



**Community Wellbeing Scrutiny
Committee**

22 November 2023

**Report from the Corporate Director
of Resident Services**

**Lead Cabinet Member for Housing,
Homelessness and Renters
Security – Councillor Promise
Knight**

New Selective Licensing Scheme

Wards Affected:	N/A
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Spencer Randolph Head of Service - Private Housing Services Spencer.Randolph@brent.gov.uk

1.0 Executive Summary

1.1. This report has been prepared at the request of the Community Wellbeing Scrutiny Committee to update members on the performance, quality and impact of the Selective Licensing Scheme that commenced on 1st August 2023 for the wards of Dollis Hill, Harlesden & Kensal Green, Willesden.

2.0 Recommendation(s)

2.1 That the committee note the information provided in this report regarding the Designation of selective licensing in the wards of Dollis Hill, Harlesden & Kensal Green, Willesden.

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

3.1 As part of the consideration for licensing, we have mapped strategies and policies across the council which link to PRS licensing. The licensing proposals

are set in the context of the council's wider programmes to tackle housing need, improve property standards, and reduce ASB.

Council Borough Plan

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

Housing Strategy

- 3.3 Brent Council is currently in the process of drafting the new overarching Housing Strategy and a Private Sector Housing Strategy for 2023 onwards. However, the licensing proposals are also in line with the existing strategic priorities.
- 3.4 The interventions in the proposed areas support the Council's Draft Private Sector Housing Strategy, 2023-27 looking to "increase the supply of private sector homes available in Brent so it is an accessible housing option for our residents" whilst also making sure that "we effectively tackle poor property conditions across the private sector in Brent". In addition, the draft strategy commits to "prioritise supporting residents to stay in their private-sector home and live comfortably".
- 3.5 "The Housing Strategy identifies opportunities for the private rented sector to "play an important role in delivering new supply" to deliver "supply that meets required standards of management and maintenance and is accessible to people on a range of incomes in a market that is well regulated and offers appropriate protection to tenants".

Joint Health and Wellbeing Strategy 2022-2027

- 3.6 Places and emphasis on "Healthy Places" and identify actions on homes in the private rented sector.

Homelessness Strategy

- 3.7 Brent Council has outlined its strategy to maximise the prevention of homelessness and to minimise the negative impacts of homelessness upon families and individuals where prevention is not possible in the Brent Homelessness and Rough Sleeping Strategy 2020-2025. The council's homelessness review has shown that the loss of a private sector assured-shorthold tenancy is still the most common reason for people to approach the council for help.
- 3.8 Working to improve access to and conditions in the private sector is therefore vital for providing a wider housing offer for Brent residents and the council has

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

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

Poverty Reduction Strategy

- 3.10 The council has outlined its strategy for poverty reduction. The Poverty Reduction Strategy states Brent households in poverty stands at 17% before housing costs and rises to 33% with housing expenditure included. For children, rises from 22% in poverty before, rising to 43% with housing costs. In the PRS, rents very often exceed 40% of net incomes. The policy states there is a need to rigorously enforce standards in the private rented sector (PRS).
- 3.11 The policy states that many of those renting privately reported issues with the quality, security, and affordability of their housing. These issues included overcrowding damp, disrepair, needing to share facilities and ultimately homelessness, which is closely linked to difficulty paying rent. The latter can lead to eviction associated with poverty.
- 3.12 The policy acknowledges that the council does “have powers to improve standards within the private rented sector, including through licensing of landlords.”

Brent Climate & Ecological Strategy

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

Anti-social behaviour Policy

- 3.14 Brent Council recognises the need to challenge any form of Anti-Social Behaviour (ASB) in an effective robust and proportionate manner. Residents have a right to a quiet and peaceful enjoyment of their environment, which they live in making sure cases are resolved through effective intervention and support services.
- 3.15 Brent Council ASB policy applies to all residents including all landlords and tenants in the private rented sector. To tackle ASB problems, we have made it conditional on all private landlords who hold licences under our HMO or selective scheme to prevent and combat ASB associated with properties they manage. Section 57(5) of the Housing Act 2004 gives a definition of ASB for the purposes of licensing under Parts 2 and 3 of the Act.

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

PHS Enforcement Policy

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

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

3.19 Since March 2020, the service has adopted procedures in response to the impact of Covid-19 on private renting and the lockdown changes, and since the lifting of the restrictions, the service has innovative ways of working and has become more effective and efficient in its service delivery.

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

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

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

3.22 The light touch approach starts with regulating the relationship between the landlord, tenant, and the Council at an individual level, with landlords and tenants in particular being aware of their rights and responsibilities. Two areas to mention relate to providing “Right to Rent” requirements, and to advice on

section 21 eviction. The success of such areas is backed by the willingness of all concerns to be able to exercise the rights.

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

Detail

- 3.25 The designation of the 3 wards of Dollis Hill, Harlesden & Kensal Green, Willesden (Designation D1/23) is not a pilot but phase 1 of the Council's next journey for selective licensing. Phase 2 (Designation D2/23) has already been approved by Cabinet and an application has been submitted to the Secretary of State Department for Levelling Up Housing and Communities (DLUHC) for approval. Designation D2/23 will see Selective licensing extended to all other wards in Brent with the exception of Wembley Parks as this ward does not meet the criteria for selective licensing.
- 3.26 Brent's private rented sector (PRS) has been subject to small selective licensing schemes for the past eight years. While the Council has Government consent to implement schemes of up to 20% of the total stock, or up to 20% of the borough's geographical area, larger schemes require confirmation from the Secretary of State from the DLUHC.
- 3.27 The private rented sector (PRS) in Brent has seen rapid growth over the last eleven years, with around 58,000 homes in the borough privately rented (46% of the total dwellings). Renters in private accommodation make up the largest proportion of occupants in our borough. For a greater proportion though living in the PRS is not a choice freely made, but a result of a housing market that leaves little other route to a roof over their heads.
- 3.28 However, poverty is widespread across the borough with many households experiencing financial difficulties. In addition, all areas are affected by poor property conditions and there is significant and persistent evidence of antisocial behaviour (ASB) across wards in the borough. These are all reasons that, if associated with the PRS, are able to be used as justification for the introduction of selective licensing.
- 3.29 A detailed analysis of the PRS in Brent was undertaken and this showed that within the PRS the Borough has higher than the national average levels of rented properties with disrepair and in the 3 wards in Designation 1/23 high levels of ASB associated with the PRS. This is summarised in the table below.

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

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

3.31 It is hoped that we will receive approval from the Secretary of State by the end of 2023 and therefore Designation D2/2024 will become effective from April 2024. The selective licensing schemes will be therefore be assessed against the following scheme objectives:

Objective	Link to strategic goals	Performance indicator (target)	Outcome
Improve property conditions in single family dwellings	Addressing BAME and equality Poverty and housing conditions	Undertake compliance inspection in 50% of licenses issued over the lifetime of the scheme. Total compliance inspections, 20,000	Reduce Cat 1, Cat 2 hazards and compliance of licence conditions Achieve a general improvement of

	Linking to LBB manifesto	<p>It is anticipated that this will lead to 10,000 properties being improved via compliance inspections alone.</p> <p>Over the lifetime of the scheme we estimate a further 5,500 licenced properties improved through other activities* Total properties improved 15,500</p> <p>NB * Desktop intervention, reactive responses to requests for services & license enforcement.</p> <p>100% of all licence application desk-based risk assessment completed. Achieve 80% selective licence applications over the life of the scheme. (Compared with modeled figures).</p>	property conditions in the designated area within the lifetime of the designation. Improve engagement of tenants in the PRS.
Improve management standards in PRS	Poverty and housing conditions	<p>Be in the top 10 of London Council whose landlords are accredited to the LLAS</p> <p>1 landlord forums per annum</p> <p>4 newsletters sent to registered landlords that have signed up</p> <p>Take appropriate enforcement action against those landlords who fail to license or breach licence conditions.</p>	Engagement with Landlords Improve engagement of tenants in the PRS.
Increased awareness for tenants on the minimum standards to be expected in rented accommodation and what their other rights are when renting in the PRS	Sustainability – increasing the energy efficiency in PRS and link government green policy Poverty Commission report Future of London Report Cost of Living Crisis & the	<p>Create and promote a new tenant pack available on and offline and in different languages to inform PRS residents of their rights, services available to them, what to do in case of issues.</p> <p>Links with MEES and Green Doctor Services and Grants</p>	Combat deprivation in the most deprived areas Supporting the most vulnerable tenants e.g., benefits assessments

	Resident Support Fund		
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- 3.32 When designated, both schemes will be in force for a period of 5 years.
- 3.33 As has already been stated Designation D1/23 only commenced on 1st August 2023 and therefore it is far too early to be able to comment on the effectiveness of it. The scheme is currently in the phase where licence applications are being received, processed and granted. Since going live for applications for this scheme 3,224 licence applications have been received which is in line with our expectations.
- 3.34 Inspections of these licenced properties is due to commence in December 2023 and to facilitate this, an additional 8 compliance inspectors have been recruited, and started in their posts on 2nd October 23. We estimate that these 8 officers will be inspecting somewhere in the region of 3500 properties per year.
- 3.35 In order to rollout and promote the scheme there is a comprehensive communication strategy which uses a multitude of media including local press, digital platforms and social media as well as direct correspondence. This method has been successful as can be seen by the number of applications already received and the successes in the number of applications received for previous selective licensing schemes when levels of applications exceeded predictions by 135%.
- 3.36 Whilst it is too early to analyse the effectiveness of Designation D1/23 the table below summarises the Councils' enforcement outcomes that have been achieved through its previous licensing schemes and the measures in place to tackle non-compliance.
- 3.37 Kamma data (Property Licensing Update, July 2023) also shows that Brent is ranked 5th out of the Top 10 local authorities with the highest level of enforcement.

Activity	Output	Outcome
One-year licences issued as a consequence of concerns at time of application	2183	Resolve issues mainly regarding lack of gas safety certificates, overcrowding, planning issues and irregularities in ownership details.

Warning letters sent	5354	Properties brought into compliance i.e. licence application made or confirmation of property status received.
Prosecutions	191	£1.8m in fines and costs 1 prison sentence issued
Civil Penalty notices issued	271	£850,000 reinvested in to PRS Enforcement
Proceeds of Crime Confiscation Award	1	£365k in confiscation order, fines and costs. In December 2018, Brent became first LA to be granted a Confiscation Order under the Housing Act 2004
Banning Orders	1	Preventing a criminal landlord having anything to do with property letting/management nation wide for 5 years.

Enforcement action for non-compliance (2019 – 2023)

3.38 The Council will continue to use these successful approaches in the new scheme. This includes focusing on identifying and inspecting unlicensed premises. The previous schemes showed the success of street surveys (over 5,000 properties visited) and using landlord warning letters, 5,354 sent. The schemes also supported successful partnership working across fire service, police, Community Safety team, and Planning Enforcement teams.

3.39 As demonstrated above, the licensing schemes have enabled the Council to make a real and notable difference in driving up improvements for Brent's most vulnerable.

Lessons Learned

3.40 Private Housing Services has an ISO 9001:2015 accredited quality management system and therefore is constantly reviewing and making incremental changes to the way that services are delivered for the benefit of residents and service users.

3.41 Notwithstanding this some lessons learned from previous schemes have been brought forward to this most recent selective licensing scheme, in particular the way in which we manage the publicity around early applications in order to get a more manageable levels of applications in the early stages allowing processing to be more adequately resourced.

3.42 We have also developed an enforcement plan that sets out how Brent Council will ensure landlords comply with minimum standards in relation to property licensing schemes including failure to license and breach of licence conditions To do this, resources will be targeted to achieve licensing objectives. The plan

is intended to focus actions and provide a strategic approach to enforcement activity, main points include:

- 3.43 Enforcement is key to improving Private Rented Sector (PRS) standards and ASB for some of Brent's most vulnerable residents and families. There are limited resources for this significant scheme and so an agile enforcement planning approach has been developed. It will target:
1. Getting as many landlords licensed, as quickly as possible by supporting the promotion of the estimated 37,672 applications across selective licensing designations 1 and 2.
 2. The most vulnerable renters, through focusing limited enforcement resources on specific streets with high predicted issues to deliver the most value.
- 3.44 The plan sets out the approach to licensed and unlicensed properties and also focuses on properties with Category 1 hazards, poor EPC ratings and high levels of ASB.
- 3.45 It details the importance of Tasking Days as part of the enforcement plan, including:
1. Streets that will be targeted by month. These have been identified using the same predictive data used to identify the designations.
 2. Streets targeted, either due to landlords suspected of not having a licence, or where there are a large number of properties predicted to have high ASB incidents, Category 1 Hazards or low EPC ratings.
 3. Purpose of the tasking days.
- 3.46 The plan is intended to be the starting point, and intelligence from Tasking Days should be fed back in to verify and/or adjust the approach and shared with other council departments and partnering agencies e.g. Trading Standards, Planning Enforcement, Police etc.
- 3.47 The plan's success depends on the implementation, the development of the service capability and the scheme's marketing and communications plan, these aspects are not covered in this enforcement plan.
- 3.48 Along with this scheme, the council must enforce a wide range of other statutory provisions relating to housing and environmental conditions which are also outside the scope of this enforcement plan.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 A consultation exercise was undertaken over 12 weeks starting on 31st October 2022 and closing on 23 January 2023. To consult with landlords, tenants, residents, stakeholders and other interested parties, the council carried out an

online survey. The council also hosted several public meetings with landlords, tenants, residents, and landlord groups. The council used digital and print media to advertise the consultation, as well as in-person methods.

- 4.2 The consultation received 853 responses to its online/paper questionnaire. For the sake of clarity, the views of the responses from residents, tenants and businesses, private landlords and managing agents have been analysed and reported separately. Qualitative feedback was received at public meetings and written responses from interested parties.
- 4.3 The consultation looked at the level of support for introducing selective licensing in designated areas. The consultation also looked at views on the proposed licence conditions, fees, and the respondents' perceptions of the issues in the borough.
- 4.4 The open questionnaire responses were analysed and reported separately.

5.0 Financial Considerations

- 5.1 The administration of the scheme is such that it is intended to be self-financing over a five-year period with higher levels of income from years 1 and 2 funding expenditure over the full 5 years. This will be managed with a use of an earmarked reserve. Fees of £640 will be charged per application and are set at a level where the total revenue from the fee is intended to cover the total costs incurred.
- 5.2 It is estimated that licences issued in the 5-year period will generate income in the region of £19.2m, which will be commensurate with the total expenditure.
- 5.3 The income will be closely monitored, and a team proportionate to the demand for the service will be employed. The costs of the scheme exclude the cost of any enforcement action on non-licensed properties but will cover the cost of processing the license application, compliance monitoring and enforcement against an applicant who is given a licence.

6.0 Legal Considerations

- 6.1 Under section 80(2) of the Housing Act 2004 ("HA 2004"), before introducing a selective licensing scheme, the Council (in this case, the Council's Cabinet) must consider that –
 - (a) the first or second set of general conditions mentioned in section 80(3) or (6) of the HA2004; or
 - (b) any conditions specified in an order under section 80(7) of the HA 2004 as an additional set of conditions are satisfied in relation to the area. In this case, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 ("2015 statutory instrument") will apply as they have provided for additional conditions which involve poor housing conditions, migration, deprivation, and crime.

Other matters relating to selective licensing

- 6.2 Under section 81(2) of the HA 2004, the Council must ensure that any exercise of the power in relation to a selective licensing designation is consistent with the Council's overall housing strategy.
- 6.3 Under section 81(3) of the HA 2004, the Council, when making its designation, must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and ASB affecting the private rented sector, both: (a) As regards combining licensing (under Part 3 of the HA 2004 – selective licensing) with other courses available to them, and (b) As regards combining licensing with measures taken by other persons.
- 6.4 Under section 81(4) of the HA 2004, the Council must not make a particular designation (for selective licensing) under section 80 of the HA 2004 unless –
- (a) They have considered whether there are other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve; and
 - (b) They consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).
- 6.5 As for the Council's general duties regarding selective licensing under Part 3 of the HA 2004, these are set out in section 79(5) of the Housing Act 2004 which states that "Every local housing authority has the following general duties:
- (a) to make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part; and (i.e., Part 3 HA 2004 regarding selective licensing).
 - (b) to ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time."
- 6.6 Under section 80(9) of the HA 2004, before making a designation relating to selective licensing, the Council must-
- (a) take reasonable steps to consult persons who are likely to be affected by the designation, and,
 - (b) consider any representations made in accordance with the consultation and not withdrawn.
- 6.7 Paragraphs 4, 5 and 6 of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 ("the General Approval") state that:
- (a) a selective licensing designation that covers no more than 20% of the geographical area of the Council's district, nor affects more than 20% of its privately rented homes, will not require Ministerial confirmation before it comes

into force, but will be approved under section 82(1)(b) and will come into force on a date set by the Council, provided it has first consulted about the designation for no less than ten weeks;

- (b) by contrast, a selective licensing designation that, either itself or in combination with other such designations, covers more than 20% of the district's geographical area, or affects more than 20% of its privately rented homes, will require Ministerial confirmation, and will not come into force until confirmation is given.
- 6.8 As soon as a selective licensing designation has been made pursuant to section 83 HA 2004, the Council must publish in the prescribed manner a notice stating —
- (a) that the designation has been made;
 - (b) whether or not the designation was required to be confirmed by the Secretary of State and that it has been confirmed;
 - (c) the date on which the designation is to come into force; and
 - (d) any other information which may be prescribed.

Licence Fees

- 6.9 Section 87(7) of the HA 2004 provides for the fixing of selective licensing fees. It states that local authorities may take into account all costs incurred when carrying out their selective licensing functions. The power to charge fees is set out in section 87(3) of the HA 2004 and allows the Council to require a licensing application to be accompanied by a fee. Regulation 18 of the Provision of Services Regulations 2009 states, any charges “must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

Licence Conditions

- 6.10 Section 90 (1) of the HA 2004 allows the Council local authorities to impose such conditions that are considered appropriate to regulating the management, use or occupation of the properties. However, in the Court of Appeal case *Brown v Hyndburn Borough Council* [2018] EWCA, the Court agreed with the landlord that “management” related to operational matters (i.e., what actually happens at and to the property) and not to improving or upgrading houses or installing new facilities and equipment. An exception is made where matters are specified under s90 (3) or (4) e.g., Carbon Monoxide Alarm (England) Regulations, creating an overlap between licensing and hazards.
- 6.11 Schedule 4 of HA 2004, sets out the mandatory conditions and states that a licence under Part 2 or 3 must include the following conditions:
- (2) Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
 - (3) Conditions requiring the licence holder-

- (a) to keep electrical appliances and furniture made available by him in the house in a safe condition;
 - (b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture;
 - (c) where the house is in England, additionally -
 - (i) to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
 - (ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;
 - (d) for the purposes of paragraph (c) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.]
- (4) Conditions requiring the licence holder-
- (a) where the house is in England -
 - (i) to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and
 - (ii) to keep each such alarm in proper working order ...
 - (b) in either case, to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
- (4A) Where the house is in England, conditions requiring the licence holder to -
- (a) to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker;
 - (b) to keep any such alarm in proper working order; and
 - (c) to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
- (5) Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

Additional conditions to be included in licences under Part 3

- (2) A licence under Part 3 must include conditions requiring the licence holder to demand references from persons who wish to occupy the house.

The Council has reviewed the licence conditions and in so doing have taken account of relevant legal decisions; including the Brown v Hyndburn case referred to above.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1 The introduction of selective licensing is intended to enhance housing management practices in the private rented sector (PRS), in compliance with the Housing Health and Safety Rating System (HHSRS) standards. It is anticipated that this will have positive outcomes for tenants across all protected characteristics, particularly those who are currently over-represented in the PRS.
- 7.2 It should be stressed that data relating to the protected groups among both tenants and landlords is limited, partly due to the unregulated nature of the sector. Although Census data provides a breakdown of tenure by ethnicity and

age, analysis relevant to other issues such as disability has not yet been completed by ONS. Overall, the size of the sector and the estimated number of landlords suggests that there will be members of all protected groups among both tenants and landlords. The sector also contains a mix of household and income types that ranges across the spectrum.

- 7.3 To inform the final licensing proposals, officers have carried out an extensive consultation and research and a full Equality Analysis. The findings of the analysis show that the groups that are over-represented in PRS are ethnic minority groups (notably Asian, but also including White: Other groups), older adults, people under 35, households with children (including single parent households), as well as people with disabilities and long-term health conditions, socio-economic and other vulnerable groups.
- 7.4 All equality groups are likely to benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers. Information would relate to such matters as changes in the law affecting the PRS, energy efficiency measures and grants availability, information on local organisations and agencies which may be able to provide support. One of the intended outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support and funding available to them and their tenants such as the Disabled Facilities Grant for reasonable adaptations. Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System in terms of reasonable adaptations, reducing trip hazards and falls, personal hygiene and sanitary facilities, as well as the requirements around excess cold, which can cause or exacerbate poor health. This will further enhance the equality outcomes for people with disabilities and long-term health conditions, older adults and their carers, as well as other vulnerable groups.
- 7.5 One of the key aims of licensing is to reduce antisocial behaviour, including hate crime and homophobic incidents. This will benefit all protected characteristics, including sexual orientation, gender identity, disability, race and religion.
- 7.6 The Equality Analysis, however, has also identified some potential negative consequences for over-represented equality groups in the affected landlord, agent and tenant cohorts. Black, Asian and minority ethnic (BAME) landlords are overrepresented in Brent, and it is recognised that the introduction of the scheme is likely to have a greater impact on them in relation to increased business costs and potential financial penalties.
- 7.7 The main identified risk of negative impact at this stage is the possibility that the introduction of licensing may lead some landlords – particularly those likely to struggle to comply with licensing conditions – to withdraw from the market and evict their tenants. It is not possible to assess the scale of this risk accurately, although experience elsewhere has not demonstrated any significant withdrawal from the market. The findings of the study by Future of London (2017) bear directly on this point and will be considered in the

implementation of any scheme. Any impact, in this or other areas, will be monitored closely and will inform regular reviews of the operation of licensing.

- 7.8 It is likely that tenants most impacted by licensing will be among the lower income groups in the sector, living in the poorest quality housing and, similarly, that the landlords of these properties will experience the greatest impact from their perspective.
- 7.9 In addition, data indicates that Black and Asian tenants are over-represented in the private rented sector. There is a high presence of European migrants in the sector. Again, it is likely that many of these are living in properties at the poorer condition end of the market.
- 7.10 Some landlords may seek to pass on costs arising from the scheme to tenants, which may result in cases of tenant displacement and landlords' claims for possession through both legal and illegal actions. If landlords decide to increase rents, tenants from over-represented equality groups such as people under 35, migrants, single parent households may be particularly affected by this. However, based on the PRS team's experience of licensing over the past seven years and that of other Councils who have introduced s licensing, it is believed that this unintended outcome is very unlikely to materialise.
- 7.11 Tenants may also potentially be affected by enforcement actions against landlords of overcrowded properties. Wherever possible the Council will work with landlords to make properties fit for the number of tenants. In cases when tenants have been unlawfully displaced or evicted, every effort will be made to effectively support and signpost them to available information and support.

8.0 Climate Change and Environmental Considerations

- 8.1 Not considered for this report.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 None.

10.0 Communication Considerations

- 10.1 There are no communication considerations arising from this report.

Report sign off:

Peter Gadsdon

Corporate Director of Resident Services