



Housing Scrutiny
13 September 2018

**Report from the Strategic Director
of Community Wellbeing**

Landlord Licensing

Wards Affected:	Open
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
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1.0 Overview

- 1.1 The private rented sector in Brent is large and continues to grow. In 2011 there were 35,000 properties in the sector in the Borough - over 32% of the housing stock. As this trend continues the private rented sector is now bigger than the social rented sector provided by the Council and housing associations in Brent.
- 1.2 Much of the private rented sector in Brent offers good accommodation for people who want to live in the Borough, but parts of it are badly managed and the quality of some rented accommodation is poor and in some cases, unsafe.
- 1.3 There is also evidence that poorly-managed privately rented properties are having a negative impact on some neighbourhoods. Anti-social behavior (ASB), nuisance neighbours and accumulations of rubbish can be linked to the failure of private landlords to effectively manage their properties and tenancies. Overcrowding, subletting and illegal conversions are also features of the private rented sector in Brent on the back of the huge demand for housing in the Borough (and London as a whole).

- 1.4 The 2004 Housing Act introduced mandatory licensing for Houses in Multiple Occupation (HMOs), where properties with five or more tenants occupying three or more stories would need a license. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 has amended the 2004 Act by removing the number of storeys element. The order comes into force on 1st October 2018.
- 1.5 Additional and Selective licensing was also introduced by the Housing Act 2004, as an enforcement tool for councils to tackle poor management standards respectively in smaller HMOs, and in non HMO privately rented properties.
- 1.6 Since 2010, councils have been able to introduce landlord licensing schemes. Councils could designate and target licensing in areas they deemed to be suffering from low housing demand, significant and persistent anti-social behaviour, high crime and migration and property disrepair. However the type of licensing that has caused more controversy since 2010 is Selective licensing.
- 1.7 All proposed schemes have to go through a consultation period, during which councils are required to consult with those likely to be affected - tenants, landlords, landlord organisations, and others in the local community. If a proposed selective scheme impacts more than 20% of the council's geographical area or their private rented housing, permission to proceed with the scheme must be given by Secretary of State for the Ministry of Housing, Communities and Local Government. (MHCLG)
- 1.8 In January 2015 Brent Council introduced its Additional HMO licensing scheme borough wide, and Selective licensing in the wards of Harlesden, Wembley Central and Willesden Green. These designations will run for the full 5 years until December 2019.
- 1.9 Following a submission by Brent Private Housing to the Secretary of State for DCLG in August 2017 for several more designations, the wards of Dudden Hill, Kilburn, Queens Park, Kensal Green and Mapesbury were agreed in February 2018. Permission for the other areas was rejected. The 5 new wards went live on 1st June 2018.
- 1.10 We want to improve the standard and safety of all private rented housing in the borough to make Brent better for tenants, landlords, our other residents and businesses.
- 1.11 Overall through licensing we want to work with landlords to drive up management standards for private rented properties in the whole borough and in summary we believe that this will:
- Provide an improved strategic approach to managing the sector
 - Help us to identify all properties that are rented out privately
 - Establish a register of landlords operating in Brent
 - Give us the opportunity to inspect the properties to assess living conditions and to advise landlords, managing agents and tenants about their obligations

- Impose the Housing Act mandatory conditions and a set of local conditions as a minimum letting standard in Brent
- Redefine how the service operates by shifting the emphasis from a customer complaints led, reactive service towards improving standards within the private rental sector in a holistic manner.
- Address issues resulting from the movement of new and emerging communities and to preserve or improve the socio-economic conditions of the area
- Ensure that a proper standard of management of privately rented property is maintained and that properties do not become overcrowded
- Reduce the levels of anti-social behaviour in the borough and take action against those whose properties or tenants cause persistent ASB
- Reduce enviro-crime locally including improvement in the management of waste
- Strengthen enforcement action to tackle the small minority of rogue landlords in the sector

2.0 Financing the Scheme

- 2.1 Councils are allowed to recover the cost of running a private rented sector licensing scheme through setting a licence fee for private landlords but are not allowed to make a profit on this.
- 2.2 A benchmarking exercise of licensing fees across London boroughs^{1*} revealed that Brent's fees were significantly lower than elsewhere. This together with our rising enforcement work concluded that from June 2018, the selective and HMO licensing fees would be increased from £340.00 and £540.00 to £540.00 and £840.00 respectively.
- 2.3 The fee increase was timed to coincide with the publicity and implementation of the 2018 licensing scheme. The response showed that Landlords were not put off by the increased fee.
- 2.4 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. It is estimated that 10,500 licences (selective and HMO) will be issued in the next 5 year period, generating total income of £5.8m.
- 2.5 The income is closely monitored and a team proportionate to the demand for the service is 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 and of compliance monitoring and enforcement against an applicant who is given a licence.

3.0 Impact so far

¹ *The average fee for a mandatory three-storey shared house containing five single person lettings is now £1119. The average licence application fee for a shared house containing five single person lettings is now £1164. The average licence application fee is currently £560.00 (NALS commissioned London Property Licensing research, November 2017).

- 3.1 **Selective licences issued** - In the first year of operation, 2015, the focus was on maximising applications and this has been followed by a concentration on enforcement action since January 2016. Initial research suggested that there might be up to 2823 licensable properties within the wards currently designated for Selective Licensing. In practice, the number has proved to be much higher and 4,358 licences were issued at the time of drafting this paper, representing 154% of the anticipated total and reflecting, at least in part, the continued growth of the sector.
- 3.2 The licensing operation continues to have a strong focus on maximising applications and this has been followed by increasing our enforcement action since January 2016.
- 3.3 There has been good take-up of Mandatory and Selective licensing, exceeding the totals estimated prior to implementation. However, take-up for Additional licensing is well below anticipated levels.
- 3.4 The table shows the breakdown of the take up of licences at August 2018

	Properties Licensed	Est. of licensable properties prior to commencement of scheme	%
Mandatory	796	300	265%
Harlesden	1,462	1,109	132%
Willesden Green	1,639	1,011	162%
Wembley Central	1,257	703	179%
Additional	2,095	16,000	13%
5 New Wards Combined	957* ²	4,360	22%
Total	8,206		

- 3.5 Over 1200 1-year licences (generally 15% of all licences which are granted) have been issued since January 2015 in respect of licensed properties. All properties for which renewal applications are received are inspected. Over 900 renewal inspections have been undertaken since January 2016 as a result of concerns regarding these properties. Licence checks and enforcement programmes are used to bring about compliance with standards and licence conditions pursuant to Part 1-3 of the Housing Act 2004.
- 3.6 **Temporary Exemption Notices (TENs)** - TENs were last reviewed on August 2016 with a next review scheduled for August 2017. The last review took note of the LACORs Guidance - Temporary Exemption Notices Explained/ Housing Act 2004 - July 2007. The TENs decision statistics are in the Table 3 below and shows that after the two months period since the introduction of discretionary licensing approximately 30 TENs requests are made annually as a mark of landlord compliance with their legal obligations.

² *Licensing in the 5 new wards started in June 2018, therefore properties licenced does not reflect the number of applications made but not yet fully processed and granted. Since accepting licence applications for the 5 new wards on 1st May 2018, 3187 new licence applications have been received.

Description (Number)	1st Nov –3 Dec '15	Jan'16 to 31 Dec'16	Jan'17 to 31 Jul'17	Aug 17 to Aug 18
TENs applications received	71	31	19	1
TENs Granted	31	14	9	1
TENS Refused	20	11	0	0
Void Applications (property not licensable)	11	0	0	
Withdrawn TEN applications/applied for a licence	9	0	0	
Applications not returned	0	6	2	15 application if forms sent but not returned
Under determination	-	-	8	0

Table 3: TENs decision statistics

- 3.7 **The Future of London (FoL) study 2017** - suggested ways to ensure more tenants are better-informed of their rights before, during and after the inspections.
- 3.8 Whist the research focused on tenants that had been party to an unannounced inspection of their property, either at their request due to the conditions they were living in, or at the request of neighbours and residents concerned for instance that the property was an overcrowded HMO, empirical and anecdotal evidence gathered indicated that some tenants had had a positive outcome as a consequence. Furthermore, despite there having been in the region of 1100 unannounced visits made since the introduction of licensing and over 6500 properties licenced there was no evidence to show an increase in tenants accessing services both within the Councils Housing Needs service or SSP Law. As a result of this research an action plan has been developed which has seen recommendations made being implemented.
- 3.9 **Joint working with London Fire Brigade (LFB)** – We recently undertook a joint project with the LFB to compare our assessments of HMOs with theirs. Although the sample was small we jointly visited 9 licensed HMO's randomly selected by the LFB. We inspected the properties using Housing Act 2004 criteria (Licensing Conditions which would include Health and Safety Rating System Standards (HHSRS)) and LACORS Fire Safety Guidance and the LFB inspected the properties using Regulatory Reform Fire Safety Order (RRO) 2005 and LACORS Fire Safety Guidance.
- 3.10 We found that there is some disparity in the assessment result between LFB and us due to difference in interpretation of LACORS but in summary we concluded that;
- Properties are improved once they are licensed
 - Compliance inspection of the properties results in full compliance

- Poor management is the cause of disrepair/license breaches
- There are properties that house “vulnerable tenants” which may need additional assistance from the council, in order to comply with licensing requirements

3.11 Whilst there was some disparities this was an excellent opportunity to collaborate with the LFB and for both parties to re-familiarise themselves with the protocol between LFB and The London Borough of Brent.

3.12 As a consequence we will be prioritising earlier compliance inspections on larger HMOs and undertake further joint working with LFB to understand each other’s statutory obligations and agree assessment criteria, to standardise property assessments.

4.0 Enforcement activity

4.1 In general any enforcement action will be taken in line with the Regulators Compliance Code and with our PHS enforcement policy. Service requests regarding private property standards are treated to an initial response and are only referred to be dealt with where there is justification for further investigation.

4.2 Between 1 January 2014 and 31st December 2015, the Private Housing Service dealt with 1,023 complaints of housing disrepair. Up to that point in time, successful prosecutions for a failure to comply with statutory notices were at an annual rate of around 5 per year, with nominal fines levied by/legal costs awarded by the courts.

4.3 Currently, PHS deal with around 2,500 disrepair and HMO licensing referrals [combined] annually. Since December 2015 and present, there has been 140 successful prosecutions for failure to comply with statutory notices or licensing offences. The courts have levied £841,863 in fines, awarded £226,129 in legal costs to the Council and issued a total of £21,614 in victim surcharges. Brent now ranked second in the country, after Newham, for the most private rented housing related prosecutions.

4.4 The Housing and Planning Act 2016 contains several provisions relating to licensing of privately rented homes and housing enforcement related to this type of tenure. They include such measures as the ability for housing authorities to impose a civil penalty in lieu of prosecution, as a means of dealing with rogue landlords. Since approval by Brent Council’s Cabinet last year, the newly adopted policies have resulted in the issuing of 32 civil penalties totalling £171,000 in ring fenced income for the growth and development of private sector housing enforcement work.

4.5 Poor maintenance and general disrepair, are the very issues where housing health and safety hazards cannot be readily resolved via licensing conditions. The fee income generated, allows us to raise standards without recourse to the Council’s General Fund. The increased enforcement options we now have,

allows for better support of housing standards within the private rental sector, for the benefit of all.

- 4.6 If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent can be re-paid to the Local Authority via a Rent Repayment Order (RRO) issued by the First Tier Property Tribunal (FTPT).

There have been two RRO cases since 2016 with re-paid rent of £14,694.42. If the rent was paid in full by a tenant, then an RRO application has to be made by the tenant, with the Council's support. Thus far, we have supported two successful RRO applications by tenants and expect to secure an increasing number of good results on these in future.

- 4.7 In January 2017, following legal proceedings the landlord of a property at Anson Road, Willesden, London, NW2, was forced to sell his unlicensed HMO. Brent Council also recovered £227,925.26 – this includes the council tax debt, RRO and legal costs.

- 4.8 Council tax debt recovered for landlords & Housing Benefit fraud - From our licensing work we have identified over 60 privately rented properties with a total Council tax debt of £218,774.96 and helped resolve/recover some of this debt. Housing Benefit Fraud has also been identified as a consequence of licensing and in one case a repayment order of over £100,000 has been made.

- 4.9 At the time of writing, PHS is negotiating a Confiscation Order settlement with landlords, convicted of housing 35 tenants in an end of terrace house that was licensed for a family of 7. This Proceeds of Crime Act (POCA) 2002 case is a first for London Councils and subject to the outcome of Legal Team negotiations or the 5 day Crown Court hearing earmarked for November 2018, should result in a low to mid-level six figure income towards the Council's enforcement work.

- 4.10 In summary key enforcement achievements since 2016 include:

- >1,500 HMO compliance inspections
- >1700 Enforcement visits
- 1000 properties improved each year
- >900 licences issued for only 1 year i.e. approx. 10% of all licences issued
- 140 successful prosecutions against landlords netting £840,000 in fines
- 32 completed Civil Penalty fines issued since October 2017

5.0 Challenges

- 5.1 The results since the introduction of Licensing in January 2015 have been mixed. Of the estimated 16k HMOs in the borough only 2,891 Mandatory and Additional Licenses have been issued. Even with much higher levels of enforcement including more prosecutions it is proving difficult to improve compliance.

- 5.2 Clearly our results in 3.4 above imply that the take up of licences under the Selective scheme has been more successful than under the Additional scheme. Reasons for this are necessarily speculative but could be due to the greater difficulty of tracing and engaging landlords including:
- Failure among tenants to forward Council correspondence to non-resident landlords
 - A high turnover of tenants relative to tenants in Selectively Licensed properties
 - The higher complexity of the license application process for HMOs (e.g. in deciding what kind of licence to apply for and additional form filling)
 - A deliberate desire to avoid paying the licences among certain landlords though lack of engagement with the Council
 - The higher cost of HMO licences as compared with Selective Licences
- 5.3 In partnership with the Communications section, PHS has a dedicated communications officer and a communications plan has been developed and rolled out to promote licensing and also to encourage residents and tenants to report unlicensed properties.
- 5.4 We know that a significant number of landlords who let properties in Brent do not live in Brent and therefore any Brent centric publicity is not going to reach this audience. However, we also know that 100% of Brent's residents do live in Brent and as a consequence residents have been asked to report unlicensed HMO's.
- 5.5 With regards to engaging with landlords, various channels are being utilised but anecdotally it is felt that landlords fall in to one of the following four categories;
- i. In need of education because they don't realise that their property, by definition, is a HMO.
 - ii. Don't know that their property is a HMO because it's being sublet.
 - iii. Are a criminal/rouge landlord and think that they can get away with it.
 - iv. Are oblivious to the fact that licensing is a requirement in Brent.
- 5.6 The way forward in this sector is likely to include a combination of better local intelligence at an address level using all the information resources of the Council backed up by stronger enforcement including prosecutions.
- 5.7 As part of some research undertaken for the extending licensing consultation process, using a predictive model, a database of all privately owned properties in Brent each with a unique property reference number plus aligned ASB data has been produced. The database is designed to serve various purposes in taking licensing forward and includes details such as benefit status, occupancy, housing conditions and ASB incidents. The database includes a risk assessment of every privately owned Unique Property Reference Number (UPRN) to say whether is private rented or not and more or less likely to be an HMO or single family household. This will allow a more target approach in dealing with unlicensed HMO's.
- 5.8 It is also hoped that the changes in the legislation with regards to the definition of a mandatory HMO which is due to come into effect on 1st October 2018 will prompt landlords of HMOs to apply for a licence.

6.0 Working with Landlords

- 6.1 It is not our intention to put landlords off from operating in Brent as long as they are professional and willing to work with us. We recognise that private renting plays a valuable role in providing housing for residents of the Borough. Many landlords operating in the Borough take their responsibilities seriously and we want to encourage and support these landlords. Licensing helps us tackle the worst properties and the poorest management standards in the Borough's private rented sector. Licensing also help us to support landlords through advice, training and a range of incentives that we believe assists them in running their businesses effectively and profitably, while mitigating the damage to the sector's reputation caused by bad practice.
- 6.2 Brent is part of the London Landlord Accreditation Partnership and has 794 landlords accredited to this scheme as at May 2018, the third highest of all 33 London boroughs. The licensing schemes give a £40.00 discount per property for accredited LLAS members, however although there are over 3000 licence holders, and accepted that some landlords are accredited to other schemes, the number of licence applications which have claimed this discount is relatively low. Accreditation has its limitations in being a voluntary scheme and therefore landlords who are not interested in improving their professionalism are less inclined to join schemes.
- 6.3 Brent's landlord forum has previously been poorly attended. In June 2016 the Council started to work in conjunction with Midas Property Club to host regular Brent Landlord forums of which there have now been 4. These are very well attended by over 300 landlords and agents, with private property interest, at each of the event. The feedback that we receive from those attending is very positive and both landlords and agents are keen that they continue.
- 6.4 In addition to the landlord forums we produce a quarterly newsletter which is sent out via email to all landlords and agents on our licensing register. The newsletter contains articles relevant to the sector with the aim of providing informative and educational stories that are both local to Brent as well as national. Articles also include promote issues that are pertinent to Brent like how to dispose of waste, bringing empty properties back into use and engaging with Pest Control.

7.0 Working with Tenants

- 7.1 In 2016 PHS commissioned Future of London to look into the effect of their unannounced inspections on tenants. As far as we know we are still to only Authority to have carried out such a review.
- 7.2 The research, comprising field work, limited data analysis and interviews with a number of stakeholder (including tenants themselves) painted a mixed picture. Some tenants' situations had improved as a result of an inspection, while others had deteriorated. Information on eviction and displacement had produced a complex range of tenant pathways, with dependent factors including awareness of rights and support structures, and level of tenant vulnerability.
- 7.3 Despite data and information limitations, the research had some clear actions for us, these being:

- Do more to raise private tenant awareness of their rights before, during and after the inspections. Empowered tenants will engage with officers after visits, and their situations are more likely to improve.
- Improve and better promote tenant liaison services to tenants. Officers need to better communicate services to tenants, as well as working more closely with the contract-holder (currently SSP Law) and monitoring progress.
- While the council's concern must be housing decently its vulnerable communities in priority need, people living in poor-quality HMOs are vulnerable in a different way – from poor conditions and exploitative landlords. A closer and more cooperative relationship between PHS, Housing Needs and the plethora of voluntary sector groups embedded in communities will help to protect all of Brent's communities.

7.4 In June 2017, we held a workshop for community/voluntary groups. The workshop built dialogue between departments and local voluntary services, and tested commitment to improving the Private Rented Sector collaboratively.

7.5 One of the ideas emanating from this workshop was to develop and upskill a network of community champions: trusted members of voluntary groups with knowledge about private tenant/landlords rights, duties and relevant services so that they could reach out and engage with tenants.

7.6 The aim was to ensure that:

- More tenants understood their basic rights and were empowered to help themselves.
- More tenants knew where to go for further advice and services if necessary.
- PHS service running better i.e. through an increase in landlords applying for licences or an increase in use of online system for reporting suspected unlicensed Houses in Multiple Occupation (HMOs)

7.7 In March 2018 we set up a project group to develop the community champions idea. Community champions would be:

- leaders or active members of Brent's voluntary and community sector
- trusted and embedded within Brent's communities
- interested in taking a proactive role in improving housing conditions

7.8 Community champions would not necessarily be housing specialists nor formal advisors; nor would the council provide specialist training or accreditation. Instead, the emphasis was on:

- disseminating key information; and
- signposting people to further advice and guidance as required.

7.9 Our motivation for developing this project are two-fold:

- There are thousands of private landlords and tens of thousands of private tenants in Brent. The council could reach more of these people in collaboration with the voluntary/community sector.
- The council relies on private tenants and other residents to report suspected unlicensed Houses in Multiple Occupation (HMOs) so that they can be investigated. More reports/complaints means more revenue for enforcement, thus making standards in the PRS more consistent.

- 7.11 The Community Champions event took place on 27 June and there were 48 attendees from 34 organisations or groups representing 24 services/interest areas. This demonstrated a breadth of interest in improving the PRS, and a good base to work from. 82% were from charities, community organisations or voluntary groups whilst others were from political parties, a landlord and a freelance journalist. Feedback on the event was positive.
- 7.12 In order to support the Community Champions and engage with tenants we developed and supplied the following resources;
- A 12 page handbook
 - A5 summary leaflet
 - Leaflets with main messages available in different languages
 - Short presentation that champions can give at meetings
 - An article that champions can include in their newsletters
 - Dedicated council web page for information on champions project, opportunities for further events and training and digital versions of all resources to download
 - Dedicated email address for requests and queries

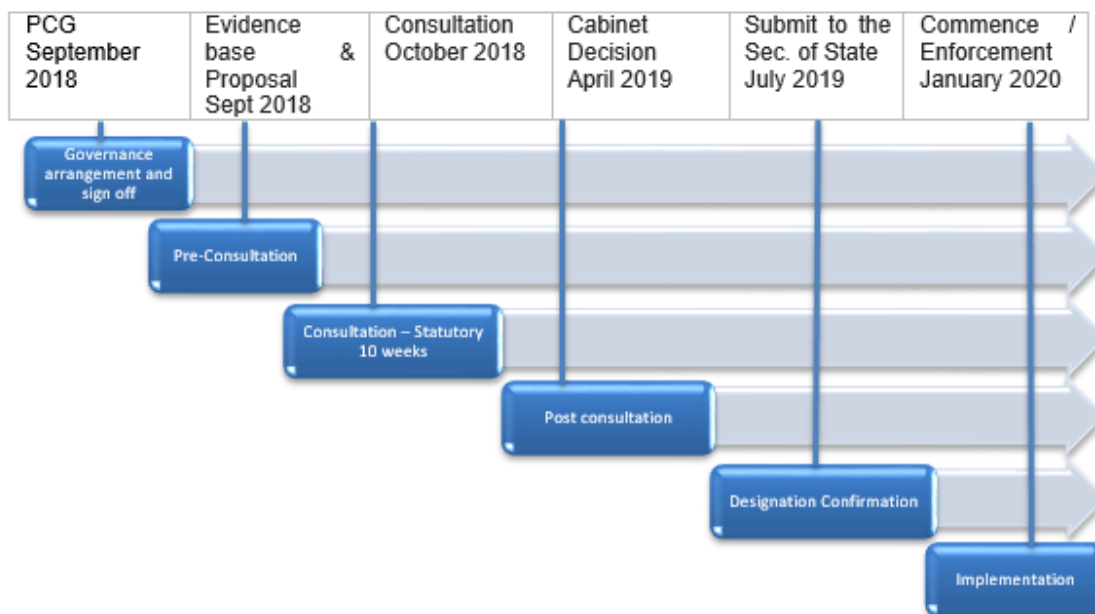
8.0 Links with other services

- 8.1 The EPG (Enforcement Practitioners Group) was set up in 2015 to bring together regulatory enforcement teams from across departments to tackle specific problems which had a visual or environmental impact as the main issue.
- 8.2 We utilise a Local Joint Action Group (JLAG) model to tackle ASB issues in Brent, to seek to identify and manage location-based problems either in the public realm or through nuisance properties and locations. These are undertaken on a problem-solving basis and use analytical products to drive activity. Representatives from statutory organisations, voluntary sector agencies and housing providers come together monthly to manage issues raised by residents (through ward panels) or through data analysis. LJAGs also act as a decision-making body for the use of environmental and place-based ASB tools and powers, for example Public Space Protection Orders.
- 8.3 The introduction of licensing has also seen us working much closer with Legal who assist us with our prosecutions and the Business Intelligence Team who have been very supportive in gathering evidence to support our applications to extend licensing to other areas in Brent.
- 8.4 Proceeds of Crime Act 2002 (POCA) and HMO Planning enforcement - Licensing works with our Planning enforcement team. We have made good use of successful DCLG funding bids e.g. Beds in Sheds and Rogue landlord funding to tackle unlawful HMO conversions. A couple of our joint success are as follows;
- 8.5 A company letting out an illegally converted house in North West London was ordered to pay £250,000. https://www.landlordtoday.co.uk/breaking-news/2016/12/company-hit-with-250-000-confiscation-order-following-blattant-disregard-for-planning-rules?source=related_articles

- 8.6 In conjunction with the London Lockdown project action is taken against HMO Landlords for illegal micro flat conversions. The following link is an example where found guilty of planning breach. <https://www.brent.gov.uk/council-news/press-releases/pr6605/>
- 8.7 In addition we now work more closely with the LFB, UKBA, Inland Revenue and local Police who sometime accompany us on unannounced visits.
- 9.0 Proposed approach to mandatory electrical safety inspections if introduced**
- 9.1 A consultation was published in February 2018 on measures to better protect private tenants by reducing the risk of electric shocks or fires caused by electrical faults. For some time the government have been considering five yearly mandatory electrical installation safety checks for all private rented properties and safety certificates for tenants, to prove checks and repair work have been completed.
- 9.2 According to the most recent data tenants in the private rented sector face a higher risk of electrical shock and fires caused by electrical faults in their homes compared to social housing tenants.
- 9.3 However, despite the consultation in April, Parliament approved secondary legislation which brings about various changes in the PRS but changes to the Housing and Planning Act 2016, Electrical safety standards for properties let by private landlords were not included.
- 9.4 As of yet there is no definitive date for changes to the standard but we are in a good position to react to any changes if or when they are made. The proposal is that landlords should have an electrical safety check carried out every 5 years much like they already have to do each year with a gas installation.
- 9.5 As such the electrical safety check requirements would be monitored by us in exactly the same way the landlord gas safety certificates are.
- 10.0 Future plans and timescales**
- 10.1 In January 2015 Brent introduced two property licensing schemes, borough wide additional licensing for all small HMOs, and selective licensing for all other privately rented properties in the 3 wards of Harlesden, Willesden Green and Wembley Central. Both of these scheme run for a 5 year period and will expire on 31st December 2019.
- 10.2 In June 2018 selective licensing was extended to 5 further wards which will remain in force for 5 years, until June 2023.
- 10.3 Our future plans include to renew the selective and additional licensing schemes covered by the 2014 licensing designations, which went live in January 2015. We are also undertaking further research to justify introducing selective licensing in further areas in the borough.

10.4 We consider that given the timetable and the fact that we will need to go out to consultation on renewing the 2015 schemes and the introduction of selective licensing to other areas, that the consultation on these should be combined.

10.5 The timeline for achieving this is as follows:



11.0 Future strategy for Brent

11.1 The strategy is set in relation to national and the local policy context and has an objective for all private rented properties in the borough to achieve minimum standards of management and condition. Within the strategy there are opportunities for the private rented sector to play an important role in delivering new supply but there are serious concerns over standards, access and affordability. The strategy aims to work with the sector, supporting landlords to delivery 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.

11.2 The strategy also links into the work that we undertake around bringing empty properties back into use. Although the exact number fluctuates, Council tax estimates indicate around 700 long-term empty private properties. Private Housing has a dedicated Empty Properties Team which last year brought approximately 50 properties back into use. This not only adds to the available homes, as well as to reduce the nuisance and ASB that empty properties are likely to attract.

11.3 Brent has severe housing pressures and is taking a range of actions to address demand arising from homelessness and reduce reliance on temporary accommodation. There are 2450 households in temporary accommodation, compared to a London average of around 1700, although this total is falling against an upward trend in London and the borough now has the seventh highest

level of temporary accommodation occupancy, having had the highest level two years ago. In the year 2015/16, 1536 homelessness applications were processed, of which 709 led to acceptance of a housing duty. Of these, 382 were the result of the loss of a private sector tenancy.

- 11.4 The private sector therefore plays an important role in driving homelessness demand while also being a key source of temporary and permanent accommodation to meet it. Licensing can play a significant role in ensuring that the sector is well managed and provides settled and decent accommodation for Brent residents. During 2015/16, homelessness was prevented in 175 cases and the majority of these were resulted in sustaining existing or securing new tenancies in the sector.
- 11.5 It is also recognised that enforcement action in relation to licensing could lead to homelessness and the council acts to secure the rights of tenants and provide advice and assistance as required. There has been no evidence of any significant level of homelessness applications directly arising from licensing activity.
- 11.6 Licensing is set in the context of the council's wider programmes to tackle crime and ASB, for example noise nuisance and fly tipping, which are often associated with poor management in the PRS, particularly of HMOs. Similarly, the council uses its planning and building control powers to ensure that alterations and improvements to PRS properties are undertaken properly.
- 11.7 Alongside our work with private landlords, our key priority is to increase supply, including the supply of private rented housing. In 2014-15 Brent delivered 1560 new homes (3rd amongst the boroughs), including 707 affordable homes (1st amongst the boroughs). Brent was the first local authority to secure designation for Housing Zones in Wembley and Alperton and these two zones have the capacity to support the greatest growth moving forward, with over 20,000 new homes in total and specific interventions to accelerate delivery of over 5,000 new homes by 2025. This represents a significant contribution to London-wide targets and public realm improvements in Brent.
- 11.8 The Borough Plan sets out the council's priorities and objectives for Brent within a number of broad themes. Action to improve standards and conditions in the private rented sector and to work cooperatively with landlords to deliver an accessible and high quality supply of accommodation falls under the Better Place theme. In consultation on the Plan, residents gave a clear indication of their expectation that privately rented accommodation should be better regulated and tenants' rights protected.
- 11.9 Work in this area also supports the objectives of the council's Housing Strategy 2014-19 and other strategies aimed at addressing levels of deprivation and poverty and improving community safety and the neighbourhood environment. The private rented sector has a key role to play as a significant provider of housing, larger than the combined social rented sector.
- 11.10 The quality of the environment where people live is important both to the Council and to our residents and the Council is committed to improving the living conditions of all of its residents. We also want to build on lessons the existing

mandatory and the discretionary selective and HMO licensing schemes which we introduced in January 2015 to ensure that our residents live in good conditions and in safe communities where criminal and anti-social behaviour is minimised. We have found poor conditions and a strong link between levels of anti-social behaviour and homes that are rented out privately.

11.11 To tackle the problems the Council has identified in its private rented sector, we have added discretionary licensing powers to the range of enforcement powers which we use whenever we can. In seeking to deal with the poor standards of

those properties which are outside the selective designation and including for the large number of HMOs whose owners have neglected to apply for licences, our standard enforcement regime can be complicated, time-consuming and expensive. This makes it difficult for us to act quickly against poorly-managed private rented properties. These are other reasons why we want to extend licensing of the private rented sector in Brent.

11.12 We believe that our stepped approach to licensing the private rented sector is more in line with the current Government's wishes rather than the blanket approach adopted by other councils. Therefore, provided all other criteria are reasonably met, we feel that an extended scheme submission for the Secretary of State confirmation is likely to be looked upon favourably.

12.0 Financial Implications

12.1 There are no legal implication with the content of this report.

13.0 Legal Implications

13.1 There are no legal implication with the content of this report.

14.0 Equality Implications

14.1 There are no equality implications with the content of this report.

15.0 Human Resources/Property Implications

15.1 None.

Report sign off:

PHIL PORTER

Strategic Director of Community
Wellbeing