properties. From the ground floor flat, it was obvious that the leak had been ongoing for a long time, as there was extensive damp and mould in the ceiling, the bathroom electrics were non-functional, and the flooring was saturated. The occupant of the first floor flat was aggressive and abusive and was resistant to the visit by Council's staff. The Team contacted the Licence Holder, highlighting breaches of the Licence Conditions, being Repairs (leaking bath causing damage to the ground floor flat) and the display of Anti-social behaviour (aggression and verbal abuse of the tenants). The Team served a Schedule of Works for the repairs to the bath and for the Licence Holder to provide evidence of how they were dealing with the ASB issues of the tenants.



Outcome: The owner of the first floor flat promptly applied for a Selective Licence. A new bath with the associated pipework was installed. After weeks of deliberation with the tenants and the placement Local Authority, and other complaints of ASB issues (including aggression to neighbours, fights, and smoking of class A drugs), the tenants were relocated to the hosting Council.

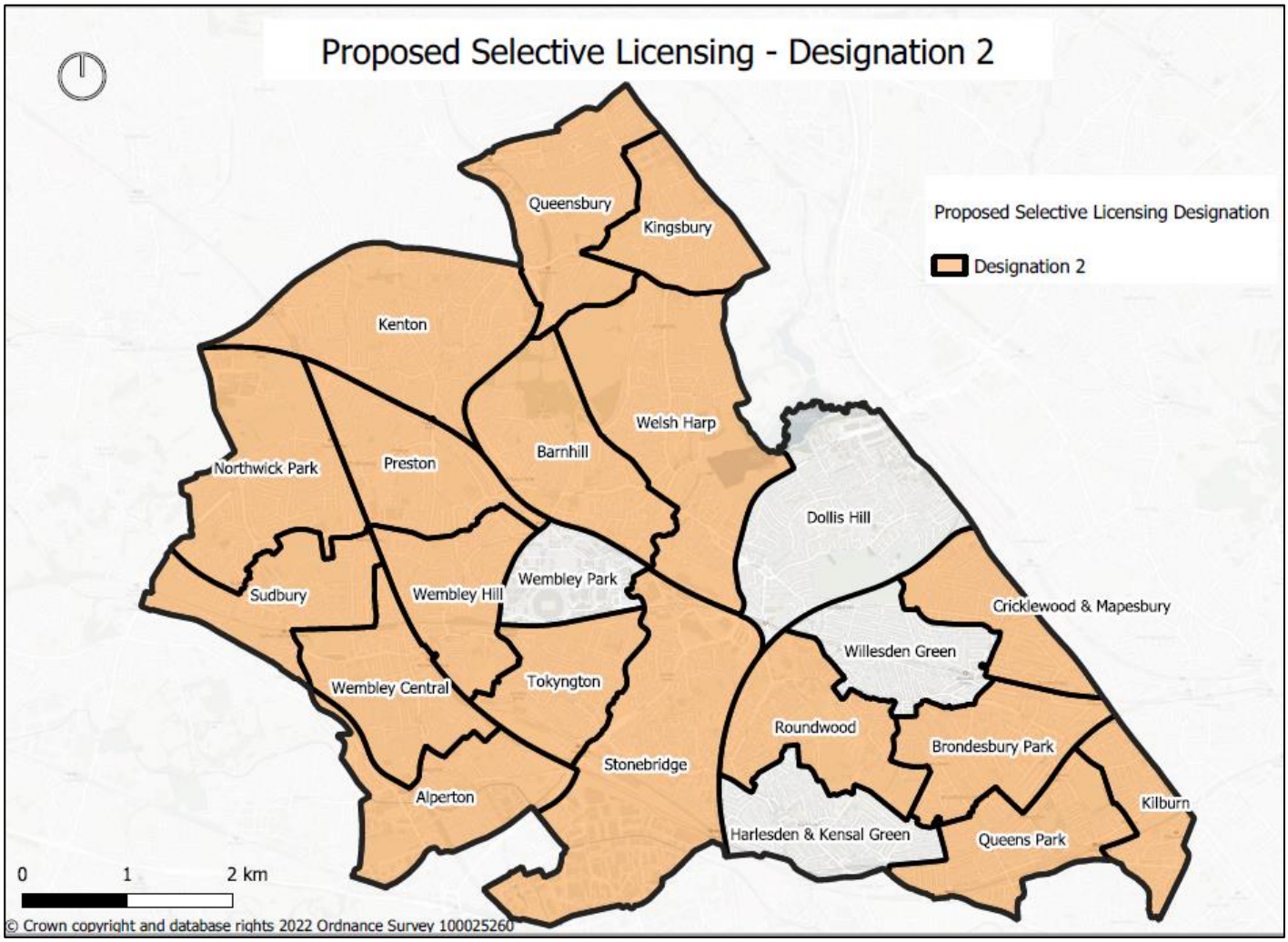
7.2 Phase 2 - Designation 2: Poor property conditions

Which areas are included in this designation?

The following eighteen wards are included in this designation:

Alperton	Queens Park
Barnhill	Queensbury
Brondsbury Park	Roundwood
Cricklewood & Mapesbury	Stonebridge
Kenton	Sudbury
Kilburn	Tokyngton
Kingsbury	Welsh Harp
Northwick Park	Wembley Central
Preston	Wembley Hill

These wards all have poor property conditions demonstrated by high levels of category 1 hazards in the PRS.



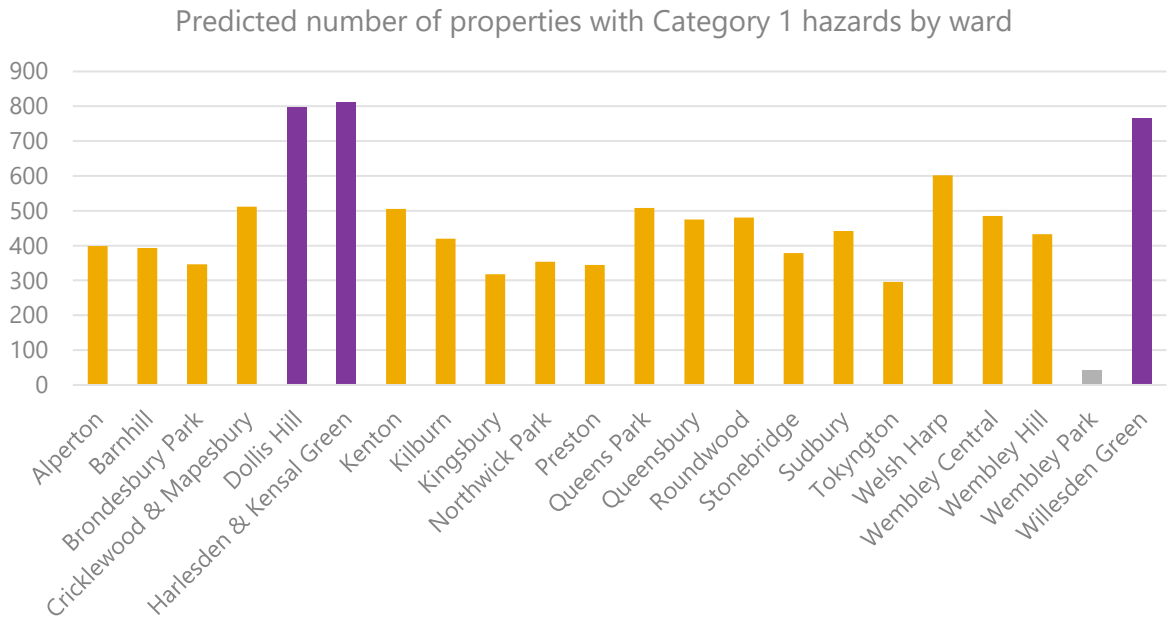
What is the evidence of poor property conditions in this area?

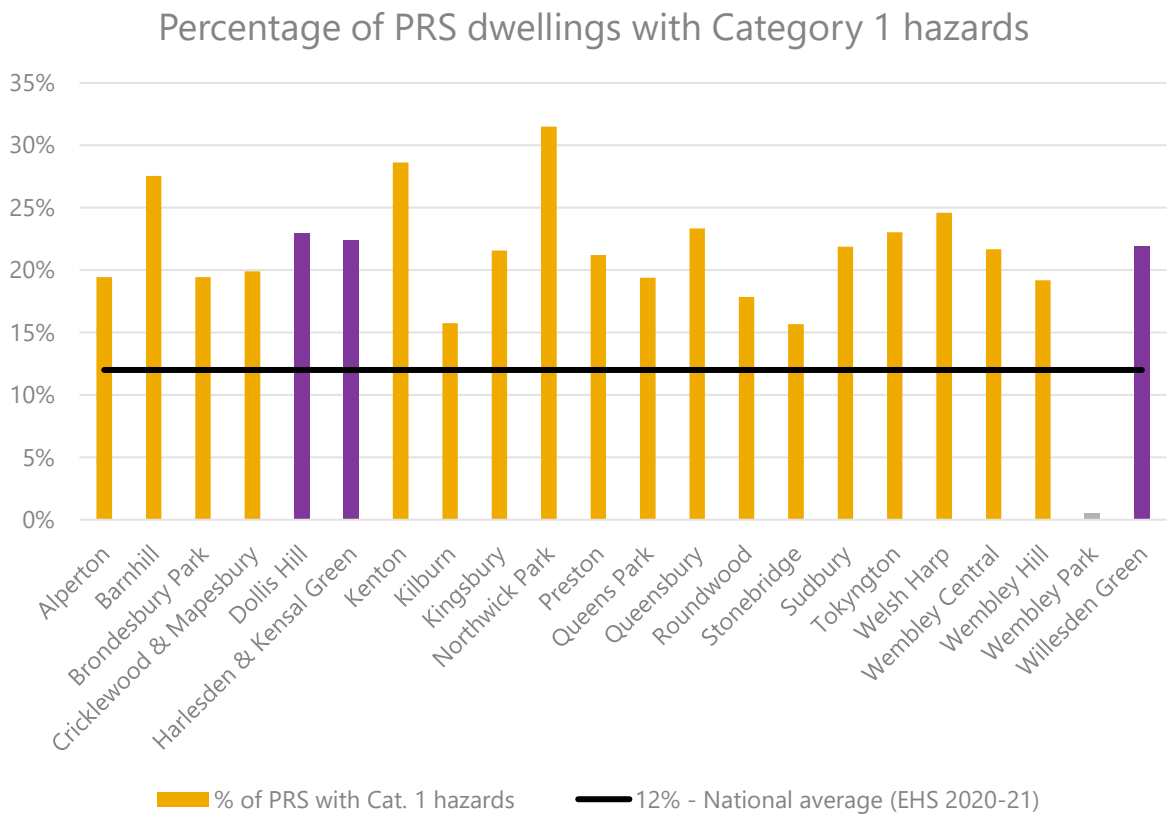
Our evidence shows that the eighteen wards in this designation have PRS properties that have unacceptably high levels of category 1 hazards.

The properties in this designation have levels of category 1 hazards that are higher than the national average for PRS of 12%[14]. There may be at least 7,693 PRS properties in this area that have a category 1 hazard, a large proportion of which will need to be inspected to ensure the safety of the tenants that live in them.

The council receives a significant number of complaints from residents in these wards and in response to non-compliance, over a five-year period (2017-2022) the council served 5891 housing, public health and planning enforcement notices in relation to properties in this designation.

[14] English Housing Survey 2020-21





How will licensing deal with poor property conditions in the designated area?

The designation of these eighteen wards will allow the council to bring about an improvement to property conditions in the area during the life of the scheme. There

are proposed licence conditions relating to the standard and management of the rented properties. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with the licence conditions. This will allow the council to take enforcement action (under Part 1 of the Housing Act), where necessary, to improve properties.

The council will expect property condition issues identified during an inspection to be resolved within a reasonable period, depending on the severity of the issue. Improvement Notices, Overcrowding Notices and Prohibition Orders are formal notices that may be issued to bring about improvements in properties. The council charges the landlord if a formal notice is issued.

Landlords who fail to licence their properties could also receive a civil penalty.

The licence conditions will be used to ensure continued compliance with property conditions and standards to prevent a further deterioration in the rented properties. Landlords will be able to access information on the council's web site and through forums (either in person or online) to help them improve their property management skills.

The council will also continue to work with the local Police, the London Fire Brigade, UKBA and other council departments to identify properties that need improvement. The council will work with landlords to address poor property conditions and help them to comply with the licence conditions in these wards.

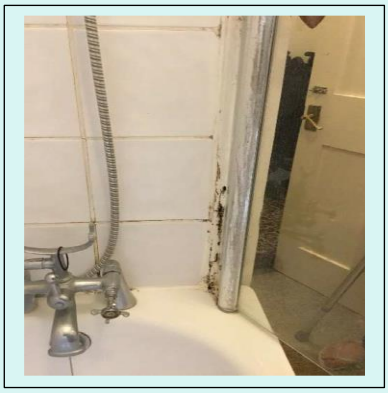
Case study 2: Ground floor flat with numerous defects including fire safety issues and failure to licence

The Issue: Private Housing Licensing & Enforcement Team was alerted about this property following a service request from an MP on behalf of one of their constituents. There were numerous concerns raised including a defective boiler, radiator and toilet leak, fire safety issues, trip hazards, excess draught via the front door, defective bath faucet



Action: Desktop search revealed that the property was in one of the Selective wards. The investigating Officer contacted the owner, informing them of the licensing requirements and the concerns raised. An application was submitted forthwith. The Team arranged a visit and carried out a Licence Compliance inspection of the property as part of the application process. The property was occupied by a young woman with disabilities and her 2 years old son. The inspection highlighted breaches of the Licence Conditions, including Gas (defective boiler, no hot water), Security (damaged front door frame), External areas, Smoke alarms (no smoke or heat detectors), Carbon Monoxide alarms (no CO detector), Means of escape (defective door handles and locks), Electrical (damaged electrical kitchen socket), and Repairs (defective water closet flushing unit & leak from tank, missing bath glass rubber seal, defective bathroom floor covering, mouldy bathroom grout & silicone, defective bath faucet, rusty & leaking radiator, missing intumescent strips to lounge door, several trip hazards, and missing fire blanket).
The Council served a Schedule of Works with various timeframes for the completion of the works.





Outcome: The owner applied for a Selective Licence**.** They had a new boiler installed, along with installation of a carbon monoxide detector, smoke & heat detectors, and a fire blanket. The owner completed all the other works within the timeframe given. The tenant called in to express a big “thank you” for improving the property and her mental wellbeing**.**

7.3 Why is Wembley Park ward not included in the selective licensing scheme proposals?

Although Wembley Park ward has a high level of rented properties, these tend to be relatively new builds and therefore do not have the high levels of housing hazards that we see in other parts of the borough. Wembley Park has required the least number of interventions from the council with only 28 Housing & Public Health Statutory Notices served over a five-year period.

Although there has been a small number of ASB incidents, there is negligible repeat ASB incidents. Therefore the evidence to support a designation based on ASB is also lacking.

The council considers it more appropriate to be selective in its approach and focus resources on the worst affected areas. However, this ward will be kept under review and a third designation could be considered should the evidence change.

7.4 Proposed selective licensing scheme conditions

There are two types of conditions that can be applied to a selective licensing scheme: mandatory and discretionary. The mandatory conditions are required by law (Schedule 4 of the Housing Act 2004) and must be included in a licence. These mandatory conditions do not form part of the consultation.

The discretionary conditions are part of the consultation and the council can decide on these in order to deal with the management, use and occupation of the licensed property.

In some circumstances, for a particular property, where the council believes there are specific issues not being covered by the discretionary conditions, additional or more specific conditions can be added.

As the two proposed selective licensing designations are based on different criteria, the discretionary conditions are tailored to tackle the conditions relating to the criteria in each area. For example, designation 1 includes ASB and there are specific discretionary licence conditions relating to ASB

The proposed selective licence conditions are attached as **Appendix 2**. These licence conditions form part of the consultation and the council welcomes any views on them.

7.5 Proposed selective licensing fee

Licence applicants will be required to pay a fee for each property that needs a licence. The proposed selective licence fee is £640 per property.

The council is required to split the fee into two payments. The initial part of the fee (£340) is charged to cover the cost of processing of the application. If the application for a licence is successful, the remainder of the fee (£300) will be charged before the full licence is issued. This part of the fee is a contribution to the other costs incurred by the Council in running and administering the licensing scheme, for example the cost to the council for enforcement of licences. Licence fees cannot be used elsewhere in the council or used to generate a profit.

We are also proposing to continue to offer a £40 discount to applicants who are members of the London Landlords Accreditation Scheme (LLAS).

The proposed schedule of fees and associated charges is attached as **Appendix 3.** These fess form part of the consultation and the council welcomes any views on them.

Selective licensing exemptions

Some properties do not require a licence and will be exempt from the selective licensing scheme including:

a) properties licensable as a mandatory or additional HMO.

b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association.

c) properties already subject to a management order.

d) properties subject to a temporary exemption notice.

e) owners who reside in the property they own as their main residence (owner-occupiers).

f) holiday lets; and tenancies under a long lease and business tenancies.

g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

h) Student accommodation directly managed by educational institutions, e.g. halls of residence.

i) properties managed by a charity registered under the Charities Act 2011 and which—

   a. is a night shelter, or

   b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

A full list of exemptions can be found at The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (legislation.gov.uk)

8. Alternatives to licensing that have been considered

We have considered other courses of action, or alternatives to the selective licensing proposals. But we do not believe that they provide as effective means of tackling poor housing conditions and repeat ASB in the borough.

Alternative Measure	Strengths	Weaknesses
Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers	Following an investigation, formal statutory notices can be served that require improvements to be carried out to a property. Councils can carry out work in default if a notice is not complied with. Landlords risk being prosecuted if they do not comply with the notice or the Council can impose a civil penalty on the person responsible.	The powers do not place any obligation on landlords to be proactive in improving conditions. Formal action is generally slow, with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. Work in default can be effective but it is expensive and time consuming to the Council, with the risk that not all costs are recovered. Successful prosecutions and civil penalties do not in themselves secure improvements in property conditions and the Council's costs in pursuing legal action are often not met in full.
Rely on prosecutions and civil penalties for housing offences	Provides a disincentive to keep properties in poor conditions.	These powers do not place any obligation on landlords to be proactive in improving conditions. Successful prosecutions, or the imposition of civil penalties, do not in themselves secure improvements in property conditions. The absence of licensing significantly reduces the scope of the council to impose civil penalties in respect of identified housing breaches.
Wider promotion of voluntary accreditation schemes to facilitate improvement in management practices and standards	For those landlords who take part, accreditation can increase their knowledge and competence and their ability to effectively manage a property.	This requires voluntary landlord engagement and rogue operators are unlikely to attend/engage in such schemes.
Improvement grants to improve sub-standard properties	Grants subsidise improvement works, improving standards and giving	Generally, there are few grants available and the council has very limited scope to offer grants through successful external funding bids. In the most part, grant

Alternative Measure	Strengths	Weaknesses
	benefits for landlords and tenants.	awards would fund improvements that the landlord should be carrying out to meet their legal obligations. Any grant scheme would be discretionary and would rely on voluntary landlord engagement.
ASB powers	Formal notices can be served at addresses identified as having ASB issues. This can resolve ASB at the particular address.	Action would generally be taken against the tenant in occupation. The powers do not place any obligations on landlords to be proactive in managing their properties to prevent or reduce the likelihood of ASB occurring.

9. Proposed scheme objectives

Licensing is part of an overall approach to help improve privately rented properties in the London Borough of Brent. As such, any outcomes will be as a result of a range of initiatives and methods that the council can use. However, licensing is an important element and will place the responsibility on the landlord to inform the council that their property is licensable and encourage them, with the council's support, to ensure that they meet the required standards. The council can then prioritise its resources effectively to dealing with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.

The selective licensing scheme will be assessed against the following scheme objectives:

Objective	Outcome
Improve property conditions in single family dwellings	Reduce category 1 and 2 hazards. Licence conditions complied with. Achieve a general improvement of property conditions in the designated area within the lifetime of the designation. Improved engagement with tenants in the PRS.
Improve management standards in PRS	Improved engagement with landlords. Improved engagement with tenants in the PRS.
Reduction in (repeat) antisocial behaviour in single family dwellings	Reduction in ASB incidents. Reduction in repeat ASB incidents. Reduced number of ASB concerns raised by residents over 5 years. Improved engagement with tenants in the PRS.
Increased awareness for tenants on the minimum standards to be expected in rented accommodation and what their other rights are when renting in the PRS	Supporting the most vulnerable tenants. Combat deprivation in the most deprived areas. Improved engagement with tenants in the PRS.

10. Licensing and wider council strategies

The licensing proposals are set in the context of the council's wider programmes to tackle housing need, improve property standards and reduce ASB.

Council Borough Plan

The Council's Borough Plan 2021-22 is based on the vision to "make Brent a borough of culture, empathy and shared prosperity": The plan sets out five strategic themes to improve the lives of those who live work, study and do business in Brent. Desired outcomes include extending regulation to ensure private landlords offer decent standards for their tenants. Also to reduce anti-social behaviour (including environmental nuisance) by tackling it on a targeted neighbourhood basis.

Licensing will assist the council in achieving these desired outcomes.

The draft version of the Borough Plan 2023-27 is currently going through consultation, which is available for here - 07a. Appendix A - Draft Borough Plan 2023 27.pdf (brent.gov.uk)

Housing Strategy

Brent Council is currently in the process of drafting the new Housing Strategy for 2023 onwards. However, the licensing proposals are in line with the existing draft Housing Strategy 2017-2022.

The interventions in the proposed areas support the Council's Draft Housing Strategy, 2017-22 "through the provision of decent and well-managed accommodation"; and the Brent Responsible Growth Strategy (RGS): Housing Theme 2018-2038 which aims to improving community safety and the neighbourhood environment and to address high levels of deprivation.

"The Housing Strategy identifies opportunities for the private rented sector to "play an important role in delivering new supply" to deliver "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".

Homelessness Strategy

Brent Council has outlined its strategy to maximise the prevention of homelessness and to minimise the negative impacts of homelessness upon families and individuals where prevention is not possible in the Brent Homelessness and Rough Sleeping Strategy 2020-2025. The council's homelessness review has shown that the loss of a private sector assured-shorthold tenancy is still the most common reason for people to approach the council for help.

Working to improve access to and conditions in the private sector is therefore vital for providing a wider housing offer for Brent residents and the council has committed (commitment 3) to *'work to increase the supply of and access to stable and affordable homes across the borough'.*

This will be achieved through licensing and enforcement processes and working together with local landlords through the Landlord forum to improve standards and drive-up conditions in the private rented sector. Continuing to facilitate access to stable homes in the private rented sector.

Poverty Reduction Strategy

The council has outlined its strategy for poverty reduction. The Poverty Reduction Strategy states Brent households in poverty stands at 17% before housing costs and rises to 33% with housing expenditure included. For children, rises from 22% in poverty before, rising to 43% with housing costs. In the PRS, rents very often exceed 40% of net incomes. The policy states there is a need to rigorously enforce standards in the private rented sector (PRS).

The policy states that many of those renting privately reported issues with the quality, security and affordability of their housing. These issues included overcrowding damp, disrepair, needing to share facilities and ultimately homelessness, which is closely linked to difficulty paying rent. The latter can lead to eviction associated with poverty.
The policy acknowledges that the council does "have powers to improve standards within the private rented sector, including through licensing of landlords."

Brent Climate & Ecological Strategy

In 2021 Brent declared a climate and ecological emergency and pledged to achieve carbon neutrality in the borough by 2030. The Brent Climate & Ecological Strategy 2021-2030 recognises that better insulating homes and making them more energy efficient is one of the key actions that must be taken to reduce carbon emissions.

ASB

Brent Council recognises the need to challenge any form of Anti-Social Behaviour (ASB) in an effective robust and proportionate manner. Residents have a right to a quiet and peaceful enjoyment of their environment, which they live in making sure cases are resolved through effective intervention and support services.

Brent Council ASB policy applies to all residents including all landlords and tenants in the private rented sector. To tackle ASB problems, we have made it conditional on all private landlords who hold licences under our HMO or selective scheme to prevent and combat ASB associated with properties they manage. Section 57(5) of

the Housing Act 2004 gives a definition of ASB for the purposes of licensing under Parts 2 and 3 of the Act.

PHS will use all tools and powers available to Council officers to support our customers affected by anti-social behaviour (ASB) and to take action, including prosecution, against licence holders who do not take adequate steps to tackle ASB. The Housing Act 2004 refers to an offence being committed if a landlord breaches a condition of a licence without reasonable excuse.

This procedure should be read in conjunction with Brent Council's ASB Policy Procedure, Anti-Social Behaviour Policy and procedure (.pdf, 519.5kB), which outlines how the Council deals with ASB.

PHS advise all customers to visit our ASB Team webpage; https://www.brent.gov.uk/your-community/crime-and-community-safety/anti-social-behaviour/

11. Further information

Further information about the council's proposals can be found in the following report:

Decision - Private Housing Service Selective Licensing Schemes Consultation (Non Key Individual Cabinet Member Decision) (brent.gov.uk)

The Public Sector Equality Duty (PSED), section149 of the Equality Act 2010 requires the Council to have "due regard" to its equality aims when exercising its public functions. Brent believes that an Equality Analysis (EA) is the best method to demonstrate compliance with the PSED. An equality analysis was carried out as part of these proposals. This Equalities Assessment found at Appendix 4 of the consultation bundle

12. Appendices

Appendix 1	Housing Stock and Stressors Report, Metastreet, 2022
Appendix 2	Proposed Selective Licence Conditions
Appendix 3	Proposed Schedule of Fees and Charges
Appendix 4	Equalities Assessment

Appendix 5	Map of the two proposed designations
Appendix 6	Map of proposed designation 1
Appendix 7	Map of proposed designation 2

London Borough of Brent

Private Rented Sector: Housing Stock Condition and Stressors Report

October 2022

Executive Summary

Metastreet were commissioned by the London Borough of Brent to review housing stock in the borough and assess housing stressors related to key tenures, particularly the private rented sector.

The detailed housing stock information provided in this report will facilitate the development and delivery of Brent's housing strategy and enable a targeted approach to tackling poor housing.

The main aim of this review was to investigate and provide accurate estimates of:

- Current levels of private rented sector (PRS) properties and tenure change over time.
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS).
- Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.
- Assist the council to make policy decisions, including the possible introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004.

Metastreet has developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors. This approach has been used by a wide range of housing authorities to understand their housing stock and relationships with key social, environmental and economic stressors.

The models are developed using unique property reference numbers (UPRN) and a large range of council held and open-source data, which provide detailed analysis at the property level.

Data records used to form the foundation of this report include:

Council tax	Electoral register	Other council interventions records	Tenancy deposit data
Housing benefit	Private housing complaints and interventions records	ASB complaints and interventions records	Energy Performance data

Key Findings

- Brent's private rented sector has grown considerably in recent years, from 32% (2011) to 46% (2022)
- There are a total of 127,378 residential dwellings in Brent, 58,105 of which are privately rented
- 22 out of 22 Brent wards have a higher percentage PRS than the national average in 2021 (19%)
- Brent (339,771) the 5th most populous London borough
- 16 of 22 wards have aggregated IMD rankings below the national average
- Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%)
- Brent has the 4th highest number of private landlord possession claims in London, with 2,399 in 2019
- In Brent 53% of median earnings is used to pay rent
- There are 10,108 private rented properties in Brent that are likely to have at least 1 serious housing hazard (Category 1, HHSRS)
- Brent recorded 3,229 complaints and service requests from private tenants linked to PRS properties over a 5-year period
- 12.2% of PRS properties in Brent have an E, F, and G rating
- 1.3% of PRS properties have an F and G rating, extrapolated to the entire PRS, 755 PRS properties are likely to fail the MEES statutory requirement
- Over a 5-year period (2017-22) Brent served 6,920 housing and public health notices
- Additionally, 1,282 planning enforcement notices have been served on PRS properties in Brent
- Over a 5-year period, 10, 398 ASB incidents have been recorded linked to PRS properties

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Introduction & Project Objectives

Metastreet were commissioned by the London Borough of Brent to review its housing stock with a focus on the following key areas:

- Residential property tenure changes
- Distribution of the PRS
- Condition of housing stock in the PRS
- Housing related stressors, including Anti-Social Behaviour (ASB), regulatory interventions and deprivation.

The report provides the council with the evidence base for developing housing policy and service interventions. The report also helps satisfy the council's responsibility to review its housing stock as set out under Part 1, Section 3 of the Housing Act 2004.

The second section of the report details the findings of the stock and tenure modelling, including an introduction to the methodology. A combination of Brent's data warehouse, machine learning, and modelling techniques have been used to pinpoint tenure and predict property conditions within its PRS housing stock. An advanced property level data warehouse has been developed to underpin the process.

For the purposes of this review, it was decided that a ward-level summary is the most appropriate basis to assess housing conditions across Brent, built up from property level data.

Three separate predictive tenure models (Ti) have been developed as part of this project which are unique to Brent, they include:

- Private rented sector (PRS)
- Owner occupiers
- Serious PRS housing hazards (Category 1, HHSRS)

The third section provides a short private housing policy overview for the region to determine if characteristics exist in the Borough to support any specific intervention.

The appendices to the report contain a summary of the data and a more detailed report methodology.

1 London Borough of Brent overview

Brent is a borough of Northeast London. It covers an area of 43.2km². It borders the boroughs of Harrow to the north-west, Barnet to the north-east, Camden to the east, the City of Westminster to the south-east, as well as the Royal Borough of Kensington and Chelsea, Hammersmith and Fulham and Ealing to the south. [1]

1.1 Population

The Office of National Statistics (ONS) Census 2021 population estimates for Brent was 339,771. This makes Brent the 5th most populous London borough (Figure 1)[2] .

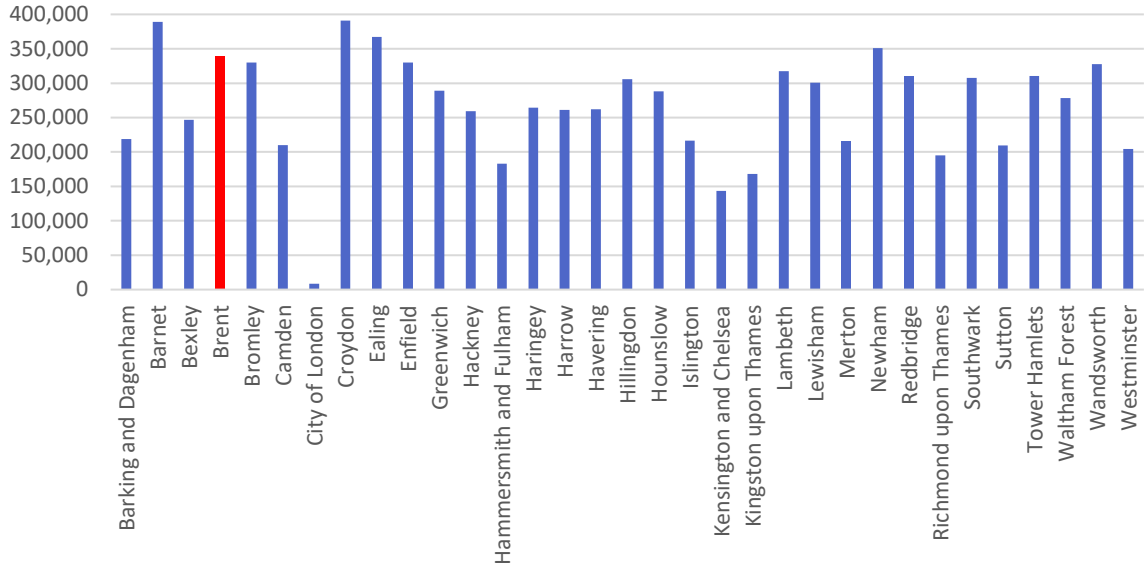


Figure 1. Population estimates by London boroughs (Source: Census 2021).

1.2 Migration

Net long term international migration into Brent in 2018-2019 was 3,193 (Figure 2) [3], making Brent the 9th highest London borough.

[1] Wikipedia, October 2022, https://en.wikipedia.org/wiki/London_Borough_of_Brent
[2] Office for National Statistics – Census 2021, https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationandhouseholdestimatesenglandandwales/census2021
[3] ONS 2018 https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland

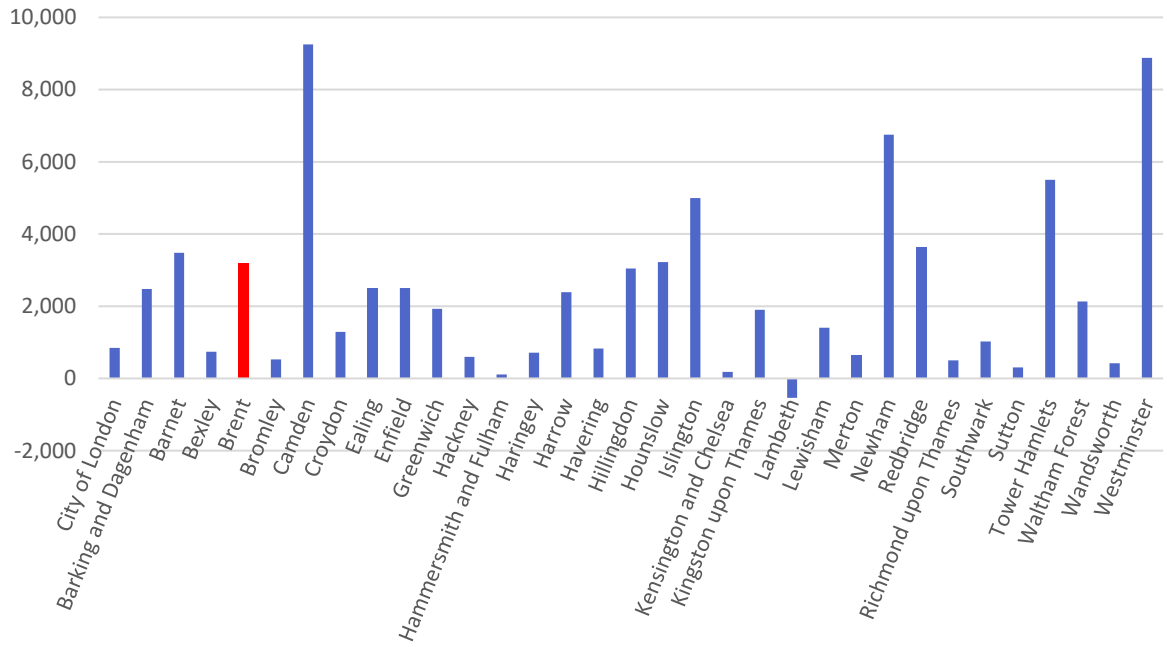


Figure 2. Long-term international migration (net flow) by London boroughs (2018/2019).

1.3 Deprivation

The Indices of Multiple Deprivation 2019 (IMD 2019) provide a set of relative measures of deprivation for LSOAs (Lower-layer super output areas) across England, based on seven domains of deprivation[4].

[4] ONS 2019 https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019,

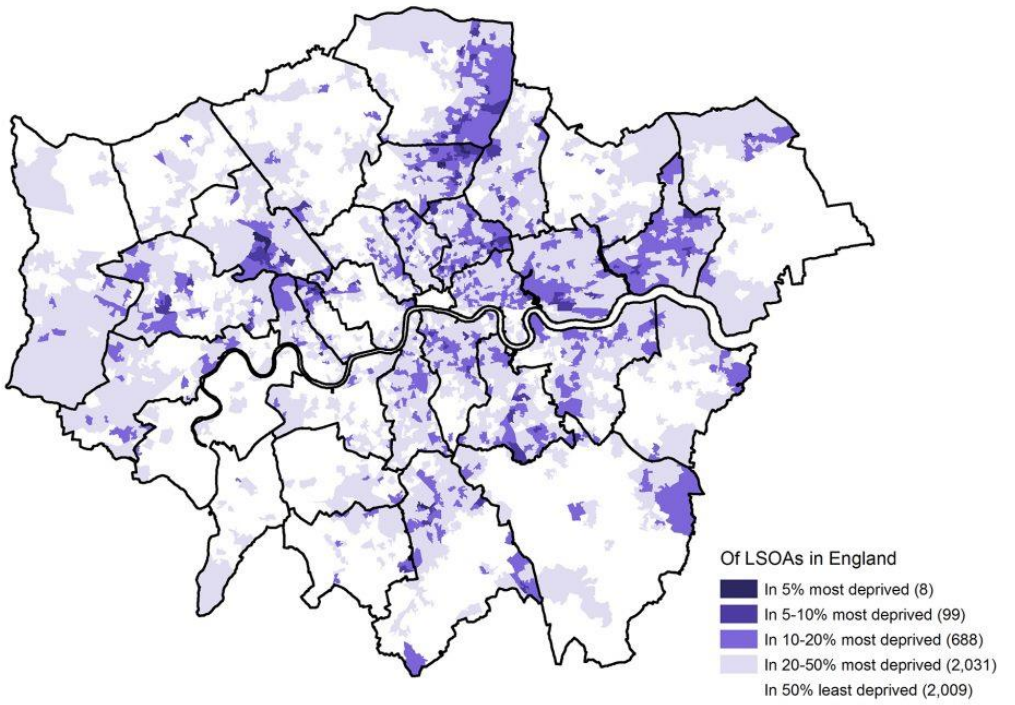


Figure 3. Distribution of deprivation across London (Source & map: London Datastore 2019).

The darker shades are the most deprived areas. Brent ranks (Rank of average rank) as the 49th most deprived borough in England out of 317.

To produce the ward level data, LSOAs have been matched to new wards using an Open Geoportal lookup table[5]. Average IMD 2019 decile aggregated at ward level reveals a clear picture (Figure 4 & Map 1). 1.0 on the graph represents the most deprived 10% areas and 5.0 represents 50% most deprived.

Brent has a mixture of high and low deprivation wards. 16 of 22 wards have aggregated IMD rankings below the national average (Figure 4).

[5] ONS2019 http://geoportal.statistics.gov.uk/datasets/8c05b84af48f4d25a2be35f1d984b883_0/data

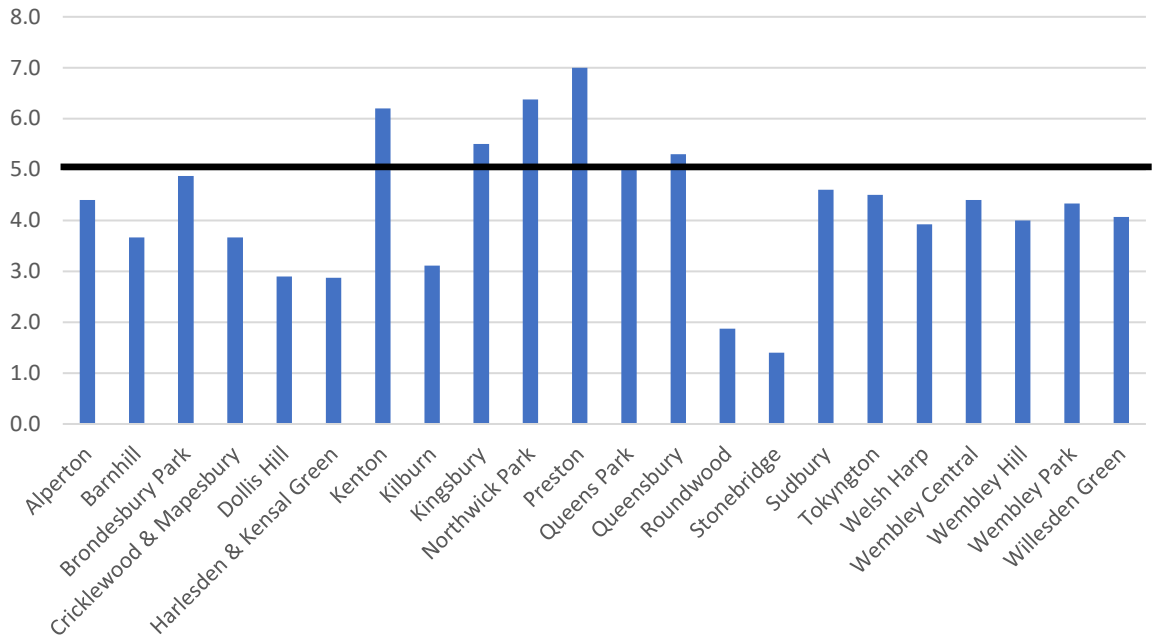
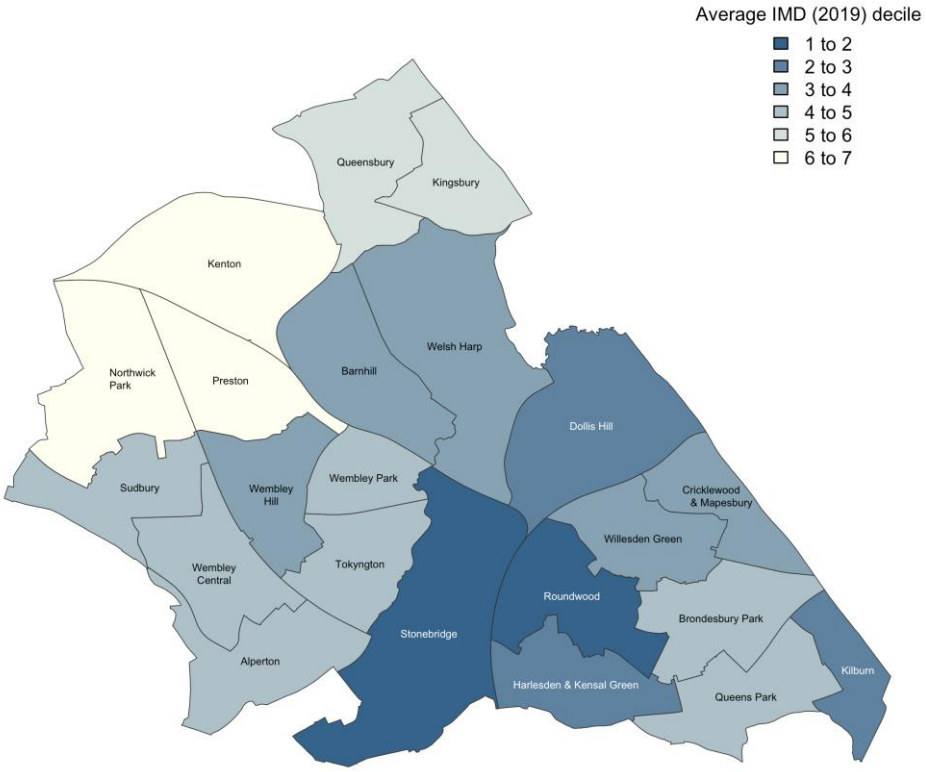


Figure 4. Average IMD (2019) decile by ward (Source: IMD 2019). Horizontal line shows the national average (5)



Map 1. ***Distribution of Average IMD (2019) decile by ward (Source: ONS 2019, Map by Metastreet).***

1.4 Fuel Poverty

Fuel poverty is defined by the Warm Homes and Energy Conservation Act. A household is considered to be fuel poor if they have required fuel costs that are above average (the national median level); and, were they to spend that amount, they would be left with a residual income below the official poverty line.

The fuel poverty score was produced by the Department for Business, Energy & Industrial Strategy using 2019 data and published in 2021. Over the next 12 months these figures are likely to change significantly as a result of acute fuel price increases. Notwithstanding, Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%) (Figure 5) [6].

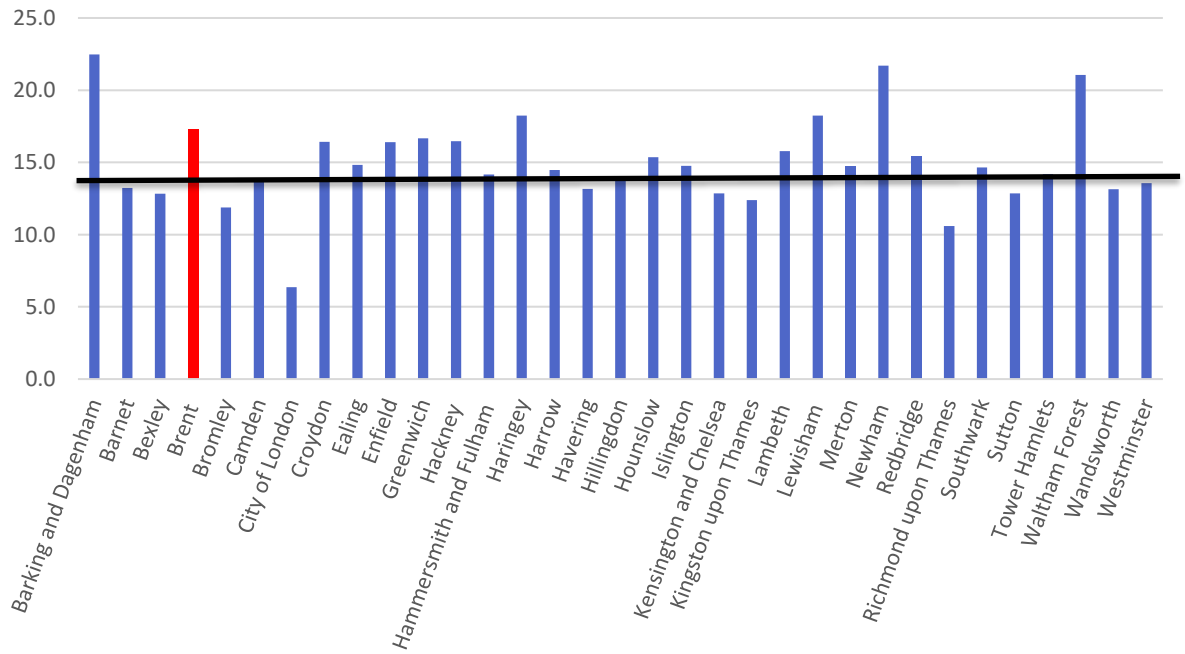


Figure 5. Proportion of households in fuel poverty (%) by London boroughs (BEIS 2021). Horizontal line shows England average (13.8%).

[6] Department for Business, Energy & Industrial Strategy 2021 https://www.gov.uk/government/statistics/sub-regional-fuel-poverty-data-2021

1.5 Rented property possession claim rates

Brent has the 4th highest number of private landlord possession claims in London, with 2,399 in 2019[7] (Figure 6). The average number of claims for London boroughs during this period was 1,224.

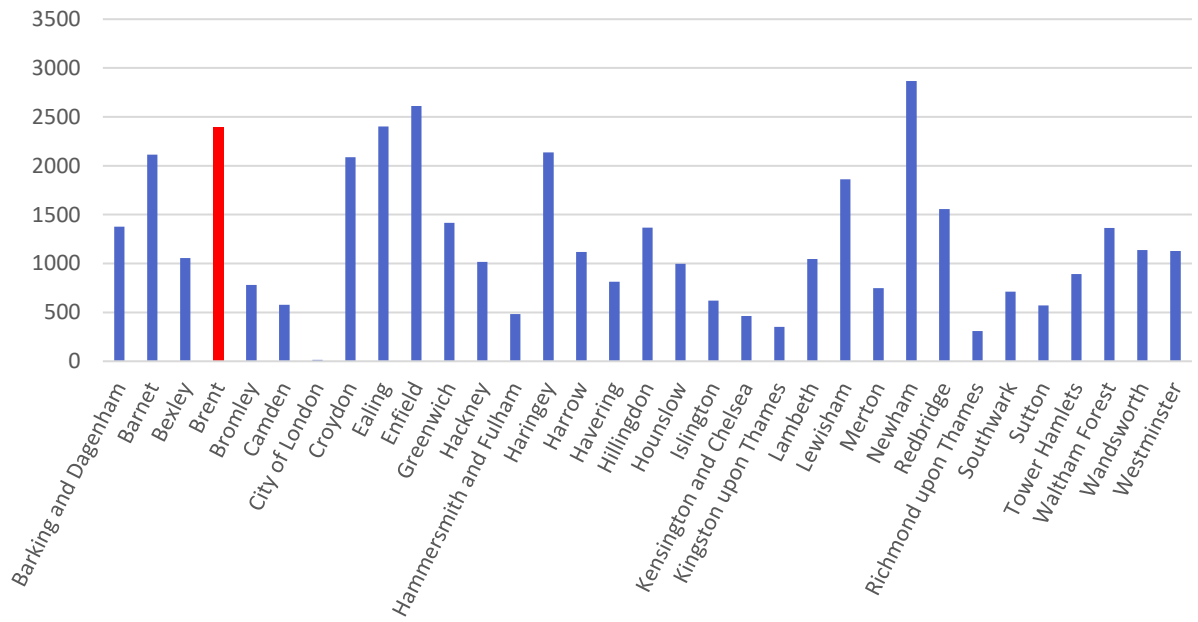


Figure 6. Possession order claims by private landlords by London boroughs (MOJ 2019)

1.6 Homelessness

Local authorities are required by law to either provide accommodation to homeless households (the main homelessness duty), work to stop households becoming homeless (the homelessness prevention duty) or relieve homelessness when it does occur (the homelessness relief duty).

The extent and nature of homelessness duties owed by different boroughs varies significantly. Homelessness returns to government in 2017/18 for Brent has the 12th highest numbers accepted as being homeless (536) (Figure 7)[8].

[7] MOJ Possession claims by local authority (2019) https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-january-to-march-2020
[8] MHCLG, Homelessness Provision, https://data.london.gov.uk/dataset/homelessness

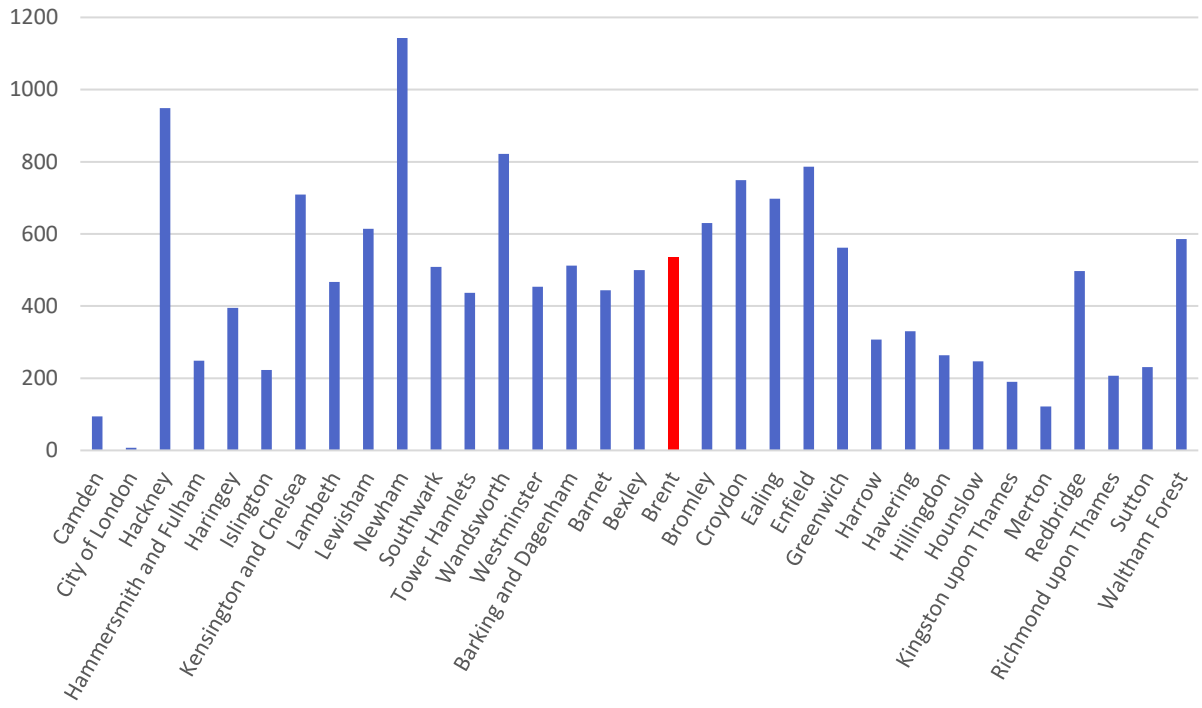


Figure 7. Homelessness acceptances by London boroughs (2017/18)

1.7 Rents and affordability

Private rents vary by borough. As this report is concerned with housing conditions and other housing stressors, we have looked at the average (median) earnings for one-bedroom dwellings as a proportion of median rents. Brent has above average rents for London, with 53% of median earnings used to pay rent (Figure 8)[9]. The London average is 47.9%.

[9] Valuation Office Agency (VOA), Private rental market summary statistics: 2018

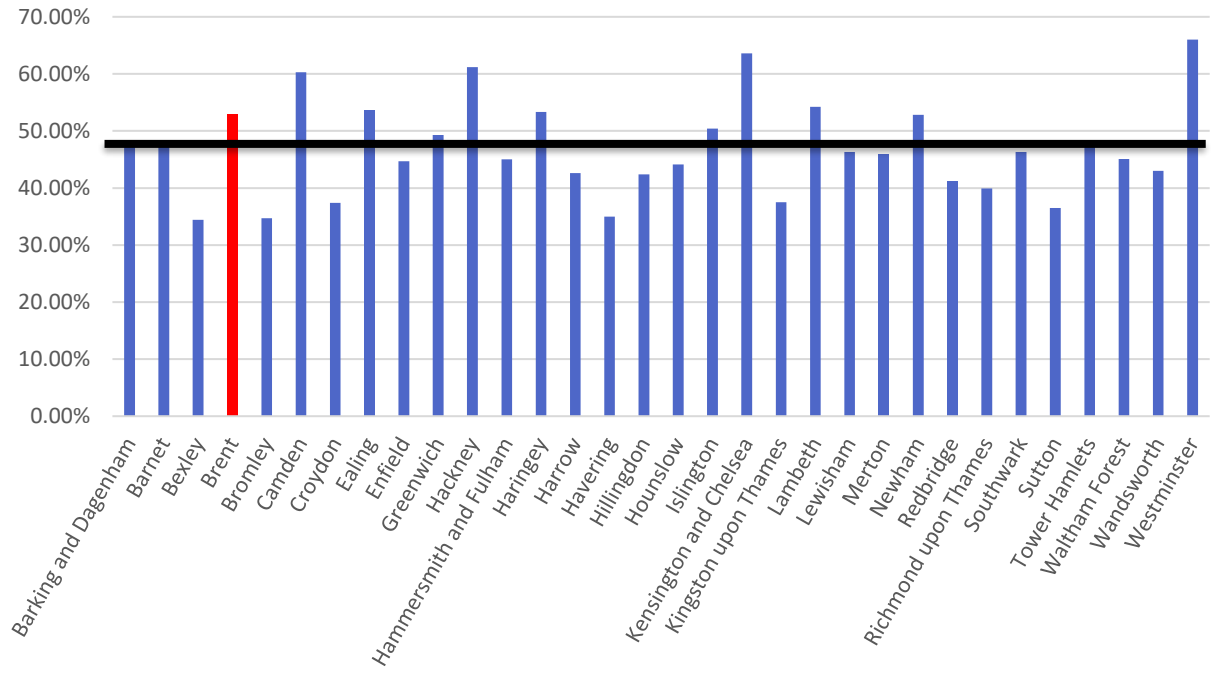


Figure 8. Median rent for a one-bedroom dwelling as a percentage of gross pay by London borough (2019/20) (Source: TFL 2020). ***Horizontal black line shows London average (47.9%)***

1.8 Residential property crime (burglary)

Between April 2021 and March 2022, 1,534 burglaries were reported to the Metropolitan Police across London, averaging (mean) 47.9 per London borough. 65 burglaries were reported in Brent for the same period. [10]

[10] MPS crime data 2022 https://data.london.gov.uk/dataset/mps-crime-data-dashboard--previous-crime-catogories-data

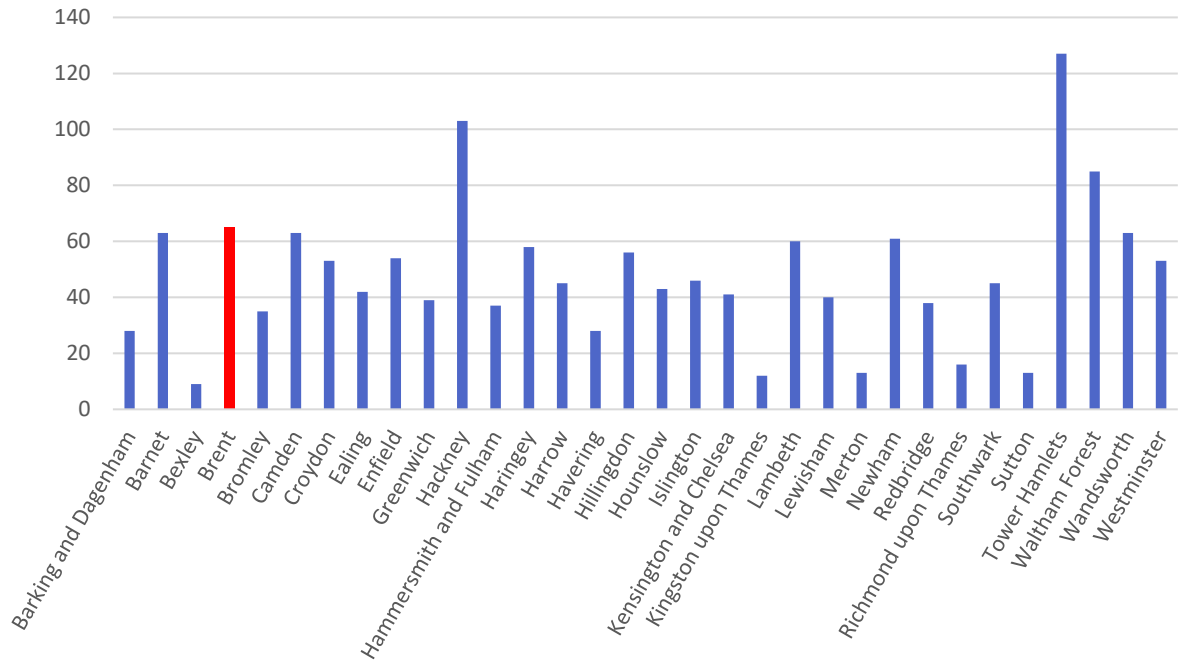


Figure 9*. Distribution of reported residential burglary in London boroughs - Metropolitan Police (April 2021-March 2022)*

2 Results of housing stock and stressor modelling

2.1 Methodology

Tenure Intelligence (Ti) uses council held and publicly available data to identify tenure and analyse property stressors, including property conditions and ASB.

Data trends at the property level are analysed using machine learning to help predict the tenure of individual properties where they are not already known. Metastreet has worked with the council to create a residential property data warehouse. This has included linking millions of cells of council and externally held data to 127,378 unique property references (UPRN), excluding parent and non-dwellings.

Machine learning is used to make predictions for each tenure and property condition based on a sample of known tenures and outcomes. Results are analysed to produce a summary of housing stock, predictions of Category 1 hazards (HHSRS) and other stressors. To achieve the maximum accuracy, unique models are built for each council and tenure, incorporating individual borough data and using local known outcomes to train predictive models.

Once the data warehouse was created, statistical modelling was used to determine tenure using the methodology outlined below. All specified and requested council held longitudinal data is 5 consecutive years, from April 2017 – March 2022.

Different combinations of risk factors were systematically analysed for their predictive power in terms of key outcomes. Risk factors that duplicated other risk factors but were weaker in their predictive effect were systematically eliminated. Risk factors that were not statistically significant were also excluded through the same processes of elimination.

For each UPRN a risk score was calculated using logistic regression. The selected risk factors have a better or worse than evens chance of being predictive.

A number of predictive models have been developed as part of this project which are unique to Brent. Known stressors linked to individual properties have been modelled to calculate population level incidences and rates.

It is important to note that this approach can never be 100% accurate as all large datasets and statistical models include some level of error. A more detailed description of the methodology and the specific factors selected to build predictive models for this project can be found in Appendix 2.

Metastreet was asked to exclude HMOs that have been licenced under part 2 of the Housing Act 2004 from the PRS stressors results, including housing conditions, ASB, service requests and council interventions. This resulted in the removal of 2,610 known HMO properties from the master PRS dataset. However, all PRS dwellings have been accounted for in the population and distribution section to enable the council to compare other authorities and government statistics.

2.2 Results - Private rented sector

2.2.1 Population and distribution

The private rented sector (PRS) in Brent has grown steadily since 2011 [11].

Based on tenure modelling (2022), Brent's PRS is now calculated to be 46% of all housing stock (Figure 10). This compares to 32% of households in 2011 (ONS). This represents a 43.8% increase over the last 11 years (Figure 11).

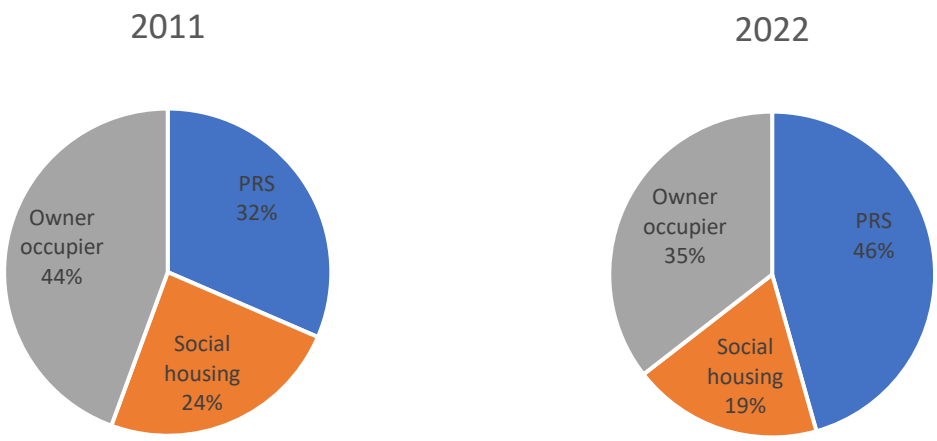


Figure 10. Tenure profile 2011 & 2022 (Source: ONS & Metastreet Ti model).

Tenure percentage change over the last two decades in Brent has been consistent with the London trend, owner occupation decreasing while private renting increasing. Private renting has grown at the expense of owner occupation; however, a sizable proportion of the growth appears to come from new supply.

[11]https://data.london.gov.uk/dataset/census-2001-key-statistics-18-tenure https://data.london.gov.uk/dataset/2011-census-housing

This PRS increase is part of a long term nationwide and regional trend. The PRS in the UK has grown from 9.4% of housing stock in 2000 [12] to 19% of households 2021 [13]. The PRS remains the second largest housing tenure in England. [14] .

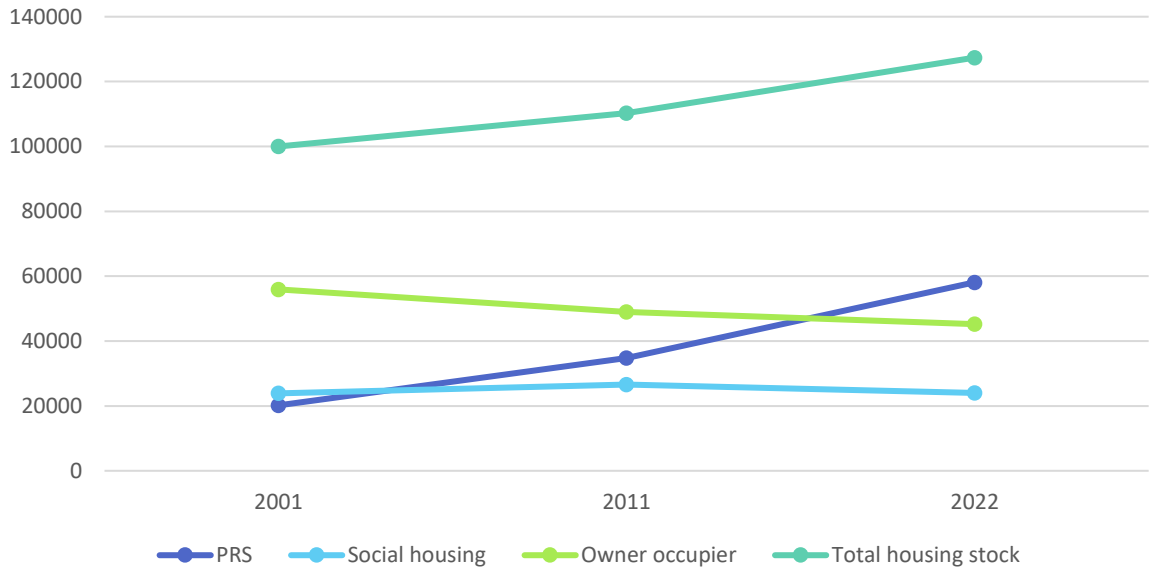


Figure 11. Brent tenure change and total housing stock, 2001, 2011 & 2022 (Source: ONS & Metastreet).

	2001	2011	2022
PRS	20,183	34,735	58,105
Social housing	23,881	26,591	24,053
Owner occupier	55,927	48,960	45,220
Total	**99,991**	**110,286**	**127,378**

Table 1. Number of dwellings by tenure 2001, 2011 & 2022 dwellings by ward (Source: ONS & Ti 2022).

The PRS in Brent is distributed across all 22 wards (Figure 12). The number of PRS dwellings per ward ranges from 8,410 (Wembley Park) to 1,163 (Northwick Park).

[12] The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 www.cml.org.uk
[13] EHS Headline 2020-2021, https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-headline-report
[14] EHS Headline 2020-2021, https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-headline-report

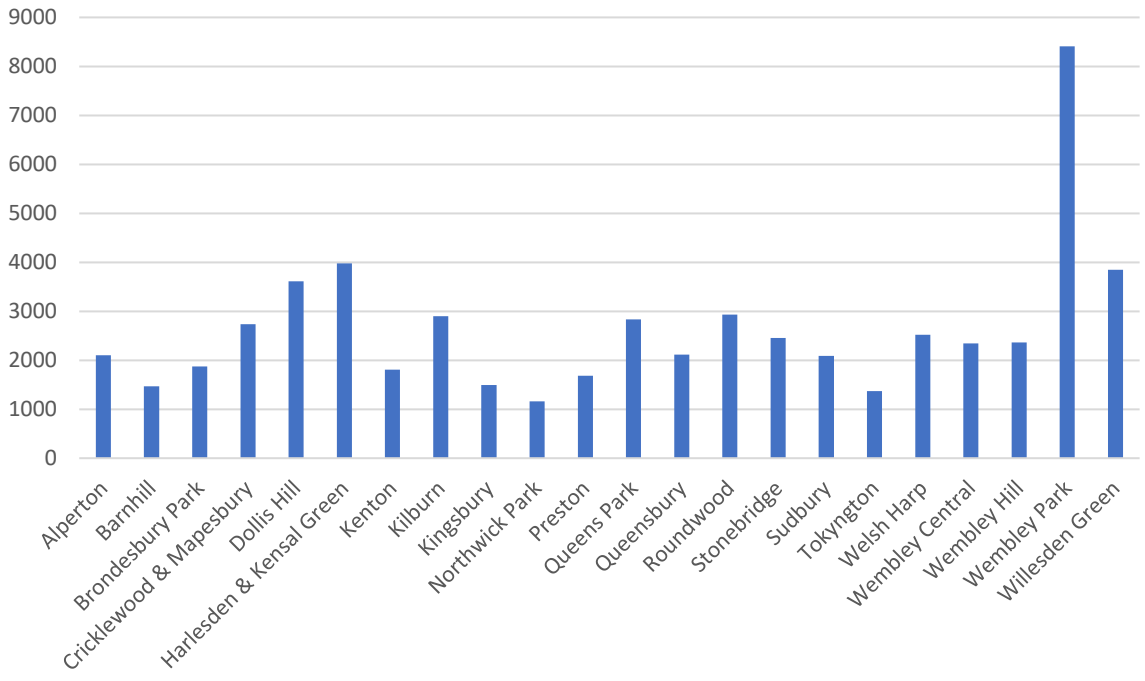


Figure 12. Number of PRS dwellings by ward (Source: Ti 2022).

The percentage of PRS properties in each ward ranges between 98.4% (Wembley Park) and 30.7% (Stonebridge) (Figure 13). Therefore, 22 out of 22 Brent wards have a higher percentage PRS than the national average in 2021 (19%)[15].

[15] EHS Headline 2020-2021, https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-headline-report

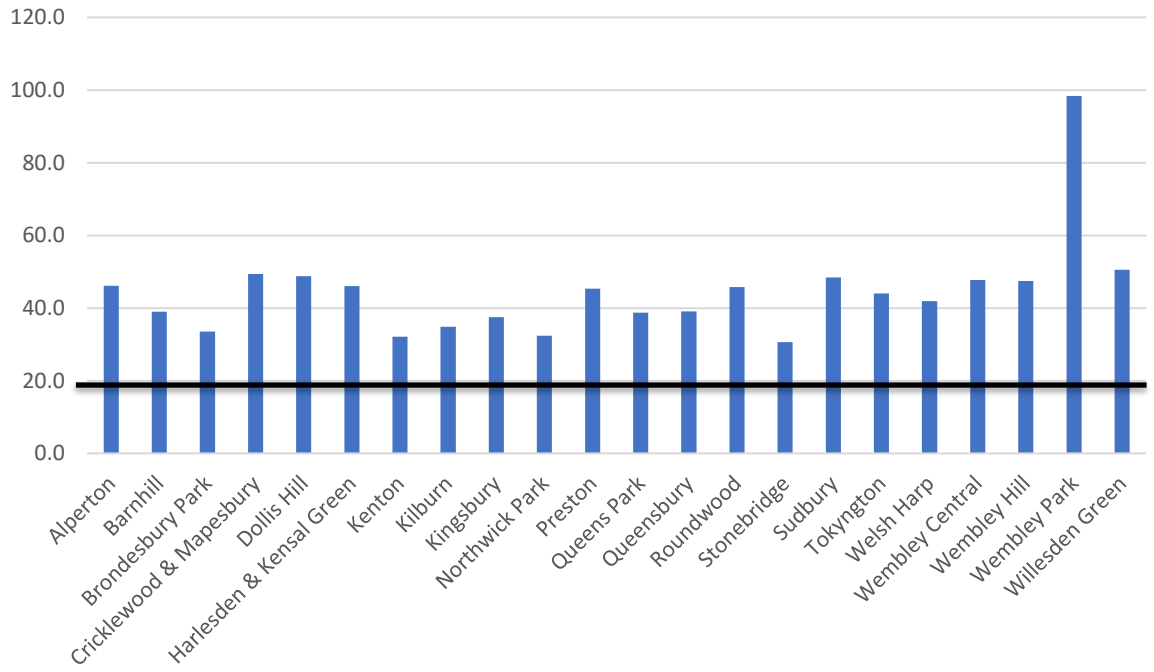


Figure 13. Percentage of PRS dwellings by each ward (Source Ti 2022). ***Horizontal black line shows national average 2021 (19%)***

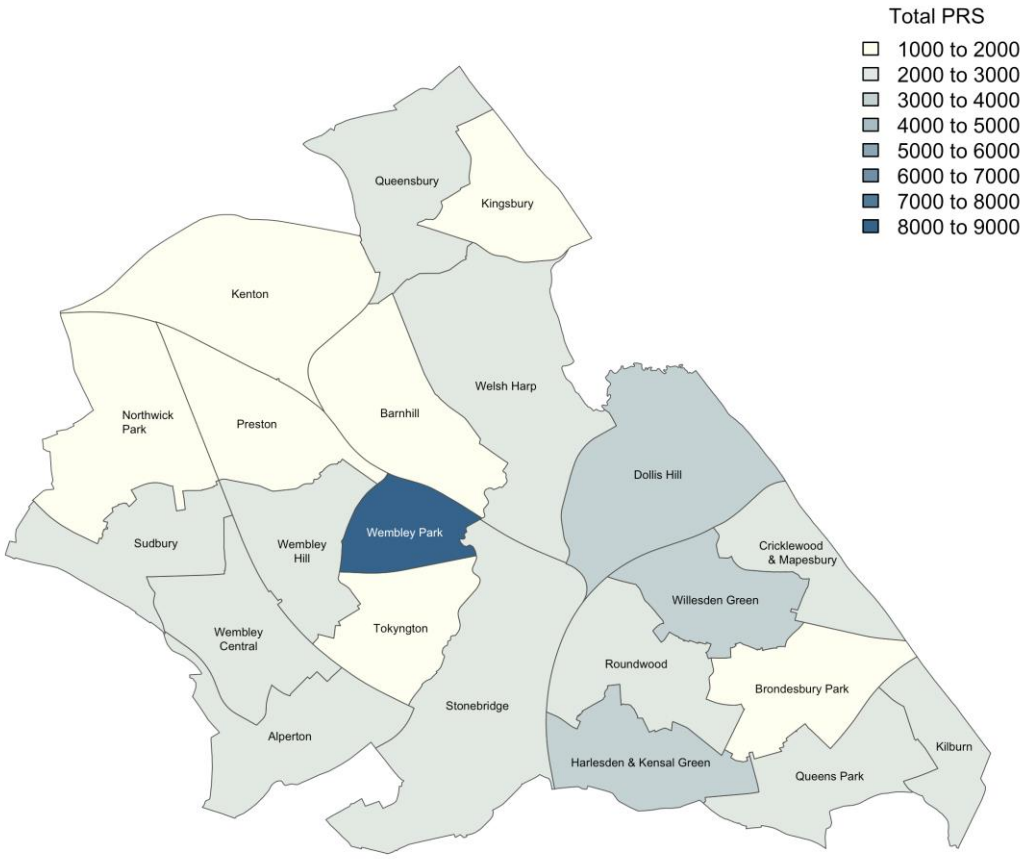
The table below shows the total PRS dwellings in each ward and the percentage PRS compared to the total housing stock.

Ward	No. PRS (predicted)	Total dwellings	% PRS
Alperton	2,099	4,546	46.2
Barnhill	1,469	3,765	39.0
Brondesbury Park	1,876	5,590	33.6
Cricklewood & Mapesbury	2,737	5,542	49.4
Dollis Hill	3,612	7,400	48.8
Harlesden & Kensal Green	3,976	8,642	46.0
Kenton	1,810	5,639	32.1
Kilburn	2,900	8,321	34.9
Kingsbury	1,496	3,993	37.5
Northwick Park	1,163	3,591	32.4
Preston	1,684	3,712	45.4
Queens Park	2,836	7,321	38.7
Queensbury	2,112	5,401	39.1
Roundwood	2,934	6,408	45.8
Stonebridge	2,457	8,012	30.7
Sudbury	2,088	4,314	48.4
Tokyngton	1,368	3,110	44.0
Welsh Harp	2,519	6,009	41.9
Wembley Central	2,346	4,916	47.7

Wembley Hill	2,366	4,990	47.4
Wembley Park	8,410	8,545	98.4
Willesden Green	3,847	7,611	50.5
Grand Total	**58105**	**127378**	**45.6**

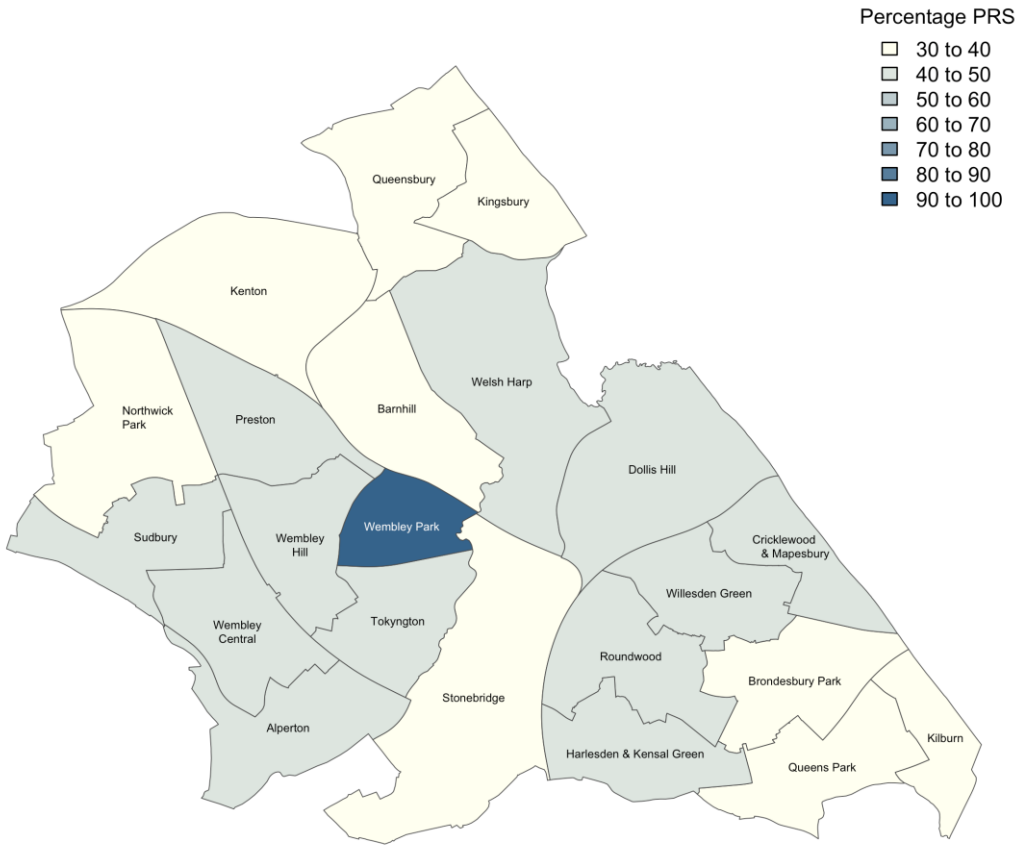
Table 2. Number, total housing stock and percentage of PRS properties by ward (Source Ti 2022).

PRS properties are distributed across the borough (Map 2 & 3).



Map 2. Number of PRS properties in Brent (Source: Ti* 2022, Map by Metastreet*).

Wembley Park (98.4%). has by far the highest concentration of PRS dwellings (Map 3).



Map 3. PRS properties as percentage of dwellings in Brent (Source: Ti 2022, Map by Metastreet).

2.2.2 Housing conditions (excluding known HMOs)

Housing conditions are affected by the level of maintenance and quality of repair, the age of the property, thermal efficiency, and type of construction. Category 1 (HHSRS) hazards have a physiological or psychological impact on the occupant and may result in medical treatment. [16] There is also serious impact on public services, hazardous conditions in the PRS cost the NHS around £340 million a year. [17]

[16] Housing Health and Rating System, Operation Guidance, 2006, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

[17] House of Commons Committee of Public Accounts: https://committees.parliament.uk/committee/127/public-accounts-committee/news/165326/pac-private-rented-housing-failing-far-too-often-to-provide-safe-and-secure-homes/

In 2021, 12% of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than the average for the total housing stock (9%) [18]. It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1900, and lowest in the more energy efficient dwellings built after 1980[19].

A local authority's property age profile can have an impact on housing conditions. Brent has a high number of residential properties (65.7%) built pre-Second World War (Figure 14) [20].

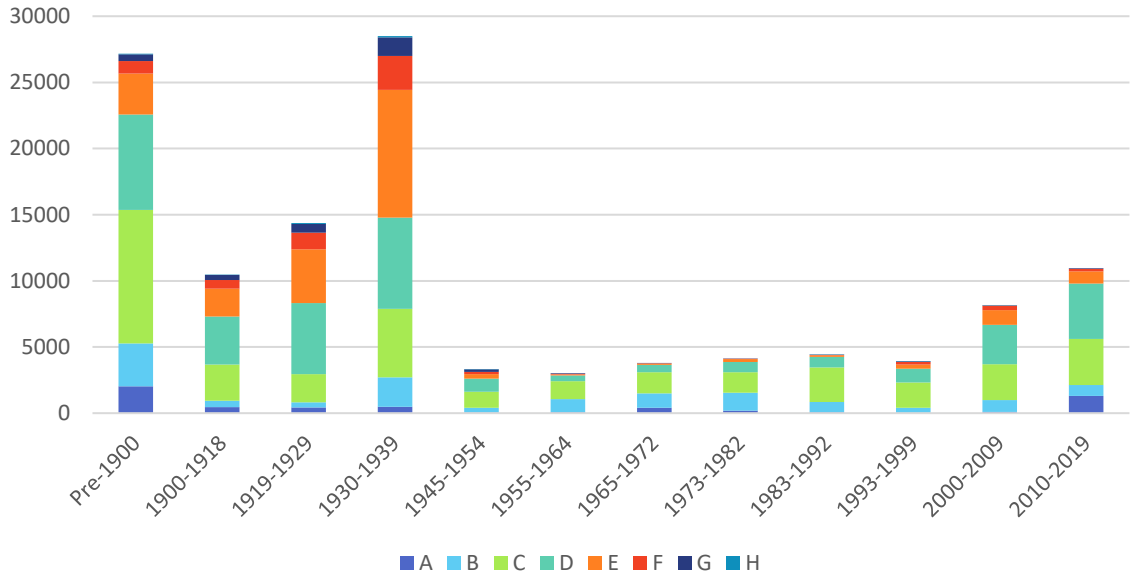


Figure 14. Housing Stock Age Profile and Council Tax band (Source: VOA 2019).

A borough's property type profile offers an indication of housing density, construction type and other population factors. The most common private rented property type in Brent is flats (67%), while bungalow is the least common property type (1%) (Figure 15).

[18] EHS Headline 2020-2021, https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-headline-report
[19] Housing Health and Rating System, Operation Guidance, 2006, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf
[20] VOA 2019 https://www.gov.uk/government/statistics/council-tax-stock-of-properties-2019

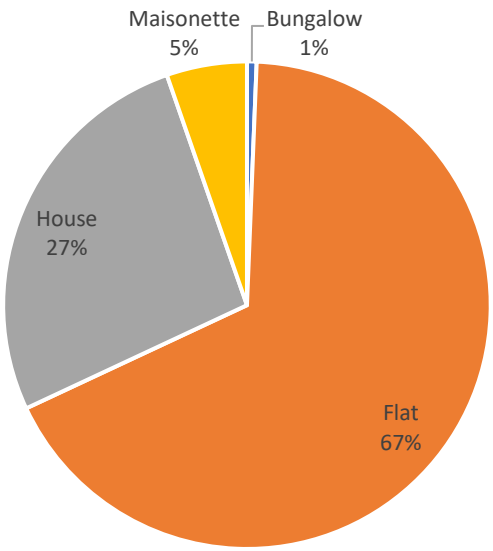


Figure 15. Private rented property type as a percent of total (Source: LBC matched EPC records 2022).

Using a sample of properties that are known to have at least one serious housing hazard (Category 1, HHSRS), it is possible to predict the number of PRS properties with at least one serious hazard across the borough (Figure 16), further details of the methodology can be found in Appendix 2.

There are 10,108 private rented properties in Brent that are likely to have at least 1 serious housing hazard (Category 1, HHSRS). PRS properties with serious hazards are distributed across the borough. Harlesden & Kensal Green (812) and Dollis Hill (796) have the highest number of properties with at least one Category 1 hazard (Figure 16 & Map 4).

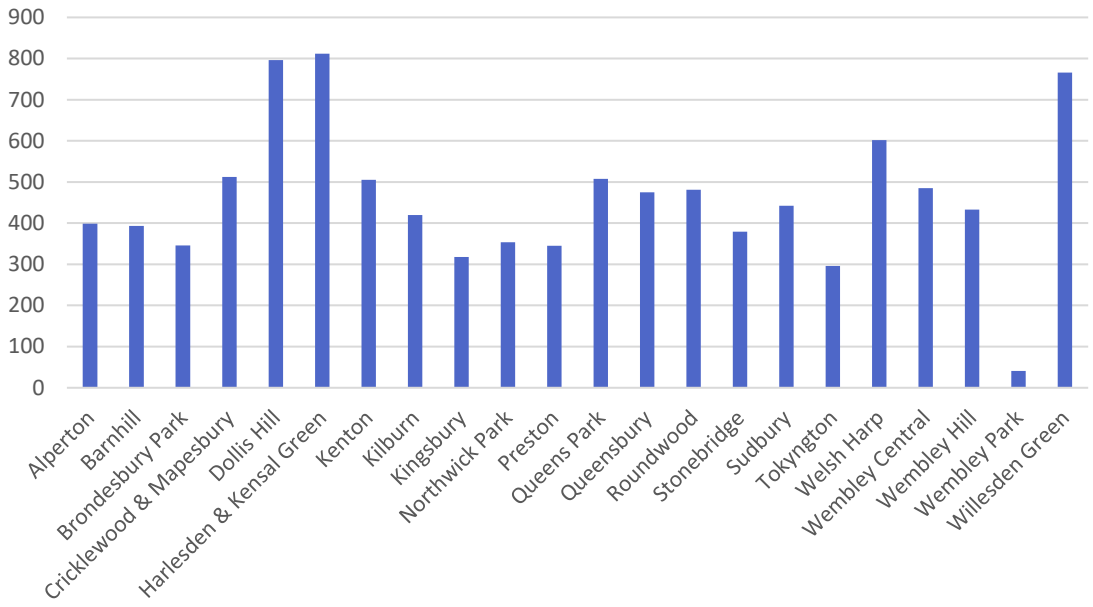
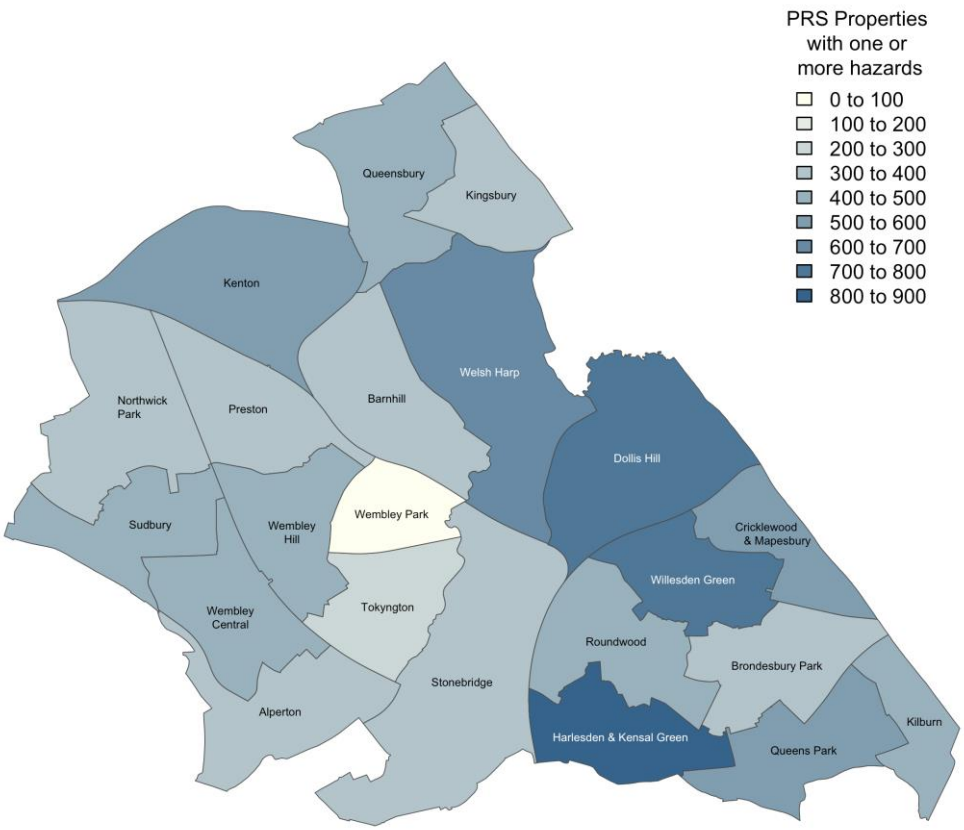


Figure 16. Predicted number of dwellings with Category 1 hazards by ward (Source: Ti 2022).

Category 1 hazards in the PRS are distributed across the whole borough. Wembley Park has the lowest levels of predicted hazards (41) .



Map 4. Distribution of PRS dwellings with Category 1 hazards (HHSRS) (Source: Ti 2022, map by Metastreet).

The rates of Category 1 hazards per 100 PRS properties reveals a wide distribution across Brent (Figure 17).

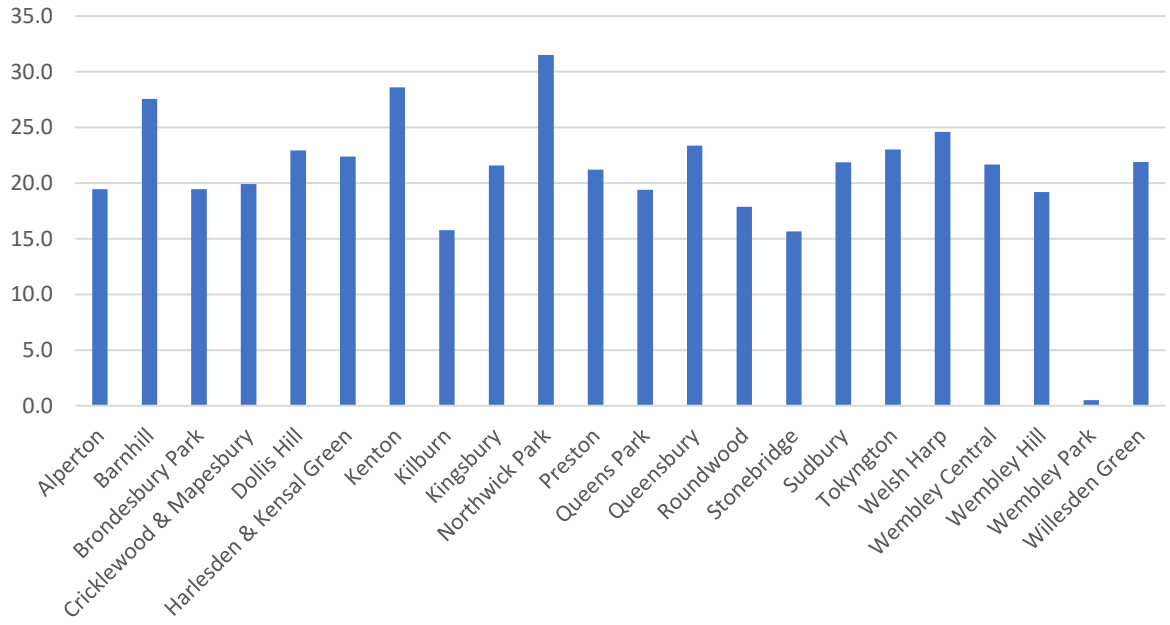


Figure 17. Rates per 100 PRS dwellings with predicted Category 1 hazards by ward (Source: Ti 2022).

Complaints made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of low quality PRS. Brent recorded 3,229 complaints and service requests from private tenants linked to PRS properties over a 5-year period (Figure 18).

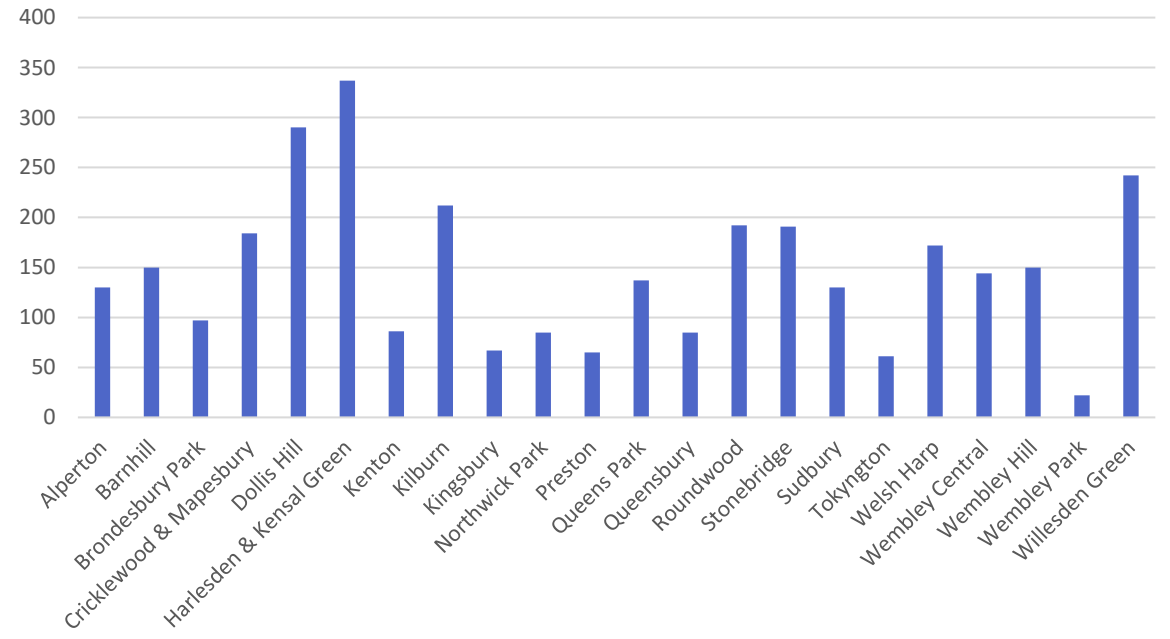
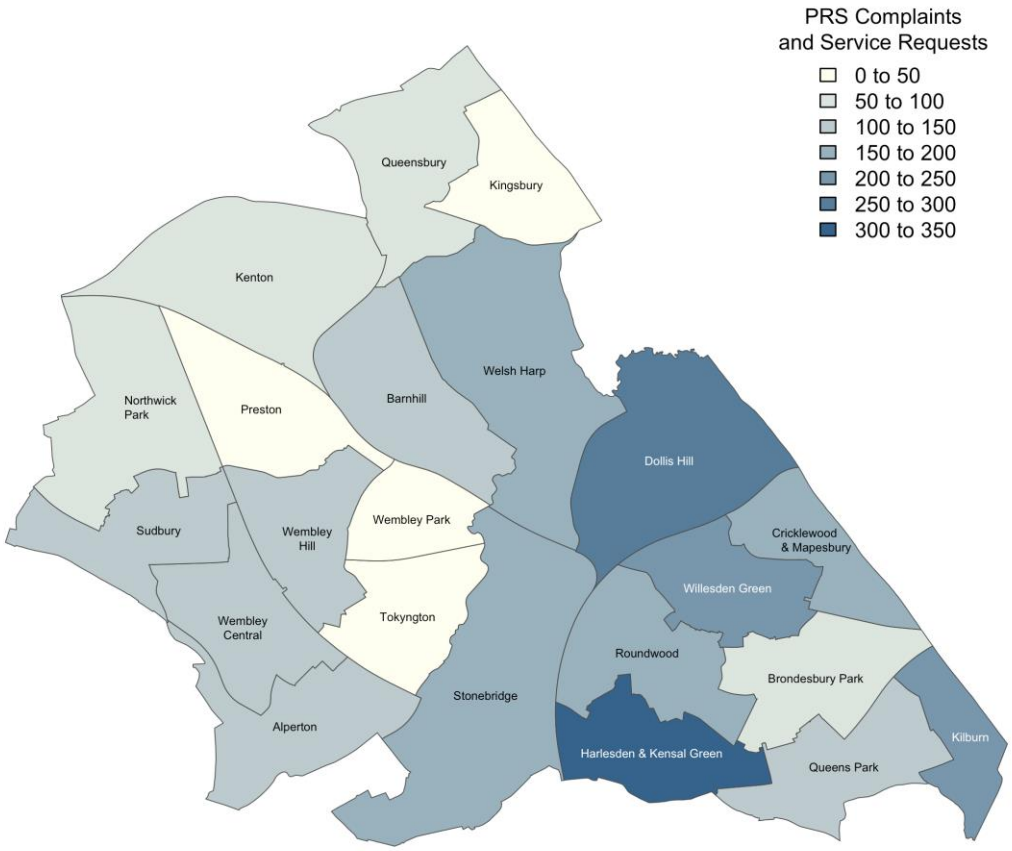


Figure 18. PRS complaints and service requests made by private tenants and others to the Council (Source Ti 2022)

Harlesden & Kensal Green (337) and Dollis Hill (290) received most private tenant service requests and complaints by private tenants and others to the Council (Map 5).



Map 5. Distribution of PRS service requests and tenant complaints (Source: Ti 2022, Map by Metastreet).

An EPC rating is an assessment of a property's energy efficiency. It's primarily used by buyers or renters of residential properties to assess the energy costs associated with heating a house or flat. The rating is from A to G. A indicates a highly efficient property, G indicates low efficiency.

The energy efficiency of a dwelling depends on the thermal insulation of the structure, on the fuel type, and the size and design of the means of heating and ventilation. Any disrepair or dampness to the dwelling and any disrepair to the heating system may affect efficiency. The exposure and orientation of the dwelling are also relevant.

As part of this project **41,527** EPC ratings were matched to PRS properties (Figure 19). All figures have been modelled from this group.

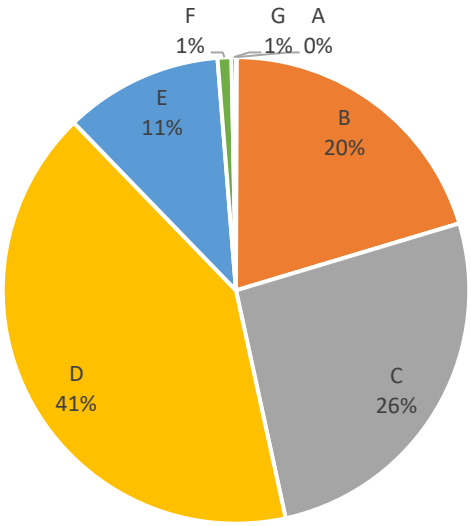


Figure 19. Distribution of Energy Performance Certificate ratings in PRS (Rating A-G) (Source: Ti 2022).

The Minimum Energy Efficiency Standard (MEES) came into force in England and Wales on 1 April 2018. The regulation applies to PRS properties and mandates that all dwellings must have an EPC rating of E and above to be compliant. It has been calculated using the matched addresses that 12.2% of PRS properties in Brent have an E, F, and G rating. 1.3% of PRS properties have an F and G rating (Figure 19). Extrapolated to the entire PRS, 755 PRS properties are likely to fail the MEES statutory requirement.

The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death [21]. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. Children in cold homes are twice as likely to suffer from a variety of respiratory problems [22]. There is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and

[21] Housing Health and Rating System, Operation Guidance, 2006 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf
[22] Health Equity in England: The Marmot Review 10 Years On, 2020 https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on

lowest in the more energy efficient dwellings built after 1980[23]. Therefore, the F and G properties present a serious risk to the occupants' health, particularly if over the age of 65 (Figure 19 & 20).

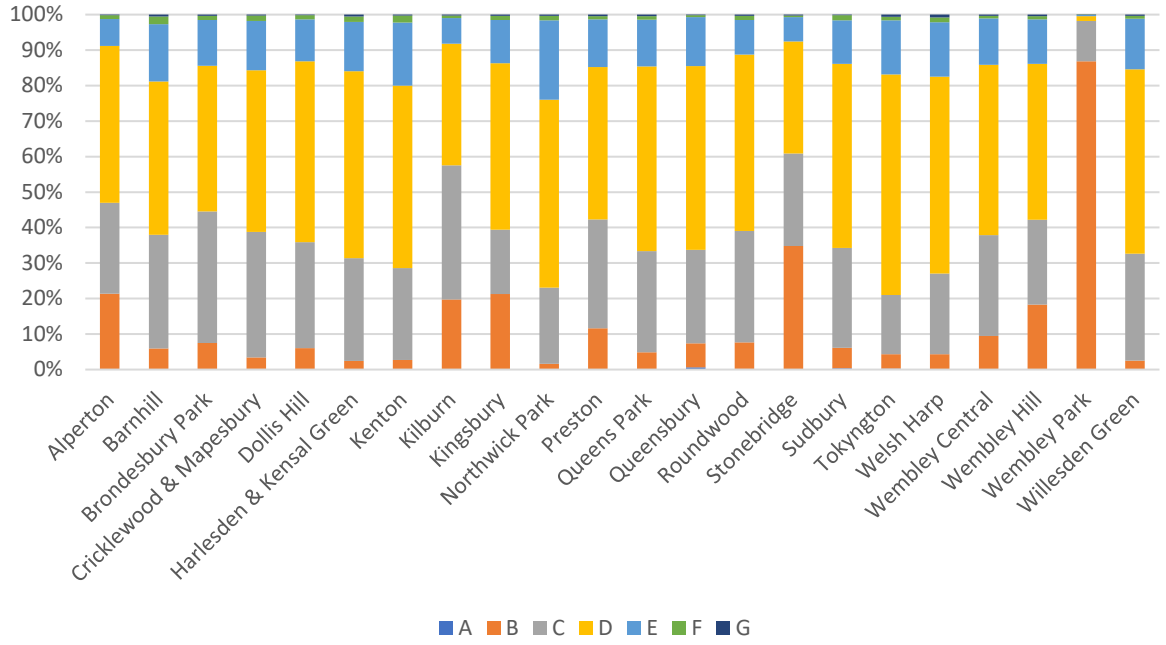


Figure 20. Energy Performance Certificate ratings in PRS by ward (Rating A-G) (Source: Ti 2022).

The difference between the current and potential energy performance score (EPC) helps owners of residential property understand what practicable improvements can be made to improve a properties energy performance. The gap between current and potential EPC scores represents the opportunity to improve energy performance within a reasonable economic envelope (Figure 21 & 22).

[23] Housing Health and Rating System, Operation Guidance, 2006
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

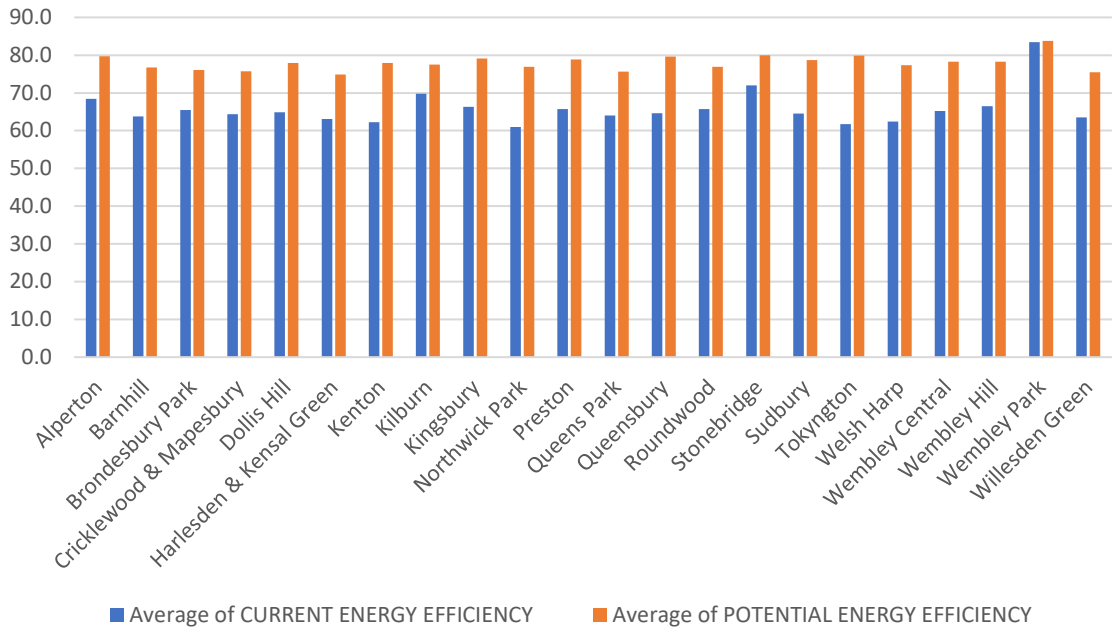


Figure 21. Current and Potential Energy Performance Certificate score (mean average) in PRS by ward (Source: Ti 2022).

Tokyngton's (18.1) PRS stock has the largest difference between current and potential energy efficiency score (Figure 22).

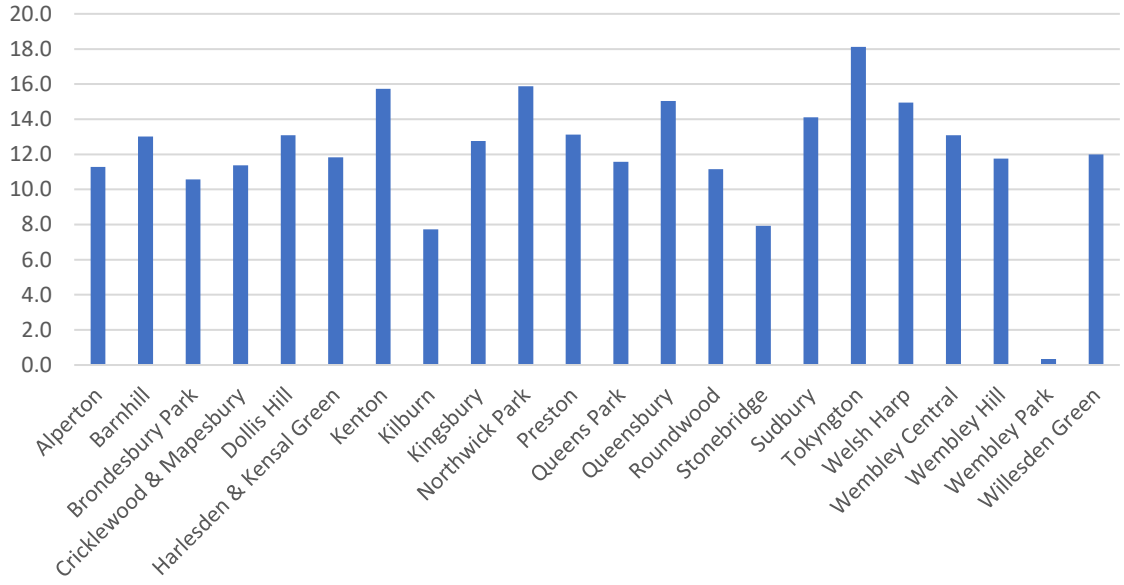


Figure 22. Difference between Current and Potential Energy Performance Certificate score (mean average) in PRS by ward (Source: Ti 2022).

2.2.3 PRS enforcement and regulation interventions (excluding known HMOs)

Brent uses a range of statutory housing and public health notices to address poor housing standards in the PRS. Interventions can be a result of a complaint being made by a tenant about their accommodation or as a result of a proactive inspection. Over a 5-year period (2017-22) Brent served 6,920 housing and public health notices (Figure 23).

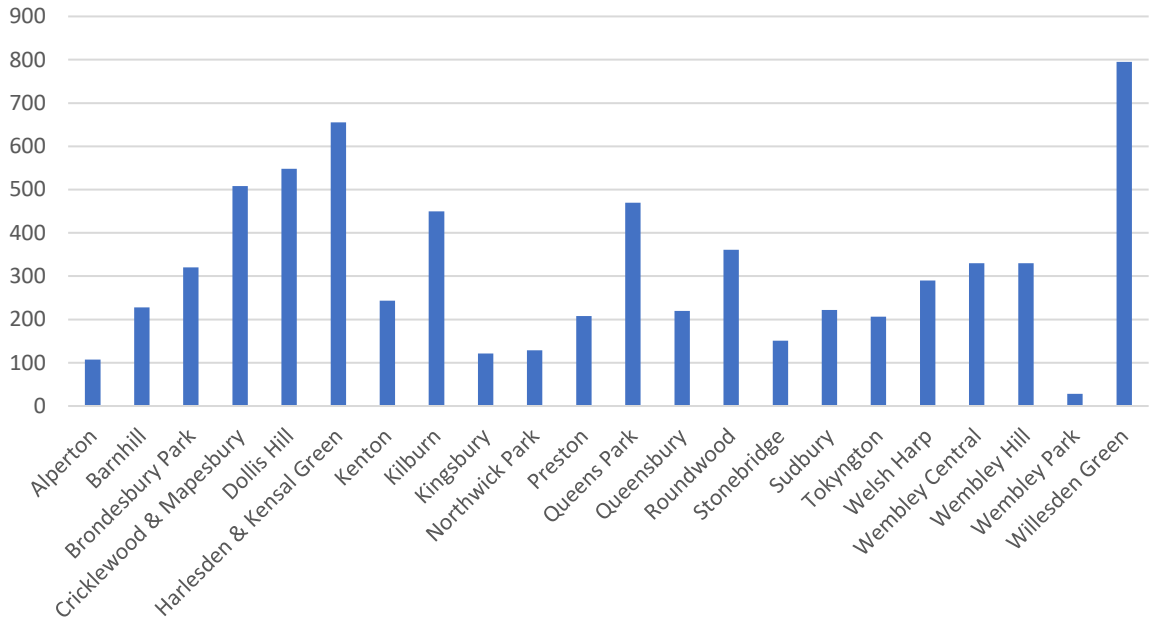
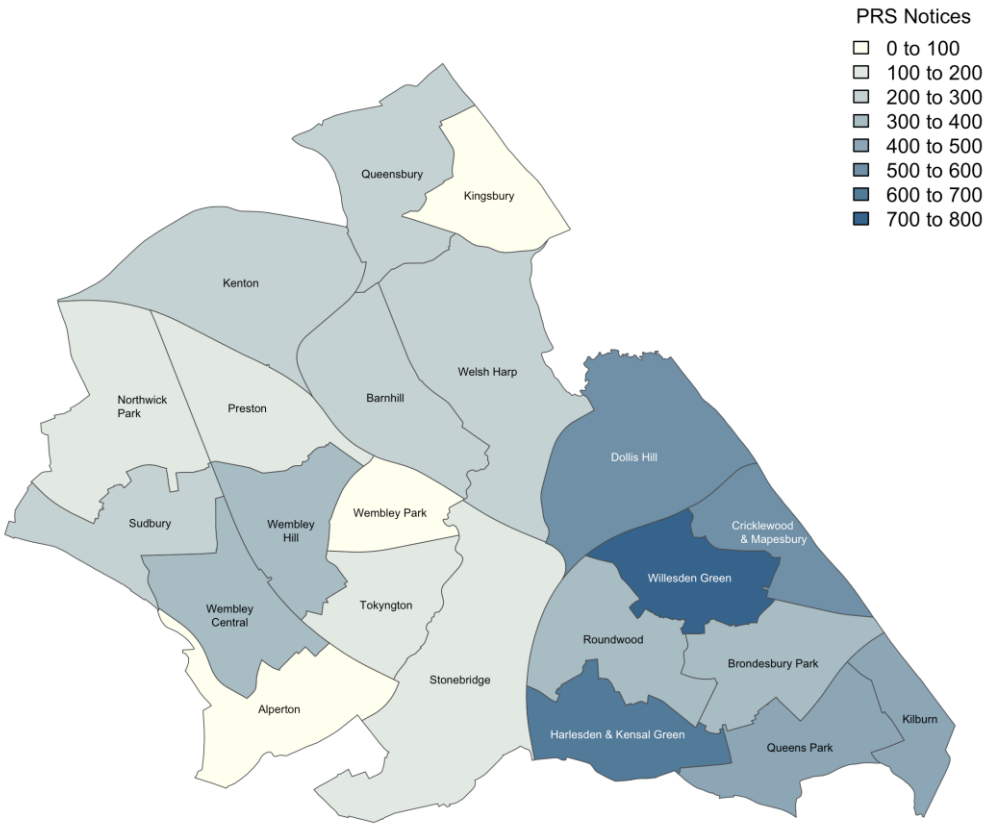


Figure 23. Statutory housing notices served on PRS properties (Source: Ti 2022).

Willesden Green (795) received the highest number of statutory notices for housing and public health related issues (Figure 23 & Map 6).



Map 6: Distribution of statutory notices served on PRS by ward (Source Ti 2022, Map by Metastreet).

Breaches of development control often result in planning enforcement notices. Over a 5-year period **1,282** planning enforcement notices have been served on PRS properties in Brent. All wards except Wembley Park have received notices. Dollis Hill (131) has the highest number of planning notices (Figure 24 & Map 7).

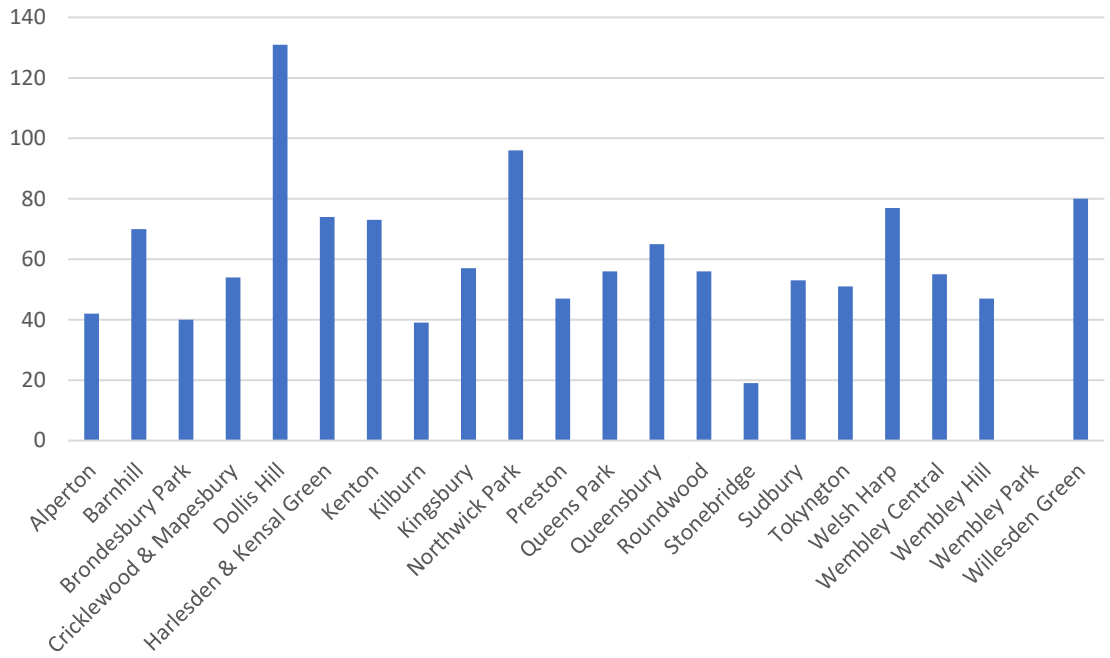
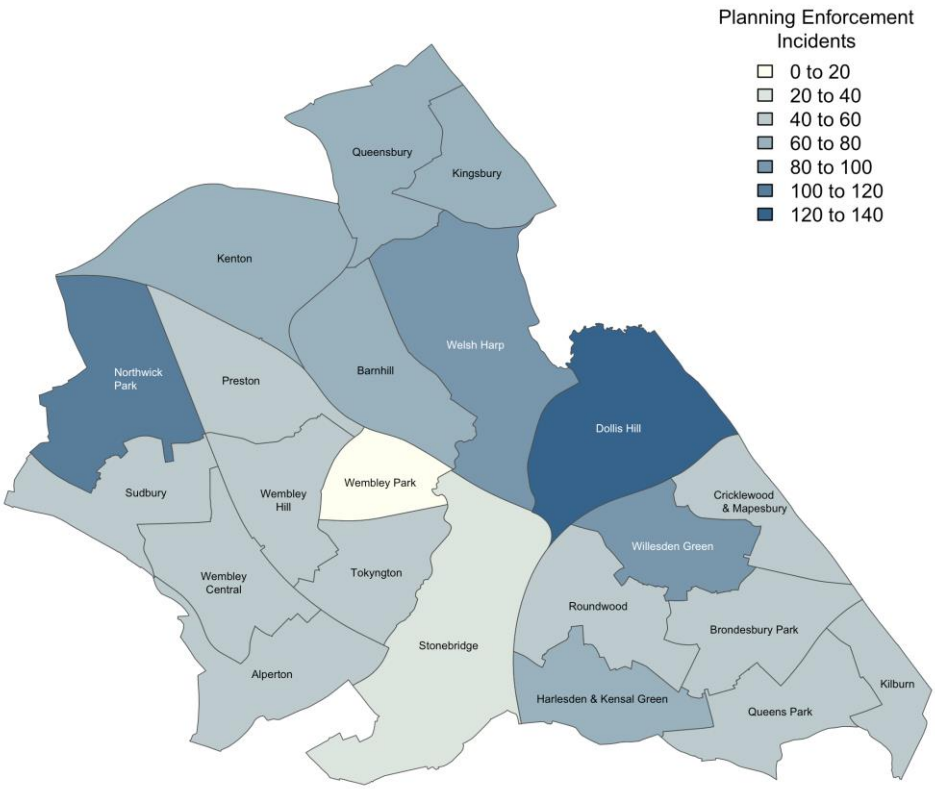


Figure 24. Planning enforcement notices served on PRS properties (Source: Ti 2022).



Map 7: Distribution of planning enforcement notices served on PRS by ward (Source Ti 2022, Map by Metastreet).

2.2.4 Anti-social behaviour (ASB) (excluding known HMOs)

The number of ASB incidents recorded by the council over the last 5 years, (expressed as a rate) are shown below. They relate to ASB associated with residential premises only. For example, ASB incidents investigated on a street corner that cannot be linked to a residential property are excluded from the study (Figure 25).

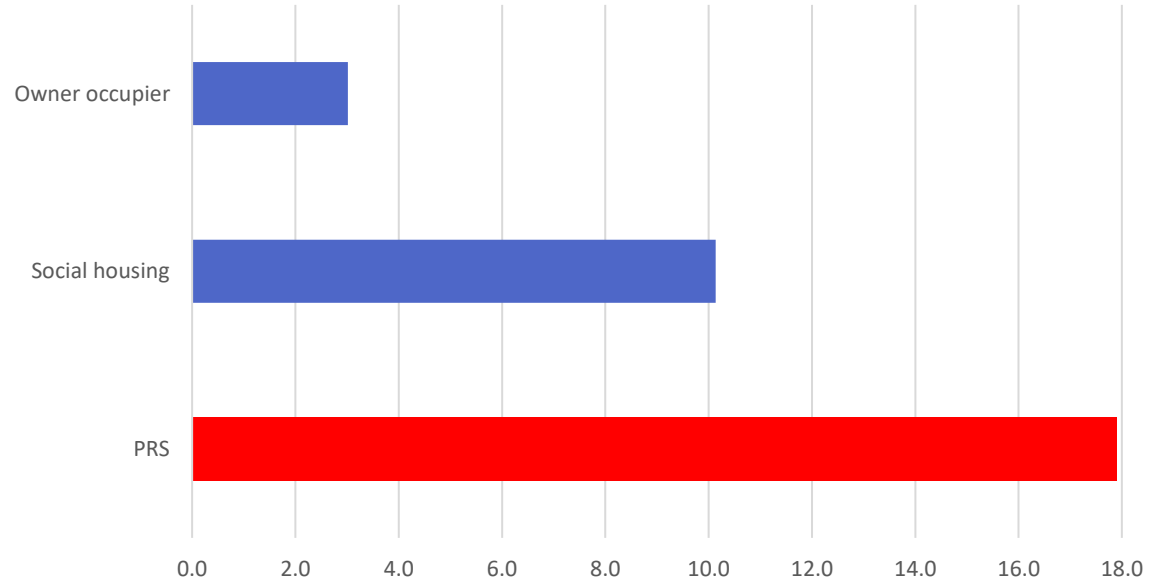


Figure 25. ASB rates per 100 properties by tenure (Source: Ti 2022).

ASB directly linked to PRS properties occurs across the borough. Over a 5-year period, **10, 398** ASB incidents have been recorded by the authority (Figure 27 & Map 8).

Follow up investigations identify drug & alcohol related ASB (42%), noise (25%), Intimidation & harassment (14%), vehicle ASB (6%), other ASB (4%) graffiti & vandalism (3%) prostitution (2%) and rubbish and fly tipping (4%) (Figure 26).

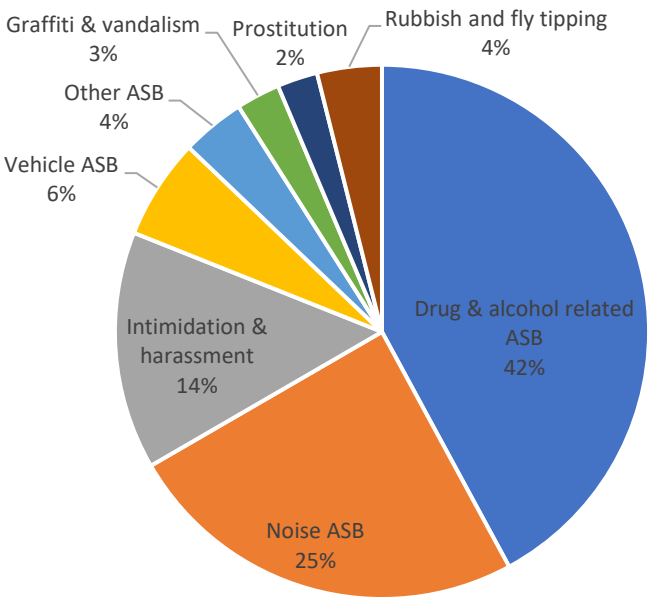


Figure 26. ASB incidents linked to PRS dwellings by type (Source: Ti 2022).

Dollis Hill (878) has the highest levels of PRS ASB incidents and Wembley Park (52) has the lowest (Figure 27 & Map 8).

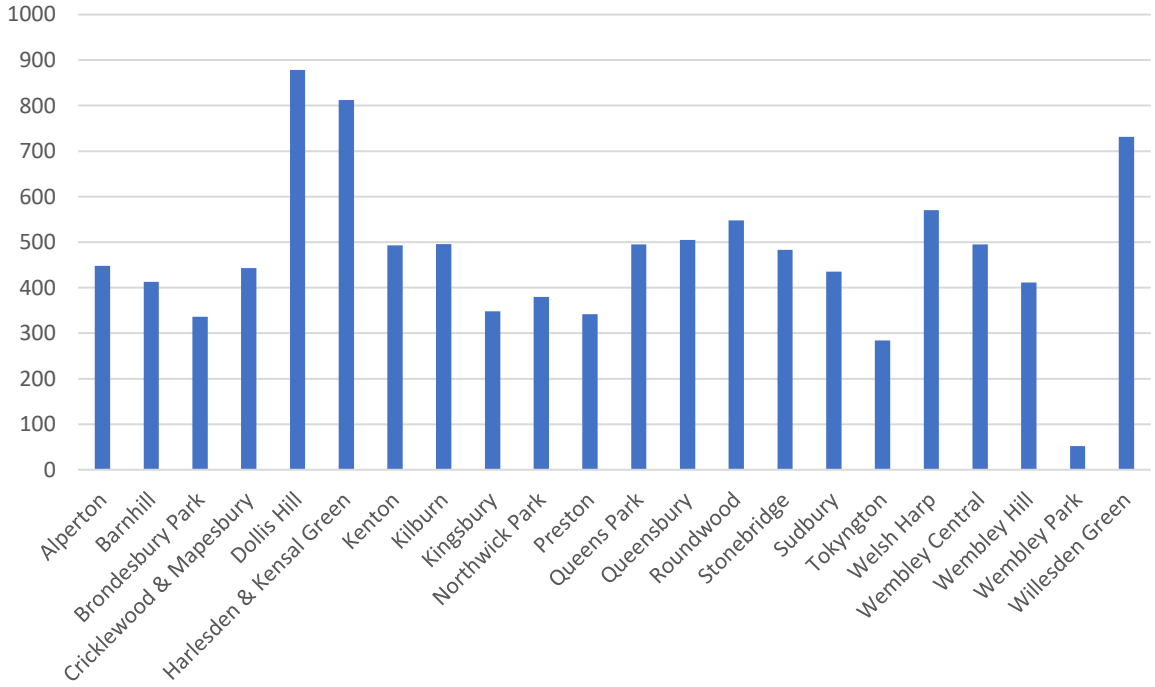
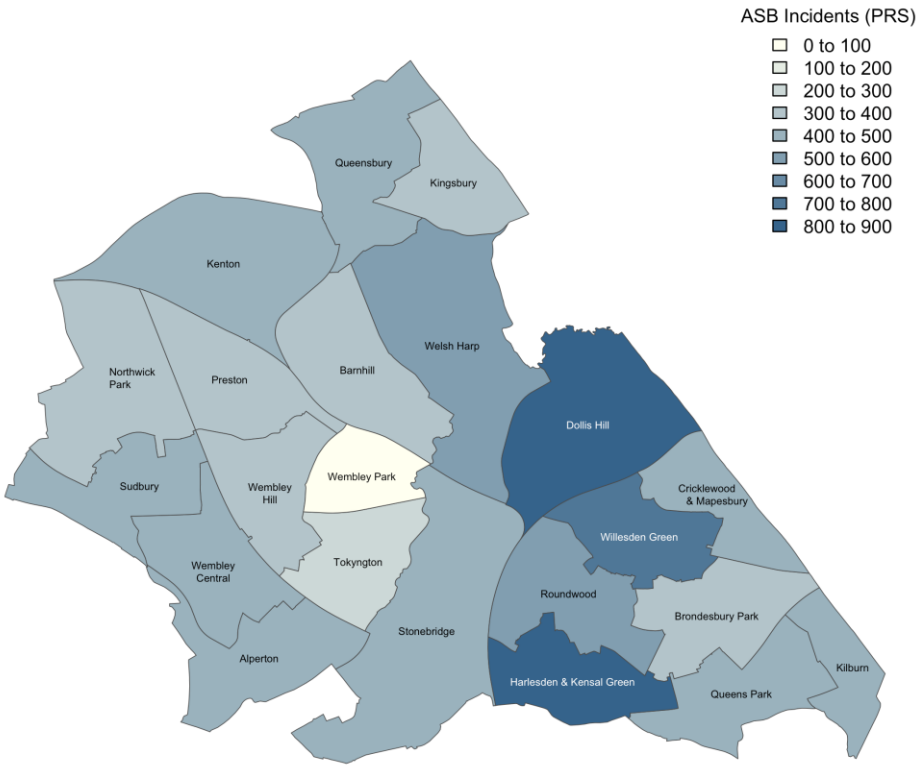


Figure 27. Number of ASB incidents linked to PRS by ward (Source Ti 2022).



Map 8. Distribution of ASB linked to PRS properties (Source: Ti 2022, Map by Metastreet).

3 Policy Context

3.1 PRS strategy - London

Rapid PRS growth has been seen across London over the last 15 years. The policy response has generally been for greater regulation of the market through property licensing to mitigate some of the concerns that accompany large and growing PRS populations, including HMOs (Table 3).

Table 3. Overview of the PRS and property licensing across London.

Borough	No. PRS	% PRS	Selective Licensing (Y/N)	Additional Licensing (Y/N)	Notes
L.B. Barking and Dagenham	21,000	28%	Yes	No	Borough wide selective licensing introduced in 2014, renewed in 2019
L.B. Brent	58,105***	45.6%	Yes	Yes	Borough wide additional, ward based selective
L.B. Camden	NA	32.2%	No	Yes	Borough-wide additional licensing
L.B. Croydon	58,585	35.6%	Yes	No	Borough wide selective licensing until 2020
L.B. Ealing	54,776	38.1%	Yes	Yes	Borough wide additional, area based selective
L.B. Enfield	43,500	34%	No	No	Currently operating a borough wide additional licensing and area based selective
L.B. Hammersmith & Fulham	NA	33%	Yes	Yes	Borough wide additional, area based selective
L.B. Haringey	43,775	40.2%	No	Yes	Additional licensing introduced in 2019 borough wide

L.B. Havering	30,215	29%	No	Yes	Borough wide additional, ward based selective
L.B. Islington	25,217	27%	No	No	Borough wide additional and ward based selective
R.B. Kensington & Chelsea	39,047	44.2%	No	No	Currently no discretionary property licensing
L.B. Newham	52,000	47%	Yes	Yes	Borough wide additional and selective licensing introduced in 2013, renewed in 2017 excluding Olympic Park area.
L.B. Merton	29,181	34%	No	No	Currently no discretionary property licensing
L.B. Redbridge	39,848	36.2%	Yes	Yes	Borough wide additional and area based Selective
L.B. Southwark	42,964	29.4%	Yes	Yes	Borough wide additional, area based selective
L.B. Waltham Forest	38,000	39%	Yes	No	Borough wide additional. Borough wide selective licensing introduced in 2015, renewed in 2019 (excluding 2 wards).
Westminster C.C.	55,784	44%	No	No	Borough wide additional

*Additional licensing - relates to small HMOs only (3 & 4 person) **Selective licensing - related to all private single-family dwellings *** Figures updated by this report.

4 Conclusions

Like many other London borough's, Brent's private rented sector has grown considerably in recent years, from 32% (2011) to 46% (2022). This represents a 43.8% increase over the last 11 years (Figure 11)

There are a total of 12,7378 residential dwellings in Brent, 58,105 of which are privately rented. The private rented sector in Brent is distributed across all 22 wards (Figure 10-13 & Map 2). The number of PRS dwellings per ward ranges from 8,410 (Wembley Park) to 1,163 (Northwick Park). 22 out of 22 Brent wards have a higher percentage PRS than the national average in 2021 (19%).

The Office of National Statistics (ONS) Census 2021 population estimates for Brent was 339,771. This makes Brent the 5th most populous London borough (Figure 1). Brent has a mixture of high and low deprivation wards. 16 of 22 wards have aggregated IMD rankings below the national average (Figure 4 & Map 1).

Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%) (Figure 5) and the 4th highest number of private landlord possession claims in London, with 2,399 in 2019 (Figure 6).

Brent has above average rents for London, with 53% of median earnings used to pay rent (Figure 8) and the 12th highest numbers accepted as being homeless (Figure 7).

There are 10,108 private rented properties in Brent that are likely to have at least 1 serious housing hazard (Category 1, HHSRS). PRS properties with serious hazards are distributed across the borough. Harlesden & Kensal Green (812) and Dollis Hill (796) have the highest number of properties with at least one Category 1 hazard (Figure 16 & Map 4).

Brent recorded 3,229 complaints and service requests from private tenants linked to PRS properties over a 5-year period (Figure 18 & Map 5). Harlesden & Kensal Green (337) and Dollis Hill (290) generated most private tenant service requests.

It has been calculated using the matched addresses that 12.2% of PRS properties in Brent have an E, F, and G rating. 1.3% of PRS properties have an F and G rating (Figure 19). Extrapolated to the entire PRS, 755 PRS properties are likely to fail the MEES statutory requirement.

Brent uses a range of statutory housing and public health notices to address poor housing standards in the PRS. Over a 5-year period (2017-22) Brent served 6,920 housing and public health notices

(Figure 23). Additionally, over a 5-year period 1,282 planning enforcement notices have been served on PRS properties in Brent. All wards except Wembley Park have received notices. Dollis Hill (131) has the highest number of planning notices (Figure 24 & Map 7).

ASB directly linked to PRS properties occurs across the borough. Over a 5-year period, 10, 398 ASB incidents have been recorded by the authority. Follow up investigations identify drug & alcohol related ASB (42%), noise (25%), Intimidation & harassment (14%), vehicle ASB (6%), other ASB (4%) graffiti & vandalism (3%) prostitution (2%) and rubbish and fly tipping (4%) (Figure 25 & 26 & Map 8).

Appendix 1 – Ward summaries

Table 4. Ward PRS summary overview (Source Ti 2022) (Excluding known HMOs).

Ward	No. PRS (predicted)	% PRS	Category 1 (predicted)	ASB incidents
Alperton	2,051	45.1	399	448
Barnhill	1,426	37.9	393	413
Brondesbury Park	1,779	31.8	346	336
Cricklewood & Mapesbury	2,572	46.4	512	443
Dollis Hill	3,471	46.9	796	878
Harlesden & Kensal Green	3,626	42.0	812	812
Kenton	1,765	31.3	505	493
Kilburn	2,665	32.0	420	496
Kingsbury	1,474	36.9	318	348
Northwick Park	1,124	31.3	354	380
Preston	1,626	43.8	345	342
Queens Park	2,620	35.8	508	495
Queensbury	2,034	37.7	475	505
Roundwood	2,693	42.0	481	548
Stonebridge	2,419	30.2	379	483
Sudbury	2,020	46.8	442	435
Tokyngton	1,285	41.3	296	284
Welsh Harp	2,448	40.7	602	570
Wembley Central	2,237	45.5	485	495
Wembley Hill	2,257	45.2	433	411
Wembley Park	8,405	98.4	41	52
Willesden Green	3,498	46.0	766	731
Total	**55,495**	**43.6**	**10,108**	**10,398**

Appendix 2 - Tenure Intelligence (Ti) – stock modelling methodology

This Appendix explains at a summary level Metastreet's Tenure Intelligence (Ti) methodology (Figure 28).

Ti uses big data and machine learning in combination with expert housing knowledge to accurately predict a defined outcome at the property level.

Council and external data have been assembled as set out in Metastreet's data specification to create a property data warehouse comprising millions of cells of data.

Machine learning is used to make predictions of defined outcomes for each residential property, using known outcome data provided by the council.

Results are analysed by skilled practitioners to produce a summary of housing stock, predictions of levels of property hazards and other property stressors. The results of the analysis can be found in the report findings chapter.

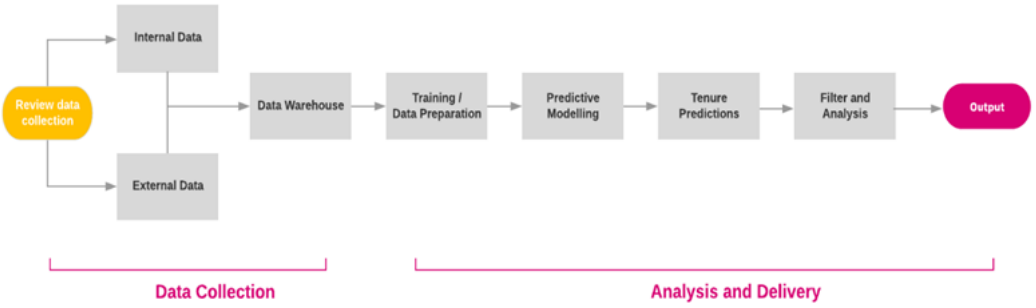


Figure 28. Summary of Metastreet Tenure Intelligence methodology.

Methodology

Metastreet has worked with Brent Council to create a residential property data warehouse based on a detailed specification. This has included linking millions of cells of data to 127,378 unique property references, including council and externally sourced data. All longitudinal data requested from council departments is 5 consecutive years, from April 2017 – March 2022

Once the property data warehouse was created, the Ti model was used to predict tenure and stock condition using the methodology outlined below.

Machine learning was utilised to develop predictive models using training data provided by the council. Predictive models were tested against all residential properties to calculate risk scores for each outcome. Scores were integrated back into the property data warehouse for analysis.

Many combinations of risk factors were systematically analysed for their predictive power using logistic regression. Risk factors that duplicated other risk factors but were weaker in their predictive effect were eliminated. Risk factors with low data volume or higher error are also eliminated. Risk factors that were not statistically significant are excluded through the same processes of elimination. The top 5 risk factors for each model have the strongest predictive combination.

Three predictive models have been developed as part of this project. Each model is unique to Brent, they include:

- Owner occupiers
- Private rented sector (PRS)
- PRS housing hazards

Using a D^2 constant calculation it is possible to measure the theoretical quality of the model fit to the training data sample. This calculation has been completed for each model. The D^2 is a measure of "predictive capacity", with higher values indicating a better model.

Based on the modelling each residential property is allocated a probability score between 0-1. A probability score of 0 indicates a strong likelihood that the property tenure type is *not* present, whilst a score of 1 indicates a strong likelihood the tenure type *is* present.

Predictive scores are used in combination to sort, organise and allocate each property to one of 4 categories described above. Practitioner skill and experience with the data and subject matter is used to achieve the most accurate tenure split.

It is important to note that this approach cannot be 100% accurate as all mathematical models include error for a range of reasons. The D^2 value is one measure of model "effectiveness". The true test of predictions is field trials by the private housing service. However, error is kept to a minimum through detailed post analysis filtering and checking to keep errors to a minimum.

A continuous process of field testing and model development is the most effective way to develop accurate tenure predictions.

The following tables include detail of each selected risk factors for each model. Results of the null hypothesis test are also presented as shown by the Pr(>Chi) results. Values of <0.05 are generally considered to be statistically significant. All the models show values much smaller, indicating much stronger significance.

Owner occupier model

The owner occupier model shows each of the 5 model terms to be statistically significant, with the overall model showing a "predictive capacity" of around 97% (Table 5).

Table 5. Owner occupier predictive factors.

Risk factors selected	**Pr (>Chi)***
Service requests	2.2e-16
EPC TENURE	2.2e-16
Previous_HB_5yrs	2.2e-16
Ctax.acc length days	2.2e-16
Ctax accounts	1.490e-05
Training data, n= 1062	
D^2 test = 0.97**	

* Pr(>Chi) = Probability value/null hypothesis test, ** D^2 test = Measure of model fit

PRS predictive model

The PRS model shows that each of the 5 model terms is statistically significant, with the overall model having a "predictive capacity" of around 97% (Table 6).

Table 6. PRS predictive factors.

Risk factors selected	**Pr(>Chi)**
Ctax.accounts	2.2e-16

Tenure (EPC)	2.2e-16
ACORN data	2.2e-16
HB claims	2.2e-16
ASB	0.0004034
Training data, n= 1062	
D^2 test = 0.97	

Category 1 (HHSRS) hazards model

Numerous properties where the local housing authority has recently taken action to address serious hazards were sampled for training data. Specifically, this included Housing Act 2004 Notices served on properties to address Category 1 hazards. The model results show that each of the model terms is statistically significant, with the overall model having a "predictive capacity" of around 94% (Table 7).

Table 7. Category 1 (HHSRS) hazard predictive factors.

Risk factors selected	**Pr (>Chi)**
CURRENT_ENERGY_RATING	2.2e-16
ASB.incidents	2.185e-07
Service.requests	2.2e-16
Complaint count_5yrs	2.2e-16
Bens.number	1.708e-08
Training data, n= 308	
D^2 test = 0.94	

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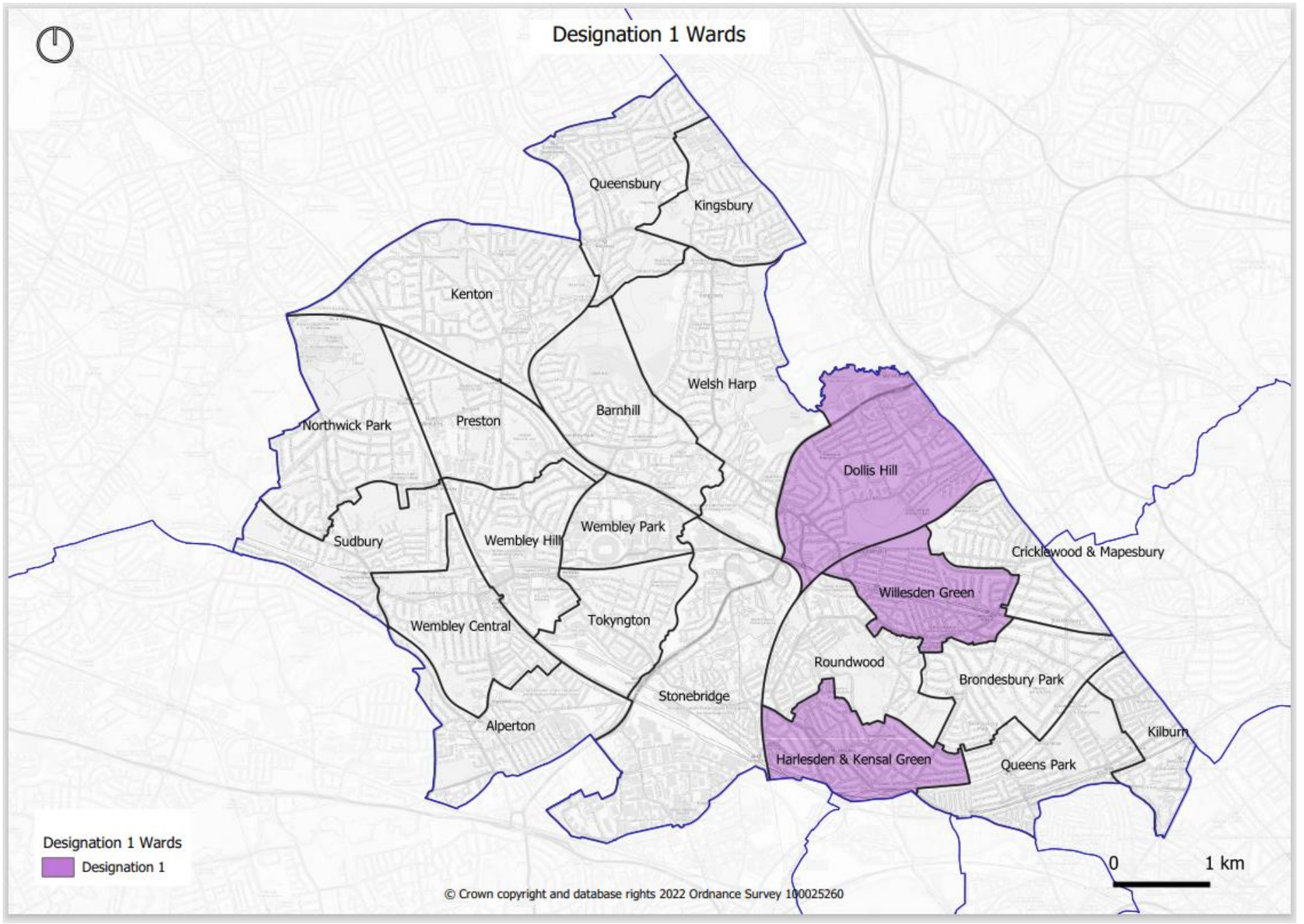
Metastreet Ltd

6-8 Cole Street

London

SE1 4YH

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Designation 1 Wards
Queensbury
Kingsbury
Kenton
Welsh Harp
Barnhill
Preston
Northwick Park
Dollis Hill
Wembley Park
Sudbury
Wembley Hill
Cricklewood & Mapesbury
Willesden Green
Tokyngton
Wembley Central
Roundwood
Brondesbury Park
Stonebridge
Alperton
Kilburn
Harlesden & Kensal Green
Queens Park
Designation 1 Wards
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Guidance for Private Housing Services Enforcement Officers

1. Introduction

1.1 This document sets out Brent Private Housing Services (PHS) Enforcement policy and working guidance. It explains how Brent as a Local Housing Authority (LHA) aims to deliver some key aims and objectives ultimately derived from the Brent Borough Plan (2015-2019). It applies to those enforcement functions administered via the Council's PHS Enforcement Team. These will include:-

- Reducing category 1 hazards in the private rented sector
- Reducing high category 2 hazards for licensable properties within the same sector
- Taking enforcement action in relation to the Property Licensing Schemes. This includes both failure to licence and breach of conditions enforcement
- Regulating standards of management, repair, amenity provisions and safety in houses in multiple occupation.
- Investigation and abatement of public health nuisances.
- Taking and/or facilitating robust enforcement action against rogue landlords including civil penalties, prosecutions and rent repayment order proceedings against such landlords, under the provisions of the Housing and Planning Act 2016.
- Using a holistic approach towards PHS enforcement activities, to deliver good support for compliant landlords needed to partner with the Council in meeting the demand for accommodation that is safe and well presented, whilst ensuring that non-compliant landlords are taken to task as best as the legislative framework allows.

1.2 This policy together with a set of procedures contain information on how the enforcement tools, provided by the Housing Act 2004, the Housing and Planning Act 2016 and general public health legislation, can be used fairly and consistently to achieve improvement to housing, health and the environment in the Borough. A working guidance for the commonly occurring hazards, the work process flowcharts and case reporting procedure are also included.

1.3 An opportunity will be given to small landlord businesses to be self-regulating, where ever possible and to put things right when things go wrong. We will therefore focus our enforcement activity where this self-regulation fails.

1.4 The Council expects landlords to support their tenancies throughout any enforcement action and our enforcement has been framed on the basis that all available tenancy protection tools available under current legislation, will be used as effectively and efficiently as possible for this purpose.

2. How we decide what to inspect or investigate

2.1 We will target our programmed, routine and reactive inspections on those premises, nuisances and other public health matters that are statutory requirements and/or present the greatest risk to occupiers, neighbours and the public. Unlicensed Houses in Multiple (HMOs) are of particular interest at this time, in view of the over 10,000 such properties essentially identified via risk analysis research and the impact of these on overcrowding, anti-social behaviour and other blights within the Borough.

2.2 We have a Corporate Complaints Policy which explains how and when we aim to respond to complaints. Some categories of complaints are urgent and all referrals shall be actioned in a time sensitive manner, thereby minimising the need for a formal complaint to be made.

2.3 **Leaseholder complaints:** PHS often receives complaints from leaseholders requesting assistance in taking action against other leaseholders or freeholders. PHS action will be limited to;

- Failure to licence enforcement, statutory nuisances enforcement and, Category 1 and high Category 2 hazards enforcement, where the leasehold flat is tenanted.

In all other situations e.g. civil disputes between freeholder and leaseholder, the leaseholder will be redirected to;

- The Leasehold Advisory Service - Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX; www.lease-advice.org
- Advised to contact a solicitor who specialises in leasehold law

2.4 **Registered social landlord complaints:** PHS often receives complaints from registered social landlord (RSL) tenants requesting action against their landlord. PHS action will be limited to;

- Cases where the tenant is able to show that the internal complaints process of the RSL has been exhausted and it would be inappropriate to refer the matter on to the Housing Ombudsman because of outstanding health and safety concerns without a timely plan of action being provided by the RSL.

In all other situations e.g. dissatisfaction with the RSL's timescales, the tenant will be redirected to;

- The Housing Ombudsman Service – Exchange Tower, Harbour Exchange Square, London E14 9GE , Tel 0300 111 3000, email: info@housing-ombudsman.org.uk
- Advised to contact a designated service or solicitor specialising in housing law.

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Part 1 – Housing Conditions Enforcement

1. Summary

1.1 The principal legislation used by PHS is the Housing Act 2004 along with new and extended provisions under the Housing and Planning Act 2016. However, there are circumstances where other legislation may be more appropriate in dealing with the identified problem. Officers will be expected to use professional judgement to determine the most appropriate piece of legislation to use. In some cases it may be appropriate to use a range of enforcement tools.

1.2 The key principle is to deal with a complaint in the most efficient and cost effective way possible by using the full range of enforcement powers and to meet the levels of service set out in our *Customer Promise*.

2. Housing Act 2004 & The Housing Health and Safety Rating System

2.1 Where the PHS Enforcement team has reason to enter a property in response to a service request, we will *risk assess* the whole property using the housing health and safety rating system (HHSRS).

2.2 The Councils overall objective is to remove category 1 hazards and achieve the Decent Homes Standard in accommodation where possible. This is particularly important in premises occupied by vulnerable groups. It is therefore the Councils intention to risk assess, provide a reasonable timescale for repairs/improvements to be completed and then take robust enforcement action in the event of non-compliance.

2.3 It is the Councils policy to make full use of its powers under a range of statutory instruments as many hazards in Brent can be remedied in this way; the legislation is detailed later in this section.

2.4 The 2004 Act places a duty on the Council to take action where a category 1 hazard has been identified. There is a discretionary power to deal with category 2 hazards. An improvement notice must be served where there are Cat 1 Hazards present. High Cat 2 Hazards (D and E) can also be included on the notice.

2.5 An improvement notice may be served where Cat 2 hazards exist. Where licensable properties are affected by high Cat 2 Hazards (D and E) an improvement notice shall be served and/or licensing enforcement action shall be taken to address the deficiencies. Officers should use their professional judgement as to whether a Housing Act notice route and/or a civil penalties-rent repayment order solution is to be pursued. Further guidance on this shall subsequently be provided within this document.

2.6 The Act provides a range of enforcement tools:-

Improvement Notices – section 11 is used for category 1 hazards, section 12 is used for category 2 hazards, or both category 1 and 2 hazards can be included on the same notice. An improvement notice should be used where reasonable remedial works can be carried out to reduce the hazard sufficiently.

Prohibition Orders – section 20 for category 1 hazards and section 21 for category 2 hazards, or both category 1 and 2 hazards can be included on the same notice. This order may prohibit the use of part or all of a property for some or all purposes or for occupation by a particular number or description of people. An order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical. It may also be used to limit the number of persons occupying the dwelling, or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.

Hazard Awareness Notices (HAN) – section 28 for Cat 1 and section 29 for Cat 2, or both Cat 1 and 2 hazards can be included on the same notice. This is used where a hazard has been identified but it is not reasonable or appropriate to take formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if it considered that a follow up inspection is required without being notified by the affected person(s). This notice is not registered as a land charge and has no appeal procedure.

Emergency Remedial Action - section 40 – this is only available for use where there is an imminent risk of serious harm resulting from a category 1 hazard. The authority must enter the premises and undertake any necessary remedial works that are required to reduce the immediate risk. A warrant to enter the premises in order to carry out the work may be granted by a justice of the peace where he/she is satisfied that the authority would not be granted admission.

Emergency Prohibition Order – section 43 – this is only acceptable for use where there is an imminent risk of serious harm, the hazard rates as a category one and where it is not practical to carry out the remedial works as in section 40. It can prohibit the use of all or any part of the premises with immediate effect.

Demolition Order – this can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Clearance Area – All residential buildings in the proposed area must have at least one category 1 hazard. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Suspended Improvement Notices or Prohibition Orders – these notices may be suspended where enforcement action can safely be postponed until a specified event or time. This could, for example, be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be considered where there is evidence of programmed maintenance by portfolio landlords. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the LHA's involvement and the situation must then be reviewed. It is also recorded as a land charge.

Subject to the templates being available, all statutory notices shall be produced and logged via Acolaid Enterprise and irrespective of how it is produced, a lock file copy of each notice shall be stored on the IDOX document management system.

3. Public Health Legislation

3.1 The following legislation is available where the Housing Act 2004 measures are not appropriate, do not sufficiently deal with the problem, or a quicker resolution can be achieved.

3.2 There is a duty on officers to deal with some types of problems e.g. a hazardous environment/statutory nuisances in some circumstances where the most appropriate powers lie beyond the Housing Act 2004 provisions.

3.3 Officers should keep abreast of particular changes of legislation and directives as required to undertake duties professionally.

- **Environmental Protection Act 1990 section 80**

Notices may be served if the officer is of the opinion that there is a statutory nuisance at the premises and it is reasonably practicable to do so, bearing in mind the departmental priority of improving living standards within the *private rented sector*. The premises must be deemed prejudicial to health (disease) or a nuisance (crosses a boundary). This notice can be used to remedy the following common defects;

- Damp and mould growth
- Broken or inefficient hot water and heating systems
- Leaks between flats/dwellings
- Clearing putrescible waste from gardens

Case law such as Bristol CC vs. Everett must be referenced as this provided a narrow definition of prejudicial to health to cover disease rather than any wider health and safety element.

- **Housing Act 1985 (as amended)**

Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions (Part X) are still available and can be used where the 2004 Act is not sufficient (e.g. single household dwellings, not required to be licensed, or otherwise outside the scope of section 139 of the 2004 Act.

- **The Management of Houses in Multiple Occupation (England) Regulations 2006**

These regulations have been introduced to deal with management issues (mainly common parts) in all HMO other than s.257 HMOs (converted self-contained flats).

Most practicably, action under these regulations will involve the issuing of a civil penalty, or summary prosecution for breaches of these regulations in tandem with failure to licence proceedings, as properties already licensed are more readily regulated via breach of licence conditions proceedings.

These are an extremely quick and efficient form of enforcement action and should be used wherever appropriate.

- **The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007**

These regulations can be used to deal with management issues (mainly common parts) in s.257 HMOs (self-contained flats which were converted pre 1991 and the building work undertaken in connection with the conversion did not comply with the 1991 building regulations.

3.4 Supporting Legislation: **The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.**

- **Housing Act 2004 s.235** – power to require information
- **Local Government (Miscellaneous Provisions) Act 1976 section 16** - Used to formally request information about a premises or a person.
- **Police and Criminal Evidence Act 1984 –** used to log formal interviews under caution
- **Criminal Procedures and Investigation Act 1996 as amended** – for gathering and processing evidence to Crown Prosecution Standards.

Subject to the templates being available, all enforcement documentation shall be produced and logged via Acolaid Enterprise and a lock file copy of each document required for possible litigation shall be stored on the relevant IDOX document management system.

4. Enforcement Procedure

4.1 This Enforcement Guidance will cover the general principles of good enforcement practice and provide a framework to enable enforcement action to be prioritised and linked to local housing and environmental conditions. Priorities for enforcement will also reflect local and regional housing strategies and policies.

4.2 PHS is responsible for enforcing a wide range of statutory provisions relating to the state of repair and environmental conditions affecting the health and safety of the occupant and bringing empty properties back into use.

4.3 Where other agencies are required to take enforcement action e.g. LFEPA, Planning and Building Control, PHS will co-ordinate this action to ensure that there is no duplication or inconsistencies in the action required.

4.4 In general any enforcement action will be taken in line with the principles of the Regulators Code. This frameworks requires that regulators should ensure there is clear information, guidance and advice available to help those they regulate to meet their responsibilities to meet legally required standards.

5. General Conduct

5.1 Officers will show their identification badges and offer these for scrutiny when visiting people or requesting access to premises. They should also carry their proper authorisation cards with them when inspecting premises.

5.2 All authorisations of enforcement officers must be in writing, specifying the limits of authorisation and will form part of the identification cards shown on visits.

6. Complaints

6.1 In the event that an individual or company is not satisfied with the service they should be directed in the first instance to the Team Manager.

6.2 If this does not resolve the complaint the Council also has a formal complaints system via www.brent.gov.uk/complaints

7. Housing Act 2004 Part 1 Enforcement

7.1 The Housing Act 2004 and subsequent HHSRS Regulations 2005 have identified a number of hazard categories that have been found within the home. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The health effect from these hazards range from death to minor injuries and the HHSRS provides the opportunity to compare unrelated hazards such as fire with other hazards such as damp and mould growth. This is done through the calculation of a hazard score. The higher the score the higher the risk posed by the hazard.

7.2 This enforcement policy sets the following prioritisation scheme for dealing with hazards, this will be subject to regular review. The principal behind this is detailed below.

- All category 1 hazards will be dealt with as a priority over category 2 hazards.
- Where there are multiple category 1 hazards or a mixture of category 1 and high category 2 hazards (i.e. D and E) all will be included on one improvement notice where applicable.
- In some circumstances the use of other enforcement tools should be considered to deal quickly with a defect or deal with a defect which may not achieve a High Category 2 e.g. where damp and mould can be addressed via the landlords obligation to address disrepair within a licensable property.

7.4 Notice of Entry

7.4.1 There has been a number of decisions by the RPT that indicate that it is necessary to serve a S.239 Notice of Entry notice on the landlord before visiting a property for Part 1 HA 2004 enforcement investigations.

7.4.2 Where you are invited in to do an inspection by the tenant, the policy is that ordinarily there is no need to serve a separate section 239 notice above and beyond the initial appointment letter.

When sending an initial appointment letter this should be indicated as being enacted under s.239 Notice of provisions, clearly stating the date, time, time and reason for inspection. The initial inspection letter and section 239 notice shall be produced and logged via Acolaid Enterprise as per all other statutory notices wherever possible. Part 2/3 HA 2004 licensing inspections can be carried out via unannounced attendance, but relevant authorisation must be available to show occupants on request.

7.5 Section 8 Statement of reasons

7.5.1 Under section 8 of the Housing Act 2004, a statement must be prepared detailing which notice provisions are being considered. The statement must also include why the other options have been discounted at this stage. In making these decisions regard may be given to:

- The seriousness of the situation and any imminent risk to health and safety
- The current occupation and the impact the decision may have on the social exclusion of certain groups of people,
- The turnover of tenants or occupants to the property,
- The management of the property,
- The occupants' views,
- The owners' views,
- The number of hazards within the property and whether they are category 1 or category 2
- The enforcement policy and procedures, the private sector housing strategy and housing strategy.
- The decent homes standard
- Consultation and views of other services

7.5.2 Once a decision has been made the appropriate notice procedure must be followed. When taking any form of action a covering letter and the statement of reasons under section 8 must also accompany the notice and the schedule of works.

7.5.3 The Residential Property Tribunal has been giving great weight to these statements and have criticised non-specific standardised statements, it is therefore important to make these quite individual in each case.

7.6 Consultation

7.6.1 Officers will usually consult interested parties (including tenants) on their proposals for Category 1 and Category 2 hazards to be addressed. The exception may be where the issue is urgent or dangerous and cannot wait while a consultation process is undertaken. These comments may include alternative works or other matters such that officers may revise the schedule or time period for compliance before serving the Notice.

7.6.2 If an Improvement Notice under the Housing Act 2004 is considered the most appropriate course of action the case officer should usually send a Pre notice letter to the landlord (prepared via Acolaid Enterprise) explaining the findings of the inspection and invite them to make a representation so their views can be taken into consideration. The letter should give the landlord a reasonable time to make their representations to the case officer.

7.6.3 During this consultation period the case officer should be drafting up the notice and schedules ready for service at the end of the consultation period. If a representation is made then they should be documented and incorporated into the statement of reason as part of the consultation with the landlord/person responsible.

7.6.4 The Pre notice letter will indicate that a Notice is to be served, but we are consulting with them to consider their views and agree works and timescales for the Notice schedules. Any agreed works and timescales shall be drafted into the notice which must be prepared and ready to be served immediately after the expiry of the consultation period. The Pre notice letter will also indicate a charge of £330 for serving of the notice that will apply.

7.6.5 If the landlord/person responsible does not make a representation within the consultation period then a notice must be served and the charge will apply with immediate effect.

7.7 Charging

7.7.1 There will be a charge for Notices served under the Housing Act 2004, excluding management regulations.

7.7.2 The Housing Act 2004, s49: *Power to charge for certain enforcement action* and section 50*: recovery of charge under s49* permits the Council to charge and recover expenses incurred in respect of certain enforcement action exercised under Chapter 5, Part 1 of the Act.

7.7.3 These include improvement notices (sections 11 & 12), prohibition and emergency prohibition orders (sections 20, 21 and 43), emergency remedial action (section 40) and demolition orders (sec 265, Housing Act 1985).

8. Level of remedial works required

8.1 As a minimum, category 1 hazards must be reduced to a low category 2.

8.2 Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonably practicable. In some cases, such as listed buildings, category 1 hazards may remain. This scenario should have been considered when deciding which course of action is most appropriate and may influence the officer's decision as to which type of enforcement action to take.

8.3 When deciding on the remedial works, regard must be had to the seriousness of the hazard, the ideal that the property should achieve, the decent homes standard, current Building Regulations and the level of work required that is reasonable to reduce the hazard significantly without incurring excessive cost.

8.4 For the hazard of fire, where the property is an HMO, section 10 of the Housing Act 2004 states that the LHA must ordinarily consult with the Fire Authority before taking any action and deciding on the remedial works. For further guidance regarding the lead enforcement role of PHS or the LFEPA in various building categories etc, please check the Lacors Housing guidance manual.

8.5 Wherever possible enforcement action should result in the property becoming a Decent Home. In some rare circumstances this may not be achievable in such cases this should be discussed with the team manager.

8.6 Further details and standards can be found by referring to specific HHSRS technical guidance

9. Prosecution or Civil Penalty Charge

9.1 Where there is a summary offence, breach of a notice or an order the officer must investigate the offence and prepare the case for prosecution or for issuing a civil penalty charge. This may involve interviewing relevant people under caution, following the relevant parts of the Police and Criminal Evidence Act 1984.

9.2 In making a decision whether to pursue action under this heading, officers will have regard to the Code for Crown Prosecutors (Prosecutors employed by the Crown Prosecution Service). The code of practice details two tests, which govern the decision-making process. A case must pass both tests to show that prosecution is appropriate, the evidential test and public interest test.

9.3 Where a prosecution is taken Legal should request the Court to consider a compensation claim on behalf of the tenant. The defendant should be informed that you are intending to request the Court to consider this if the prosecution is successful.

9.4 Other legal remedies such as injunctions/unlawful eviction proceedings should be explored against a landlord, where there is a likelihood of an illegal eviction. In such instances, tenants must be encouraged to provide as much information as possible at the earliest including proof of tenancy or rent payment etc. Tenants must also be advised (via the letters provided in several languages and verbally if possible) that early cooperation with investigating officers, provides the best possible protection against unlawful eviction.

9.5 PHS is committed to partnering with landlords to ensure that properties are made/maintained as safe and suitable for habitation, bearing in mind that the private rental sector of the market is crucial in meeting the housing needs of the sector. Prosecuting for committed offences essentially disqualifies the convicted person(s) from managing tenanted properties and should therefore be used as a secondary enforcement option (i.e. with a civil penalty as the primary option) unless the following factors justify otherwise:

- Failure to comply with the requirements of an improvement notice or prohibition order and failing to reasonably engage with the Council on meeting these requirements.
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information.
- History of offending
- attitude of offender
- Deterrent effect of a prosecution on the offender and others such as unregulated managing agents
- Carrying out operations without a relevant licence
- Obstruction of an authorised officer

These factors are not exhaustive and those that apply will depend on the particular circumstances of each case. Responsible officers in partnership with line management, shall decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

10. Works in Default

10.1 The Housing Act 2004 and other legal powers outlined above make provision for the Council to carry out the works to a property where the person responsible has failed to comply with a notice. The WID process flowcharts follow at the end of the document as appendices.

10.2 WID and Prosecutions should be carried out simultaneously where statutory notices have not been complied with AND there is a possibility of homelessness or an occupier having to leave their home as a result of a continuing problem.

10.3 In deciding whether works in default is an option, the officer must consider the imminent risk to health and safety and whether undue delay would put the occupier, visitors or the public at increased risk. They must also consider what the minimum works required would be to remove the risk.

10.4 The cost of the works must be assessed and the Councils financial standing orders and procurement procedure followed. At present, There is a 30% surcharge over and above the cost of the works to cover for the administrative obligations involved in the event of Works in Default being commenced. The responsible person(s) must be advised of this in writing before commencement.

Part 2 – Property Licensing Enforcement

1. Introduction

1.1 The Housing Act 2004 provides for three types of licensing within the private rented sector: mandatory licensing of certain Houses in Multiple Occupation (HMOs), additional licensing of HMO's and the selective licensing of other residential accommodation. Brent is operating a variety of these licensing schemes and as of 1 January 2015, has introduced a borough wide additional scheme and a selective licensing scheme covering the designated wards of Harlesden, Willesden Green and Wembley Central.

1.2 Many landlords are responsible and provide adequate housing with good management, but there are some that lack the skills, knowledge and/or willingness to manage their properties professionally. It is these types of property that often cause the problems.

1.3 Mandatory licensing is aimed at certain types of HMO with 3 or more storeys and they must be occupied by 5 or more people who constitute more than one household. There must be an element of sharing facilities or amenities. Section 257 HMOs are also included within this remit.

1.4 Additional licensing is aimed at all other HMOs occupied by 3 or more people who constitute more than one household throughout the borough. Section 257 HMOs are also included within this remit.

1.5 Selective licensing is not descriptive specific in that there is a requirement to licence all other residential accommodation other than HMO's that fall under the mandatory/additional scheme in a designated area. This includes flats, houses, HMO's and single family properties.

1.6 The licensing function has been introduced in order to:

- Ensure landlords are 'fit and proper persons' or employ agents who are
- Establish that adequate management is in place
- Ensure the accommodation is adequate for the number of occupiers
- Allow for tenants' health, safety and welfare to be safeguarded and for high risk properties and their landlords to be identified via enforcement action under Parts 2 and 3 of the 2004 Act as well as under Part 1 of the said Act.

2. Aims of Property licensing

2.1 Brent Council aims to ensure fairness and transparency when administering the property licensing schemes, and in particular seeks to ensure that co-operative and compliant landlords are not disadvantaged compared with landlords who do not co-operate, and/or operate unsafe or poorly managed properties. This is reflected in the fees system which allows for longer license periods for well managed properties and requiring licenses to be renewed more regularly for those that are poorly managed, providing a financial saving to good landlords.

2.2 The council aims to publicise any Licensing Schemes, to assist landlords in running their businesses in compliance with the legislation.

2.3 The council aims to provide guidance and assistance to enable landlords to understand the requirement to licence properties and to comply with the licensing legislation.

2.4 The council aims to grant property licences in the maximum number of cases, within the requirements stipulated by the Housing Act 2004.

2.5 The council aims to take robust action when it gains evidence that there has been a failure to licence a property that is required to be licensed, to ensure that compliant landlords are not disadvantaged.

2.6 The council aims to respond to licensing customers at all times in accordance with the Council's Customer Care Policy.

2.7 The fee must only take into account all the costs incurred by the council in carrying out their functions under Part 2 and 3 of the Act. Brent Council has therefore developed a fee structure that reflects the work involved in processing an application and granting or refusing a licence.

2.8 The fees will be reviewed at regular intervals to reflect how the scheme evolves and any additional costs incurred by the council, e.g. annual increases in council costs.

3. Offences for failing to licence a licensable property

3.1 The Housing and Planning Act 2016 has now introduced civil penalties of up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to licence or be licensed in respect of Houses in Multiple Occupation (HMOs)
- Failure to licence or be licensed in respect of the Landlords Selective Licensing Scheme
- Failure to comply with licensing conditions
- Failure to comply with an Overcrowding Notice
- Failure to comply with a regulation in respect of an HMO
- Breaching a Banning Order

Funds arising from these penalties are retained for housing enforcement activities.

3.2 The same Act also introduces the option of applying for a Rent Repayment Order (RRO) in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Breaching of a Banning Order
- Using violence to secure entry to a property
- Illegal eviction or harassment of the occupiers of a property

Where rent is paid by the Council, an RRO award is retained by the Council, whilst an award to tenants paying their own rent is due to the tenant.

4. Inspections

4.1 The council aims to administer Property Licensing Schemes efficiently and effectively, and as such, the majority of applications will be considered without the need for any further inspections.

4.2 However, all licensed HMO properties must be inspected within the licence period to check that the information supplied is correct and that the property is free from serious hazards. In most instances, such post – licensing inspections will be carried out via the Licensing Team, who will then pass on cases requiring attention to Cat 1 hazards and/or other major non-conformities to the Enforcement Team.

4.3 Licensing does not preclude the council from taking any of the enforcement actions described in Part 1 of the Housing Act 2004 in relation to any hazards found and in many cases an improvement notice will be the most appropriate course action.

5. Enforcement – Civil Penalties and Prosecutions

5.1 The Housing and Planning Act 2016 contains several provisions relating to licensing of privately rented homes and housing enforcement related to this type of tenure. They include such measures as the ability for housing authorities to impose a civil penalty in lieu of prosecution, as a means of dealing with rogue landlords.

5.2 A civil penalty can only be imposed as an alternative to prosecution, as the legislation does not permit a Local Authority to impose a civil penalty and prosecute for the same offence. Similarly if a civil penalty has been imposed, a person cannot then be convicted of an offence for the same conduct.

5.3 The decision on when to prosecute and when to issue a civil penalty shall be decided on a case by case basis, in accordance with the **guidance notes in (section 1(9) and the work process flow charts** which have been updated to include reference to the issuing of civil penalties as an alternative to prosecution for relevant offences under the Housing Act 2004.

5.4 Where a civil penalty is imposed, an appeal can be lodged at the First Tier Property Tribunal (FTPT). A Local Authority will then need to demonstrate 'beyond reasonable doubt' that an offence has been committed. Enforcement officers shall serve the required statutory notices (at least 2 to be served), deal with defendant representations and work jointly with Brent Legal Services to defend any appeals at the FTPT, all in accordance with the **work process flow charts.**

6. Enforcement – Rent Repayment Orders

6.1 Under Housing Act 2004 provisions, Rent Repayment Orders (RROs) allowing Local Authorities to recover up to 12 months Housing Benefit/Universal credit paid to any person in connection with occupying a rented home. Similarly, tenants paying their own rent could apply to the FTPT for an RRO, once a conviction was secured by the Local Authority.

6.2 RROs have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences. Under the new legislation an RRO can be applied for when the landlord has committed one of the offences listed in paragraph 3.2 above even without a conviction. However, where an application for an RRO is made and the landlord has not been convicted for the relevant offence, the FTPT will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

6.3 As a conviction via the courts can only be secured on proving an offence beyond reasonable doubt, the safest way to secure an RRO is to apply after an offence has been successfully prosecuted. Essentially, where an offence has been prosecuted and hence a civil penalty cannot be imposed, a Rent Repayment Order shall still then be applied for in appropriate cases.

6.4 If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be re-paid to the Local Authority. If the tenant paid the rent themselves, then the rent must be repaid to the tenant. If the rent was paid partially through Housing Benefit/Universal credit then an RRO award is repaid proportionally on an equivalent basis. Where an RRO award is at least partially claimable by the Council, an application shall be made via the Council to the FTPT. If the rent was paid in full by a tenant, then an RRO application has to be made by the tenant.

6.5 Whilst there is no statutory obligation on local housing authorities to support a tenant's RRO application, there is potential scope for providing such support either directly or via partner organisations on a 'no win no fee' basis. At present, only a small proportion of tenants qualified to make an RRO application after a landlord has been convicted do follow through on this. Providing adequate support for such tenants will not only be beneficial to this [at times] exploited clientele, but also ease the potential burden on the Council's limited housing supply/financial support for private tenancy deposits etc.

6.6 Where a landlord has been sanctioned for an illegal eviction/harassment etc offence via an RRO as well as a prosecution, this sends a message to any prolific offenders within the borough, that there will be no benefit in taking advantage of vulnerable tenants.

7. Enforcement – Banning Orders

7.1 Chapter 3 of the Housing and Planning Act 2016 introduces provisions for the Secretary of state to create a central database of landlords and agents who are fined or convicted of an offence. Local Authorities will be responsible for entering names on the database and maintaining the contents which includes adding details if a banning order has been imposed. All local authorities will have access to the database for the purposes of identifying landlords, agents and owners with properties in more than one borough. If implemented by the DCLG, this national database should be available by October 2018.

7.2 Section 15(1) of the Act provides the power to a Local Authority in England to apply for a banning order against a person who has been convicted of a banning order offence. It is not yet known what will constitute a banning order offence and it is envisaged that this will be defined in further Secretary of State Guidance imminently. A banning order under section 14(1) of the Act will prevent a person from:

- letting any dwelling
- engaging in letting agency work
- engaging in property management work
- doing two or more of these activities.

An Order is limited to England and must specify the duration of the order and it must last for at least 12 months.

7.3 Under the auspices of the Mayor of London, The Greater London Authority has introduced a criminal landlord database steering group. The group with members from Brent, Camden, Kingston, Newham, Southwark and Sutton, are tasked with developing a London wide rogue landlord register, to be adopted by all London boroughs in October 2017. It is anticipated that the London wide database to be administered via the GLA, should then feed into the DCLG's national database, as and when Local Authorities are required to make their inputs.

7.4 The purpose of the rogue landlord database is to enable local housing authorities to record information about and target enforcement action against any landlord who has:

- received a banning order under the Housing and Planning Act 2016
- been convicted of a banning order offence; or
- received 2 or more civil penalties over a 12 month period

It is not uncommon for rogue landlords/agents operating in Brent to be active within other London boroughs, as well as in some cases further afield within England.

7.5 The impact of these recommendations will re-enforce the Council's strong enforcement stance on landlords who do not comply with their statutory obligations and enables the Council to penalise the worst landlords by direct economic sanctions. The intention is that this will rebalance the private rental sector away from rogue landlord exploitation, towards a fairer and more equitable deal for their tenants, without a net increase in cost for the Council.

8. Enforcement – Tenancy Protection Considerations

8.1 The 2014 Licensing Scheme reports to Cabinet noted that there was potential for a negative impact of landlords being regulated via licensing enforcement provisions on tenants. This might arise from landlords deciding to leave the rental market rather than engage with licensing enforcement, or from evictions (potentially including illegal evictions) following or in anticipation of enforcement action. There is little evidence that landlords have withdrawn from renting in response to such interventions.

8.2 Although Housing and Planning Act 2016 provisions allow for an extension of PHS enforcement activities, it is crucial to note that good landlords will not be adversely affected. On the contrary rogue landlords will be relieved of the proceeds of their crimes, be driven out of the market and better compensation will now be available for their victims, i.e. tenants at the exploited end of the market.

8.3 Whilst there is little evidence that enforcement has led to homelessness applications, there is evidence that tenants have at times moved on to other homes within Brent or elsewhere. To establish a clearer picture of on this, Future of London (FoL) undertook a study, the findings of which will be taken into account in shaping the council's tenancy engagement approach.

8.4 The FoL study, looked specifically at the effect of unannounced inspections by PHS Enforcement Officers on tenants. The research, which comprised field work, data analysis and interviews with a number of stakeholders (including tenants themselves), painted a mixed picture. Some tenants' situations have improved as a result of an inspection, while others have deteriorated. Information on eviction and displacement has produced a complex range of tenant pathways, with dependent factors including awareness of rights and support structures, and level of tenant vulnerability.

8.5 Despite data and information limitations, the research had some clear actions for Private Housing Services to take forward:

- Do more to raise private tenant awareness of their rights before, during and after the inspections.
- Improve and better promote tenant liaison services to tenants.
- While the council's concern must be housing decently its vulnerable communities in priority need, people living in poor-quality HMOs are vulnerable in a different way – from poor conditions and exploitative landlords. A closer and more cooperative relationship between PHS, Housing Needs and the plethora of voluntary sector groups embedded in communities will help to protect all of Brent's communities.

8.6 At the time of writing, a number of unlawful eviction cases are being addressed via PHS Enforcement, Housing Needs and SSP Law working together in order to attend to the various homelessness emergencies, address the living standards concerns and collate evidence for civil and criminal litigation proceedings. The extended reach of civil penalties, rent repayment orders and banning orders in such circumstances will allow for much greater efficiency and effectiveness in meeting the overall objective of seeking to ensure that private tenants live in a premises that are "…*safe, sustainable and well maintained…".* Of particular note, is that private sector tenants will become increasingly aware of their rights through publicity on evictions thwarted and rent repayment orders awarded to rogue landlord victims.

For Working Flow Charts – See Appendices

9. Enforcement – Proceeds of Crime Act

9.1 The Proceeds of Crime At 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity. The PHS Enforcement Team will use this legislation where appropriate and in consultation with legal services

10. Interim Management Orders and Final Management Orders

10.1 An interim management order is made for the purpose of securing any action that the authority considers necessary, to protect the health, safety and welfare of the occupants.

10.2 An order can also be served in circumstances that the authority thinks are appropriate with a view to ensuring the proper management of the house pending the licence being granted.

10.3 The authority has a duty to make an interim management order in respect of a property where there is no reasonable prospect of it being licensed in the near future or it is necessary to protect the health, safety and welfare of the occupants.

10.4 Where a licence has been revoked for any reason and the property remains a licensable property an interim management order must be made if there is no reasonable prospect of the property regaining its licence.

10.5 Once an interim management order has been served the local authority must take over the management of the property for up to 12 months. This includes carrying out any remedial works necessary to deal with the immediate risks to health and safety.

10.6 If there is still no prospect of a licence being granted after 12 months then a final management order must be made which may be in force for up to 5 years. If after 5 years there is no prospect of the property being licensed a further management order must be made.

10.7 The council is under a duty to make Interim and Final Management Orders where necessary. The council team will instigate this action where necessary **but as a last resort**. All practical steps will be taken to assist the owner of the property to satisfy the licensing requirements.

10.8 Management orders can be varied or revoked at any time as a result of a request from the owner or on the local authority's initiative.

11. Publicity

Media coverage will normally be sought in the following cases:-

- The offence is widespread in the area and coverage will assist in securing compliance by others;
- To draw attention to particular serious hazards;
- Coverage is otherwise in the public interest;
- A press release will generally be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the boroughs environment,

12. Supporting Documentation

Supporting Documentation

A copy of the Regulators Compliance code is available on request or may be downloaded from https://www.gov.uk/government/publications/regulators-code .

A copy of the Enforcement Concordat: Good Practice Guide is available on request or may be downloaded from:
http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/bre/inspection-enforcement/implementing-principles/regulatory-compliance-code/enforcement/page46822.html

A copy of the DCLG guidance on civil penalties can be accessed via:
https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016

For viewing of the DCLG Guidance on rent repayment orders please click onto:
https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016

Appendix 7 - Selective Licensing Fees

Section 87of the Housing Act 2004 allows the Council to require that the licence application to be accompanied by a fee fixed by the authority. The selective licensing fees are set to cover the cost of administering the licensing schemes functions (administration and enforcement) under the Housing Act 2004. As with our existing licensing schemes the grant of a licence will be subject to the payment of the full fee.

The licence fee has been set using assumptions about the level of income the fees will generate, based on the number of properties that we expect to be licensed during the life of the schemes, the activities involved. Staffing and other resources necessary to administer, run and enforce the scheme been included to calculate the overall cost of licensing. Our fees will be kept under review.

A £40.00 discount per property application is offered if the property licence holder or managing agent is accredited to the London Landlord Accreditation Scheme (LLAS).

Licences will normally be granted for the duration of the scheme (up to 5 years). Where we have concerns about the management and use or occupation of the property, we may grant a licence for a shorter period, usually for 1 year. A typical example will be where the application processing stage indicates a breach of a mandatory condition. The reason for a shorter period will always be given with the Housing Act 2004, schedule 5 notices proposing to grant, and granting the licence.

The schedule of our selective licence fees and associated charges is set out below:

Licence Applications Fees

Scheme	Full Fee	Part 1- Fee on Application (non-refundable)	Part 2- Fee on Grant of Licence
Selective	£640.00	£340.00	£300.00

Licence Applications Renewal Fees

Scheme	Full fee	Part 1 -Fee on Application (non-refundable)	Part 2 - Fee on Grant of Licence
Selective	£600.00	£300.00	£300.00

Additional charges associated with the application process

Council assistance provided to complete an application.	Fee
For those applicants that are not able to complete an online application form the Council will offer an assisted service. This will enable you to make an application by telephone or by coming into Brent's Civic Centre, by appointment, and we will help you complete the form online.	£100.00

Application type	Fee or charge
Taking a licence back (revocation)	None
Application to licence after one has been taken away	Initial application fee
Applicant withdraws application	Initial application fee with no refund
Mistaken application (see refund policy)	Refund
Temporary Exemption Notice (TEN) made by the council or granted	No fee
Application received following the expiry of a Temporary Exemption Notice (TEN) made by the council	Initial application fee
Change of licence type – e.g., if a single dwelling (selective) is re-let or become occupied as a House in Multiple Occupation or a change from an HMO licence to a selective licence	New application fee

Licence variation fees - *For a licence variation where the property is already licensed.*

Proposed variation to the licence	Fee
Change of details of any existing licence holder, manager, owner, mortgagor, freeholder or leaseholder	None
Change of mortgagor, owner, freeholder and leaseholder (unless they are also the licence holder or manager)	None
Reduction in the number of occupiers and/or households for licensing purposes	None
Variation of licence started by the council	None
Change of manager (unless they are also the licence holder)	None
A larger number of occupiers and/or households for licensing purposes through increasing the number or size of rooms, and/or amenity provision (unless there is a change of licence type - from Selective to Additional or mandatory HMO)	None
Change of the existing licence holder	A new application plus fee must be made

Discounts

	Fee Reduction
Landlord Accreditation Scheme Membership off new (First time) applications. The discount is applied to the 2nd part fee payment.	£40 per Property application

March 2023 - ADJ

Appendix 8

STANDARD CONDITIONS FOR THE SELECTIVE PROPERTY LICENSING SCHEME

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London Borough of Brent
Private Housing Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

March 2023 - ADJ

Housing Act 2004

Part 3 – Selective licensing of other residential accommodation

(Section 90: Licence conditions and Schedule 4 - Part 3: mandatory licence conditions)

SELECTIVE LICENCE CONDITIONS

The conditions in this booklet are standard conditions attached to every Selective Licence issued by the London Borough of Brent under Part 3 of the Housing Act 2004. The conditions below are imposed by schedule 4 must be included and are requiring of the licence holder,

It is the licence holder's responsibility to ensure that the licensed property complies with all the conditions set out in this booklet. Failure to do so may lead to prosecution for a breach of the licence conditions, a loss of the licence, and an unlimited fine per offence, or the imposition of a civil penalty charge with a maximum of £30,000 per offence.

The conditions are those which the council consider appropriate for regulating the management, use or occupation of the house concerned. The licence holder is responsible for ensuring that all licence conditions are complied with at all times, whether or not a manager or another person has consented to the imposition of the restrictions or obligations.

The Council may apply additional licence conditions to a house concerned on a case-by-case basis, providing these supplementary conditions are in accordance with s90(2&3), including that the works are carried out within such period or periods as may be specified in, or determined under, the licence.

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CONDITIONS OF THE LICENCE

Tenancy Management

1. Terms of occupation

The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property (this is usually a tenancy or licence agreement).

The licence holder must provide a copy to the Council within 14 days on demand.

2. Tenant references

The licence holder must demand references from persons who wish to occupy the house.

No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. As a minimum any reference checks should give consideration to the tenant's history and credit and must consider whether the tenant has the right to rent the property.

The licence holder must provide evidence of such references and checks carried out when requested by the Council within 14 days on demand.

3. Rent payments

The licence holder must ensure that they there is a record of all rent payments received in respect of the property.

The tenant should be given a receipt for all rent payments made, such as a written receipt, invoice or rent statement. This should be provided to the tenant at weekly or monthly intervals as a minimum.

Evidence of rent records must be provided to the Council within 14 days on demand.

4. Deposits

The licence holder must protect any deposits taken from the occupiers under an assured short-hold tenancy agreement, by placing them in a statutory tenancy deposit scheme.

The licence holder must give information about the scheme being used to the occupier within the statutory time limit (currently 30 days) of the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.

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5. Complaints

The Licence Holder must ensure that all tenants are given a suitable written complaints procedure at the start of their tenancy.

The procedure must include how complaints of the property conditions will be dealt with.

6. Anti-social behaviour (ASB)

The licence holder must take reasonable and practical action to prevent or reduce anti-social behaviour by the occupiers of the property or their visitors.

The licence holder must ensure that the occupiers of the property receive written confirmation detailing the procedure in place to deal with anti-social behaviour at the start of their tenancy. Please refer to 6a and 6b below.

[For further information on what the Council considers to be anti-social behaviour see appendix 1].

6a. Prevention

To help prevent anti-social behaviour occurring the licence holder must:

I. Obtain tenant references prior to granting a tenancy as to their previous conduct and be satisfied that they are not likely to cause any anti-social behaviour.

II. Ask anyone wishing to occupy the property to disclose unspent criminal convictions. If unspent criminal convictions are disclosed the licence holder must consider if those convictions indicate a risk that the person is likely to commit acts of anti-social behaviour, before granting a tenancy.

III. Respond to any reference requests received for a current or former tenant from another licence holder in writing within 21 days.

IV. Ensure regular inspections of the property are carried out, at least every six (6) months to check on the tenancy and state of repair of the house and to ensure that the occupiers are not in breach of tenancy terms and conditions.

6b. Action

This is a procedure to be followed if or when a landlord has been made aware of the occurrence of anti-social behaviour. For the purpose of transparency, this process should be made available to tenants at the start of their tenancy agreement.

The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour.

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The licence holder should address problems of anti-social behaviour resulting from the occupiers or their visitors by following the procedure set out below:

I. If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.

II. The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.

III. If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.

IV. If after 14 days of giving a warning letter, the tenant has not taken steps to address the anti-social behaviour and it is continuing, the licence holder shall take action, which may include legal eviction proceedings.

V. The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.

VI. Any letters, relating to antisocial behaviour, sent or received by the licence holder must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.

VII. Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall inform the appropriate authorities.

Property Management

7. Gas

If gas is supplied to the property, the Licence Holder must produce to the local housing authority, within 14 days if requested, an annual gas safety certificate obtained in respect of the house within the last 12 months for the Authority's inspection.

If gas is supplied to the property, the licence holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer.

The licence holder shall ensure that all gas installations and appliances are in safe condition at all times.

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The licence holder must keep a copy of a current valid gas safety certificate, and if a boiler was installed less than 12 months ago, the gas safe installation certificate.

Copies of the gas safe certificate must be provided to the tenant at the start of their occupation.

8. Electrical Appliances and Electrical Installation

(a) The Licence holder must keep electrical appliances made available by him in the house in a safe condition.

The Licence Holder must supply the authority, on demand, with a declaration by him as to the safety of such appliances. Where requested, test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand.

(b) The licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use; and

must supply the authority, on demand, with a declaration by him as to the safety of such installations.

[For the purposes of paragraph (c) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.]

9. Furniture and Furnishings

The Licence holder must keep furniture made available by him in the house in a safe condition and comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

The Licence Holder must supply the authority, within 14 days on demand, with a declaration by him as to the safety of such furniture.

10. Security

The licence holder is responsible for ensuring adequate precautions are provided for the security of the property and must ensure:

a. The access to the property, such as locks, latches and entry systems are appropriate, maintained, and in good working order at all times.

b. Where window locks are fitted, the keys are provided to the relevant occupants.

c. Where a burglar alarm is fitted to the property, the occupiers are informed in writing about the circumstances under which the code for the alarm can be changed, and are given details on how this can be arranged.

d. Where previous occupants have not returned keys, the relevant locks will be changed prior to new occupants moving in.

11. External areas

The external areas must be inspected regularly, at intervals of at least once every six months. Although one six monthly inspection may satisfy all the requirements below, the licence holder must ensure that they:

a. Carry out regular inspections of the exterior of the property, including the roof, walls, drainage, window and door elements to identify any problems in relating to the maintenance and state of repair.

b. Carry out interim inspections to ensure that gardens, fencing, paths, etc., and other external elements are kept in a clean, clear and/or sound condition.

c. Carry out interim inspections to identify any maintenance problems associated with outbuildings such as garages, sheds and to ensure that such buildings are not used for sleeping purposes.

d. Provide any such inspection report to the Council with 14 days, on demand.

12. Refuse and waste

The Licence Holder must ensure that there are adequate arrangements for the storage and disposal of waste. In particular;

a. ensure that the occupiers of the house are given the information in writing about waste and recycling within 7 days of the start of their occupation:

b. Ensure that a sufficient number of suitable external rubbish bins for the occupiers to dispose and recycle waste.

c. Ensure that any kind of refuse which the Council will not ordinarily collect (e.g., large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

d. Actively respond to complaints of poor waste practices associated with the property. The licence holder must keep a record of the action taken and provide this to the Council within 14 days on demand.

e. The Licence Holder must ensure that no refuse or rubbish is kept in the front or rear gardens of the house, or in any yards, forecourts, alleyways,

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or other spaces within the house curtilage, other than in refuse and rubbish storage facilities provided specifically for that purpose.

13. Repairs

The Licence Holder must ensure that all occupants of the property receive written confirmation detailing arrangements in place to deal with repairs. If requested, this must be provided to the Council within 14 days on demand.

14. Pest Control

The licence holder is responsible for carrying out checks to ensure that the property, including external areas such as gardens, are free from pest infestation e.g., rodents.

Any pest infestations must be managed effectively and must be responded to within a period of 7 days of being reported. Records of treatment and management must be kept and copies of these must be provided to the Council within 14 days on demand.

Fire Safety

15. Smoke Alarms and Carbon Monoxide Alarms

15.1 Smoke alarms

The licence holder must ensure that;

a. A smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation; and that,
b. Smoke alarms are repaired or replaced once informed and found that they are faulty.
c. Each such alarm is kept in proper working order; and that,
d. On demand, the Authority is supplied with a declaration by him or her as to the condition and positioning of any such alarms.

For the purpose of condition 15, a bathroom or lavatory is to be treated as a room used as living accommodation.

15.2 Carbon Monoxide Alarms

The Licence Holder must ensure that:

a. A carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation where a fixed combustion appliance is present (excluding gas cookers); and,
b. Carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.
c. Any such alarm is kept in proper working order; and that

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d. The Authority is, on demand, supplied with a declaration by him or her as to the condition and positioning of any such alarm or alarms.

For the purpose of Condition 15.2, “room” includes a hall or landing and a bathroom or lavatory is to be treated as a room used as living accommodation.

Please see link below for further information on ***The smoke and Carbon Monoxide Alarm (England) Regulations 2015*** and ***The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022*** guidance for landlords.

Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants - GOV.UK (www.gov.uk)

NB: Satisfying fire safety elements such as electrical safety, gas safety, furnishings, smoke and carbon alarms may not mean that compliance with the HHSRS fire safety hazard as action under relevant applicable legislation may be taken to reduce the hazard.

General

17. Consultation of Changes

The licence holder must consult with the Council before making material changes to the layout of the property, amenity provisions (such as adding or removing bathroom or kitchen facilities), fire precautions or occupation of the accommodation, which may affect the licence granted.

18. Notification of changes of circumstances

The licence holder must inform the Council of material changes of circumstances regarding:

a. Details of any unspent convictions not previously disclosed to the Local Authority involving fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003 or any other conviction relevant to the licence holder and/or the property managers fit and proper person status.

b. Details of any finding by a court or tribunal against the licence holder and/or the manager that they have practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin or disability.

c. Details of any civil or criminal proceedings against the licence holder or manager, relating to housing, public health, environmental health or landlord and tenant law, resulting in a judgment or finding or Civil Penalty (under the Housing and Planning Act 2016), being made against them.

d. Information about any property the licence holder or manager owns or manages or has owned or managed, that has been refused a licence by

a local housing authority or has had a licence revoked due to the breaching of the licence conditions.

e. Information about any property the licence holder or manager owns, manages, has owned, or managed that has been the subject of an interim or final management order under the Housing Act 2004, or of a Banning Order under the Housing and Planning Act 2016.

f. The property becoming empty for more than 3 months.

g. Notification of repossession/foreclosure.

h. Successful claims against the licence holder for default of tenancy deposits.

i. A change in managing agent or the instruction of a managing agent.

j. The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster.

19. Absence of the Licence Holder

The licence holder is required to have in place suitable emergency management arrangements in the event of their absence.

Should the Licence Holder be unable to fulfil the licence conditions he should appoint a person to manage the house during the period of the licence, he must:

a. Obtain from the manager a signed declaration identifying the licence conditions by which he agrees to be bound, and that the manager understands the consequences of failing to comply with the licence conditions;
b. Provide the Council a copy of the signed declaration within 14 days of the said change of circumstance.

20. Compliance inspections

The licence holder must arrange for access to be granted when requested by the Council at any reasonable time.

The Licence Holder must ensure that council officers are not obstructed from carrying out their statutory duties including inspecting and the surveying of the property to ensure compliance with licence conditions and relevant legislation.

[END OF CONDITIONS]

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Appendix 1 - USEFUL INFORMATION

1. Definition of terms

a) *"house"* refers to the building or such part of it as is licensed under Part 3 of the Housing Act 2004;

b) "*Licence Holder*" refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow.

c) *"Mandatory Licence Conditions"* refers to conditions that the Authority is obliged to impose under any licence granted under Part 2 or Part 3 Housing Act 2004 by virtue of Schedule 4 of Housing Act 2004.

2. Anti-social behaviour

For the purposes of the Housing Act 2004, antisocial behaviour means conduct on the part of occupiers of, or visitors to, residential premises –

(a) Which or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or

(b) Which involves or is likely to involve the use of such premises for illegal purposes.

Examples of ASB include:

Crime: tenants engaging in vandalism, criminal damage, burglary, robbery/ theft and car crime

Nuisance neighbours: Intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance. Tenants engaged in begging; antisocial drinking; street prostitution and kerb crawling; street drugs market within the curtilage of the property.

Enviro-crime: tenants engaged in graffiti and fly posting; fly tipping; litter and waste; drugs paraphernalia; fireworks misuse in and around the curtilage of the property.

London Borough of Brent – Anti-social Behaviour Team. Tel: 020 8937 2000

3. Advisory note on Fire Safety – Condition 15.1

a) The smoke alarms provided should be suitable for the type of property. When considering what smoke alarm installation may be appropriate, mains linked smoke alarms are preferred, but battery-operated smoke detectors to BS EN 14604:2005 may be provided to houses and purpose-built flats that are

not above commercial premises. For flats within converted buildings, hard-wired mains operated smoke alarms with battery back up to BS 5446 should be provided.

b) In determining adequate fire precautions reference should be made to the LACORS guidance: HOUSING – FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing.

4. The London Landlord Accreditation Scheme (LLAS) -

A partnership of landlord organisations, London Councils and university accommodation units who have worked together to set up a development programme which will provide you with the information necessary to improve your business. https://www.londonlandlords.org.uk/ Tel: 020 7974 1970

5. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

These Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at an interval of at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants, and to their local authority if requested.

- Read the Regulations
- Read the Explanatory Memorandum to the Regulations.
- Guidance to Landlords: https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector

The Electrical Safety Council –

The Electrical Safety Council (ESC) is an independent charity committed to reducing deaths and injuries through electrical accidents at home and at work. They are supported by all sectors of the electrical industry as well as local and central government and work to promote safety and good practice.

Web: https://www.electricalsafetycouncil.org.uk

ESC guidance to landlords on EIC Regulations 2020 Guidance for landlords

6. Gas safety – The Health and Safety Executive website

(www.hse.gov.uk/gas/landlords/index.htm) provides guidance in relation to gas safety. By law, you must repair and maintain gas pipework, flues and appliances in safe condition, ensure an annual gas safety check on each appliance and flue, and keep a record of each safety check.

7. Tenants Deposit Protection

The Tenancy deposit must be placed in a government-backed tenancy deposit scheme (TDP) if you rent on an assured short-hold tenancy that started after 6 April 2007. In England and Wales, your deposits can be registered with:

- Deposit Protection Service
- MyDeposits - including deposits that were held by Capita
- Tenancy Deposit Scheme

Web: https://www.gov.uk/tenancy-deposit-protection

8. Minimum Energy Efficiency Standard (MEES)

For licensable properties with a Property Energy Performance Certificate (EPC) Rating of less than 'E'.

Guidance - Private Rented Sector minimum energy efficiency standard exemptions - GOV.UK (www.gov.uk)

Register - https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Where there is a lack of compliance, enforcement may be taken under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

9. Landlord's guide to right to rent checks

This guidance advises a landlord, letting agent or homeowner how to conduct a right to rent check when letting privately rented accommodation. Landlords and letting agents must carry out right to rent checks on people before entering into a tenancy agreement with them to make sure they are allowed to rent.

https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks

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Appendix 8(a)

TERMS OF THE LICENCE

A. The licence and conditions relate only to the property described on the licence certificate.

B. A licence will not normally be granted or issued until the appropriate licence fee has been rendered (i.e., the granted date and subsequent issued date, will be different).

C. The licence may not be transferred into another person's name.

D. The licence is granted for the full term of the scheme from the date the licence comes in to force up until [insert end date], unless the following apply:

- The licence will cease if the licence holder dies whilst the licence is in force
- The licence may be revoked under section 93 of the Housing Act 2004

E. The licence will continue to be in force, even if the premises ceases to be used as a tenanted dwelling, unless a valid application is made for the licence to be revoked under section 93 of the Housing Act 2004 or on the Local Authority's own initiative.

F. In the event of the licence holder dying during the licence period, the licence will cease to be in force. In such cases, the property will then be treated for the period of three months (beginning from date of the licence holder's death) as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed.

Sections 86 and 91 of the Housing Act 2004 will apply.

G. With reference to paragraph 'F' above, at any time during the initial 3-month period, representatives of the deceased licence holder may request the local authority issue another temporary exemption from licensing, for a further 3 months after the date the initial period ends. Sections 86 and 91 of the Housing Act 2004 will apply.

H. You can obtain more information about this licence from the Licensing Team, Private Housing Services, 6th Floor, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ. Tel 020 8937 2384/5, Email prslicensing@brent.gov.uk .

Appendix 8(b)

Any other specific or general guidance and comment:

You will need to respond positively and appropriately to all the items listed below.

SCHEDULE OF SUPPLEMENTARY CONDITIONS

Housing Act 2004 section 90(2&3)

(Additional requirements specific to the property in relation to information/knowledge at the time of the application)

1.

2.

3.

- You will need to respond positively and in a timely fashion to any housing related enforcement notices, issued by the Council (especially with regards to any category 1 hazards identified at the premises).
- The property must not be considered to be in breach of the licensing conditions as prescribed by Schedule 4 of the Housing Act 2004 namely;
- Submission of a valid gas safety certificate if applicable
- Appropriate confirmation that the electrical appliances and furniture are maintained in a safe condition
- Appropriate confirmation that every electrical installation in the house is in proper working order and safe for continued use
- Appropriate confirmation of the condition and location of any smoke and carbon monoxide alarms installed within the accommodation
- Evidence of appropriate confirmation of occupiers being provided with a written statement of the occupancy terms [usually a tenancy agreement]

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Equality Analysis for Selective Licensing

Name of service change or function	Selective Licensing Scheme 2022
Directorate/Service	Resident Services: Housing Private Housing Services - Licensing
EA undertaken by/contact:	Tony Jemmott – PHS Licensing Manager Ext 2377
Version/Date:	V1.TJ – March 2023
Date of next review (if applicable)	

Introduction

The Public Sector Equality Duty (PSED), section149 of the Equality Act 2010 requires the Council to have "due regard" to its equality aims when exercising its public functions. Brent believes that an Equality Analysis (EA) is the best method to demonstrate compliance with the PSED.

Brent is one of the most diverse boroughs in the UK and to work effectively in such a diverse setting, we need to have a good understanding of all our communities and to apply an evidence-based approach to our decision-making processes.

This EA is informed by Brent Equalities profile 2020-21, the 2021 Census and other data sources about the demographic, diversity and socio-economic characteristics of the local population across the borough, including: age, sex, disability and long-term health conditions, ethnicity, religion or belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity and income status. We have benchmarked census data for Brent against England and Wales, London, Inner London and Outer London and data from other sources against London and Great Britain.

The current selective licensing scheme covering five wards was approved at the June 2017 Cabinet and came into force 1June 2018. The scheme will expire on 30 April 2023. A wider scheme approved by the October 2019 cabinet was not confirmed by the Government and therefore could not be introduced. EA were undertaken for both proposals, but it is felt that the impact of covid and the cost-of-living crisis are likely to have influenced the responses and it would be useful to assess an impact in relation to Brent equalities population.

Brent Equalities Objectives 2019-2023

Under the Equality Act 2010, we have a duty to develop and publish equality objectives and make sure that we can show how we can measure improvement over the next three to five years. We have set four equality objectives in order to achieve key equalities outcomes for those who live and work in Brent:

1. Understand the barriers to equality experienced in Brent and act to remove them
2. Provide accessible information and services that are tailored to peoples' needs
3. Tackle hate, harassment and victimisation
4. Lead the way in encouraging diversity to flourish in Brent

More information about our equalities objectives and about how we implement these is found in Brent Council Equality Strategy 2019-2023. We have gathered enviro-crime data from our council's recording databases, police recorded crime for Brent, household and property data from our own records, data from the latest English Housing Condition Survey reports and data from a Brent commissioned Housing Stock Survey reports 2019 and 2022.

The data in respect to equalities is considered in relation to licensing criteria of levels of anti-social behaviour (ASB) and poor property conditions, but we are also concerned about the other licensing criteria of high levels of migration, deprivation and crime. ASB and crime will include *hate crimes*. 2021 census data released so far will be used and where not released, there will be differences between these censuses information and data more recently collected by service areas. The EA has also been informed by the responses of our licensing public consultation carried out between 31 October 2022 to 23 January 2023.

Our most recent EA on licensing in the private rented sector was presented Brent Cabinet meeting dated 14 October 2019. We think that Census 2021 data would make minimum impact on the responses to the that EA. We will however be informed by the responses from our 2022-23 selective licensing public consultation to identify the potential/likely impact that our licensing scheme may have on people with protected characteristics, and to inform our action plan.

Stage 1 Screening Data
1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

The Council report is proposing that selective licensing is applied in two phases across all electoral wards in Brent, with the exception of the Wembley Park ward. The council recognises that much of the private rented sector in Brent offers good accommodation to people who want to live in the borough, but also that parts of the borough are badly managed, in poor condition, and in some cases, unsafe. The proposal to implement selective licensing is intended to improve the conditions in the private rented sector (PRS) and to enhance housing management standards. Extending selective licensing will give the Council additional powers to tackle anti-social behaviour and poor property conditions. Overall, if licensing is introduced, it will help the council to work with landlords, tenants and businesses, and with internal and external partners to drive up standards. In summary, we believe that property licensing will:

- Provide an improved strategic approach to managing the sector
- Help to identify all properties that are rented out privately
- Establish a register of landlords operating in Brent and ensure that they are "fit and proper" persons to manage rented properties
- 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 local licensing conditions as a minimum letting standard in Brent
- Redefine how the service operates by shifting the emphasis from a customer complaint-led, reactive service
- Reduce the levels of anti-social behaviour in the borough and take action against those whose properties or tenants cause persistent ASB
- Apply enforcement action to tackle those rogue landlords in the sector

If introduced the effect will be that landlords who rent or let any residential accommodation in any area designated for selective licensing in Brent must have a licence. Applications must be made to the Council and shall be accompanied by a licence fee. Licensing conditions will be applied to licences and compliance requirements will be enforced by the council. The draft licensing conditions are provided as an Appendix to the cabinet report. These conditions include,

- If gas is supplied to the house, to produce to the LHA annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
- To keep electrical appliances and furniture made available by him in the house in a safe condition; and to supply a declaration as to the safety of such appliances and furniture.
- Ensure that a smoke alarm is installed on each story of the house and to keep them in proper working order.
- Ensure that a carbon monoxide is installed in any room which is used as living accommodation and contains a solid fuel burning combustion appliance
- Supply the occupier with a written statement of the terms of occupation.
- Demand references from persons wishing to occupy the house.

Using a sample of properties that are known to have at least one serious housing hazard (Category 1, HHSRS) there are 10,108 private rented properties in Brent that are likely to have at least 1 serious housing hazard. PRS properties with serious hazards are distributed across the borough. Harlesden & Kensal Green (812) and Dollis Hill (796) have the highest number of properties with at least one Category 1 hazard.

ASB directly linked to PRS properties occurs across the borough. Over a 5-year period, **10, 398** ASB incidents have been recorded by the authority. Follow up investigations identify drug & alcohol related ASB (42%), noise (25%), Intimidation & harassment (14%), vehicle ASB (6%), other ASB (4%) graffiti & vandalism (3%) prostitution (2%) and rubbish and fly tipping (4%).

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

Private sector landlords and their tenants within the wards in scope will be directly affected by the proposals. We anticipate that the majority of residents will be positively affected by the proposal. Council employees will see an increase in their workloads and service growth benefits. The implications for staff will be considered as part of Council's internal policies and processes.

Landlords and Managing agents

In deciding whether to grant a licence, the council must consider whether the landlord (or the managing agent) is a 'fit and proper' person. The rules that must be followed in order to determine this are set out in section 89 of the Housing Act 2004. The local authority must have regard to any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed license holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices.

The Council can decide, following the appropriate checks, that the landlord is not 'fit and proper' and may therefore refuse to grant a licence. The local authority can also withdraw a licence after issue if the licensee is no longer considered a 'fit and proper' person. The landlord has the right to appeal against this decision.

The Council must also satisfy itself that the person to whom the licence is granted is the most 'appropriate' person – which could involve taking into account whether they have ownership or management responsibility for the property in question.

The Council must also confirm that there are satisfactory management arrangements in place regarding the property; in doing so, it must have regard to a range of factors including the competence of the manager; management structures; and soundness of the financial arrangements.

Licences are issued for a period of 5 years, although local authorities may issue licences for shorter periods where certain requirements have not been met. Landlords will be required to pay a licence fee.

Landlords operating a property in the designated area without a licence, or those landlords who fail to comply with any licence condition can be prosecuted and face unlimited fines or issued with Civil Penalties of up to £30,000.00.

Tenants and residents

Overall, tenants will benefit from an improvement in their property conditions and better standards of managing. Built into the licensing system is a rationale for elimination discriminatory practices by landlords. We recognise, however, that some landlords will seek to pass on licensing costs they incur to tenants and that this action which may result in some tenant displacement and landlords' claims for possession, through both legal and illegal means. Tenants might also potentially be affected due to enforcement actions against landlords of overcrowded properties. Every effort will be made to ensure that affected tenants are supported and signposted to relevant agencies.

Council employees

The local authority is also obliged to take reasonable steps to ensure that licence applications are made and dealt with without undue delay. Staff will also be required to carry to compliance and enforcement work. This will have staffing and financial resources implications.

3. Potential impact on equalities characteristics and groups

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

All groups who own, manage, or live in privately rented accommodation are likely to be affected. People of ethnic minority origin, single parents and young children and certain vulnerable people e.g., those with mental health, drug or alcohol addiction, low income or on state benefits, are key tenant groups and are therefore likely to be affected as they are over-represented in private rented sector, and notably in properties which are in poorer condition.

3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted

Given the population demographics in Brent, the proposal will have an impact on some equality groups such as age, gender, race and disability. Nationally over 20% of renters are families with children. Further detail is available below in the second part of the EA.

3.3 Would the proposal change or remove services used by vulnerable groups of people?

No services will be removed, but we will be significantly upscaling the service offer to single-family vulnerable renters and proactively inspecting their homes. Renters will need access to further housing needs advice agencies.

3.4 Does the proposal relate to an area with known inequalities?

Yes – There are known health and socio-economic inequalities in the UK private rented sector with further evidence of highest rents and poorest housing in the PRS. Nationally, tenants are more likely to be on low incomes, and earnings are typically more than 40% of the tenant's gross income, (English Housing Survey). More than 30% of homes are in poor condition (classified as non-decent) which is higher than the national PRS averages (21%) in the owner-occupied (16%) or social rented sector (13%). There is a strong correlation between poor quality housing and fuel poverty. Category 1 housing hazards are distributed across the borough, representing 18% of Brents PRS. 21 of 22 wards have Category 1 levels above the national average (12%).

According to the Equality Profile for Brent 2020-21, around one in seven Brent residents have a long-term health problem or disability that limits their day-to-day-activities in some way. The prevalence of disability rises sharply with age: more than half of all residents aged 65 and over had a long-term health problem or disability.

Data clearly shows that concentrations of low-income households are found towards a central strip of Brent running from parts of Welsh Harp ward towards the north to Harlesden in the south. The highest levels overall are found in Harlesden, Stonebridge and Kensal Green.

Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%) and the 4th highest number of private landlord possession claims in London, with 2,399 in 2019 (MoJ).

Brent has above average rents for London, with 53% of median earnings used to pay rent and the 12th highest numbers accepted as being homeless by London boroughs in 2017/18.

In terms of deprivation, Brent ranks as the 49th most deprived borough in England out of 317 (IMD 2019). Brent has a mixture of high and low deprivation wards with 16 of 22 wards having an aggregated IMD ranking below the national average.

3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

Yes - Many tenants are reluctant to ask for repairs or complain for fear of eviction. Built into the licensing system is a rationale for improving poor housing conditions, for proactive inspections and for the elimination of discriminatory practices by landlords.

3.6 Does the proposal relate to one of Brent's equality objectives?

Yes, it relates to all four of Brent's Equality objectives already listed in introduction above.

Recommend this EA for Full Analysis?

No – A full EA was undertaken in 2019, this is still very much valid and as such, an update of the population profiles following the 2021 Census, understand how Covid-19 and the cost-of-living crisis might have adversely affected protected characteristics, and an update of the action plan is felt to be necessary.

4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.

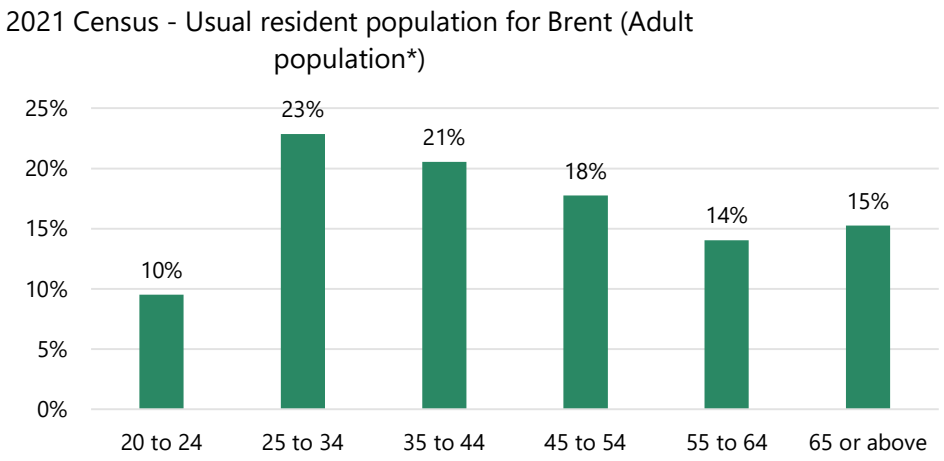
Stage 2: Analysis

5. What effects could your policy have on different equality groups and on cohesion and good relations?

5.1 Age *(select all that apply)*

- [x] Positive
- [ ] Neutral
- [ ] Negative

Figure 1 – Brent Age profile (Census 2021)



*Please note that the Census figures are the percentage of the adult population (percentage based on figures with ages 0-19 removed)

Brent's private rented sector has grown considerably in recent years, from 32% (2011) to 46% (2022) and this is expected to continue. There are 127,378 residential dwellings in Brent, 58,105 of which are rented privately.

In the next twenty years, the Brent population is expected to grow from currently 339,*771 (Source: Census 2021,)* the 5th most populous London borough to 395,800 in 2038 – a rise of 15% and an additional 56,000 residents. International migration has risen from a net inflow of 2,797 in 2011 to an inflow of 3,337 in 2021.

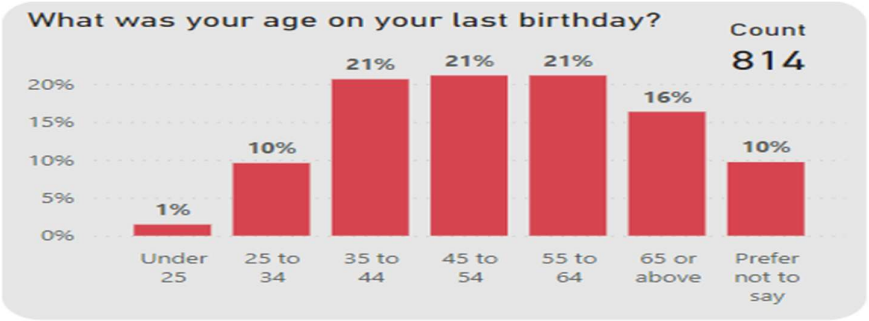
From Census 2021 in Brent, there has been an increase of 20.9% in people aged 65 years and over, an increase of 9.2% in people aged 15 to 64 years, and an increase of 2.8% in children aged under 15 years.

In common with other London Boroughs, Brent has a relatively young population. Between the last two censuses, the average (median) age of Brent increased by three years, from 32 to 35 years of age. This area had a similar average (median) age to London as a whole in 2021 (35 years) but a lower average (median) age than England (40 years).

The proposal to continue selective licensing is intended to enhance housing management standards in the private sector in compliance with the Housing health and safety rating system (HHSRS) standards, which will have a positive impact on all age groups. Vulnerable age groups will particularly benefit from health intervention e.g., damp and mould, infections, reduction of falls as well as the requirements around excess cold, which can cause or exacerbate poor health.

2022 C**onsultation Questionnaire: Age Group what was your age on your last birthday?**

Figure2 - Brent Licensing Consultation 31 Oct 2022 – 23 Jan 2023



The expectation is that residents, landlords and stakeholders 18 and over were likely to respond to the consultation. The age groups of 35 to 44, 45 to 55 and 55 to 64 were evenly represented by the respondents, with each group making up 21% of respondents.

The age groups of 55 to 64 were overrepresented in the consultation. The 25 to 34 age group is underrepresented at 10% compared to the Census figure of 23% for that age group in the London Borough of Brent.

We have noticed that under 34-year-olds were also underrepresented in the 2017 and 2019 EAs at 16%. Additional publicity was applied to the Wembley Park ward, where there is a high proportion of this age group, including students. The proposal to exclude the Wembley Park area from licensing is likely to have impacted on the response rate of these residents.

Gender of respondents

Figure 3 - All Respondents

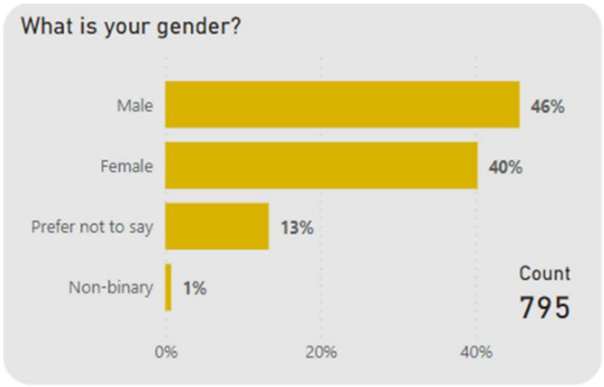
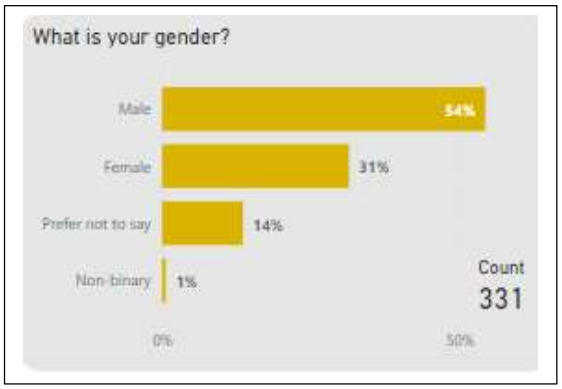


Figure 4 – Landlords and Agents



93% of respondents chose to respond to this question. The highest proportion of responses were from male respondents. A proportion (13%) of those who answered the question gave the response of "Prefer not to say".

According to the 2021 Census, the population of Brent is 51% female and 49% male, therefore male respondents are slightly overrepresented, and female respondents are underrepresented in the consultation.

However, the 2022 survey results above show that adequate percentages of male (46%) and female (40%) of all respondents, and similarly for the resident group/local business group responded to the survey. As the group, the landlord response men (54%) and women (31%) show the greatest variation from the overall borough demographic for the gender characteristic. There is no data on the gender breakdown of those living in the PRS in Brent.

There is insufficient data available to measure accurately the potential impact of the proposal on gender. However, one of the aims of discretionary licensing is to tackle antisocial behaviour, which is likely to have a positive impact on both genders, particularly for women and girls. Both sexes are likely to benefit from improvement in the PRS. There were no comments made during the consultation with particular reference to gender.

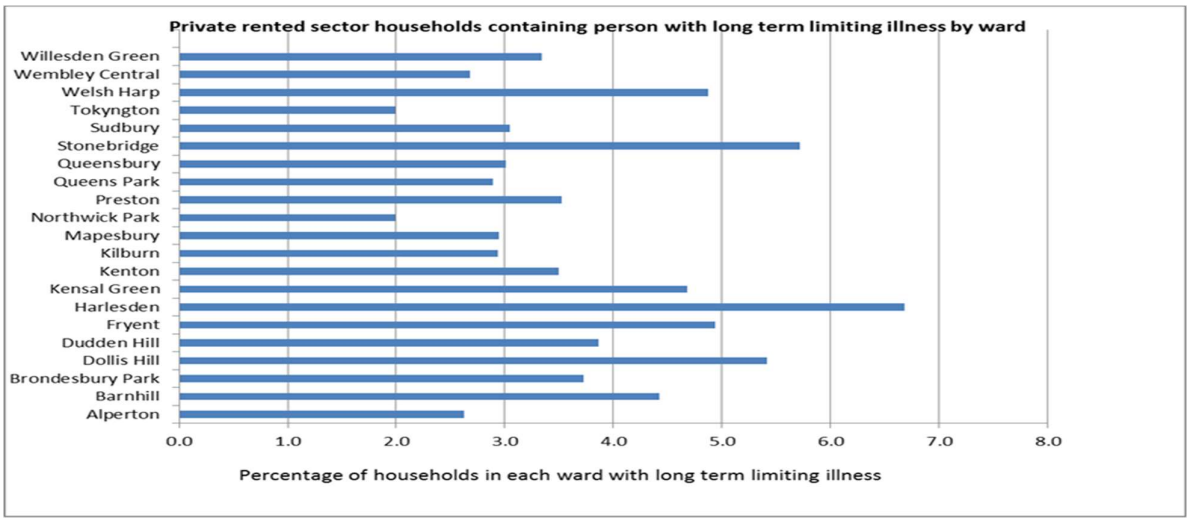
There was active female presence in the Brent Landlord forums 14 December 2022 and 11 January 2023, at the drop-in sessions, and at the tenants representative group meetings where the licensing proposals were consulted upon.

5.2 Disability *(select all that apply)*

- [x] Positive
- [ ] Neutral
- [ ] Negative

The Equality Act defines disability as a physical or mental impairment that has a "substantial and long-term adverse effect" on the ability to carry out normal day-to-day activities. Figures from the latest census of England and Wales show 41,163 people in Brent said they had such an impairment as of March 2021 – 14.7% of the Brent's population. Of these people, 22,103 (7.6%) said their disability stopped them from carrying out regular activities 'a little', while 19,060 (7.1%) said it did so 'a lot'. The figures on disability in Brent's PRS is from 2011 census and based on the old ward boundaries.

Please give details: Figure 5: Disability

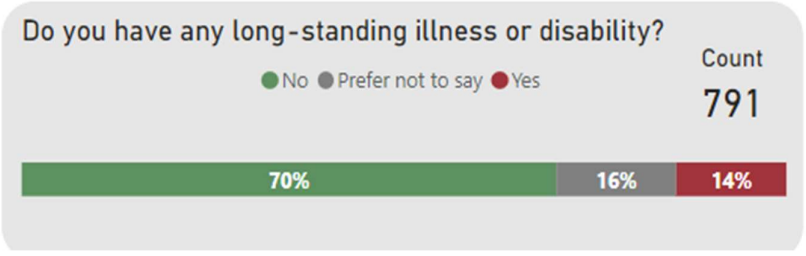


The above chart in Figure 5 details the disability profile in the PRS by ward, showing that there are higher proportions of PRS households comprising disabled tenants in Harlesden, Stonebridge and Dollis Hill wards.

Long standing illness or disability of respondents

Respondents were also asked if they had a long-standing illness or disability. 93% of respondents chose to respond to this question. Figure 6 above shows that the disability profile of residents is broadly reflective of the borough disability profile of 14.5%.

Figure 6. Brent Licensing Consultation 31 Oct 22- 23 Jan 2023)



14% of the respondents to the question said they have a long-standing illness or disability, which is comparable with the combined figures of 7.1% of people in Brent who are disabled under the equalities act and their day-to-day activities are limited a lot, and the 7.6% of Brent who are disabled under the equalities act and their day-to-day activities are limited a little (figures from 2021 Census).

When 14% of all respondents is broken down by groups, landlords and agents (9%), other stakeholders (14%), and residents/local business at (19%). The residents/local business is higher than the London average (16%), but similar to the national average (20%).

One of the potential outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the needs of disabled people including information on the availability of Disabled Facilities Grant. Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System in terms of reasonable adaptations, reducing trip hazards and falls, personal hygiene and sanitary facilities, as well as the requirements around excess cold which can cause or exacerbate poor health. Disabled adaptations of not measures that private landlords are able or willing to undertake.

5.3 Sexual orientation and gender identity (*select all that apply*)

- [x] Positive
- [ ] Neutral
- [ ] Negative

The 2021 census was the first to ask questions about sexual orientation and gender identity in Brent. While the census figures provide important new intelligence about Brent's adult LGBTQ+ population, it is likely the figures didn't capture the entire LGBTQ+ population as the questions were voluntary, directed towards over 16s, and had a high "not answered" rate.

Figure 7: Brent Population by sexual orientation, Census 2021

Population by sexual orientation, 2021				
% totals	Brent	London	England & Wales	Brent rank*
Population aged 16+	100.0%	100.0%	100.0%	
Straight or heterosexual	85.1%	86.2%	89.4%	312
All LGB+	3.2%	4.3%	3.2%	71
- Gay or Lesbian	1.3%	2.2%	1.5%	140
- Bisexual	1.3%	1.5%	1.3%	75
- Pansexual	0.5%	0.4%	0.2%	12
- Asexual	<0.1%	<0.1%	0.1%	284
- Queer	<0.1%	0.1%	<0.1%	57
- Other orientations	0.1%	<0.1%	<0.1%	2
Not answered	11.7%	9.5%	7.5%	4
% totals (base: those who answered the question only)				
Straight or Heterosexual	96.4%	95.3%	96.6%	270
All LGB+	3.6%	4.7%	3.4%	62
Source: 2021 census (Table TS079)				

The percentage of adult residents who identified as LGB+ in Brent was the same as the average across England & Wales (3.2%), though lower than the London average (4.3%). Brent had the 4th highest non-response rate (11.7%) in England & Wales. Of those who answered the question, 3.6% of Brent residents identified as LGB+ compared with 4.7% across London, and 3.4% across England & Wales.

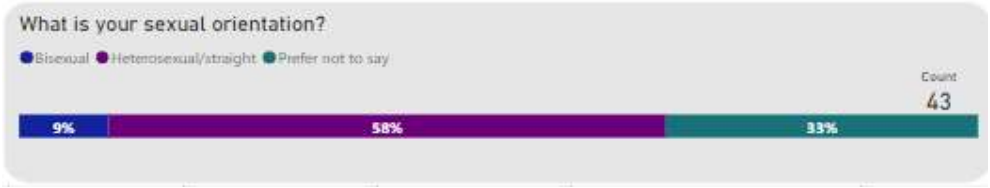
The 2020 GP Patient Survey found that 4% of Brent adults surveyed identified as Lesbian, Gay, Bisexual (or 'Other'). The GP Survey is one of the few sources that provides Borough level data and tends to provide slightly higher estimates compared with other sources.

Stonewall research has found that many LGBT people of all ages experience homophobic harassment and violence in their neighbourhood. Someone may know or suspect their sexuality. Harassment can include name-calling, graffiti, and criminal damage and over time even seemingly small incidents can cause extreme distress and fear, with people often too frightened to leave their own home.

Results of the consultation relating to Sexual Orientation

Respondents were also asked their sexual orientation. 89% of respondents chose to answer this question. The largest proportion of responses were from people who identified as heterosexual / straight. A large portion of respondents, 32%, gave the responses "prefer not to say".

Figure 8: What is your sexual orientation



For clarity, the consultation survey respondents responses were:

Sexual orientation	Percentage (Consultation response)
Straight or Heterosexual	61.4%
Prefer not to say	32.4%
Gay man	2.5%
Bisexual	2.2%
Lesbian	0.8%
Pansexual	0.1%
Asexual	0.1%
Queer	0.1%
Irrelevant / none of your business	0.2%

When compared with Figure 7, straight / heterosexual respondents are underrepresented by the consultation responses (61% compared to 85% according to 2021 Census). Gay and lesbian respondents were slightly over presented, as were bisexual respondents.

Gender Identity

Relative to other areas, Brent has a large transgender population: 1.3% of residents in Brent identified as transgender, compared with 0.9% across London and 0.5% across England & Wales. Brent had the second highest rate in England & Wales, after Newham (1.5%). Brent had the highest non-response rate in England & Wales. In Brent, 10.1% of respondents chose not to answer compared with 7.9% across London, and 6.0% nationally. Of those who answered the

question, 1.5% of Brent respondents identified as transgender compared with 1.0% across London, and 0.6% across England & Wales.

Gender reassignment in Brent

Those identifying as transgender are represented in all age groups though in general, the transgender population has a slightly younger age profile when compared to the population generally. The percentage who were transgender was highest among the 35-44 age group (1.7%) and lowest among those aged 75 and over (0.6%). Nationally, the relationship between age and trans identity was more pronounced than in Brent, with the highest rates among the 16-24 year olds. By sex, those who identified as male were more likely to identify as transgender than those who answered female to the census sex question (1.5% of males vs. 1.1% of females). The Brent transgender population comprised 55.4% males and 44.6% females. Nationally, the ratio was around 50:50 (50.1% male and 49.9% female).

Figure 9: Brent Adult population by gender identity, census 2021

Adult population by gender identity, 2021				
% total	Brent	London	England & Wales	Brent rank*
Population aged 16+	**100.0%**	**100.0%**	**100.0%**	
Gender identity the same as sex at birth	88.6%	91.2%	93.5%	330
Gender identity different from sex at birth	1.3%	0.9%	0.5%	2
- No specific identity given	0.7%	0.5%	0.2%	2
- Trans woman	0.2%	0.2%	0.1%	3
- Trans man	0.3%	0.2%	0.1%	1
- Non-binary	0.1%	0.1%	0.1%	114
- Other identities	<0.1%	<0.1%	<0.1%	49
Not answered	10.1%	7.9%	6.0%	1
% totals (base: those who answered the question only)				
Gender identity the same as sex at birth	98.5%	99.0%	99.4%	330
Gender identity different from sex at birth	1.5%	1.0%	0.6%	2
Source: 2021 census (Table TS070)				

5.4 Ethnic Origin

According to the latest 2021 census, the population in Brent is predominantly white (34.6%), with non-white minorities representing the remaining 65.4% of the population. Asian people were the largest minority group in Brent. In England more broadly the portion of the population that is white is 81%. 10% are Asian and 4% are Black.

Population by race in Brent, 2021 census

- White - 117,701 people or 34.6%
- Asian - 111,515 people or 32.8%
- Black - 59,495 people or 17.5%
- Other - 33,861 people or 10.0%
- Mixed - 17,249 people or 5.1%

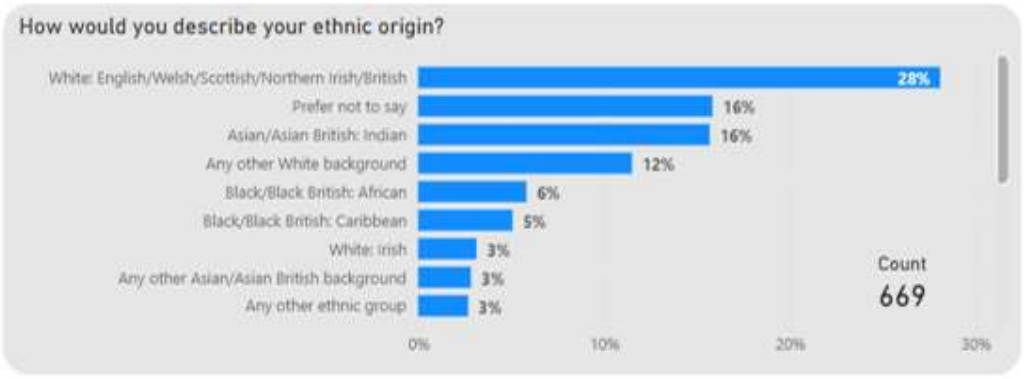
Results of the 2022 consultation relating to ethnic origin

Respondents were asked “How would you describe your ethnic origin?”. Figure 10, overall, 669 (78%) of respondents chose to respond to this question. The largest group were people of White

British ethnic origin (28%), which is above the borough's demographic figure of 15.2%. However, any other white background (12%) is slightly under the borough figure of 15.9%. The proportion of respondents of Asian/Asian British: Indian ethnic origin (16%) is slightly below the borough figure of 19.5%.

The proportion of black / black British: African (6% of respondents vs 9.1% of the borough), black / black British: Caribbean (5% of respondents vs 6.3 of the borough), Asian / Asian British: Pakistani (2% of respondents vs 4.5% of the borough) and other Asian / Asian British background (3% of respondents vs 7.2% of the borough) are below the borough figures.

Figure 10: Ethnic origin - all respondents



Figures 10.1 and 10.2 gives the residents and landlord groups responses which when compared with census 2021 are generally over the borough figures for Asian and black group types.

Figure 10.1 Ethnic origin - residents/local businesses

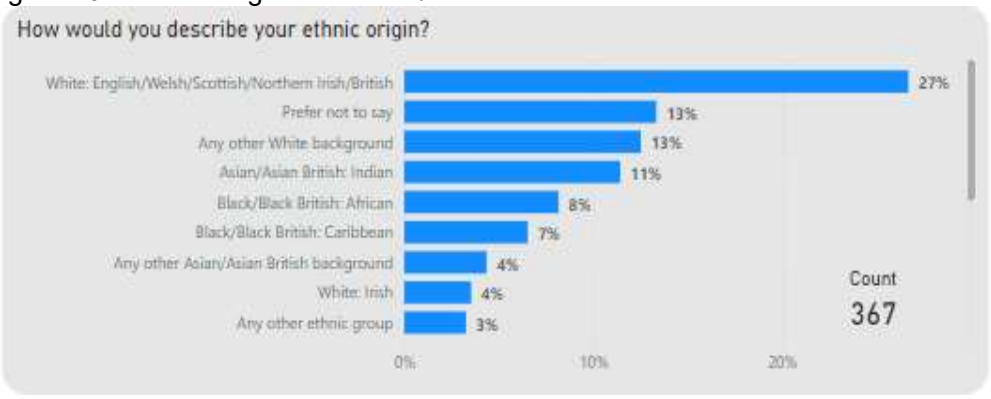
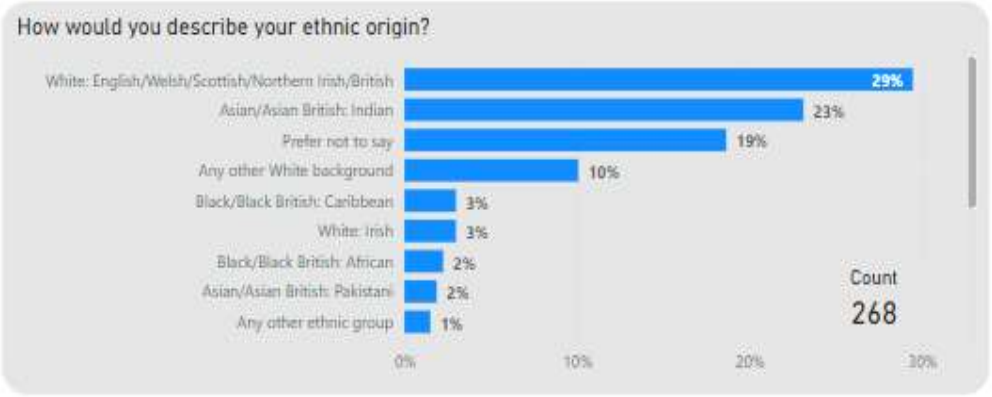


Figure 10.2 Ethnic origin – landlords and managing agents



5.5 Religion or belief (select all that apply)

- [x] Positive
- [ ] Neutral
- [ ] Negative

According to the latest 2021 census, the most populous religious group within Brent is Christians, accounting for 38.8% of the population. Brent has a Muslim population of 72,574 which is 21.4% of the population. Compared to England as a whole, in England circa 46% of the population is Christian, 7% is Muslim, 2% is Hindu, and Buddhists, Sikhs and Jews each is around 1%. The remainder is split between people with no religion and those who decided not to identify a religion.

Religious groups in Brent, 2021 census

- Christian - 131,916 people or 38.8%
- Buddhist - 3,117 people or 0.9%
- Hindu - 52,877 people or 15.6%
- Jewish - 3,723 people or 1.1%
- Muslim - 72,575 people or 21.4%
- Sikh - 1,530 people or 0.5%
- Other - 74,084 people or 21.8%

Figure 11: What is your religion or belief? (Grouped Responses)

From Figure 11, overall, Christian, Hindu and Muslim (Fig 11.1) seem to be well represented in the survey compared to the Borough profile. Christian and Muslim landlords (Fig 11.2) also seem to be under-represented, while Hindu landlords match the borough profile figure. It should be noted, however, that the percentages of those who preferred not to disclose their religious beliefs are very high.

There is insufficient data available to measure accurately the potential impact of the proposal on religion or belief. However, one of the aims of selective licensing is to tackle antisocial behaviour, including hate crime and incidents and this is likely to have a positive impact on this characteristic. There were no direct comments made in relation to religion or belief.

Results of the 2022 consultation survey regarding religion

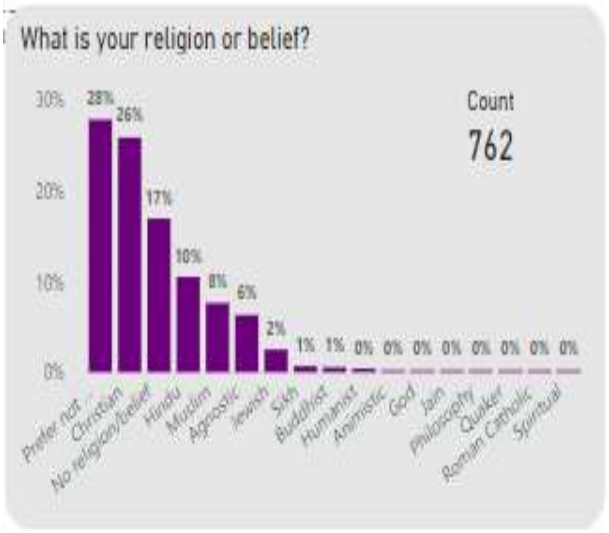


Figure 11.1 - All respondents

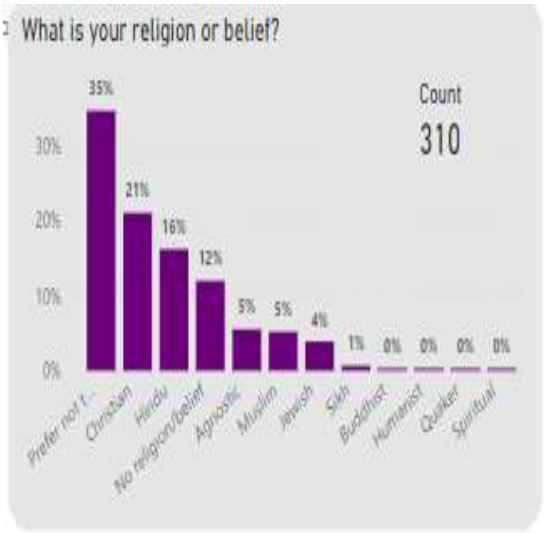


Figure 11.2 - Landlord and Managing Agents

5.6 Other (please specify)

Socio-economic disadvantage

- [x] Positive
- [ ] Neutral
- [x] Negative

Please give details:

Socio-economic status of the local area

Deprivation: The Indices of Deprivation 2019 (ID2019) are the primary measure of deprivation for small areas or Lower layer Super Output Areas (LSOAs) in England. The indices were published by the Ministry of Housing, Communities & Local Government (MHCLG) in September 2019 and replace the 2015 indices.

- Brent ranks (Rank of average rank) as the 49th most deprived borough in England out of 317. Brent has a mixture of high and low deprivation wards. 16 of 22 wards have aggregated IMD rankings below the national average.
- 5% of the LSOAs in Brent are in the most deprived 10% nationally, compared to 8% of LSOAs in 2015.
- The most highly deprived areas in the borough are concentrated in Stonebridge and Harlesden. Brent has one LSOA that is within the 5% most deprived in England, and this is located in north Stonebridge.
- 19% of the borough's 173 LSOAs are in the most deprived 20% of LSOAs in England.
- The least deprived areas in the borough are located in the northwest, in the wards of Kenton and Northwick Park.

The Barriers to Housing and Services Domain measures the physical and financial accessibility of housing and local services. The borough is highly deprived on this domain.

- Stonebridge ward is ranked as second most deprived ward in England.
- 12 of the 21 wards in Brent are in the 5% most deprived wards in the country
- Other London boroughs are also ranked in the most deprived nationally on this domain. On the average score measure, Brent is ranked third most deprived nationally, below Newham and Barking & Dagenham.

Fuel poverty: A household is considered to be fuel poor if they have required fuel costs that are above average (the national median level), and, were they to spend that amount, they would be left with a residual income below the official poverty line. The fuel poverty score was produced by the Department for Business, Energy & Industrial Strategy using 2019 data and published in 2021. Over the next 12 months these figures are likely to change significantly as a result of acute fuel price increases. Notwithstanding, Brent has a higher proportion in fuel poverty (17.3%) than the national average (13.8%).

The Minimum Energy Efficiency Standard (MEES): The MEES regulations came into force in England and Wales on 1 April 2018. The regulation applies to PRS properties and mandates that all dwellings must have an EPC rating of E and above to be compliant. It has been calculated using the matched addresses that 12.2% of PRS properties in Brent have an E, F, and G rating. Extrapolated to the entire PRS, 755 PRS properties are likely to fail the MEES statutory requirement.

The Government has pledged to reduce energy consumption from building by 15% by 2030, with aspirations for properties to have a minimum EPC rating of C by 2025. Under current regulations

landlords are not expected to spend more than £3,500 on upgrades to meet the requirements of a rating of E. However, proposed changes could see all rental properties requiring an EPC of C by 2028, and a potential increase to this cap of £10,000, meaning landlords would be required to spend more to meet minimum requirements.

Rents and affordability: Considering the average (median) earnings for one-bedroom dwellings as a proportion of median rents. Brent has above average rents for London, with 53% of median earnings used to pay rent. The London average is 47.9%. (VAO Statistics PRS Market 2018)

Residential property crime (burglary): Between April 2021 and March 2022, 1,534 burglaries were reported to the Metropolitan Police across London, averaging (mean) 47.9 per London borough. 65 burglaries (4th highest) were reported in Brent for the same period. (MPS Crime data 2022)

Homelessness

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.

As of 22 July 2022, 3,073 households are in Bands A-C minus on the Housing Register (those who meet the criteria of the Council's Allocation Scheme to be awarded reasonable preference on the Housing Register). Brent has had one of the largest temporary accommodation portfolios in the country for many years. As of 31st August 2022, Brent Council reports to have 1,703 households in Temporary Accommodation, a total reduction of 27% since 2018. In 2021/22, 283 individuals were recorded rough sleeping in Brent, a 24% decrease on figures from 2020/21. Brent is taking a range of actions to address demand arising from homelessness and reduce reliance on temporary accommodation.

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 Councils 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.

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.

Brent has the 4th highest number of private landlord possession claims in London, with 2,399 in 20197 (Figure 6). The average number of claims for London boroughs during this period was 1,224. (Source MOJ 2019)

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.

Findings from the Brent Consultation in respect of homelessness

Several submissions and groups raised concern about the impact of licensing on homelessness, on one hand that homelessness might increase, especially among people with protected characteristics, but as a counter-position, that the schemes will provide better protection for tenants.

There were calls for the Council to indicate how tenants and landlords will be supported, and to provide reports on the achievements of the scheme against set targets.

One of the proposed changes set out in the Renters Reform Bill, and reaffirmed in The *A Fairer Private Rented Sector* White Paper is to abolish section 21 eviction notices. The abolition of section 21 would put an end to so-called "no-fault evictions", and instead transition assured and assured shorthold tenancies to periodic tenancies, as part of the on-going project to create longer tenancies. Once section 21 is abolished the government has also proposed strengthening the grounds for possession under section 8 of the Housing Act 1988.

Landlord and tenant organisations have voiced their views on the impact of the particular sectors. Landlords warning of "serious dangers" to the supply of rental housing for vulnerable tenants on the one hand and others feeling that the reforms will give better protection for tenants against eviction. Our consultation views sought that s21 was properly considered by the Council.

6. Could any of the impacts you have identified be unlawful under the Equality Act 2010? Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.

- ○ Yes
- ◉ No

7. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal.

1. The 2021 Census provides valuable information regarding Brent's population
2. A Licensing consultation was undertaken with resident, tenants and businesses, landlords and managing agents, and other stakeholders including with neighbouring boroughs for between 31 October 2022 and 23 January 2023.
3. Brent Council Open datasets 2021
4. Private Rented Sector: Housing Stock Condition and Stressors Report, Metastreet, October 2022
5. English Housing Condition Survey: Headline Report 2021
6. Housing Act 2004, HHSRS Operating Guidance 2006
7. Cost of poor housing, BRE Group 2021

What did you find out from consultation or data analysis?

See above. The relevant findings from the research, consultation and data analysis have been presented in the individual sections for each protected characteristic, including socio-economic status.

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?

Yes. The respondents to the questionnaire and those attending the forums and drop-in sessions were diverse by area, tenure, age and ethnicity – and so the meetings (taken together) were broadly representative of Brent residents

How did your findings and the wider evidence base inform the proposal?

The findings assist in informing the scheme objectives.

Conclusion

This analysis has concluded that, overall, it is anticipated that licensing is likely to bring about positive benefits to groups with protected characteristics, particularly those who are disadvantaged and who have little or no choice but having to rent in the private sector.

The key purpose of the scheme is to reduce antisocial behaviour and improve property conditions. Addressing these criteria will have an impact on reducing the level of deprivation, which will benefit residents across all protected characteristics and particularly more vulnerable groups. Vulnerable groups will also benefit from overall improvements in management standards due to the ability of the council to better identify those properties that are being rented privately and the improved ability to enforce standards across the sector.

In particular, BAME groups, families with young children, disabled residents and vulnerable adults will benefit from better enforcement of licence conditions and of the Housing Health and Safety Rating System standards. All groups will benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers. Information would relate to such matters as changes in the law affecting the PRS, energy efficiency measures and grants availability, information on local organisations and agencies which may be able to provide support.

The Equality Analysis has identified some potential for adverse impacts, particularly for lower income groups, if landlords decide to increase rents, young people, lone parent households' tenants may be particularly affected by this. However, based on our experience of licensing over the past 5 years and that of other Councils who have introduced licensing, we do not believe that licensing in itself should result in the need for landlords to increase rents.

There is an increased threat of homelessness for some residents should landlords decide to withdraw from the private renting sector altogether. To mitigate this, the proposal tries to minimise the cost of licences, including offering a discount for certain accredited landlords and to minimise bureaucracy.

It is proposed that a major publicity campaign is launched when licensing is introduced to make tenants and landlords aware of their rights and obligations and what tenants can do if they are threatened with eviction. Specific actions are set out in more detail in the action plan below.

If selective licensing is continued, it is intended to enforce the scheme robustly; to closely monitor the situation on an on-going basis and carry out periodic reviews. Overall, it is felt that the benefits

to groups with protected characteristics of this initiative will outweigh any potential negative impact.

Outcome of Analysis

The Equalities Analysis has allowed for an update of our action plan based on the fresh consultation 2022/23 and census 2021 Brent profiles. However, we do not envisage any significant change to the impact of the proposals on the "*Equalities"* characteristics of people in Brent. The responses and concerns raised in the 2022/23 consultation as well as the action and initiatives to address them are provided in the Stage 3: Action Planning tables below.

STAGE 3: ACTION PLANNING

This section details the responses and concerns raised as part of the consultation that relate to specific protected characteristics. It also outlines the proposed actions and initiatives that will be put forward to address these.

Equality Characteristic: Age
How Age was considered as part of the consultation process We know that people in the 24-34 and 35-44 age groups are over-represented in the PRS in Brent. Older people, typically over 65s will be less able to use online technology. To ensure maximum engagement leaflets were sent to all households. All licensed landlords were contacted via mail outs. All email and social media channels were used to target all groups; this method would especially reach younger people who are very familiar with social media. ***Consultation Participants by Age*** Figure 2 compares the respondents' age groups with their respective borough averages. Overall, the consultation was successful in reaching the landlords and residents groups, these being people most impacted by selective licensing.

What is the proposal's impact on the equalities aims? The proposal will potentially benefit all age groups. All properties that are granted a licence are expected to comply with the Housing Health and Safety Rating System standards (HHSRS) and the licensing conditions. This system includes reducing trips, slips and fall hazards which will be particularly relevant for older people who are more likely to suffer a serious injury from a fall. The HHSRS "most vulnerable group" considers the age demographic.	**What actions can be taken to remove or reduce the potential negative impacts that have been identified?** • Licensing will work with landlords and liaise with Temporary Accommodation teams **What actions can be taken to enhance the potential positive impacts that have been identified?** • PHS will develop a PRS tenant's newsletter on our website • Report on category 1 hazards where the property is occupied by most vulnerable person (MVP) **Explanation how any remaining negative impacts can be justified?** N/A
Comments received from consultation relating to Age Landlord may have difficulties accepting single homeless and young vulnerable people tenants because of some licence conditions e.g., references, ASB history	***Council's response*** Licensing will work with landlords and liaise with Temporary Accommodation teams

Characteristic: Disability	
How Disability was considered as part of the consultation process The consultation ensured that information was available online and that people to call up the licensing team to get help with request. Information was available in accessible format. Drop-in sessions, Zoom and MS Teams were used to engage with customers. ***Consultation Participants by Disability*** The open questionnaire consultation results give the results regarding long-standing illness or disability.	
What is the proposal's impact on the equalities aims? People suffering from a disability or mental health are more likely to be perpetrators or victims of ASB and live in poor housing conditions. People with disabilities may feel vulnerable to retaliatory practices which will mean that they may be less likely to complain to the Council. Figure 5 shows the wards where a long-term health problem or disability is highest. From the consultation 19% of residents and 9% of landlords had a long-term health problem or disability. The Council will be able to more accurately identify properties where landlords would qualify for grants to benefit older residents with disabilities. As part of the licensing proposal, it is intended to promote energy efficiency, for example, by requiring up to date EPCs and raising awareness of energy efficiency and how to reduce fuel poverty. We expect our older residents to benefit from this since national statistics show they are more likely to suffer from fuel poverty.	**What actions can be taken to remove or reduce the potential negative impacts that have been identified?** If Licensing is extended Brent Council will: • Assist tenants with legal advice and signpost them to relevant support services available to them • Provide information and advice on adaptations and grants available to fund these • Provide communication with and support provided to tenants with Learning Disabilities, Mental Health needs, • Analyse the disability response by tenant age **What actions can be taken to enhance the potential positive impacts that have been identified?** If Licensing is extended Brent Council will: • Give advice to landlords and tenants on the services that are available across the borough for vulnerable residents. This will particularly benefit people with learning disabilities or dealing with substance/alcohol misuse or needing physical adaptations **Explanation how any remaining negative impacts can be justified?** *N/A*
Comments from consultation relating to disability "Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse". (PropertyMark)	***Council's response*** • The licensing conditions proposal sets out some actions which landlords must take to address ASB. We accept that where tenants have mental health issues that we must take this into consideration and additional support may be needed. • If Licensing is introduced, the scheme and this EA will be reviewed at least annually • We will continue to promote our information to landlords and tenants about disabled adaptations

	These support mechanisms will need to be funded by other means and we will be looking at our relationship with internal teams e.g., Housing Needs, Adult Social Care and with our Legal Partners as well as voluntary agencies such as Brent CAB and Shelter UK

Characteristic: Race	
How was race considered as part of the consultation process Ethnicity groups are represented in the private rented sector in Brent. The multi-channelled communications strategy was designed to reach all groups, including ethnic minority groups Licensing staff at the drop-in sessions and on telephone speak a variety of languages spoken in Brent. ***Results of the consultation relating to race*** The results of the consultation compare favourably with the borough averages for the race characteristic. The table shows that white and BAME groups responded to the consultation. A significant proportion of landlords and managing agents are of ethnic origin	
What is the proposal's impact on the equalities aims? Licensing has the potential to drive up standards which will benefit new / emerging communities and minority ethnic groups as they are over-presented in the PRS, and notably young people under 18s, large families and families with children under 5s. These groups are also likely to be vulnerable, on low income and may be attracted to properties which are in a poorer condition. 52% of Brent population were born outside the UK, the highest in England and Wales JSNA 2019-20	**What actions can be taken to remove or reduce the potential negative impacts that have been identified?** • The Landlord Focus Group to look at issues and support for vulnerable and other tenants. Particular efforts will be made to include BAME landlords. • We will review and improve our landlord training provision **What actions can be taken to enhance the potential positive impacts that have been identified?** Undertake compliance checks within the licence period. This would be helpful for people where English is not their main language to ensure that their tenancy management is adequate.

149 languages are spoken in Brent. In 1 in 5 households nobody speaks English as their main language. Licensing will help landlords in understanding their responsibilities and assist tenants in understanding their rights.	**Please explain how any remaining negative impacts can be justified?** Licensing is likely to see an increase in enforcement action against BAME landlords. Landlord training and accreditation will continue to be made available to landlords. Enforcement will be in line with our private housing enforcement policy, where possible using civil penalties as an alternative prosecution.
Comments from consultation relating to race There were no specific comments made in relation to race or ethnicity.	***Council's response***

Characteristic: Socio-economic status	
How was Socio-economic status considered as part of the consultation process (Source: Brent Responsible Growth Strategy (RGS): Economy (2018-2038) Brent is one of the most diverse local authorities in the UK, Brent has the second largest working age non-UK population in London. The consultation was designed to reach the widest target groups and to enable people on low incomes and those socially marginalised to be able to take part in the consultation. The consultation targeted businesses and business groups. Data from income, employment, education, health, crime, barriers to housing and living environment are all used to measure levels of deprivation. ***Results of the 2016 consultation relating to Socio-economic status*** The consultation asked certain questions relating to the Socio-economic status of the local area. The responses drawn were: Numbers of respondents said that deprivation and inequalities would get worse if licensing was stopped	
What is the proposal's impact on the equalities aims? The setting of fees, licensing conditions and enforcement will have an economic impact on landlords In addition to having to pay for their property licences, landlords my need to carry out repairs to their rented properties as well as to take steps to improve their management skills.	**What actions can be taken to remove or reduce the potential negative impacts that have been identified?** The licence fee structure to be set to reduce the need for costs to be passed on to tenants Provide information within the PHS landlords newsletter on dealing with tenant rent arrears Signpost affected tenants to local organisations that can support them
	What actions can be taken to enhance the potential positive impacts that have been identified?

Tenants on low incomes and socio-economic status will especially benefit from improved property conditions thus affording a similar good standard of renting as people of better socio-economic status. Selective licensing should bring about more stable tenancies by being able to support tenants and landlords experiencing rent and debt problems and to reduce claims for possession, homelessness, and mental distress. Energy efficiency regulation could see landlords, many of whom are of ethnic origin, where the consultation shows 60% own and manage their own properties, and on average have less than two properties, will find it hard to meet the requirements	Set up links with tenants and landlord advice representatives to identify and address their needs, particularly in relation to debt, rent arrears and homelessness **Please explain how any remaining negative impacts can be justified.** Proposed energy efficiency changes could see all rental properties requiring an EPC of C by 2028, and a potential increase to the expenditure cap from the current £3,500 to £10,000, meaning landlords would be required to spend more to meet minimum requirements.
Comments from consultation relating to Socio-economic status • Extra costs incurred by landlords will lead to higher rents • The PRS scheme treats both responsible and rogue landlords in the same way. Both these notions received around a fifth of negative comments from landlords. “, any cost to landlords is passed to the end users, who are tenants.” • “Unnecessary burden on the landlord which WILL be passed onto tenants.” • “Deal with problem landlords and not have one size fits all policy and be more flexible with responsible landlords.” The licensing scheme does nothing for decent landlords.” • Landlords also expressed some concern that PRS fees would incentivise them to sell their properties, resulting in reduced housing stock in Brent as a whole. • “The higher the fees are the more landlords will just quit the market.” • “If the fee gets too high the landlords will leave the borough.” • “I would only be in favour of selective licensing in Brent if I really thought it targeted rogue landlords and had the resources to be properly enforced.” • • For residents, the top reason for negative responses is the perception that PRS licensing will increase rents. Almost a third of negative comments from residents mentioned this. • “Licensing only has the effect of pushing up rents and property prices.” • “You will push landlords out of renting resulting in fewer properties which will result in higher rents.” • “I don't believe it’s time to do more licensing which in the end will be reflected in the tenant's rent.”	***Council’s response*** We note the comments about the impact of the fees and expenses on the landlords and suggested “knock on” effect on tenants especially those on low income or who are otherwise vulnerable. Judging from our experience with the existing licensing schemes in Brent and in other boroughs we believe it is very unlikely that licensing costs will be passed on the tenants. The licensing fee will be set at a level designed to cover the functions related to licensing in order to minimise the burden on landlords. Though some lenders may be reluctant to lend in licensable areas, there are several products available on the market for investor landlords. The Council will respond positively to mortgage lenders to support landlords If licensing is extended in Brent, the council will be committed to reviewing the licensing scheme and fees at least once annually. The reviews will consider the equalities impact. The Council will comply with rental reforms and guidance in relation to s21 and section 8 when this becomes law We will respond to tenant complaints and signpost tenants for financial advice Our landlord forum will include topics aimed to address the socio-economy e.g., taxation, fair renting, dealing with vulnerable tenants

• Next comes the idea that PRS licensing is a money-making scheme for Brent. Over 20% of resident comments mentioned this. • "Kensal does not have an anti-social problem and I view this as a method of raising more funds in an illegitimate manner." • "Licences are purely being introduced to raise revenue for the Council." • "Licensing appears to be a money-making scheme for Brent." • "Be careful not to price good landlords out of Brent. Good landlords have a much lower profit margin. Bad landlords charge us tenants the same rent but with much worse upkeep and responsiveness to repairs." • "Licensing is not necessary, it is just a money making exercise." • "A blanket rule of selective licensing for every PRS property will increase the cost for landlords therefore the rent will go up which is already high, this can lead to homelessness." Many of the respondents had suggestions about how to improve the scheme and the private rented sector in Brent in general. These focused on three main areas: • Lowering the licensing fee • Better enforcement of current legislation • The council should increase its own housebuilding	

Draft EA Sign off

Role/Position	Name/signature	Date
EA author – PHS Licensing Manager	Tony Jemmott	March 2022
Head of Private Housing Service	Spencer Randolph	March 2022
Operational Director Housing	Hakeem Osinaike	March 2022
Strategic Lead Equalities	Angela Chaudhry	March 2022

Randolph, Spencer

From: HNF Planning Team <planning@harlesdenneighbourhoodforum.com>
Sent: 01 February 2023 20:49
To: PRS Licensing
Cc: Harlesden Neighbourhood Forum
Subject: Consultation on Selective Licensing of Private Rented Housing- HNF submission

Dear Sirs

We wish to make a late submission to the consultation and would be very grateful if our comments could be taken into consideration. Apologies for missing the original deadline.

The Harlesden Neighbourhood Forum's (HNF) membership is drawn primarily from the Harlesden and Kensal Green (ward) community, and HNF works closely with other local stakeholders in the aim of making our area a better place to live and work.

The HNF is in favour of the new selective licensing scheme proposed, which includes designation of our local ward in Phase 1. The Forum is very supportive of Brent's drive to improve the condition of housing in the private rented sector, but also keen to see solutions that aim to tackle anti-social behaviour. Having reviewed the evidence base it is encouraging to see that the pilot scheme, over the last five years, has raised substantial funds for the Council to invest in enforcement and compliance, for the benefit of members of our community dealing with the consequences of London's insecure and expensive housing market.

The HNF also supports the proposal of the Phase 2 extension, which would bring these benefits to more of the Borough.

With thanks,

Planning Team

Website: www.HarlesdenNeighbourhoodForum.com
Twitter: @HarlesdenForum

CAUTION: **This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe**

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Willesden Green, London, NW2 4JX

SENT VIA EMAIL

TO: Tony.Jemmott@brent.gov.uk
Anthony Jemmott, Private Housing Manager, Brent Council

CC: spencer.randolph@brent.gov.uk
Spencer Randolph, Head of Service, Private Housing Services, Brent Council
[redacted] Willesden Green Town Team
[redacted] Willesden Green Town Team
[redacted] Willesden Green Town Team

19th February, 2023

BRENT COUNCIL – PRIVATE PROPERTY LICENSING CONSULTATION

Dear Anthony

Willesden Green Town Team is a not-for-profit volunteer lead organisation and limited by guarantee. We work with all stakeholders in the Willesden Green area, from businesses to local residents, Brent Council and other organisations, to help bring about improvements that will benefit the entire community. Our projects focus on environmental improvements and other leisure and cultural activities for the wellbeing of our community.

We wish to submit a letter in support of Brent Council's application for Selective Licensing for the Private Rented sector, in Willesden Green and across the borough of Brent. This letter is in addition to the video* in support of the scheme produced by Willesden Green Town Team, and to feedback provided when I attended the consultation meeting hosted by yourself on the 17th of January, 2023. (*Video can be viewed on our Facebook page or www.youtube.com/watch?v=wcgIzL6ef9Y)

Willesden Green, has long suffered from problems of Antisocial Behaviour including noise nuisance, flytipping, waste mismanagement, and poor quality and unsafe property conditions that are associated with the private rented (46% of residents in Willesden Green live in private rented accommodation). As such, we are in favour of the additional powers and funds that the Selective Licensing Scheme and fees will bring, in order for Brent Council to tackle these long standing issues more effectively by targeting rogue landlords and bad tenants.

The aim of further licensing is to provide an additional tool to assist Brent Council, the Police, Social Services and other parties to help to bring about a transformation of the private rental market in Willesden Green; by improving the condition of private rental properties the scheme will also encourage better and longer term tenancies which in turn will help to create a stronger sense of belonging and community spirit.

As a lot of antisocial behaviour and linked activity isn't limited by ward boundaries, we support Brent Council application for Selective Licensing across all other wards. This will ensure a consistent approach and clear messaging across the entire borough which we believe will ensure greater success of the scheme.

Please confirm receipt of this email and letter.

Yours sincerely

Shadi Jian-Zibaee

Director, Willesden Green Town Team

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Appendix 11:

Cabinet Report April 2023
Private Housing Licensing in Brent

Title: Designation Areas for Selective Licensing

Selective Licensing No.1/2023. No 1

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Designation of an area for Selective Licensing

The London Borough of Brent Council Designation of Area for Selective Licensing No1/2023

The London Borough of Brent in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Brent Council Designation for Areas for Selective Licensing No1/2023

2. This designation is made on 17th April 2023 and shall come into force on the 1st August 2023

3. This designation shall cease to have effect on 31st July 2028, or earlier if the Council revokes the scheme under section 84(4) of the Act.

DESIGNATION AND AREA

4. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the district of the London Borough of Brent shown as the areas shaded in yellow, on the map at Annex A

APPLICATION OF THE DESIGNATION

5. This designation applies to any house[1] which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –

   (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act[2];
   (b) the tenancy or licence of the house has been granted by a registered social landlord[3];
   (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
   (d) the house is subject to a temporary exemption under section 86 of the Act; or
   (e) the house is occupied under a tenancy or licence which is exempt under the Act[4] or the occupation is of a building or part of a building so exempt as defined in annex b;

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EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.[5]

7. The London Borough of Brent Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation as required under section 232 of the Act.[6]

8. This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 82 of the Housing Act 2004 and The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 1st April 2015.

9. A person having control of or managing a licensable property must apply to the London Borough of Brent for a licence. Failure to apply for a licence in the designated area is an offence under Section 95(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. As an alternative to commencing prosecution proceedings, the Council may impose a financial penalty of up to £30,000 under section 249A and Schedule 13A of the Act.

10. The Council may also take over the management of an unlicensed property by the making of a Management Order under Part 4 of the Act.

11. Additionally liable persons may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First Tier Tribunal (Property Chamber) under the provisions of section 96 and section 97 of the Housing Act 2004 for a rent repayment order.

    Under section 98 of the Act, no notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed property so long as it remains an unlicensed property.

EXECUTED as a Deed by affixing)
The Common Seal of **THE LONDON**)
BOROUGH OF BRENT in the)
presence of:

_____

Authorised Signatory

Name of Authorised Signatory

_____

Date:

[1] For the definition of "house" see sections 79 and 99 of the Act

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[2] Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006/371)

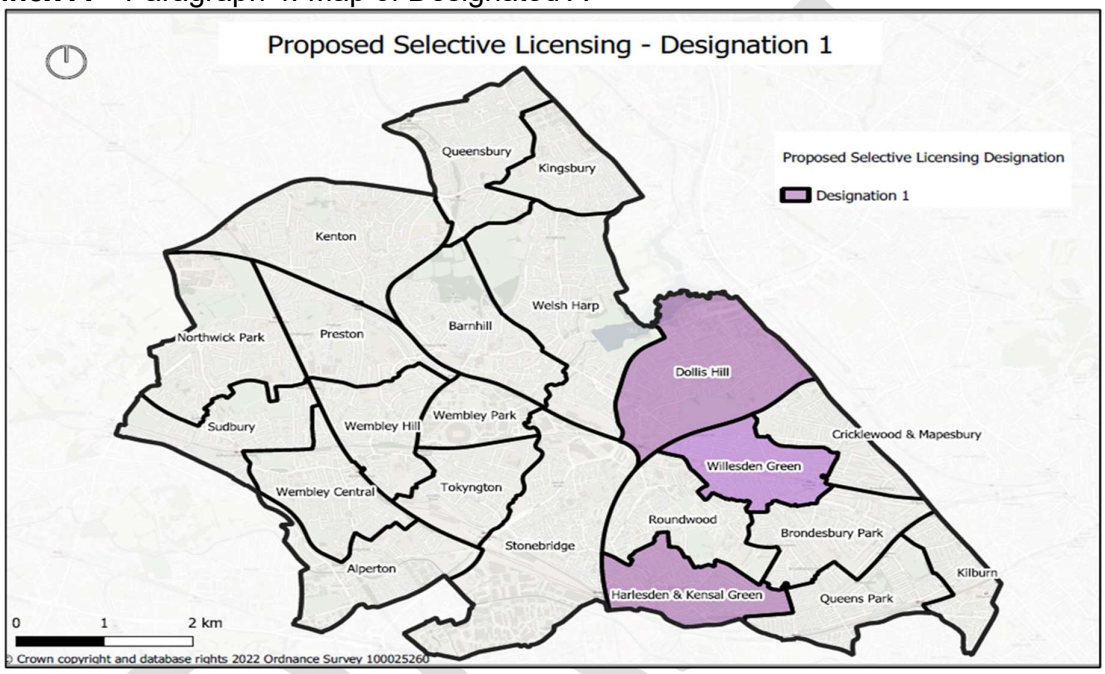
[3] Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

[4] Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

[5] Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

[6] Section 232 of the Act, regulation 11 of Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

Annex A – Paragraph 4: Map of Designated A



Area No 1 Shaded Area (Lilac) – Selective Licensing, Designation D1

Map of London Borough of Brent Council with the electoral the wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green shaded yellow comprising designation area number 1.

Annex B – Paragraph 5(d): Exempted Tenancies or licences[7]

Prohibition of occupation by law

1. A tenancy or licence of a house[8] or a dwelling[9] within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that Act and which is:

   (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;

(b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises[10];

(c) a tenancy under which agricultural land, exceeding two acres, is let together with the house[11];

(d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding[12].

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled[13] by:

(a) a local housing authority;

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7 See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370
8 Sections 79 (2) and 99 of the Act
9 For the definition of a dwelling – see section 99 of the Act
10 See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003
11 For the meaning of "agricultural land" section 26 (3) (a) of the General Rate Act 1967
12 See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995
13 For the definition of "person managing" and "person having control" see section 263 of the Act

(b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;

(c) a fire and rescue authority under the Fire and Rescue Services Act 2004;

(d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

(a) sections 87 to 87D of the Children Act 1989;

(b) section 43 (4) of the Prison Act 1952;

(c) section 34 of the Nationality, Immigration and Asylum Act 2002; (d) The Secure Training Centre Rules 1998[14];

(e) The Prison Rules 1999[15];

(f) The Young Offender Institution Rules 2000[16];

(g) The Detention Centre Rules 2001[17];

(h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001[18];

(i) The Care Homes Regulations 2001[19];

(j) The Children's Homes (England) Regulations 2015[20];

(k) The Residential Family Centres Regulations 2002[21].

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[14] SI 1998/472 as amended
[15] SI 1999/728 as amended
[16] SI 2000/3371 as amended
[17] SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999
[18] SI 2001/850
[19] SI 2001/3965 as amended
[20] SI 2015/541
[21] SI 2002/3213 as amended

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –

(i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

(ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment[22] and

(iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act[23]

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

(i) the full term of the tenancy is for more than 21 years and

(ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and

(iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

(i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and

(ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and

(iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

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[22] See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

[23] The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Interpretation

10. In this Annex B -

(a) a "person" includes" persons", where the context is appropriate;

(b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;

(c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";

(d) a person is a member of the family of another person if –

(i) he lives with that person as a couple;

(ii) one of them is the relative of the other; or

(iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple

and

(iv) For the purpose of this paragraph –

(1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;

(2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

(3) a relationship of the half-blood is to be treated as a relationship of the whole blood and

(4) a stepchild of a person is to be treated as his child

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Brent	**Cabinet** 17 April 2023
	Report from Corporate Director, Communities & Regeneration

NCIL – Model and Approach

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix 1 - Brent Neighbourhood Community Infrastructure Levy – Review
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Zahur Khan Corporate Director, Communities & Regeneration Zahur.Khan@brent.gov.uk Lorna Hughes Director, Communities Lorna.Hughes@brent.gov.uk Amira Nassr Head of Strategy & Partnerships Amira.Nassr@brent.gov.uk

1. Purpose of the Report

1.1 To review and change the approach to delivering community grants.

1.2 This report seeks to review the current Neighbourhood Community Infrastructure Levy (NCIL) programme as agreed by Cabinet in 2020 and make amendments in accordance with the recommendations of the internal audit review of the pilot You Decide programme, the Resources and Public Realm Scrutiny Committee, and lessons learned.

2. Recommendations

Cabinet to:

2.1 Agree the name of NCIL Grant to be referred to as Community Grant (NCIL).

2.2 Agree to open one Community Grant (NCIL) round per financial year.

2.3 Agree to the amount of community grant to be released as set out in paragraph 5.1 for distribution across the Brent Connects areas.

2.4 Agree to allocate up to an additional £500,000 'pot' for boroughwide projects.

2.5 Agree to revise the award process for the Community Grant (NCIL) in line with paragraph 5.1 of this report.

2.6 Delegate authority to the Corporate Director Communities and Regeneration to undertake a consultation on neighbourhood priorities and consider the responses to the consultation and thereafter proceed with implementing the model for the community grant.

3. Background

3.1 Brent Council currently offers three grants within the Strategy and Partnerships Service:

- NCIL (current name)
- Edward Harvest Trust Fund (EHTF)
- Love Where You Live (LWYL)

3.2 Currently, all three grant funds are closed to applications.

3.3 The grants will become available to open in 2023:

- Love Where You Live – April 2023
- Edward Harvist – June 2023
- NCIL (current name) – September 2023

3.4 These grants have seen a notable increase in demand since 2017. As of February 2023, 212 live projects across all three grants are being monitored. This is comprised of 196 NCIL, 2 Edward Harvest Trust Fund and 14 LWYL.

3.5 The growth in grant applications has increased pressure on grant administrators. The table below outlines the number of live projects per grant.

3.6 LWYL has an annual budget of £50k from the existing Strategy and Partnerships budget. An existing grant assessment criteria is in place and used by Officers to make decisions on grant applications. Residents and organisations can apply for the LWYL Grant online and by paper/email. The maximum award of £500 will be monitored to ensure an even spread across all Brent Connects Areas.

3.7 Edward Harvist Trust Fund provides Brent Council with an annual grant income of approximately £70k to be spent on local initiatives as set out in the Edward Harvist Trust criteria.

Grant Fund Name	Number of Projects
NCIL	196
Edward Harvest	2
LWYL	14

3.8 The current monitoring approach to all grants is determined by the amount awarded to the organisations.

- Under £10,000 – end of project report only
- £10,000-£20,000 – 1 face-to-face visit and final project report
- £20,000-£50,000 – 2 visits and 2 reports
- Over £50,000- quarterly reporting and at least 2 visits.

3.9 For the purpose of this paper, the primary focus is Community Grants (NCIL).

3.10 The Community Infrastructure Levy (CIL) is a charge which is levied on new development in the area, with NCIL being a portion of the CIL income. It is designed to address the community's infrastructure or other needs that are being placed or will be placed on communities due to the development.

3.11 An Annual Infrastructure Statement that includes the distribution of NCIL is a statutory requirement that is published online each year.

3.12 The NCIL distribution is administered and monitored to meet the agreed formula as follows:

- **Neighbourhood Plan Area:** Legislation requires that areas with a Neighbourhood Plan (Harlesden and Sudbury Town) are entitled to 25% (Uncapped) of the total CIL collected in their neighbourhood forum area.

- **Non-Neighbourhood Area:** Legislation requires that each area is entitled to 15% (capped) of the total CIL collected in their area.

3.13 From August 2017, NCIL was administered using a standard grant assessment process. Applications submitted online with supporting evidence were assessed by a panel consisting of the Head of Strategy & Partnerships and the Head of Planning and Development Services. Applications were assessed based on value for money, the impact of development on the area and how it aligns with the Neighbourhood Priority.

3.14 The Cabinet decision of January 2019[1] (Appendix 1) outlines that of the remaining amount for the Non-Neighbourhood Area, 50% goes to Wembley,

[1] Decision - Brent Neighbourhood Community Infrastructure Levy – Review

and the other 50% is equally split between the four Brent Connect Areas. Accordingly, 12.5% is allocated to each Brent Connect Area.

4. Renaming of NCIL to Community Grant

4.1 It is proposed to change the name of NCIL to Community Grant. This will not affect existing responsibilities. The statutory requirement for NCIL funded projects will be maintained in the new Community Grant model. All projects will be required to demonstrate that they both:

i. Meet the CIL Regulations 'to support the development' of an area through:

- The provision, improvement, replacement, operation, or maintenance of infrastructure, or;
- Anything else that is concerned with addressing the demands that development places on an area.

ii. Address one or more of the neighbourhood priorities from the latest consultation.

4.2 As agreed in the 2020 Cabinet paper we are obligated to conduct a Neighbourhood Priority consultation in 2023. The Neighbourhood Priorities must be subject to consultation as they determine the NCIL criteria for the next three years. A consultation of four weeks is recommended and will be completed by end of June 2023.

4.3 As stated, NCIL funding is a portion of CIL- 15% for Non-Neighbourhood Areas and 25% for Neighbourhood areas with an adopted Neighbourhood Plan. Following the Cabinet Decision in 2019, each Brent Connect Area is classed as a Non-Neighbourhood Area, so each has its own individual NCIL pot of funding.

4.4 The NCIL funding distributed to each Brent Connect Area will vary annually and comparatively across localities. Since 2017, Wembley has been the Brent Connect area that generates the highest CIL revenue and is likely to continue to do so as the remainder of the growth area is built out.

5. Community Grant (NCIL) Model

5.1 The model proposes an allocation to each ward in the borough to be spent on a Brent Connect area basis, totalling £1m in this financial year, from the funds available to each Brent Connects area.

5.2 The allocation remains the same as outlined in 3.14.

5.3 The table below sets out this approach ensuring that the Council maintains its obligations to apportion the money accurately in line with statutory guidance.

Brent Connects Area	Number of wards	NCIL Project Spend (£m)

Wembley	8	0.365
Harlesden	3	0.136
Kilburn	3	0.136
Kingsbury and Kenton	5	0.227
Willesden	3	0.136
Total	**22**	**1**

5.4 This proposal seeks approval to allocate up to an additional £500,000 'pot' for boroughwide projects. These will be projects that mitigate the impact that development has on the borough as a whole.

6. Community Grant Process

6.1 The Community Grant Process will take approximately 24 weeks from application to receipt of funds due to the increased due diligence and safeguarding checks as well as the introduction of the Brent Connects Panels. This will be preceded by an eight-week period of detailed communications to ensure full coverage of the borough and will include outreach activities, planned workshops and drop in events to ensure community organisations are aware of the new process.

Weeks	**Activity**
1 - 8	Community Grant Opens – support given to applicants by officers and CVS Brent
8 – 12	Due Diligence and Safeguarding checks.
12 - 18	Internal officer review including finance, legal team and department representatives
18 - 22	Brent Connects Chairs with Ward Councillors Panel x 5
22 - 24	Formal decisions taken by Corporate Director Communities and Regeneration in consultation with Lead Member, Customer Communities and Culture.

6.2 Each Brent Connects area will make its own recommendations on projects to be funded. All Brent Connects area panels will review applications using the same assessment criteria. Each Panel will consist of all Ward Councillors in the locality.

6.3 The formal decision to award will be taken by the Corporate Director, Communities and Regeneration provided the award does not exceed £100k. This approach reflects the Local Government Act that does not have provision for Ward Councillors to make decisions on funding. The Constitution allows for Cabinet Members to make funding decisions up to £50k only. Therefore, the Corporate Director will consult with the Lead Member as part of the decision-making process for awards between 50k and £100k.

6.4 Should an award be £100k or less, the award process for boroughwide projects will be:

- Officer assessment.

- A joint panel of all Brent Connects Chairs will be convened to discuss applications.

- The panel will make recommendations to the Corporate Director Communities and Regeneration in consultation with the Cabinet Member for Customers, Communities & Culture.

6.5 Should an award be more than £100k, the award process for boroughwide projects will be:

- Officer assessment.

- A joint panel of all Brent Connects Chairs will be convened to discuss applications.

- Officers in liaison with the Cabinet Member for Customers, Communities & Culture will make recommendations to Cabinet for decision/approval.

6.6 The outline application process will be as follows:

- Applicants will still apply for funding online using the existing Grants portal. The Grant Portal is a licenced product that expires in 2023. Work is underway to identify a new product to improve user experience.

- A communications and engagement plan will be delivered to raise awareness, and face-to-face grant workshops will provide advice and guidance to residents and organisations needing support.

- The Council webpage and grants portal will be refreshed to provide clear guidance, legal requirements, and relevant criteria for each grant.

- Applicants will be informed of all due diligence documentation required and will be informed of when to expect a decision to be announced.

- Upon receipt of the application, the officers will undertake initial checks. Applications that do not meet the minimum criteria will be declined.

- Applications will be reviewed by a cross-department group of officers to ensure projects are viable and align with service priorities and meet statutory obligations.

- The Officer group will also take oversight of funding allocations to ensure each Brent Connects area stays within its allocation and does not overspend.

- Officers will prepare the applications to be sent to Brent Connect Panels.

- Officers will then present the Brent Connects Panel recommendations to the Corporate Director of Communities and Regeneration in consultation

with the Cabinet Member, Customer Communities and Culture to ratify under delegations for the formal decision-making for all projects under £100,000. Projects over £100,000 will go to Cabinet.

7. Pre and Post Application Due Diligence and Safeguarding checks

7.1 Due diligence will be conducted on all applicants. All applicants will be required to demonstrate how their project meets local needs.

7.2 The level of due diligence will be determined by the grant amount requested.

7.3 Additional safeguarding checks will be completed for all projects that relate to children and young people or vulnerable adults.

8. Communications and Engagement

8.1 A comprehensive communications and engagement plan will be delivered to ensure residents and community organisations are made fully aware of the council's new Community Grant approach. A consultation on the new Community Grant priorities for each area will begin in July 2023 and will be widely communicated.

8.2 Communications on LWYL has started to ensure residents are aware of the re-opening from April 2023.

8.3 The wider communications and engagement plan will include a range of methods to build awareness of the council's grants programme. These methods will include:

- Fully supported Member development sessions where the approach to each of the three grants will be fully explained so that Members can actively share details of the grants with residents, community groups and within their wards

- Detailed training for all Brent Connects Chairs and Vice Chairs to ensure an understanding of the Statutory requirements for the Community Grant

- Community meetings prior to the opening of the Community Grant

- Digital communications including e-newsletters, social media, council website article, email signatures and shareable step-by-step infographics for WhatsApp with details of each of the three grants and how to apply

- Print communications will include articles in future editions of YourBrent Magazine and press releases will be sent to local media

- Advertising will include JCDecaux high street adverts at key moments throughout the year

9. Next Steps

9.1 To launch the communications and engagement plan for the LWYL Grant immediately.

9.2 To continue delivery of the Communications and Engagement plan from April to September 2023 covering Edward Harvist and the Community Grant.

9.3 Conduct a four-week consultation on the Community Grant set out in section 4.2.

9.4 To report back to Cabinet in Autumn following delivery of the Community Grant.

10. Financial Implications

10.1 Love Where You Live is funded from an existing budget line; this proposal has no financial impact on this budget, as spend should be the same under this proposal.

10.2 Edward Harvist Trust grants are funded from income from the Edward Harvist Trust. Again, this proposal has no financial impact on this budget, as spend should be the same under this proposal.

10.3 On NCIL, there is significant amount of money available, the balance is forecast to be £13.9m at the end of 22/23, of which £5.1m is already committed to be spent, leaving £8.8m which has not been committed to projects.

10.4 The funding allocations were set out and approved by Cabinet in January 2019. Since then, the process for paying out grants creates a risk of overspends in some areas, when current commitments to fund projects are paid out. This risk can be addressed by cabinet approving the recommendation 1.7 such that the split of NCIL between the Brent Connects areas, of 50% to Wembley Brent Connects area and 12.5% to each of the other Brent Connects areas applied retrospectively from January 2019 to NCIL reserves.

10.5 Taken together with the proposals in this paper to spend £1m across the Brent Connects areas, and create a £0.5m borough wide pot (this has been costed as per the allocations of the 50% to Wembley Brent Connects area and 12.5% to each of the other Brent Connects areas), and assuming that the council gets £2.5m of NCIL income next year, this leaves £9.8m for future years at the end of 23/24, the majority of which is for the Wembley Brent Connects Area.

10.6 Some areas have spent a much greater share of the NCIL allocated to them to date and are now largely dependent on new CIL income to fund spending in future years. Allocations of monies received in 2023/24 will follow the model set out in the January 2019 Cabinet paper, so this will determine the amount of money available to spend in each area in 2024/25. Given that 2023/24 is widely forecast to be a challenging year for the British economy, CIL receipts in 2023/24 may be lower than previous years, which would limit the spending possible in 2024/25 in some areas.

11. Legal Implications

11.1 Strategic CIL is limited to the provision, improvement, replacement, operation, or maintenance of infrastructure (reg. 59). By section 216 Planning Act 2008, infrastructure is defined as comprising (a) roads and other transport facilities; (b) flood defences; (c) schools and other educational facilities; (d) medical facilities; (e) sporting and recreational facilities, and (f) open spaces;

11.2 Regulations 59A and 59F authorises the application of NCIL by a local council. In either case such an application is limited by reg. 59C or as appropriate reg. 59F (3) to funding:

> "(a) the provision, improvement, replacement, operation, or maintenance of infrastructure; or
>
> (b) Anything else that is concerned with addressing the demands that development places on an area.

11.3 Counsel confirms that: the Explanatory Memorandum accompanying the 2013 regulations stated that the explanation for the creation of NCIL was "to help communities to accommodate the impact of new development and strengthen the role and financial autonomy of neighbourhoods."

11.4 As regards the limitation in reg. 59C it is stated in para. 7.15 Of the Explanatory Memorandum that "Regulation 59C gives parish and community council's greater freedom over what to spend the neighbourhood funding element on. These wider spending powers are important because they allow the community to decide what they need to help mitigate the impact of development.

11.5 Part (a) is the same authorisation as applied to strategic CIL whilst (b) is very evidently an extension. It is, however, intended to be a limitation. The wording is not such that it is intended to confer unlimited power to apply the monies for any purpose. It is a limitation which has to be abided by as an application which does not comply with reg. 59C will be an unauthorised application giving rise to issues for the Council.

11.6 Development has a statutory meaning which is set out in section 209 of the 2008 Act modified by reg. 6. Section 209 provides that ""development" means—(a) anything done by way of or for the purpose of the creation of a new building, or (b) anything done to or in respect of an existing building." This adds little to construing part (b) save to note that in this context "anything" is limited by the context to works or use relating to a building.

11.7 What is to be provided by the funding if it is not infrastructure has to be justified as addressing demands that are being placed or will be placed on the area by reason of the construction of new buildings or work to or changes of use of existing buildings. It is not enough that what is to be provided is for the general wellbeing of the area.

11.8 The Council should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

11.9 Division of the area of Brent in line with this report and the 2019 Cabinet report is not required under the CIL regime it is a course of action which reflects the rationale for the NCIL. Once put in place it cannot be ignored but has to be taken into account.

11.10 It is important that these projects assessed by the Brent connects panel seek to address demands which arise from development.

11.11 Under S1 of the Localism Act 2011 the Council has a general power of competence to do anything which an individual may do unless it is expressly prohibited. The giving of grants to voluntary organisations is a discretionary power which must be exercised reasonably taking into account all relevant considerations and ignoring irrelevant considerations.

11.12 In awarding grants, Officers will need to have regard to the general duty of best value pursuant to section 3(1) of the Local Government Act 1999 and to the public sector equality duty pursuant to the Equality Act 2010.

11.13 Schedule 3 paragraph 9.5 and paragraph 9 of the table provides that Neighbourhood Community Infrastructure Level grants may be made by the Corporate Director of Communities and Regeneration up to the value of £100k.

11.14 The Council may use funds from the Community Infrastructure Levy to recover the costs of administering the levy. Regulation 61, as amended by the 2014 Regulations allows the Council to spend up to 5% cent of their total levy receipts on administrative expenses.

12. Equality Implications

12.1 Participatory budgeting aligns the links between equality and community empowerment and participation in local financial decision-making. Discontinuing Participatory Budgeting will remove this alignment. This may impact groups if they perceive this as losing their voice in making local financial decision.

12.2 In pausing the You Decide initiative this has the potential to impact certain demographic who had higher success rate for example disability theme schemes had 87.5% success rate.

12.3 This has the potential to impact the number and demographics of organisations applying to NCIL if reverting to the traditional grant application process. Smaller organisation who may not have the skillset or capability. This is being migrated by grant workshops programme being devised by Officers and CVS Brent.

12.4 An Equality Analysis (EA) of all grant programmes is completed and continually reviewed. The overall assessment is that Brent's grant programmes have a positive impact in terms of promoting equality. Each project also completes an initial screening of the likely impact of their plans on the protected characteristics.

12.5 Under Section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have 'due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited under the Act;
- Advance equality of opportunity; and
- Foster good relations between those who share a "protected characteristic" and those who do not.

12.6 This is the Public Sector Equality Duty (PSED). The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. This is being addressed as at point of application we ask protected characteristics of organisation and benefices of the project. All projects must provide their equality policy/statement that aligns with Council obligation to receive funding.

Report sign-off:
Zahur Khan
Corporate Director Communities and Regeneration

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CABINET
14 January 2018

Report from the Strategic Director, Regeneration and Environment

Brent Neighbourhood Community Infrastructure Levy (NCIL) - Review

Wards Affected:	ALL
Key or Non-Key Decision: **(only applicable for Cabinet, Cabinet Sub Committee and officer decisions)**	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three: Appendix 1 – Brent CIL Neighbourhood Boundaries Appendix 2 – Projects awarded NCIL funding Appendix 3 – NCIL Review Consultation Findings
Background Papers:	
Contact Officer(s): (Name, Title, Contact Details)	Nkechi Okeke-Aru, Principal Infrastructure Officer Tel: 020 8937 1824 Email: nkechi.okeke-aru@brent.gov.uk

1. Purpose of the Report

1.1 This report provides an overview of Brent's Neighbourhood Community Infrastructure Levy (NCIL) programme, and makes recommendations for improvements following a review that took place in spring 2018.

2. Recommendations

2.1 It is recommended that Cabinet agree the following **significant** amendments to the NCIL programme:

a) Panel membership is increased from two to four (see 5.10-5.11)
b) The distribution of NCIL funds is changed as per Option 4 and will be reviewed annually (5.12-5.19)

2.2 It is recommended that Cabinet agree the following **minor** amendments to the NCIL programme:

a) To adopt the same four priorities across all five CIL Neighbourhoods until 2020, rather than have different priorities for each Neighbourhood
b) To rename 'Parks and Open Space' 'Parks and Green Spaces'
c) To retain the existing shortlisting criteria, but with minor wording changes to provide greater clarity and remove duplication

d) NCIL funds will continue to be allocated to shortlisted projects at two points in the years, but in exceptional circumstances the NCIL Panel may consider bids outside these times
e) Delegated authority is given to the relevant Strategic Director responsible for the NCIL programme (currently the Strategic Director, Regeneration & Environment) in consultation with the Cabinet Member for Regeneration, Highways and Planning, to approve spend for individual Neighbourhood CIL projects up to the value of £100k. (Projects above £100k will continue to be agreed by Cabinet).

2.3 It is recommended that Cabinet agree there is **no change** to the following elements of the NCIL programme:

a) Brent 'CIL Neighbourhood' areas match the 'Brent Connects' areas
b) NCIL bids are accepted from community organisations and stakeholders (residents, local businesses etc.) and Council officers
c) There is no limit, other than the amount available in the respective NCIL pot, to the value of funds requested. (Projects over £100k in value will still require Cabinet approval following Panel shortlisting)
d) There is no limit to the number of bids that may be submitted by a group or individual (although the same project cannot be funded more than once).

2.4 An action plan will also be developed to enhance capacity building and support for those who wish to make an NCIL application.

3. Background

3.1 Brent is one of the first authorities to have adopted and delivered a process for spending NCIL. It is also one of the few authorities to open applications to community groups and stakeholders. Following Cabinet[1] approval the programme was launched in February 2017, with a commitment to a review in spring 2018. The output of this review is being considered in this paper.

3.2 The CIL Regulations 2010 (as amended) stipulate that at least 15 per cent of CIL receipts generated may be spent on neighbourhood projects, that is, infrastructure or anything else that is concerned with addressing the demands that development places on an area (capped at £100/dwelling each financial year). Whilst the legislation does not prescribe a process for how NCIL is allocated, the expectation is that priorities are decided following engagement and consultation with the local community. As a result, Brent is divided into five CIL Neighbourhoods; Kilburn, Kingsbury & Kenton, Wembley, Willesden and Harlesden.

3.3 Where a Neighbourhood Plan is in place, then up to 25 per cent of CIL collected from liable developments within the Neighbourhood Plan boundary, may be spent on priorities identified by the Neighbourhood Forum (uncapped). There is only one adopted Neighbourhood Plan in Brent, Sudbury Town, although the Harlesden Neighbourhood Plan is shortly going to examination. A diagram showing the CIL Neighbourhood and Forum boundaries is in **Appendix 1**

[1] http://democracy.brent.gov.uk/ieDecisionDetails.aspx?AIId=24493

3.4 All shortlisted NCIL projects must be aligned to at least one of the Neighbourhood Priorities identified via consultation (May 2017). A summary of the current priorities is in **Table 1**:

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Open Space	Town Centre & High Streets	Transport & Roads
Harlesden	✓		✓	✓
Kilburn	✓		✓	✓
Kingsbury		✓	✓	✓
Wembley	✓	✓	✓ (joint 1st)	✓ (joint 1st)
Willesden	✓		✓	✓

3.5 NCIL funds are currently allocated twice a year (June and December). Projects are shortlisted by the NCIL Panel (the Cabinet Member for Regeneration, Highways and Planning and the Head of Planning, Licensing and Transport).

3.6 Brent's community directory (approximately 800 groups and organisations), website and Brent Connects Forums are used to encourage NCIL applications. Notifications are also provided to Brent officers via the council's intranet. All applicants are offered one to one support from CVS Brent and half-day workshops are also held to guide potential applicants though the process and answer any queries.

3.7 During 2017/18 55 projects were awarded funding, valuing approximately £2m. Since June 2018 a further 26 projects have been awarded NCIL funding. The full list of funded projects is in **Appendix 2**

4. Review Methodology

4.1 The review activities were completed between April and June 2018 and included:

- **an online survey**, 70 completed responses, 80 partial responses (from successful and unsuccessful applicants and those new to the NCIL programme)
- **one internal focus group**
- **two external focus groups** for community groups and organisations
- **seven internal interviews** with teams across Brent Council including Public Health, Employment & Skills, Corporate Transformation, Community Protection, Youth Engagement, Capital Programme Office and Housing Management;
- **a Member's online survey** (eight completed, 13 partial responses)
- **Benchmarking** with other Local Authorities and funding programmes as well as Brent Council's Partnerships & Engagement team.

5. Review Findings

5.1 Over the course of the review, the following 7 themes emerged:

I. Neighbourhood boundaries,
II. Neighbourhood priorities,

III. Grant process and number of submissions,
IV. Shortlisting criteria,
V. Panel membership,
VI. Distribution of funds,
VII. Capacity building and administration.

5.2 A summary of the consultation findings is in **Appendix 3** however options and recommendations arising from these themes are discussed below:

I. Neighbourhood boundaries

5.3 It is recommended that the current five CIL Neighbourhood boundaries are retained as they reflect the Council's current consultation mechanism (Brent Connects Forum boundaries). The focus, moving forward will be on improving communication and clarifying the boundaries of the existing neighbourhoods. It is, however, worth noting that the outcome of the Brent ward boundary review may mean that the existing boundaries may change in the future.

II. Neighbourhood Priorities

5.4 As consultation on new CIL neighbourhoods priorities will need to take place before 2020, it is recommended that, in the interim, all four current priorities are adopted across all five CIL Neighbourhoods. Adopting the same priorities across all five NCIL Neighbourhoods does not have a negative impact on the NCIL programme, and Wembley already has all four priorities.

5.5 It is also recommended that 'Parks and Open Space' is renamed 'Parks and Green Spaces' - as there was the misconception that open spaces did not include green spaces. Going forward, actions to improve understanding of the current priorities via the web and guidance will also be completed.

III. Grant Process and number of submissions

5.6 Brent is one of a few local authorities to offer so much flexibility in its NCIL programme and open applications to the whole community. It is recommended that the application process remains open to community groups and organisations as well as council officers; there is no limit to the value of funds requested (projects over £100k in value will still require Cabinet approval following Panel shortlisting) and there is no limit to the number of bids that may be submitted by a group or individual as unsuitable bids will be identified through the shortlisting process. However the same project cannot be funded more than once.

5.7 74.3% of survey respondents preferred having at least two NCIL allocation points a year, this was echoed in the internal and external focus groups as it allows greater flexibility and responsiveness to local need. It is recommended that the number of allocations remains two per year, however in exceptional circumstances the NCIL panel may consider applications outside these allocation points. The Brent NCIL literature, website and training will be updated to reflect this recommendation.

IV. Shortlisting criteria

5.8 There are currently seven mandatory criteria used to shortlist NCIL projects. The majority of survey respondents and focus group attendees did not believe that major changes should be made to the shortlisting criteria and comments received focussed on technical wording and clarification. It is therefore recommended that the existing shortlisting criteria are amended as follows:

5.9 All shortlisted projects must demonstrate that they:

1. Address the demands that development places on an area
2. Reflect the priorities of the Council & CIL Neighbourhood
3. Provide evidence of a benefit to a Brent community
4. Provide evidence of community support for the project
5. Be a one-off scheme that does not require additional revenue funding in its delivery or its operation (or identifies how additional revenue funding may be met)
6. Offer value for money

V. Panel membership

5.10 The majority of survey respondents and focus group attendees felt the membership of the panel was too narrow. A number of options have been considered for panel membership and these are summarised in Table 2. Option 4 is the preferred option and it is recommended that the decision making panel is increased from two to four members.

	Option 1	Option 2	Option 3	Option 4
Panel Member 1	Head of Planning	Head of Planning	Head of Planning	Head of Planning
Panel Member 2	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning
Panel Member 3	Head of Partnerships & Engagement	Cabinet Member Public Health, Culture & Leisure	Different Cabinet Member or Head of Service based on the NCIL priority theme / service area	Brent Councillor
Panel Member 4				Head of Partnerships & Engagement

5.11 **Option 4** requires four panel members who support and represent both the council and community interests (via the Partnerships and Engagement Team and local councillors) in the fair and transparent allocation of NCIL. This option also enables consistency and alignment to council objectives.

VI. Distribution of funds

5.12 Each CIL Neighbourhood is allocated 15% of CIL receipts generated within their boundaries. The amount of receipts is therefore directly related to the quantum and type of development that takes place within the CIL Neighbourhood. Current NCIL receipts available to commission are approximately £8.46m (December 2018) and are distributed as shown in **Table 3:**

Table 3 Current Distribution of NCIL Funds available to commission (Dec 2018)

Harlesden	Kilburn & Kensal Rise	Kingsbury & Kenton	Wembley	Willesden	**Total**
£585,537	£294,485	£288,528	£7.06m	£230,172	**£8.46m**

5.13 Feedback from the review focused on the perceived inequity in distribution. Whilst NCIL is intended by the Regulations to address the demands that development places on an area and incentivise new development, many felt that the effects of regeneration in, for example, Wembley are also felt in other areas that lead to it – e.g. around Harrow Road/Harlesden and the North Circular/Neasden. Other views were that regeneration should benefit the whole borough so the distribution of funds should benefit the whole borough more fairly. At the time of the review Harlesden had the least funds (£87k) but is one of the most deprived areas of the borough.

5.14 The options for distributing NCIL funds are outlined in **Table 4.** It is recommended that option four is the best mechanism for the future allocation of NCIL. This will be reviewed annually to ensure that this remains a suitable mechanism for distribution. Any change in the distribution model does not guarantee that project proposals to the value of funds available will be received or approved. In each option the Neighbourhood Plan allocation would remain at 25 per cent.

Table 4 Distribution options based on current NCIL receipts (rounding)

	Option 1	**Option 2**	**Option 3**	**Option 4**	**Option 5**
	Existing distribution	**No distribution**	**Equal distribution**	**Wembley capped at 50% of remaining receipts (other areas equal)**	**Wembley capped at 50% of remaining receipts (other areas proportional)**
Harlesden	£585,537	Bids accepted from across the borough	£1.69m	£1.06m	£1.77m
Kilburn & Kensal Rise	£294,485		£1.69m	£1.06m	£890,337
Kingsbury & Kenton	£288,528		£1.69m	£1.06m	£872,356
Wembley	£7.06m		£1.69m	£4.23m	£4.23m
Willesden	£230,172		£1.69m	£1.06m	£695,918
TOTAL	**£8.46m**	**£8.46m**	**£8.46m**	**£8.46m**	**£8.46m**

5.15 **Option 1** (Retain existing distribution). This would be unpopular in light of the review. A significant number of the focus groups and interviews saw the distribution of NCIL funds and concentration of money in Wembley as unfair. Wembley stakeholders were keen to retain a significant sum of NCIL as they are impacted the most by development in the area. However, based on current and future projections, the gap in NCIL funds available to Wembley and the remaining four CIL neighbourhoods is set to increase.

5.16 **Option 2** (No distribution). NCIL receipts could be used anywhere across the borough. Bidders could propose projects to access funds irrespective of where the funds were generated. This would be easiest method of distribution and would allow equal access to NCIL receipts across the borough as a whole.

Option 2 could also help mitigate any impact felt by a different community beyond the NCIL boundary. However greater monitoring would still be required to ensure that one part of the borough was not disproportionately allocated funding. The disadvantages of this option are that the areas more greatly affected by development will lose out on the total value of NCIL receipts that would have been allocated if the existing distribution model were retained.

5.17 **Option 3** (Equal Distribution). NCIL receipts would be redistributed equally across the five CIL Neighbourhoods. This would be appealing to areas that do not currently attract significant development. However this approach may disadvantage communities that are impacted most by development.

5.18 **Option 4** (Wembley 50% cap – other areas equal). Wembley's NCIL fund would be capped at 50% of the total NCIL receipts generated in the borough. The remaining 50% would be divided equally between the remaining four CIL Neighbourhoods. This option would ensure that a greater proportion of NCIL Funds is allocated to the Wembley Neighbourhood where the majority of development currently takes place but also ensure that wider impacts of development are addressed elsewhere.

5.19 **Option 5** (Wembley 50% cap – other areas proportional). Wembley's NCIL fund would be capped at 50% of the total NCIL receipts generated. The value of NCIL available in the remaining four CIL Neighbourhoods is set proportionally based on the amount of NCIL raised in their area. Based on current NCIL receipts the proportion would be Harlesden 41.86%, Kilburn 21.05%, Kingsbury 20.63% and Willesden 16.46%. This option would ensure that a greater proportion of CIL Funds is allocated to the Wembley Neighbourhood, however in the future, areas where there is less development will receive fewer NCIL funds.

VII. Capacity building, support and administration

5.20 Some comments were received on the support provided to help people through the NCIL process. Currently at least three workshops are held before each application round opens, and CVS Brent provide one to one advice to those who request it. However some of the comments received during consultation relate to the lack of awareness of the support options available. As the NCIL programme grows, there will inevitably be an increased need to provide support and a need for adequate resources to manage, administer and monitor the programme effectively.

5.21 An action plan will be developed to enhance capacity building and support, including:

- Embedding the NCIL programme as part of the Partnership & Engagements Team alongside other grant funding programmes
- Improving awareness of the support offer
- Simplifying the application forms and considering other ways for applicants to present proposals to the panel
- Clarifying that if an individual or group is not a constituted body to receive funds, the council could retain the funds but deliver the project on their behalf

6. Financial Implications

6.1 The value of Neighbourhood CIL funds available is dependent on the number and value of CIL liable developments in each CIL Neighbourhood. As of 4 December 2018, approximately £8.46m is available to fund NCIL projects. This figure will change as new projects are approved and new developments became liable.

7. Legal Implications

7.1 The Planning Act 2008, and CIL Regulations 2010, provide for local authorities to apply the CIL to infrastructure to support development. The Neighbourhood element may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area (Reg 59F).

7.2 CIL spend is governed by Part 7 of the CIL Regulations. For any financial year in which CIL receipts are received, a report outlining receipts and expenditure must be prepared and published on the council's website. (Reg 62).

7.3 Government Guidance (2014, as amended) states that the Council must engage the community where development has taken place and accordingly, agree with them how best to spend the funding. The use of neighbourhood funds should match the priorities expressed by the local communities.

8. Equality Implications

8.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), the Council must, in the exercise of its functions, have "due regard" to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

8.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

8.3 An Equality Analysis (EA) of the NCIL programme and recommendations has been completed. The overall assessment is that Brent's NCIL programme has a positive impact on equality. Expanding the support offer available will make the application process more accessible – particularly to those whose first language is not English and those who may have a disability. The distribution of NCIL will be monitored annually to ensure it does not negatively impact a particular group.

9. Consultation with Ward Members and Stakeholders

9.1 The Cabinet Member for Regeneration, Highways and Planning is a member of the NCIL shortlisting panel, and has been consulted throughout the process. All Members were invited to participate in an online survey as part of the review.

10. Human Resources / Property Implications (if appropriate)

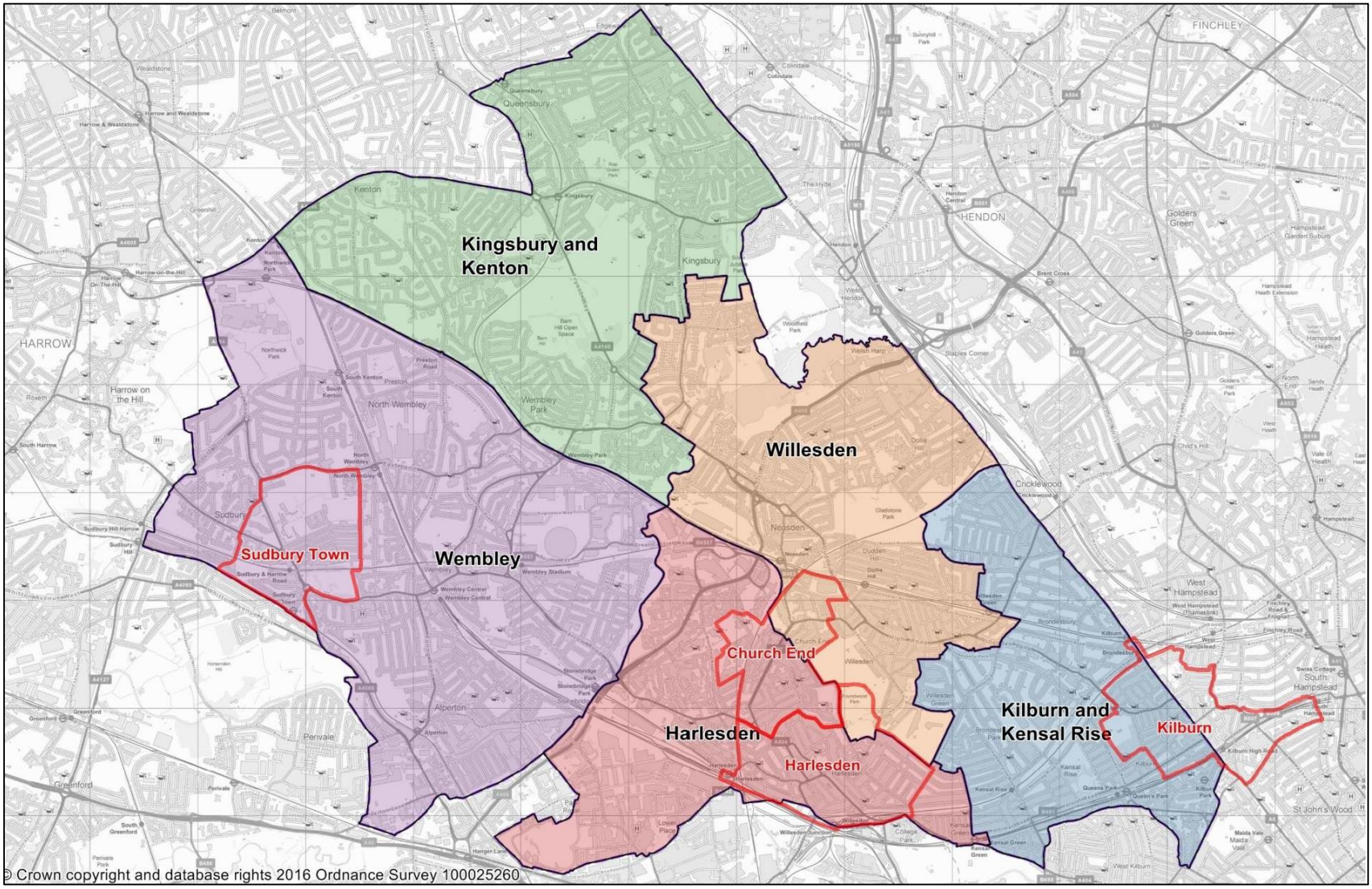
10.1 None at this stage.

Report sign off:

AMAR DAVE
Strategic Director of Regeneration and Environment

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Appendix 1 – Brent CIL Neighbourhood Boundaries



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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
All	Basketball Courses and Training with Structured Deployment into Work	NCIL2017/18_019	Round 2 2017/18	**Employment**	Basketball related training for those not in education, employment or training (NEET), with structured opportunities for voluntary and paid work	Delivery	London Basketball Association	London Basketball Association	**27,030.00**
All	Young People in Mind	NCIL2017/18_020	Round 2 2017/18	**Youth Project**	Two year pilot - mental health support scheme and early intervention programme for young people (aged 8 to 16)	Delivery	Bang	Bang	**61,329.00**
All	Fit to Succeed	NCIL2017/18_050	Round 2 2017/18	**Employment**	Skills development programme for young people, children, to improve residents' physical and mental health; their employment prospects, and support residents into education or business	Delivery	Yes Ltd	Yes Ltd	**85,000.00**
Harlesden	Kensal Rise Community Library	NCIL2017/18_001	Round 1 2017/18	**Community Library**	Community library refurbishment	Delivery	Friends of Kensal Rise library	Friends of Kensal Rise library	**75,500.00**
Harlesden	Town Centres (Harlesden)	NCIL2017/18_002	Round 1 2017/18	**Town Centres**	Town Centre improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**5,000.00**
Harlesden	Harrow Rd Street Trees	NCIL2017/18_006	Round 1 2017/18	**Trees**	Tree Planting in Harlesden CIL Neighbourhood	Completed	Brent Resident	Brent Council - Landscaping	**33,000.00**
Harlesden	Destiny House Homework Club	NCIL2017/18_014	Round 1 2017/18	**Youth Project**	Afterschool homework club	Completed	Destiny House International	Destiny House International	**7,457.41**
Harlesden	Kensal Rise Library Equipment Purchase	NCIL2017/18_021	Round 2 2017/18	**Community library**	Community library - equipment purchase	Delivery	Friends of Kensal Rise library	Friends of Kensal Rise library	**20,000.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Harlesden	Harlesden Town Garden Clubhouse	NCIL2017/ 18_022	Round 2 2017/18	**Parks & Open Space**	Construction of Harlesden Town Garden Clubhouse. This project will form part of the final stage of the pocket park's new infrastructure	Delivery	Harlesden Town Garden Clubhouse	Brent Council	**40,000.00**
Harlesden	The Unity Music Studio	NCIL2017/ 18_023	Round 2 2017/18	**Community Hub - Building**	Community music studios for local residents	Delivery	Catalyst	Catalyst	**36,702.00**
Harlesden	Holiday Activities/ Creative Learning programme - for Stonebridge children and Young people	NCIL2017/ 18_024	Round 2 2017/18	**Youth Project**	Early intervention project using the arts to engage with young people in the Stonebridge area	Delivery	Abundance Arts	Abundance Arts	**29,475.00**
Harlesden	Brent Business Support Programme	NCIL2017/ 18_025	Round 2 2017/18	**Town Centres**	Business Support in Town Centres	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**10,000.00**
Harlesden	Harlesden Colourful wayfinding	NCIL2017/ 18_026	Round 2 2017/18	**Public Realm**	Improvements to street signs to create a brighter and more welcoming environment between Willesden Junction Station and Harlesden library.	Delivery	Harlesden Neighbour-hood Forum	Harlesden Neighbour-hood Forum	**15,143.00**
Harlesden	Harlesden Youth Neighbourhood Forum	NCIL2017/ 18_027	Round 2 2017/18	**Youth Project**	Establishment of a youth Neighbourhood Forum	Decommissioned (At applicant request)	Harlesden Neighbour-hood Forum	Harlesden Neighbour-hood Forum	**8,100.00**
Harlesden	Harlesden Cultural Space	NCIL2017/ 18_028	Round 2 2017/18	**Community Hub - Building**	Creation of a flexible cultural space within Harlesden Library, with artwork, heritage features and event facilities designed and curated by the local community.	Completed	Brent Council - Culture	Brent Council - Culture	**10,000.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Harlesden	Elders Voice - at the heart of Kensal Green	NCIL2018/ 19_34	Round 1 2018/19	**Community Hub - Building**	Refurbishment of community spaces to provide therapeutic and welcoming places for older people	Delivery	Elders Voice	Elders Voice	**36,500.00**
Harlesden Kilburn Wembley	Electric Car Charge Points	NCIL2017/ 18_029, 034, 038	Round 2 2017/18	**Public Realm**	Purchase and installation of sockets in lamp columns. These sockets can be used to charge electric vehicles by local residents	Delivery	Brent Council - Transport	Brent Council - Transport	**34,234.15**
Kilburn & Kensal	Community Hub	NCIL2017/ 18_003	Round 1 2017/18	**Community Hub - Building**	Creation of a new community café, communal garden and job and volunteering opportunities	Delivery	Ashford Place	Ashford Place	**68,933.00**
Kilburn & Kensal	Cricklewood Library	NCIL2017/ 18_004	Round 1 2017/18	**Community Library**	Community library refurbishment	Delivery	Friends of Cricklewood library	Friends of Cricklewood library	**63,946.00**
Kilburn & Kensal	Granville Youth Project	NCIL2017/ 18_005	Round 1 2017/18	**Youth Project**	Activities for children and young people aged 8-17 in South Kilburn.	Delivery	The Otherwise Club	The Otherwise Club	**44,300.00**
Kilburn & Kensal	South Kilburn Trust- Public Wi-Fi	NCIL2017/ 18_007	Round 1 2017/18	**Community Hub - Building**	Public Wi-Fi in the Granville and public spaces outside the building,	Completed	South Kilburn Trust	South Kilburn Trust	**45,000.00**
Kilburn & Kensal	South Kilburn Trust - Music Studio	NCIL2017/ 18_008	Round 1 2017/18	**Community Hub - Building**	Community music studios for local residents	Completed	South Kilburn Trust	South Kilburn Trust	**30,000.00**
Kilburn & Kensal	South Kilburn Trust - Street Signage	NCIL2017/ 18_009	Round 1 2017/18	**Public Realm**	Improvements to street signage to direct visitors to The Granville	Delivery	South Kilburn Trust	South Kilburn Trust	**9,000.00**
Kilburn & Kensal	Digital Technology Skills Hub	NCIL2017/ 18_030	Round 2 2017/18	**Employment**	Free digital skills training programmes, English classes and employability workshops for those who are unemployed or on low income	Delivery	Global Skills Centre	Global Skills Centre	**65,000.00**

November 2018

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal	Renovation of The Granville Community Centre's Kitchen	NCIL2017/18_031	Round 2 2017/18	**Community Hub - Building**	Renovation of The Granville Community Centre's Kitchen	Initiation	Granville Community Kitchen	Granville Community Kitchen	**40,000.00**
Kilburn & Kensal	Cricklewood Library Building and remedial works project management	NCIL2017/18_032	Round 2 2017/18	**Community Library**	Community library - remedial works	Delivery	Friends of Cricklewood library	Friends of Cricklewood library	**30,050.00**
Kilburn & Kensal	QPARA Street Trees	NCIL2017/18_033	Round 2 2017/18	**Trees**	Tree Planting in Kilburn & Kensal CIL Neighbourhood	Delivery	QPARA	Brent Council - Landscaping	**4,000.00**
Kilburn & Kensal	Maths and Literacy Support (MALS)	NCIL2017/18_052	Round 2 2017/18	**Youth Project**	Maths and literacy support for children aged 5-11 in the South Kilburn area	Delivery	OK Club	OK Club	**22,850.00**
Kilburn & Kensal	Granville Community Garden	NCIL2017/18_053	Round 2 2017/18	**Parks & Open Space**	Enhancements to green space and the creation of an outdoor space that can support additional community events at the refurbished Granville Centre.	Delivery	Brent Council - South Kilburn	Brent Council - South Kilburn	**20,000.00**
Kilburn & Kensal	Reconstruction Art Project	NCIL2018/19_02	Round 1 2018/19	**Community Art**	Workshops encouraging young people to document the changes in the urban landscape as part of the South Kilburn regeneration	Delivery	Resident	Brent Council - South Kilburn	**20,000.00**
Kilburn & Kensal	Youth Film Project	NCIL2018/19_19	Round 1 2018/19	**Youth Project**	A school holiday programme supporting young people to create an original and innovative documentary and music video that reflects their opinions, views and aspirations	Delivery	Brent Council - South Kilburn	Brent Council - South Kilburn	**9,500.00**

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal	Trees for Triangle Kensal Triangle Residents Association	NCIL2018/19_27	Round 1 2018/19	**Trees**	Tree Planting in Kilburn & Kensal CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Trees	**62,500.00**
Kilburn & Kensal	Community Seating - Kilburn High Road	NCIL2018/19_41	Round 1 2018/19	**Public Realm**	Installation of four community benches along Kilburn High Road	Delivery	Kilburn Older Voices Exchange (KOVE)	KOVE	**6,984.00**
Kilburn & Kensal	Salusbury World Film Club	NCIL2018/19_42	Round 1 2018/19	**Community Hub - Service**	A film discussion group to encourage women from the Salusbury World English classes to improve their English language skills	Delivery	Lexi Cinema	Lexi Cinema/ Salusbury World	**12,025.00**
Kilburn & Kensal	Active Granville!	NCIL2018/19_58	Round 1 2018/19	**Sports Project**	Weekly exercise and health related physical activities for adults; including classes for those with specific needs, women only classes, over 50s, those with mobility problems and long term illnesses.	Delivery	The Otherwise Club	The Otherwise Club	**16,975.00**
Kilburn & Kensal	Entrepreneurship for Kids and Teens	NCIL2018/19_61	Round 1 2018/19	**Youth Project**	Entrepreneurial education programme for young people	Delivery	Ultra Education	Ultra Education	**18,940.00**
Kilburn & Kensal	Watling Gardens Playground Restoration	NCIL2018/19_63	Round 1 2018/19	**Parks & Open Space**	Supply, installation and improvement of playground equipment	Delivery	Watling Gardens Tenant Management Organisation	Watling Gardens Tenant Management Organisation	**12,000.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal, Harlesden, Willesden & Wembley	Brent Mutual	NCIL2018/19_01	Round 1 2018/19	**Community Hub - Service**	This project will promote savings habits in the borough. It will increase access to Brent Mutual (BM) by providing 'pop ups' at outreach venues, and deliver an 11 week course where successful attendees receive a nationally recognised qualification (OCN Level 3).	Delivery	Advice 4 Renters	Advice 4 Renters	**29,540.00**
Kilburn & Kensal, Willesden & Harlesden	STEM (Science Technology Engineering Maths) skills boost	NCIL2018/19_38	Round 1 2018/19	**Youth Project**	Weekly classes for young people aged 7-16 in Design & technology/Mobile App development, Coding and Robotics	Delivery	Global Skills Centre	Global Skills Centre	**65,000.00**
Kilburn & Kensal, Willesden & Harlesden	Sports, Arts and Wellbeing (SAAW) Project for Children & Young People	NCIL2018/19_50	Round 1 2018/19	**Sports Project**	A 2-year programme of activities for children & young people (CYP) with opportunities for personal development, as well as achieving positive health outcomes in physical and mental wellbeing.	Delivery	Sport at the Heart	Sport at the Heart	**80,000.00**
Kingsbury & Kenton	Valley Drive Trees	NCIL2017/18_035	Round 2 2017/18	**Trees**	Tree Planting in Kingsbury & Kenton CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	**35,700.00**
Kingsbury & Kenton	Hyde Town Centre Improvement Scheme - Street Furniture	NCIL2017/18_036	Round 2 2017/18	**Public Realm**	Public Realm Improvements in the Hyde Town Centre	Completed	Brent Council - Transport	Brent Council - Transport	**21,888.00**
Kingsbury & Kenton	Woodcock Park Play Equipment	NCIL2017/18_037	Round 2 2017/18	**Parks & Open Space**	Supply, installation and improvement of playground equipment	Delivery	Brent Council - Parks	Brent Council - Parks	**95,000.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kingsbury & Kenton	West Hill Trees	NCIL2018/ 19_07	Round 1 2018/19	**Trees**	Tree Planting in Kingsbury & Kenton CIL Neighbourhood	Delivery	Barn Hill Residents Association	Brent Council - Landscaping	**30,000.00**
Sudbury Town Residents Association (STRA)	Butlers Green Public Convenience	NCIL2017/ 18_011	Round 1 2017/18	**Community Hub - Building**	Refurbishment of a dilapidated toilet building to create a multi-purpose venue for the local community.	Initiation	STRA	STRA	**35,000.00**
Wembley	Town Centres (Wembley)	NCIL2017/ 18_002	Round 1 2017/18	**Town Centres**	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**10,900.00**
Wembley	Town Centres (Ealing Road)	NCIL2017/ 18_002	Round 1 2017/18	**Town Centres**	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**10,100.00**
Wembley	Footfall Counters	NCIL2017/ 18_002	Round 1 2017/18	**Town Centres**	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**32,000.00**
Wembley	Barn Hill Trees	NCIL2017/ 18_010	Round 1 2017/18	**Trees**	Tree Planting in Wembley CIL Neighbourhood	Delivery	Barn Hill Residents Association	Brent Council - Landscaping	**40,000.00**
Wembley	Alperton Trees	NCIL2017/ 18_012	Round 1 2017/18	**Trees**	Tree Planting in Wembley CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	**90,000.00**
Wembley	Sudbury Trees	NCIL2017/ 18_013	Round 1 2017/18	**Trees**	Tree Planting in Wembley CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	**70,000.00**
Wembley	Destiny House Music School	NCIL2017/ 18_015	Round 1 2017/18	**Youth Project**	Saturday classes supporting young people to create and record their own compositions	Completed	Destiny House International	Destiny House International	**25,177.37**
Wembley	Wembley Park Benches	NCIL2017/ 18_016	Round 1 2017/18	**Public Realm**	The provision of benches outside Wembley Park station	Delivery	Brent Councillor	Brent Council - Highways & Infrastructure	**7,500.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Preston Library fit out	NCIL2017/ 18_039	Round 2 2017/18	**Community library**	Community library refurbishment	Initiation	Preston Community Library	Preston Community Library & Brent Council	**267,983.00**[1]
Wembley	Caritas Social Innovation & Enterprise Hub	NCIL2017/ 18_040	Round 2 2017/18	**Employment**	Capital cost contribution towards the renovation of an enterprise Hub offering Co-working spaces, grants, training and educational events and accredited courses	Delivery	Caritas Westminster	Caritas Westminster	**95,000.00**
Wembley	St Cuthbert's Dementia Hub (Heating)	NCIL2017/ 18_041	Round 2 2017/18	**Community Hub - Building**	New heating to enable the creation of a warm and welcoming environment for existing community groups	Delivery	St Cuthbert's Church	St Cuthbert's Church	**50,000.00**
Wembley	Brent Young People's Hub Option Appraisal	NCIL2017/ 18_042	Round 2 2017/18	**Community Hub - Feasibility**	Funding to facilitate the planning and delivery of a youth hub offering a range of accommodation services and activities under one roof in Brent	Delivery	Young Brent Foundation	Young Brent Foundation	**29,800.00**
Wembley	Brent Indian Association Mural	NCIL2017/ 18_043	Round 2 2017/18	**Community Art**	Mural on the Brent Indian Association's Building situated in Ealing Road	Completed	Brent Indian Association	Brent Indian Association	**20,000.00**
Wembley	Outreach and Schools Project	NCIL2017/ 18_044	Round 2 2017/18	**Youth Project**	Outreach and Youth Café project offering early intervention programme for young people	Delivery	Sway Project	Sway Project	**24,283.00**

[1] http://democracy.brent.gov.uk/documents/s65514/Brent%20Neighbourhood%20Community%20Infrastructure%20Levy%20NCIL%20-%20Preston%20Community%20Library.pdf

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Brent Work Rights Centre	NCIL2017/18_045	Round 2 2017/18	**Employment**	A video and workshop series designed to promote awareness of precarious employment, and equip the residents of Brent with the skills to access fairer, better work: https://www.youtube.com/watch?v=vV3n720sj-8	Completed	Work Rights Centre	Work Rights Centre	**9,980.00**
Wembley	Daniel's Den Volunteer Programme	NCIL2017/18_046	Round 2 2017/18	**Employment**	Development of a volunteer Programme to provide a framework to encourage new skills and the recruitment of new volunteers and subsequently increase the number of Daniel's Den centres	Delivery	Daniel's Den	Daniel's Den	**7,534.00**
Wembley	Transforming Sudbury Neighbourhood Centre into a Community Resource	NCIL2017/18_051	Round 2 2017/18	**Community Hub - Feasibility**	Contribution towards the development phase of a major programme of development and refurbishment at the Sudbury Neighbourhood Centre	Completed	Sudbury Neighbour-hood Centre	Sudbury Neighbour-hood Centre	**37,000.00**
Wembley	Winter - Spring Programme	NCIL2018/19_03	Round 1 2018/19	**Youth Project**	Three day a week provision of youth services for under 18s in the Wembley area for 36 weeks.	Delivery	Ansar Youth Project	Ansar Youth Project	**30,000.00**
Wembley	Community Usage Project	NCIL2018/19_06	Round 1 2018/19	**Community Hub - Building**	Contribution to refurbishment costs which will provide a safe and secure location for perennial indoor and outdoor community use	Delivery	Barham Primary School	Barham Primary School	**66,500.00**

November 2018

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Queen Elizabeth II Silver Jubilee Garden, Barham Park	NCIL2018/19_10	Round 1 2018/19	**Parks & Open Space**	Restoration of a public garden courtyard at Barham Park, Wembley, for use for park visitors and by people using the adjacent buildings.	Delivery	Brent Council - Highways & Infrastructure	Brent Council - Highways & Infrastructure	**90,867.00**
Wembley	Caritas Social Innovation & Enterprise Hub	NCIL2018/19_31	Round 1 2018/19	**Community Hub - Building**	Roof repairs and landscaping	Delivery	Caritas Westminster	Caritas Westminster	**30,000.00**
Wembley	Dementia Advice, Support & Outreach	NCIL2018/19_35	Round 1 2018/19	**Community Hub - Building**	Refurbishment of community space to enable the provision of outreach work and confidential advice to memory loss sufferers and their carers.	Delivery	Friends of Barham Library	Friends of Barham Library	**60,000.00**
Wembley	Ready 4 Success	NCIL2018/19_52	Round 1 2018/19	**Employment**	Employment support and mentoring targeted at young people and women	Delivery	Step up Hub	Step up Hub	**25,100.00**
Wembley	Stonebridge Boxing Club - Open To All	NCIL2018/19_53	Round 1 2018/19	**Community Hub - Building**	Funding for refurbishment works following relocation of Stonebridge Boxing Club	Delivery	Stonebridge Boxing Club	Stonebridge Boxing Club	**95,258.00**
Willesden	Town Centres (Willesden)	NCIL2017/18_002	Round 1 2017/18	**Town Centres**	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**10,000.00**
Willesden	Cultural Programme Willesden Library	NCIL2017/18_017	Round 1 2017/18	**Community Hub - Service**	Proposal to expand the cultural programme offered at Willesden Green Library	Decommissioned (At applicant request)	Brent Council - Culture	Brent Council - Culture	**9,300.00**
Willesden	Code Clubs and STEM (Science Technology Engineering Maths) Clubs in Brent Libraries	NCIL2017/18_018	Round 1 2017/18	**Youth Project**	After school clubs for children and young people (CYP) in Brent Libraries. The objective is to improve knowledge in digital literacy, science, technology, engineering and mathematics.	Delivery	Brent Council - Culture	Brent Council - Culture	**3,500.00**

November 2018

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Willesden	Willesden Business Support Programme & Mural	NCIL2017/18_047	Round 2 2017/18	**Town Centres**	Business Support in Town Centres and Town centre Mural	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**34,680.00**
Willesden	Willesden Jewish Cemetery "House of Life"	NCIL2017/18_048	Round 2 2017/18	**Community Hub - Building**	CIL contribution towards a Heritage Lottery Funded project to improve the public realm, restore the garden and deliver landscape improvements	Delivery	United Synagogue	United Synagogue	**50,000.00**
Willesden	Dollis Hill Benches	NCIL2017/18_049	Round 2 2017/18	**Public Realm**	Community Seating in Dollis Hill Area	Completed	Brent Councillor	Brent Council - Highways & Infrastructure	**1,250.00**
Willesden	Brent Community Law Centre Refurbishment	NCIL2018/19_09	Round 1 2018/19	**Community Hub - Building**	Refurbishment of community space to provide quality legal services for disadvantaged residents in Brent as well as provide an improved community venue space available for local residents and visitors.	Delivery	Brent Community Law Centre	Brent Community Law Centre	**42,200.00**
Willesden	Neasden Trees	NCIL2018/19_22	Round 1 2018/19	**Trees**	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Councillor/ Brent Council - Town Centre	Brent Council - Town Centre	**50,000.00**
Willesden	Public Art for Church End	NCIL2018/19_23	Round 1 2018/19	**Community Art**	Delivery of a public art project through workshops that seek to include residents and businesses from a wide spectrum of the community. The aim of the project is to develop community cohesion	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	**22,220.00**

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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Willesden	Dollis Hill Trees	NCIL2018/19_26	Round 1 2018/19	**Trees**	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	**45,000.00**
Willesden	Tree Planting in Dudden Hill Ward	NCIL2018/19_46	Round 1 2018/19	**Trees**	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Resident	Brent Council - Landscaping	**30,000.00**
Willesden	Willesden Wood	NCIL2018/19_67	Round 1 2018/19	**Trees**	Tree Planting in Willesden CIL Neighbourhood	Delivery	Willesden Green Town Team	Willesden Green Town Team	**6,713.50**

Neighbourhood Community Infrastructure Levy (CIL) Review

Findings Summary

July 2018

Review Activities

The review activities were completed between April and June 2018 and included:

- **Online survey** – 70 completed responses, 80 partial responses
- **Internal focus group** – 8 attendees
- **External focus group (a)** – 12 attendees
- **External focus group (b)** – 1 attendee
- **Internal interviews** – 7
  - Public Health, Employment & Skills, Corporate Transformation, Community Protection, Youth Engagement, Capital Programme Office, Housing Management
- **Member's online survey** – 5 completed responses, 8 partial responses (15/06/18)
- **Member's focus group** (4th July tbc)
- **Benchmarking**
  - Local Authorities
  - Other Funding Programmes – Wembley National Stadium Trust, Wembley Park, London Community Foundation, Big Lottery
  - Brent Partnerships & Engagement Team

Themes

Over the course of the review, the following 7 themes emerged:

1. Neighbourhood boundaries,
2. Neighbourhood priorities,
3. Grant process and number of submissions,
4. Shortlisting criteria,
5. Panel membership,
6. Distribution of funds,
7. Capacity building and administration.

Boundaries

- Some focus group attendees perceived existing CIL Neighbourhoods as being too broad with the five CIL neighbourhoods having too many physical and demographic disparities
- Ward level boundaries were suggested as an alternative, mirroring what happens in other Local Authorities
- Survey comments evidenced a lack of understanding of the boundaries of existing CIL Neighbourhoods and what was included

None. Where is Cricklewood and Dudden Hill / Dollis Hill? Forgotten swathes of Brent....

Why is Wembley on here? They get enough funding! And why is Kilburn and Kensal Rise lumped together? They should be treated separately as should Kingsbury and Kenton!

I work in the Neasden area but it is not on your list why not

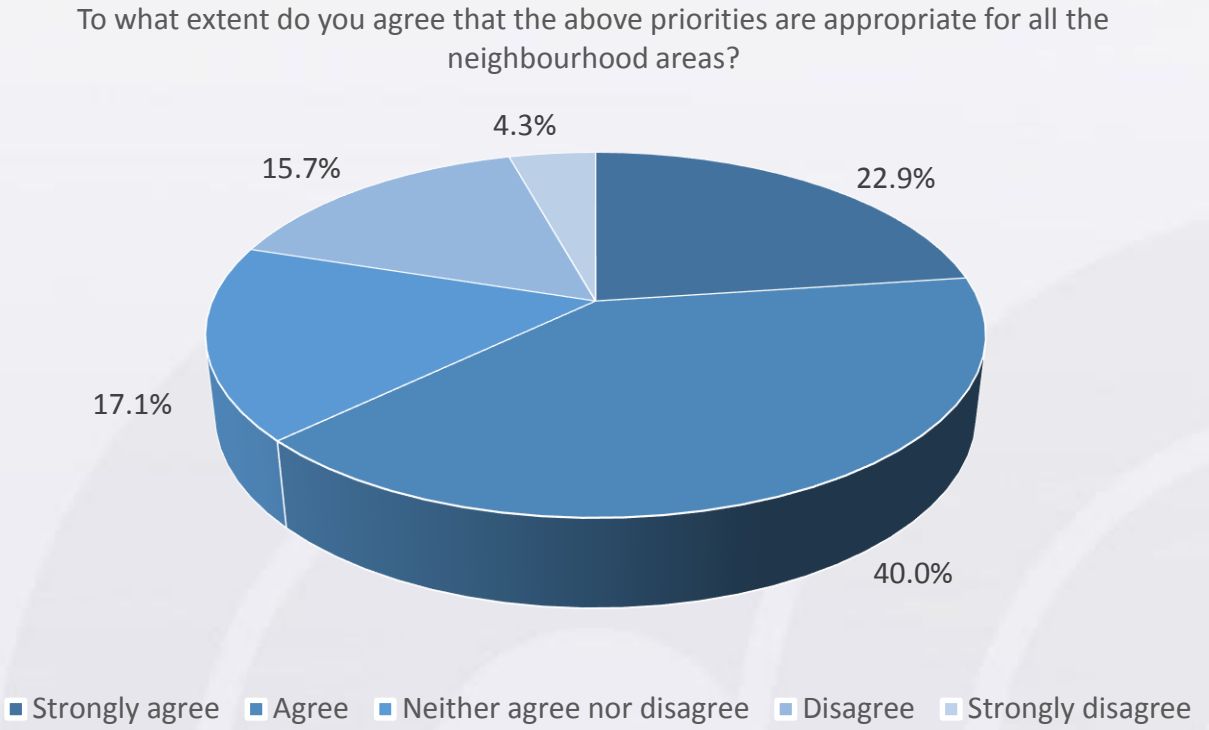
Residents understand wards more than NCIL boundaries – should we explain to residents better

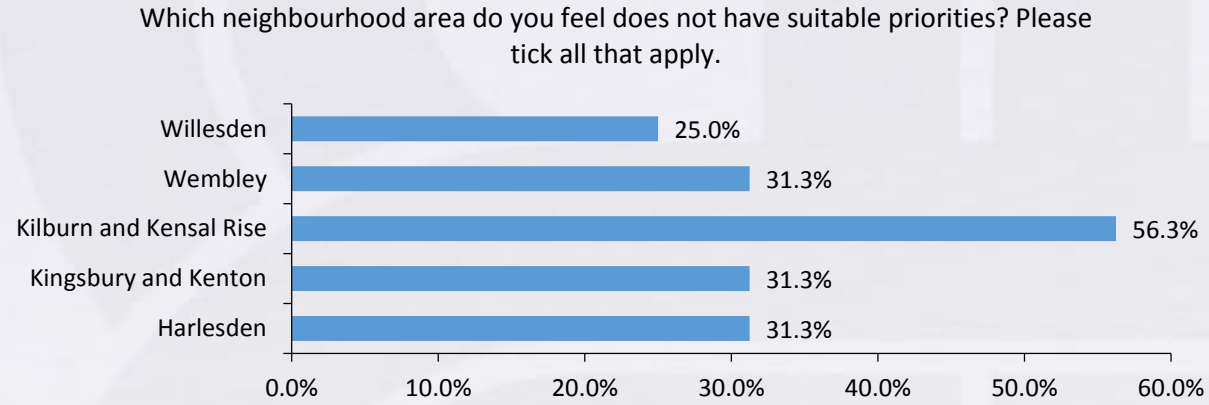


Response from consultation

Priorities

- 62.9% of 70 survey respondents agreed or strongly agreed that priorities were appropriate for the five NCIL areas.
- 20 respondents expressed opinion on areas they disagreed with. The majority (9) felt Kilburn and Kensal Rise did not have suitable priorities, with the remaining nearly equally split between Kingsbury and Kenton (5), Harlesden (5), Wembley (5) and Willesden (4).
- Recurring survey comments and issues included a focus on social need rather than just physical infrastructure (i.e. Young People, Community Safety etc.) and the cross over of priorities for all areas i.e. Transport & Road or Community Space & Cultural facilities across the borough
- The focus groups also felt priorities could potentially be borough wide, or include social priorities. A key issue was to keep the priorities flexible.





I think that Kingsbury and Kenton should not be the only area that does not feature community spaces and cultural facilities. Chalk Hill Estate is in Barnhill Ward and could have made use of this money…

There should be priorities specifically around young people and community safety

Transport and road should feature much higher as it is key to developing an environment from which every thing else will blossom.

More money is needed for social support, groups and community spaces.

Emphasis on art and culture, given the awarding of the 'London Borough of Culture' bid, would be an added bonus. There are many local artists and it would be great if the Council is able to highlight their talents more.

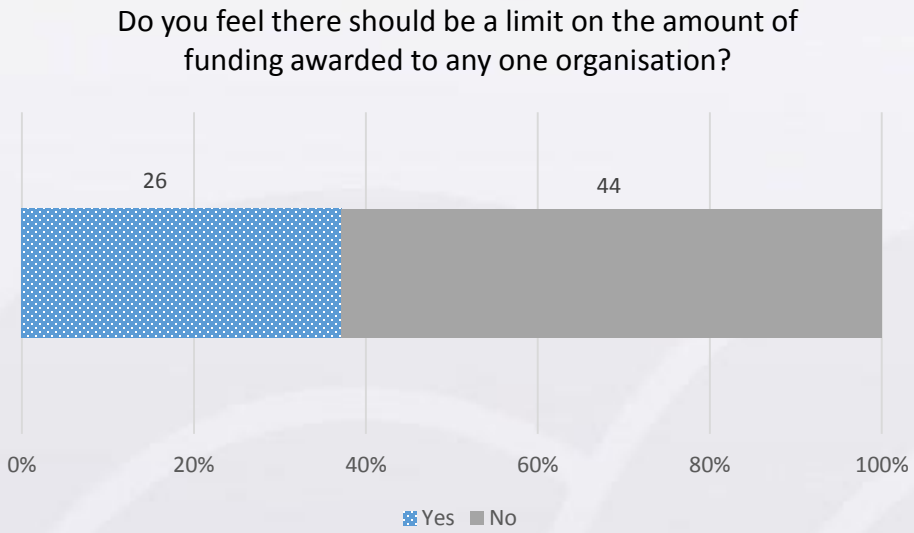
Need to do more to improve green spaces, and access to them, green infrastructure as well.

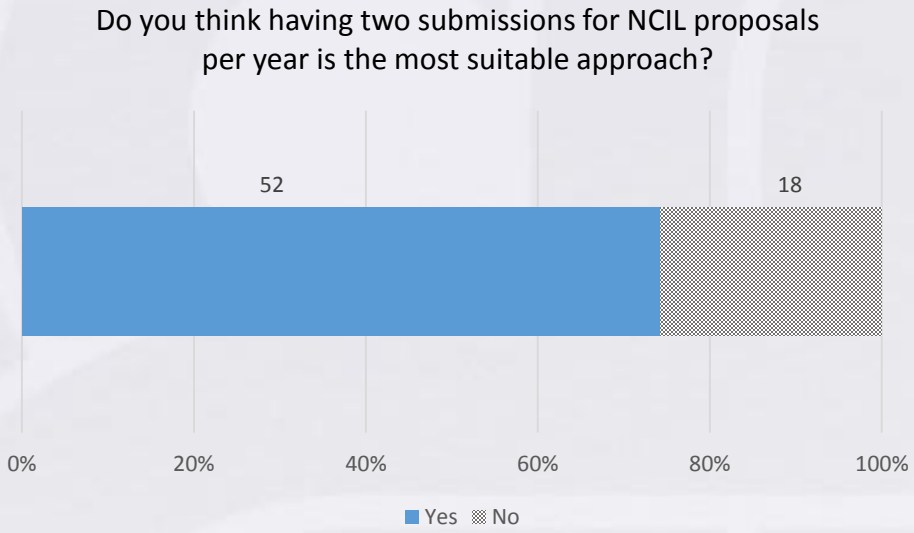
Emphasis on protecting residents via environmental and green initiatives. An example would include enhancing the quality of people's daily lives and protecting them from the impact of pollution - air quality and the importance of the role of the natural environment - mature street trees, wildlife corridors, etc.

Response from consultation

Grant Process

- General agreement, in focus groups and across interviews, that it was good that anyone could bid for NCIL funds.
- 62.9% of survey respondents felt there should not be a limit on amount of funding.
- 74.3% of survey respondents preferred having two submissions per year, this was echoed in the internal and external focus groups as it allows greater flexibility and responsiveness to local need.
- Benchmarking against other funding programmes and Local Authorities, as well growing number of applications suggest one submission per year may be more suitable.





While two decision points year might be the right balance I believe there should be a process of continual submission to enable proposals to gain feedback and improve their submissions, much like local action groups do.

I think there should be a small pot set aside for small bids in-between

Two submissions seems adequate

Why limit creativity?

I think there should be a small pot set aside for small bids in-between

No, as long there is transparency and the reasons are justified. All award information should be made public.

Because some organisations cover many things that can improve an area. You should be allowed to make as many applications as you like

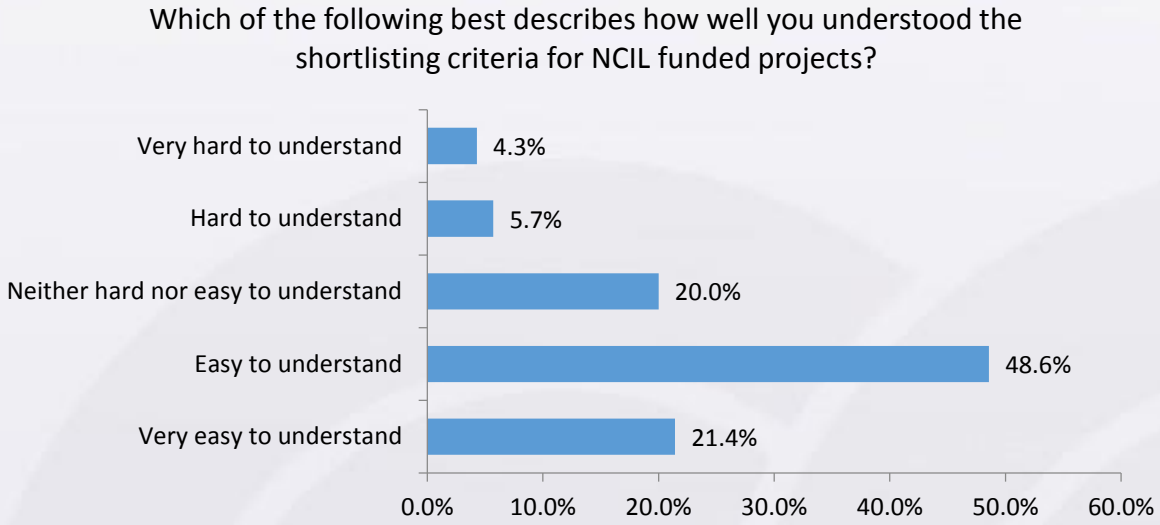
I think organisations should be able to re-apply at any time as long as it is a new project that is not a continuation of previously funded projects, or ongoing operational costs. However, bids should be judged on their merits, which would not necessarily restrict applications.

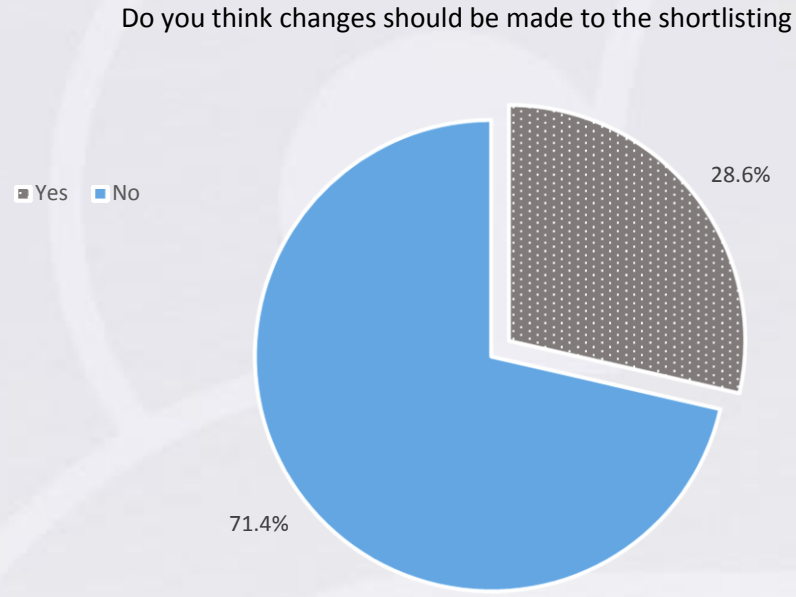


Response from consultation

Shortlisting Criteria

- Only 10% of respondents felt it was hard or very hard to understand the shortlisting criteria
- Only 28.6% that felt changes should be made to the shortlisting criteria, with similar agreement in the external focus group
- Suggestions for improvement included further clarification on more technical points and the negative implications of 'broadest section of community'
- Internal teams felt there needed to be additional element of shortlisting to make sure a project aligned to Council areas





While two decision points year might be the right balance I believe there should be a process of continual submission to enable proposals to gain feedback and improve their submissions, much like local action groups do. If successful, the system could move to 3 decision points yearly.

May be good to reword to does it benefit the community

Given the issue of knife crime and gang culture in the borough rethink the 'benefit to the broadest section of the community' criteria to cover specific facilities aimed at young people.

Further clarification and detail on each of the points e.g. how to evidence/ document mitigating impact of development

The choice of criteria is fine as a whole

May be good to reword to does it benefit the community

There should be clear explanation of the CIL Regulations (2010) as amended and also its requirement in terms of the criteria set by the council

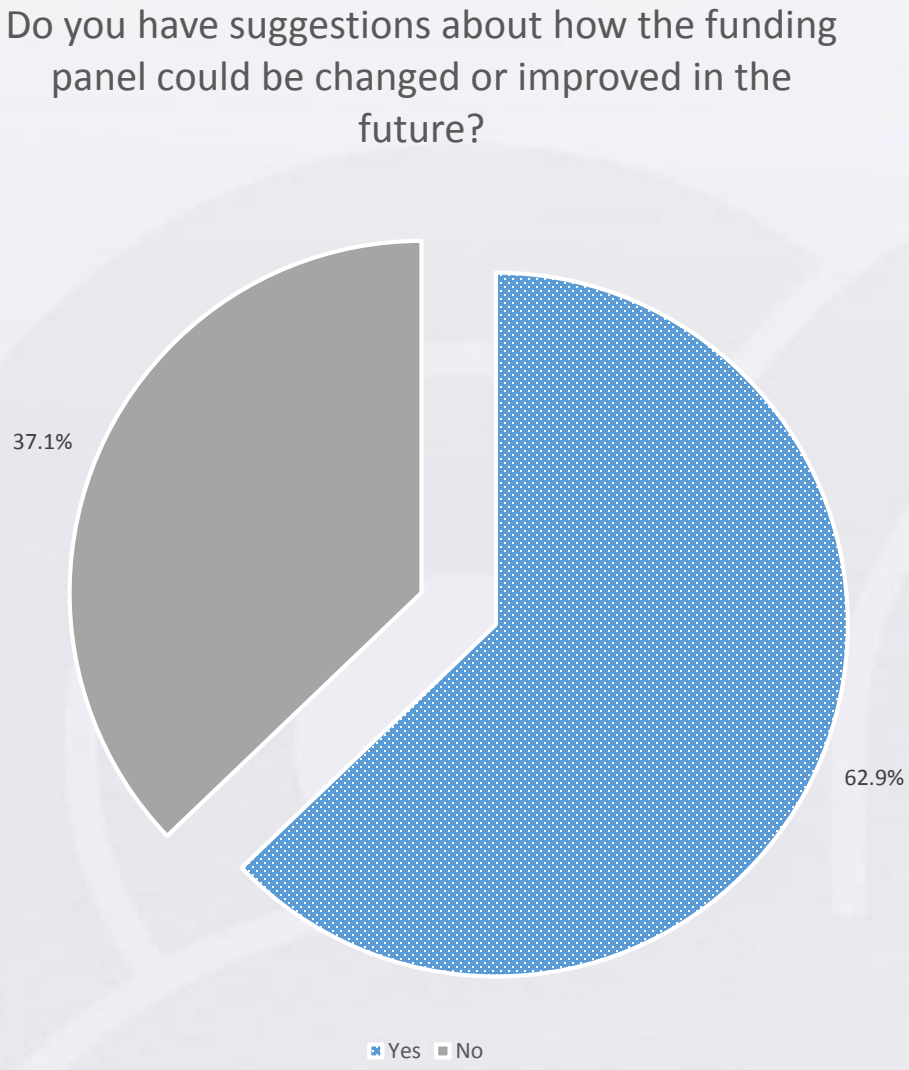
A description of the CIL Regulations (2010) is required. The Council priorities need to be stated.



Response from consultation

Panel Membership

- 62.9% of respondents believed the panel should be changed. This was somewhat mirrored in the focus groups
- The majority of respondents felt the panel should be increased to three members to allow for a deciding vote.
- Other suggestions through included widening membership to community representatives, including representatives from more service areas in addition to Planning (e.g. partnerships and engagement) including more Lead Members, having an independent panel and having young people on the panel



Local residents and local businesses should be involved as they are the ones who actually see and live with the problems.

I think you should have someone independently from the Council, maybe from the third sector.

There should be more people involved in the decision process.

A representative from a borough-wide voluntary organisation (e.g. CVS Brent) should be included.

Involve equality officers or council workers who work with migrant communities

Have an odd (say 3) number of panellists so there can be a majority decision.

Needs to be more representative. Include reps from: Voluntary sector, culture, education, health, children & young people

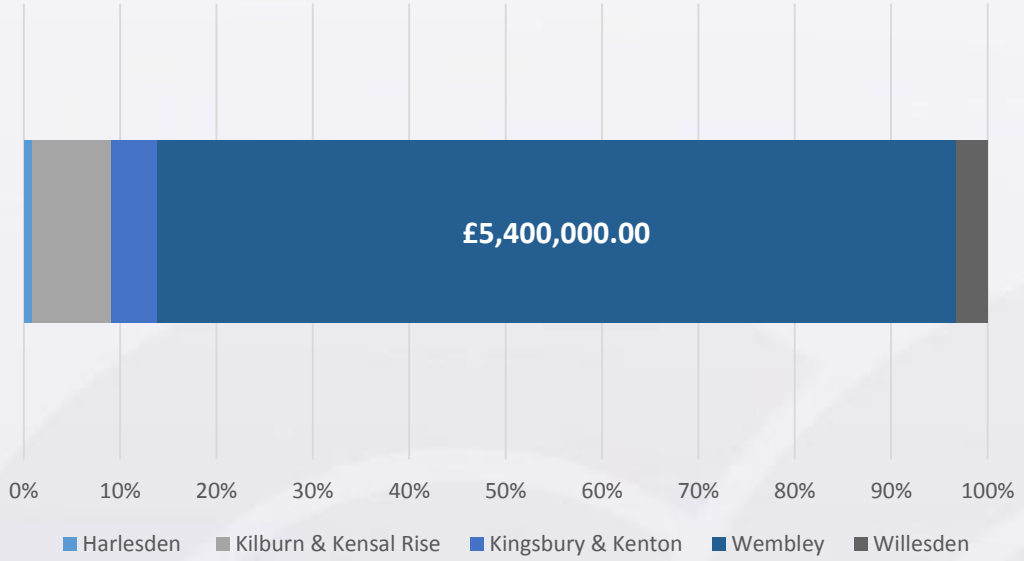
A council member for sports, leisure and community, and 2 lay members with appropriate experience and skill, who can be neutral 'non-executives'



Response from consultation

Distribution of Funds

- Distribution of funds was discussed in both focus groups, as well as in internal interview with different teams and key stakeholders
- The focus groups and interviews evidenced a perception that Wembley benefits the most, from development and NCIL, and poorer, more deprived areas like Harlesden who need more investment lose out
- General consensus that development affects the entire borough and therefore the entire borough should benefit from NCIL



People move around the borough to use services so should distribute should reflect this

Regeneration should benefit the whole borough

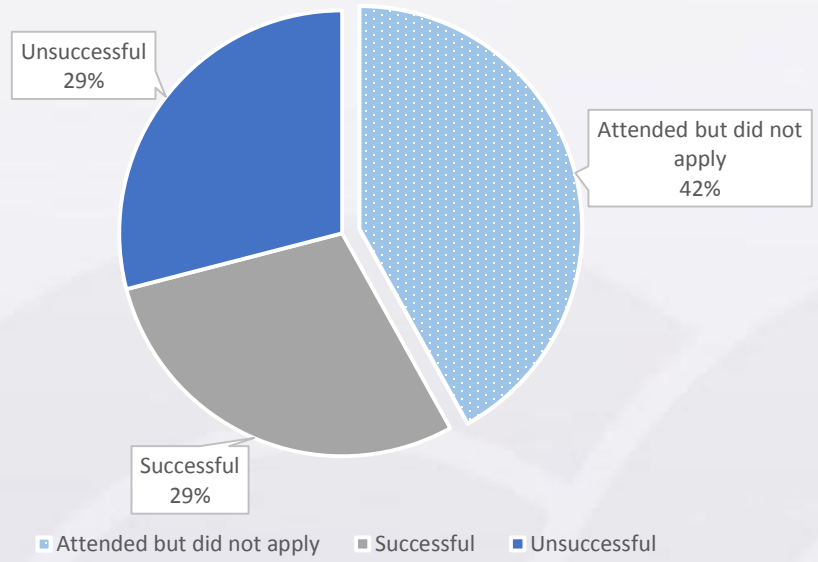
Still need to take into account where the development is happening

Response from consultation

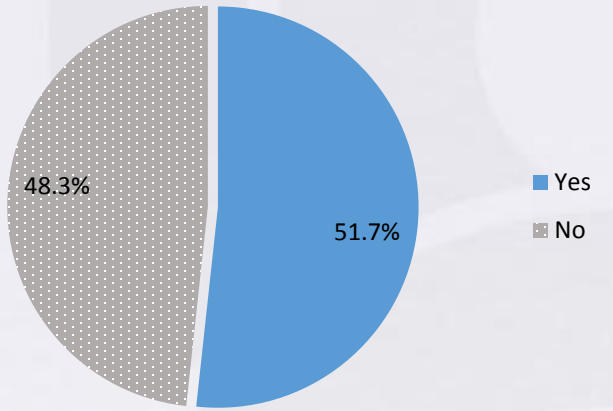
Capacity Building

- A number of survey comments addressed a need for increased support for community groups and internal teams flagged a need for additional oversight of project proposals
- In collaboration with CVS Brent, workshops are held in the run up to each application round. 50% of those who received support from CVS Brent (and made an application) were successful. Overall, many individuals attended a CVS Brent workshop but then did not go on to apply for NCIL funds
- 51.6% of survey respondents who had submitted an application had received support from CVS Brent. 81.6% of those who had received support felt it was either helpful or very helpful.

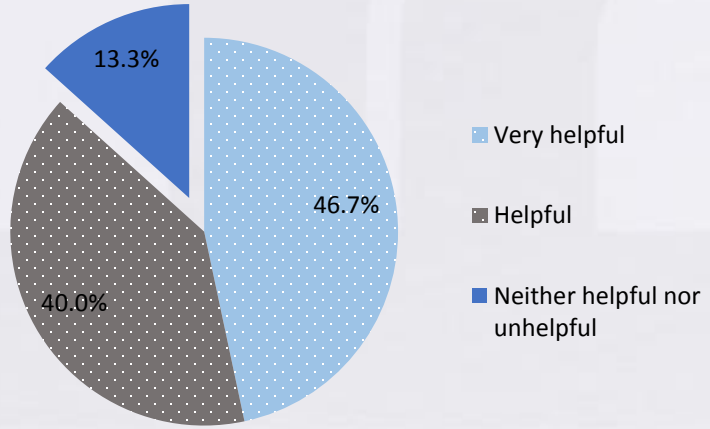
Attended a CVS workshop and made a NCIL application



Did you receive any support to prepare and submit your grant proposal form from Brent Council/CVS Brent?



How helpful was the support?



More detailed feedback given in the unsuccessful response, what could have been included or omitted…Having something in black and white would have helped and made me feel you had really looked at the bid and considered it.

Communication and personal building of relationships - listen and act.

Offer CIL training and guidance workshops in evening and weekends not during day time when many people work. I have been unable to attend 2 CVS have put together as I have to go to work

more engagement through the existing forums

Provide info to voluntary and community groups and to political party ward branches and encourage them to promote.

Impact on officers if project have impact on Brent Council

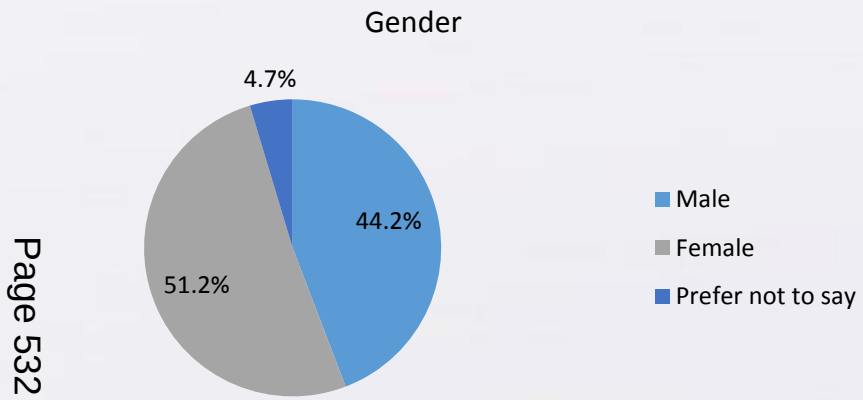
More cost information – how have they arrived at their numbers

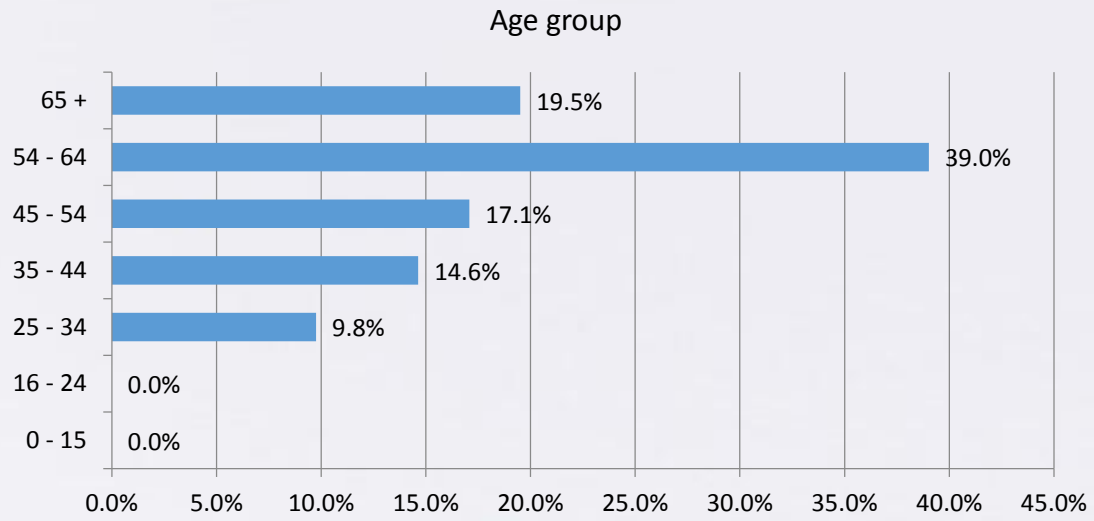


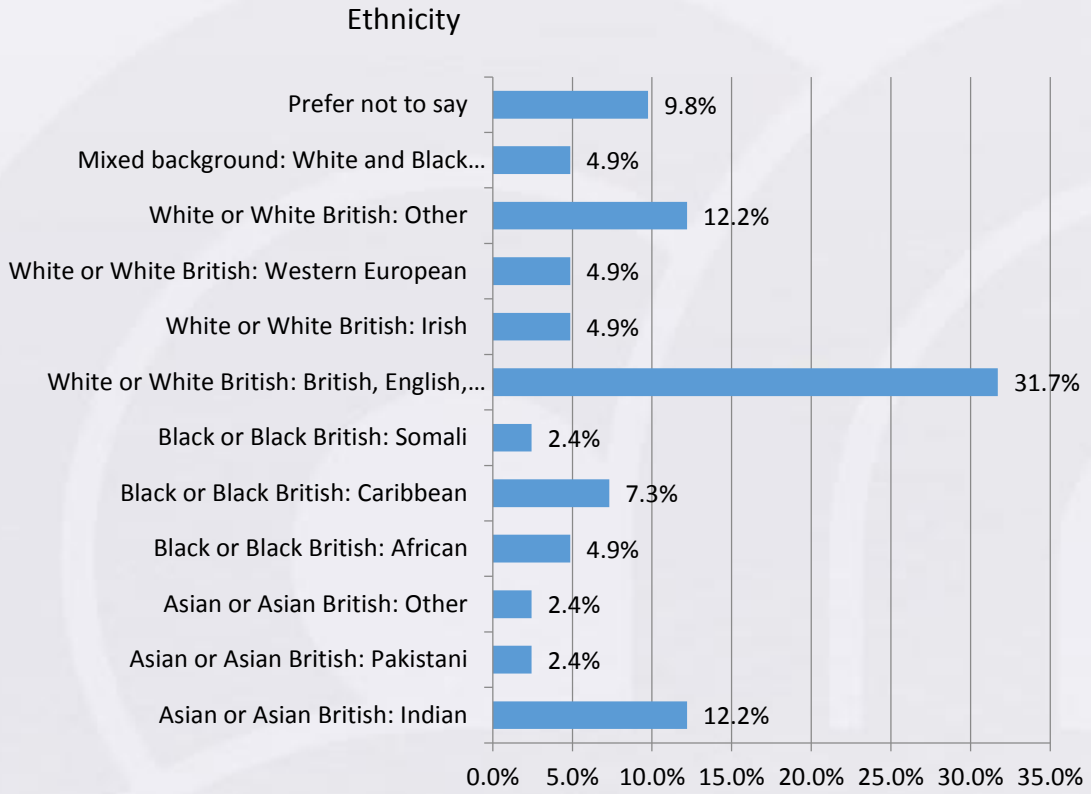
Response from consultation

Equalities

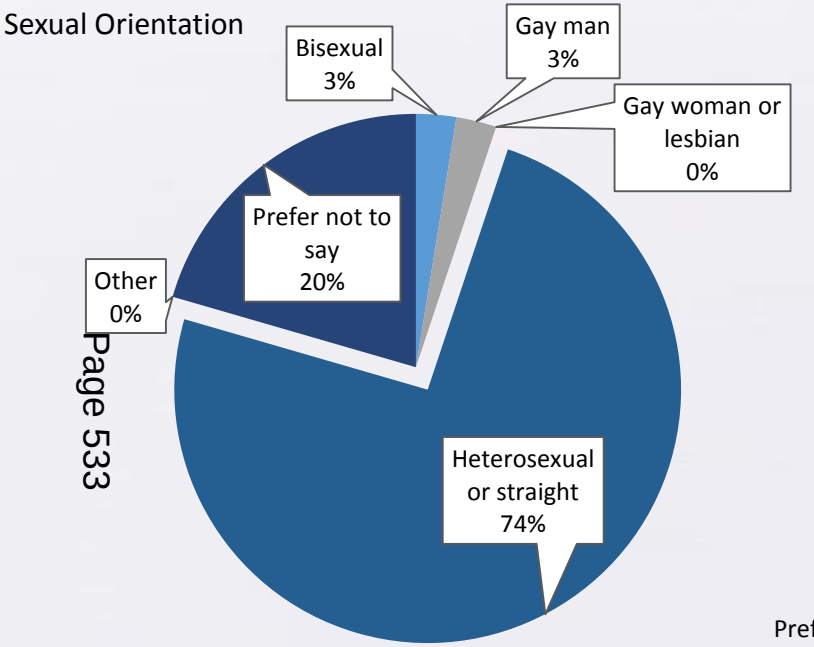
58.6% of respondents were happy to provide personal information

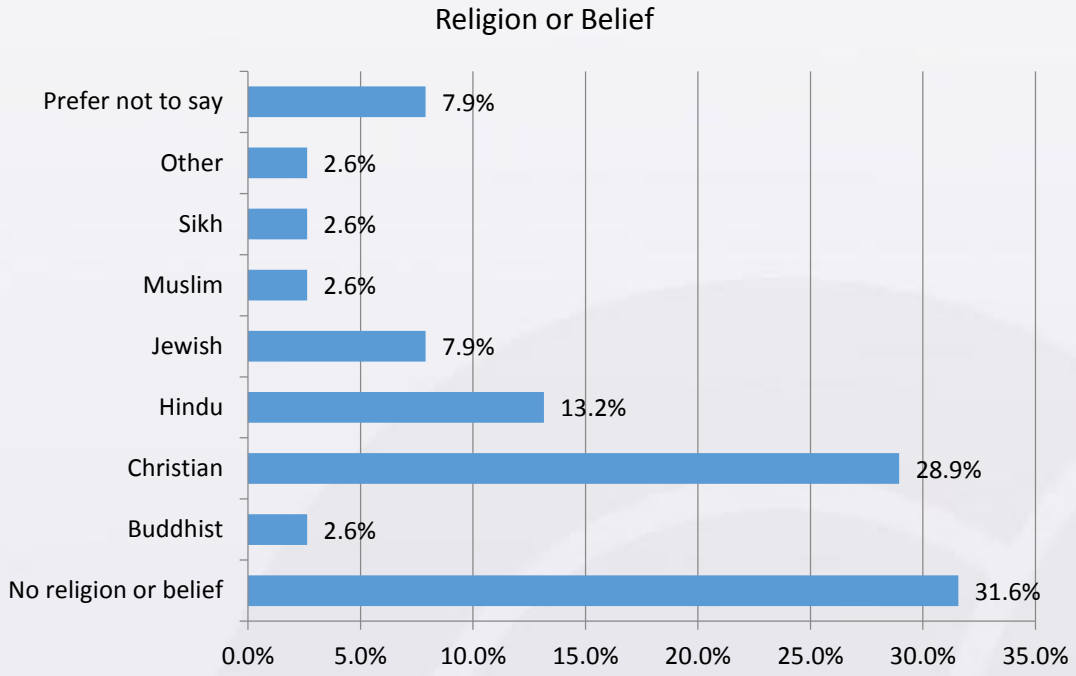


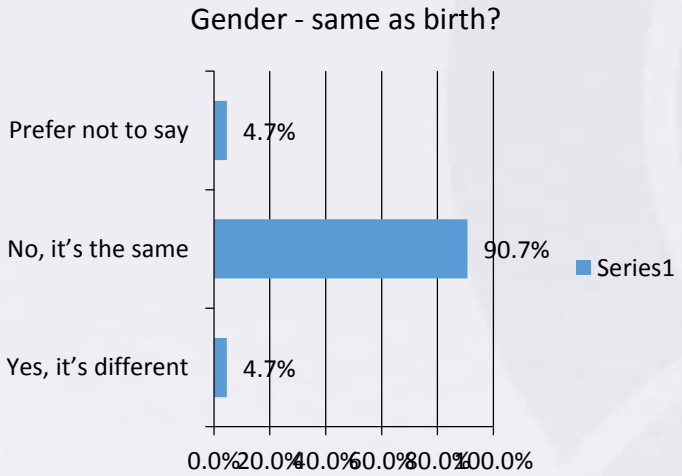


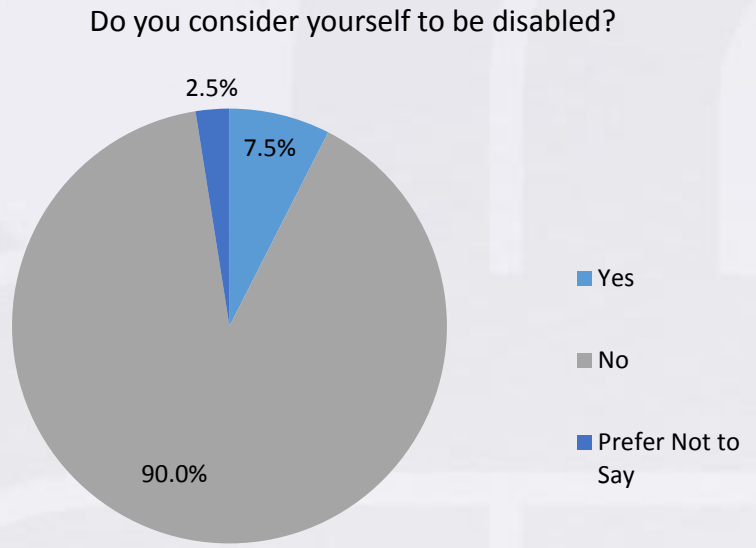


Equalities


Sexual Orientation
Bisexual 3%
Gay man 3%
Gay woman or lesbian 0%
Prefer not to say 20%
Other 0%
Heterosexual or straight 74%


Religion or Belief
Prefer not to say 7.9%
Other 2.6%
Sikh 2.6%
Muslim 2.6%
Jewish 7.9%
Hindu 13.2%
Christian 28.9%
Buddhist 2.6%
No religion or belief 31.6%
0.0% 5.0% 10.0% 15.0% 20.0% 25.0% 30.0% 35.0%


Gender - same as birth?
Prefer not to say 4.7%
No, it's the same 90.7%
Yes, it's different 4.7%
0.0% 20.0% 40.0% 60.0% 80.0% 100.0%
Series1


Do you consider yourself to be disabled?
2.5%
7.5%
90.0%
Yes
No
Prefer Not to Say

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	Cabinet 17 April 2023
	Report from Corporate Director of Finance & Resources

Brent Civic Centre – Approval to commercially let Civic Centre surplus floor space(s)

Wards Affected:	Wembley Park
Key or Non-Key Decision:	Key Decision - result in the local authority incurring expenditure or making savings of £500k or more
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Appendix 1 will be part exempt because it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information.
No. of Appendices:	Appendix 1 – Negotiations (exempt)
Background Papers:	N/A
Contact Officer(s): (Name, Title, Contact Details)	Denish Patel, Head of Commercial Property Denish.Patel@brent.gov.uk Tanveer Ghani, Director of Property & Assets Tanveer.Ghani@brent.gov.uk

1.0 Purpose of the Report

1.1 In February 2023, Cabinet approved the Council's budget proposals for 2023/24 and this included a £680k saving to be achieved from 2024/25 by letting additional floor space within the Civic Centre to external organisations.

1.2 Officers are currently undertaking a 'restack' project within the Civic Centre to help release parts of floors 1, 7 and 8 from direct Council use. These surplus floor areas are currently being marketed for commercial letting to help achieve the £680k saving target.

1.3 It should be noted that the Council has appointed a commercial letting agent, Avison Young, to market the surplus spaces and Officers are currently engaged in active conversations with existing and prospective tenants to negotiate terms, details of these negotiations are set out in confidential Appendix 1 and are subject to contract.

1.4 This report sets out the Council's approach for letting the additional space in the Civic Centre to achieve the required savings, the delegated authority required for agreeing new leases and the immediate opportunities and challenges in the current market.

2.0 Recommendation(s)

2.1 It is recommended that Cabinet:

Delegate authority to the Corporate Director of Finance & Resources in consultation with the Lead Member for Finance, Resources & Reform to agree the terms of the lease(s) and enter into lease agreements with existing tenants, as highlighted in paragraph 3.4, and with prospective tenants identified through marketing.

3.0 Detail

'Restack' Project

3.1 In order to help create opportunities for delivering savings, Officers have worked to identify where and how the Council's use of the Civic Centre could be rationalised, seeking to balance the objective of minimising detriment to service delivery and optimising space that could be attractive for external letting.

3.2 To this end, Officers are in the process of organising and implementing the Civic Centre 'restack' project to release up to 19,309 square feet of additional space for external letting. It is currently anticipated that the 'restack' project will be completed by the end of April 2023.

Lease Negotiations with Existing Tenants

3.3 In parallel with the 'restack' project, Officers have been liaising with existing commercial tenants within the Civic Centre to understand and agree their longer-term spatial requirements.

3.4 Delegated authority is being sought to enter into new leases with the following:

- A new lease at an agreed market rent with the Valuation Office Agency (VOA to relocate from the 8th Floor North to the 8th Floor West that was recently vacated by Air France.

- A new lease at an agreed market rent with the Old Oak and Park Royal Development Corporation for their current demise on the 1st Floor West - or a suitable alternative space.

- A new lease at an agreed market rent with the NHS to co-locate them with Brent's Adult Social Care and Health department on the 2nd Floor.

- A new lease at an agreed market rent with Warren Bakery who occupy a retail unit on the ground floor.

- Any other existing tenants as appropriate in line with the re-stack project and any new prospective tenants seeking space within the Civic Centre.

Marketing for New Tenants

3.5 A commercial property agent, Avison Young, has been appointed by Officers to market the additional space within the Civic Centre (parts of 1st, 7th and 8th floors) to attract new external tenants.

3.6 Officers are seeking every possible marketing opportunity to let additional space within the Civic Centre. Marketing particulars, a marketing brochure and a video of all of the available space have been prepared by Avison Young and marketed extensively on various platforms with a view to securing suitable commercial tenants. The marketing is taking place on the following platforms:

- Avison Young website
- Rightmove
- Zoopla
- Co-Star
- Agents Society

3.7 The industrial kitchen space on the 1st floor is also being marketed via Avison Young. The kitchen was decommissioned during the pandemic and has been used on and off by the third sector to run temporary food programmes.

3.8 Officers are also in discussions with Avison Young on the possibility and potential of letting the surplus space to a flex-operator. Proposals are being sought from several flex-operators to better understand their flexible space solutions, the investment required and the demand and risks, and these discussions are in early stages. This would enable the Council to consider workspace solutions along a wider spectrum of options and better adapt to current and future market conditions.

4.0 Financial Implications

4.1 Marketing of the available floor space has already commenced and Officers are working to find new tenants, and therefore generate income as soon as possible.

4.2 It is estimated that additional gross annual income of approximately £743k per annum could be realised based on current market rents, should occupation of the released spaces on the 1st, 7th and 8th floors all be agreed at the full anticipated market rental value.

4.3 If the proposed changes are not made to enable to the floor space to be let, it would leave the department unable to meet the proposed savings target in 24/25 and beyond. Alternative proposals would have to be found to allow the department to operate within budget.

5.0 Legal Implications

5.1 In accordance with Part 3 of the Council's Constitution, the Corporate Director of Finance and Resources may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £1m. The Corporate Director of Finance and Resources may acquire or dispose of leases, licences, and easements in respect of land or buildings except where:

i. the annual rental value (excluding other outgoings) exceeds £250k
ii. if acquired or disposed of at a premium the value would, in his or her view, exceed £1m in value or
iii. where the leasehold term exceeds 125 years

5.2 Where any disposal or acquisition of an interest in land or buildings is, in the view of the Corporate Director of Finance and Resources, of a value over £250k and below £1m, where any leasehold interest has an annual value over £100k or below £250k, or where the lease length is between 50 and 125 years, he or she shall consult with the Lead Member.

5.3 The Corporate Director of Finance and Resources may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by them is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.

5.4 Changes to the constitution allows the acquisition or disposal of leases licence and easements in respect of land or buildings as an undervalue but will need to be referred to the Cabinet member within their portfolio in consultation with the Leader.

5.5 Under Section 123 of the Local Government Act 1972 the Council has the general power to dispose of properties by way of sale or lease. The essential condition is that the Council obtains the best consideration that is reasonably obtainable unless it is a lease of 7 years or less.

6.0 Equality Implications

6.1 All current measures relating to the design of workspaces within the Civic Centre will be maintained. This includes the distribution of height adjustable desks and general accessibility of spaces.

6.2 The letting of Civic Centre surplus accommodation will assist partner organisations in the delivery of their services/achievement of their strategic objectives.

7.0 Consultation with Ward Members and Stakeholders

7.1 The recommendations in the report do not have any material impact on Members and this paper will be circulated to all Ward Members for their information.

8.0 Human Resources / Property Implications

8.1 There are no further property implications or human resources implications in relation to this report.

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental wellbeing of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers will have regard to considerations contained in the Social Value Act in relation to the proposed procurements and where appropriate, include reference to social value being 10% of the evaluation score.

Report sign off:

Minesh Patel
Corporate Director of Finance & Resources

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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	Cabinet 17 April 2023
	Report from the Corporate Director, Adult Social Care and Health

Section 75 Agreement between the Council and North West London Integrated Commissioning Board

Wards Affected:	All
Key or Non-Key Decision:	Key decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	2 – Appendix 1 – Better Care Fund Schemes 2022-23 Appendix 2 – Current Brent ICP Priorities
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Nipa Shah Programme Director, Brent Health Matters Email: Nipa.Shah@brent.gov.uk Tel no. 07825106079

1.0 Purpose of the Report

1.1 This report seeks approval for the Council to enter a partnership arrangement, under Section 75 of the National Health Service Act 2006, in respect of the delivery of the approved Better Care Fund Plan with North West London Integrated Commissioning Board for 2023/24 and onwards.

1.2 This report details what the Better Care Fund is in relation to extensive joint integrated work between the Council and local health services through the Integrated Care Partnership.

2.0 Recommendation(s)

That Cabinet:

2.1 Approves entry into an agreement with North West London Integrated Commissioning Board pursuant to Section 75 of the National Health Service Act 2006 in respect of the Better Care Fund to support Integrated and jointly commissioned services for an initial period of one year for the financial year

2023/24, with the ability to extend the agreement by period or periods up to a further 4 years.

2.2 Delegates authority to the Corporate Director of Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care, to extend the agreement referred to in 2.1 above by such period or periods as are considered appropriate up to a further 4 years, such extensions to conclude by 31 March 2028.

2.3 Approves the transfer of the Council's pro rata contribution as set out in paragraph 4.1 for the financial year 2023/24 to the Better Care Fund pooled budget.

2.4 Delegates authority to the Corporate Director, Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care and the Corporate Director, Finance and Resources to make annual financial contributions to the Better Care Fund pooled budget for subsequent financial years provided that there is no substantial change in partnership arrangements.

3.0 Background

3.1 National context

3.1.1 Health and Social care integration continues to be a national and local long-term priority. The Better Care Fund ("BCF") represents one vehicle by which the Government seeks to drive integration of health and social care through a pooled budget in every area in England. This budget is formally established under a partnership agreement entered into pursuant to Section 75 of the National Health Service Act 2006 ("Section 75 Agreement").

3.1.2 National guidance is published every year setting out the national requirements, targets and minimum financial envelope that every BCF plan is expected to deliver against.

3.1.3 The Section 75 and BCF plan submission provides the formal national framework for pooling budgets. However, the detailed planning, delivery and oversight of the BCF plan are managed in much more detail locally.

3.1.4 Whilst there is significant investment from both health and social care into the BCF (see Section 4 for Brent contributions), it is important to note that aside from inflationary uplifts the funding forms a significant proportion of both health and adult social care base spend. This funding is therefore essential to the delivery of core statutory adult social care and health services in Brent.

3.2 Brent context

3.2.1 There has been longstanding collaboration between the Council and NWL ICB (previously NHS Brent CCG) for the provision of integrated and jointly commissioned services. Examples of these integrated services include:

- Step down Residential and Nursing home beds to facilitate hospital discharges
- Integrated Rehabilitation and reablement services
- Rapid Response service to avoid hospital admissions
- Joint Continuing Health Care assessment pathway
- Handyman service to support people in their own homes
- Social worker, Mental Health practitioner to support patient flow in A/E
- Integrated whole systems support team
- Enhanced care home support team
- Joint transformation team

3.2.2 Brent's Health and Wellbeing Board is responsible for approving Brent's BCF plan as well as providing strategic oversight of the delivery of health and care services in the Borough. Brent BCF Plan for 2022/23 was signed off by the Health and Wellbeing Board in October 2022 and was approved by NHS England and Department of Health and Social Care in January 2023. Brent BCF plan for 2022/23 is attached as Appendix 1.

3.2.3 Brent Integrated Care Partnership (ICP) Board and Executive was established in 2022, and reports to the Health and Wellbeing Board. The ICP Executive and Boards brings together senior managers from health, adult social care, voluntary sector, and provides partnership oversight of the whole health and care system in Brent, including the BCF.

3.2.4 Brent ICP has continued to deliver an innovative approach to the use of BCF monies in Brent. For example, using the inflationary uplift in Adult Social Care allocations to develop and deliver innovative new schemes to support transformation and integration of new schemes. These schemes, along with schemes funded through other funding sources (such as non-recurrent national Winter finding) are reviewed annually in terms of impact to the system, and where there is demonstrable impact, the services and corresponding funding are built into the baseline position. Details on broader ICP priorities are set out in Appendix 2.

3.3 Key points of learning

3.3.1 The timing of the publication of national BCF guidance, usually towards the end of the calendar year, can restrict the development and delivery of more ambitious plans, particularly when that guidance relates to one financial year.

3.3.2 Whilst the BCF is an important national tool for driving discussions around integration, it is important to recognise that £44.5 m of Brent BCF spend is relatively small compared to over £1bn that all partners on the ICP spend within Brent annually. It is therefore critically important that Brent invests in strong partnerships and relationships to influence that whole spend for the benefit of Brent residents.

3.3.3 Dedicated analytical capacity is required to review and advise on the impact of new or transformational schemes, to inform decisions around the ongoing funding and delivery of schemes as part of that wider system.

3.4 Proposed approach for 2023/24

3.4.1 It is recommended that Cabinet approve entry into a Section 75 Agreement with an initial term of one year but allowing for extension by period or periods up to a further four years (five years in total). This would allow for a longer term approach to planning and provide flexibility to established governance and partnerships to deliver for the residents of Brent. In order to ensure flexibility, it is recommended to delegate authority to the Corporate Director of Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care, to extend the Section 75 Agreement beyond the initial one-year term by such period or periods as are considered appropriate up to a maximum of a further 4 years.

3.4.2 In addition, it is proposed that BCF planning for 2023/24 begins in April 2023, despite a lack of national guidance, to allow for greater engagement with partners on the longer-term priorities and enable a more strategic approach aligned to priorities that have been agreed through the ICP Exec and Health and Wellbeing Board.

3.4.3 To support these aims, a dedicated task and finish group will be established, reporting to ICP Exec, to make recommendations for the priority schemes for 2023/24 and beyond.

3.4.4 It is proposed that alongside a multi-year approach, there is a formal annual review of the impact of new BCF schemes undertaken in line with financial year cycles and reported through the ICP Executive and Health and Wellbeing Board. Dedicated analytical capacity will be identified through ICP Executive to support this.

3.4.5 As with current arrangements, it is proposed that the ICP Executive, on behalf of the Health and Wellbeing Board, provide strategic operational oversight of the development and delivery of the BCF, regularly reviewing the impact of BCF (quarterly) to ensure alignment and outcomes for the benefit of Brent residents.

4.0 Financial Implications

4.1 The BCF is worth £5.3 bn nationally. Brent Council and NWL ICB had a pooled fund of £44.5 m for 2022/23. We are currently awaiting national guidance on the uplift for 2023/24.

4.2 The Council's contribution to the BCF pooled fund in 2022/23 was £18.6 m inclusive of the Disabilities Facilities Grant (DFG) of £5.3 m.

4.3 The total contribution for 2022/23 were as follows:

NWL ICB	£25.9 m
London Borough of Brent	£18.6 m
Total	**£44.5 m**

The breakdown of the services provided in 22/23 is included in Appendix 1.

4.4 Whilst BCF allocated funding is anticipated to be recurrent, as it has been since its inception, and uplifted by an inflationary measure each year, it is important to note that this is dependent on national funding decisions and guidance. Given the late publication of national guidance through the financial year, there is a small risk to ASC budgets that should these decisions change from the anticipated trend that earlier planning and funding decisions could have spending implications for core ASC spend.

4.5 This s75 Agreement does not include a specific risk share agreement with any overspends being picked up by the commissioning organisation.

5.0 Legal Implications

5.1 Section 75 of the National Health Service Act 2006 provides the legal basis under which local authorities and health bodies can work together to improve health and social care provision. This includes making arrangements for flexible funding and working, such as arranging for the pooling of budgets and delegating responsibility for commissioning health related functions to the other. The parties are required to enter into a Section 75 partnership agreements to record their intentions as regards the integration of the services and the establishment of a pooled fund.

5.2 Cabinet approval is sought to enter into Section 75 Agreement for the financial year 2023/24, with the ability to extend the agreement by period or periods up to a further 4 years. For the reasons detailed in paragraph 3.4.1, Cabinet is asked to delegate authority to the Corporate Director of Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care, to extend the agreement by such period or periods as are considered appropriate up to a further 4 years, such extensions to conclude by 31 March 2028. The Section 75 Agreement should also include express provision permitting termination on notice to enable the council to withdraw from the long-term arrangements proposed should this be considered appropriate.

5.4 Under section 3(1) of the Local Government Act 1999, Brent Council, as a “best value authority” is under general duty of best value to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Officers have indicated in the report, specifically at paragraphs 3.2 and 3.3, ways in which Section 75 Agreement assist the Council in achieving best value.

6.0 Equality Implications

6.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

6.5 The proposals in this report have been subject to screening and officers believe that there are no negative diversity implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 This proposal has been discussed and approved by Councillor Nerva, Lead member for Public Health and Adult social care and officers within NWL ICB.

8.0 Human Resources/Property Implications

8.1 There are no staffing implications in the Section 75 partnership agreement in respect of the delivery of the approved BCF Plan with NWL ICB.

Report sign off:

PHIL PORTER
Corporate Director, Adult Social Care and Health

Appendix 1: BCF Schemes 2022/23

Scheme ID	Scheme Name	Brief Description of Scheme	Scheme Type	Provider	Source of Funding	Expenditure (£)	New/ Existing Scheme
1	Residential and Nursing Care Provision	Spot provision of residential and Nursing care placements	Residential Placements	Local Authority	Minimum NHS Contribution	£3,735,466	Existing
2	Spot purchasing of Nursing care beds	Nursing Home Placement	Residential Placements	Local Authority	iBCF	£3,252,404	Existing
3	Step down beds	Spot nursing and residential beds in care home	Residential Placements	Local Authority	Minimum NHS Contribution	£250,000	Existing
4	Reablement Service	Funding for staff and reablement services	Reablement in a persons own home	Local Authority	Minimum NHS Contribution	£948,000	Existing
5	Reablement Home Care Packages	Provision of Reablement Packages at home	Reablement in a persons own home	Local Authority	Minimum NHS Contribution	£750,000	Existing
6	Home Care	Provision of home care packages	Home Care or Domiciliary Care	Local Authority	iBCF	£5,551,590	Existing
7	Additional social workers in the home first team	Additional capacity to manage increased flow into home first pathway	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£104,000	Existing
8	Reablement training	Provision of training for reablement providers to drive up quality and effectiveness reablement.	Enablers for Integration	Local Authority	Minimum NHS Contribution	£20,000	Existing
9	Nurse assessor	CHC nurse assessor to manage hospital discharge into home first and step-down beds and support flow through step down beds.	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£67,400	Existing
10	Upskill home care provision to support	Support with training, development and governance	High Impact Change Model for Managing	Local Authority	Minimum NHS Contribution	£75,000	Existing

	with more complex health care tasks.		Transfer of Care				
11	Reablement home care packages	Home care	Reablement in a persons own home	Local Authority	Minimum NHS Contribution	£1,183,927	Existing
12	Additional social worker and advanced care practitioner for pathway 1	Ensuring flow of home first - non-complex patients.	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£66,120	Existing
13	Supporting Hospital discharges	cost of living support to facilitate hospital discharges	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£30,000	Existing
14	Community input food parcels etc.	Hospital avoidance scheme	Community Based Schemes	Local Authority	Minimum NHS Contribution	£10,000	Existing
15	New accommodation independent living	Provision of new support living units to support people to remain independent.	Housing Related Schemes	Local Authority	iBCF	£3,417,698	Existing
16	additional wrap round services in persons own home	additional support, including night care to support person in their own home	Personalised Care at Home	Local Authority	Minimum NHS Contribution	£221,450	Existing
17	Bed and breakfast X 2 level access rooms	Ensuring the flow of homeless patients with low level needs	Housing Related Schemes	Local Authority	Minimum NHS Contribution	£16,000	Existing
18	Carers service	Brent gateway service to support carers	Carers Services	Local Authority	Minimum NHS Contribution	£204,000	Existing
19	Handyman service	Handyman service to provide speedy adaptations, setting up home environment, blitz cleans to support hospital discharge	Housing Related Schemes	Local Authority	iBCF	£56,000	Existing
20	Positive behavioural management in care homes.	Service to support people with dementia in care homes to reduce NEL	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£83,000	Existing

		and support discharges.					
21	Disability facilities grant	Provision of an integrated universal access service to support home adaptations. Budget is pooled with other grants to provide this service.	DFG Related Schemes	Local Authority	DFG	£5,316,897	Existing
22	BCF and STP programme management	Support staffing for integrated transformation team	Enablers for Integration	Local Authority	Minimum NHS Contribution	£300,000	Existing
23	Social worker, Care assessor, Occupational therapist and Housing officer in Hospital discharge team	Additional staff to support hospital discharge and MDT working.	High Impact Change Model for Managing Transfer of Care	Local Authority	iBCF	£1,067,000	Existing
24	Additional social worker for rehab beds.	Support with additional capacity to support patient flow in rehab beds and deliver 7 day working in line with NWL requirements	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£40,000	Existing
25	Community services locality team development	Programme manager for 6 months	Community Based Schemes	Local Authority	Minimum NHS Contribution	£45,000	Existing
26	Rehab and complex nursing care co-location	Programme manager for 6 months	Community Based Schemes	Local Authority	Minimum NHS Contribution	£45,000	Existing
27	Care home and home care recruitment and retention campaign - awards ceremony	Comms, publicity and awards spend	Enablers for Integration	Local Authority	Minimum NHS Contribution	£27,265	Existing

28	Shared patient record	Dedicated work, develop a shared patient record and systems. Work with NWL for EMIS to interface more effectively with social care system with a view to make sharing records easier.	Enablers for Integration	Local Authority	Minimum NHS Contribution	£25,000	Existing
29	Transformation team	programme management staff	Community Based Schemes	Local Authority	Minimum NHS Contribution	£270,000	Existing
30	x3 occupational therapist in access team	Ensuring swift provision of community equipment, aids and adaptations, prevention in health decline and mobility admission avoidance and carer support	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£120,000	New
31	x1 carer engagement officer	provide information, advise and support for carers	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£36,000	New
32	x1 social worker rapid response team	support RR team in admission avoidance	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£40,000	New
33	x4 social workers for integrated neighbourhood teams	support integrated neighbourhood teams with PCN and community services	Community Based Schemes	Local Authority	Minimum NHS Contribution	£145,123	New
34	1 housing officer inpt MH unit	support patients in inpt MH unit to facilitate early discharge	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£40,000	New
35	x2 support workers	support discharges from MH unit and A/E	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£72,000	New

36	x1 AMP	based in A/E to support admission avoidance	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£50,000	New
37	Support Worker	work with BHM, GP and MH services re identifying people who need support with cost of living and ensure appropriate referrals	High Impact Change Model for Managing Transfer of Care	Local Authority	Minimum NHS Contribution	£40,000	New
38	Integrated Care Planning and Navigation	Whole systems support (GP led MDT for complex case management)	Integrated Care Planning and Navigation	Private Sector	Minimum NHS Contribution	£2,140,496	Existing
39	Community Based Schemes	Community rapid response service	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£2,716,674	Existing
40	Intermediat e Care Services	Provision of reablement packages at home	Bed based intermediate Care Services	Local Authority	Minimum NHS Contribution	£550,000	Existing
41	Community Based Schemes	Falls prevention service	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£378,206	Existing
42	Intermediat e Care Services	Provision of step down beds to support discharge to assess and complex care	Bed based intermediate Care Services	Local Authority	Minimum NHS Contribution	£250,000	Existing
43	Residential Placements	Provision of CHC and FNC	Residential Placements	Private Sector	Minimum NHS Contribution	£3,545,809	Existing
44	Community Based Schemes	Supporting staff	Community Based Schemes	Local Authority	Minimum NHS Contribution	£270,000	Existing
45	Community Based Schemes	Support to district nursing, as part of new ICP	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£0	Existing
46	HICM for Managing Transfer of Care	Support to care homes to support hospital discharge and reduce admissions	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£0	Existing
47	Community Based Schemes	Community Rehabilitation-Birchwood	Residential Placements	Local Authority	Minimum NHS Contribution	£1,094,522	Existing

		Grange care home					
48	Community Based Schemes	Additional funding for Home care Packages	Residential Placements	Local Authority	Minimum NHS Contribution	£416,000	Existing
49	Integrated Rehab and Reablement	Supporting patient flow from discharge	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£1,423,665	Existing
50	Community Based Schemes	Additional funding for Home care Packages	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£0	Existing
51	Integrated Rehab and Reablement	Supporting patient flow from discharge	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£0	Existing
52	Integrated complex patient managemen t	Supporting patients with frailty and complex care needs	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£1,284,599	Existing
53	Enhanced Care Home Support	Supporting care home patients with preventative measures to avoid hospital admissions	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£974,286	Existing
54	General Rehabilitati on Beds	Supporting patient flow from discharge	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£1,026,963	Existing
55	Tissue Viability	Supporting patients with Tissue Viability	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£484,593	Existing
56	ICCS - Integrated Care Co-Ordinators Service	Providing integrated care support with care coordinators	Community Based Schemes	NHS Community Provider	Minimum NHS Contribution	£220,986	Existing
57	Community Based Schemes	Community Based	Other	Local Authority	Additional NHS Contribution	£45,900	Existing
58	Community Based Schemes	Community Based	Other	Local Authority	Additional NHS Contribution	£25,000	Existing

Appendix 2: Current Brent ICP Priorities

Priority 1: Tackling health inequalities

1. **Clinical:** work with PCNs and the community to try and deliver prevention and management to people in Brent that do not normally access healthcare services. Manage a patient advice line.
2. **Mental health and wellbeing:** co-design culturally appropriate awareness and training sessions with communities and VCS organisations.
3. **Community:** implement local action plans with 5 Brent Connect areas and develop action plans for thematic remits with statutory services. Committed to deliver at least 5 community events per month.
4. **Engagement & comms:** develop targeted comms assets to promote events, vaccinations and health & wellbeing offer to communities. Co-develop translated comms assets with community leaders and work with them to ensure appropriate distribution. Communicate and engage with communities through a range of channels.
5. **Capacity development in the community:** provide grants to community organisations to support health and wellbeing in the community. Work with VCS to promote health education and awareness in the community.

Priority 2: Strengthening Primary Care

1. **Access to Primary Care** Meeting the needs of an increase in demand for primary care access. Working alongside Community pharmacies, the UTC team and patient representative groups to ensure accessibility to services in the right setting. In addition facilitating easier patient registration and upskilling front line staff to co-ordinate patients into the most appropriate setting
2. **CYP Priorities** – Improving access to on the day demand for advice/ guidance through closer working with Community Pharmacies and the Community Pharmacy Consultation Scheme. Expanding on our Paediatric Hubs to support management of patients in the community
3. **Integrated Working at Scale** – Focusing on wrapping around services based on population health needs, assessing the needs and working with Partner organisations to deliver services in the community
4. **Population coverage Local Enhanced Services** – Developing services provided in primary care settings and ensuring these services are accessible to all Brent registered patients
5. **Workforce Development** – Establishing a Training Hub structure and supporting PCNs to develop into Learning Environments

Priority 3: Developing Community Care

1. **Heart Failure:** co-design and co-implement the proposed new Models of Care / Pathways for Brent Heart Failure Services as part of the Community Services Transformation and create a Heart Failure service that is NICE compliant and closer to home.
2. **Respiratory:** co-design and co-implement an integrated model of care for Brent Respiratory Service that is NICE compliment and closer to home.
3. **Frailty:** co-design a holistic model and strengthen the current Frailty Model with a joined-up approach that aligns with NWL ICS objectives. This will link in with the NWL Frailty Virtual Ward Model and help prevent hospital admissions.

4. **Rehab and reablement:** Rehab and Reablement have been managed separately to focus on immediate priority of extending the Avery Healthcare (Aster unit) contract and to set up a new LA provided reablement service in-house. This takes into account NWL CCG's community rehab bed review to inform future strategic commissioning plans reporting to the Community Beds review Group.
5. **Children Specialist services:** reduce waiting times for social communication/ASD assessments for Under 5s in Brent by understanding demand and capacity; developing the U5 Assessment Pathway; and workforce planning.

Priority 4: Better Mental Health and Wellbeing

1. **Access, Demand and Pathways:** improve access to services and maintaining wellness, by working towards increased access to IAPT. Reduce admissions and readmissions. Increase the number of people with SMI cared for in the community. Increase the number of discharges from SMI services.
2. **Employment:** improve links and communication between key facets of the system (Health, DWP and Service Providers). Support individuals with mental illness to navigate the system and get the right support at the right time. Stimulate business appetite for recruiting and supporting those with mental health conditions in the workplace.
3. **Housing and Accommodation:** Target provision of accommodation options for those with the most complex needs. Improve pathways from in-patient support to low support and independent accommodation. Improve access to independent housing in public and private sectors. Provide more flexible support to our patients.
4. **Children and Young People:** Waiting List Initiative and Trajectory need to be updated, NWL Strategic Review CAMHS needs to be completed and resources identified as part of the NWL levelling up agenda. A Joint Strategic Needs Assessment needs to be completed to ascertain post COVID-19 mental health priorities. Core20Plus5 Inequalities programme needs to address Brent CAMHS inequalities.

Brent	**Cabinet** 17 April 2023
	Report from the Corporate Director, Governance

Policy, Procedures and Use of Regulation of Investigatory Powers Act (RIPA) 2000

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One 1) Appendix A –Extract of proposed changes to RIPA Policy
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Debra Norman Director of Legal, HR, Audit & Investigations Tel: 020 8937 1578 Debra.Norman@brent.gov.uk Biancia Robinson Senior Constitutional & Governance Lawyer Tel: 020 8937 1544 Biancia.Robinson@brent.gov.uk Tola Robson Principal Lawyer Criminal Lit and Licensing Tel: 020 8937 1455 Tola.robson@brent.gov.uk

1. Purpose

1.1. This report informs Cabinet of the Council's use and conduct of surveillance techniques in accordance with the Regulation of Investigatory Powers Act (RIPA) 2000; and requests Cabinet approve the changes to the attached RIPA policy.

2. Recommendations

That Cabinet:

2.1. approves the proposed changes to the RIPA policy attached at Appendix A.

2.2. notes the oversight role of Audit & Standards Advisory Committee (ASAC), and that this matter was considered by the committee at its meeting on the 21.03.2023.

2.3. notes the oversight role of the Monitoring Officer and that regular reviews are undertaken by her and senior management.

3. Detail

Background

3.1. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of Directed Surveillance and Covert Human Intelligence Sources; it gave the Council significant powers in order to investigate serious matters and offences. It enables the Council to use covert surveillance and covert human intelligence sources (CHIS).The Investigatory Powers Act 2016 regulates the acquisition and disclosure of communications data from communication service providers regarding service use or subscriber information. Compliance with this legislation ensures that the council's surveillance actions are compatible with Article 8 of the European Convention on Human Rights (which governs an individual's right to respect for their private and family life).

3.2. Before the Council may undertake covert surveillance under RIPA, there are various criteria which must be met including the internal authorisation by a senior officer and the external approval of the application by a Magistrate. For surveillance required under the Investigatory Powers Act, authorisations are granted by a national body who act on behalf of the local authority.

3.3. Covert surveillance techniques include static surveillance (e.g. taking up an observer post to monitor the activities and movements of those suspected of having committed criminal offences); mobile surveillance (e.g. following someone to see where they are going without their knowledge) and using hidden CCTV at a crime hotspot. RIPA refers to these techniques as 'directed surveillance'. It also extends to the use of undercover officers and informants. RIPA refers to these as 'Covert Human Intelligence Sources' (more commonly referred to as CHISs).

3.4. Given the increasing use of social media, the guidance is that authorities should have a policy on the use of social media in investigations. The council's current policy addresses this.

3.5. In addition to the legislative framework, the Council's policies and procedures are informed by statutory codes of practice issued by the Home Office.

Inspection

3.6 The Council is periodically inspected by Investigatory Powers Commissioner's Office (IPCO). Inspections focus on RIPA policies, procedures and practice. The last inspection was undertaken on 9 March 2020; when the Inspector was happy with his findings. There were no recommendations arising out of 2020 inspection and Brent will be due for a further review on or around 2023/24.

Key changes to RIPA policy

3.7. The RIPA Policy and procedures were last revised in 2020 in relation to the acquisition of Communications Data to ensure that it remains up to date and compliant with the Home Office's revised Codes of Practice.

3.8. Sections 37 to 44 of the Police, Crime, Sentencing and Courts Act 2022 (PCSCA) came into force on 8 November 2022. This provided public authorities with a further power to extract (Communications) Data held on electronic devices.

Any extraction that fails to comply with the requirements must be reported to the IPC's office as a relevant error. Consequently, Section 7 of the RIPA Policy and Procedures has been amended to reflect the PCSA changes.

3.9. In addition, changes to titles have also been made to reflect the organisational restructure that took place in September 2022. Extracts of the PCSA changes to the RIPA Policy are produced as **Appendix A** for Cabinet's consideration.

Oversight

3.10. The Council's use and conduct of covert surveillance techniques is overseen internally by the Council's Monitoring Officer, who also acts as the Council's Senior Responsible Officer (SRO) for the purposes of the Home Office Codes of Practice.

3.11. The Monitoring Officer reviews RIPA related topics such as internal training, social media, applications/authorisations and changes in addition to keeping the Council's RIPA policy and procedures document under review and updates it as and when necessary. This ensures compliance with the most current legislation, statutory codes of practice, technical guidance and best practice. It is also necessary to keep the list of authorising officers up to date and for administrative, technical and presentational changes to be made from time to time to ensure the document acts as a helpful source of instruction and guidance to all officers of the Council. In addition, the SRO is responsible for:

a) the integrity of the process in place for the management of CHIS and directed surveillance;
b) compliance with the codes of practice;
c) engagement with the IPCO inspectors when they conduct their inspections;
d) oversight of the implementation of post-inspection action plans;
e) ensuring authorisation officers are of an appropriate standard (where a IPCO report highlights concerns about the standard of authorising officers, the SRO will be responsible for ensuring the concerns are addressed).

3.12. In accordance with paragraph 4.47 of the Covert Surveillance and Property Interference Revised Code of Practice, Councillors have a formal scrutiny role in relation to RIPA and should regularly review the authority's use of RIPA. Accordingly, it was previously agreed by Cabinet that the ASAC should conduct a high-level annual review and any significant policy changes recommended by the Committee arising from its review will be reported to Cabinet for decision.

Use of RIPA

3.13. Following the introduction of legislative changes in the RIPA regime, the number of RIPA authorisations declined within local authorities and this position has not changed.

In more recent years, this combined with the shrinking size of the council investigative teams, and in part the improvements with investigative methods has meant there is less reliance on directed surveillance.

3.14. In Brent, for the current financial year, there has been zero RIPA Directed Surveillance or CHIS authorisations. Table 1 below sets out the directed surveillance authorisations in previous years. Table 2 shows the number of requests for Communications Data pursuant to the Investigative Powers Act 2016 and their purpose.

Table 1

Year	**Number of Authorisations**
2022/2023	**0**
2021/2022	0
2020/2021	0
2019/2020	0
2018/2019	0
2017/2018	0
2016/2017	1
2015/2016	0

Table 2

Year	Number of Requests	Purpose
2017/18	6	Freedom pass fraud
2018/19	39	Doorstep crime and rogue trading investigation
2019/20	0	
2020/21	18.	Subletting of council housing
2021/22	0	
2022/23	**2**	**Fraudulent subletting a council property** **Fraudulent use of blue badge concession.**

3.15. RIPA powers are now predominantly used to enforce trading standards controls and, in particular, to conduct test purchases of age restricted products such as alcohol. It is occasionally used in the context of serious fraud investigations.

4. Financial Implications

4.1. There are no financial implications arising out of this report.

5. Legal Implications

5.1. RIPA was introduced to ensure that covert surveillance undertaken by public authorities was done in accordance with the European Convention on Human Rights and the Human Rights Act 1998. The RIPA framework establishes a lawful process to use covert surveillance and thereby protects the Council from legal claims, providing it have been complied with. The legal considerations relating to RIPA are contained within the body of the report.

6. Equality Implications

6.1. Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty.

6.2. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3. Due regard is the regard that is appropriate in all the circumstances.

6.4. There are no equalities implications arising from this report.

7. Consultation with Ward Members and Stakeholders

7.1. None

Report Sign-off:

Debra Norman

Corporate Director Governance

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Appendix A

7 Communications Data

7.15 *Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act (PCSCA) 2022 came into force on 8 November 2022. This provides Brent with a further power to extract data held on electronic devices. Before action is taken, there must be a reasonable belief that information stored on the device will be relevant for one of three scenarios and satisfaction that the extraction of the information is necessary and proportionate to achieve the purpose.*

7.16 The three scenarios provided under s37 (2) PCSCA are for the purpose of:

(a) preventing, detecting, investigating or prosecuting crime;
(b) helping to locate a missing person; or
(c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.

7.17 To ensure any extraction of stored communication under s.37 PCSCA remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled. A failure to follow these procedures correctly could result in a s.3 Investigative Powers Act (IPA) 2016 offence (unlawful interception) being committed.

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