

APPENDIX 2

Selective licensing Consultation Questionnaire

DRAFT



Consultation on Selective Licensing of private rented housing

Over the 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 which applied to HMOs borough-wide and selective licensing for all other privately rented properties like 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 3 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/landlordlicensing

To give your feedback, please complete this online questionnaire, which you can access via the [URL for council webpage] by xx January 2023 deadline, or you can request a paper copy complete and return it FREEPOST to [insert Brent address] 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.

All the questions are entirely optional, and 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 1 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

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

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

If you are a landlord or agent with properties in Brent... which 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

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

PLEASE WRITE IN A NUMBER FOR EACH TYPE OF PROPERTY

Single family occupancy house/bungalow

Self-contained Flat Converted

Self-contained Flat Purpose built

Houses in Multiple Occupation (3 or more people)

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

☐

No

INFORMATION ABOUT YOU: ORGANISATIONS AND OTHER STAKEHOLDERS

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

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

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

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

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LOCAL ISSUES?

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

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

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

[illegible]

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 8 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.

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	<input type="checkbox"/>
Reduced waste/rubbish such as mattresses dumped in private property front gardens	<input type="checkbox"/>
Reduced waste/rubbish dumped on streets	<input type="checkbox"/>
Reduced noise from neighbouring privately rented properties	<input type="checkbox"/>
Reduced overcrowding in privately rented properties	<input type="checkbox"/>
Tackled deprivation and inequalities in Brent	<input type="checkbox"/>
Support to landlords and tenants	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>
<div></div>	
None of the above	<input type="checkbox"/>

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

The condition of properties	<input type="checkbox"/>
The amount of waste such as mattresses dumped in private property front gardens	<input type="checkbox"/>
The amount of waste/rubbish dumped on streets	<input type="checkbox"/>
Noise from neighbouring privately rented properties	<input type="checkbox"/>
Overcrowding in privately rented properties	<input type="checkbox"/>
Deprivation and inequalities in Brent	<input type="checkbox"/>

Support to landlords and tenants	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 private rented sector in Brent continues to grow, the council remains concerned about levels of anti-social behaviour, 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 anti-social behaviour, poor property conditions and deprivation.

The Council has identified particular problems with property conditions and anti-social behaviour 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 private rented sector.

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 private rented sector or deprivation.

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

More information about the criteria and evidence used to select the areas above, and about the evidence linking the issues to the private rented sector, can be found in Section X of 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 10 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 1st 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 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/landlordlicensing.

INTRODUCING SELECTIVE LICENSING INTO AREAS

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 <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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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 <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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If you disagree with any of the above, please can you explain why and what alternatives you think should be considered to address the problems?

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

LICENCE CONDITIONS

Selective licence conditions

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

- 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
- Demand 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/landlordlicensing

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

PLEASE TICK ✓ ONE BOX ONLY

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

The current basic fee in Brent were effective from 1st 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.

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.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DO YOU HAVE ANY FURTHER COMMENTS?

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

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

LICENSING DESIGNATION

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 2 weeks after the designation was confirmed or made the local housing authority must send a copy of the notice to any person who responded to the consultation.

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

MORE INFORMATION ABOUT YOU

What is your full postcode?

This will help us understand views in different areas

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

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

What was your age on your last birthday?

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

What is your gender?

- ☐ Male
☐ Female
☐ Prefer not to say

How would you describe your ethnic origin?

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

What is your religion or belief?

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

What is your sexual orientation?

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

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

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

How long have you owned property in Brent?

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

Do you have any long-standing illness or disability?

- ☐ Yes
☐ No
☐ Prefer not to say

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