

# **Report on Brent Council's Consultation on Selective Licensing Proposals**

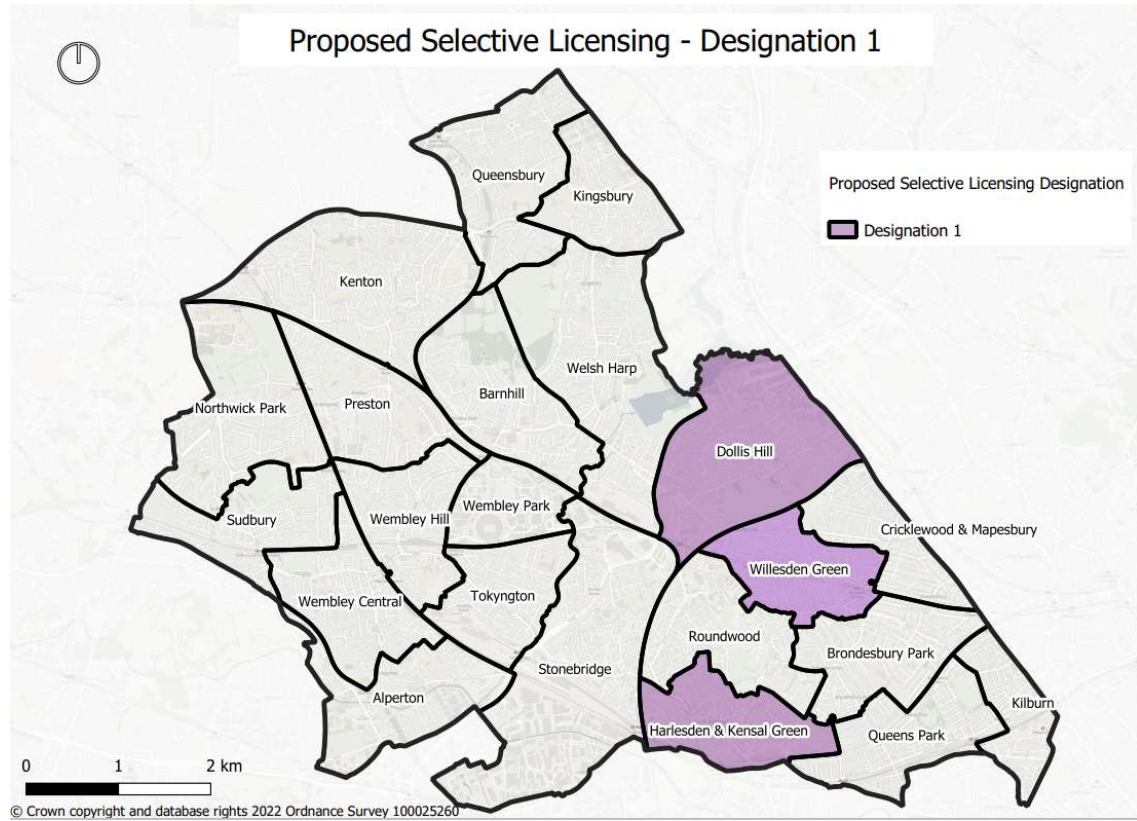
## **Report Appendices**

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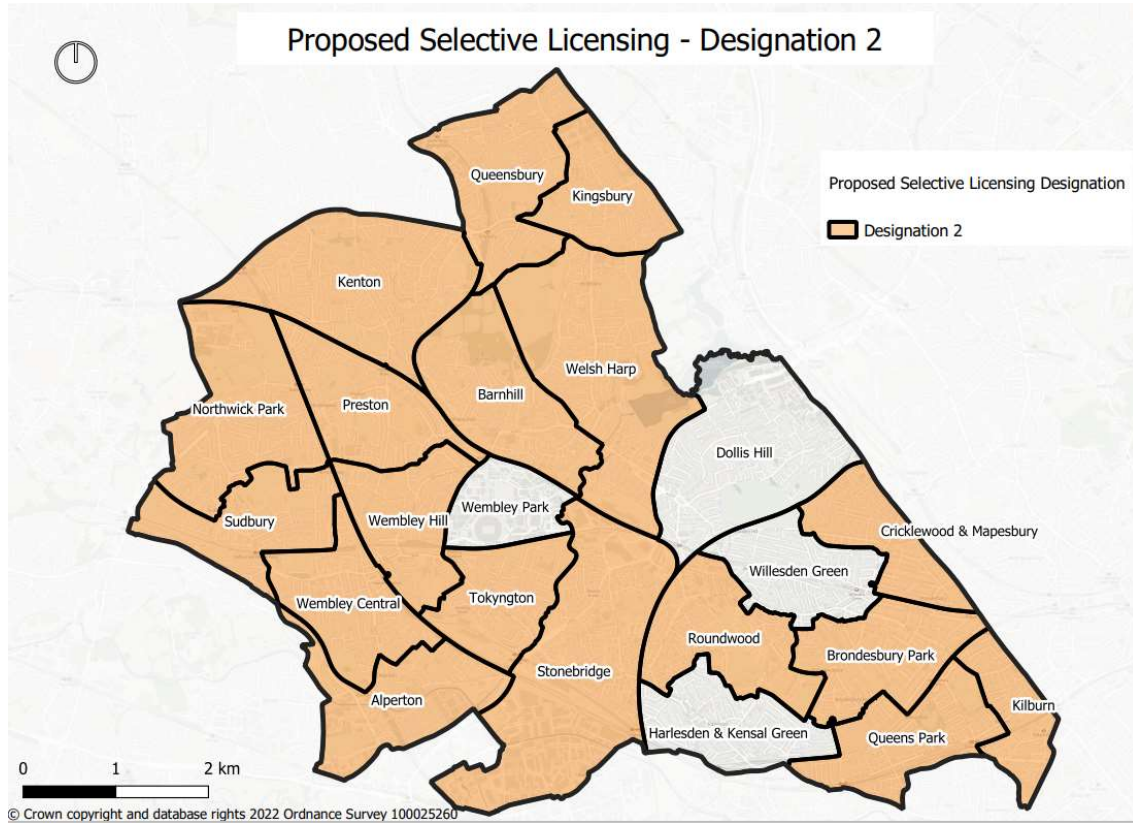
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# Maps of the Proposed Licensing Designations

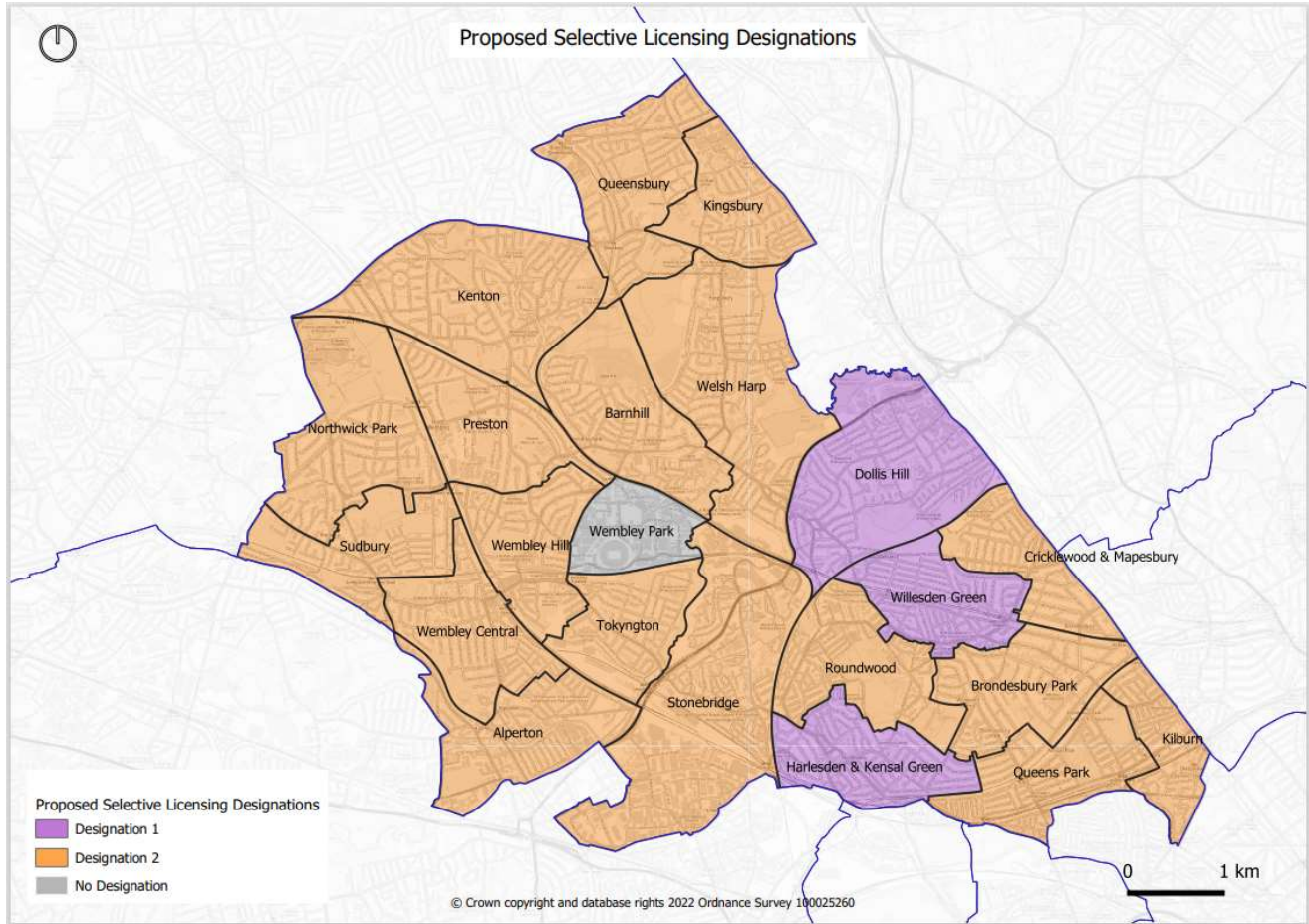
## Map of Designation 1



## Map of Designation 2



# Map of the Both Proposed Designations



## Consultation Survey Questionnaire



### **Consultation on selective licensing of private rented housing**

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

In January 2015, the council introduced an additional licensing scheme which applied to Houses in Multiple Occupation (HMOs) borough-wide and selective licensing for all other privately rented properties such as single-family dwellings in certain wards. In the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury the council introduced a further (current) selective licensing scheme in 2018 for non-HMO privately rented properties which will end in April 2023. The council is considering introducing new schemes that will apply to the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green and also extending to a further 18 wards (excluding the ward of Wembley Park).

You can read about the proposals for the new schemes in the council's consultation document, which is available at [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation)

To give your feedback, please complete the online questionnaire, which you can access via the Council website [URL] by 23 January 2023 deadline, or you can request a paper copy complete and return it FREEPOST to the Council to arrive by the same deadline date.

Brent Council has appointed Cadence Innova, an independent business management company, to support the consultation exercise. Brent will produce a consultation report in which feedback from individual members of the public will be anonymous, but views from organisations may be attributed in full.



Any information that you provide in response to this consultation will be processed in accordance with the UK Data Protection Act and the EU General Data Protection Regulation. Information will only be used to inform this consultation and any personal information that could identify you will be kept for no more than one year after any decisions have been finalised. For further information, please see <https://www.brent.gov.uk/the-council-and-democracy/access-to-information/data-protection-and-privacy/brent-privacy-policy>.

If you have any queries about the consultation, or to request a paper copy of the survey, please contact Tony Jemcott, Private Housing Licensing Manager at Brent Council by emailing the licensing team on [prslicensing@brent.gov.uk](mailto:prslicensing@brent.gov.uk) or by telephoning the team on 020 8937 2384/5.

## YOUR CONNECTION TO LONDON BOROUGH OF BRENT

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### Q1 In what capacity are you responding to this questionnaire?

PLEASE TICK ✓ ONLY ONE BOX THAT APPLIES TO YOU

- As a Brent resident or a local business in Brent (but not a landlord)** – please answer the red shaded question overleaf, then go to the 'Local Issues?' section
- As a landlord, letting or managing agent with properties in Brent** – please answer the blue section overleaf, then go to the 'Local Issues?' section
- As another type of stakeholder** – please answer the green shaded section overleaf, and following questions

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

## INFORMATION ABOUT YOU: BRENT RESIDENTS & BUSINESSES

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**Q2 If you are a resident living in Brent, or responding on behalf of a local business in Brent which of the following best describes you?** PLEASE TICK ✓ ONE BOX ONLY





purpose built						
HMO (3 or more people)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q6 Are you a member of any of the following?** PLEASE TICK ✓ ALL THAT APPLY

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

## INFORMATION ABOUT YOU: ORGANISATIONS AND OTHER STAKEHOLDERS

**Q7 If you are responding on behalf of an organisation, which organisation do you represent?**

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

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

**Q8 If you are another stakeholder (e.g. with links to a neighbouring borough), please use the box below to provide full details.** PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

## LOCAL ISSUES?

**Q9 To what extent do you believe each of the following to be a problem in your local area of Brent?** PLEASE TICK ✓ ONE BOX IN EACH ROW

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

**Q10 And thinking about the private rented sector (PRS) as a whole in Brent, to what extent do you agree with the following statements?**

PLEASE TICK ✓ ONE BOX FOR EACH STATEMENT

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

## THE LICENSING SCHEMES

Brent Council has introduced various five-year licensing schemes intended to tackle some of the problems associated with private rented properties in the borough. The first selective licensing scheme applied to all non-HMO privately rented homes in the wards of Harlesden, Willesden Green and Wembley Central and ended in December 2019 and the current five-year selective scheme applies to the old wards boundaries of Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park.

Since the schemes were introduced, the council has selectively licensed 11,000 properties. Licensing has also been used strategically to deal with problems of ASB and to improve conditions associated with the PRS. For example, the council has operated a licence condition and compliance inspection regime, along with proportionate enforcement action, to target non-compliant landlords and improve the condition of properties. This has led to over 9,600 properties being improved in the period outturns for the eight years 2015 to 2022/23.

Within Private Housing Services over the same period, over 2,200 enforcement notices have been served on private landlords with over 160 prosecutions, resulting in fines and costs totalling £1.5m. As an alternative to prosecutions, the council has also issued over 100 civil penalty notices.

**Q11 In which of the following ways do you think the selective licensing schemes have improved things in Brent?** PLEASE TICK ✓ ALL THAT APPLY

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

**Q12 If the selective licensing schemes in Brent stopped and were not continued, which of the following do you think would get worse as a consequence?** PLEASE TICK ✓ ALL THAT APPLY

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

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

**Q13 To what extent do you agree or disagree that continuing selective licensing would improve / further improve the condition and management of privately rented properties in Brent?** PLEASE TICK ✓ ONE BOX ONLY

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

**SELECTIVE LICENSING SCHEMES** *(i.e. the licensing of properties occupied by a single family or household, or by two unrelated people sharing)*

Brent Council knows that many landlords operate properly. However, as the PRS in Brent continues to grow, the council remains concerned about levels of ASB, poor living conditions, deprivation and poor tenancy and property management.

Therefore, Brent Council proposes to continue selective licensing scheme(s) beyond the current scheme which received Secretary of State Approval in 2018, for the wards of Dudden Hill, Kilburn, Queens Park, Kensal Green and Mapesbury. This scheme ends on 30 April 2023. The council believes that licensing will allow it to continue to find landlords who are not fit and proper, to improve conditions for tenants and to improve the area in general by tackling ASB, poor property conditions and deprivation.

The council has identified particular problems with property conditions and ASB in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green. It also believes that the remaining 18 wards (excluding the ward of Wembley Park) have poor property conditions significantly higher than the national average, and that particular have specific issues with deprivation. The council believes that there are links between these issues and the PRS.

The council has also chosen to exclude the Wembley Park ward because it does not believe the area is suffering from poor property conditions, ASB linked to the PRS or deprivation.

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

More information about the criteria and evidence used to select the areas above, and about the evidence linking the issues to the PRS, can be found in the consultation document.

**The council is considering proposals for two specific designations for selective licensing, each affecting different wards in the borough. The council proposes to consult with the public for a minimum of ten weeks commencing in November 2022.**

1. To introduce a selective licensing scheme under Part 3 of the Housing Act 2004 to the following designated area of the borough with effect from 1 June 2023, or at a later date, in accordance with the statutory time in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green (covering 18% of the PRS stock in Brent and 14.12% of the total geographical area of the borough). The grounds for this designation will be Poor Property Conditions and ASB.
2. Consult on the designation in the remaining 18 wards (excluding the ward of Wembley Park) on the grounds of poor property conditions. The decision to designate other areas will be brought to a Cabinet meeting at a later date than the first proposed designation as more time will be needed to consider the consultation responses as this proposed designation covers a significantly much larger area. If this was to be designated, consent from the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) will be needed.

If the schemes are implemented, landlords will be required to apply to the council for a licence for each privately rented property they own or manage in the area. Each licence application must be accompanied by a licence fee. Conditions will be attached to each licence and landlords would be bound by these conditions. Details of the proposed areas, licence conditions and fees are detailed in the consultation document and on the website [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation)

## INTRODUCING SELECTIVE LICENSING INTO AREAS

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**Q14 To what extent do you agree or disagree with this proposal for the selective licensing scheme in the three wards of Dollis Hill, Harlesden & Kensal Green, and Willesden Green? PLEASE TICK ✓ ONE BOX ONLY**

<b>Strongly agree</b> <input type="checkbox"/>	<b>Tend to agree</b> <input type="checkbox"/>	<b>Neither agree nor disagree</b> <input type="checkbox"/>	<b>Tend to disagree</b> <input type="checkbox"/>	<b>Strongly disagree</b> <input type="checkbox"/>	<b>Don't know</b> <input type="checkbox"/>
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**Q15 To what extent do you agree or disagree with this proposal for the selective licensing scheme designation for the remaining 18 wards (excluding the ward of Wembley Park)?**

PLEASE TICK ✓ ONE BOX ONLY

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

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

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## LICENCE CONDITIONS

### Selective licence conditions

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

- Have a valid gas safety certificate covering the current 12 month period, if gas is supplied to the house;
- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Install smoke and carbon monoxide alarms and keep them in proper working order;
- Supply the occupier with a written statement of the terms of occupation; and
- Request references from persons wishing to occupy the house.

Full selective licensing conditions can be found in the annex of the consultation document found at [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation)

### **Q16 To what extent do you agree or disagree with the proposed selective licensing conditions?**

PLEASE TICK ✓ ONE BOX ONLY

<b>Strongly agree</b> <input type="checkbox"/>	<b>Tend to agree</b> <input type="checkbox"/>	<b>Neither agree nor disagree</b> <input type="checkbox"/>	<b>Tend to disagree</b> <input type="checkbox"/>	<b>Strongly disagree</b> <input type="checkbox"/>	<b>Don't know</b> <input type="checkbox"/>
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### **If you disagree with any of the conditions for selective licensing, please can you explain why?**

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





## LICENCE FEES

The Housing Act 2004 permits the council to set licensing fees to cover the costs of administering the licensing scheme over five years but this charging is not designed to make a profit. As long as the conditions are complied with, the licence would remain valid up to a maximum of five years.

The current basic fee in Brent effective from 1 June 2018 is £540.00 for a selective licence. A fee discount of £40.00 per property application is allowed for landlords who are accredited to the London Landlords Accreditation Scheme (LLAS).

It is proposed that the fee for a selective licence will increase to **£640.00**. Due to case law and in accordance with the European Services Directive (ESD), the licensing fee is collected in two parts. For the selective licence, a proportion at the time of the application (**£340.00**) and the remainder (**£300.00**) prior to the licence being issued.

The licensing fees will be kept under review at least annually.

**Q17 What are your views on the proposed fees?** PLEASE TICK ✓ ONE BOX ON EACH ROW

	I think the fee is too high	I think the fee is at about the right level	I think the fee is too low	Don't know
A basic fee of <b>£640 per property</b> for a selective licence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## DO YOU HAVE ANY FURTHER COMMENTS?

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

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

## LICENSING DESIGNATION

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

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

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

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

The contact information will not be shared, shall be retained for no more than three years after decisions have been finalised, and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. If you are dissatisfied with the processing of your information, you

can raise your concern with the council's data protection officer. You have a right to lodge a complaint with the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)). Further information can be found at [www.brent.gov.uk/privacy](http://www.brent.gov.uk/privacy)

## MORE INFORMATION ABOUT YOU

**What is your full postcode?**

*This will help us understand views in different areas*

**If you are providing your own personal response, please answer the questions below...**

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

**What was your age on your last birthday?**

- Under 25
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 or above
- Prefer not to say

**What is your gender?**

- Male
- Female
- Prefer not to say

**How would you describe your ethnic origin?**

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

**Do you have any long-standing illness or disability?**

- Yes
- No
- Prefer not to say

**What is your religion or belief?**

- Agnostic
- Buddhist
- Christian
- Hindu
- Humanist
- Jewish
- Muslim
- Sikh
- No religion/belief
- Other *(please specify)*
- Prefer not to say

**What is your sexual orientation?**

- Heterosexual/straight
- Lesbian
- Gay man
- Bisexual
- Other *(please specify)*
- Prefer not to say

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

- Leaflet
- Email
- Brent Connects
- Brent Citizens' Panel
- Poster
- Brent website
- Local newspaper
- Word of mouth
- Other *(please specify)*

**How long have you owned property in Brent?**

- Less than one year
- 1 -2 years
- 2 - 5 years
- 5 - 10 years
- 10+ years
- Not applicable

## Examples of Communication Visuals

### Flyer



The flyer features a teal background with a photograph of a row of terraced houses at the bottom. The text is arranged in two columns. The left column contains the main title and two paragraphs of text. The right column contains two paragraphs of text. The Brent logo is positioned in the bottom right corner of the flyer.

# HAVE YOUR SAY ON BRENT'S LANDLORD LICENSING CONSULTATION

We want to know what you think about our proposals concerning licensing privately rented homes across Brent.

In 2015, we introduced our Selective Licensing scheme for all private rental properties in Harlesden, Willesden Green and Wembley Central and, in 2018, we introduced Selective Licensing in the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury. We did this because evidence suggested that poorly managed rental properties were having a negative impact in neighbourhoods around the borough. Antisocial behaviour, overcrowding, nuisance neighbours and flytipping can all be linked to a small minority of landlords who fail to manage their properties and tenants effectively.

Licensing has helped us make great strides in tackling rogue landlords and improving property conditions for private renters.

We're now running a consultation to find out what the people of Brent think about more selective licensing schemes in the borough.

You can have your say on the consultation by going to [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation) before 23rd January 2023 deadline

 **Brent**



Library Screen Graphic



JCD Screen Graphic and JCD Screen Photo





## ATLAS & LLAS (London Landlord Accreditation Scheme) Press Advertisement

# ATLAS & LLAS PRESS



PRIVATE RENTED SECTOR

50<sup>th</sup> Edition October 2022

LLAS & ATLAS PRS Conference & Training Day  
Bringing you up to date with PRS Legislation  
Thursday 23<sup>rd</sup> March 2023  
From: 10am to 2pm  
VIRTUAL -ONLINE  
Book at [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

### Inside this issue

Foreword by Peter Littlewood  
Ben-LT4L – Property Ponton-Do you stick or Twist  
Smoke & Carbon Monoxide Alarm Regulations  
David -TFP- Update from the English Housing Survey  
Tessa –Lawyer- Legal issues for first-time landlords  
Mark Dawson-Senior Partner- Legal ramifications of a tenant running a  
Business from a rented property  
Fire Safety Advice & Guidance  
Letting Agents sentence 34 months for fraud  
5 Agents expelled from Property Ombudsman  
BTL Landlord pays £40000.00 for breaches of property licenses

Any views or opinions presented in this newsletter are solely those of the author and do not necessarily represent those of ATLAS/LLAS or our partners. ATLAS/LLAS accepts no liability for the content of the articles or for the consequences of any actions taken on the basis of the information provided.

## HAVE YOUR SAY ON BRENT'S LANDLORD LICENSING CONSULTATION

You can have your say on the consultation by going to [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation) before 23rd January 2023 deadline.



### Have your say on licensing for private rented properties in Brent

A borough-wide consultation on landlord licensing for privately rented properties in Brent launched yesterday (31 October 2022) for twelve weeks. The consultation is now live.

The online consultation is open to anyone to have their say on landlord licensing in the borough.

Three types of licensing schemes operate in the borough: mandatory, additional, and selective licensing. Selective licensing applies to a single household renting a property, be that a family or just one or two tenants.

This consultation asks people whether they are in favour of selective licensing schemes in Brent.

Cllr Promise Knight, Cabinet Member for Housing, Homelessness & Renters Security, said: "More than a third of people in Brent rent in the private sector. Whilst most landlords provide safe and decent homes, sadly that isn't always the case.

"Licensing has helped keep renters safe. Since we introduced our first selective licensing scheme in 2015, we've driven up housing standards, reduced overcrowding and tackled anti-social behaviour. Where landlords have fallen short, we have been relentless in taking action and will not hesitate to throw the full-force of the law at rogue landlords."

All wards, with the exception of Wembley Park, are being considered for selective licensing in Brent. Selective licensing previously applied to Harlesden, Wembley Central and Willesden Green, and presently applies to the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury. But this current scheme ends on 30 April 2023.

Have your say on the licensing consultation today at [www.brent.gov.uk/landlordconsultation](http://www.brent.gov.uk/landlordconsultation)

## Letters of Support

### Willesden Green Town Team

Willesden Green Town Team is a not-for-profit volunteer lead organisation and limited by guarantee. We work with all stakeholders in the Willesden Green area, from businesses to local residents, Brent Council and other organisations, to help bring about improvements that will benefit the entire community. Our projects focus on environmental improvements and other leisure and cultural activities for the wellbeing of our community.

We wish to submit a letter in support of Brent Council's application for Selective Licensing for the Private Rented sector, in Willesden Green and across the borough of Brent. This letter is in addition to the video\* in support of the scheme produced by Willesden Green Town Team, and to feedback provided when I attended the consultation meeting hosted by yourself on the 17th of January, 2023. (\*Video can be viewed on our Facebook page or [www.youtube.com/watch?v=wcglzL6ef9Y](http://www.youtube.com/watch?v=wcglzL6ef9Y))

Willesden Green, has long suffered from problems of Antisocial Behaviour including noise nuisance, flytipping, waste mismanagement, and poor quality and unsafe property conditions that are associated with the private rented (46% of residents in Willesden Green live in private rented accommodation). As such, we are in favour of the additional powers and funds that the Selective Licensing Scheme and fees will bring, in order for Brent Council to tackle these long standing issues more effectively by targeting rogue landlords and bad tenants.

The aim of further licensing is to provide an additional tool to assist Brent Council, the Police, Social Services and other parties to help to bring about a transformation of the private rental market in Willesden Green; by improving the condition of private rental properties the scheme will also encourage better and longer term tenancies which in turn will help to create a stronger sense of belonging and community spirit.

As a lot of antisocial behaviour and linked activity isn't limited by ward boundaries, we support Brent Council application for Selective Licensing across all other wards. This will ensure a consistent approach and clear messaging across the entire borough which we believe will ensure greater success of the scheme.

### Harlesden Neighbourhood Forum Response

The Harlesden Neighbourhood Forum's (HNF) membership is drawn primarily from the Harlesden and Kensal Green (ward) community, and HNF works closely with other local stakeholders in the aim of making our area a better place to live and work.

The HNF is in favour of the new selective licensing scheme proposed, which includes designation of our local ward in Phase 1. The Forum is very supportive of Brent's drive to improve the condition of housing in the private rented sector, but also keen to see solutions that aim to tackle anti-social behaviour. Having reviewed the evidence base it is encouraging to see that the pilot scheme, over the last five years, has raised substantial funds for the Council to invest in enforcement and compliance, for the benefit of members of our

community dealing with the consequences of London's insecure and expensive housing market.

The HNF also supports the proposal of the Phase 2 extension, which would bring these benefits to more of the Borough.

## Email responses to the consultation

### NRLA Response

#### Introduction

The National Residential Landlords Association (NRLA) exists to protect and promote the interests of private residential landlords.

The NRLA would like to thank the council for the opportunity to respond to the consultation. We are happy to discuss any comments that we have made and develop any of the issues with the local authority.

The NRLA seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

#### Response

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Brent has seen the development of an unhealthy situation due to policies delivering high rents and where the poor have greater difficulty renting in the private rented sector. The ability to provide a variety of housing types that can be flexible around meeting the needs of both the residents that live and want to live in the area and the landlords in the area. There are already significant challenges around housing in Brent, and we have concerns that this will be exasperated by this policy, unless it is introduced in a fair and equitable way.

The sector is regulated, and enforcement is an important part of maintaining the sector from criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. While Brent has been active in enforcement it can do more. We have concerns around the council's approach to licensing, you have failed to inspect all properties that come under previous schemes, while you have done the most in London, you should be aiming to inspect all the properties. Some schemes are delivering multiple inspections, up to 3 of every property during a scheme, while this is at the top and Brent is close to it, it should undertake an inspection of all properties covered by the scheme. Multiple inspections push criminals out of the sector and drives up the standards for landlords and tenants. Brent has been good so far but there is still room for improvement.

Landlords are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties through county lines and other criminal activity such as people smuggling, drugs and prostitution.

We believe the council should adopt an approach similar to the Leeds rental Standard, which supports the compliant landlords and allows the local authority to target the criminals and inspecting all properties.

The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. As you will be aware, the NRLA publishes data against performance against peer councils. We support league tables of councils performances.

Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. We recognise Brent has done good work on enforcement, we just believe it needs to go further. How does the local authority plan to communicate best practice to the landlord and tenants of Brent? Brent should commit to inspect each property at least once?

The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the council make it clear in the report that they will support the landlord in the ending of the tenancy for anti-social behaviour? Will the council support the landlord going to court to regain possession, if they are, what is the process? The House of Commons (Library report) says it is not the landlord's responsibility, who's is it?

With the government proposal to reform Section 21 (Renters Reform Bill) and Anti-social Behaviour clear guidance on how the council will support landlords when an allegation is made needs to be documented. Landlords will require support, if the tenancy is to be ended, how will the council provide support and what will it be? Will the council support the ending of a tenancy?

Licensing is a powerful tool. If used correctly by Brent Council, it could resolve specific issues. We have supported/worked with many local authorities in the introduction of licensing schemes (additional and selective) that benefit landlords, tenants and the community. We can support parts of the proposal. Our main questions are

You sight poor property conditions; this would mean that you will be required to inspect all properties in the scheme?

In relation to anti-social behaviour, will you provide guidance for landlords with the government reforms up to and including support in the removal of problem tenants?

The increase in rent-to-rent or those who exploit people (both tenants and landlords), has increased in recent years. Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license, with the council not inspecting all properties they know there is no risk. The landlord does not rent the property as an HMO,

but is illegally sublet. The license holder can end the tenancy (of the superior tenant, the sub tenants have no legal redress) but the landlord would need support the local authority for a criminal prosecution. Including the work to identify elsewhere is the borough where this is happening. But what is the process for landlords, it would help if the council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?

The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this.

#### Costs

While any additional costs levied on the private rented sector runs the risk of these being passed through to the tenants, as has previously been established. We are disappointed that the local authority has not looked at a cost in a monthly basis. Is the council going to allow landlords to pay monthly, thus following best practice? If other councils are able to do this, why cannot Brent? The introduction of licensing post Covid 19 will have an impact on cash flow for many landlords, and tenants therefore following best practice a monthly fee as highlighted by other councils does seem appropriate. As other local authorities are able to deliver this, we hope Brent follows these examples as it benefits all parties.

This will also the issue of insurance is often overlooked as a cost, as premiums increase for everyone (homeowners and landlords) when a local authority designates an area with licensing it is indicating problems in the area. This will add costs to those renting as well as to owner-occupiers. Already Brent is expensive, and this will continue affecting those on the lowest income.

A joined-up coordinated approach within the council will be required. Yet there is no evidence from the council that this will be done – can this be provided? How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support.

#### Tenant behaviour

Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to. The contractual arrangement is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug

and alcohol dependency. If there are allegations about a tenant causing problems (e.g., nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the additional licensing scheme, even if the tenant has any of the above issues. This moves the problems around Brent, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within licensing for the landlord to resolve an allegation of behaviour, as outlined by the House of Commons. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce.

We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.

#### Waste

Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the council to collect. This is in hope of getting their deposit back. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues while staying in the framework of a local authority.

#### Current law

A landlord currently has to comply with over 180 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.

#### Changes to Section 21

We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice (or future notice as currently being consulted upon under the Renters Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour. What steps will the council take to support the landlord? It would be useful if the



council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.

The change to how tenancies will end and a move to a more adversarial system, especially in the lower income market. Landlords will become more risk adverse to take tenants that do not have a perfect reference and history. It also poses a question where does the council expect people to live who have been evicted due to a tenancy issue?

## Safeagent response

### An Introduction to safeagent

Safeagent is a not for profit accrediting organisation for lettings and management agents in the private rented sector. Safeagent (formerly NALS) provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents. Safeagent operates a government approved client money protection scheme and is a training provider recognised by the Scottish and Welsh governments for agents meeting regulatory requirements in those devolved nations.

Safeagent agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet safeagent criteria on an annual basis to retain their accreditation. The scheme operates UK wide and has 1,700 firms with over 3,000 offices, including agents within the London Borough of Brent.

We very much welcome the opportunity to contribute to this consultation exercise

### Overview

We understand that Brent Council is seeking to introduce a new selective licensing scheme covering most of the borough, to be implemented in two phases. In preparing this consultation response, we have carefully considered the information published on the council's website.

### Previous licensing scheme

The council's consultation report explains that one selective licensing scheme covering three wards ended on 31 December 2019 and a second selective licensing scheme covering five wards will end on 30 April 2023. Whilst the report explains how many properties have been licensed under the current and previous licensing schemes, there is limited evaluation about how successful these schemes have been in achieving their objectives. For example, the



report says the worse property conditions and highest repeat ASB is found in Dollis Hill, Harlesden & Kensal Green and Willesden Green. Whilst we understand some ward boundaries have changed, Harlesden, Willesden Green and Kensal Green have all been subject to five year selective licensing schemes. If these areas remain the worst in the borough, it calls into question how successful the schemes have been and what value will be achieved in repeating the schemes for another five years.

We would encourage the council to publish a more detailed evaluation of the current and previous schemes. This will help us understand how many of the licensed properties have been inspected and improved, what steps have been taken in partnership with landlords and agents to tackle poor tenant behaviour and whether staffing resources have been maintained at an appropriate level to address these issues.

#### Evidence base

We note that Wembley Park ward is the only ward to be excluded from the proposed selective licensing scheme. According to the council's report it has 98% private rented properties and no serious concerns about property condition or ASB. This ward could be a useful benchmark for a comparative study exploring factors that influence poor condition, poor property management and poor tenant behaviour. What is the demographic of tenants in that area and why does the ward differ so markedly from those around it?

We understand the council's greatest concern relates to the council wards of Dollis Hill, Willesden Green and Harlesden & Kensal Green and these three wards would form phase I of a proposed selective licensing scheme. It is unclear whether the statistical mapping takes account of housing enforcement activity to raise standards under previous licensing schemes. It is also unclear whether the data excludes Houses in Multiple Occupation that fall outside the scope of this scheme.

If these factors have been considered, commentary could helpfully explain why the council think housing conditions remains so poor after five years of intensive licensing activity designed to address this issue.

From an ASB perspective, we are given no breakdown of the data which we understand is cumulative data gathered over five years. This approach gives no indication of annual trends and no comparison of data between wards that were and were not previously subject to licensing. Is ASB data in these wards trending up or down and what interventions are being proposed to address these issues?

We note that the main ASB concerns relate to substance misuse, noise and rowdy behaviour. Whilst dealing with excess noise is a common housing management function, our safeagent members have limited ability to address substance misuse and no control over the availability of health treatment programmes for addiction. Likewise, whilst the police can tackle rowdy behaviour, it is not an easy topic to resolve through tenancy management. We would welcome a further discussion with the council to explore how our members can assist in addressing these challenging societal issues.

We do have concerns that a proposed scheme encompassing around fifty thousand properties distributed across the borough is a step too far. The council will lack the resources needed to deliver meaningful results within five years. Instead, we would encourage the council to focus their limited resources in the three wards where the worst problems are concentrated. Once those issues have been addressed the council could then refocus their resources on a new area.

#### Licensing fees

We recognise that the council need to charge a reasonable fee to cover the cost of administering and enforcing the licensing scheme. It is important that the council implement an efficient and streamlined licence application processing system. This will help to minimise costs and keep fees at a reasonable level, thereby minimising upward pressure on the rent that is charged to tenants.

We understand the council is intending to increase the selective licensing fee from £540 to £640, with the same fee for licence renewals. Whilst we appreciate this fee is below average when compared to all London Boroughs, we would question whether an 18.5% fee increase is reasonable and necessary in the midst of a cost of living crisis.

One alternative option would be to charge a new application fee of £640 and retaining the £540 fee for licence renewals. This would acknowledge the reduced workload involved in reissuing a licence and benefit those landlords who licensed their property under the previous scheme.

We welcome the proposed fee discount if the licence holder or managing agent is accredited. However, we do not agree it should be restricted to one accreditation scheme. The discount should be widened to other recognised schemes. Safeagent is a not for profit accrediting organisation for lettings and management agents in the private rented sector. We are a training provider recognised by the Scottish and Welsh governments for agents meeting regulatory requirements. Our members are required to deliver defined standards of customer service, operate within strict client accounting standards, maintain a separate client bank account and be included under a Client Money Protection Scheme. Membership of safeagent can be easily verified by visiting our website: <https://safeagents.co.uk/find-an-agent/> or by contacting us by phone or email. We would ask the council to include safeagent within their list of recognised accreditation schemes.

There is no mention of an early bird fee discount for landlords who apply before the start date of the scheme. To ensure landlords and agents have sufficient time to prepare and submit applications, we would request that the application process is launched and early bird discount offered for a three month period before the scheme comes into force.

#### Licence Conditions

We have studied the proposed list of licence conditions in the consultation report. We have made some suggestions to help improve and fine tune the wording of the conditions. This in turn should help landlords and agents to understand and comply with the requirements.

### 3. Rent payments

Whilst we appreciate that rent books are appropriate for rent paid in cash, they are not appropriate for the vast majority of rent payments made by BACS transfer, standing order or direct debit. Neither are weekly or monthly rent statements appropriate for payments made via bank transfer which are recorded on the bank statements of both parties.

We would ask that this condition is reworded to differentiate between cash and other rent payments.

### 5. Complaints

Whilst all safeagent members belong to a government approved redress scheme and will have an associated complaints policy, it is unlikely that all private landlords would have such an arrangement in place.

Tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written complaints policy within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork.

### 6. Antisocial Behaviour

As mentioned above, tenants already receive a substantial bundle of statutory documentation at the start of every tenancy. We question the value of including a written ASB procedure within the bundle. We would suggest you seek feedback from tenants before insisting they are presented with even more paperwork.

If an ASB procedure must be provided, we would suggest the council publish a template that can be used for this purpose and supply a copy with the licence. We would also enquire whether similar arrangements will be rolled out to all new council housing tenants so private landlords are not placed under more onerous requirements than the council provide for their own tenants.

We think condition 6a (IV) is not appropriate as a licence condition. It does not relate to management of the property being licensed and the council should not seek to insist on information being disclosed which could be sensitive personal information under GDPR. Likewise, we have concerns about condition 6a (VI) as it would be unreasonable, and could appear threatening, to advise tenants that any ASB by them or their visitors, regardless of how serious, could result in eviction. We would encourage the council to seek legal advice before adopting these proposed conditions.

### 7. Gas safety

The condition contains an unusual requirement that if the council highlight any safety risk, the licence holder must submit a new gas safety certificate within 14 days. This contradicts the gas safety enforcement regime enforced by HSE that imposes no such requirement. It is also potentially unlawful as case law confirms any perceived hazards should be dealt with via HHSRS and not selective licence conditions.

## 10. Security

Whilst well meaning, condition 10 a, b and c cannot be imposed on a selective licence as they breach the more restricted power to impose conditions under Part 3 of the Housing Act 2004. For selective licensing, conditions can only relate to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (*Brown v Hyndburn Borough Council* [2018]).

## 11. External areas

Condition 6a (V) imposes a reasonable requirement for six monthly inspections. The reference to regular and interim inspections in condition 11 need to be defined to make clear one six monthly inspection will satisfy all these requirements.

## 12. Refuse and waste

We disagree with condition 12e. The Housing Act 2004 makes clear the council cannot impose specific clauses within a current or future tenancy agreement. Each house or flat will have different provisions for waste storage which would be difficult to capture in a tenancy condition. We believe condition 12a and d deal with this matter appropriately. i.e., that tenants are told how to dispose of waste and recycling and that any concerns are investigated and appropriately dealt with.

## 14. Pest Control

In a single family property subject to selective licensing, the licence holder will not be responsible for all pest issues. It will depend on the circumstances. For example, if the tenant complains about a wasps nest, it is more likely this will be the tenant's responsibility and advice given about contacting a reputable pest control company. Clearly, if there was a rodent infestation caused by a broken drain, this would be the landlord's responsibility although it is unlikely all remedial action could be completed within 7 days.

### 15.1 Smoke Alarms

Condition 15.1 (e) and advisory note 3 in Appendix 1 should be deleted. It exceeds the Schedule 4 smoke alarm condition and breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.

## 16. Means of escape

Condition 16 and advisory note 4 in Appendix 1 should be deleted. It is unclear what it means in the context of a single family property and it breaches the more restricted power to impose conditions under Part 3 of the Housing Act 2004.

## 20. Compliance inspections

Whilst safeagent members will always cooperate with the council to help facilitate access for an inspection, they have no power to guarantee access if the tenant is unavailable and/or refuses entry. Council officers have much stronger powers of entry than landlords or agents.

## Delivering effective enforcement

It is vital that the council have a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme. In the absence of a previous scheme evaluation, we do not know and cannot comment upon what arrangements are currently in place.

Without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar. This creates unfair competition for safeagent members who seek to comply with all their legal responsibilities. They are saddled with extra costs associated with the licence application process and compliance, whilst others evade the scheme completely.

## Recognising the important role of letting agents

Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as safeagent accredited firms.

## Regulation of letting agents

To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.

Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, new legislation required agents to display all relevant fees, the redress scheme they belong to and whether they belong to a client money protection scheme. On 1 April 2019, new legislation required letting agents and property managers that hold client money to be members of a government approved client money protection scheme. At safeagent we operate one of the six government approved client money protection schemes.

To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed an Effective Enforcement Toolkit. Originally published in June 2016, the second edition was published in 2018. The third and most recent edition of the safeagent Effective Enforcement Toolkit, developed in conjunction with London Trading Standards, was published in 2021. It can be downloaded free of charge from our website: <https://safeagents.co.uk/wp-content/uploads/2021/11/safeagent-EffectiveEnforcement-Toolkit-2021.pdf>

Should you wish to discuss any aspect of this consultation response, please do not hesitate to contact me. Can you also please confirm the outcome of the consultation exercise in due course

## PropertyMark response

### Background

1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.

#### Overview

2. Brent Council are consulting on a proposal to implement a borough-wide selective licensing scheme for all Private Rented Sector (PRS) accommodation. The scheme will include all Brent wards apart from the Wembley Park ward and builds on previous selective licensing schemes that the council implemented back in 2015.

3. Thank you for the opportunity to respond to the consultation on the licensing proposals for the borough-wide scheme in Brent Council. Propertymark is supportive of efforts made by local authorities to improve housing stock within the PRS. However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.

4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.

#### Licensing structure

5. Number of properties – One of our concerns about licensing schemes, especially ones as large as the proposed Brent scheme, is that the enforcement of schemes to ensure standards are being met in the PRS is often inadequate resulting in compliant landlords having to pay for the scheme and rogue landlords continuing to operate below standard under the radar.

6. Clarification needed on Council resources - The licensing scheme will operate in 21 of the 22 Brent wards only excluding the Wembley Park ward. The PRS is very large in Brent and is an important housing tenure that in total makes up 45.6 per cent of total housing stock. In total there are around 50,000 PRS properties within the scope of the scheme. This is a very large number of properties to check to ensure that landlords are operating to standard. We would like clarification on how much resources Brent will put into enforcement and compliance of the scheme. If insufficient resources are not put into staffing the scheme, then we are concerned the aims of the scheme will not be met.

7. Identifying non-registered properties - For a scheme on this scale, we are disappointed that there is no clear strategy on how the council will identify properties that have not been registered within the proposed scheme. Turning back to our concern that compliant landlords will pay for the scheme while rogue landlords will operate under the radar, we advocate using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar.

With this approach, the council would not need to seek permission from the UK Government and would be able to implement it with no difficulty

8. Fees – At £640 for a selective licence, the fee is in line with fees incurred in other local authority areas including £650 in Newcastle and £550 in Liverpool. However, other local authority schemes have considered ‘early bird’ discounts which given the large number of properties involved in this scheme would be a good incentive to ensure compliance. We also note that other schemes sometimes offer discounts for landlords or agents who belong to an accredited scheme. We note there is a discount for members of the London Landlord accreditation scheme, but consideration could have been given to members of landlord and letting agent accreditation schemes such as Propertymark (formally, the Association of Residential Letting Agents – ARLA).

9. Impact of cost-of-living and landlords - Regardless of the fee level, we are concerned these charges will come at a time when landlords are impacted by the cost-of-living crisis and the impact fees could have on the ability of landlords to improve standards. Our members have also told us that a common concern from landlords on licensing schemes is that the costs can be extremely high for landlords who own several properties within a self-contained unit such as a block of flats. We welcome Merton Council’s acknowledgement of the high cost for these landlords who offer discounts for multiple licenses within one unit in their proposed scheme.

10. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns, those landlords who remain in the market, often have less money to improve conditions from increased costs. If the decision to operate a selective licensing scheme across the whole of Brent is approved, then there is a concern that landlords currently operating within Brent could invest in neighbouring local authority areas or exit the market altogether. This could result in fewer housing options for people living in Brent meaning some people might be forced to find housing options outside the area, change employment or break social ties within the community.

11. Unintended Consequences – We are pleased to see that Brent Council acknowledge that the PRS is an important and increasingly growing tenure that is home to many people living within Brent. Renting in parts of London, including Brent, can be very expensive. The median monthly rent for London is £1,750 compared to £1,775 in Brent<sup>4</sup>. Some renters living within Brent will require cheaper accommodation due to being on a low income and the continued challenges in the cost-of-living crisis. We previously outlined the possibility that further legislation could reduce the housing options of the most vulnerable from landlords exiting the market there could be further implications on the rent level for those landlords who remain. As is the general law of supply and demand, if the supply of PRS property reduces, the cost of rent for the remaining properties is likely to rise. With already high rental prices



within the area, there is a very real danger that many low-income families will be priced out of living in the area.

#### Improving standards

12. Property condition – Large parts of Brent is characterised as including large amounts of terraced housing and older stock. The purpose for excluding Wembley Park is due in part to the large amounts of new build housing to concentrate on older stock in other areas. Areas that have these characteristics are often inner-city communities with large section of pre-1919 built housing. Accordingly, a significant amount of investment is required to improve the condition of stock including the energy efficiency of properties. We would be grateful if Brent Council have any proposed grants or funds available for landlords to improve stock and energy efficiency.

13. Energy efficiency – Brent Council have highlighted improving energy efficiency as one of the key aims of the selective licensing scheme. This is not the purpose of selective licensing schemes. The Department for Business, Energy and Industrial Strategy (BEIS) already have the Minimum Energy Efficiency Standards (MEES) in place to improve the energy efficiency of PRS stock in place.

14. Empty properties – Brent Council briefly mention in their proposal document that they have worked with the Empty Property Team. However, details are vague and there is no clear strategy of the council's aims in reducing empty properties. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans/grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken 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.

15. Current enforcement – Brent is experienced in the implementation of Selective Licensing Scheme and have introduced them since 2015. We would be grateful for some clarity on the performance of previous schemes. For example, how many working days did it take for a typical selective licence application to be processed and issued? The council also highlight some of the key statistics on their enforcement activity including warning letters, prosecutions, and civil penalties issues. We would be grateful if this data could be broken down by years and whether the action was within a selective licensing scheme area or from general enforcement. We would also be grateful for clarity on the reasons for issuing civil penalties for example, how many were for over-crowding, banning orders or for simply not obtaining the correct license.

#### Engagement

16. Engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, Brent Council have made several efforts to positively engage with landlords in the local area.

17. To strengthen this engagement, we would be very happy to support the council in engaging with our members and local property agents. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme of education to engage with landlords on helping them improve before a situation gets worse. We would welcome clarity on what training opportunities the council will provide to landlords and agents to help them understand their responsibilities and improve standards. We recognise the council have made strong efforts in this in the past with engagement via the council's Landlord Forum and an accreditation scheme for local landlords. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year. We would be very happy to work with the council to engage with local agents over a virtual roundtable discussion on how standards can be improved.

#### Tackling Anti-Social Behaviour (ASB)

18. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Brent to another.

19. In this context, it should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as the Metropolitan Police in reducing anti-social behaviour within communities.

20. Brent highlights burglary as an issue for the local PRS. The council misjudges selective licensing as a tool to reduce home burglary, as selective licensing is designed to address property conditions, not burglary. Should the council wish to address this issue, there are alternatives such as offering grants to tenants for home security improvements and strengthening community ties with police and voluntary organisations. Furthermore, securing entry points, i.e., secure doors and locks, falls under HHSRS and Section 11 of the landlord and tenant act. Selective licensing is not needed to tackle these issues.

#### Selective Licensing and Section 21

21. Propertymark would like clarification on the council's policy concerning helping a landlord when a section 21 notice is served, the property is overcrowded, or the tenant is causing antisocial behaviour, as per the council's consultation. What steps will the council take to support the landlord? It would be useful if the council were to put a guidance

document before introducing the scheme to outline its position regarding helping landlords remove tenants who are manifesting antisocial behaviour. The change in section 21 legislation and how tenancies will end will mean landlords will become more risk-averse to taking tenants with a perfect reference and history. We would be willing to work with the council and develop a dispute resolution service with other local authorities.

#### Conclusions and alternatives

22. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.

23. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Brent Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of the proposed measures is the most effective approach to achieve this aim both in the short term and long term.

24. We would welcome the opportunity to work with Brent Council to further engage with our members and property agents in the local area.

## Email Responses from Individuals

### Email Response 1

I have a number of points to raise and questions to ask as part of your consultation as follows:

#### 1. Consultation with landlords and publicising of the consultation process

There are a number of references to the need to consult and publicise within The Government Guide for Local Authorities on Selective Licensing in the Private Rented Sector.

In respect of landlords, this has not been adequately complied with and therefore undermines the validity of the consultation process.

The references are as follows:

- Take reasonable steps to consult persons who are likely to be affected by the designation, and, consider any representations made in accordance with the consultation

- Local housing authorities should ensure that the consultation is widely publicised using various channels of communication.
- Consultees should be invited to give their views, and these should all be considered and responded to.

1.a Could you clarify the purpose of the 'drop in session' please?

I attended your drop in session on Wednesday 11th January. It was disappointing to discover that there was no means of providing verbal input to the consultation process in a way that could be relied upon to systematically feed into the consultation process. I was advised instead to simply complete the online form. How can there be confidence in the consultation process without any systematic method of capturing input?

1.b How were the Brent Connect Forums conducted?

I attempted to attend one of them. There was insufficient information on your website to enable this. My attempts to communicate with your office were unable to provide me with any further information.

1.c Did these happen? I have asked the question already, but not received a response.

1.d Please confirm when you added the information concerning the Landlord forum which took place on 14th December to your web page?

The information regarding this event only has only recently appeared on your web page.

1.e Please also confirm how you publicised the Landlord Forum event. As a Brent landlord (whose details you have) I was not informed of it.

2. Previous Licensing Consultations

I can see from your documents that there was at least one previous Licensing Consultation from 10 June to 25th August 2019.

2.a Please confirm how this was publicised, who was invited to participate, what was the criteria for inclusion as a landlord?

I was a landlord in Brent at that time but have no knowledge of this consultation.

3. Implications of increased costs for landlords

3.a The cost of the licence will add to the already considerably increased costs borne by landlords, particularly good landlords who have higher cost bases as they actively maintain their properties in good order.

Landlords will have no option but to pass on the cost to tenants, reduce costs in other areas (reducing active maintenance) or exit the market reducing the amount of quality housing in the area.

The Government Guide for Local Authorities on Selective Licensing in the Private Rented Sector states 'Local authorities should also carefully consider any potential negative

economic impact that licensing may have on their area – particularly the risk of increased costs to landlords who are already fully compliant with their obligations. These additional costs can reduce further investment and are frequently passed on to tenants through higher rents.'

How are you addressing this?

#### 4. Inequity of licensing only private landlords

The cost burden of improving rented housing conditions is falling entirely on the shoulders of private landlords. This is unfair and unreasonable.

It is evident that the issues relating to rented housing (poor quality housing, antisocial behaviour and overcrowding) is not exclusively limited to the private rental sector. Yet those are the only landlords required to pay the licence and therefore fund the attempted enforcement of matters related to these issues.

The licence fee is effectively a tax on private landlords designed to fill a gap in local authority funding.

#### 5. Value for money

I have been a licensed landlord in Brent since 2018 and have seen no input/value to either myself or my tenants as a result of this scheme.

Your own documentation states 'all groups will benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers.'

I have had no communication apart from one email on 31st October inviting me to participate in this consultation process for the extension of the scheme.

5.a What evidence is there that the scheme already in place has been effective and that it has been implemented in the way intended?

#### 6. Access to the full consultation report

6.a When and where will the full consultation report be made available?

Currently the only information I can find is that it will be will be 'published on the property licensing pages of the web site'. This is not specific enough to ensure that I will be able to access it in a timely manner.

#### Email response 2

The questionnaire did not give me the opportunity to make my points, so-

Overall the proactive ethos of this consultation is a good thing.

Why are these basic standards not applied and enforced throughout the borough?

Yes landlords must come under scrutiny- they play a big part in civic life.

When a housing association is renting from the council or vice versa is that covered by these standards?

My daughter lives in [removed]. Disgustingly irresponsible attitude to waste disposal by residents. There is always stuff dumped on the street and residents are oblivious to recycling, risk of rodents etc. The council needs to be more forthright on this. People should be fined if their bins are open and spilling onto the street. Roundwood Road was really unpleasant during the summer.

One property on [removed] is very poorly maintained and has bars at all the front windows. There are children living at the property. I know there is a lot of temporary housing in the road and Victorian property is expensive to maintain, especially when landlords have maximised renting income by chopping up properties, messing around with drainage etc. The culture of the slum landlord getting the upper hand is alive and kicking in Brent. We are not after gentrification, just a pleasant streets and clean and tidy properties.

My impression is that nothing is being enforced. Current legislation surely exists to stop fly tipping, not refunding deposits etc?

Please take my points into consideration.

### Email Response 3

I would like to inquire into the scope of the scheme and areas covered. We live in the [removed] and have experienced a dramatic escalation of property investors buying up family houses and converting them into multiple dwellings. This is having an increasingly detrimental impact on the area, we have seen an increase in traffic, anti social behaviour, fly tipping and above all, seen these properties managed to a very poor standard.

I would be interested to know if there were plans to extend this initiative to surrounding areas like ours, and who would be best placed to speak to about our growing concerns