

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**

Contents

Introduction.....	3
Changes made in response to Consultation Feedback.....	3
Positive Responses to the Proposed Scheme	8
Comments Received in Written Submissions.....	9
Main Themes from the Consultation Survey.....	35
Responses regarding the proposed licensing schemes.....	35
Responses in relation to the Licence Conditions	39

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Act 2004 requires the Council to consider any representations made in accordance with the consultation which are not withdrawn.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	<p>"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."</p>	<p>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.</p>	<p>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.</p>
Condition 6a (IV)	<p>"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</p>	<p>The condition does not relate to management of the property being licensed and the council should not seek to insist on information being</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>

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	<p>"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.</p> <p>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.</p> <p>The licence holder must provide to the Council, a current Gas Safe Certificate within 14 days on demand."</p>	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	<p>The licence holder is responsible for ensuring adequate precautions are provided for the security of the property and must ensure:</p> <p>a. The access to the property, such as locks, latches and entry systems are maintained and in good working order at all times.</p> <p>b. The front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level.</p> <p>c. Where window locks are fitted, the keys are provided to the relevant occupants.</p>	<p>Selective licensing conditions can only relate to the management, use and occupation of the property.</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Condition 11	<p>“The licence holder must ensure that they:</p> <p>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.</p> <p>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.</p> <p>c. Carry out interim inspections to identify any maintenance problems associated with outbuildings such as garages, sheds and</p>	<p>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</p>	<p>The licence holder must ensure that they carry out inspections at least every 6 months.</p>

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	<p>to ensure that such buildings are not used for sleeping purposes.</p> <p>d. Provide any such inspection report to the Council with 14 days, on demand.</p>		
Condition 12e	<p>“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.”</p>	<p>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</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Condition 14	<p>“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. ”</p>	<p>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.</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>

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	<p>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</p> <p>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</p>	<p>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.</p> <p>A robust enforcement policy which is adequately resourced will support any the licensing scheme introduced.</p>
Propertymark	<p>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</p>	<p>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.</p>
Propertymark	<p>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</p>	
Propertymark	<p>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</p>	<p>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 :</p>

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	<p>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</p>	<ul style="list-style-type: none"> • 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	<p>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</p>	<p>We are not proposing an "early bird" discount. The cost of the licence has been calculated based on the cost of administration and enforcement</p>

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	<p>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).</p>	<p>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.</p>
Propertymark	<p>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.</p>	<p>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.</p>
Propertymark	<p>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</p>	<p>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 it has to take steps to address these widespread issues in the borough</p>

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	<p>Brent meaning some people might be forced to find housing options outside the area, change employment or break social ties within the community.</p>	
Propertymark	<p>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.</p>	
Propertymark	<p>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.</p>	<p>Energy grants and support is available via the Council's Energy and Climate Change Team</p> <p>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.</p> <p>The Council has had previous successful Government bids for funding targeted PRS work</p>

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		<p>activities including enforcement. We will submit bids to DHULU, BEIS etc., when funding streams are available</p>
Propertymark	<p>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.</p>	<p>We do not require any 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.</p> <p>The scheme will be used to identify properties for (Part 1) HHSRS inspections or fuel poverty action.</p>
Propertymark	<p>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 to reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing</p>	<p>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:</p> <ul style="list-style-type: none"> • 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

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		<p>and bathrooms that are very old. It may also cover work to provide additional bedroom(s)</p> <ul style="list-style-type: none"> • 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	<p>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.</p>	<p>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</p> <p>Statistics were submitted as analysed as part of the Metastreet “stocks and stressors” report appended to the proposals.</p> <p>We have met with PropertyMark and have clarified the general enforcement data</p>
PropertyMark	<p>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.</p>	<p>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.</p>

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	<p>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 virtual roundtable discussion on how standards can be improved.</p>	<p>The council will continue with our e-newsletters to registered landlords, and landlord forums inviting notable landlords and industry experts to address the meetings.</p> <p>We accept and welcome the opportunity to work with PropertyMark</p>
PropertyMark	<p>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.</p> <p>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</p>	<p>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.</p> <p>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.</p>

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	<p>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</p>	<p>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</p> <p>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</p>

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		<p>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.</p>
Propertymark	<p>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</p>	<p>The scheme is not predicated on the crime criteria</p> <p>For entry by intruders or acquisitive crime, we agree there are provision within part 1 of the Housing Act.</p> <p>However, SL will deal with the management of the property including inspections and addressing issues in connection with the tenancy.</p>
Propertymark	<p>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</p>	<p>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.</p> <p>We await final outcomes of proposed reforms and will work with all agencies to adopt a workable and supportive framework for landlord</p>

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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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	<p>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.</p>	<p>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</p>
NRLA	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>

Submission	Consultation Responses	Council's Response
<p>NRLA</p>	<p>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.</p> <p>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?</p>	<p>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.</p> <p>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.</p> <p>The council will continue with our e-newsletters to registered and landlords forums inviting notable landlords and industry experts to address the meetings.</p> <p>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</p>

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?	<p>Our SL conditions gives actions which landlords should take to indicate that they are dealing with ASB associated with their properties.</p> <p>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.</p>
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	<p>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</p> <ul style="list-style-type: none"> • 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? 	<p>The Council is committing to inspecting all HMOs licensed and at least 50% of selectively licensed properties during the life of the licence.</p> <p>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</p>

Submission	Consultation Responses	Council's Response
		dedicated resources will be appointed to work with the private rented sector team to support this work.
NRLA	<p>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?</p>	<p>We appreciate the problems that can arise from subletting and rent-to-rent, neither of which are illegal schemes.</p> <p>The requirement to licence a PRS property means that ownership and landlord details are checked.</p> <p>Tenants are able to find certain information on our public register.</p> <p>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.</p>
NRLA	<p>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.</p>	<p>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:</p>

Submission	Consultation Responses	Council's Response
		<p data-bbox="1320 297 1917 435">The landlord's essential guide to periodic property inspections NRLA). The council does not believe that these inspections would impact the tenants' welfare.</p> <p data-bbox="1320 480 1917 688">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.</p>
NRLA	<p data-bbox="384 696 1299 1052">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</p>	<p data-bbox="1320 696 1917 873">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.</p> <p data-bbox="1320 919 1917 1019">Our experience show that pro-rating fees or monthly payments is unrealistic as it would incur a administrative burden on the scheme</p>
NRLA	<p data-bbox="384 1060 1299 1344">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</p>	<p data-bbox="1320 1060 1791 1133">Landlords are encouraged to claim the reasonable business expenses.</p> <p data-bbox="1320 1179 1875 1279">We will continue to feature advise on money, taxation etc as part of our Brent Landlords forums and the e-newsletters</p>

Submission	Consultation Responses	Council's Response
	<p>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.</p>	<p>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</p> <p>We can liaise with the Council has "Safeguarding" and Wellbeing Teams to support vulnerable residents where concerns are found.</p>
NRLA	<p>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.</p> <p>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</p>	<p>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</p>

Submission	Consultation Responses	Council's Response
	<p>problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.</p>	
NRLA	<p>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.</p>	<p>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.</p> <p>Landlords can advise tenants re-waste as part of the end of tenancy information.</p>
NRLA	<p>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.</p>	<p>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</p>
NRLA	<p>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.</p>	<p>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.</p>

Submission	Consultation Responses	Council's Response
	<p>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?</p>	<p>The Council will carefully consider and note any relevant government guidance and good industry practice.</p>
Safeagent	<p>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.</p>	<p>The Council has analysed the evidence for ASB across all borough wards.</p> <p>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.</p>
Safeagent	<p>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.</p>	<p>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</p>
Safeagent	<p>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.</p> <p>What is the demographic of tenants in that area and why does the ward differ so markedly from those around it?</p>	<p>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.</p>

Submission	Consultation Responses	Council's Response
		<p>If respondents would like more information on Wembley Park, information on the area may be gained from Census 2021 data</p>
Safeagent	<p>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.</p>	<p>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.</p> <p>Brent commissioned a fresh report by Metastreet following the BRE 2019 report</p> <p>Known HMO properties were removed from analysis and figures presented as part of the evidence base.</p> <p>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.</p>
Safeagent	<p>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?</p>	<p>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.</p>

Submission	Consultation Responses	Council's Response
		<p>Again, we feel that Electoral Commission Boundary changes has made it not possible to show trends.</p> <p>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</p>
Safeagent	<p>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.</p>	<p>The council welcomes the opportunity to engage with Safeagent to discuss how their members can assist in addressing the issues raised.</p>
Safeagent	<p>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.</p>	<p>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</p>

Submission	Consultation Responses	Council's Response
		<p>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</p>
Safeagent	<p>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.</p>	<p>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</p>
Safeagent	<p>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.</p> <p>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</p>	<p>Currently the renewal fee is less than the new fee and this can be continued in addition to the LLAS discount.</p> <p>The licence fee structure has been calculated to cover the cost of the scheme.</p> <p>The Council will look at the fee in terms of when licence applications will commence.</p>
Safeagent	<p>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</p>	<p>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.</p>

Submission	Consultation Responses	Council's Response
	<p>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.</p>	
Safeagent	<p>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.</p>	<p>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 this is because we have looked carefully at our charging and activities.</p>
Safeagent	<p>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.</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Safeagent	<p>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.</p>	<p>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.</p>

Submission	Consultation Responses	Council's Response
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
	<p>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])</p>	
Safeagent	<p>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</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Safeagent	<p>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</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Safeagent	<p>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</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>
Safeagent	<p>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.</p>	<p>This has been considered and we will reflect any changes in the final conditions to be imposed.</p>

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 than 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	<p>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.</p> <p>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</p>	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
	<p>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.</p> <p>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</p>	<p>groups, which could include sharing the safeagent toolkit</p>

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>"I don't see any benefit."</i>	<p>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.</p> <p>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.</p>
	<i>"No need for it."</i>	

Theme	Comment	Council response
Licensing will lead to higher rents	<i>"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."</i>	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
	<i>"Licensing only has the effect of pushing up rents and property prices."</i>	
	<i>"You will push landlords out of renting resulting in fewer properties which will result in higher rents."</i>	
	<i>"I don't believe it's time to do more licensing which in the end will be reflected in the tenant's rent."</i>	
it is a money-making scheme for Brent	<i>"Licensing is not necessary, it is just a money making exercise."</i>	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.
	<i>"Kensal does not have an anti-social problem and I view this as a method of raising more funds in an illegitimate manner."</i>	
	<i>"Licences are purely being introduced to raise revenue for the Council."</i>	
	<i>"Licensing appears to be a money-making scheme for Brent."</i>	
Concerns about scheme enforcement	<i>"A difference will only be made if they are properly enforced."</i>	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>"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."</i>	
	<i>"Be careful not to price good landlords out of Brent. Good landlords have a much lower profit</i>	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.	<i>margin. Bad landlords charge us tenants the same rent but with much worse upkeep and responsiveness to repairs."</i>	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.
	<i>"Deal with problem landlords and not have one size fits all policy and be more flexible with responsible landlords."</i>	
	<i>"The licensing scheme does nothing for decent landlords."</i>	
PRS fees would incentivise them to sell their properties, resulting in reduced housing stock in Brent as a whole	<i>"The higher the fees are the more landlords will just quit the market."</i>	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.
	<i>"If the fee gets too high the landlords will leave the borough."</i>	
The fee is too high	<i>"I agree to the standards but not the high fee that the council requires for doing nothing."</i>	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>"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."</i>	
	<i>"Selective licensing is fine in theory, but reputable landlords renting nice flats are asking to pay</i>	

Theme	Comment	Council response
	<p><i>£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."</i></p>	<p>not considered unaffordable compared to the average rental income obtainable in Brent at present</p>
<p>Why is Wembley Park excluded</p>	<p><i>"All wards of Brent should be treated equally, removing licensing from some wards over others is literal discrimination"</i></p>	<p>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.</p>
	<p><i>"For a small property the licensing fee is expensive. Not sure that Wembley Park should be left out of the scheme."</i></p>	
	<p><i>"Why is Wembley Park being excluded?"</i></p>	
<p>ASB is not the landlords' responsibility</p>	<p><i>"Anti-social behaviour is a police and council matter not one for landlords to manage"</i></p>	<p>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.</p> <p>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.</p>
	<p><i>"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."</i></p>	

Responses in relation to the Licence Conditions

Theme	Comment	Council response
<p>Opposed to the condition regarding electrical appliances</p>	<p><i>"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."</i></p>	<p>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.</p>
<p>Opposed to the references condition</p>	<p><i>"References are a further obstacle to prospective tenants which disproportionately affects lower income families"</i></p> <p><i>"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></p> <p><i>"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></p> <p><i>"I don't agree with the final condition of references. It's an unfair ask on tenants who</i></p>	<p>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</p>

Theme	Comment	Council response
	<p><i>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."</i></p>	
<p>Provide routes for tenants to complain</p>	<p><i>"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."</i></p> <p><i>"Put in place a help line for tenants where they can complain about their landlords."</i></p>	<p>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.</p>
<p>Tenants should have responsibilities as well</p>	<p><i>"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."</i></p>	<p>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</p>

Theme	Comment	Council response
The conditions are already law	<i>"All of the examples given are legally required by landlords already, there seems to be no additional benefits of the licensing."</i>	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.
	<i>"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."</i>	
	<i>"Stop burdening landlords with things that they already gave to follow on issues required by central government legislation"</i>	
	<i>"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"</i>	
Good landlords already meet these conditions	<i>"I disagree on the basis that responsible landlords conduct all these measures already"</i>	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>"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"</i>	
	<i>"These are required anyway and any proper landlord would ensure that they happen."</i>	
Change the wording on Clause 16 - means of escape	<i>"Clause 16 Means of escape is badly worded, unclear and possibly grammatically incomplete."</i>	The council will delete condition 16 and add a revised advisory note on means of escape in cases of fire.

Theme	Comment	Council response
	<i>Please expand and improve this clause to make it more useful."</i>	
Exemption for landlords with letting/managing agents	<i>"It needs to be to landlords who have no letting agents - this would create an incentive to hire a letting agent who is regulated."</i>	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.
	<i>"This is already legal and agents hold all this information. If a landlord uses an agent they should be exempt from the licence costs"</i>	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.
Licensing will not stop bad landlords and punishes good ones	<i>"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"</i>	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	<i>"This is not helping struggling landlords teetering on the edge of bankruptcy"</i>	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.
	<i>"Help landlords rather than making matter worst through licensing"</i>	
	<i>"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</i>	

Theme	Comment	Council response
	<p><i>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 through the courts. The landlord can also do with free legal support as the tenant currently does - justice shouldn't be one sided!"</i></p>	
<p>There should be more conditions</p>	<p><i>"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"</i></p>	<p>The council does not have the authority under the Housing Act to restrict the number of properties a landlord can rent out</p>
	<p><i>"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?"</i></p>	<p>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."</p> <p>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</p>
	<p><i>"I think the conditions should include upkeep of communal areas and the outside of the property</i></p>	<p>The proposed licence conditions do require the licence holder to:</p>

Theme	Comment	Council response
	<p><i>(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."</i></p>	<p>"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.</p> <p>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.</p> <p>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.</p> <p>11d. Provide any such inspection report to the Council with 14 days, on demand."</p> <p>The proposed licence conditions do also require the licence holder to:</p> <p>"12. The Licence Holder must ensure that there are adequate arrangements for the storage and disposal of waste. In particular;</p> <ul style="list-style-type: none"> 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
		<p>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.</p> <p>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."</p> <p>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.</p>
	<p><i>"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."</i></p>	<p>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.</p> <p>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.</p>
	<p><i>"Landlords must be identified to neighbours of property"</i></p>	<p>The council cannot disclose personal information</p>

Theme	Comment	Council response
	<p><i>"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;</i></p> <ul style="list-style-type: none"> <i>• Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;</i> <i>• Install smoke and carbon monoxide alarms and keep them in proper working order;</i> <i>• Supply the occupier with a written statement of the terms of occupation; and</i> <i>• Request references from persons wishing to occupy the house."</i> 	<p>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.</p> <p>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.</p> <p>If they are not supplied the council may issue a notice requiring them to be supplied, and take action if they are not?</p> <p>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.</p>
	<p><i>"ensure anti- eviction terms are included"</i></p>	<p>During the licensing application processing, fit and proper person checks are done. The licence application requires a response regarding whether illegal eviction has happened.</p>
	<p><i>"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</i></p>	<p>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</p>

Theme	Comment	Council response
	<p><i>responsibility for landlords and tenants when it comes to antisocial behaviour, dumping etc."</i></p>	<p>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</p> <p>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.</p> <p>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</p>
	<p><i>"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"</i></p>	<p>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—</p> <p>(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);</p>

Theme	Comment	Council response
		<p>(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</p> <p>(c)contravened any provision of the law relating to housing or of landlord and tenant law...</p> <p>(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</p> <p>(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.</p> <p>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."</p> <p>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.</p>
	<p><i>"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></p>	<p>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</p>
<p>More clarity is needed on some conditions</p>	<p><i>"I am not clear on what is meant by 'a suitable written complaint procedure' for the tenants. This</i></p>	<p>The council will share templates and examples of ASB and complaints procedures for landlords/licence holders if the scheme is approved</p>

Theme	Comment	Council response
	<p><i>is not clear from the proposed conditions document."</i></p> <p><i>"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"</i></p>	<p></p> <p>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.</p> <p>Inspection officers may ask to see other documents or for verification.</p>
Other	<p><i>"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). Section 12e - 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</i></p>	<p>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.</p>

Theme	Comment	Council response
	<p><i>clarified, are they interchangeable or do they mean the same thing?</i></p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>	<p></p> <p>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.</p> <p>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</p> <p>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.</p> <p>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”</p>

Theme	Comment	Council response
	<p><i>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.</i></p> <p><i>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."</i></p>	<p>The council must ensure that any information the council provides is compliant with the council's data protection policy and GDPR rules</p> <p>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 is 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 legislation, and can prosecute the license holder and managing agent for the same offence</p>

Theme	Comment	Council response
	<p><i>"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.</i></p> <p><i>Tenant Reference (para 2): second paragraph 'No new....checks.' should be removed.</i></p> <p><i>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)</i></p> <p><i>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</i></p>	<p>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</p> <p>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.</p> <p>Considered and provision in place with help also provided by external agencies.</p> <p>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</p>

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	<p><i>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).</i></p> <p><i>Fit and proper person: the criteria used by Brent should be 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).</i></p> <p><i>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</i></p>	<p>landlord/licence holder ask about ASB when asking for the required references</p> <p>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</p> <p>An explanation of the Fit and Proper person requirements will be included in the landlords guide to applying for a licence</p> <p>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.</p> <p>We have placed guidance and supporting information for users where it can be easily located elsewhere.</p> <p>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</p>

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	<p><i>granted, regarding statutory obligations (Fire and CO safety, gas safety certificates, deposit protection etc.) and obligations under Brent Selective licensing conditions.</i></p> <p><i>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."</i></p>	<p>required to sign a declaration as to the truth of the information being submitted to the council.</p> <p>We are careful that conditions are not included which alter or affect the terms under which the tenancy has been granted.</p> <p>Additional information is provided in the landlord guide and Enforcement policy.</p> <p>The Council is able to add supplementary conditions, e.g. re training to the standard condition being applied to some licences.</p>
	<p><i>"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 onerous for a landlord to seek clarity. 1 - iv should there not first be a duty to investigate/hear other side?"</i></p>	<p>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</p>
	<p><i>"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 proportionality. For instance, if a housing provider (license holder) 'must demand references from persons who wish to occupy</i></p>	<p>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</p>

Theme	Comment	Council response
	<p><i>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"</i></p>	<p>business; or...contravened any provision of the law relating to housing or of landlord and tenant law"</p> <p>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.</p>
	<p><i>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</i></p>	<p>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.</p> <p>We accept that guidance is needed to assist landlords in meeting expectations and the scheme aims.</p>

Theme	Comment	Council response
	<i>quality of contractors, the time taken to address a repair, pest control, a clause addressing the use of agents</i>	Poor properties conditions can be improved through Part 1 of the Housing Act.
	<p>Comments in a public meeting - <i>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?</i></p> <p><i>There needs to be better information for tenants when threatened with eviction</i></p>	<p>The council will support and advice tenants who have been illegally evicted or are at risk of being eviction.</p> <p>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.</p> <p>This includes providing information and referring tenants to specialist agencies for legal advice.</p>
	<p>Comments in a public meeting - <i>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</i></p> <p>)</p>	<p>Information may be asked from the Council for under the Freedom of Information Request Act 2000</p> <p>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.</p>

Table of Deletions and Amendments to proposed licence conditions

Proposed Condition topic	Deletion from existing conditions	Amendment	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 <i>"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"</i> .
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.