

Independent report on the consultation on additional HMO and selective licensing proposals

Ealing Council

OCTOBER 2021

Strictly private and confidential

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Executive summary

HQN was commissioned by Ealing Council to carry out and report on the consultation on proposals for additional licensing for houses in multiple occupation (HMOs) and selective licensing. If approved these schemes would run for five years from 2022.

The Council's proposals focus on (i) boroughwide additional licensing of HMOs and (ii) selective licensing of other private rented stock. The former centres, firstly, on extending licensing to include smaller HMOs (three or more occupants and two or more households that share (or lack) facilities, eg, kitchen and bathroom) and, secondly, poorly converted buildings with self-contained flats. Selective licensing involves a two-phase approach and is being proposed on the basis of poor housing conditions. Phase one involves licensing of all private rented property in three wards, and phase two extends this to a further 12 wards. In total, 15 out of the 23 wards in Ealing would be covered by selective licensing. Phase 1 can be agreed locally by the Council but Phase 2 will require an application to be made to DLUHC (formerly MHCLG).

It should be borne in mind that the Council currently operates a boroughwide additional HMO licensing scheme and a selective licensing scheme covering five wards (Acton Central, East Acton, South Acton, Southall Broadway and Southall Green). These were approved in 2016 and run from 2017 to the end of 2021.

The consultation ran for 14 weeks between 10 May and 16 August 2021. It involved three major activities – an online survey (incorporating both a quantitative approach and qualitative responses through free text boxes) which elicited 1,677 usable responses, four virtual public meetings (attended by 112 people) and ten interviews with key stakeholders such as organisations representing the interests of landlords, tenants, and residents, public sector organisations and LBE councillors. In addition, HQN received a diverse range of other types of responses including statements, reports, emails, and telephone calls. The use of a range of response approaches avoids a reliance on a single method and has helped to achieve a balanced picture of the views and opinions on the two proposals. There was a specific focus on four groups – private rented sector (PRS) tenants, residents/owner occupiers, landlords, and lettings and managing agents.

The aggregate online survey data shows:

- Overall support (where respondents either agreed, strongly agreed or tended to agree) for the additional HMO licensing proposal including the licensing conditions
- No overall support for the selective licensing proposals, though there is support for the licensing conditions
- No overall support for the proposed fees or the additional charges (ie charges for late applications, submission of a paper application and require council assistance to complete the application) for both the additional HMO licensing and the selective licensing proposals.

The overall key results from the survey are summarised in the tables below. These have been grouped together under three categories – agree, disagree and unsure (neither agree nor disagree and don't know / not applicable).

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Agree with the Council's proposal to introduce a new additional HMO licensing scheme	50%	25%	65%	71%	7%	56%
Disagree with the Council's proposal to introduce a new additional HMO licensing scheme	37%	58%	23%	22%	70%	29%
Unsure	13%	17%	12%	7%	22%	15%
Base	1426	541	225	506	26	128
Agree with the Council's proposal to introduce a new selective licensing scheme	42%	9%	61%	67%	8%	58%
Disagree with the Council's proposal to introduce a new selective licensing scheme	47%	79%	25%	26%	81%	30%
Unsure	10%	12%	14%	7%	12%	12%

It should be noted that the aggregate online survey analysis provides only part of the picture. The survey data and the associated free format text responses together with the stakeholder interviews, the virtual public meetings and other responses provide vital insights.

It is also important to appreciate that for each question, the proportion of responses classified as 'neither agree or disagree', and 'don't know/not applicable' is in some cases substantial (as much as 22%), in the main it is between 10% to 15%.

A major finding was the stark contrast in views about the two proposals. Landlords, lettings and managing agents and their representative bodies were generally opposed to the proposals. Residents/owner occupiers and private rented sector tenants largely supported the schemes. There was little evidence of a middle ground or a middle way. A few landlord organisations emphasised that in their opinion councils already had extensive powers to tackle issues in the private rented sector without recourse to the use of additional HMO licensing and selective licensing. They believed, therefore, that there was no need to bring forward licensing proposals. Some stakeholders representing the health and safety of residents and tenants such as the police and the London Fire Brigade, welcomed the direction of travel proposed by the Council.

The key issues from the survey in response to the specific proposals are set out below:

Additional licensing

- 50% of survey respondents overall supported additional HMO licensing whilst 37% were against. This varied from 65% of PRS tenants and 71% of residents/owner occupiers being in support of the scheme compared to 25% of landlords and 7% of lettings/managing agents
- A majority (ranging from 55% to 42% on each question) agreed that additional licensing would help with each of six potential benefits compared to those who did not agree (the benefits were: improving the physical condition of HMO properties; improving the health and safety of tenants living in HMOs; tackling issues of neighbourhood nuisance etc; helping identify poorly performing HMO landlords, managing agents and lettings agents; assisting landlords raise their standards; support good HMO landlords)
- Most landlords did not agree with the potential benefits of the proposals (ranging from 56% to 47% on the different questions). A significant number of these 'strongly disagreed' (ranging from 41% to 29%). Nevertheless, approximately a quarter did agree with the potential benefits
- In relation to the potential benefits, nearly 75% of PRS tenants either strongly agreed or tended to agree that it would help with the identification of poorly performing landlords and lettings and managing agents
- It was felt by between 61% and 70% of residents/owner occupiers that additional licensing would help with the six potential benefits listed above. Nevertheless, between 20% and 26% of respondents disagreed with the potential benefits in the survey.

Selective licensing

- 42% of respondents in the survey overall supported the selective licensing proposals whilst 47 % disagreed with them. This varied between 61% of PRS tenants and 67% of residents/owner occupiers being in support compared to 9% of landlords and 8% of lettings/managing agents
- 33% of respondents were in support of the 15 wards proposals and 39% disagreed with the proposals. This varied between 48% of PRS tenants and 50% of residents/owner occupiers being in support compared to 10% of landlords and 8% of lettings/managing agents
- 30% of respondents were in support of the 2 phase approach and 38% disagreed with it. This varied from 43% of PRS tenants and 44% of residents/owner occupiers being in support compared with 11% of landlords and 8% of lettings/managing agents
- In relation to six potential benefits (improving the physical condition of properties; improving the health and safety of tenants; tackling issues of neighbourhood nuisance etc; help identify poorly performing landlords, managing agents and lettings agents; assist landlords raise their standards; support good landlords), landlords did not agree that selective licensing would help achieve these (ranging from 71% to 63% to the six questions)

- However, most PRS tenants felt that selective licensing would lead to such improvements (ranging from 70% to 53% to the different questions). But nearly a quarter disagreed
- Between 62 and 66% of residents/owner occupiers supported the statements of potential benefits, while between a quarter and a third disagreed
- Some respondents in each of the main groups said in free text responses that any scheme must be underpinned by effective enforcement.

Licence fee structure

Additional licensing

- 34% in the survey agreed with the fee structure for additional licensing and 49% disagreed – 35% PRS tenants, 56% residents/owner occupiers and 11% landlords and 8% lettings/managing agents were in support
- 35% agreed and 48% disagreed with the additional charges (ie charges for late applications, submission of a paper application and require council assistance to complete the application) — 38% PRS tenants and 53% residents/owner occupiers compared to 16% landlords and 15% lettings/managing agents were in support
- 48% agreed and 28% disagreed with the discounts (ie discounts for early applicants, members of approved landlord accreditation schemes, and who have an EPC certificate of C or above) – 60% PRS tenants, 57% residents/owner occupiers compared to 26% landlords and 30% lettings/managing agents were in support.

Selective licensing

- 31% in the survey agreed and 53% disagreed with the fee structure – 40% PRS tenants, 52% residents/owner occupiers and 7% landlords and 12% lettings/managing agents were in support
- 35% of respondents supported and 50% disagreed with additional charges (ie charges for late applications, submission of a paper application and require council assistance to complete the application) – 41% PRS tenants and 54% residents/owner occupiers in support compared to 14% of landlords and 12% lettings/managing agents
- 46% agreed and 35% disagreed with the discounts (ie discounts for early applicants, members of approved landlord accreditation schemes, and who have an EPC certificate of C or above)– 68% of PRS tenants and 55% resident occupiers were in support compared to 34% of landlords and 31% of lettings/managing agents.
- Concerns over fees were strongly expressed by landlords (as well as some tenants) in free text, with comments including ‘tax on good landlords’, ‘fee costs are passed on to tenants’ and ‘good landlords receive no benefits from licensing’. However, tenants and residents/owner occupiers’ views about fees were generally more mixed.

Licence fee structure overall

Concerns were raised by some in each group in free text over aspects of the fees and discounts, eg:

- Almost a quarter of landlords who commented in free text about licensing said the proposed fees were generally too high, including a small number specifically on additional licensing and/or on selective licensing fees
- Of the few who commented on fees in free text responses, PRS tenants were divided among those wanting lower fees in general and those wanting higher
- A few resident/owner occupiers said the proposed fees in general were too high, while a smaller number wanted them higher
- Some respondents commented there should be (exemptions for resident or single property landlords, that costs should only apply to non-compliant landlords ('discriminatory' to target good or all landlords), and that it was 'discrimination' to charge a fee against those unable to submit forms online or late or needing assistance
- Desire for more nuanced discounts eg in relation to energy efficiency.

Licence conditions (for additional and selective)

- There is considerable support in the survey for each of the proposed licensing conditions (additional and selective) compared with the proportion of responses opposed to the conditions:
 - Additional licensing – support ranged from 73% for the provision and maintenance of fire safety measures to 55% for energy efficiency measures. Lack of support (strongly disagree plus tend to disagree) varied from 14% for the provision and maintenance of fire safety measures to 23% for the maintenance of outbuildings etc and energy efficiency measures
 - Selective licensing conditions – There is strong support for all ten of the licensing conditions. The strongest support is for (i) provision of a written tenancy condition (67 per cent), (ii) controls on the number of people able to occupy a property (63%), (iii) satisfactory maintenance of outbuildings etc, and (iv) appropriate arrangements for rubbish collection etc (59%).
- Written tenancy agreements were the most strongly supported element of licensing conditions among PRS tenants, with 80% of respondents strongly in favour or tending to agree
- There was also strong agreement on the proposed conditions from residents/ owner occupiers (ranging from 70% to 79% on the various conditions).

There were other differences in some aspects of the survey responses, eg:

- HMOs, especially the conversion of smaller family accommodation, were regarded as more of an issue than other types of private rental provision – hence, there was more

comment in the free text responses on the proposals for additional HMO licensing than on selective licensing (some who did not support selective licensing did support additional HMO licensing, and many perceived any problems in the PRS to be more prevalent in HMOs)

- Neighbourhood nuisance and anti-social behaviour was a hugely contested area with landlords (70%), and lettings and managing agents (76%) generally disagreeing that this was a major issue compared with residents/ owner occupiers and other types of respondent (eg tenants of council/housing association properties, persons working or visiting the borough) who regarded it as of fundamental concern (65% of residents/ owner occupiers, 54% other)
- Private rented sector tenants in the online survey responses also disagreed that this was a major issue (48%), but the free format text responses frequently cited nuisance and anti-social behaviour as problems.

Other issues raised in the consultation

- Taking effective action against rogue landlords (including criminal activities and ASB as well as poor living conditions) is supported and respondents from the various consultation methods felt this should focus on HMOs
- Growth and conversion of smaller family homes into HMOs is seen by some groups as a major issue in terms of (i) the poor quality of the accommodation and (ii) the negative impact on adjacent residents/owner occupiers and neighbourhoods
- A number of survey respondents from each of the main groups voiced concerns in the free text responses that the cost of licensing might be passed on to tenants
- A concern in relation to selective licensing is the geography of the phasing proposals. Some questioned the inclusion or exclusion of wards, while others said the scheme should cover all wards.
- There is a call for effective implementation and enforcement of any licensing scheme from groups of participants across the consultation including:
 - Regular property inspections
 - Targeting rogue landlords
 - Clear service standards
 - Adequate resources.
- Though not forming part of the licensing proposals, permitted development under planning legislation for the conversion of smaller properties into HMOs was raised as a fundamental issue by some groups.

1 Introduction

1.1 Background

HQN was commissioned by Ealing Council in spring 2021 as an independent consultant to carry out and report on the consultation exercise on proposals for additional licensing of houses in multiple occupation (HMOs) and selective licensing. The former centres on extending licensing to smaller HMOs, while the latter involves a two-phase approach. Phase one involves licensing of all private rented property in three wards, and phase two extends this to a further 12 wards. In total, 15 out of the 23 wards in Ealing would be covered by selective licensing due to poor property condition. Phase 1 can be approved by the Council but Phase 2 will need approval from DLUHC (formerly MHCLG). More details can be found in section three and Appendix five. It should be borne in mind that the Council currently operates a boroughwide additional HMO licensing scheme and a selective licensing scheme covering five wards. These were approved in 2016 and run from 2017 to the end of 2021.

The new proposals were approved by the Council as the basis for consultation at the beginning of May 2021. The consultation ran from 10 May to 16 August – a period of 14 weeks. It included an online survey (see section two), four virtual public meetings and interviews with ten stakeholders.

1.2 Aims and objectives

The aim of this report is to set out the findings from the consultation activities.

It is vital to appreciate that the focus is the assertions, opinions, and views of respondents. We, therefore, do not assess or analyse the validity of these views. This report also does not include the perspectives of Ealing Council in response to the consultation outcomes.

The objectives are, therefore, to:

- Summarise the proposals of Ealing Council
- Provide a description of the consultation activities
- Provide a commentary on the findings of the online survey
- Set out the findings from the four virtual public meetings
- Summarise the views of the ten stakeholder interviews
- Present the findings from other response sources
- Summarise the emerging issues.

1.3 Format and structure

The next section sets out the consultation approach. This is followed by a brief summary of the Council's proposals in its evidence base for the consultation activities. There are then three sections covering the online survey, virtual public meetings and the stakeholder

interviews. The penultimate section presents the findings from other response sources. The final section provides an overview summary of the issues.

The notes of the stakeholder interviews are in Appendix one and the key submissions made by organisations can be found in Appendix two. Ealing Council's summary of the consultation activities and publicity can be found in Appendix three. Appendix four consists of a copy of the online survey, while Appendix five comprises a copy of the Council's PowerPoint presentation on the proposals which was used at the virtual public meetings.

Each of the four substantive sections (sections four – seven) on the consultation activities includes a synopsis of the key points on the state of the private rented sector, the proposals for additional HMO licensing, and the proposals for the two-phase selective licensing as well as a brief coverage of other broader private rented sector issues, eg, planning permission for HMOs. In some cases, because of the nature of the responses, there is a sub-section on 'licensing in general' with a consequential smaller focus on the specific proposals. This is because respondents frequently concentrated on licensing in general rather than on the two specific proposals¹. Also, these four sections include a comment on the appropriateness of the methods used, as well as a summary of the findings.

The consultation activities generated some specific concerns about individual properties as well as previous and on-going cases. These were forwarded to Ealing Council for a response. For example, the issue of the relevance of licensing in cases of a resident landlord and lodgers was raised in the virtual public meetings and through emails and telephone calls – see section 7.4.6.

2 Approach

2.1 Introduction

This section describes in detail the approach adopted for the consultation process that ran for 14 weeks from 10 May to 16 August.

Information on the proposals for additional licensing of HMOs and selective licensing was held on a dedicated Council webpage. The publicity for the consultation was organised by Ealing Council. HQN led on the consultation activities.

We consider that the information in the sub-sections below together with the accompanying appendices demonstrate that the consultation process and activities were appropriate and successful.

¹ This issue is explored in more detail in section two

2.2 Information

Links to seven sets of information were provided on the Council's dedicated webpage, as well as a link to the online survey and HQN contact details (dedicated email address and a telephone number). These are summarised in the table below:

Information topic	Brief description	Further details
Consultation document on licensing	Private rented property licensing scheme – 30-page document	Chapters include the private rented sector in Ealing, objectives of the proposals, proposals for additional HMO licensing, and proposals for selective licensing
Ward profiles	One-page profile for each of the 23 wards	Licensing proposal details, map of ward, information on private rented stock
Housing stock condition and stressors report	56-page report by independent consultants appointed by Ealing Council – Metastreet Ltd	Estimates of private rented stock condition, number of HMOs, level of serious hazards etc
Proposed additional HMO licensing conditions	Template conditions to be applied to all licensed properties	Eg, permitted number of persons, tenancy management, property management etc
Proposed selective licensing conditions	As above	As above
Proposed licensing fees	Licence fee schedule and details of discounts	
Frequently asked questions (FAQs)	Five topic areas	Consultation process, licensing, conditions and fees, reasons for the proposal, and impact

In addition, a copy of the Council's PowerPoint presentation on the proposals used at the virtual public meetings could be downloaded from the introductory consultation page of the website. Appendix five comprises a copy of the presentation.

A brief summary of the Council's proposals can be found in section three.

2.3 Publicity

The communications and promotions activities were led by Ealing Council. These are summarised in the table below. Appendix three provides comprehensive detail as to the communication and promotional activity undertaken by the Council throughout the consultation.

The various publicity methods were rolled out at different times during the 14-week consultation period.

Overall activity	Activity examples
Advertising	Digital advertising via Council Advertising Network (CAN-Digital)
	London Property Licensing and the London Landlord Accreditation Scheme (LLAS)
	Social networks and online publications
	Several stakeholders and other organisations publicised the consultation, eg, iHowz , London Landlord Accreditation Scheme (LLAS), London Property Licensing (LPL), the National Residential Landlords Association (NRLA) and Renters' Rights London (RRL).
	Advertising and editorial in the summer edition of Around Ealing
	Roadside billboards and kiosks
	Radio
	Advertising on buses
Leaflet and letter drops	Distribution of leaflet to nearly 155,000 residences and businesses
	Letter drop to nearly 6,300 Council leaseholders and their tenants
Emails	Council's business newsletter (15,000 addresses)
	Ealing News Extra e-newsletter
	Landlord News – second and third quarter editions
	Residents' panel (over 2,100 addresses)
	Local managing agents (over 770 addresses)

Overall activity	Activity examples
	Licensed landlords (approximately 5,000 addresses)
Other Council activities	Press release on launch of the consultation
	Social media posts
	Council webpages

As the table shows, the promotional activities targeted different groups. For example, in the case of landlords, methods included emails to licensed landlords, managing agents and a feature in the Council’s Landlord News e-newsletter. In addition, efforts were made to ensure out-of-borough landlords and managing agents were contacted.

Several stakeholders and other organisations publicised the consultation, eg, iHowz², London Landlord Accreditation Scheme (LLAS), London Property Licensing (LPL), the National Residential Landlords Association (NRLA) and Renters’ Rights London (RRL).

Nevertheless, there were concerns expressed by a few landlords that they had not found out about the consultation until July. iHowz in a note on an online meeting that it organised, indicated that there had been ‘insufficient communication given to landlords, particularly those residing outside the borough’. We, however, strongly believe that the communications strategy and publicity were appropriate and effective. There was, for instance, (i) a balanced approach of activities consistently throughout the full 14-week period rather than front-loading actions (see Appendix three), (ii) effective responses to concerns over consultations eg deciding to hold an additional fourth virtual public meeting in August, and (iii) involvement of stakeholders and organisations in publicising the consultation.

2.4 Consultation activities

There were three consultation activities. These were an online survey, virtual public meetings and stakeholder interviews. In addition, HQN received various additional reports and responses via telephone and email

Our approach was influenced by the impact of Covid-19. Public meetings and face-to-face interviews, for example, were deemed to be unworkable. We, therefore, tailored our activities to reflect government guidance and activities were adjusted to mitigate any issues and to ensure all stakeholders could be reached despite the challenges. This included the following:

- Lengthening of the consultation period to 14 weeks to give stakeholders more time to access the consultation

² iHowz is a not-for-profit trade organisation representing landlords and agents mainly in London and Southern England

- Shift to virtual public meetings to ensure the safety of participants and to encourage attendance
- Use of digital communications, digital advertising and social media campaigns on the assumption that stakeholders were more likely to be online rather than out and about during some of the restrictions
- Direct emails were sent to 132,000 residents, 15,000 businesses, licensed landlords, temporary accommodation landlords, council leaseholders, letting and managing agents, community groups and other stakeholders
- Non-digital comms was used to target all residents and the digitally-excluded including a leaflet drop to 153,895 residences and businesses, an advert an editorial in the Council's quarterly magazine was sent to 131,300 business and residential premises, libraries, leisure centres, schools and small organisations and paper letters sent to council leaseholders, tenants in temporary accommodation and voluntary/community organisations
- In order to reach as wide and diverse audience as possible during the various levels of restrictions and when people started to go out more, additional measures included adverts on local and regional radio, in London-wide newspapers and websites, on buses, media boards and telephone boxes.

An aim of using a range of consultation activities was to overcome the inherent bias of using a single method. This increases the reliability and validity of the findings. It, in addition, helps to ensure a balance between quantitative and qualitative methods. The online survey helped to provide headline data, while the stakeholder interviews contributed to exploring the reasons and justifications for opinions and views.

Our approach also centred on obtaining as wide a range of responses as possible. Publicity and the format of the activities targeted tenants in the private rented sector, council and housing association tenants, landlords, lettings and managing agents, residents/owner-occupiers, businesses operating in the borough and individuals visiting the area and/or working in Ealing.

Thus, the first three virtual public meetings targeted specific groups, while the online survey had different sections for different groups (see below).

It is important to appreciate that some respondents had multiple interests – for example, a resident might also own a private rented property and run a business in Ealing. In these cases, we, for instance, encouraged respondents to complete more than one section of the online survey or to complete the 'other' section of the survey. We also supported these respondents to participate in the virtual public meetings and to submit letters and reports.

We recognised that some consultees would want to respond in alternative ways compared to the three main activities. We, therefore, operated a specific telephone line and a dedicated email address as contact points during the consultation period. We received a significant number of responses through these methods (see section 2.4.4 and section 7.2).

In the case of organisations, we adopted a variety of methods to gain responses. These included stakeholder interviews, encouraging the submission of reports/letters, and holding discussion sessions. In addition, organisations could be represented at the virtual public meetings, and could complete a specific part of the online survey. Our focus was on local organisations and stakeholders as well as London-based and national bodies.

We also appreciated that consultees would wish to cover broader interrelated topics such as planning permissions for HMOs, and licences versus tenancies. We took account of this by, for example, providing free format text options in the online survey and supporting these types of discussions at the virtual public meetings. We have included an analysis of these issues in sections four – seven of this report.

Finally, in relation to an overall assessment of the appropriateness of the approach, the range of activities enabled us to reach out to a wide variety of individuals and organisations. For example, the first three virtual public meetings were targeted at tenants, landlords and residents. In addition, 38% of the online surveys were completed by landlords, and three out of ten interviewees were from the property sector. In addition, landlords submitted reports and other types of evidence (see section seven). Coverage also included landlords living outside of Ealing but with properties in the borough.

We also received queries by email and telephone on the consultation process – 213 emails and 43 telephone messages. These included concerns that respondents had only received information about the activities ‘late in the day’, and/or were unable to attend the virtual public meetings. Partly because of the latter, a final meeting was organised for 11 August.

2.4.1 Virtual public meetings

There were four virtual public meetings – the first three of which were targeted at specific groups (though other interested parties were not excluded). The meetings were organised and run by HQN. Protocols for the running of Zoom meetings were clarified for participants at the beginning of each event, eg, use of the chat function for making comments.

They each lasted for approximately 90 minutes and ran from 19.00 to 20.30.

The format for each of the meetings was the same, ie:

- Welcome from HQN
- PowerPoint presentation of the proposals by Ealing Council (see Appendix five)
- Discussion session focussing on:
 - Private rented sector in Ealing
 - Additional HMO licensing proposals
 - Selective licensing proposals.
- Q and A session with Council officers.

The officer presentation covered the key findings of the independent review of housing conditions by Metastreet Ltd, existing licensing policies, proposed licensing schemes, the financing of the schemes (eg, fees and discounts) and the benefits of licensing – see Appendix five.

It should be noted that council officers were not present for the discussion sessions so as to ensure confidentiality of responses.

The Q&A session provided an opportunity for the participants to raise queries and concerns, to seek responses to specific questions and for the officers to be made aware of the views on the proposals. It was not intended as an opportunity to raise specific cases.

Details of the participation at the online events are set out in the table below:

Date of the virtual public meeting	Group focus	Number of attendees
Wednesday 9 June	Tenants of private rented properties	11
Wednesday 16 June	Landlords and lettings and managing agents	53
Wednesday 23 June	Residents living in Ealing and local businesses	27
Wednesday 11 August	No group focus	21
Total		112

As we have already pointed out, people self-selected their choice of a virtual public meeting. Thus, some participants attended more than one virtual public meeting, while others attended a group focus meeting that was different from their interests.

HQN took comprehensive notes for each meeting as well as capturing the chat contents. No recordings of the discussions were made.

It should also be noted that iHowz, a not-for-profit trade organisation representing landlords and agents mainly in London and Southern England, organised a separate online meeting for landlords. This was not part of the formal virtual public meetings.

2.4.2 Online survey

The online survey was jointly developed by HQN and Ealing Council through a series of discussions in spring 2021. A copy of the online survey can be found in Appendix five.

The overall format was centred on questions with a range of response choices, ie, 'strongly agree, tend to agree, neither agree or disagree, tend to disagree, strongly disagree, and don't know / not applicable'. This was adopted as it provides more nuanced responses than, say, 'agree or disagree'

In addition, there were free text boxes at the end of each section.

The substantive sections covered the private rented sector in Ealing, additional HMO licensing proposals, and selective licensing proposals. The two proposals sections included questions on licensing conditions and fees and discounts. Additionally, there were, where appropriate, sections on personal characteristics of the respondent and the location of the respondent (eg, ward and postcode).

The overall number of responses by types of respondents is set out in the table below:

Type of respondent	Number of usable responses	Percentage of responses	Comments
Tenants in the private rented sector	287	17%	Relatively large number of responses – focus for further analysis
Council and housing association tenants	40	2%	Small number of responses – basic analysis only
Residents	570	34%	Focus of further analysis
Landlords	636	38%	Focus of further analysis
Lettings and managing agents	29	2%	Although small number of responses, focus of further analysis as each agent normally manages many properties
Persons working in or visiting the borough	26	2%	Small number of responses – basic analysis only
Organisations	1	<0.1%	Minor analysis
Businesses operating in the borough	0	0%	No analysis

Type of respondent	Number of usable responses	Percentage of responses	Comments
Other	88	5%	Analysis to understand the type of respondent and their opinions
Total	1677		

Please note usable responses are those where questions were answered – there were six submitted responses with no answers.

The survey responses were not a statistically representative sample of each group.

Finally, in relation to the free format text comments, a significant number of respondents made responses that could be analysed. Out of 1,677 usable survey responses, over 40 per cent made text comments. The analysis was based on the presence of keywords and meanings taking account of the type of respondent.

2.4.3 Stakeholder interviews

The aim of these interviews was to explore in more depth the views and opinions of local, regional, and national bodies. In particular, the objective was to better understand the reasoning of stakeholders in their attitudes to the private rented sector, and proposals for additional HMO licensing and selective licensing. This detail is difficult to capture through other methods such as online surveys and virtual public meetings.

Nevertheless the submission of reports also partly achieved this aim (see section seven).

A list of stakeholders was identified jointly by HQN and Ealing Council. These were contacted by HQN. If they expressed a willingness to participate, arrangements were made for the interviews.

Interviews were organised and carried out by HQN. Stakeholders were contacted by email and/or telephone with details of the website link to the Council's proposals and the interview process. Dates and times were then arranged with interviewees who expressed a willingness to participate. In total, ten interviews were completed covering a diverse range of local, regional, and national bodies. Some organisations, however, did not reply to the initial contacts or felt that it was inappropriate to respond. In a few cases, this led to alternative or additional methods of providing views such as discussion sessions and letters/reports (eg, NRLA, Fire and Rescue, and student unions – see section seven).

The interviews took the form of semi-structured telephone or online discussions lasting between 20 and 60 minutes. They focussed on three topics – the state of the private rented sector in Ealing, the additional HMO licensing proposals, and the selective licensing proposals. Notes were written up by the interviewer and these were circulated to the

interviewee for approval. As well as the emphasis on the three substantive issues, there was also a brief description of the role of the stakeholder. In some cases, interviewees subsequently submitted additional written information eg iHowz (see section seven and appendices).

Details of the stakeholder interviews can be found in the table below:

Type of organisation	Organisation/individual	Additional details
Customer advice	Renters' Rights London	
Politicians	Councillor Conti	Opposition Conservative Councillor for Hanger Hill
	Councillor Manro	Cabinet member for good growth and Councillor for North Greenford
Property sector	John Martin	Local estate agent
	iHowz	Not-for-profit trade organisation representing landlords and agents mainly in London and Southern England See also section 6.2
	National Residential Landlords Association (NRLA)	National organisation formed from the merger of the NLA and RLA See also section 6.2
Public sector	Child Death Overview Panel	Chris Miller, independent chairperson of the panel for North West London Collaboration of CCGs
	Ealing Safeguarding Panel	
	Police	
Residents' groups	Hanger Hill Garden Estate Residents Association	See also section 6.2

2.4.4 Other responses (see section seven)

In addition, HQN obtained a range of other types of feedback. These came through various channels. Firstly, there were telephone calls and emails to the dedicated HQN contact points that were highlighted on the Council's consultation webpage and on the online survey. Secondly, there were detailed reports and other written sources from organisations and individuals. Thirdly, there were discussion sessions involving HQN that, in some cases, were an alternative or an addition to interviews.

3 Ealing Council's proposals

3.1 Introduction

This section provides a summary of the Council's proposals for additional HMO licensing and selective licensing. It is based on the Council's consultation document on licensing (referred to in section 2.2). A copy of the Council's PowerPoint presentation used at the virtual public meetings can also be found in Appendix five.

The document (and the presentation) has been an essential element of the consultation process. Participants in the virtual public meetings, stakeholder interviewees, and those considering completing the online survey were strongly advised to read the material prior to taking part in the consultation activities. This is because the document describes and justifies the Council's proposals. It, thus, answers many of the potential points likely to be raised by respondents.

The next sub-section provides a background to and overview on additional HMO licensing and selective licensing in Ealing. This is followed by coverage of (i) the evidence base and (ii) the current proposals.

Finally, this section will help readers to understand the nature of the respondents' comments in the next four sections.

3.2 Overview

The Council's consultation document, 'Safer and Better Private Renting in Ealing', highlights three benefits of the proposals:

- Licensing improves the standards of private rented properties making them safer, especially for vulnerable tenants
- It facilitates a proactive approach by encouraging landlords to adopt best practice in providing and managing private rented accommodation through licensing conditions
- It enables the Council to target its activities on 'rogue landlords', ie, those who do not invest in their properties and fail to meet their statutory obligations.

The proposals build on the Council's existing policies on additional HMO licensing and selective licensing that were adopted in 2016 for a five-year period from 2017 to 2021. These policies comprised:

- Additional licensing for smaller HMOs throughout the borough – properties with four or more occupants in two or more households who are sharing facilities, and also certain HMOs as defined by section 257 of the Housing Act 2004³
- Selective licensing (ie, all private rented properties) in five wards of Acton Central, East Acton, South Acton, Southall Broadway and Southall Green.

It should also be appreciated that the national mandatory licensing for certain types of HMOs applies throughout Ealing, ie, large HMOs with five or more occupants.

3.3 Evidence base

The justification for the current proposals is based on the outcomes of actions taken as a result of the existing policies together with the findings of an independent assessment of housing conditions.

For example, over the last five years, the Council received nearly 10,000 complaints from private rented sector tenants. Council officers served over 1,250 housing, public health and planning enforcement notices over the same period.

Metastreet Ltd, who undertook the independent assessment, estimated, for example, that:

- There was a high level of private rented property in most wards
- 22% of private rented property is predicted to have serious category one hazards
- There was a high number of HMOs in the borough
- Anti-social behaviour (ASB) was significantly higher in HMOs than other property types.

3.4 Current proposals

There are two proposals. Firstly, additional HMO licensing throughout the borough will be (i) extended to smaller properties – three or more occupants in two or more unrelated households who share (or lack) facilities, and (ii) section 257 properties – buildings containing three or more flats that have been poorly converted. Secondly, selective licensing covering all other private rented properties not covered by HMO licensing be extended in two phases to eventually cover, in total, 15 out of 23 wards in Ealing. Phase one covers East Acton, Southall Broadway, and Southall Green. These three wards are those with the highest estimated prevalence of poor housing conditions. Phase two covers a further twelve wards experiencing relatively high levels of poor housing conditions – Acton Central, Dormers Well, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady

³ These are, basically, buildings that have been converted into self-contained flats where the conversions failed to meet the 1991 building regulations and still fail to comply

Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton.

As with the current policies, national mandatory licensing of larger HMOs will continue to operate.

The additional HMO licensing proposals and phase one of the selective licensing proposals require Council approval following the outcome of the consultation process. If this is approved, implementation would begin in early 2022. Phase two of the selective licensing proposals also requires approval by the Department for Levelling Up, Housing and Communities (DLUHC). If approval by the Council and DLUHC is successful, implementation would begin in late 2022.

The proposed schemes will be financed through fees paid by landlords. The fee for additional HMO licensing will be £1,100 plus £50 per habitable room. The fee for selective licensing will be £750. In both cases a range of discounts will apply, eg, 25% discount for early applications, and a £75 discount for accredited landlords.

The fees will not subsidise other Council activities and are designed to be cost-neutral. The fee income will be used to meet the cost of additional staff and administrative costs.

4 Online survey

4.1 Introduction

This section covers the online survey. A copy of the survey can be found in Appendix four.

Our analysis in this section balances quantitative and qualitative responses, ie, the number of respondents agreeing with or disagreeing with questionnaire statements and the views and the opinions of respondents from the free format text boxes. We provide analysis on overall responses as well as by groups. The former has involved an aggregation of responses from each of the main groups.

As we indicated in section 2.4.2, our group analysis focuses on private rented sector tenants, residents/owner occupiers, landlords, and lettings and managing agents. A basic review covers council and housing association tenants, visitors to and those working in the borough (referred to as 'visitors'), organisations and others. There were no responses from businesses in Ealing. In relation to organisations, although there was only one explicit response, our analysis found that several organisations had made responses in the 'others' category.

This section begins with a brief assessment of the approach. This is followed by a sub-section on each of the private rented sector, additional HMO licensing, selective licensing, licensing in general and other issues. Each sub section includes the description and analysis of the responses by each of the main groups.

As we have pointed out throughout this report, interpreting views and comments on licensing has been difficult because of the overlap of responses between specific HMO additional proposals and selective licensing proposals. This is an equally valid point for the free format text responses in the online survey.

There is a summary of the key findings in the conclusions.

4.2 Assessment of the online survey

Overall, the number of responses was satisfactory⁴. As the table in section 2.4.2 shows, we achieved an acceptable number of usable responses from private rented sector tenants, residents/owner-occupiers, landlords and lettings and managing agents.

Our survey responses were, however, not a statistically representative sample of each group.

Respondents self-selected the group/type/category. This created some challenges as it was evident from some of the free format texts that, for instance, a number of 'private rented sector tenants' were answering questions as though they were landlords; whilst the majority of respondents under residents/owner occupiers were owner occupiers around 30 were other kinds of resident.

Respondents did not necessarily complete all questions in their part of the survey. For example, in relation to private rented sector tenants, out of 287 usable responses (from 288 responses in total) on the private rented sector, 252 respondents completed the specific questions on additional HMO licensing and 225 respondents filled in the questions on selective licensing. We suggest that this partly is the result of the personal circumstances of some of the tenants ie being an HMO tenant or a tenant of a single-family property⁵.

The table below illustrates this issue for the four key groups/categories/types of respondents:

Group / type / category	Usable responses	Private rented sector (approx)	Additional HMO licensing proposals (approx)	Selective licensing proposals (approx)
Private rented sector tenants	287	287	255	225
Residents/owner occupiers	570	570	535	506

⁴ We investigated the number of responses received by other London boroughs in consultations on licensing schemes. However, comparisons are not helpful as the surveys varied significantly (eg scale and style of the survey) as did the licensing proposals.

⁵ There were also minor differences in response rates for each group within blocks of questions/statements

Landlords	636	633	572	541
Lettings and managing agents	29	29	27	26
Total	1,522	1,519	1,389	1,298

Number of responses are approx because responses vary within specific blocks of questions

There was a relatively low number of responses in some of the blocks of questions which may be attributable to certain licensing proposals not being of specific interest to some respondents.

We received just over 20 emails or telephone messages about the survey. Our interpretation of this relatively low number is that the survey worked effectively. The queries centred mainly on issues such as accessing the survey and the completion of relevant sections.

The responses in the 'other' category could have been relevant in a few of the specific categories. We, however, decided that we would abide by the selection choice of the respondent on categories.

The analysis of the scale of free format text comments was challenging. They, nevertheless, provide helpful insights in better understanding the views of some of the respondents. Quotes from the text responses are included at appropriate points. We have also included for the main groups an analysis of the top free format text comments and issues on the private rented sector and licensing.

Finally, one of our objectives was to ensure that the responses, especially from private rented sector tenants and owner-occupiers, covered an appropriately wide set of socio-demographics. The response rates to the personal characteristics questions were acceptable but lower than for the substantive questions. In the case of private rented sector tenants, approximately 75% of respondents completed parts of this section of the survey. For owner-occupiers, the figure was just over 80%. However, in the responses to some of the questions, the 'prefer not to say' box received the majority of responses.

Information about the socio-demographic characteristics of respondents is set out below.

4.2.1 Landlords

There were 636 usable responses. But the number of responses on the additional HMO licensing proposals and the selective licensing proposals were lower – 572 and 541 respectively.

Nearly 94% of respondents were individuals with only 5% replying as companies. 63% owned only one property and 31% owned between two and five properties. Three respondents owned more than 50 properties.

The geographical spread of properties was across all wards. The three wards that received the most responses were Acton Central, Ealing Broadway and East Acton – more than 10%. Norwood Green received the fewest responses at less than 2%.

It is important to note that a consistent theme on the style of responses (compared to some of the other groups of respondents) was the use of the ‘strongly agreed/strongly disagreed’ rather than the ‘tend to agree/tend to disagree’ boxes.

4.2.2 Private sector tenants

There were 287 usable responses. But the number of responses varied between sections of the survey. Also, the number of respondents who answered ‘prefer not to say’ to specific questions differed significantly (especially on personal characteristics).

Analysis of ward and postcode data of the respondents indicates that there was a reasonably wide geographical coverage of the borough.

In terms of basic socio-demographic characteristics, again, there was a diverse response:

- Age: Of the 219 respondents who answered this question:
 - 29% were in the 25-34 year old group
 - 31% were in the 35-44 year old group
 - 17% were in the 45-54 year old group.
- Disability: 11% of respondents self-identified themselves as having a disability
- Gender: Approximately equal numbers of males and females completed the survey
- Household composition: 26% of respondents were couples with no children, 20% were couples with children and 14% were single people living with other adults
- Ethnicity: 33% of respondents were white-British, 19% were white-European, and 5% were Indian.

4.2.3 Residents/owner-occupiers

There were 570 usable responses. But the number of responses varied between sections of the survey, as did the number of respondents who answered ‘prefer not to say’ to specific questions (especially personal characteristics).

Analysis of ward and postcode data of the respondents indicates that there was a reasonably wide geographical coverage of the borough.

In terms of basic socio-demographic characteristics, there was a satisfactorily diverse response:

- Age: Of the respondents who answered this question:

- 16% were in the 35-44 year old group
 - 22% were in the 45-54 year old group
 - 23% were in the 55-64 year old group
 - 23% were in the over 65 year old group.
- Disability: 7% of respondents self-identified themselves as having a disability
 - Gender: 46% of responses were males and 38% were females (with the remainder preferring not to say)
 - Household composition: 22% of respondents were couples with no children, 31% were couples with children and 8% were single people with or without children
 - Ethnicity: 44% of respondents were white-British, 7% were white-European, and 7% were Indian (and these were the three largest groups).

4.2.4 *Lettings and managing agents*

There were 29 usable responses with 23 from business and six from individuals.

Nearly half of respondents managed more than 50 units.

The geographical spread of properties managed showed a diverse picture. Eleven respondents managed properties across every ward. But, of the other 18 lettings and managing agents, there were no properties managed in ten wards.

4.2.5 *'Other' category*

'Other' describes and analyses survey responses from council and housing association tenants, visitors to the borough including those working in the area, organisations and those that completed the 'other' part of the survey. Please note that no responses were received from businesses in Ealing.

In total, 40 council and housing association tenants completed the survey. Of these, 33 completed the section on HMOs and 31 submitted responses on selective licences. 26 'visitors' completed the survey with 24 of these focussing on additional HMO licensing and 21 on selective licensing. One organisation completed the survey – a property management and maintenance company.

4.3 **Aggregation of responses**

The method that we have used for aggregating the responses from private rented sector tenants, council and housing association tenants, residents/owner occupiers, landlords, managing agents and lettings agents etc is straightforward. For each question/statement in the survey, we generally aggregated the responses under the following headings – strongly agree, tend to agree, neither agree or disagree, tend to disagree, strongly disagree, and don't know/not applicable. There were, however, two questions where the response options

were more limited – agreement or otherwise with the proposals for additional HMO licensing and selective licensing. In these cases, the responses could be ‘yes’, ‘no’ or ‘unsure’.

There are, however, four interrelated points to bear in mind. Firstly, there are alternative methods for aggregating responses. For example, greater weighting could be given to ‘strongly agree’ and ‘strongly disagree’, and the ‘don’t know/not applicable’ responses could be discounted. We tested these alternatives, and this showed that there would be, in the majority of cases, only marginal differences to the outcomes. We, therefore, took the view that our straightforward approach provided an adequate indicative picture of the overall outcomes.

Secondly, the number of responses in ‘neither agree or disagree’ and ‘don’t know/not applicable’ is significant. In some cases, they amounted to nearly 40% of all responses on specific questions.

Thirdly, we have compared in our analysis the percentages supporting (strongly agree plus tend to agree) or not supporting (strongly disagree plus tend to disagree) specific questions/statements. In many cases, there is no overall ‘support’ or ‘no support’ at a level of over 50%.

Finally, we want to reiterate that these findings are indicative on the level of agreement and disagreement with the questions/statements. But they only provide part of a bigger picture and should be considered along with quantitative findings of the online survey for each group as well as the free text comments.

4.4 Private rented sector

In this part of the survey, we asked respondents to indicate whether they agreed or disagreed with a number of statements about the private rented sector in their area.

4.4.1 Overall response

The following table sets out the overall data response from the online survey on the state of the private rented sector:

To what extent do you agree or disagree with the following statements on the private rented sector in your area?						
	Overall	Landlords	PRS tenants	Owner Occupiers	Lettings and managing agents	Other
The number of private rented properties has been increasing						
Base	1671	633	287	570	29	152
Strongly agree	29%	8%	31%	49%	14%	39%
Tend to agree	21%	21%	17%	22%	38%	24%
Neither agree nor disagree	22%	31%	22%	14%	21%	16%

To what extent do you agree or disagree with the following statements on the private rented sector in your area?

	Overall	Landlords	PRS tenants	Owner Occupiers	Lettings and managing agents	Other
Tend to disagree	7%	10%	7%	4%	10%	6%
Strongly disagree	6%	8%	8%	4%	14%	3%
Don't know /not applicable	15%	22%	16%	8%	3%	13%

The physical condition of private rented properties is a problem.

Base	1671	633	287	570	29	152
Strongly agree	24%	3%	39%	38%	0%	40%
Tend to agree	18%	7%	30%	25%	3%	22%
Neither agree nor disagree	12%	13%	9%	13%	24%	9%
Tend to disagree	16%	27%	8%	9%	17%	13%
Strongly disagree	22%	38%	12%	9%	52%	12%
Don't know /not applicable	7%	12%	3%	6%	3%	5%

There are health and safety issues with private rented properties.

Base	1671	633	287	570	29	152
Strongly agree	24%	3%	35%	37%	0%	41%
Tend to agree	19%	8%	30%	26%	7%	18%
Neither agree nor disagree	11%	10%	10%	11%	17%	11%
Tend to disagree	16%	24%	9%	9%	28%	14%
Strongly disagree	24%	43%	13%	10%	45%	12%
Don't know /not applicable	7%	11%	3%	6%	3%	5%

Overcrowding is a problem in private rented properties.

Base	1671	633	287	570	29	152
Strongly agree	24%	3%	27%	43%	0%	42%
Tend to agree	18%	10%	26%	22%	7%	18%
Neither agree nor disagree	14%	16%	21%	11%	17%	11%
Tend to disagree	14%	22%	7%	9%	28%	11%
Strongly disagree	20%	35%	14%	9%	38%	11%
Don't know /not applicable	9%	14%	5%	6%	10%	7%

To what extent do you agree or disagree with the following statements on the private rented sector in your area?

	Overall	Landlords	PRS tenants	Owner Occupiers	Lettings and managing agents	Other
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There are inadequate fire safety measures in private rented properties.

Base	1671	633	287	570	29	152
Strongly agree	20%	4%	28%	32%	0%	32%
Tend to agree	15%	6%	25%	21%	7%	16%
Neither agree nor disagree	16%	14%	19%	17%	21%	17%
Tend to disagree	15%	22%	12%	9%	24%	13%
Strongly disagree	22%	40%	13%	9%	45%	13%
Don't know /not applicable	11%	14%	3%	12%	3%	9%

The private rented sector causes neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour.

Base	1671	633	287	570	29	152
Strongly agree	23%	4%	18%	44%	3%	38%
Tend to agree	14%	6%	15%	21%	10%	14%
Neither agree nor disagree	13%	12%	17%	11%	7%	14%
Tend to disagree	17%	22%	20%	9%	28%	14%
Strongly disagree	29%	48%	28%	13%	48%	17%
Don't know /not applicable	5%	8%	2%	3%	3%	3%

There is a problem with illegal or substandard conversions in the private rented sector.

Base	1671	633	287	570	29	152
Strongly agree	24%	4%	26%	42%	0%	43%
Tend to agree	17%	10%	24%	22%	7%	18%
Neither agree nor disagree	15%	17%	16%	13%	28%	11%
Tend to disagree	12%	17%	10%	6%	21%	11%
Strongly disagree	20%	34%	12%	9%	31%	11%
Don't know /not applicable	12%	18%	13%	8%	14%	6%

The key findings are listed below. It is important to appreciate that for each question, the proportion of responses classified as 'neither agree or disagree', and 'don't know/not

applicable' is high. It varies, for example, from 37% (taken together, overall) for 'the number of private rented properties has been increasing' down to 18% for both 'there are health and safety issues with private rented properties' and 'the private rented sector causes neighbourhood nuisance...'.

The analysis compares 'strongly agree and tend to agree' with 'strongly disagree and tend to disagree' for each of the seven questions/statements. There was a mixed response with a majority support for four statements – private rented sector was increasing, property conditions were a problem, overcrowding being a problem, and issues of illegal and sub-standard conversions. There was roughly equal 'support', and 'no support' on health and safety issues. There was greater 'no support' than 'support' on the issues of fire safety and neighbourhood nuisance.

- Nearly 50% of respondents agreed or strongly agreed that the private rented sector was increasing, while only 13% disagreed or strongly disagreed
- 42% of respondents agreed or strongly agreed that property conditions in the private rented sector were a problem compared to 38% who disagreed or strongly disagreed
- On health and safety issues in the private rented sector, 43% strongly agreed or tended to agree that this was an issue, while 40% strongly disagreed or tended to disagree
- In relation to overcrowding being a problem in the private rented sector, 42% strongly agreed or tended to agree with the statement, but 34% strongly disagreed or tended to disagree
- 37% of respondents strongly disagreed or tended to disagree that there are inadequate fire safety measures in the private rented sector, while 35% strongly agreed or tended to agree that there are issues
- On the issue of neighbourhood nuisance caused by the private rented sector, 46% of respondents strongly disagreed or tended to disagree with this statement, while 37% strongly agreed or tended to agree
- Finally 41% of respondents strongly agreed or tended to agree that there is a problem over sub-standard and illegal conversions compared with 32% who disagreed strongly or tended to disagree.

4.4.2 Landlords' responses

In relation to the issues in the private rented sector, there was a consistent response rate of 60-70% who disagreed with these statements, eg, poor physical conditions, health and safety concerns and neighbourhood nuisance. Of these responses, in most cases, between 40 and 50% strongly disagreed with the statement. Only approximately 10% agreed with each of these statements. The minor exception to this was illegal and sub-standard conversions where just over 50% of respondents thought this was not a concern, while over 14% did.

The text responses (339 in total) provided a useful elaboration of views and opinions. The top comments on the private rented sector were:

- 1 Landlords offer good housing and service (more than a quarter of those commenting)
- 2 Existing laws and regulations are sufficient (without the need for licensing proposals) (about 1 in 6)
- 3 Acknowledgement that there are some problems, especially with HMOs (about 1 in 15).

There were differing views on the state of the rental market in Ealing. Several landlords said that there was an over-supply, with tenants able to have more choice, and therefore landlords must compete by having high standards – in effect, the market is taking care of any problems. A couple of respondents said rents have been falling, and several said they had been under pressure because of Covid-19. However, one acknowledged that general housing shortages have caused the PRS to ‘boom’ and another said bad landlords would undercut good ones. One respondent suggested a rent cap to avoid landlords increasing rents in a shortage. A few landlords said that in their areas most of the private rented properties were new purpose-built flats that had few or no problems. Others said properties in their area were generally well-kept and they did not perceive any problems. But others did outline some poor conditions. Some suggested that licensing, and the fees charged, could see landlords exit the sector and the supply of rented homes decrease.

The effect and impact of the existing schemes elicited several responses. Some did not feel that the existing schemes had targeted bad or ‘rogue’ landlords because those landlords do not register anyway. They felt all landlords were being ‘tarded with the same brush’ which generated a strong sense of unfairness and resentment. Some were not impressed by the current scheme or the Council’s ability to deliver it (about 1 in 12 commenting). There were comments on bureaucracy and a small number of claims that the Council had not responded to requests.

“Ealing Council had previously introduced PRS 2017 (its licensing scheme) as a means to increase housing standards across Acton Central and other selective wards on the back of ASB problems rogue and unfit private housing landlords. Ealing seem to have introduced PRS 2017 as its answer to this problem but fail in all aspects.”

Within this narrative, there were many comments on ‘good’ landlords (such as themselves) being punished for the actions of bad landlords (more than a quarter of those commenting). It was clear that these respondents took pride in their rented properties and the standards they offered. Some stressed that they had long term, satisfied tenants. These participants wanted any scheme to be targeted only at bad and criminal landlords (about 1 in 6 commenting).

“I find this insulting! As a landlord of some 35 years, highly maintained properties and long term tenants who have become friends, this seems another money grabbing opportunity.”

“My flats I have been told by countless Estate Agents are amongst the safest, cleanest and best looked after homes in the borough. I have had hundreds of tenants over the years all

of whom have enjoyed living in scrupulous conditions with me as total support to their every need as far as the dwelling is concerned. You, Ealing Council, have done absolutely nothing for me or my property throughout these years since you introduced this scurrilous scheme. It is total rubbish to lump every Landlord into the same bracket.'

"You never visited my property in the past 4 years, so I don't feel I got value for money."

"Perhaps some landlords are dreadful. I have no experience of that. We have long term tenants in really nice flats who we look after because (a) it's the right thing to do, but also it is good business. If our tenants are happy, we are happy."

4.4.3 Private rented tenants' responses

Nearly 50% of respondents agreed strongly or tended to agree that the private rented sector was growing compared to 15% who considered that this was not the case.

In terms of property condition issues (eg, physical condition, health and safety and fire safety), between a fifth and a quarter of respondents strongly felt or tended to feel that conditions were adequate. Thus, 20-25% of private sector tenants explicitly consider the conditions of the accommodation were appropriate (and a further 10% neither agreed nor disagreed that there were property condition issues). Nevertheless, 69% of respondents agreed strongly or tended to agree that there were physical condition problems and 65% agreed there were health and safety issues with their accommodation.

From a neighbourhood perspective, nearly 50% of respondents strongly disagreed or tended to disagree that the private rented sector caused problems such as ASB, noise and nuisance. A third of respondents, however, commented that there were neighbourhood issues caused by the private rented sector.

Nearly 50% of respondents agreed strongly or tended to agree that there were issues over illegal or sub-standard conversions. But, again, between 20 and 25% strongly disagreed or tended to disagree with this statement.

The free format text responses from both private rented sector (total 108 responses) and council/housing association tenants (total 20 responses) strongly emphasised problems rather than the adequacy of accommodation. They illustrated the property condition issues as well as shedding further light on the state of the sector. The top three comments about the private rented sector generally were:

- 1 Poor conditions (more than a third of those offering free text comments)
- 2 High costs of renting (about a third of those commenting)
- 3 Poor practices of landlords and managing and lettings agents (about a third).

Several tenants complained of very high and unaffordable rents. They felt they were not receiving value for money in terms of the size or condition of their homes, and some felt they were in a vulnerable position if they complained.

“Prices are unaffordable for even key workers with full time jobs. It is not an option to rent without living in overcrowded houses.”

“You need to make the private renting sector more affordable for young couples who are not earning 50k a year, it’s embarrassing how house prices as well as private renting is so expensive, for tiny flats and bedrooms.”

In relation to property conditions, many tenants highlighted poor conditions in their current private rented sector accommodation, places they had previously lived in, or the area. Frequently cited were problems with mould and damp, safety (especially electrical and fire exits), pest infestations, structural maintenance, and noise. Outside the home, fly tipping and rubbish, drinking in the street and general lack of upkeep were cited. One tenant said they had not been provided with any bins. Examples of feedback included:

“We are privately renting and found the standard of properties appalling. We have viewed properties with visible rat problems, mould issues and blown windows to name a few examples. We currently live next to an HMO – in this property the front and back gardens are littered with rubbish and broken furniture and the tenants consistently display anti-social behaviour, shouting and singing all night.”

“Looking at properties to rent in the area, a lot are of low standards, lacking fire safety equipment in HMOs, conversions are done to maximize rent income with little regard of usability. Mould, damp, broken windows, un-serviced boilers seems to be common in the borough.”

Furthermore, several people said their physical and/or mental health had been badly affected by poor conditions, in the latter case particularly around issues with noise, eg:

“I find it very difficult coping with the disrepair in this property whilst coping with my health difficulties with permanent disability and inability to carry out normal everyday life activities. My health condition worsening and medication increasing due to the property environment atmosphere .. the flat atmosphere it does creating a serious risk of illness and will be at risk all time.”

“Last year I had a very very bad health problems in my body and my lungs because there were no heating for at least 2 weeks within the coldest days in December and January too.”

4.4.4 Residents/owner occupiers’ responses

Over 70% of respondents agreed strongly or tended to agree that the private rented sector was growing. Only 7% disagreed with this statement.

Each of the questions on the issues and problems in the private rented sector (eg, poor physical condition, and health and safety issues) elicited a similar response rate. Between 63 and 65% (across the various questions) agreed that there was an issue, while 15-22% disagreed. The one exception was fire safety measures where only 53% considered it to be a problem, though still a majority.

The free format text comments (366 in total) highlighted that the great majority of resident/owner occupier respondents who commented reported serious problems with the sector. Most of the issues were about external problems (nuisance) that affect the neighbours and neighbourhood; some were about poor upkeep of the property itself; and some were concerned about the poor conditions that tenants lived in. The top three issues in the text responses were:

- 1 Growth of the private rented sector, especially HMOs, leading to a variety of problems (about half)
- 2 Neighbourhood problems, eg, ASB (about a third)
- 3 Planning issues – ‘beds in sheds’, illegal conversions (about 1 in 10).

There were concerns from many respondents about nuisance that they said was caused by either tenants of rented housing, or landlords not keeping the property in good repair or not taking responsibility for their tenants’ behaviour. Problems cited included noise, rubbish/fly tipping, and anti-social behaviour. Several respondents said there were not enough bins, or no provision of bins, for the number of people in a house.

“Fly tipping has increased in the streets around my house. When a new tenant moves in, mattresses and old furniture are thrown out on the road. This gives a very poor image of my area and I want the Council to stop this. The anti-social behaviour has increased – groups of men sitting on benches in the street, drinking alcohol and shouting at passers-by. This feels very threatening.”

Quite a few respondents mentioned the fact that converted housing often lacks communal rooms, so the tenants tend to gather outside causing noise. The increased density of people in a neighbourhood created further problems with parking.

“I purchased my house from a landlord who had let to numerous tenants. The house was damp – rising damp waist high, one room was divided off by a curtain, another which was too small for a bed had been carved out from the hallway. The boiler was unsafe, and the condition was truly appalling. It is only when these houses sell that people realise and the landlord has now walked away with tidy profit because he treated his tenants so appallingly. They were so squashed in they spent lots of time outside drinking smoking and being loud until the early hours.”

“Too many cars, vans, motorbikes, noise pollution due to too many people living in rented private properties. Littering the alleyway with furniture, cutting of branches, and other sorts where the garages are situated, that could be a fire risk.”

There were mixed views on the state of the market. In general, people felt there was a shortage of accommodation and that rents were high. But a few said there was little or no problem, with rented properties generally in good order in their area. A handful said rents have fallen recently. There was some recognition of the role of the sector in providing housing to those who need it.

“Rents in this area are high. I do not know how people can afford them. There is not enough affordable rented accommodation for people on low incomes. And then there's the lack of infrastructure. No schools, GP surgeries, parking, public transport or other amenities.”

4.4.5 Lettings and managing agents' responses

Just over half of the respondents felt that there had been a growth in the sector.

There were very few negative opinions about the private rented market. It was a strongly held view in most cases that the specific issues and problems (such as poor conditions and health and safety) did not exist. The only marginal exceptions were poor or illegal conversions and neighbourhood nuisance.

The text comments confirmed this viewpoint. Several respondents said the properties they rent out were in good condition and well managed. Some mentioned high rents, while others noted that rents have fallen, and landlords are having to compete over better standards.

“Properties in the area we rent out comply with the government regulations and being (a) popular area the rent tends to be (on the) high side.”

Some pointed to the vital role of the sector in providing housing and said the proposals could lead to shortages in the market. One said sharers could be disadvantaged if landlords turn away from letting HMOs. A small number pointed to the lack of social housing as part of the problem.

The costs for landlords were commented on, eg:

“The costs are excessive and will force many good quality landlords and well managed properties out of the market, making less choice available for tenants and forcing up prices.”

4.4.6 'Other' categories' responses

Council and housing association tenants believed that the private rented sector is growing – three-quarters of respondents (30 out of 40) agreed with this statement. There was also

support for each of the issues/problems listed in the statement on the sector. Between 23 and 31 responses agreed with each of these.

Similarly, ‘visitors’ felt that the sector was growing (18 out of 26 responses). They also agreed with each of the statements on the problems – a range of positive responses from between 13 and 17 out of 26.

The property management and maintenance company tended to agree that the sector was growing but disagreed that there were issues. The ‘other organisations’ respondents also agreed that the sector was increasing. But they had a more complex assessment of the problems. Neighbourhood nuisance was strongly identified as was poor property conditions and illegal/sub-standard conversions. A few respondents felt unable to agree or disagree with some statements, eg, that fire safety and overcrowding were problems in the private rented sector.

In relation to the ‘other’ category, there was a majority support from those that completed this part of the survey that the private rented sector was growing. However, there was much less of a consensus on the issues listed in the survey. For example, the vast majority of residents/owner occupiers and neighbours strongly endorsed nearly all the statements, but respondents (such as previous or potential landlords and those with the landlord role as one of their interests) disagreed with the statements.

4.5 Additional HMO licensing

This sub-section covers additional HMO licensing proposals by analysing the quantitative data covering the questions/statements on the overall proposal, the proposed benefits, licensing conditions, and fees.

4.5.1 Overall response

The table below sets out the findings on the overall proposal. Just over 50% of respondents supported the Council’s additional HMO licensing proposals while 37% were against the scheme.

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Agree with the Council’s proposal to introduce a new additional HMO licensing scheme	50%	25%	65%	71%	7%	56%
Disagree with the Council’s proposal to introduce a new additional HMO licensing scheme	37%	58%	23%	22%	70%	29%
Unsure	13%	17%	12%	7%	22%	15%

Base	1426	541	225	506	26	128
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In relation to the potential benefits, the table below provides the overall responses:

To what extent do you agree or disagree that the new five-year additional licensing scheme will:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Improve the physical condition of HMO properties?						
Base	1527	572	252	535	27	141
Strongly agree	24%	7%	36%	35%	4%	37%
Tend to agree	26%	19%	31%	33%	11%	23%
Neither agree nor disagree	11%	15%	8%	6%	37%	10%
Tend to disagree	12%	17%	8%	9%	26%	11%
Strongly disagree	21%	34%	13%	14%	19%	16%
Don't know /not applicable	5%	8%	4%	3%	4%	3%
Improve the health and safety of tenants living in HMOs?						
Base	1527	572	252	535	27	141
Strongly agree	26%	8%	41%	36%	4%	38%
Tend to agree	26%	20%	28%	33%	19%	23%
Neither agree nor disagree	11%	16%	8%	7%	30%	11%
Tend to disagree	12%	17%	7%	8%	26%	10%
Strongly disagree	21%	32%	13%	14%	19%	14%
Don't know /not applicable	5%	7%	4%	3%	4%	4%
Help to tackle issues of neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour associated with HMOs?						
Base	1527	572	252	535	27	141
Strongly agree	23%	8%	27%	36%	7%	32%
Tend to agree	19%	13%	19%	25%	4%	20%
Neither agree nor disagree	13%	16%	19%	9%	19%	11%
Tend to disagree	15%	20%	12%	11%	30%	14%
Strongly disagree	24%	36%	18%	16%	37%	19%
Don't know /not applicable	6%	8%	6%	4%	4%	4%

To what extent do you agree or disagree that the new five-year additional licensing scheme will:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Help identify poorly performing HMO landlords, managing agents and lettings agents?						
Base	1527	572	252	535	27	141
Strongly agree	31%	10%	47%	45%	11%	42%
Tend to agree	24%	22%	27%	25%	19%	21%
Neither agree nor disagree	9%	13%	4%	7%	41%	6%
Tend to disagree	12%	18%	7%	7%	15%	11%
Strongly disagree	19%	29%	12%	13%	11%	17%
Don't know /not applicable	5%	7%	3%	3%	4%	3%
Assist landlords to raise their standards?						
Base	1527	572	252	535	27	141
Strongly agree	25%	8%	37%	37%	11%	35%
Tend to agree	23%	17%	28%	28%	22%	21%
Neither agree nor disagree	12%	16%	8%	11%	19%	8%
Tend to disagree	13%	19%	7%	9%	30%	11%
Strongly disagree	22%	34%	15%	12%	15%	21%
Don't know /not applicable	5%	7%	4%	4%	4%	4%
Support good HMO landlords?						
Base	1527	572	252	535	27	141
Strongly agree	28%	9%	37%	40%	11%	41%
Tend to agree	19%	12%	25%	24%	4%	17%
Neither agree nor disagree	13%	15%	12%	11%	19%	9%
Tend to disagree	10%	15%	5%	7%	22%	9%
Strongly disagree	25%	41%	15%	14%	41%	21%
Don't know /not applicable	6%	8%	6%	3%	4%	4%

The findings are listed below. The key message is that there is a majority in support of each of the benefits compared to those who did not support them.

It is important to appreciate that for each question, the proportion of responses classified as 'neither agree or disagree', and 'don't know/not applicable' ranges from 14 to 19% overall, and for particular groups responding to each question, can be considerably higher.

Comparing ‘strongly agree and tend to agree’ with ‘strongly disagree and tend to disagree’ for each of the seven questions/statements:

- 50% of respondents support the statement that additional HMO licensing will improve the physical condition of properties, while 33% disagree strongly or tend to disagree
- There is strong support that the proposal will improve the health and safety of tenants living in HMOs (52%), with 32% not supporting this statement
- In relation to tackling neighbourhood problems, 42% either agreed or strongly agreed that the proposal would be beneficial, while 39% disagreed or strongly disagreed
- 55% of respondents supported the proposal in helping to identify poorly performing landlords and managing and lettings agents, but 31% did not support this proposition
- In relation to assisting landlords to raise their standards, 48% agreed strongly or tended to agree that the proposal would assist landlords to raise standards, while 35% did not support this proposition
- 47% of respondents considered that the proposal would support good landlords, while 35% did not agree with the proposition.

The analysis of overall quantitative responses on licensing conditions is set out below:

To what extent do you agree or disagree that additional HMO license conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Provision of a written tenancy agreement?						
Base	1526	572	252	535	27	140
Strongly agree	50%	27%	62%	68%	33%	60%
Tend to agree	22%	32%	18%	16%	33%	16%
Neither agree nor disagree	8%	10%	6%	5%	22%	9%
Tend to disagree	5%	7%	2%	4%	0%	4%
Strongly disagree	11%	16%	9%	7%	11%	10%
Don't know /not applicable	4%	8%	4%	1%	0%	1%
Controls on the number of people able to occupy the property?						
Base	1526	572	252	535	27	140
Strongly agree	51%	28%	56%	71%	33%	61%
Tend to agree	22%	33%	17%	13%	44%	14%
Neither agree nor disagree	9%	13%	9%	5%	15%	7%
Tend to disagree	4%	5%	5%	4%	0%	4%

To what extent do you agree or disagree that additional HMO license conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Strongly disagree	11%	14%	10%	7%	7%	11%
Don't know /not applicable	4%	7%	2%	1%	0%	1%
Provision and management of fire safety measures e.g. fire alarms, smoke detectors and satisfactory means of escape?						
Base	1526	572	252	535	27	140
Strongly agree	54%	31%	68%	69%	41%	68%
Tend to agree	19%	29%	13%	13%	44%	11%
Neither agree nor disagree	9%	14%	6%	7%	11%	6%
Tend to disagree	4%	5%	3%	3%	0%	4%
Strongly disagree	10%	15%	8%	7%	4%	10%
Don't know /not applicable	3%	7%	2%	1%	0%	1%
Actions to effectively address problems of neighbour nuisance and anti-social behaviour caused by HMOs?						
Base	1526	572	252	535	27	140
Strongly agree	46%	23%	53%	67%	19%	54%
Tend to agree	18%	25%	15%	13%	26%	16%
Neither agree nor disagree	11%	16%	11%	6%	26%	9%
Tend to disagree	6%	10%	4%	3%	19%	4%
Strongly disagree	13%	18%	14%	9%	7%	14%
Don't know /not applicable	4%	8%	3%	2%	4%	3%
Space standards (e.g. room sizes)?						
Base	1526	572	252	535	27	140
Strongly agree	41%	16%	58%	57%	19%	51%
Tend to agree	20%	23%	15%	19%	33%	18%
Neither agree nor disagree	13%	19%	6%	8%	30%	10%
Tend to disagree	8%	13%	6%	5%	11%	6%
Strongly disagree	15%	21%	12%	10%	7%	13%
Don't know /not applicable	4%	7%	2%	2%	0%	2%
The provision of a sufficient number of amenities (e.g. toilet, bathroom and kitchen facilities)?						

To what extent do you agree or disagree that additional HMO license conditions should include:

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Strongly agree	47%	22%	65%	64%	26%	57%
Tend to agree	20%	28%	14%	16%	44%	13%
Neither agree nor disagree	10%	17%	4%	5%	22%	11%
Tend to disagree	6%	8%	4%	5%	11%	3%
Strongly disagree	13%	18%	11%	8%	4%	14%
Don't know /not applicable	4%	7%	2%	2%	0%	1%

High standards of property management?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Strongly agree	44%	19%	60%	61%	19%	56%
Tend to agree	19%	24%	16%	15%	44%	13%
Neither agree nor disagree	13%	20%	7%	8%	22%	11%
Tend to disagree	6%	9%	3%	5%	11%	5%
Strongly disagree	14%	20%	12%	9%	4%	12%
Don't know /not applicable	4%	8%	2%	1%	0%	3%

Property security requirements?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Strongly agree	38%	14%	56%	54%	19%	46%
Tend to agree	22%	25%	21%	19%	41%	20%
Neither agree nor disagree	15%	23%	7%	10%	26%	12%
Tend to disagree	7%	11%	2%	7%	4%	7%
Strongly disagree	14%	20%	12%	10%	7%	12%
Don't know /not applicable	4%	8%	2%	2%	0%	2%

Adequate heating and insulation?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1526	572	252	535	27	140
Strongly agree	42%	19%	63%	55%	22%	56%
Tend to agree	23%	30%	15%	21%	44%	16%
Neither agree nor disagree	13%	19%	7%	9%	22%	9%
Tend to disagree	6%	8%	2%	5%	4%	6%
Strongly disagree	12%	17%	12%	8%	7%	11%

To what extent do you agree or disagree that additional HMO license conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Don't know /not applicable	4%	8%	2%	2%	0%	1%
Energy efficiency (e.g. minimum EPC rating)?						
Base	1526	572	252	535	27	140
Strongly agree	33%	11%	55%	44%	15%	42%
Tend to agree	22%	24%	17%	22%	37%	16%
Neither agree nor disagree	17%	21%	10%	14%	26%	18%
Tend to disagree	8%	11%	4%	7%	7%	7%
Strongly disagree	17%	25%	12%	10%	15%	14%
Don't know /not applicable	5%	8%	2%	3%	0%	2%
Appropriate standards for the management of common areas such as emergency lighting in corridors and stairways?						
Base	1526	572	252	535	27	140
Strongly agree	38%	15%	58%	53%	19%	46%
Tend to agree	23%	27%	17%	21%	37%	22%
Neither agree nor disagree	13%	20%	8%	8%	30%	12%
Tend to disagree	7%	10%	2%	5%	11%	4%
Strongly disagree	14%	19%	13%	10%	4%	12%
Don't know /not applicable	5%	9%	2%	2%	0%	3%
Satisfactory maintenance of outbuildings, gardens and yards?						
Base	1526	572	252	535	27	140
Strongly agree	39%	15%	54%	57%	11%	51%
Tend to agree	21%	24%	19%	19%	26%	15%
Neither agree nor disagree	13%	20%	8%	7%	30%	12%
Tend to disagree	8%	13%	4%	6%	19%	5%
Strongly disagree	15%	21%	13%	10%	15%	14%
Don't know /not applicable	4%	8%	2%	2%	0%	2%
Appropriate arrangements for rubbish collection and recycling?						
Base	1526	572	252	535	27	140
Strongly agree	47%	22%	62%	65%	19%	60%

To what extent do you agree or disagree that additional HMO license conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Tend to agree	19%	26%	18%	15%	33%	11%
Neither agree nor disagree	10%	15%	6%	5%	26%	10%
Tend to disagree	5%	8%	2%	4%	7%	5%
Strongly disagree	14%	19%	11%	10%	15%	11%
Don't know /not applicable	4%	9%	1%	2%	0%	3%

There is considerable support for each of the proposed licensing conditions compared with the proportion of responses opposed to the conditions. Support (strongly agree plus tend to agree) ranged from 73% for the provision and maintenance of fire safety measures to 55% for energy efficiency measures. Lack of support (strongly disagree plus tend to disagree) varied from 14% for the provision and maintenance of fire safety measures to 23% for the maintenance of outbuildings etc and energy efficiency measures.

Compared to other blocks of questions, the proportion of responses classified as 'neither agree or disagree', and 'don't know/not applicable' overall were slightly lower, ranging from 12% to, in one case, 23%.

The overall responses to the proposals on fees for additional HMO licensing are set out in the table below:

To what extent do you agree or disagree with the fees, discounts and additional charges under the additional HMO licensing scheme?						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Flat rate fee of £1,100 and an additional fee of £50 per habitable room?						
Base	1525	571	252	535	27	140
Strongly agree	22%	4%	22%	40%	7%	28%
Tend to agree	12%	7%	13%	16%	0%	15%
Neither agree nor disagree	11%	9%	18%	10%	15%	10%
Tend to disagree	10%	12%	10%	8%	19%	11%
Strongly disagree	39%	61%	25%	22%	59%	31%
Don't know /not applicable	6%	6%	12%	5%	0%	5%

To what extent do you agree or disagree with the fees, discounts and additional charges under the additional HMO licensing scheme?						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Additional charges for applicants who (i) apply late, (ii) submit a paper rather than an online application and (iii) require council assistance to complete an application?						
Base	1525	571	252	535	27	140
Strongly agree	20%	4%	24%	35%	11%	26%
Tend to agree	15%	12%	14%	18%	4%	15%
Neither agree nor disagree	13%	12%	15%	11%	11%	16%
Tend to disagree	11%	12%	13%	9%	19%	6%
Strongly disagree	37%	54%	26%	23%	56%	31%
Don't know /not applicable	5%	6%	8%	4%	0%	6%
Discounts for applicants (i) who apply before the commencement of the scheme renewal (early bird scheme), (ii) who are members of an accredited landlord scheme, and (iii) have an energy performance certificate rating of C or above?						
Base	1525	571	252	535	27	140
Strongly agree	25%	15%	37%	30%	15%	24%
Tend to agree	23%	21%	23%	27%	15%	22%
Neither agree nor disagree	17%	20%	14%	15%	19%	17%
Tend to disagree	5%	5%	3%	7%	11%	4%
Strongly disagree	23%	32%	14%	16%	30%	27%
Don't know /not applicable	7%	7%	9%	5%	11%	6%

There is no majority support for the fee structure and the additional charges. Nearly 50% of respondents either strongly disagreed or tended to disagree with both the fee structure and the additional charges. Approximately 35% supported both of these fee proposals.

Discounts were supported, however, by nearly 50% of respondents, while 28% did not support the proposal. It should be noted that nearly a quarter of respondents neither agreed or disagreed or were in the category 'didn't know/not applicable'.

4.5.2 Landlords' responses

Most landlord respondents did not support additional HMO licensing.

Most respondents did not agree with the potential benefits of the proposals in tackling problems – between 46% and 56%. A significant number of respondents 'strongly disagreed'. Nevertheless, approximately a quarter of respondents did agree with the

benefits. There was marginally less disagreement and more agreement with addressing health and safety concerns and helping to identify poorly performing landlords and lettings and managing agents.

The licensing conditions received a mixed welcome:

- Written tenancy agreements, conditions on the number of occupiers, fire safety and amenities received support from between 50 and 59% of respondents
- Space standards, property security, energy efficiency and outbuildings etc received support from 39% or fewer respondents. In relation to these latter conditions, there were, in some cases, more respondents against rather than in favour.

There was little support for the fee proposals.

A similar pattern emerged about the additional charges. Discounts received equal support and disagreement with 36% favouring the proposals and 37% against.

Most landlords did not refer specifically to additional licensing in the text comments. Instead their comments on this and fees were broader (see section 6.4). Nevertheless, there were some text comments.

The top reasons for opposing additional HMO licensing fees were:

- 1 Too high (about a quarter of those commenting said fees generally too high, including small number specifically on additional licensing)
- 2 No or little benefit from being in existing scheme (about 1 in 10)
- 3 Discriminatory (eg, charge for paper applications or help, unfair between areas, some buildings can't achieve good EPC) (under 1 in 10).

Other comments on additional licensing included (i) significant though minority support for HMO licensing as opposed to selective licensing (about 1 in 17) and (ii) a small number of text comments objected to the inclusion of smaller HMOs (3 or more persons) in proposed scheme.

In relation to the former, some respondents did signal that they saw a significant difference between HMOs and other types of rented property, suggesting that perhaps they would support HMO licensing.

“The licence should be required for HMOs rented to 4 or more persons in 2 or more households. The limit of 3 or more persons is excessive.”

“There is too little enforcement of decent standards for HMOs. The nearest street to my property .. You just have to walk up it to see the disgraceful conditions that we are allowing tenants in our borough to live in. The conditions are even worse inside. We seemed to have

improved licensing introduced a few years ago which resulted in me providing significant amounts of information on my rented flat and making some improvements, but it clearly made no difference to these terrible HMOs.”

4.5.3 Private rented tenants’ responses

The proposals for additional HMO licensing were supported with 65% of respondents welcoming the measure.

In relation to the impact of the scheme over the next five years, nearly 75% of respondents considered that it would strongly help or tend to help the identification of poorly performing landlords and lettings and managing agents.

Other impacts, such as improving conditions, tackling health and safety issues, assisting landlords to raise standards, and supporting good HMO landlords, were strongly supported, or tended to be supported by between 62 and 69% of respondents. But over 20% of respondents disagreed strongly or tended to disagree with these benefits.

In terms of tackling neighbourhood problems, only 46% considered that additional HMO licensing would resolve issues, while 30% thought that this measure would not be beneficial.

Between 71 and 80% of respondents strongly supported or tended to support the vast majority of the proposed licensing conditions. ‘Strongly supported’ was a feature of the responses on most of the licensing conditions. Between 15 and 19% did not support the measures. The exception was ASB (see below). A written tenancy agreement was welcomed by nearly 80% of respondents with only 11% against this condition.

The ASB condition was supported by 68% of respondents, but 18% disagreed.

There was no majority support for the fee proposals. Only 35% supported them, while 35% were against the flat rate and additional room fee proposal.

The additional charges were welcomed by 38% of respondents, but 39% disagreed with them.

There was much greater support for the discounts with 60% welcoming this policy and only 17% against.

There were only a small number of text comments directly about additional HMO licensing proposals eg:

“HMOs are such an issue and it doesn't feel like there is a lot of policing on how they are operated. Landlords charge a fortune for a tiny room in an overcrowded house and get away with it because there are no better alternatives.”

“Where the Council could usefully intervene:

- *Problems where resolution is the responsibility of a different landlord – for example water leaks from one conversion flat with one leaseholder into another with a different leaseholder*
- *Over-engineered repairs designed to make money for the tradesperson when there is a simpler, cheaper, and less disruptive solution*
- *Unnecessary and overly disruptive repairs designed to inconvenience tenants with a view to winking them out.”*

On fees and discounts (and this overlaps with selective licensing), there was generally support for the additional charges but some suggested more thought was needed on the details, eg:

“In terms of additional charges – they seem fair for applying late (i) or submitting a paper form (ii), but not requiring council assistance as this may be due to struggling with the form and normal human processing errors which the Council should be able to offer free support.”

In relation to discounts, there was support for discounts for landlords who ‘provide greener more energy efficient homes’. But ‘energy performance ratings should be much higher than a C to receive a discount’.

One respondent raised the issue of the impact for landlords and tenants on the differential fee rate between HMOs and selective licensing:

“When I was looking for properties to rent with a group of friends I found that landlords would discriminate against 4 friends sharing but would be happy to have 4 members of a family. This is because they would have to pay £1000 for an HMO licence if it was for 4 friends. I feel like the Council is interfering in people's private lives by distinguishing between related and unrelated individuals.”

4.5.4 Resident/owner occupiers’ responses

There was strong support for this proposal.

It was felt by between 61 and 70% of respondents that the impact of the scheme would be beneficial in terms of, for instance, improving property conditions, tackling health and safety issues, and identifying poorly performing landlords, and lettings and managing agents. Nevertheless, between 20 and 26% of respondents disagreed with each of the statements on the benefits in the survey.

On the specific licensing conditions, again, there was strong support. Written tenancy agreements, controls on the number of tenants per property, health and safety, neighbourhood nuisance, amenities provision and refuse/recycling arrangements all received support from 80% or more respondents. Furthermore, for the vast majority of questions on specific licensing conditions, the strongly agreed response was approximately 70%.

The exception to this was the energy efficiency condition that was supported by 66% of respondents.

There was, however, less support for the fees and discount proposals with only 56% of respondents supporting the fee proposal and nearly 30% against.

Similarly, there was only 54% in favour of additional charges with 32% not supporting this proposal. Discounts were welcomed by 57% of respondents.

Although the text comments on the specific proposals for additional HMO licensing were limited, they provided an insight to some of these responses. Several respondents argued for limits on the number of people or number of flats.

“The capacity of multiple occupancy households must be subject to a specified criteria based on the area of the house, with adequate communal, kitchen and bathroom space sized appropriately for the number of occupants. The room sizes per occupant must also meet a minimum threshold.”

“The number of persons living in each property should be limited to 4 only, with (a) maximum of one vehicle only.”

4.5.5 Lettings and managing agents' responses

The proposal was not supported by lettings and managing agents.

The suggested benefits, with one exception, were perceived as being incorrect. Two-thirds of respondents did not believe additional HMO licensing would address neighbour nuisance and support good landlords. There was, however, some welcome for the scheme to help identify poorly performing landlords and lettings and managing agents – though 11 participants neither agreed nor disagreed.

There were mixed views on the specific licensing conditions. There was a large majority in favour of written tenancy agreements, conditions on the number of tenants, fire safety and heating and insulation. There was much less support for licensing conditions on outbuildings and tackling neighbourhood nuisance.

There were strong views against the flat fee rate with additional room fee– 21 respondents were not in favour with 16 strongly objecting. A similar picture emerged on additional charges. Discounts were only supported by eight respondents.

Some respondents in the texts distinguished between HMOs, which perhaps could be licensed, and other types of property which they felt should not. A small number of respondents pointed out what they see as unforeseen negative consequences of the scheme.

“HMO could be watched as this is where bunk beds and overcrowding occurs if anywhere. Not in private lettings to x1 family.”

“The sector has already been besieged with new regulation and continuous rules and schemes will drive further landlords to go underground and operate in a dangerous manner to escape the financial cost of operating an HMO in line with local rules.”

Two respondents raised the issue of lenders penalising licensed landlords (this point was also raised by a landlord).

“Lenders are becoming less and less interested in lending to HMO landlords. They are using HMO licences as a further step to turn people away. I know landlords struggling to find lenders at the moment, getting terrible interest rates.”

4.5.6 ‘Other’ categories responses

Council and housing association tenants strongly supported the proposals for additional HMO licensing.

There was also strong support that the measures would result in the potential benefits listed on the survey (improving the physical condition of HMO properties; improving the health and safety of tenants living in HMOs; tackling issues of neighbourhood nuisance etc; helping identify poorly performing HMO landlords, managing agents and lettings agents; assisting landlords raise their standards; support good HMO landlords) – between 26 and 29 of 33 responses.

Proposed licensing conditions were welcomed. Each of the conditions received a positive response from between 26 and 31 out of the 33 responses.

The fees and the discounts were all welcomed, eg, 23 out of 33 respondents agreed with a flat rate fee and an additional fee per habitable room.

Visitors, however, were less supportive of the additional HMO licensing proposals with only 50% in favour.

There was also only a small majority who believed that the proposals would address the issues. Indeed, in the case of neighbourhood nuisance and assisting landlords, there was more responses that either disagreed or had no views/unsure.

However, there was greater support for the licensing conditions. Between 13 and 20 out of 24 respondents welcomed each of them.

The flat rate and additional fee per habitable room was not supported by more than half the respondents. But the additional charges and discounts were welcomed by 13 out of the 24 respondents.

In terms of replies by organisations, a property management and maintenance firm disagreed with the proposal, the conditions, and the fees. The other organisations generally supported the additional licensing proposals, (including fees and discounts), but a couple of text comments expressed worries over whether they would adequately address some of the issues eg neighbour nuisance and ‘beds in sheds’.

4.6 Selective licensing

4.6.1 Overall response

This sub-section covers selective licensing proposals by analysing the quantitative data covering the questions/statements on the proposal, the proposed benefits, licensing conditions, and fees.

The tables below set out the findings on the overall proposal.

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1426	541	225	506	26	128
Agree with the Council’s proposal to introduce a new selective licensing scheme	42%	9%	61%	67%	8%	58%
Disagree with the Council’s proposal to introduce a new selective licensing scheme	47%	79%	25%	26%	81%	30%
Unsure	10%	12%	14%	7%	12%	12%

47% of respondents did not support the selective licensing proposals while 42% were in favour.

There is also no overall support for the choice of 15 wards or the two-phase approach.

In relation to the choice of 15 wards, 33% of respondents agreed strongly or tended to agree with this approach. But 39% disagreed strongly or tended to disagree. The two-phase proposal was not supported by 38% of respondents. Nearly 30% supported the proposal. In both cases, the proportion of respondents that ‘neither agreed or disagreed’ with the proposals and ‘don’t know/not applicable’ was significant – 28% and 32% respectively.

To what extent do you agree or disagree with:

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
The council's choice of the fifteen wards?						
Base	1419	541	225	499	26	128
Strongly agree	17%	4%	24%	27%	0%	29%
Tend to agree	16%	6%	24%	23%	8%	20%
Neither agree nor disagree	20%	21%	23%	18%	23%	18%
Tend to disagree	7%	11%	4%	5%	4%	7%
Strongly disagree	32%	51%	16%	21%	62%	19%
Don't know /not applicable	8%	8%	10%	6%	4%	8%
The council's two-phase approach?						
Base	1421	541	225	501	26	128
Strongly agree	12%	4%	16%	19%	0%	18%
Tend to agree	18%	7%	27%	25%	8%	22%
Neither agree nor disagree	25%	27%	24%	23%	35%	23%
Tend to disagree	9%	10%	8%	8%	12%	7%
Strongly disagree	29%	45%	16%	20%	38%	23%
Don't know /not applicable	8%	8%	10%	6%	8%	8%

In relation to the potential benefits, the table below provides the overall responses. There is a mixed picture. There is a small overall support for the propositions that selective licensing will improve the health and safety of tenants and help identify poorly performing landlords and managing and lettings agents. There is a small overall lack of support for the statement that it will help to tackle neighbourhood nuisances. Support and non-support are approximately equal in relation to the propositions that (i) selective licensing will improve the physical condition of private rented properties, (ii) it will assist landlords to raise their standards, and (iii) it will support good landlords.

The proportion of responses in the two categories of 'neither agree or disagree' and 'don't know / not applicable' is relatively low – 12 - 14%.

To what extent do you agree or disagree that the new selective licensing scheme will:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Improve the physical condition of private rented properties?						
Base	1426	541	225	506	26	128

To what extent do you agree or disagree that the new selective licensing scheme will:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Strongly agree	24%	4%	37%	38%	8%	37%
Tend to agree	21%	12%	32%	27%	12%	23%
Neither agree nor disagree	9%	12%	4%	7%	12%	8%
Tend to disagree	11%	18%	6%	8%	19%	5%
Strongly disagree	31%	51%	18%	17%	50%	21%
Don't know /not applicable	3%	4%	3%	3%	0%	5%
Improve the health and safety of tenants?						
Base	1426	541	225	506	26	128
Strongly agree	25%	4%	40%	38%	12%	41%
Tend to agree	22%	13%	29%	27%	12%	24%
Neither agree nor disagree	9%	13%	5%	8%	15%	5%
Tend to disagree	10%	16%	4%	7%	15%	6%
Strongly disagree	30%	50%	19%	17%	42%	21%
Don't know /not applicable	3%	3%	3%	2%	4%	2%
Help to tackle issues of neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour?						
Base	1426	541	225	506	26	128
Strongly agree	23%	4%	30%	38%	12%	37%
Tend to agree	17%	10%	23%	23%	4%	12%
Neither agree nor disagree	11%	12%	13%	7%	15%	16%
Tend to disagree	13%	18%	9%	11%	19%	7%
Strongly disagree	33%	53%	21%	19%	50%	24%
Don't know /not applicable	3%	3%	4%	2%	0%	5%
Help identify poorly performing landlords, managing agents and lettings agents?						
Base	1426	541	225	506	26	128
Strongly agree	29%	6%	46%	43%	8%	45%
Tend to agree	20%	16%	24%	24%	12%	15%
Neither agree nor disagree	9%	12%	4%	7%	31%	9%
Tend to disagree	10%	15%	4%	8%	12%	6%
Strongly disagree	29%	48%	19%	17%	31%	23%
Don't know /not applicable	3%	4%	3%	2%	8%	2%

To what extent do you agree or disagree that the new selective licensing scheme will:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Assist landlords to raise their standards?						
Base	1426	541	225	506	26	128
Strongly agree	24%	4%	36%	36%	15%	40%
Tend to agree	21%	13%	27%	27%	12%	20%
Neither agree nor disagree	10%	12%	8%	10%	15%	7%
Tend to disagree	10%	16%	4%	8%	15%	5%
Strongly disagree	32%	51%	21%	17%	42%	27%
Don't know /not applicable	3%	3%	4%	2%	0%	2%
Support good landlords?						
Base	1426	541	225	506	26	128
Strongly agree	26%	6%	40%	38%	15%	42%
Tend to agree	18%	9%	25%	25%	0%	16%
Neither agree nor disagree	11%	11%	10%	10%	15%	10%
Tend to disagree	8%	12%	3%	7%	12%	3%
Strongly disagree	35%	58%	19%	18%	54%	27%
Don't know /not applicable	3%	3%	3%	2%	4%	2%

The analysis of overall quantitative responses on licensing conditions are set out below. There is strong support for all ten of the licensing conditions.

The strongest support is for (i) provision of a written tenancy condition (67 per cent), (ii) controls on the number of people able to occupy a property (63%), (iii) satisfactory maintenance of outbuildings etc, and (iv) appropriate arrangements for rubbish collection etc (59%).

The proportion of responses classified as 'neither agree or disagree', and 'don't know/not applicable' ranged from 12 to 17% overall.

To what extent do you agree or disagree that the new selective licence conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Provision of a written tenancy agreement?						

To what extent do you agree or disagree that the new selective licence conditions should include:

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1426	541	225	506	26	128
Strongly agree	49%	25%	63%	65%	27%	63%
Tend to agree	18%	24%	17%	14%	15%	10%
Neither agree nor disagree	10%	14%	6%	6%	19%	9%
Tend to disagree	4%	6%	1%	3%	8%	2%
Strongly disagree	17%	27%	10%	10%	23%	15%
Don't know /not applicable	3%	5%	3%	1%	8%	2%

Controls on the number of people able to occupy the property?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1426	541	225	506	26	128
Strongly agree	45%	18%	55%	65%	23%	60%
Tend to agree	18%	27%	16%	12%	12%	9%
Neither agree nor disagree	9%	13%	8%	6%	23%	6%
Tend to disagree	6%	8%	5%	5%	12%	3%
Strongly disagree	20%	30%	14%	12%	27%	19%
Don't know /not applicable	2%	4%	2%	1%	4%	3%

Actions to effectively address problems of anti-social behaviour?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1426	541	225	506	26	128
Strongly agree	41%	16%	50%	63%	15%	53%
Tend to agree	16%	19%	18%	13%	15%	13%
Neither agree nor disagree	11%	16%	10%	7%	15%	10%
Tend to disagree	6%	9%	5%	4%	19%	5%
Strongly disagree	23%	36%	15%	13%	31%	16%
Don't know /not applicable	2%	4%	2%	1%	4%	2%

High standards of property management?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Base	1426	541	225	506	26	128
Strongly agree	42%	15%	60%	60%	12%	58%
Tend to agree	16%	18%	17%	14%	27%	11%
Neither agree nor disagree	11%	18%	4%	7%	23%	7%
Tend to disagree	7%	10%	3%	6%	4%	5%
Strongly disagree	22%	34%	14%	13%	27%	18%

To what extent do you agree or disagree that the new selective licence conditions should include:						
	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Don't know /not applicable	3%	5%	2%	1%	8%	2%
Property security requirements?						
Base	1426	541	225	506	26	128
Strongly agree	38%	12%	58%	53%	12%	51%
Tend to agree	17%	18%	16%	17%	19%	15%
Neither agree nor disagree	13%	19%	6%	8%	27%	10%
Tend to disagree	8%	11%	4%	7%	8%	3%
Strongly disagree	23%	35%	14%	14%	27%	19%
Don't know /not applicable	3%	4%	2%	1%	8%	2%
Adequate heating and insulation?						
Base	1426	541	225	506	26	128
Strongly agree	40%	13%	63%	54%	12%	57%
Tend to agree	19%	24%	14%	17%	38%	12%
Neither agree nor disagree	11%	15%	6%	8%	19%	10%
Tend to disagree	7%	11%	2%	6%	4%	3%
Strongly disagree	20%	31%	13%	12%	19%	16%
Don't know /not applicable	3%	5%	1%	2%	8%	2%
Energy efficiency (e.g. minimum EPC rating)?						
Base	1426	541	225	506	26	128
Strongly agree	33%	9%	55%	45%	12%	45%
Tend to agree	19%	20%	16%	20%	31%	16%
Neither agree nor disagree	14%	16%	11%	13%	31%	15%
Tend to disagree	8%	13%	2%	6%	4%	4%
Strongly disagree	24%	38%	14%	14%	23%	18%
Don't know /not applicable	3%	4%	2%	1%	0%	2%
Standards for common areas (if appropriate) such as emergency lighting in corridors and stairways?						
Base	1426	541	225	506	26	128
Strongly agree	35%	11%	57%	51%	12%	48%
Tend to agree	21%	22%	19%	20%	27%	18%

To what extent do you agree or disagree that the new selective licence conditions should include:

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Neither agree nor disagree	12%	15%	8%	9%	19%	12%
Tend to disagree	7%	11%	2%	6%	4%	2%
Strongly disagree	23%	36%	13%	13%	35%	17%
Don't know /not applicable	3%	5%	1%	2%	4%	3%

Satisfactory maintenance of outbuildings, gardens and yards?

Base	1426	541	225	506	26	128
Strongly agree	37%	11%	54%	57%	8%	51%
Tend to agree	18%	20%	21%	16%	19%	13%
Neither agree nor disagree	11%	16%	6%	8%	23%	10%
Tend to disagree	7%	12%	1%	5%	12%	5%
Strongly disagree	23%	36%	16%	13%	31%	19%
Don't know /not applicable	3%	5%	2%	1%	8%	2%

Appropriate arrangements for rubbish collection and recycling?

Base	1426	541	225	506	26	128
Strongly agree	43%	15%	63%	63%	15%	56%
Tend to agree	16%	21%	14%	13%	19%	14%
Neither agree nor disagree	11%	16%	7%	6%	19%	8%
Tend to disagree	6%	9%	1%	5%	8%	2%
Strongly disagree	22%	34%	14%	12%	31%	17%
Don't know /not applicable	3%	4%	1%	1%	8%	2%

In relation to the block of statements/questions on selective licensing fees, the table below sets out the overall quantitative data findings:

To what extent do you agree or disagree with the fees, discounts and additional charges under the new selective licensing scheme?

	Overall	Landlords	PRS tenants	Owner occupiers	Lettings and managing agents	Other
Standard fee of £750						
Base	1426	541	225	506	26	128

Strongly agree	19%	2%	23%	35%	8%	23%
Tend to agree	12%	5%	17%	17%	4%	16%
Neither agree nor disagree	11%	6%	18%	10%	12%	19%
Tend to disagree	8%	11%	6%	8%	8%	6%
Strongly disagree	45%	75%	27%	25%	69%	29%
Don't know /not applicable	4%	1%	10%	5%	0%	6%

Additional charges for applicants who (i) apply late, (ii) submit a paper rather than an online application and (iii) require council assistance to complete an application?

Base	1426	541	225	506	26	128
Strongly agree	21%	3%	26%	36%	12%	30%
Tend to agree	14%	11%	15%	18%	0%	10%
Neither agree nor disagree	12%	10%	18%	10%	4%	17%
Tend to disagree	11%	13%	12%	9%	27%	7%
Strongly disagree	39%	61%	24%	23%	58%	31%
Don't know /not applicable	3%	2%	6%	4%	0%	5%

Discounts for applicants (i) who apply before the commencement of the scheme renewal (early bird scheme), (ii) who are members of an accredited landlord scheme, and (iii) have an energy performance certificate rating of C or above?

Base	1426	541	225	506	26	128
Strongly agree	24%	14%	36%	30%	12%	26%
Tend to agree	22%	20%	22%	25%	19%	17%
Neither agree nor disagree	15%	16%	14%	13%	12%	21%
Tend to disagree	6%	7%	4%	8%	8%	2%
Strongly disagree	29%	40%	19%	21%	38%	27%
Don't know /not applicable	5%	4%	5%	4%	12%	6%

53% of responses on the standard fees proposition did not support (strongly disagree plus tend to disagree) the proposal.

There were also over 50% of responses that did not support the additional charges. However, there was majority support for the discounts for applicants – 46% of respondents either strongly agreed or agreed with the proposal.

The proportion of responses classified as 'neither agree or disagree', and 'don't know/not applicable' were slightly lower ranging from 14 to 19%.

4.6.2 Landlords' responses

The proposals were not supported by landlords.

There was also strong opposition to the focus on 15 wards with 62% of respondents against this measure (including 51% 'strongly against'). Also 55% objected to the two-phase proposal.

The views on the beneficial aspects of selective licensing were also not supported. Between 63 and 71% of replies disagreed with each of the statements (and between 50 and 58% strongly disagreed).

In relation to selective licensing conditions, there was no overall support, equating to more than half the responses, for any of the conditions. In eight cases, there were a greater number of replies against than in favour.

Fees and discounts were also not supported. 86% were against a standard fee with 75% strongly objecting. Similarly, add on fees were objected to by 74% with 61% strongly opposed. Discounts were only supported by just over a third of respondents.

The top text reasons for opposing selective licensing fees were:

- 1 Too high (About a quarter said fees generally too high, with about 1 in 17 specifically referring to selective licensing)
- 2 No or little benefit from being in the existing scheme (about 1 in 10)
- 3 Unfairness – poor and wealthy areas pay the same, hard to achieve EPC ratings, stigma, etc (under 1 in 10).

Other comments on selective licensing focussed on the geography and fairness of the proposals – some felt it should cover all wards while others said it should cover only very targeted wards.

In the text comments, several landlords contrasted the selective scheme with HMO licensing.

“I strongly agree that licensing is required for HMOs. However, I do not think they are necessary for private landlords, particularly with single properties.”

A few landlords felt that licensing should apply equally across the borough, or not at all. They felt it was discriminatory to cover only some wards. Conversely, three felt that the proposed scheme was too geographically wide in scope.

“The selective scheme should be borough wide. It discriminates against landlords in the areas chosen and the tenants in the wards not chosen. All tenants should have the same safeguards irrespective of where they live in the borough.”

“Problems are mainly confined to selected areas and selective licensing across all wards is just too broad an action.”

4.6.3 Private rented tenants’ responses

The survey showed a majority support for selective licensing.

There was, however, less support for the choice of 15 wards (48%) and the two phases (43%). Most, though not all in the free format texts, felt the scheme should apply boroughwide eg:

“I think that the licensing scheme should apply to all parts of the borough as all residents should be entitled to live in a safe and well managed property. There are private landlords in other parts of the borough (that) are able to go under the radar and not manage their properties properly. All landlords should have to have to provide a good standard of accommodation.”

Between 64 and 69% of respondents felt that selective licensing would lead to improvements over the next five years, eg, property conditions, health and safety for tenants, and assisting landlords to enhance their stock. But nearly a quarter of respondents disagreed.

As with additional HMO licensing, there was less support for the proposition that neighbourhood issues would be addressed. Just over 50% thought that issues such as ASB and noise would be tackled while 30% disagreed.

Written tenancy agreements were the most strongly supported element of licensing conditions with 80% of respondents strongly in favour or tending to agree (with only 11% against this condition). The other licensing conditions were welcomed by between 71 and 77% of respondents with 14-19% against them. ‘Strongly supported’ was a feature of the responses on most of the licensing conditions. There was marginally less support for ASB conditions – 67%.

There was a much more mixed picture on fees and discounts. Only 40% agreed with the standard fee proposals, and 33% disagreed.

Similarly, only 41% supported the additional charges proposals with 35% against.

However, the discounts were welcomed by 58% of respondents.

4.6.4 Resident/owner occupiers’ responses

There was strong support for selective licensing amongst owner occupiers.

However, there was less support for the choice of 15 wards (50%) and the two-phase approach (44%).

In relation to the potential benefits of the scheme, there was a consistent response rate across the specific issues. Between 62 and 66% of responses supported the statements, while between a quarter and a third disagreed.

As with additional HMO licensing conditions, there was strong agreement on the proposals. These ranged from 70 to 79% with written tenancy agreements as the most supported condition. However, there were proportionately fewer responses in the ‘strongly agree’ category.

Energy efficiency conditions received relatively less support at 65%.

The fees and discounts proposals received less support than the conditions. For the standard fee proposal, 31% supported the proposed fee, while 53% disagreed. These ranged from 86% of landlords and 77% of lettings and managing agents disagreeing, to 40% of tenants and 52% of residents /owner occupiers agreeing.

There were similar findings for the additional charges and the discounts.

Few respondents commented directly on the selective licensing proposals. Of those that did, there were mixed views on whether it should cover all or some wards, and whether all private rented stock should be included.

“There are a growing number of bad landlords in this area so I do think that Elthorne as a ward should be included in the trial mix.”

“Really focus on the huge number of rogue landlords with properties in and around Southall, Hayes and Greenford with the huge gates and enclosed back gardens and yards. Almost every one of these types of properties have "beds in sheds. "This is where the real overcrowding is. This is where the basic facilities such as heating, running water, and windows for fresh air and natural light are non-existent.”

“I think that different areas attract different kinds of tenants and should have different rules. It's not practical to apply the same set of rules and standards across the whole borough.”

“Licensing should be borough wide or not at all. Why was licensing only for the poorer (Labour) wards. I note the Conservative wards are not being affected by private property licensing. This is discrimination.”

4.6.5 Lettings and managing agents’ responses

There was significant opposition to these proposals from lettings and managing agents, and this was higher than for additional HMO licensing.

Furthermore, 17 out of 26 respondents disagreed with the proposal covering 15 wards (with 16 objecting strongly). Half of respondents were against the phasing programme with nine neither agreeing nor disagreeing.

There were strong views disagreeing with each of the potential benefits of the scheme.

In relation to each of the selective licensing conditions, responses in favour and against were similar. There was greatest support for written tenancy agreements and energy efficiency conditions, while there was least welcome for conditions covering property security, ASB and outbuildings.

55% of responses on the fees proposition did not support (strongly disagree plus tend to disagree) the proposal.

There were also over 50% of responses that did not support the additional charges. However, there was some support for the discounts for applicants – 46% of respondents either strongly agreed or agreed with the proposal.

There were only a small number of text comments directly on the proposals. Several respondents saw licensing as a tax. Some said any scheme must be enforced properly.

“Selective licensing just blanket dropped across areas is simply a way to bring money in to the local council and is penalising an already difficult area for landlords who have more than enough red tape to deal with when letting their property out.”

“I deal with many councils and never once has a property been inspected after paying a selective licence fee.”

“Can Ealing tell us if they will inspect each selective licensed property and if a landlord does not register, how will they find this out?”

4.6.6 ‘Other’ categories responses

Council and housing association tenants strongly welcomed the proposals.

There was also support for the focus on 15 wards and the two phases. 19 out of 31 responses supported the former and 18 out of 31 the latter.

There was, in addition, a high support that the selective licensing proposals would help with the six potential benefits listed on the survey (improving the physical condition of properties; improving the health and safety of tenants; tackling issues of neighbourhood nuisance etc; helping identify poorly performing landlords, managing agents and lettings agents; assisting landlords raise their standards; support good landlords) Between 23 and 28 responses out of a total of 31 supported each of the propositions.

Similarly, each of the licensing conditions was strongly endorsed with between 24 and 28 out of 31 responses in favour. Of these most replies were ‘strongly in favour’.

The fee and discount proposals were welcome, eg, 19 out of 31 respondents supported a standard fee.

Visitors to the borough, although less supportive than council and housing association tenants, also welcomed the selective licensing proposals.

A similar response was received for the 15-ward proposal and the phasing programme. The former was welcomed by 13 out of 21 respondents and the latter was supported by 11 respondents with 7 opposed.

There was overall marginal support that the proposals would bring potential benefits. Between 9 and 12 responses out of a total of 21 agreed with each of the statements. The lowest positive score was on tackling neighbourhood nuisance such as ASB.

Licensing conditions received a warmer welcome with between 12 and 17 out of 21 responses supportive of each of the proposed conditions.

The proposal for a standard fee was not endorsed. Only a third of respondents supported this proposal.

From the perspective of the organisations that responded to the survey, a property management and maintenance company objected to all aspects of selective licensing. In general, the other organisations supported the proposals in principle but were more lukewarm than for additional HMO licensing.

A similar pattern existed for the other categories in relation to neighbours and residents/owner occupiers. They supported selective licensing but to a lesser extent than additional HMO licensing.

There was, however, strong opposition to the selective licensing proposals among the landlord-orientated responses, especially on the fee proposals.

4.7 Licensing overview

The text comments included numerous observations about licensing in general rather than specific feedback on the two proposals.

4.7.1 Landlords' responses

The top reasons for opposing licensing were:

- 1 Good landlords offer good quality accommodation and are being punished by licensing but should be supported (more than a quarter)/focus should be only on bad landlords (about 1 in 7)
- 2 Council is trying to make money/it is a tax on landlords/licensing offers poor value (more than 1 in 5)

- 3 A questioning of the advantages of and need for licensing including standards are high, existing laws enough, or a belief licensing won't solve problems (more than 1 in 7)
- 4 Unintended consequences – forcing landlords out of market, and costs passed on to tenants (about 1 in 7).

Many landlords questioned the need for licensing at all. Some were those that felt there was no problem of conditions or standards in the sector, though a few did acknowledge there are issues. Several others felt that councils already have the legal powers needed to tackle problems, so licensing is not needed as well.

“This proposal penalises responsible landlords in an indiscriminate way. It is completely unnecessary because the Council already has sufficient powers under existing legislation to achieve what they're trying to do.”

“I do not see how this proposal improves conditions. It doesn't give the Council any more powers than it already has, apart from the power to require landlords to be licensed.”

“Given all the recent legislation .. I fail to see how an additional layer of bureaucracy is going to add any value whatsoever to an already highly regulated process around private rented accommodation?!”

Fees and discounts also generated negative feedback. A common belief was that because landlords feel they receive little value in return, the fee is levied as a tax. More than a quarter simply said the fees are too high. One wanted the Council to be ‘out there’ meeting landlords and tenants to support them, while another suggested supporting landlords to become accredited.

“I have read the consultation document and cannot see any benefits for me or any other landlord like me. We will pay £750 for what?”

“Stop adding bureaucracy and imposing effective tax under the guise of issuing licences for which there is no discernible contribution by the Council for the property owners.”

“I believe the licence is getting incentives wrong. It is not clear to me how will paying a licence help us implement any of the required measures, eg, have an EPC, maintain outbuildings, better disposal of rubbish.”

A small number of participants offered ideas on changing the fees. One suggested licences should last two years, with fees appropriately lower. One suggested spreading the fee over time, another annually. Adjusting the fee to property type was another idea. Also:

“There should be a discount scheme increasing every year there has not been an issue with a landlord's property.”

“Landlords who let to council tenants should be exempt from the fees because they are helping the Council reduce their housing waiting lists. Also grants should be issued to landlords for managing the tenants and the properties.”

“Landlords in poor parts of the borough are paying the same as landlords that have lucrative properties in Ealing Broadway, Ealing Common, Hanger Hill.”

4.7.2 Private rented sector tenants' comments

Some tenants directly voiced support for licensing. But some, even among those reporting serious problems with their homes, were sceptical either because of the cost of licensing (see below) or because they do not believe the Council will act.

Our analysis of the top issues raised through the free format text responses finds:

Reasons in favour of licensing:

- 1 Poor conditions in the private rented sector (plus high cost) (about half)
- 2 Poor practices of landlords/agents (about a third)
- 3 Neighbourhood issues including ASB, rubbish etc (about 1 in 10).

Reasons against licensing (or caveats to support):

- 1 Concern that the cost of a licence will be passed on to tenants (more than a third)
- 2 Council trying to make money/tax on landlords/value for money (about a quarter)
- 3 Questioning need for licensing (only good experiences in the sector etc) (about 1 in 10).

Issues on the detail of licensing proposals:

- 1 Application process, duration, fees (additional HMOs licensing – 4 for higher, 4 for lower, 3 for other changes; selective licensing – 3 for higher, 6 lower, 3 other changes)
- 2 Need for inspection, checks, enforcement
- 3 Coverage – additional HMO licensing: should be all properties over 5 people (1 response), selective licensing: should apply boroughwide (3 responses), select worst wards (1 response)

Example of the free format text comments include:

“Really needed. As a tenant, you are taken advantage of by landlords and expected to just put up with living conditions they themselves would never tolerate.”

“We currently have this licence in our house and I can’t imagine the Council have checked any of the above requirements in our house so can’t see that changing. We already pay a fortune in rent and council tax so an additional fee on top of this makes no sense to me.”

Quite a number of tenants were worried that their landlords would pass the cost of licensing on to them. Some wanted the Council to find a ‘legally binding’ way to prevent landlords passing on the cost to tenants.

“Please do not do this as our rents will increase.”

“While I applaud the idea of enforcing higher standards for landlords to adhere to, as a tenant I am worried that this might lead to an increase in rent cost/prices, and to some tenants being “priced out” of otherwise affordable dwellings at a time when alternative housing is so scarce and the tenants themselves are likely to be in worse financial condition than before, with bleak outlooks.”

Although many tenants drew attention to poor conditions a significant minority (about 1 in 10) said they were ‘happy’ tenants with a good landlord and no problems. These respondents were generally against licensing as they saw no need for it and feared it could have adverse consequences such as costs to tenants or reducing the size of the market, eg:

“I am very happy renting privately – our landlady is both responsible and responsive. We couldn’t ask for a better rental situation.”

“I live in a private rented property and both myself and my next door neighbour (both renting) (are) very happy and satisfied with the condition of our houses. Well maintained by our landlords. Recently my landlord did an electrical certificate and gas certificate, and the house is well maintained.”

Others did see problems in some parts of the sector, but wanted licensing or enforcement targeted at those problematic properties only, eg:

“What is really beneficial is targeting locations, buildings and landlords who supply unsafe housing, take advantage of vulnerable tenants, and fail to comply with the legal requirements already in place, and focusing on making improvements where they are really needed. I believe that the volume of work this licensing proposal will create will result in fewer benefits to the tenants that need them, not more.”

4.7.3 Resident/owner occupiers' responses

In the free text boxes, some respondents directly commented on their support for licensing. Others voiced a broader idea along the lines of 'something should be done'. Several stressed their view that licensing could only work if the Council enforces strongly. Some offered suggestions on how enforcement should work.

The top free format text responses on licensing are set out below (and a small number of owner occupiers said they were also landlords):

Reasons for supporting licensing:

- 1 Tackling neighbourhood problems including ASB, rubbish, noise, and parking (about half)
- 2 Addressing poor conditions of property (about a third)
- 3 Desire for regulation and standards (about 1 in 5).

Reasons for opposing licensing (or caveats to support)

- 1 Council trying to make money/ tax on landlords/poor value (about 1 in 12)
- 2 Concern over enforcement – council lacking resources etc (about 1 in 20).

Comments on fees:

- 1 Fees should be lower (13)
- 2 Fees should be higher (7)
- 3 Concern over-achieving EPC ratings (3) and the 5-year period too long (3)

A recurring theme was effective implementation and enforcement.

“The key issue will be enforcement of all of this.. Without strong enforcement, all the desired improvements are wishful thinking. There needs to be ample allowance in the fees to pay for a strong enforcement team.”

“The scheme could work provided 1) there is easy access to information by concerned neighbours about the existence of HMOs, details of license holders and their agents, plus a record of their compliance and performance against the regulations 2) a clear process for raising issues with the license holder and agent 3) a complaint procedure to the Council that is vigorously policed.”

4.7.4 Lettings and managing agents' responses

In the text responses, several respondents could see no need for licensing as ‘safety certificates etc are already required by law’. Some felt that all landlords were being unfairly caught in the schemes when only a minority were bad landlords. They wanted the focus to be on bad landlords.

The top free format text reasons for opposing licensing were:

- 1 Questioning the need for licensing as property conditions are good, and councils already have enough powers (about a third of those commenting)
- 2 The Council is trying to make money and it is a tax on landlords as well as being poor value (about a third)
- 3 Scepticism of the Council’s ability to enforce the proposals because of poor experience of existing schemes (about 1 in 5).

The top comments on fees were:

- 1 Cost too high (about a quarter)
- 2 Concern over EPC ratings (about 1 in 6)
- 3 There should be incentives for landlords who use accredited agents (about 1 in 10).

Some texts (about 1 in 5) said they saw licensing as a ‘tax’ or ‘money making scheme’.

“This scheme penalises all landlords with a ridiculous cost with NO benefit.”

Fees also generated considerable feedback. Some worried that the fee cost would be passed on to tenants. One respondent asked that the fee income should go direct to supporting tenants, or to an insurance fund to do repairs when needed. Some (about a quarter) said the fees were too high.

“It is inappropriate to penalise landlords who have an EPC rating below C. The law requires the rating to be E in order to let a property. The cost of improving a property to raise it from E to C is significant and in a number of cases, tenants will not allow the disruption the improvements would cause, making unfair to therefore penalise the landlord.”

“Landlords have to comply with the government’s new regulations to improve the conditions. Does the Council improve the condition even more? Will these collected funds go to the poorer areas to improve their rented accommodation?”

4.8 Other issues raised

A number of other issues on the PRS or licensing in general were raised in the free text boxes.

4.8.1 Landlords' responses

Landlords raised several additional issues in the text comments:

- Planning: Several participants referred to sub-standard conversions as well as 'beds and sheds' that had avoided/ignored planning requirements – there was also a concern over large new build to rent schemes and their impact on neighbourhoods
- Bad tenants: A few landlords asked what the Council will do about bad tenants, especially those that do not pay their rent – they felt they were being held responsible for issues such as subletting, rubbish or ASB, that were not their responsibility
- Property types: A small number of landlords raised issues about particular circumstances such as older properties that are hard to bring up to high EPC ratings, conservation areas, leasehold properties where the Council is freeholder, and similar problems
- Other landlords: Several participants referred to social landlords including the Council itself, and said they should be included in any scheme, to raise standards – some referred similarly to owner occupied homes, and one to empty homes
- Agency co-operation: A few landlords urged better coordination between agencies to tackle problems.

“Overcrowding is an issue because of illegal people in the area the border agency and council housing teams need to respond quicker.”

“Make sure Environmental Health and other departments are on the case when poor standards are reported. Licensing in itself will not achieve anything.”

4.8.2 Private sector tenants' responses

The free format texts were used by some tenants to highlight other related issues. A few tenants raised issues of fly tipping, rubbish collection and broader anti-social behaviour. Some linked this directly to the sector, while others did not. There was a feeling that different departments of the Council, and agencies such as the police, were not working together to tackle these issues. Some felt unsupported.

“The biggest problem is that police and the Council don't take action, either because they or powerless or because there are too many violations, and they can't deal with them all.”

“I am a privately renting tenant of a current HMO and when there are issues out of hours, there is no support available to us. The Safer Community Team refuses to assist us as we

are an HMO and they do not have authority to intervene. The police refuses to assist as they do not have authority to enter HMO and intervene. There is nobody manning the Council phone lines and it is not possible to get through to anybody. The council needs to take measures to ensure that there is a dedicated support team to assist tenants in privately.”

4.8.3 Resident/owner occupiers’ responses

The major additional issue from the text boxes were planning matters (about 1 in 10 of those who commented) and specifically permitted development of HMOs. In many cases, respondents raised the question of whether the creation of HMOs should be allowed (and they felt there were too many), and how many people should be able to live there (overcrowding of the property itself and increased population density in the wider area), eg:

“The growth of HMOs reduces the sense of community and increases a sense of alienation in West Ealing. The Council should restrict the amount of HMOs since the residents of HMOs do not seem to take an active part in the local community.”

There were also quite a number of comments on ‘beds in sheds’ and similar illegal structures.

“There are numerous people converting/ building lofts and outbuildings and renting them out. Some landlords do not declare the income either. The council should provide a place where the public can report them and if found guilty fine them substantially.”

“All these years later, since it was first highlighted as a problem, nothing has been done about illegal garden dwellings. I have therefore concluded that these are approved of. Will you be licensing these death-traps?”

4.8.4 Lettings and managing agents’ responses

Two respondents raised issues specific to leasehold tenure. One said they had been unable to get help from the Council in trying to get a freeholder to do essential repairs. Another said:

“How do you propose to deal with sharers renting a leasehold property (flat) where the freeholder will not agree to granting an HMO Licence?”

4.8.5 ‘Other’ categories responses

This category included 88 respondents which represented a diverse set of interests, eg:

- Residents and owner occupiers (often living next to HMOs) – 15 respondents
- Neighbours, ie, living next to private rented property especially HMOs – 14 respondents

- Previous or potential landlords and landlords operating outside the area – 10 respondents
- People with multiple interests (such as resident, landlord and a business outside the borough) – 9 respondents
- Organisations – 8 respondents
- Other forms of accommodation (such as tied accommodation, leaseholders etc) – 6 respondents
- Parents, relations or friends of private renting tenants or prospective tenants – 6 respondents.

From an analysis of these responses, the majority of these appeared to have a specific issue or concern, eg, poor quality provision and nuisance to neighbours caused by HMOs.

4.9 Conclusions

The key themes from the online survey are grouped under five headings. These are (i) the private rented sector, (ii) additional HMO licensing, (iii) selective licensing, (iv) licensing overview and (v) other issues.

In relation to the state of the private rented sector:

- Most private rented sector tenants, residents/ owner-occupiers, lettings and managing agents, council and housing association tenants, visitors and organisations considered that the sector was growing
- Aggregate quantitative data shows that there is majority support for the propositions that the private sector is growing, property conditions are unsatisfactory, overcrowding is an issue, and there are illegal and sub-standard conversions
- The majority of landlords did not agree that the sector was growing
- A contrast between groups existed over the issues and problems in the sector – most landlords, but also lettings and managing agents, disagreed that there were issues
- Among landlords, there were, however, 10 percent who thought there were issues especially in terms of illegal and sub-standard conversions
- Most private rented sector tenants, residents/owner occupiers, council and housing association tenants, organisations and visitors considered that there were significant problems
- Approximately a quarter of private rented sector tenants did not think there were major concerns
- For residents/owner occupiers, a fundamental concern was the impact on adjoining properties and neighbourhoods especially because of HMOs.

On the proposals for additional HMO licensing:

- There was generally greater support for additional HMO licensing than selective licensing
- More than 50 per cent of all respondents supported the proposal for additional HMO licensing
- Most private rented sector tenants, owner-occupiers, council and housing association tenants, visitors and organisations welcomed the proposals
- These groups felt that there would be benefits from the scheme in addressing specific concerns over the next five years
- Most landlords and lettings and managing agents were strongly opposed to the proposals
- A small minority of landlords, however, felt there was an in-principle case for additional HMO licensing
- There was very strong support from private rented sector tenants and residents/owner-occupiers for the proposed licensing conditions
- For landlords and lettings and managing agents, there was support for a limited number of licensing conditions, eg, written tenancy agreement, controls on the number of tenants per property, fire safety and heating and insulation
- The basic fees were only supported by more than half the respondents in one of the four main groups – residents/owner occupiers
- Overall, there was no majority support for the fee proposals and the proposed additional charges – 49% of respondents tended to disagree or strongly disagreed with the flat rate fee plus an additional fee per habitable room.

In relation to selective licensing:

- There was generally less support for selective licensing than additional licensing
- Nearly 50% of all respondents were against the proposal
- There was no overall support for the choice of 15 wards or the two-phases of selective licensing
- The focus on 15 wards and two phases received mixed and lukewarm responses – for example, less than half of the respondents from private rented sector tenants agreed with them
- Nevertheless, the majority of private rented sector, tenants, owner-occupiers, visitors and council and housing association tenants supported the principle of selective licensing
- Landlords and lettings and managing agents disagreed strongly with the proposals and did not see any of the proposed benefits being achieved over the five-year duration of the schemes

- Selective licensing conditions were strongly endorsed by private rented sector tenants and residents/owner occupiers
- Landlords and lettings and managing agents objected strongly to these licensing conditions
- There was even less support for the basic fee proposals for selective licensing than those for additional HMO licensing across all the four main groups – 54% of respondents tended to disagree or strongly disagreed with the standard fee
- There was no overall support for the standard fee or the additional charges proposal.

The themes emerging from a general overview of licensing were:

- Concerns were expressed among all groups about the cost of fees and the impact on tenants and landlords – phrases used included a ‘tax on landlords’ and ‘it will increase our rents’
- Landlords expressed concerns over the lack of appropriate evidence on the effectiveness of existing schemes, and this was echoed by some residents/owner occupiers and private rented tenants
- There was a consensus among the groups that any scheme must be effectively implemented with sufficient resources for regular inspections of properties
- Linked to the previous point, there were calls from respondents in each of the groups for better coordination and joint working between council departments and with outside agencies, eg, the police and fire and rescue
- Landlords emphasised the importance of distinguishing between ‘good’ and ‘bad’ landlords, arguing that the latter should be targeted – there was some support for this view among all other groups
- Some landlords and lettings and managing agents argued against any form of local licensing as councils already have other powers that they can use.

There were two other interlinked themes that were stressed:

- Planning regulation and permitted development rules were commented on, especially by residents/owner occupiers – they called for greater planning controls over individual HMOs and concentrations of these types of properties
- ‘Beds in sheds’ was raised by respondents in a number of the groups – there was need for effective action by the Council and its partners eg the police.

5 Virtual public meetings

5.1 Introduction

This section covers the four virtual public meetings. Firstly, there is a brief assessment of the approach. This is followed by a commentary on the findings on the state of the private rented sector, the proposals for additional HMO licensing, the selective licensing proposals, and other issues. There is a summary of the key findings in the conclusions.

HQN made notes on the discussions and kept a record of the contributions in the chat box feeds function.

In relation to the latter, some of the contributions centred on queries about other private rented sector matters, the licensing proposals, and individual cases. Where appropriate, we passed these on to the Council for a response.

5.2 Assessment of the approach

The four virtual public meetings captured the opinions of a diverse range of types of respondents. The presentation of the proposals by officers was generally welcomed by participants. Adopting a focussed respondent type for the first three meetings was appropriate (though there were respondents from other categories at these targeted meetings). In some cases, respondents attended more than one meeting and this may have been because they had more than one type of interest, eg, both a resident and a landlord.

Attempts were made to structure the discussion sessions around the three themes of the private rented sector, additional HMO licensing and selective licensing – discussions jumped between issues with a strong emphasis on licensing in general. Comments and queries over additional HMO licensing (including conditions and fees and discounts) overlapped with and dominated issues associated with selective licensing.

A considerable number of the comments in the discussion session (as well as in the Q&A with officers) were queries about the Council's proposals rather than observations about the proposals.

As well as the landlord event, landlords and iHowz were significant contributors at the fourth and final virtual public meeting.

There was a degree of cynicism among a few landlords on the consultation process with the suggestion that the proposals were a 'done deal'. This was strongly repudiated by council officers during the question and answer session which they took part in following on from the main discussions.

5.3 Private rented sector

There were relatively few observations on the overall state of the private rented sector at the four virtual public meetings, apart from a recurring theme of the effectiveness of existing licensing schemes.

There were several dimensions to this issue. Firstly, more and better information was requested by private rented sector tenants, landlords and residents on the success of the two existing schemes. An additional linked point was that some participants suggested that the schemes should be fully evaluated after five years and, therefore, a decision should be

postponed until later. Secondly, there was the view that without this information, it was not possible to comment on the current proposals. Thirdly, and voiced more forcefully, was the opinion that schemes should not go ahead. Finally, there were a couple of observations that there seems to be 'no improvement on the ground' in the condition of properties as a result of the existing schemes.

One specific issue that was raised by a few landlords was the data and information used by the Council to support its proposals. The Metastreet Ltd analysis was challenged as being inaccurate and overstating the poor conditions in the sector issue. A landlord commented that '...as this is the case, the proposals in their existing form are not needed'.

The meeting targeted at residents included some concerns being expressed about the accuracy of the ward data and profiles. This led to questions being posed on selective licensing between wards in phases one and two as well as the wards that had been excluded (see below).

The main observation at the residents' virtual public meeting was the growth in the number of, and conversion of, smaller residential/family properties (including the conversion of property rented to a family) to an HMO. Firstly, there were concerns over the poor quality of building conversions. Secondly, there was a view that the converted properties often provided unsatisfactory accommodation, eg, small room sizes. Thirdly, inadequate provision was made for rubbish collection. Fourthly, properties were overcrowded. However, the specific concern was the impact on adjoining family homes and neighbourhoods especially in areas where these conversions were concentrated. Comments were made (illustrated by cases) highlighting the negative consequences, eg, noise and ASB, car parking issues, poor tenant behaviour, inadequate refuse arrangements and high tenant turnover.

There were some references in two of the meetings to beds in sheds and illegal conversions, but this was not raised as a major issue.

Finally, there were only a couple of explicit references at the four events to the wider housing market and the lack of affordable housing as one of the drivers for the growth of poor quality private rented property. In addition, a comment at the landlord event was that the scheme should be postponed because the pandemic has affected the Council's ability to inspect properties. Also a landlord commented that both 'landlords and tenants are detrimentally affected', ie, inability of tenants to pay rents because of furlough and redundancies leading to loss of income for landlords.

5.4 Additional HMO licensing

As has already been highlighted, the issue of the growth of HMOs, especially the conversion of smaller HMOs, was the centre of attention at the virtual public meetings.

It should be noted, however, that the comments on additional HMO licensing also applied, in many cases, to selective licensing. This particularly applied to views on the principles of additional HMO licensing. There were stark differences between the meetings. The landlord-orientated sessions generally took a hostile view to licensing with comments ranging from outright objection to, in a few cases, provisional acceptance with clear conditions, eg,

targeting rogue/bad landlords. The meetings for residents and private rented sector tenants took, in general, an opposite stance. Licensing was supported in principle or welcomed with some reservations (such as impact on rents etc).

There were, in addition, four interrelated topics that were highlighted in the discussions:

- Delivery and implementation
- Information on HMOs
- Impact on good landlords
- Fees and discounts.

These are now discussed in turn. However, there was little discussion of the specific licensing conditions apart from at the residents' event where, implicitly, there was a call for even tighter regulations covering, for example, rubbish and refuse arrangements, ASB etc (see above).

In relation to implementation, there was a consensus across the four meetings that the Council must up its game on delivery. Comments and suggestions included, firstly, there was not enough help and support for tenants wishing to take action against their landlords (private rented sector tenants meeting). Secondly, regular inspections of all licensed properties are essential. Landlords argued, for instance, that if properties were not inspected then it was difficult to see what benefits arose from licensing. Tenants commented that landlords made changes to the properties that broke conditions and, thus, inspections are the only method of finding out about these issues. Thirdly, there was a view that as the Council doesn't appear able to effectively implement the existing licensing schemes, a more ambitious programme would, thus, be impossible to deliver. Fourthly, two participants complained about the excessive time it had taken to get properties licensed.

Information on the HMO sector focussed on (i) the need to ensure that details on the register are kept up-to-date and more widely publicised – some participants were not aware that a register existed⁶, (ii) concerns over the ownership of HMO properties – the difficulty of tracking down complex ownership and management responsibilities was highlighted in two of the meetings, (iii) residents forcefully argued that neighbours should be informed when a licence is being considered, and (iv) need for a more effective approach to identify unlicensed properties and rogue landlords.

Landlords at the virtual public meetings frequently commented that 'licensing works against good landlords' as they see no benefit from the schemes especially when they have not seen any property inspections. There was a strong view, therefore, that schemes should include measures to support landlords, eg, incentives to improve properties, training etc. There was a welcome for the proposal put forward by the Council in the Q&A sessions to set up/revive a landlords' forum (including lettings and managing agents)⁷.

⁶ A number of respondents also commented that it was difficult to find the register on Ealing Council's website

⁷ Some respondents commented that a landlords' forum had been in operation previously but that it now appeared to be in abeyance

Fees and discounts generated considerable debate at each of the four virtual meetings. There was a consensus that the Council must be more transparent on, firstly, the amount of money collected and, secondly, how it is used. The landlord meeting included a contribution on the approximate income by a participant, who commented that the 'Council was using the scheme to raise money for other services'. A common comment was that fees were 'a tax on good landlords'. There was also a frequently stated view among tenants and landlords that fees result in higher rents. A tenant commented that because of the difficulty of finding alternative accommodation, rent rises are accepted even though it causes financial hardship. Finally, there was a minority view that landlords that failed to licence their properties should be penalised more heavily through the fee structure.

5.5 Selective licensing

As has already been pointed out, many of the comments on additional HMO licensing apply to selective licensing, eg, comments made about fees and discounts.

Section 5.3 highlighted that the residents' meeting had concerns over the conversion of family housing into private rented housing. Much of the focus was on HMOs, but there were anxieties over the growth of single family private rented housing even though it was agreed that the impact on neighbours and streets was less evident (eg, ASB, car parking and refuse arrangements).

The major focus of discussion was the geography and phasing of the selective licensing proposals. At the final meeting, two participants commented on the differences between wards and felt the proposals 'are very divisive between areas'. The potential behaviour of landlords was highlighted by a local estate agent. He felt that landlords would seek to acquire properties for private renting in the eight wards not included in the scheme to avoid regulation. At the landlord sessions, there was a view that the wards in the existing scheme should not be included in the current proposals as the issues should have been addressed after five years. There were also comments that a clearer justification was needed for the choice of the wards for phase one. Nevertheless, there was a degree of agreement that a 'worst first' strategy should be adopted.

Linked to the phasing, at the landlords' meeting clarification was sought on the role of the Ministry of Housing, Communities and Local Government (MHCLG)⁸ in approving phase two.

5.6 Other issues

The major topic that was raised, especially at the virtual public meeting for residents, was permitted development and planning. It was implicit in several contributions that if HMO conversions required planning permission, then they would be refused, and additional HMO licensing would be less of an issue.

⁸ As of 19 September 2021, MHCLG has been relabelled as the Department for Levelling Up, Housing and Communities (DLUHC)

Specific points raised included:

- Need for effective planning enforcement against beds in sheds – though the Council highlighted in the Q&A sessions that there are time limitations on taking action
- In one part of the borough, planning is the responsibility of Old Oak Development Corporation, and there are the same concerns over permitted development and HMOs
- The Council should investigate alternative planning measures to avoid the permitted development rules, eg, Article 4 directions.

Other issues that were raised included, firstly, the need for effective coordination between council departments, eg, planning and the safer communities team as well as the police and other external organisations. Residents and private rented sector tenants illustrated their concerns with examples that involved organisations they believed had not adequately shared information when action was needed.

Secondly, the residents' event briefly highlighted cross-boundary issues such as unscrupulous landlords operating in several West London boroughs. This, according to one participant, requires 'Ealing Council to coordinate action with its adjoining London boroughs'. There was also the issue of other councils in London and outside placing families in temporary accommodation in the private rented sector in Ealing and vice-versa. It was felt that this created additional pressures in the sector and encouraged its growth.

Thirdly, in at least two of the meetings, there were calls for housing association properties to be licensed.

Finally, there was a view expressed by some landlords that a register of good tenants ought to be set up. This would help lettings and managing agents (as well as landlords) find suitable tenants.

5.7 Conclusions

The key themes arising from the virtual public meetings are:

- Contrasting views on the licensing proposals ranging from outright opposition (some but not all landlords) to a broad welcome (residents and private rented sector tenants)
- More detailed information was requested about the effectiveness of the existing schemes
- Growth and conversion of smaller family homes into HMOs is the major issue in terms of (i) the poor quality of the accommodation and (ii) the negative impact on adjacent residents and neighbourhoods
- In relation to selective licensing, the key concern is the geography of the phasing proposals – some participants expressed that a stronger justification is required from the Council
- Effective implementation of the proposals is essential (eg, regular inspections of all licensed properties)

- Concerns over fees were strongly expressed by landlords (as well as some tenants), eg, ‘tax on good landlords’, ‘fee costs are passed on to tenants’ and ‘good landlords receive no benefits from licensing’
- Permitted development under planning legislation for the conversion of smaller properties into HMOs was flagged up as a fundamental issue by all groups of participants.

6 Interviews with stakeholders

6.1 Introduction

This section focuses on the ten interviews with stakeholders. There is, first of all, a brief assessment of this method. This is followed by a commentary on the findings on the state of the private rented sector, the proposals for additional HMO licensing commentary, the selective licensing proposals, and other issues. There is also a summary of the findings in the conclusions. It should be noted that there was considerable overlap on the views of the two licensing proposals.

In Appendix one, there are the notes of each of the interviews, while section 2.4.3 describes the approach.

6.2 Assessment of the interview approach

The interviews covered a range of organisations (see section 2.4.3). They also captured the justifications for opinions and views that would not have been possible through a survey.

The awareness of the state of the private rented sector in Ealing and the Council’s proposals among regional and national stakeholders was, in some cases, limited. Responses, thus, centred on the principles of licensing rather than the details of the proposals. Similarly, in relation to the private rented sector, the emphasis was sometimes on a broader perspective.

6.3 Private rented sector

6.3.1 *Nature of the private rented sector*

There was a consensus on the state of the private rented sector. This was usefully summarised by Councillor Manro who stated that ‘it was a diverse sector ranging from beds in sheds to new ‘build to rent’ schemes’. Renters’ Rights London (RRL) concurred commenting that the sector is ‘heterogenous and it is impossible to generalise’.

There was also a general appreciation of the size and importance of the sector in Ealing. Several interviewees highlighted (based on Council data) that nearly 40% of households live in private rented properties and that this has grown in recent decades. It is significantly higher than the national figure of 19%. However, some interviewees felt that London comparisons would be more appropriate given the uniqueness of the capital’s housing

market. A few respondents commented that the sector was likely to continue to grow. But the NRLA noted that future trends were uncertain with evidence indicating that ‘people are moving either from the centre toward the outer boroughs, or out of places like Ealing toward Berkshire and the home counties, as well as seeking gardens and more internal space’.

There was also a degree of support requesting that the Council should provide more detailed information on the socio-demographics of those living in the sector to better understand the issues, eg, to what extent is it younger single people and students that make up the bulk of tenants and/or is there a growth of families with children and older households? Nevertheless, it is implicit from the comments of the Ealing Safeguarding Panel and the Child Death Overview Panel chairperson that families with children are a growing part of the sector.

Furthermore, there was an agreement that there were good and bad/criminal/rogue landlords as well as ‘accidental’ landlords (who, for instance, may have acquired a property through inheritance). In the case of the latter, there was some support that what was needed was help and encouragement from the Council and its partners. Enforcement against bad landlords was universally welcomed.

Good landlords were defined in various ways. They included those that (i) provided and maintained reasonable standards of accommodation including facilities, (ii) managed property satisfactorily (and which could be carried out by reputable managing and lettings agents) and (iii) dealt promptly with tenants’ concerns. A local estate agent commented that ‘the vast majority of landlords in the borough were doing the ‘right thing’...(and) that 90 percent of problems identified by tenants were addressed by landlords very quickly’.

However, there were a range of opinions on the balance between good and bad landlords that recurred throughout the interviews. Some respondents believed that the vast majority of landlords provide a good service, whilst others implicitly believed that it was a much lower figure.

Two salient points were made on this issue. Firstly, better information is needed on the numbers and types of so-called rogue landlords. Secondly, and more importantly, the subjective nature of the terms, ‘good’ and ‘bad’, makes it impossible to reach a consensus. Renter’ Rights London, for example, pointed out that the regulatory standards are not high.

iHowz suggested that the major challenge was not the quality or appropriateness of the standards. Instead, the issue was the vast and uncoordinated amount of legislation and regulations. Their evidence includes a list of 160 pieces of legislation and regulation. In the same vein, the NRLA noted that there were 130 pieces of legislation governing the sector.

Linked to this debate, there was also a view from landlord-type stakeholders that there were ‘good and bad’ tenants. It was observed that policy makers frequently understate this point.

6.3.2 *Housing market*

Again, there was a consensus on the understanding of the operation of the housing market in relation to private renting. The sector has become the only opportunity open to many

households because of the lack of affordable social housing and the difficulties of accessing the bottom rung of the owner occupation ladder.

One interviewee did, however, point out that the 'build to rent' sector provided additional choices for young mobile households on moderate incomes to access the sector.

Various views were expressed on the consequences of this situation.

Firstly, it provides opportunities for unscrupulous landlords and others to buy up and convert family properties to unsuitable HMOs (especially as planning permission would not necessarily be required). This results in accommodation with, for instance, unsatisfactory shared facilities, inadequate room sizes and a lack of satisfactory arrangements for refuse collection. It might also result in the use of property for other illegal purposes – Hanger Hill Garden Estate Residents Association pointed out two cases of cannabis farms in private rented property. Ealing Safeguarding Panel, the Child Death Overview Panel chairperson and the police provided examples of cases of dangerous and potential illegal conversions and management practices.

A few interviewees commented that landlords may ignore licensing requirements and provide poor management. The financial returns to these types of landlords are, however, high.

Secondly, despite poor conditions, vulnerable tenants on low incomes and in some cases uncertain immigration status have no option but to accept this type of accommodation. They are unlikely to make complaints and may not even be aware of the regulations. The police highlighted that 'illegal immigrants are not reporting criminal activity and can become involved in issues of, for instance, modern day slavery', while the NRLA noted that there can be issues over 'serious crimes such as people trafficking, smuggling, organ harvesting, etc, though sometimes this involves not the landlord but sub-letting tenants'.

Thirdly, and on the other hand, the property sector stakeholders highlighted that 'the market provides an opportunity for property owners and landlords to provide reasonable quality accommodation and make a satisfactory rate of return'.

Fourthly, potential tenants can obtain adequate accommodation that is licensed and meets the regulatory standards. These points were made by the iHowz respondent and a local estate agent.

Finally, it was recommended that Ealing Council needs to collaborate with landlords to provide suitable provision for households requiring temporary accommodation under the homelessness legislation.

Overall, there was an acceptance that the private rented sector had a role to play. But there were marked differences about quality and cost. On the one hand, Renters' Rights for London (RRL) considered that private rented sector provides poor value for money – high cost and poor quality. On the other hand, it was pointed out by the NRLA that rents had fallen recently and that the private rented sector was a fundamental and essential part of a well-functioning housing market.

6.3.3 *Policy objectives*

There was a consensus that the aims and objectives should be to (i) provide reasonable quality accommodation for tenants who are often on low incomes and vulnerable, (ii) enable a reasonable rate of return by a range of providers and (iii) operate an appropriate regulatory regime.

As the next two sub-sections show, there is little agreement among the stakeholders on what constitutes 'appropriate'. For example, there were concerns that an overly strong licensing scheme may discourage 'good' landlords and leave a gap in the market that could be filled by rogue landlords. But Ealing Safeguarding Partnership, although noting that strong action could force people out of the sector, commented that 'regulation helps to attract landlords with the right attitudes, integrity and values...(and) this in turn drives up the quality of the sector and helps housing professionals to share good practice and drive up standards in a purposeful way'. Councillor Manro stated that 'a licensing scheme provides reassurance to good landlords as it focuses action on those that are flouting the rules and creating a bad image about the sector'. However, the view of iHowz and others was that licensing schemes involved good landlords in additional costs and added bureaucracy, as well as failing to target and act against rogue landlords.

6.4 **Additional HMO licensing**

6.4.1 *Introduction*

Additional HMO licensing, including fees and discounts, was the focus of attention among interviewees compared with selective licensing. However, many observations on the former were implicitly pertinent to the latter. It should also be noted that there were no references to national mandatory licensing of larger HMOs.

There was no consensus on the proposals. But a universally stated point was that policy success depends on effective delivery and implementation. Renters' Rights London (RRL), for instance, stated that 'the fundamental issue is effective enforcement and without a commitment and a priority for this action, licensing schemes are meaningless'. A local estate agent commented that 'there are merits of a licensing system as long it is effectively managed'. One aspect of effective management is the inspection of licensed properties. One interviewee commented that licenced properties should be inspected two or three items during a five-year period.

6.4.2 *Existing licensing scheme*

A recurring theme from the interviews was the need for the Council to provide further details about the outcomes of existing schemes ie additional HMO licensing (and selective licensing covering five wards).

Councillor Conti argued that 'clear evidence of the success of existing schemes were needed before looking at extending them'.

This view was shared by a number of other stakeholders. For example, NRLA and iHowz commented that ‘if these schemes have been successful why is there a need for a further five-years for additional HMO licensing and for the existing wards to be included in selective licensing’. More fundamentally, measuring success was highlighted by most interviewees as a basic issue where the Council needs to be much clearer. Suggestions included (i) the number of properties that have been improved because of the schemes (and the types of improvements), (ii) the number and impact of informal action, (iii) the relative effectiveness and value for money of different types of action, and (iv) the number and findings of inspections of licensed properties.

The evidence on the Council’s website was challenged by some interviewees. The NRLA, for example, pointed out that there had been ‘a relatively low number of fixed penalties issued in Ealing under the existing scheme (by comparison with some other London boroughs or English authorities). The NRLA concluded that ‘this demonstrates that the problems identified cannot be so great as claimed’.

Some stakeholders argued that this type of information is essential to understand the positive and negative impact of existing policies. This would then enable the relevance of the proposed schemes to be more effectively analysed.

6.4.3 Principles

There were a wide range of views on the proposals for additional HMO licensing.

iHowz challenged the need for the scheme arguing that there was ‘insufficient evidence of the success of the existing scheme’ and that ‘there are other powers that can be used, eg, the Housing Act 2004, to control property management’. The NRLA stated that it was ‘nether for or against the scheme’ but that a basic issue was effective delivery, ie, the inspection of licensed and unlicensed properties.

Renters’ Rights London supported the principles, but the fundamental point was effective regulation, ie, regular inspections. A similar view was put forward by both Ealing Safeguarding Partnership and the Child Death Overview Panel chairperson. The latter called for a ‘robust enforcement of powers especially if there had been a serious incident’, while the former emphasised the importance of supporting vulnerable tenants including raising awareness of powers and actions. Councillor Conti commented that he welcomed the focus on smaller HMOs especially because of the lack of planning powers to control conversions of family properties.

Additional themes that arose about the scheme included:

- Addressing the ‘disproportionate amount of criminal activities and anti-social behaviour (ASB) associated with HMOs’ (police)
- Enforcing licencing conditions to tackle the impact of HMOs (such as high tenant turnover, ASB, inadequate refuse arrangements and car parking issues) on existing residents and communities especially where there are growing concentrations of this type of property (local estate agent)

- Growth of HMOs varies between areas and is less of an issue in, for example, Hanger Hill because it is a conservation area where tighter planning regulations apply (Hanger Hill Garden Estate Residents Association).

6.4.4 *Licensing conditions*

Apart from the importance of licensing conditions as part of the effective delivery and implementation of schemes, there were few if any comments.

The two exceptions to this were:

- Importance of strong effective conditions and their enforcement on refuse arrangements (Hanger Hill Residents Association)
- Welcome for conditions placing a responsibility on landlords (and, where relevant, lettings and managing agents) to control criminal activity and ASB and to inform statutory authorities (police).

In relation to the latter, the police emphasised that where criminal activities and ASB occur, licences should be suspended or revoked.

Nevertheless, landlord-type organisations pointed out that it was not the responsibility of landlords to micro-monitor their tenants.

6.4.5 *Fees and discounts*

Although there were relatively few comments on fees and discounts, there was an underlying and implicit concern about the cost and impact. The comments were equally relevant for selective licensing.

Several interviewees argued that further information was required. Hanger Hill Garden Estate Residents Association, for example, wanted to know how the fees and discounts compared to other London boroughs. Overall, more information was requested on how fee income has been and will be used. Hanger Hill Garden Estate Residents Association strongly pressed for more of the fee income to be used to fund inspections of licensed and unlicensed properties.

iHowz argued that if the Council could not show the success of existing schemes, then fees were a 'tax on landlords'. A calculation of fee income was provided, and it was suggested that this showed that the Council was using licensing schemes as a means of raising income.

The NRLA expressed its concern over the high level of fees as well as how this information was presented. For example, discounts can only come from the Council's general fund (and this is not clearly stated). It also called for the fees to be split between applying for a licence and compliance.

Councillor Conti expressed a view that was also emphasised in two of the virtual public meetings that the cost of the fees would be passed onto tenants and thus increase the

affordability problem. Councillor Manro, however, commented that ‘licensing for a five-year period is not a burden and the cost of fees is overstated, especially if discounts apply’.

6.5 Selective licensing

6.5.1 Introduction

As has previously been pointed out, many of the comments on additional HMO licensing are relevant for selective licensing. Readers should, therefore, bear this point in mind.

6.5.2 Existing licensing scheme

Councillor Manro commented that the proposed two-phase selective licensing built on the lessons learnt from the existing five-ward scheme, eg, focussing on wards where the problems were most acute.

However, as with the views on additional HMO licensing, some interviewees argued forcefully that the Council must show that the existing scheme has been successful. iHowz, for instance, emphasised that it did not support the inclusion of the five existing wards in the new proposals as the existing scheme ought to have addressed the issues after five years.

6.5.3 Principles

The overriding message from some, but not all, stakeholders was that they supported the principle of selective licensing but were concerned over its effective delivery and implementation. A local estate agent commented that there was ‘merit in selective licensing of family housing’. This was because of the problems caused by sharing in former single family occupied dwellings. Ealing Safeguarding Partnership welcomed the proposal but wanted to see ‘the bar set high in terms of standards’ that balanced the need for good quality accommodation for vulnerable households while not driving out responsible providers. The Child Death Overview Panel chairperson gave strong support for the proposal but acknowledged that successful implementation would create more bureaucracy for landlords though this was outweighed by the likely benefits for tenants. As has previously been noted, Renters’ Rights for London supported the principle, but said the policy would be meaningless without effective enforcement, ie, a strong inspection regime.

One of the elements of selective licensing that generated debate was the geography of the proposals. This covered both the two-phase approach and the focus on 15 out of the 23 wards. For example:

- Councillor Conti commented that the evidence base did not justify the 15-ward proposal – he argued that the Council should either adopt a whole borough proposal or a tighter targeted approach on the few wards with the most extreme issues
- A local estate agent expressed reservations on the 15-ward approach stating that it would encourage unscrupulous landlords to search out opportunities in the other eight wards where selective licensing would not apply – he favoured a borough-wide scheme

- iHowz argued that any scheme should not need to cover the existing five wards (see above).

There were two further observations made by interviewees. The police stated that they were less concerned with private rented properties accommodating a single family compared to HMOs because of lower levels of criminal activity and ASB. However, they pointed out that problems occurred through sub-letting and in cases of sharing, and that these issues needed to be addressed.

Hanger Hill Garden Estate Residents Association noted that their area would be covered in phase two of the proposals. They, firstly, suggested that groups such as itself should be involved at the outset in the delivery details. Secondly, it was concerned that the register of licensed landlords was not up to date. Thirdly, it 'strongly urges the Council to notify neighbours when a property is in the process of being licensed'.

6.5.4 *Licensing conditions*

Hanger Hill Garden Estate Residents Association reiterated a point that it raised in relation to additional HMO licensing. Conditions must include strong effective conditions and the enforcement of refuse arrangements.

6.5.5 *Fees and discounts*

Two suggestions were made on discounts that were relevant for selective licensing. Firstly, Councillor Manro felt that consideration could be given to additional discounts, eg, lower fees for a property rented to a single family. Secondly, there was a view that discounts ought to be available for landlords with a portfolio of properties.

6.6 Other issues relating to the private rented sector

6.6.1 *Introduction*

The interviews generated a diverse range of views on broader issues in the private rented sector. Although these are, in some cases, outside the remit of the consultation on licensing schemes, we consider that the Council should be aware of them and may wish to respond.

They are summarised below. Firstly, there is coverage of alternatives to licensing. Secondly, there are a series of issues affecting the sector. Thirdly, there is the role of the Council in collaborating with stakeholders.

6.6.2 *Alternatives to licensing*

iHowz believes that the Council should consider alternatives to licensing. For example, the Housing Act 2004, could be used to 'deal with problems such as absentee landlords, poor management, or degradation of property and the area and it is a better approach than licensing all HMOs'. It also urges the Council to work in partnership with other agencies to provide support and training for landlords. This, it believes, is an effective and better way to improve standards especially among new and/or accidental landlords than licensing.

Finally, iHowz believes that if licensing is adopted, it should be extended to social housing.

6.6.3 *Miscellaneous issues*

The stakeholders raised the following issues:

- **Planning and permitted development:** There was a general acknowledgement that the rules on permitted development unfortunately allow smaller properties to be converted to HMOs without the need for planning permission. Hanger Hill Garden Estate Residents Association pointed out that this does not apply in conservation areas. Councillor Manro commented that the Council is considering the use of Article 4 Directions that withdraws permitted development rights as part of the local plan review
- **Beds in sheds:** There were contrasting views on the extent of the problem with the police observing that this is not a significant concern. In contrast, a local estate agent suggested that there were certain wards where this was an issue, and ‘it is a result of outbuildings that have been constructed as gyms etc being converted to accommodation’
- **Short-term lettings:** Although this was briefly raised by a few interviewees, eg, Renters’ Rights for London, the view was that not enough information is known on its extent
- **Private renting abuses and criminal activities:** These included illegal sub-letting, sham licences (where renters should have a tenancy rather than a licence), drug dealing (including cannabis farms in residential property), modern slavery and exploitation of vulnerable households etc. The police commented that they can act in criminal activities, but cases of illegal immigration are, for instance, a matter for the Home Office. They are also not involved in Right to Rent regulations that are the responsibility of landlords. Nevertheless, they believe that a coordinated approach involving many partners is required and that could benefit licensing schemes by identifying rogue landlords and unlicensed properties.

6.6.4 *Collaboration*

A recurring theme on effective implementation of licensing that was emphasised especially by the public sector stakeholders is collaboration. This would, as the police commented, provide better intelligence for the Council on identifying rogue landlords and unlicensed properties. Ealing Safeguarding Partnership and the Child Death Overview Panel chairperson both emphasised the importance of collaboration in proactively preventing abuses and providing vulnerable households with safe and secure accommodation. Renters’ Rights for London stressed three elements:

- Better coordination between council departments, eg, planning, environmental health, trading standards etc
- Sharing data with external organisations, such as the police and fire and rescue, to identify unsatisfactory/unlicensed properties and landlords that are flouting regulations
- Coordinating tenant and resident complaints so that cases are effectively actioned.

It was argued that better joint working would also address the issues highlighted above, eg, private renting abuses and criminal activities.

6.7 Conclusions

The seven major themes from the stakeholder interviews are:

- Private renting is a large and diverse sector that forms an important part of the local housing market
- The Council should provide further information on the success of the existing schemes
- Additional information is also needed on, for example, the socio-demographics of tenants in the private rented sector so as to better understand it.
- Taking effective action against rogue landlords (including criminal activities and ASB as well as poor living conditions) is supported and this should focus on HMOs
- There are starkly differing views on the proposals for additional HMO licensing and selective licensing – these range from the use of alternative approaches through to in principle support for the measures
- Policies depend on effective delivery/implementation such as regular inspections of licensed properties during the five-year period
- Better coordination within the Council and with external agencies is essential if schemes are to be successful.

7 Other types of responses

7.1 Introduction

This section covers the other types of responses we received. Broadly, they fell into two categories – reports/substantive submissions/observations, and queries/comments etc that we were sent by email or received by telephone. More details can be found in section 7.2.

The next section, therefore, describes and assesses the submissions. This is followed by (i) an analysis of the reports etc and (ii) a commentary on emails/phone calls. Each of these focuses on the private rented sector, additional HMO licensing, selective licensing, licensing in general, and other issues. The final section summarises the findings.

The focus is on the substantive submissions.

7.2 Approach

7.2.1 *Reports and substantive submissions*

There were 14 organisations or individuals that submitted statements and/or reports. These are listed in the table below. Appendix two contains all 14 submissions, indicated* below.

Organisation/type of organisation	Type of submissions	Comments
NRLA	<ul style="list-style-type: none"> • Report from the national headquarters* • Notes from a sub-regional webinar hosted by NRLA • Additional information post-webinar from NRLA regional officer/Ealing Council 	NRLA was also interviewed as one of the stakeholders – see section six and Appendix one
Student unions/students in West London	<ul style="list-style-type: none"> • Notes of an online discussion forum hosted by HQN* 	
Safeagent (not-for-profit accrediting organisation for lettings and managing agents)	<ul style="list-style-type: none"> • Report and covering email* 	
iHowz	<ul style="list-style-type: none"> • Report from iHowz on an online meeting (hosted by iHowz) • Notes from iHowz* 	<p>iHowz was also interviewed as one of the stakeholders – see section six and Appendix one</p> <p>iHowz was represented at two of the online meetings hosted by HQN – see section five and Appendix two</p>
Hanger Hill Garden Estate Residents Association	<ul style="list-style-type: none"> • Letter* 	Hanger Hill Garden Estate Residents Association was also interviewed as one of the stakeholders – see section six
Ealing Green Party	<ul style="list-style-type: none"> • Letter* 	Ealing Green Party also submitted an online survey response

Organisation/type of organisation	Type of submissions	Comments
London Fire Brigade (LFB)	<ul style="list-style-type: none"> Statement about the proposals* 	
Enfield Council	<ul style="list-style-type: none"> Letter* 	
Havering London Borough	<ul style="list-style-type: none"> Letter* 	
Advice Resolution: Charity providing advice and representation	<ul style="list-style-type: none"> Letter* 	
Landlord 'A': Owner of a flat	<ul style="list-style-type: none"> Letter* 	
Landlord 'B': Long established landlord	<ul style="list-style-type: none"> Letter with an extensive appendix on the costs of the scheme and queries over the legal basis of the proposals* 	
Landlord 'C' : Out-of-borough landlord with property in Ealing	<ul style="list-style-type: none"> Letter in a form of a report critiquing the basis of the proposals* 	
Resident 'A'	<ul style="list-style-type: none"> Letter* 	

As the table shows, several organisations also submitted evidence through other channels. It should also be noted that others may have attended virtual public meetings and completed the online survey, but it is not possible to confirm this point.

The submissions ranged from substantial reports with appendices to one-page letters. Both often raised queries for the Council as well as comments on the proposals.

7.2.2 *Emails and telephone calls*

The basic metrics for these contacts are set out in the table below:

Contact type	Number of contacts and reasons	Comments
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Emails	213 emails (including eight forwarded on to HQN by Ealing Council) Main reason – bookings for virtual public meetings	Approximately 60 emails included comments on the proposals and queries
Telephone messages	43 messages Main reason – bookings for public meetings	HQN made 25-30 return calls to clarify issues and comments

In many cases, queries and comments overlapped. Also, several sets of comments focussed on non-private rented sector issues. Details of queries about the proposals, licensing in general and specific ongoing cases were forwarded on to the Council (with the caller’s permission).

There were also over 20 queries on the online survey (see section 4.2) as well as a few concerns over the consultation process (see sections 2.3 and 2.4).

7.3 Reports and substantive submissions

7.3.1 Introduction

There was a diversity of coverage of the topics in the reports and substantive evidence. For example, national and regional organisations mostly responded in broad terms and sometimes referred to examples of best practice licensing in England. They also focussed on broad principles. Individual landlords and residents either centred their comments on their own properties or local neighbourhoods or commented in some detail on specific proposals. There were also brief submissions that considered a limited number of issues.

7.3.2 Private rented sector

The NRLA stated that ‘it believes that local authorities need a healthy private rented sector’. In the case of Ealing, it considers there has been a ‘development of an unhealthy situation delivering high rents and where the poor have greater difficulty renting in the private rented sector’. It is concerned that the policy proposals could exacerbate the challenges in the area. It also noted that the consultation documents make no reference to subletting and short-term lettings issues.

The discussion with student representatives in West London highlighted that the sector has grown, but the scale of growth has not matched need/demand. There has been a significant development of large purpose-built blocks targeted at students (but not formally linked to universities and colleges).

The success or otherwise of the existing proposals were frequently commented on:

- Safeagent argued that the Council must ‘demonstrate that it has effectively implemented and enforced the existing schemes’ eg it expressed concerns over the low levels of prosecutions and civil penalty notices and no analysis of ‘performance against scheme objectives’
- It also pointed out that the evidence base shows that the two wards with the highest concentration of serious category one hazards have both been subject to selective licensing since 2017 – this, again, questions the effectiveness of existing schemes
- The NRLA observed that the Council failed to inspect all properties in the first iteration of licensing and pointed out that the most successful schemes in the country involve multiple inspections within a five-year period
- iHowz in its notes from an online meeting commented that ‘insufficient evidence had been offered for the benefits of the scheme and how it differs from existing landlord legislation’
- It also noted that the Council had brought forward no information about the use of other measures to combat poor housing conditions
- An out-of-borough landlord commented that the Council appeared not to have achieved its objectives for the schemes that started in 2017, apart from establishing a register of landlords
- Enfield Council, however, commented that the ‘evidence demonstrates that the effectiveness of licensing has provided additional enforcement powers to improve standards’ and ‘the level of enforcement activity is a further indication of the success of the current scheme’
- A landlord objected strongly to the proposals on the ‘grounds of incomplete justification and a questionable legal basis’, – a major concern was that the Council highlighted the benefits of the schemes but failed to acknowledge the costs (and the landlord provided a detailed critique).

A recurring theme in some of the submissions was that there was insufficient evidence on the poor condition of properties, with iHowz arguing that there was no information to back up the Council’s assertion that housing conditions are, on average, worse than in other tenures.

On the issue of the evidence base to back up the proposals, an out-of-borough landlord made several comments on the misleading presentation of information. For example, ward analysis ought to take account of the population rather than relying on absolute numbers. Also more use should be made of London comparisons rather than data for England, and the estimated figures from Metastreet Ltd should be more carefully used as ‘they are only estimates’.

In relation to the housing market, the importance of the private rented sector was emphasised by many submissions. iHowz, for instance, suggested that the growth of the sector offered tenants and households a greater choice of accommodation. Greater customer choice, it was argued, would provide an incentive to landlords to provide good products and services.

7.3.3 *Additional HMO licensing*

Safeagent argued that the evidence base suggests significant geographical variation between wards on the number of HMOs. Similarly, tenant complaints have been concentrated in five wards. On this basis, it urges the Council to consider a much smaller scheme for additional HMO licensing.

It also requested that the Council clarifies its proposals over Section 257 HMOs, as there is no evidence put forward on how many of these types of properties have been licensed and, therefore, why the criteria have been expanded.

The discussion with students emphasised the problems associated with the conversion of family homes into HMOs. Conditions and room sizes are poor, while rents are excessive. Therefore, there was a general welcome for the additional licensing proposals and support for strong licensing conditions, as long as this does not result in rent increases.

Hanger Hill Garden Estate Residents Association highlighted the importance of the register of HMOs and that it must be kept up to date. It also emphasised the importance of residents' associations and individuals being able to inform the Council when they suspect that an HMO is being developed.

Safeagent commented in detail on the proposed conditions for additional HMO licensing.

7.3.4 *Selective licensing*

Ealing Green Party noted the phasing programme and the 15-ward coverage but would like to see a commitment to roll out the proposals across other wards.

Safeagent commented in detail on the proposed conditions for selective licensing.

7.3.5 *Licensing overview*

Making the case for the proposals

An out-of-borough landlord argued that the Council has not made a satisfactory case for the licensing schemes based on the requirements set out in the legislation and associated regulations. These include, for instance, the lack of robust evidence to suggest that the area is experiencing a significant and persistent problem with ASB that is attributable to occupiers of private rented properties, and that there is no proof that landlords are failing to tackle these concerns.

Principles

Enfield Council commented that it believes 'licensing benefits both landlords and tenants'. In the case of the former it may enhance property values, while in relation to the latter there are the advantages of better conditions and improved management.

The London Fire Brigade commented:

“London Fire Brigade is supportive of proposals to improve safety standards in residential buildings both in Ealing and across London. While this is not an area of expertise for LFB, an expansion of the licensing scheme over a larger area in Ealing could have the effect of improving the governance of landlords and the education they receive about their responsibilities for keeping their tenants safe, which could have a positive impact on safety standards.”

Ealing Green Party welcomed the proposals as it is ‘great to see greater protection for renters across the borough’.

A resident, however, vociferously opposed licensing arguing that it would drive up rents and, thus, ‘poor tenants suffer under the pretext of safety’. A further point raised was that landlords could not now afford the excessive fees on top of bills and other costs of certificates, because of the impact of Covid-19 on tenants’ ability to meet rental commitments.

Implementation

The NRLA stated that it is not opposed to licensing – ‘additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of the stock and driving out criminals who blight the sector’. But it wanted to see more details on how it will be delivered effectively. It supports the adoption of an active enforcement policy that helps good landlords by removing those that exploit others. It also strongly recommends that the Council draws on best practice from elsewhere, eg, the Leeds rental standard.

Safeagent, similarly, expressed concerns over effective implementation. It commented that ‘without effective enforcement new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market evades the scheme and operates under the radar’. It further emphasised that ‘it is vital that the Council has sufficient officers to conduct any inspections in a timely manner’. Linked to this, is the need for transparent and appropriate service standards on, for instance, licence processing, inspections etc.

iHowz noted that the scheme is ‘wholly reliant’ on landlords making themselves known to the local authority and therefore fails to address the fundamental problem of rogue landlords.

Ealing Green Party made suggestions on how to improve implementation from the perspective of residents. It called for a named officer for each ward and ‘a report a problem’ section on the Council’s website. Both would improve transparency for residents and tenants.

Linked to this point, a few commentators urged the Council to make use of its powers to terminate licences or apply additional conditions following inspections and/or complaints. There was, however, a concern expressed by Hanger Hill Garden Estate Residents Association that licensed properties were not routinely inspected.

Advice Resolution implicitly argued for landlord properties to be ‘checked’ before they are licensed. In addition, they suggested that there should be mandatory accreditation and a requirement for landlords to pass a skills test. These points were also supported in the discussions with students.

Hanger Hill Garden Estate Residents Association argued that residents’ groups must be informed when a licence is applied for, and it suggested that nearby residents should also be notified. It also stressed the importance of strong licensing conditions that are enforced rigorously over rubbish/waste, ASB and the conditions of gardens and outbuildings.

A landlord commented that ‘in general, there are merits in licensing particularly for the protection of vulnerable tenants’. Nevertheless, the schemes are ‘punitive rather than offering incentives to landlords’. The same landlord wanted, in addition, to see more detail on how the schemes would operate in practice and raised numerous queries about a specific property.

The ability of the schemes to tackle neighbourhood nuisance (including ASB) was challenged. iHowz commented that there was a ‘lack of evidence of direct causal or correlative links between licensing and a reduction in ASB’. ‘This makes the claim by the Council that schemes will address this issue as unsubstantiated’.

Fees and discounts

In relation to fees and discounts, Safeagent recognised that the Council needs ‘to charge a reasonable fee to administer and enforce the licensing schemes’. But it regards the size of the fees as ‘excessive given the impact of the pandemic’ (see above). It also urges the Council to consider discounts for relicensing.

iHowz provided a calculation on the income fees and expressed disappointment that the Council had failed to provide an estimated budget for the schemes. Without this detailed information, ‘it is difficult not to see the fees as a money-making method for Ealing Council’.

iHowz and the NRLA both referred to the Gaskin case and the ruling that fees must be charged in two stages and that discounts must come from the Council’s general fund (as a landlord cannot subsidise another landlord re fee income)⁹. They point out that the Council must be clearer on these and other related aspects.

The NRLA also urges consideration to be given to landlords being able to pay monthly.

On funding for the scheme, the NRLA considers that additional funding would be needed for the expansion of the schemes, eg, financial support for landlords from adult social care for tenants with mental health issues and alcohol and drug dependency.

⁹ See, for example, [Court decides that property licensing fees must be charged in two stages and the names of occupants cannot be demanded on a licence renewal application | London Property Licensing and HMO and Selective Licensing Fees and Other Issues \(anthonygold.co.uk\)](#)

On discounts, Ealing Green Party urges that the Council offer a much greater and more sophisticated discount incentive on EPCs with, for instance, higher discounts for 'A' rated properties and discounts for improvements since the last licence.

Other points

Finally, the NRLA emphasises that 'the law is clear that landlords do not manage tenants – they manage a tenancy agreement'. The Council, therefore, must support landlords where a tenancy is being ended because of nuisance or uncooperative actions. This point was brought up in other ways in submissions by individual landlords. One landlord stressed that there is reliance on tenants to take a co-operative stance eg no ASB, use of the correct bins etc – 'landlords cannot be expected to monitor tenant behaviour'.

7.3.6 Other issues

The issue of tackling associated criminal activity was highlighted in several submissions. For example, the NRLA expressed concern about cases where landlords are the victims, eg, illegal subletting and exploitation of vulnerable people. It would expect the Council to take a cross-departmental approach and work with external agencies to tackle such issues and support landlords. Advice Resolutions queried whether there should be a 'fit and proper persons test' for landlords.

The discussions with students drew attention to the poor quality of some new institutional accommodation and university provision, eg, infestations, mould/damp and inadequate management services.

7.4 Emails and telephone calls

7.4.1 Introduction

Most comments focussed on licensing in general rather than on the specific proposals. Of the latter, the emphasis was on HMOs with few if any observations on the selective licensing proposals.

Unsurprisingly, those supporting licensing tended to appear to be private rented sector tenants, residents and those living next to HMOs. Those against the proposals tended to be landlords or those with real estate interests/responsibilities.

Finally, it should be appreciated that the responses were often extremely brief and cursory.

7.4.2 Private rented sector

The only comments of note about the sector centred on the impact of Covid-19.

Points raised included (i) impact on landlord finances because of tenants' inability to pay rents, (ii) tenants unable to meet rental commitments because of falling incomes, eg, furloughing, loss of jobs etc.

Linked to landlord finances, the fall in rents recently in London was highlighted.

It was implicit in these comments that the sector is seen as ‘not as strong as it is sometimes portrayed, and the Council should bear this in mind when bringing forward proposals’.

7.4.3 Additional HMO licensing

One set of comments highlighted the interrelated problems with HMOs (either explicitly or implicitly) especially the impact on neighbourhoods and residents in adjacent properties, eg:

- High occupancy rates leading to overcrowding
- Fire safety concerns in properties with many different tenants
- Poor refuse and bin arrangements including the lack of an adequate number of/any bins
- Car parking problems caused by the lack of on-site spaces.

Unsurprisingly, there was contrasting views on the proposals. On the one hand, there was support for the additional HMO licensing with one specific comment that it was ‘unfortunately necessary’ because of the growth of these types of properties in some parts of the borough. On the other hand, there was also a set of responses that objected strongly to these proposals (and, indeed, any form of licensing) – see also section 7.4.5.

7.4.4 Selective licensing

There were few if any explicit comments on the selective licensing proposals.

However, indirectly, there were suggestions that while licensing of HMOs was necessary and important, it should not be extended to other types of private rented property, eg, smaller family accommodation.

The phasing of the proposals along with the choice of only 15 wards were commented on by a few respondents. It was argued that they were ‘divisive and unfair’, had ‘no rationale’, and there was a ‘lack of evidence to support the policies’.

7.4.5 Licensing overview

There were contrasting views on the principles of licensing.

Those opposed to licensing commented, for instance, it was thought that it:

- Drives out good landlords
- Unnecessary because of (i) other powers available to councils and (ii) use of registered/regulated lettings and managing agents
- Forces up rents
- ‘Tax on landlords’

- Creates additional costs for landlords on top of, for example, paying for gas safety certificates
- Causes an imbalance in favour of tenants rather than landlords who get no benefits
- Unreasonable to expect landlords to 'police ASB'.

In addition, there were comments that the existing schemes were unsuccessful and so the new proposals should not be taken forward.

In contrast, those supporting licensing highlighted:

- Benefits of licensing, eg:
 - Better regulation
 - Strong onus on landlords to be proactive in tackling issues
 - Regular property inspections
 - Helping vulnerable tenants
- Landlords do not look after their properties and licensing and enforcement are required
- Homes will be safer
- Controlling numbers of occupants is vital to avoid local services being overwhelmed.

For those supporting licensing, there was a concern over whether the Council would effectively implement the schemes, especially undertaking regular inspections, enforcing licencing conditions and making sure that specific cases are dealt with satisfactorily from the perspective of the complainant.

There were also suggestions on improving and strengthening licensing. These included (i) targeting the worst landlords and properties, eg, beds in sheds, (ii) property inspections prior to licence approvals, (iii) regular inspections especially on properties where changes have been made by landlords, and (iv) tightening up on time limits for landlords to respond to notices and to take remedial actions.

7.4.6 Other issues

There were three significant additional issues raised through emails and telephone calls.

Firstly, there was the view that licensing should be extended to other types of landlords, eg, housing associations and councils.

Secondly, planning and permitted development re HMOs received several comments. There was support for the introduction of Article 4 directions to prevent the use of permitted development regulations on the conversion of properties to HMOs. There were also concerns that the Council was not taking planning enforcement action against property owners and landlords that had ignored planning requirements eg conditions on a planning approval as well as the need for planning permission.

Thirdly, there was the issue of whether licensing applied in cases where there is a resident landlord and lodgers. It is worth noting that this issue was also raised in the virtual public meetings. Ealing Council and ourselves clarified the situation – ‘if there are three or more lodgers, licensing applies’.

7.5 Conclusions

The six major findings from these ‘other sources’ are:

- Contrasting views on the proposals ranging from ‘outright rejection’ through to ‘provisional and conditional welcome’ and ‘in-principle support’
- Success or otherwise of the existing schemes requires greater elaboration
- Evidence base that underpins the justification for the current proposals needs reinforcing with a much clearer and transparent use of data
- More of a focus on additional HMO licensing proposals than the selective licensing proposals
- Strong emphasis on effective implementation and enforcement including:
 - Regular property inspections
 - Targeting rogue landlords
 - Clear service standards
 - Adequate resources including a transparent budget.
- Concerns over many aspects of the fees and discounts, eg:
 - ‘Tax on landlords’ issue
 - Excessive cost of the fees
 - Legislative and regulatory aspects following on from the Gaskin case
 - More nuanced discounts eg in regard to energy efficiency.

8 Conclusions

8.1 Introduction

The final section of this report draws out the conclusions from sections two and four to seven.

8.2 Consultation process

We consider that the information in section two together with the accompanying appendices demonstrate that the consultation process and activities were appropriate and successful.

To 'complete the circle', Ealing Council will need to show that it has taken into account in its response to the consultation that it has considered the views and opinions of respondents.

8.3 Virtual public meetings

The key themes arising from the virtual public meetings are:

- Contrasting views on the licensing proposals ranging from outright opposition (some but not all landlords) to a broad welcome (residents and private rented sector tenants)
- More detailed information was requested about the effectiveness of the existing schemes
- Growth and conversion of smaller family homes into HMOs is the major issue in terms of (i) the poor quality of the accommodation and (ii) the negative impact on adjacent residents and neighbourhoods
- In relation to selective licensing, the key concern is the geography of the phasing proposals – some participants expressed that a stronger justification is required from the Council
- Effective implementation of the proposals is essential (eg, regular inspections of all licensed properties)
- Concerns over fees were strongly expressed by landlords (as well as some tenants), eg, 'tax on good landlords', 'fee costs are passed on to tenants' and 'good landlords receive no benefits from licensing'
- Permitted development under planning legislation for the conversion of smaller properties into HMOs was flagged up as a fundamental issue by all groups of participants.

8.4 Stakeholder interviews

The seven major themes from the stakeholder interviews are:

- Private renting is a large and diverse sector that forms an important part of the local housing market
- The Council should provide further information on the success of the existing schemes
- Additional information is also needed on, for example, the socio-demographics of tenants in the private rented sector so as to better understand it
- Taking effective action against rogue landlords (including criminal activities and ASB as well as poor living conditions) is supported and this should focus on HMOs
- There are starkly differing views on the proposals for additional HMO licensing and selective licensing – these range from the use of alternative approaches through to in principle support for the measures
- Policies depend on effective delivery/implementation such as regular inspections of licensed properties during the five-year period

- Better coordination within the Council and with external agencies is essential if schemes are to be successful.

8.5 Online survey

The key themes from the online survey are grouped under five headings. These are (i) the private rented sector, (ii) additional HMO licensing, (iii) selective licensing, (iv) licensing overview and (v) other issues.

In relation to the state of the private rented sector:

- Most private rented sector tenants, residents/residents, lettings and managing agents, council and housing association tenants, visitors and organisations considered that the sector was growing
- Aggregate quantitative data shows that there is majority support for the propositions that the private sector is growing, property conditions are unsatisfactory, overcrowding is an issue, and there are illegal and sub-standard conversions
- The majority of landlords did not agree that the sector was growing
- A contrast between groups existed over the issues and problems in the sector – most landlords, but also lettings and managing agents, disagreed that there were issues
- Among landlords, there were, however, 10 percent who thought there were issues especially in terms of illegal and sub-standard conversions
- Most private rented sector tenants, residents/owner occupiers, council and housing association tenants, organisations and visitors considered that there were significant problems
- Approximately a quarter of private rented sector tenants did not think there were major concerns
- For residents/owner occupiers, a fundamental concern was the impact on adjoining properties and neighbourhoods especially because of HMOs.

On the proposals for additional HMO licensing:

- There was generally greater support for additional HMO licensing than selective licensing
- More than 50% of all respondents supported the proposal for additional HMO licensing
- Most private rented sector tenants, owner-occupiers, council and housing association tenants, visitors and organisations welcomed the proposals
- These groups felt that there would be benefits from the scheme in addressing specific concerns over the next five years
- Most landlords and lettings and managing agents were strongly opposed to the proposals

- A small minority of landlords, however, felt there was an in-principle case for additional HMO licensing
- There was very strong support from private rented sector tenants and residents/owner-occupiers for the proposed licensing conditions
- For landlords and lettings and managing agents, there was support for a limited number of licensing conditions eg written tenancy agreement, controls on the number of tenants per property, fire safety, and heating and insulation
- The basic fees were only supported by more than half the respondents in one of the four main groups – residents/owner occupiers
- Overall, there was no majority support for the fee proposals and the proposed additional charges.

In relation to selective licensing:

- There was generally less support for selective licensing than additional licensing
- Nearly 50% of all respondents were against the proposal
- There was no overall support for or against the choice of 15 wards or the two-phases of selective licensing
- The focus on 15 wards and two phases received mixed and lukewarm responses – for example, less than half of the respondents from private rented sector tenants agreed with them
- Nevertheless, the majority of private rented sector, tenants, owner-occupiers, visitors and council and housing association tenants supported the principle of selective licensing
- Landlords and lettings and managing agents disagreed strongly with the proposals and did not see any of the proposed benefits being achieved over the five-year duration of the schemes
- Selective licensing conditions were strongly endorsed by private rented sector tenants and residents/owner occupiers
- Landlords and lettings and managing agents objected strongly to these licensing conditions
- In relative terms, based on stakeholder interviews and other sources, there was more support for proposals for selective licensing than those for additional HMO licensing across all the four main groups.
- There was no overall support for or against the standard fee or the additional charges proposal.

The themes emerging from a general overview of licensing were:

- Concerns were expressed among all groups about the cost of fees and the impact on tenants and landlords – phrases used included a ‘tax on landlords’ and ‘it will increase our rents’
- Landlords expressed concerns over the lack of appropriate evidence on the effectiveness of existing schemes, and this was echoed by some residents/owner occupiers and private rented tenants
- There was a consensus among the groups that any scheme must be effectively implemented with sufficient resources for regular inspections of properties
- Linked to the previous point, there were calls from respondents in each of the groups for better coordination and joint working between council departments and with outside agencies, eg, the police and fire and rescue
- Landlords emphasised the importance of distinguishing between ‘good’ and ‘bad’ landlords, arguing that the latter should be targeted – there was some support for this view among all other groups
- Some landlords and lettings and managing agents argued against any form of local licensing as councils already have other powers that they can use.

There were two other interlinked themes that were stressed:

- Planning regulation and permitted development rules were commented on, especially by residents/owner occupiers – they called for greater planning controls over individual HMOs and concentrations of these types of properties
- ‘Beds in sheds’ was raised by respondents in a number of the groups – there was need for effective action by the Council and its partners eg the police.

8.6 Other types of responses

The six major themes from these ‘other sources’ are:

- Contrasting views on the proposals ranging from ‘outright rejection’ through to ‘provisional and conditional welcome’ and ‘in-principle support’
- Success or otherwise of the existing schemes requires greater elaboration
- Evidence base that underpins the justification for the current proposals needs reinforcing with a much clearer and transparent use of data
- More of a focus on additional HMO licensing proposals than the selective licensing proposals
- Strong emphasis on effective implementation and enforcement including:
 - Regular property inspections
 - Targeting rogue landlords
 - Clear service standards

- Adequate resources including a transparent budget.
- Concerns over many aspects of the fees and discounts, eg:
 - ‘Tax on landlords’ issue
 - Excessive cost of the fees
 - Legislative and regulatory aspects following on from the Gaskin case
 - More nuanced discounts, eg, in regard to energy efficiency.

9 Glossary

Article 4	Direction made by a local authority to restrict permitted development
ASB	Anti-social behaviour
CCG	Clinical commissioning group
DLUHC	Department for Levelling Up, Housing and Communities
EPC	Energy performance certificate
FAQs	Frequently asked questions
HMOs	Houses in multiple occupation
HQN	Housing Quality Network
LFB	London Fire Brigade
LLAS	London Landlord Accreditation Scheme
LPS	London Property Licensing
MASH	Multi-agency Safeguarding Hub
MHCLG	Ministry of Housing, Communities and Local Government
NRLA	National Residential Landlords Association
Q&As	Questions and answers
PRS	Private rented sector

RRL

Renters' Rights London

S 257 Section 257 of the Housing Act, 2004, dealing with converted properties

Appendix 1: Stakeholder interviews

The notes of the 10 stakeholder interviews (listed in the table) can be found below:

Type of organisation	Organisation/individual
Consumer advice	Renters' Rights London
Politicians	Councillor Conti
	Councillor Manro
Property sector	John Martin
	iHowz
	National Residential Landlords Association (NRLA)
Public sector	Child Death Overview Panel
	Ealing Safeguarding Panel
	Metropolitan Police
Residents' groups	Hanger Hill Garden Estate Residents Association

Renters' Rights London

Renters' Rights London developed out of the activities of Camden Federation of Private Tenants. The focus is on all London boroughs. It currently comprises a project coordinator and volunteers. The overall aim is to ensure good quality accommodation for tenants. Its objectives are to:

- Provide information on housing rights to tenants to help them challenge poor and unsatisfactory behaviour by landlords
- Share information about unsatisfactory landlords especially where they operate across boroughs
- Work with local authorities in London to prioritise effective enforcement action (see below).

Renters Rights' London does not carry out individual casework. However, over 300 renters received primary stage advice over the previous 12 months. In more than 20 cases, there were more than 10 contacts.

Private rented sector

The sector is highly heterogenous and it is not appropriate to make generalisations. Nevertheless, short-term lettings have been an increasing problem in parts of London. The conversion of suburban properties into HMOs has also been a significant trend. Planning controls are limited but more use could be made of 'Article 4 Directions' and minimum room size, especially usable space, requirements.

In London, private renting is expensive and not good value for money. Public subsidies that partly cover the cost of renting illustrates this point.

Other issues including 'sham licences', ie, a landlord issuing license agreements to occupants who should have been given tenancy agreements. Tackling this issue requires effective coordination and action between council departments.

It should also be noted that the statutory requirements on the condition of properties, facilities etc are basic.

In relation to Ealing, Renters' Rights London has had few if any dealings with tenants, landlords or the Council in the last couple of years. It, however, is aware of the additional HMO licensing and selective licensing schemes introduced in 2017. It subsequently became involved with tenants in a large HMO with inadequate facilities. The response of the Council was unsatisfactory and showed a lack of coordination and action between departments.

Additional HMO licensing and selective licensing

Renters' Rights London supports councils that introduce licensing schemes.

However, the fundamental issue is effective enforcement. Without a commitment and a priority for this action, licensing schemes are 'meaningless'.

This, for example, requires:

- Coordination between council departments eg planning, environmental health, trading standards etc
- Sharing data including with external organisations, such as the police and fire and rescue, to identify unsatisfactory/unlicensed properties and landlords that are flouting regulations
- Coordinating tenant and resident complaints received by a council so that cases are actioned
- Developing, updating, and publicising a database of licensed properties

- Sufficient resources (eg trained staff) to regularly inspect licensed properties ie an effective inspection regime
- Commitment and resources to take effective action including through the courts.

Councillor Conti

Overview/issues in the private rented sector

The size of the private rented sector is an important starting point – over 38% of households are in this sector. This is much higher than the national average and is also high compared with some other London boroughs. There has also been a growth of the sector over the last couple of decades.

Quality/standards vary across the borough. The major driver of policy should be to ensure that people get good quality housing and that the property standards are high. The information provided by the Council highlights that there are significant numbers of properties with category one hazards in the majority of wards.

The cost of private renting is probably relatively high and rising. More information on the rents across Ealing and compared with other London boroughs would be useful.

More information on the age demographic of private renters would also be helpful. Is it fair to assume that a major part of the growth in private renting is because of more mobile young people coming to London/West London as well as the growth of the student population?

The future trend for the private rented sector is likely to be one of growth. This is because of rising house prices because of high demand and supply issues. Households wishing to/aspiring to become owner occupiers are increasingly finding it difficult to get on the owner occupation ladder – it is a major challenge. Furthermore, the need to save to obtain a mortgage is difficult when private sector rents are high and rising. This is likely to be a particular problem for single people.

Additional licensing for houses in multiple occupation

Overall, I am not against the principle of extending additional licensing to smaller houses in multiple occupation, however, there needs to be clear evidence of the benefits of the scheme already implemented and this isn't clear from the report.

The Council has provided information showing that there are a wide range of issues. These include the number of calls received about anti-social behaviour, category one hazards, and complaints by tenants as well as from people in adjacent properties.

However, there a number of issues where further information is required. These include:

- 'Success' of the existing additional licensing scheme – is the Council confident, for instance, that the quality of properties has improved over the last four years?

- More generally, what are the explicit measures of success for the existing and proposed additional licensing schemes?
- How effective have warning letters to landlords been in tackling problems?

A further concern is how will the Council ensure that it is catching rogue landlords that own houses in multiple occupation? Conscientious landlords engage with licensing schemes, but the priority should be identifying and acting against landlords who are explicitly avoiding the licensing scheme because their properties do not meet the appropriate standards. Conscientious landlords will not be happy if the issue of rogue landlords is not addressed. Therefore does extending the existing scheme tackle this?

Overall, the additional licensing scheme has to be effectively implemented.

Selective licensing

A number of the points in the previous section are equally relevant for the selective licensing proposal, eg, measuring success, focussing on rogue landlords rather than conscientious landlords etc.

The principle of selective licensing is sound. But there are a number of issues (see above). The main one is the geographical coverage of the proposals which will cover 15 of the 23 wards. The Council's information does not adequately justify why three wards have been chosen for phase one and a further twelve wards for phase two. It does not seem sensible to cover two-thirds of the wards in the borough. Would it not be sensible to either cover all wards or just focus on the wards with the most problems? Again, there needs to be clear evidence of success of the initial scheme.

Fees

On the issue of fees for landlords for additional and selective licensing, the costs are likely to be passed onto tenants. This could especially affect tenants of houses in multiple occupation where the fees are higher.

The principle of fees is sound, but the cost has to be proportionate to the type of property, the number of tenants etc. If the fees are set at too high a level, landlords will try to avoid the scheme leading to more issues of unsatisfactory properties.

Finally, how do the fee levels compare with other London boroughs?

Councillor Manro

Background

Councillor Manro is Cabinet Member for Good Growth. His portfolio includes the regeneration strategy, the local plan and planning policies, council property and assets as well as private rented sector licencing. He is a long-standing councillor and currently represents North Greenford.

He has previously been the cabinet member responsible for finance and regeneration and community safety. He has been the chairperson of various committees including overview and scrutiny, licensing, and planning.

Private rented sector

The private rented market is a diverse and changing sector. On the one hand, there are on-going issues over 'beds in sheds', as well as landlords converting properties to very poor quality houses in multiple occupation (HMOs). These are often landlords that ignore regulations and convert three-bedroom properties into a large number of bedrooms with shared facilities. The management of these properties is problematic with tenants paying high rents for poor accommodation. There are large profits to be made from these conversions and some of the social media covering the property sector actively encourages this type of approach.

There are also accidental landlords who often just need advice and guidance from the Council

But on the other hand, there has been investment in build-to-rent schemes ie high quality new build properties with high rents that are professionally managed and institutionally-funded.

Our aim has to be to ensure that people can live in reasonable quality accommodation in the private rented sector, and that it is safe and secure. This is vital because of the state of the housing market. People are increasingly finding it difficult if not impossible to get on the owner occupation ladder and there is an inadequate supply of affordable housing to rent from the Council and housing associations. For example, the housing waiting list is continuing to grow. As a result, there is high demand for private rented accommodation especially from vulnerable people and those on low incomes. The Council makes use of the private rented sector to provide temporary accommodation, so this is a further reason why it is in our interest to ensure good standards of accommodation.

Proposals for additional HMO licensing

A major concern about the growth of HMOs is the lack of planning controls because of permitted development rules. We have few if any means of preventing the conversion of smaller/three-bedroom houses into HMOs – and this results in the loss of family accommodation. There are also concerns raised by residents about the proliferation of HMOs in some areas. In some cases, this is nimbysm (not in my backyard), but residents have a highly valid point where there are concentrations of this type of conversion.

The Council is considering adopting an Article 4 Direction in its local plan update to address this problem though approval is required from MHCLG. Additional licensing of HMOs, and especially the focus in the proposals on smaller HMOs, is, therefore, vital.

Of course, there are landlords owning HMOs that meet the regulatory standards and provide reasonable accommodation that is adequately managed. A licensing scheme, therefore,

provides reassurance to good landlords as it focuses action on those that are flouting the rules and creating a bad image about this part of the private rented sector.

Selective licensing

Selective licensing proposals for 15 wards builds on the lessons learnt from the existing scheme covering five wards. It focuses on those wards where there are estimated to be the most severe property condition issues.

Again, many landlords provide a good service and are aware of the regulations and accept their importance (eg, gas and electrical certificates). Licensing for a five-year period is not a burden and the cost of fees is overstated, especially if discounts apply. We could, as a Council, consider additional discounts eg lower fees for a property rented to a single family.

John Martin, Estate Agent

John Martin is an estate agent operating from Pitshanger Lane in North Ealing. He had attended the three Zoom-based public meetings to discuss the Council's licensing proposals for the PRS that had been held in the summer. He has a number of roles working with Ealing Council including work improving local High Streets and on community safety issues.

General

Talking generally about the PRS in Ealing, JM's view was that the vast majority landlords in the borough were doing the 'right thing'. In his experience, JM found that 90% of problems identified by tenants were addressed by landlords very quickly. Inevitably though there were some landlords who let poor quality accommodation and delivered poor services to their tenants.

Any system of regulation of the PRS should focus on the small percentage of landlords that deliver poor services. The emphasis should be on ensuring these particular landlords comply with the licence conditions set by the Council.

But crucially the Council needs to ensure that its existing system is working properly before it looks to introduce a new system of licensing. JM would like to see the results of the licensing scheme that has been in place for the last four or five years. How many enforcement actions have been undertaken (for instance) under the licensing scheme?

JM comments that the Council should have discussed issues with landlords, agencies and tenants about licensing in Ealing before it undertook the formal consultation on its new licensing proposals. He felt that many of the issues now being raised during the consultation process could have been resolved earlier. He comments on the cost of the consultation exercise.

Beds in sheds

JM discusses the problems associated with beds in sheds. He notes that in parts of Southall, Northolt, Greenford and other areas of the borough there are a significant number of these structures. He would be interested to know what enforcement action has been taken to deal with this type of building in Ealing. The Council needs to publicise the success stories in dealing with beds in sheds – if indeed there have been any.

The relaxation of planning laws has prompted the growth of accommodation in back gardens. It is common knowledge that gyms, storehouses and similar structures built in back gardens have been converted into residential accommodation. The Council needs to set up a register of these structures and then have them inspected on a regular basis. This could help identify where this type of property is being used for accommodation. JM commented that it was also becoming too easy under planning law for commercial premises to be converted to residential use.

JM reiterated that the Council needs to 'fix what we have now'. Both landlords and tenants would support a licensing regime if the foundations were there to enforce existing licensing conditions.

HMOs

JM does not let rooms or bed spaces in HMOs. However he spoke about his experience of the management of an HMO in the cul-de-sac where he lives. He noted that a number of businesses are increasingly investing in HMOs in the borough. Such businesses do not necessarily address the concerns of residents living close to the HMOs they are responsible for. By definition, the turnover of tenants in these properties is high. The stability of communities can be affected by the introduction of these this type of property in local areas. There are problems with waste management, parking and anti-social behaviour with properties of this type. Some residents of these properties have drug and alcohol issues. JM said that the HMO near where he lives is licensed by the Council but he has no evidence that the problems he has identified have been addressed. It would seem that the licence conditions set by the local authority have not been enforced. Generally the behaviour of tenants living in HMOs would not be classed as anti-social or criminal but where such behaviour is identified the local authority should take action given its powers of enforcement. JM commented on the contribution a tenant (of an HMO) made to one of the public meetings held to discuss the Council's licensing proposals. He had offered to help her work with the police in investigating the problem she had with her landlord. However she did not get in touch with him. He wonders how serious the problems are that tenants complain about.

Housing shortfall

JM acknowledges that the problems associated with the PRS can in part be attributed to the lack of investment in affordable housing over the last 30 years. There is a severe shortage of affordable accommodation which forces people to rent substandard and expensive housing.

Selective licensing

JM recognises the merits of a selective licensing system for single family dwellings. Where selective licensing is in place in the borough the vast majority of high street estate agents will ensure that landlords letting properties on their behalf are licensed. Estate agents want to see landlords comply with the law.

JM's view is that selective licensing should be introduced borough wide. Leaving a minority of wards outside the selective licensing scheme (as proposed) is a mistake. JM believes that a number of landlords will circumvent licensing by buying properties in wards without selective licensing. He describes the proposals as 'open to abuse'.

Council resources

JM finds it difficult to comment on the level of resources available to the local authority to manage its licensing system. However in his work with the local authority more generally he has an insight into the complexities associated with the operation of the licensing system. He acknowledges that a number of departments of the Council would be involved in the management of the system, and this can produce inefficiencies.

JM believes that if the existing system was given time to 'bed down' that then this would help it become fit for purpose. It would help gain the confidence of both landlords and tenants if the current system was seen to be working.

Right to rent

JM refers to the right to rent checks that landlords must make. He would like to know how many cases have been brought to court. Again, the Council should be more open about the cases it brings and whether they are successful or not.

Conclusions

Overall JM see the merits of a PRS licensing system as long it is effectively managed. He acknowledges that there is a 'slim possibility' of the non-statutory licensing scheme in Ealing ending if the consultation exercise does not show support for the scheme.

More generally, JM sees the merits of introducing a national register for private landlords. He also calls for some form of property passport which provides a public record of the various legal requirements that properties must meet.

iHowz

iHowz is a not-for-profit trade organisation for landlords. It has members nationwide, including in Ealing, and its main base is in London and the South East where it originated. It exists to advise landlords but will assist tenants where it can and does some limited lobbying and legal work on behalf of landlords.

The state of the PRS in Ealing

iHowz recognises that the PRS forms a significant part of the housing stock in Ealing, and that there are both good landlords and problem areas within the PRS. It is the organisation's belief that only a minority of landlords are bad/rogue/criminal. It accepts the need to enforce against them.

It believes that social landlords, who own a significant amount of the stock, should be included in any licensing scheme on the same basis as private landlords.

Additional licensing

iHowz questions the need for a new additional licensing scheme to replace the one that has already run for five years. It believes licensing is a broad brush approach to a situation where local authorities already have extensive powers they can use regarding HMOs (in a recent report it found 165 pieces of legislation that landlords must follow – see below). An example would be the 'fit and proper person' requirement.

If HMOs are found to be not up to standard, then they could be licensed, iHowz believes. It advocates using the 2004 Housing Act to control management, deal with problems such as absentee landlords, poor management, or degradation of property and the area, as a better approach rather than licensing all HMOs.

The organisation is also concerned that additional licensing across the borough is being renewed after five years of the existing scheme. It believes that any problems should have been dealt with during the period of the existing scheme.

Selective licensing

iHowz wants to see more information on what has been achieved (or not) with the existing scheme. It believes many fixed penalties issued by local authorities are for not licensing a property – not for actual poor conditions. On the other hand, it cites an example of what it regards as good practice from the Borough of Thanet. Here, iHowz brought, and lost, a judicial review against the Council's licensing scheme. But it now recognises that the Council succeeded in its aims of tackling problems in the designated area, to the extent that renewal after five years is not considered necessary.

The organisation particularly challenges the proposal to include the five wards where selective licensing currently operates in the wider new scheme. Again, the argument is that any problems should have been dealt with already.

iHowz would prefer to see a two-year extension to any scheme, rather than the Council 'automatically' opting for the maximum duration available. This would be with a fee at 2/5 of the whole fee.

Fees

iHowz finds the question of fees central to the debate. It feels that if licensing is used without showing strong results in terms of improved conditions, it becomes in effect a tax on landlords. It believes licensing is often politically motivated and therefore introduced for the ‘wrong reasons’ – primarily to gain income for the authority. It points out that the proposed schemes and fees are costly:

“Taking the figures from the Ealing website and the meeting presentation slide:

- Total stock = 124,000 (in 2011)
- 38% in PRS = 47,120
- Estimated number to be licensed 50% = 23,560
- Average licensing fee of £1,000 = £23.5 million to be levied over the next five years.

“Existing scheme = 11269 @ £1,000 = £11,269,000. What were their expenses over this period?

iHowz estimates: Say 5 EHOs per year for five years @ £35k pa = £875,000, plus overheads, say £1½ to £2 million over the same period. This represents a ‘profit’ (surplus) of £9-10 million.”

General comments on licensing

iHowz believes landlords can be broadly categorised into three groups: those who are competent and professional, who can be left to get on with providing good housing; those who do not fully know what they should do, who need support and training; and those who do not care what the law says. It is this last group that local authorities should concentrate on, and drive them out of the sector, iHowz believes – not catch all landlords in licensing. It suggests Ealing should look to control problems as they arise within smaller areas such as a street.

iHowz places strong emphasis on training and support for landlords. It finds that often landlords attend training initially because they are required to, but then find it has been useful and helpful to them. It praises Ealing for training it has done with landlords in the past and says this should be repeated and greatly expanded. It wants a balance of ‘carrot and stick’ in working with landlords. In fact, it believes it should be mandatory for anyone applying for a licence to be trained and accredited using the [LLAS scheme](#) (of which Ealing is a member). It says other boroughs have brought in this requirement.

iHowz added this statement:

“Ealing are obliged to state what other schemes, etc they have employed to help reduce the 9,931 tenant complaints over 5 years, and to deal with the perceived (not proven) 22% of the PRS with a serious housing hazard.

“We believe it incumbent on Ealing to report on the current schemes before taking a decision, especially on the comment that the scheme would be cost neutral.

“We would be pleased for an expansion on the claims within the (presentation) slides:

- 22% of PRS stock predicted to have serious housing hazards. Proof, and how serious?
- 9,931 complaints from tenants over 5 years @ an estimation of 23,560 PRS = 8.4% per annum – It would be interesting to know what these complaints were, and also the number of complaints against the Council in the same period
- Expand on the 75% of ‘Properties brought into compliance (licence submitted) following receipt of warning letter’. Presume a letter requiring an HMO manager notification be pinned to the wall, would count the same as a loose tread on the stairs. We’re comparing apples with oranges here
- ‘Housing, Public Health and Planning statutory notices served 1254’. What were these? S28;S11;S20?
- ‘Civil Penalties (policy adopted May 2019) 44 Prosecutions 8’. Again, what were these for? Actual HHSRS problems, or not licensing?

General comment

“All local authorities have many powers already to tackle problem properties/landlords. This includes the use of discretionary licensing where there are proven problems in a small area.

“To summarise the above:

- Ealing need to report on the existing schemes, especially:
 - The perceived success or failure
 - What else they did try to combat problems, apart from licensing?
 - Budgetary figures:
 - How much income did they take?
 - Expenditure on the scheme.
- Why they feel they need to extend the time period in the existing wards? If they weren’t able to combat perceived problems in five years, what good will another five do?
- If not successful in the existing wards, why will it work in an extended area?
- What other measures are they proposing alongside licensing?
- Their anticipated costs in running the scheme, vs the anticipated ‘income’, including Civil Penalty Notices.”

Known laws affecting rentals – iHowz list

1 Landlord and Tenant Act 1730

- 2 Distress for Rent Act 1737
- 3 Anti-terrorism, Crime and Security Act 2001
- 4 Anti-social Behaviour Act 2003
- 5 Anti-social Behaviour, Crime and Policing Act 2014
- 6 Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (England) Regulations 2003
- 7 Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003
- 8 Building Regulations Part P: Guidance Booklet
- 9 Capital Gains Tax
- 10 Consumer Protection Act 1987
- 11 Control of Asbestos Regulations 2006 (SI no.2739)
- 12 Control of Pollution Act 1974
- 13 Council Tax (Additional Provisions for Discount Disregards) Order 1992
- 14 Council Tax (Chargeable Dwellings) Order 1992
- 15 Council Tax (Discount Disregards) Order 1992
- 16 Council Tax (Exempt Dwellings) Order 1992
- 17 Council Tax (Liability for Owners) (Amendment) Regulations 1993
- 18 Council Tax (Liability for Owners) Regulations 1992
- 19 Construction (Design and Management) Regulations 2015
- 20 Crime and Security Act 2010
- 21 Criminal Law Act 1977
- 22 Data Protection Act 1998
- 23 Defective Premises Act 1972
- 24 Deregulation Act 2015
- 25 Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015
- 26 Disability Discrimination Act 2005
- 27 Electrical Equipment (Safety) Regulations 1994 (SI no.3260)
- 28 Employment Rights Act 1986
- 29 Energy Performance of Buildings (Certificates and Inspections) Regulations 2007
- 30 Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No.2) Regulations 2008
- 31 Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010

- 32 Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011
- 33 Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012
- 34 Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014
- 35 Energy Act 2011
- 36 Enterprise and Regulatory Reform Act 2013
- 37 Environmental Permitting (England and Wales) Regulations 2010
- 38 Environmental Permitting (England and Wales) (Amendment) Regulations 2014
- 39 Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014
- 40 Equality Act 2010
- 41 Equality Act 2006
- 42 Estate Agents Act 1979
- 43 Finance Act 2003 (Part 4)
- 44 Firearms Act 1968
- 45 Firearms (Amendment) Act 1988
- 46 Firearms (Amendment) Act 1997
- 47 First-tier Tribunal (Property Chamber) Fees Order 2013
- 48 Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- 49 Freedom of Information Act 2000
- 50 Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 2010
- 51 Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993
- 52 Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989
- 53 Furniture and Furnishings (Fire) (Safety) Regulations 1988 (SI no.1324)
- 54 Gas Safety (Installation and Use) Regulations 1998 (SI No. 2451)
- 55 Health and Safety at Work etc Act 1974
- 56 Health and Safety (Consultation with Employees) Regulations 1996
- 57 Health and Safety (Training for Employment) Regulations 1990
- 58 Heat Network (Metering and Billing) (Amendment) Regulations 2015
- 59 Heat Network (Metering and Billing) Regulations 2014
- 60 Home Information Pack (Suspension) Order 2010
- 61 How to Rent Guide

- 62 Houses in Multiple Occupation (Management) (England) Regulations 2009
- 63 Houses in Multiple Occupation (Management) (Wales) Regulations 2009
- 64 Housing (Interim Management Orders) (Prescribed Circumstances) Order 2006
- 65 Housing Act 1985
- 66 Housing Act 1988
- 67 Housing Act 1996
- 68 Housing Act 2004
- 69 Housing Act 2004 (Commencement No 5 and Transitional Provisions and Savings) (England) Order 2006
- 70 Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007
- 71 Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007
- 72 Housing Benefit (State Pension Credit) (Local Housing Allowance and Information Sharing) Amendment Regulations 2007
- 73 Housing Benefit (Amendment) Regulations 2009
- 74 Housing Health and Safety Rating System (England) Regulations 2005 (SI no.3208)
- 75 Housing Health and Safety Rating System (Wales) Regulations 2006
- 76 Housing (Tenancy Deposits) (Prescribed Information) Order 2007
- 77 Housing (Tenancy Deposit) (Specified Interest Rate) Order 2007
- 78 Housing (Tenancy Deposit) Order 2007
- 79 Income and Corporation Taxes Act 1988
- 80 Income Tax (Trading and other Income) Act 2005
- 81 Infrastructure Act 2015
- 82 Inheritance Tax Act 1984
- 83 Immigration Act 2014
- 84 Immigration Act 2016 (The Right to Rent)
- 85 Land Registration Act 2002
- 86 Land Registration Rules 2003 (SI no.1417)
- 87 Landlord Income Tax Relief (Section 24)
- 88 Landlord and Tenant Act 1985 (as amended)
- 89 Landlord and Tenant Act 1987
- 90 Landlord Registration Act 2002
- 91 Legal Aid, Sentencing and Punishment of Offenders Act 2012

- 92 Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment)(England) Regulations 2012
- 93 Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- 94 Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007
- 95 Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- 96 Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- 97 Local Government Act 2003
- 98 Local Government Finance Act 1992
- 99 Management of Health and Safety at Work (Amendment) Regulations 2006
- 100 Management of Health and Safety at Work Regulations 1999 (as amended)
- 101 Management of Houses in Multiple Occupation (England) Regulations 2006
- 102 Manufacture and Storage of Explosives Regulations 2005
- 103 Minimum Energy Efficiency Standards (MEES)
- 104 Money Laundering Regulations 2003
- 105 Money Laundering Regulations 2007
- 106 Mortgage Repossessions (Protection of Tenants etc) Act 2010
- 107 Occupiers Liability Act 1957
- 108 Plugs and Sockets etc. (Safety) Regulations 1994
- 109 Prevention of Damage by Pests Act 1949
- 110 Private Water Supplies (England) Regulations 2016
- 111 Proceeds of Crime Act 2002
- 112 Protection from Eviction Act 1977
- 113 Public Health Act 1961
- 114 Public Health Act 1936
- 115 Race Relations Act 1976
- 116 Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014
- 117 Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003
- 118 Regulatory Reform (Fire Safety) Order 2005 (Si no.1541)
- 119 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- 120 Rent Act 1977

- 121 Rent Acts (Maximum Fair Rent) Order 1999
- 122 Renters Reform Bill
- 123 Rent Officer (Housing Benefit Functions) Amendment Order 2007
- 124 Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007
- 125 Rent Repayment Orders (Supplementary Provisions) (Wales) Regulations 2008
- 126 Residential Property Tribunal Procedures and Fees (England) Regulations) 2011
- 127 Residential Property Tribunal Procedure (England) Regulations 2006
- 128 Residential Property Tribunal (Fees) (England) Regulations 2006
- 129 Residential Property Tribunal Procedure (Wales) Regulations 2006
- 130 Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012
- 131 Residential Property Tribunal (Fees) (Wales) Regulations 2006
- 132 Safety Representatives and Safety Committees Regulations 1977
- 133 Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
- 134 Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006
- 135 Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006
- 136 Serious Organised Crime and Police Act 2005
- 137 Sex Discrimination Act 1975
- 138 Taxation of Chargeable Gains Act 1992
- 139 Terrorism Act 2000
- 140 The Homes (Fitness for Human Habitation) Act 2018
- 141 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- 142 The Tenants Fee Ban
- 143 Town and Country Planning (Use Classes) (Amendment) (England) Order 2010
- 144 Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010
- 145 Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2002
- 146 Town and Country Planning (Use Classes) (Amendment) (England) Order 2006
- 147 Town and Country Planning (Use Classes) (Amendment) (England) Order 2005
- 148 Town and Country Planning (Use Classes) Order 1987
- 149 Town and Country Planning (Scotland) Act 1997

- 150 Town and Country Planning Act 1990
- 151 Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013
- 152 Unfair Terms in Consumer Contracts Regulations 1994
- 153 Unfair Terms in Consumer Contracts Regulations 1999
- 154 Unfair Terms in Consumer Contracts (Amendment) Regulations 2001
- 155 Water Environment (Controlled Activities) (Scotland) Regulations 2011
- 156 Water Industry Act 1999
- 157 Water Industry Act 1991
- 158 Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011
- 159 Weeds Act 1959
- 160 Welfare Reform Act 2007
- 161 Welfare Reform Act 2007 (Commencement no 4 and Savings and Transitional Provisions) Order 2007
- 162 Wildlife and Countryside Act 1981
- 163 Work at Height (Amendment) Regulations 2007
- 164 Work at Height Regulations 2005 (as amended)
- 165 Work at Height Overhaul of guidance January 2014

National Residential Landlords Association

The NRLA was formed from a merger of the NLA and RLA. It represents private landlords at national level and has members in Ealing. In its previous form it took part in the last Ealing Council consultation on the PRS five years ago.

The state of play of the PRS in Ealing

The NRLA accepts that there has been a dramatic increase in PRS stock numbers in Ealing in recent years. However, it feels that there are many unknowns about the situation and trends today, following Covid. For example, a University of London study found that many people had left London. There is higher demand for space and gardens, so there is a complex picture emerging with people moving either from the centre toward the outer boroughs, or out of places like Ealing toward Berkshire and the home counties. Rents in London have fallen.

Additional licensing

The NRLA is neither for nor against additional licensing as a principle. It is very interested in the delivery of schemes, however. It says that what it argues is a relatively low number of fixed penalties issued in Ealing under the existing scheme (by comparison with some other London boroughs or English authorities) demonstrates that the PRS problems identified cannot be so great as claimed.

What the NRLA does want to see under any licensing scheme is inspections. It argues that to date Ealing has not done enough inspections, and this in turn means that landlords are not getting value for the money they pay.

Selective licensing

Here the issues are similar: the NRLA does not take a view on selective licensing in principle but does want any scheme to be effective. It wants the Council to be clear about the aims of its scheme. It does not have confidence in the Council's ability to deliver the scheme effectively, so this leads to a concern about its expansion to more wards. It suggests Ealing Council could consider employing a third party to deliver the scheme more effectively, as some other local authorities have done.

It is concerned about the level of fees and how they are presented (discounts should legally only come from the General Fund, it says, but this is not clearly stated, and the Council should also split the fee between Part A, applying for a licence, and Part B, compliance within the scheme).

Comments on licensing in general

The NRLA wants to see multiple inspections guaranteed – two or three over the life of any licensing scheme. It recognises that there is a criminal element in the PRS that is involved in serious crimes such as people trafficking, smuggling, organ harvesting, etc, though sometimes this involves not the landlord but sub-letting tenants. It believes the only way to find out about such activities is to 'get behind the front door' by inspecting and involving multiple agencies. The concern is that if criminals know the Council is not inspecting all properties, it will encourage their activities.

Inspection also helps to create confidence among landlords that there is a level playing field, the NRLA believes. That means guaranteeing to inspect all properties. It believes running the service more effectively could enable lower fees to be charged and deliver better value to landlords.

Chris Miller, Chair, Child Death Overview Panel for North West London Collaboration of CCGs

The Child Death Overview Panel was established in 2019 under a new statutory duty. It covers eight London boroughs including Ealing and reviews every child death occurring from birth to 18 years. It is part of a nationwide network of panels that is assembling data on the circumstances of child deaths. The panel hopes that over time the network will be able to map data on the established link between early childhood deaths and poverty/deprivation, which is often found in the PRS. Circumstances such as fires, faulty window locks, damp or faulty equipment are termed 'modifiable factors' that if changed could help prevent a death.

Mr Miller said that many children whose deaths the panel examines live in the PRS (amounting to about 150 deaths a year). Two deaths of children that had occurred elsewhere in NW London within a year had direct relevance to the PRS. Both children had fallen from

defective windows in PRS properties. In one case although the local authority had not been in a position to license the property, it was felt that licensing could potentially have made a difference.

Mr Miller had also contacted Ealing after seeing good work the Council had done in the wake of a PRS fire that involved children.

Additional licensing

Mr Miller said he was totally in favour of this to establish minimum safety standards. However, he felt that any licensing scheme must be accompanied by robust enforcement and policing. In particular he felt that if a serious incident occurred, the landlord must be appropriately punished and the outcome publicised, to ensure other landlords upheld standards.

Selective licensing

Again, Mr Miller expressed strong support for this in helping to prevent child deaths and improve the quality of the living environment for people in the PRS in Ealing. He did acknowledge the bureaucracy involved for landlords. He felt that the current situation of accommodation shortage and lack of affordability made it too easy for some landlords to cut corners.

General views on licensing

Mr Miller is keen for Ealing Council to take note of and use knowledge from the growing database from his panel and the national network of panels. He believes that using this information to build the priorities in licensing conditions, for example on fire safety, insulation, windows, damp and so on, could make the Council's oversight of the PRS more sophisticated and could have an impact on child deaths in the borough, and contribute to the wider understanding nationally of how to reduce child mortality.

Ealing Safeguarding Partnership

The partnership has taken a special interest in housing because it has such a strong bearing on people's lives.

The PRS in Ealing has increased dramatically, and social housing has diminished, so as a board the partnership has taken the time to look at housing issues and how they affect the most vulnerable people. This includes the 'import and export' of people in and out of the borough as they seek housing and trying to understand the drivers of people's moves.

The partnership has also been active in finding ways for children with adults to get decent accommodation in the borough.

A recent serious case that led to a safeguarding adults review concerned older people living in private sheltered housing. Oversight of those people caused the board concern as they

were receiving little more than the accommodation itself. The board was told that many older people in Ealing move into private sheltered housing through lack of other choices.

Additional licensing

The partnership is concerned about vulnerable people living in HMOs where the conditions are poor. They recognise that shortages of housing mean that some landlords can continue offering poor conditions because tenants will take whatever housing is available to them.

The board therefore supports any measure that allows the local authority and its partners to improve conditions for vulnerable people. Following the exposé by ITV in early 2021 of poor PRS conditions elsewhere in London, the partnership wanted to ensure Ealing was taking the right steps to ensure people were not living in similar conditions in the borough. The Council produced an assurance report that included reference to HMOs.

The board recognises the links between housing and other social conditions such as anti-social behaviour and exploitation of vulnerable individuals. It believes licensing could help raise awareness among tenants that they can come forward and tell the Council about these types of issues, and that someone will listen and take action.

Selective licensing

The issues here are similar: the board welcomes measures that will ensure minimum standards in the PRS. It wants the bar set to give good quality for all – but without driving landlords out of the market. Over-regulation must not push people out of the sector.

General comments on licensing

The board feels that broader regulation helps to attract landlords with the right attitudes, integrity and values. This in turn drives up the quality of the sector and helps housing professionals to share good practice and drive up standards in a purposeful way.

The board wants the housing team at Ealing Council to be able to get on to PRS issues quickly, and to work collaboratively with landlords to raise standards. It recognises the valuable contribution the private sector makes. It sees licensing as not only a regulatory and management exercise but also as a means of engaging with landlords in a broader conversation. It acknowledges that while landlords are running a business, they also want to ensure the people they house live in good conditions.

To achieve improvements, the partnership stresses that the lines of communication between the Council and landlords must be kept as open as possible to facilitate networking, good practice and dialogue. It also stresses that safeguarding must be 'writ large' in any arrangements for PRS licensing, in recognition of the diminished choices for vulnerable people and the impact their housing can have on their lives.

Chief Superintendent Peter Gardner for the Boroughs of Ealing, Hounslow and Hillingdon, Metropolitan Police

Chief Superintendent Peter Gardner covers policing matters for the London Boroughs of Ealing, Hounslow and Hillingdon.

HMOs

CS Gardner had read the consultation document and welcomed the Council's intention to address these types of issues through its licensing proposals.

CS Gardner wanted the Council to institute a schedule of visits to both licensed and unlicensed HMO. A new strategy was needed to check that HMOs were licensed and if they were to ensure that landlords were meeting their licence conditions. The strengthening of licence conditions for HMOs was welcomed by CS Gardner.

The Chief Superintendent noted that there was a disproportionate amount of crime associated with HMOs. These properties are generally occupied by people that do not know one another. This can lead to tensions between residents. Many of these occupiers are on low income and many rely on state benefits. CS Gardner noted that there were more acts of violence in this type of accommodation than in other types of housing. There is more criminal and anti-social behaviour associated with HMOs.

CS Gardner welcomed the licence conditions that give some responsibility to the landlord/managing agent to control criminal and anti-social behaviour in HMOs. He also welcomed the condition that called for the landlord/managing agent to keep relevant statutory authorities informed of anti-social and criminal behaviour. Licences should be suspended where licence conditions are breached.

The Chief Superintendent refers to a case in Hillingdon where a tenant of an HMO killed the landlord. CS Gardner hoped that the licence conditions for HMOs might be able to prevent such incidents in future (by fostering better relations between landlords and tenants for instance).

CS Gardner noted that the key problem was the lack of suitable housing for residents of HMOs. People are effectively forced to live in confined quarters and crowded conditions. The provisions for the licensing of HMOs are welcomed because they set out minimum space standards and address anti-social and criminal behaviour in HMOs.

The police respond to issues in HMOs (and other residences) where there is violence or criminality of any kind and where safeguarding issues arise (for instance where gas services are dangerously installed).

Burglary is not a particular problem associated with HMOs. Theft can occur within a property, but this generally is not considered a police matter. However some burglars do target HMOs to steal bank statements (for instance) to carry out identity fraud. This would be a police matter.

CS Gardner notes that he has a positive relationship with the local fire brigade and that the police are alerted to problems with HMOs by the fire brigade where potential criminality might be present.

Beds in sheds

Beds in sheds are less of an issue. The problems associated with beds in sheds arise if such accommodation is unsafe for residents. The police are not responsible for dealing with unlicensed building work. This is not subject to the criminal law. The police would be concerned if there are safeguarding issues and if there are exploitative relationships involved. The issue becomes a police matter if vulnerable people are involved.

Illegal immigrants

In general the Home Office is primarily responsible for dealing with illegal immigrants. However the police will work with the Home Office on joint operations to identify and deal with illegal immigrants. CS Gardner welcomes the licence conditions which ensure that landlords must check on the immigration status of applicants. The police are concerned about illegal immigrants not reporting criminal behaviour to the police or other authorities. Because they do not have the right to remain, they might not report criminal behaviour to relevant authorities. Although the Home Office is primarily tasked with enforcing legislation on illegal immigration, the police can become involved where there is modern day slavery (for instance).

Selective licensing

CS Gardner is less concerned about criminal behaviour associated with single family dwellings. His view is that selective licensing is less of an issue for the police than the mandatory/additional licensing associated with HMOs. Problems associated with single family dwellings arise when there may be illegal subletting or when there is an excessive number of 'sharers' in such dwellings. Then the properties become more like an HMO. However anything that can ensure people live safely in the properties where they live is to be welcomed.

General

CS Gardner has no views on the resources available to the Council to manage and enforce its licensing scheme. He does however work closely with the Council's ASB teams, the licensing team and other services at Ealing to address problems that arise with the management of HMOs. Where there are safeguarding issues, the police would be involved in any MASH arrangements. CS Gardner is not aware of the capacity of the licensing team at Ealing to carry out the tasks for which it is responsible. He is unaware of the checks that the licensing team would make on either licensed or unlicensed premises. He notes that licensing can only be a positive service if there is enforcement to back up the regulatory framework. If there are no sanctions, then the value of the licensing regime is diminished.

Hanger Hill Garden Estate Residents Association

Hanger Hill Garden Estate lies in Hanger Hill ward, which currently has additional licensing but not selective licensing. The residents' association includes owner occupiers, tenants and some private landlords. The association discussed the Council's licensing proposals with its members, and also submitted written comments to the consultation.

The estate is in a conservation area. As such, planning permission is required for substantial changes to the housing, so the estate has not seen the extensive creation of HMOs seen elsewhere, though residents are aware of this happening in other neighbourhoods.

In general, the type of challenges experienced with some private rented housing on the estate are rubbish, fly tipping and noise. There can be some friction between younger tenants and the older, established residents. A particular issue is that two cannabis farms have been found in PRS properties that had been sublet.

Additional licensing

This currently exists and is supported for the future. The association has found it useful to have a register of PRS properties on the estate. There is a particular issue as the association needs to collect service charges for privately managed access roads, so it needs to know who owns PRS properties. The register can help shorten the time it takes to contact overseas landlords.

The association feels that a licence condition for HMOs should be that there is enough provision for rubbish storage for each tenant, as lack of it is a common problem.

Selective licensing

Hanger Hill does not currently have selective licensing, but it will be introduced in phase two if the plans go ahead.

The association feels the same points as with additional licensing apply: a register is needed, and there should be adequate provision for rubbish storage as a condition.

Association members had discussed the length of licences. They felt the default should be five years, as more frequently would create a burden of bureaucracy. But they felt the Council should use the existing provisions to apply restrictions or revoke where necessary.

Overall comments on licensing

The association wants neighbours to be informed about applications to create new PRS licensing. It is aware of stigmatisation of tenants and concerned that this should not happen. But on balance feels that if people know who the landlords are, they will be able to sort out any problems more quickly.

On the register of landlords, the association is concerned that this has not been kept up to date and feels it should be kept up to date in future. Similarly, it appreciated having a named

officer for the ward as this built up a two-way relationship, but this has become more sporadic over time. It would like this restored.

The association has concerns about the fee income. It wants to know what services are provided and how the money is spent. It feels that there are no inspections of licensed properties and cites as evidence the two cannabis farms. These it says had existed for years and came to light through residents raising concerns, not council inspection. It also cites the landlord register not being kept up to date and the loss of a named contact.

The association suggested a mediation service would be valuable. In many instances, it believes, there should be a middle way available between the completely informal and legal action. It cites a case of nuisance where the landlord, though supportive, is overseas and the tenant unwilling to moderate their behaviour. A structured mediation service in such cases could help, the association believes.

When the Council convenes a focus group in future, the association would like to see residents' associations included.

Appendix 2: Submissions from 14 organisations/individuals

The fourteen major submissions are listed in the table below.

Organisation/type of organisation	Type of submission
NRLA	Report from the national headquarters
Student unions/students in West London	Notes
Safeagent	Report
iHowz	Notes
Hanger Hill Garden Estate Residents Association	Letter
Ealing Green Party	Letter
London Fire Brigade	Statement about the proposals
Enfield Council	Letter
Havering London Borough	Email
Advice Resolutions (Charity providing advice and representation)	Letter
Landlord 'A' (owner of flat)	Letter
Landlord 'B' (long established landlord)	Letter with an extensive appendix on the costs of the scheme and queries over the legal basis of the schemes
Landlord 'C' (out of borough landlord with property in Ealing)	Letter
Resident 'A'	Letter

National Residential Landlords Association

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.

Summary

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Ealing 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 and 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 Ealing, and we have concerns that this will be exasperated by this policy.

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. We have concerns around the Council's approach to licensing, you failed to inspect all properties in the first iteration of licensing. Those schemes that are delivering the best results are doing multiple inspections, up to 3 of every property. This improves the sector and with the knowledge of multiple inspections pushes criminals out of the sector and drives up the standards for landlords and tenants.

We understand that the Council have a reactive enforcement policy, but it is important to understand how the sector operates, as landlords who are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties.

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. Having considered the evidence presented, as well knowing the area very well and having undertaken our own evaluation of the circumstances faced by landlords, tenants and residents of Ealing, a number of questions are raised:

- In following Hemmings and the Gaskin court cases, the fee is not split, having worked on the Gaskin case and it being the law why is the Council not following the law. With the monies paid by a landlord clearly now coming under the service directive (which has been adopted into UK legislation). Can the Council provide a breakdown between

part A and part B monies paid by a landlord and how you make sure that it is apportioned to the individual landlord and works done in connection to the license

- You highlight discounts, how much money has been made available from the General Fund for this, as a landlord cannot subsidise another landlord under the Gaskin ruling of the service directive
- The documentation provided fails to indicate what additional funding will be available to support the expansion of licensing. Adult social care will have to be involved as many tenants have mental health, alcohol, or drug related illnesses. How do landlords' access this for their tenants?
- The Council fails to say how it will prevent malicious claims of poor housing being made, which could result in tenants losing their tenancies. Can this be provided and how will it operate?
- The Council fails to say how the proposal will tackle rent-to-rent and subletting, or even Airbnb. These are all increasing in the county.

We would like clarification on these points so that the private rented sector has confidence in any scheme that is delivered, and it will deliver against its set aims. Equally the current proposal for fees is illegal, we expect these to be corrected in line with the law.

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. What we wish to know is how is the local authority going to deliver against what it is proposing.

We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. How does the local authority plan to communicate best practice to the landlord and tenants of Ealing? Will Ealing inspect each property at least once.

Selective licensing will also introduce new social economic group of tenants into licensing. The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non co-operative, 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?

Consultation

Licensing is a powerful tool. If used correctly by Ealing Council, it could resolve specific issues. We have historically supported/worked with many local authorities in the introduction of licensing schemes (additional and selective) that benefit landlords, tenants and the community. From what has been presented there is still work needed to be done to make a

scheme work. You introduced the one of the most expensive licensing regimes in the country and detrimentally affected the poorest the most. We are disappointed that the local authority has not engaged with the NRLA to deliver a successful scheme, as other local authorities have. Equally you have not looked at other more successful schemes which have delivered better outcomes and managed to inspect all the properties multiple times for the local authority, tenants and landlords.

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 weekly/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 Ealing? 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 Ealing 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 Ealing is one of the most expensive and this will continue affecting those on the lowest income, and the local authority trying to place people outside the city.

A joined-up coordinated approach within the Council will be required. Additional costs in relation to adult social care along with children's services and housing will be incurred if the Council's goal is to be achieved. 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. The NRLA works with many local authorities on this.

Criminal activity

In addition, the proposal does not take into account rent-to-rent or those who exploit people (both tenants and landlords). Criminals will always play the system. 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 they know there is no risk. The landlord does 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 in criminal prosecution. 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.

Tenant behaviour

Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to, with the expansion of the scheme this will be drawn into licensing. 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 (eg, nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the selective/additional licensing scheme, even if the tenant has any of the above issues. This moves the problems around Ealing, 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 obligation within selective/additional licensing for the landlord to resolve an allegation of behaviour. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce.

Tenancy management

We would also argue that problems of a few poorly managed and/or poorly maintained properties as evidenced in your report. This is not a proportional response by continuing a licensing scheme – and goes against your own evidence. In many situations, the Council should consider enforcement notices and management orders. The use of such orders would deliver immediate results.

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.

Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the Council to collect. This is in hope of getting there deposit back, this is made worse when the Council does not allow landlords access to municipal waste collection points. 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 130 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 anti-social behaviour, as per what the Council says in the consultation. 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 anti-social behaviour.

The change to how tenancies will end and a move to a more adversarial system, will mean landlords will become more risk adverse to take tenants that do not have a perfect reference and history. We would be willing to work with the Council and develop a dispute resolution service which we have with other local authorities. It also poses a question where the Council expects people to live who have been evicted due to a tenancy issue.

Brief notes from discussions with student unions/students in West London

Introduction

Three brief online discussions took place with students and student union officers covering South West and West London. These discussions were a minor part of meetings called for other purposes.

The universities (and colleges) that were represented at the meetings included:

- University of West London
- West London College
- St Mary's University
- University of Roehampton
- Kingston University.

For the purposes of our project, the focus was on the first two institutions in the list above.

In relation to the University of West London, there is an Ealing Campus and halls of residence in East Acton and North Acton. There is also a student village in South Acton, but it is not run by the University. There are a number of other large providers of institutional accommodation eg Homes for Students. Many students are in private rented accommodation.

West London College does not provide accommodation. It refers students to a host family service and accredited providers. It also provides advice on finding accommodation in the private rented sector.

Private rented sector in West London

The consensus was that the sector has grown significantly over the last decade. There has been growth in new build institutional accommodation by companies not linked to universities. This has however not matched the growth in student numbers. This has resulted on reliance on the private rented sector. Wide variety in the quality and cost / rents of traditional private rented properties. HMOs can be especially problematic when small properties are sub-divided. Many anecdotal stories of poor accommodation and services.

Views on Ealing Council's proposals

Participants were not aware of the proposals. As a result, the basic principles were explained, especially the difference between mandatory and additional HMO licensing.

Key points/queries raised in the brief discussions:

- Welcome, generally, for additional licensing for smaller HMOs
- Is there evidence that mandatory national licensing and the existing scheme has improved the quality of HMOs?
- Need for conditions to cover quality of the accommodation, no of people, size of rooms, fire alarms, CO alarms, gas safety, electrical facilities and safety, cooking facilities, bathrooms/toilets, heating systems, repairs, rubbish collection arrangements etc
- List of approved/licensed HMOs and landlords is vital
- HMOs need to be regularly checked by the Council
- Will licence fees result in higher rents – can the Council prevent this happening?
- How can the Council control the quality of new HMOs when (planning) permission is not needed?
- HMO licensing should cover all of West London/London
- Does licensing cover the host family service?
- Does licensing cover institutional accommodation?

A further issue that generated a heated debate was the poor relationships with existing residents in areas where there is a growing student population. Students are unfairly stigmatised as the problem. Existing residents don't maintain their properties or gardens!

Other issues

The discussions, however, centred on other current issues linked to accommodation rather than Ealing's proposals. These included:

- Shortage of good quality accommodation for autumn 2021
- Poor management of some institutional accommodation/university accommodation
- Poor value for money of institutional/university accommodation
- Demands for rent reductions during the pandemic
- Pandemic and shared accommodation issues re safety and isolation.

Safeagent

Safeagent is a not-for-profit accrediting organisation for lettings and management agents in the private rented sector. Safeagent (formally NALS) was established in 1999, by the Empty Homes Agency, with backing from the Royal Institution of Chartered Surveyors (RICS) the Association of Residential Lettings Agents (ARLA) and the National Association of Estate Agents (NAEA). Safeagent provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents.

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 in a client money protection scheme.

Agents must provide evidence that they continue to meet Safeagent criteria on an annual basis to retain their licence. The scheme operates UK wide and has 1,500 firms with over 3,000 offices, including a number of agents within the London Borough of Ealing. Safeagent was recognised by the GLA as an approved body for the London Rental Standard. We are a recognised training provider under the Rent Smart Wales scheme and are also recognised by the Scottish Government in providing qualifications to meet the requirements of the Scottish Register.

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

Overview

We understand Ealing is seeking to renew their borough wide additional licensing scheme and introduce an expanded selective licensing scheme covering 15 wards. In considering this proposal, we have studied the evidence base and supporting information published on the Council's website.

Existing licensing scheme

Before deciding to renew the scheme, we think it is important for the Council to demonstrate they have effectively implemented and enforced the additional and selective licensing schemes already in force. In May 2019, in response to an FOI request, the Council estimated there were 5,000 licensable HMOs under the mandatory HMO licensing scheme, 15,000 HMOs under the additional licensing scheme and 5,000 properties under the selective licensing scheme.

We understand the estimate for the number of licensable HMOs has since dropped to 8,360. Whereas the number of selective licensing applications for single family lets has exceeded the Council's expectations, it is disappointing that less than 900 additional HMO licences have been granted by the final year of the scheme. This indicates an extremely low compliance rate of around 10%. We could find no commentary and explanation for the low level of applications under the borough wide additional licensing scheme. With thousands of HMOs remaining unlicensed, the report indicates just eight prosecutions and 44 civil penalty notices have been issued, with no split of enforcement activity between HMOs and single family lets. We could find no assessment of licensing scheme performance against scheme objectives. For example, has there been any improvement in property conditions or decrease in anti-social behaviour associated with private rented properties?

We think it is important for the Council to be open and transparent about what the current licensing schemes have achieved, the barriers encountered and how these issues are being addressed.

If the scheme is to be renewed, the Council need to be clear what would be done differently and how the many unlicensed HMOs would be tackled. Until this issue can be resolved, and existing schemes effectively enforced, we would not support widening the selective licensing scheme area to cover 15 wards.

In rejecting Croydon Council's application to renew their selective licensing scheme, the Secretary of State said the Council had not demonstrate strong outcomes or efficient delivery of the previous scheme. We think there is a clear need for the Council to demonstrate high compliance and effective outcomes before seeking to enlarge the scheme. Otherwise, the Council may receive a similar response when applying for scheme approval.

Evidence base

We note that Ealing has a large and growing private rented sector comprising an estimated 54,776 properties, making up 38.1% of the housing stock. Within the private rented sector, 8,360 properties are estimated to be HMOs. The mapping shows significant geographical variation in the concentration of HMOs across the borough. Two wards contain over 700 HMOs, whilst eight wards each contain less than 200 HMOs. Given the extremely low

compliance rate achieved, we would encourage the Council to implement a smaller scheme and focus limited resources on the most problematic wards to achieve more meaningful results. Focusing actively on the two wards with the highest concentration of HMOs could generate more licence applications than the borough wide scheme has achieved after four years.

The report indicates that most complaints from private tenants have been generated in five wards. With far fewer complaints in the other eighteen wards, this suggests licensing activity should be focused on the area of greatest concern.

The report indicates the highest concentration of serious Category 1 hazards in Southall Broadway (53.4%) and Southall Green (38.8%), which are two of the same wards generating most tenant complaints. This is concerning, as both wards have been subject to selective licensing since January 2017. Likewise, the report indicates that almost half of HMOs with shared facilities contain Category 1 hazards despite all such properties being subject to additional or mandatory HMO licensing since January 2017.

It is important to reflect on why the current scheme has failed to address this issue, and how this will change if the scheme is renewed.

The data on statutory notices served combines housing, planning and public health notices with no breakdown of figures for each. It demonstrates enforcement activity is being focused on the top five wards for tenant complaints and poor property conditions. What is less clear is why this has not succeeded in addressing the issue. There is no data on the type of statutory notices served, levels of compliance and associated enforcement activity if notices are not complied with. The phase 1 selective licensing designation proposes to license all private rented properties in East Acton, Southall Broadway and Southall Green to tackle poor housing conditions. We are concerned that the Council believe over half the private rented properties in Southall Broadway contain Category 1 hazards almost five years after the selective licensing scheme was introduced. This implies either the data is wrong, or the current licensing scheme has failed to address the problem. The report provides no assurance that the situation will improve if licensing is extended for another five years. The phase 2 selective licensing designation proposes to license all private rented properties in a further 12 wards to tackle poor housing conditions. We object to this proposal. In the last five years, there has been no substantial reduction in poor housing conditions in the area already subject to licensing. Extending the licensing scheme into new areas will simply dilute the staffing resources. We think it is incumbent on the Council to demonstrate a substantial improvement in the most problematic wards before seeking to expand selective licensing into new areas.

Section 257 HMOs (certain converted blocks of flats)

The consultation document indicates the Council will only license section 257 HMOs where the building or any rented flats within it are in the same ownership or control or considered to be effectively under the same ownership of control, including buildings within mixed use developments or above non-residential premises. It also says any owner-occupied flats or flats demised to separate leaseholders will not form a part of the licence and an additional licence will not be required where a building has been converted into no more than two flats.

We find the proposed wording confusing and much wider in scope than the licensing of section 257 HMOs under the current scheme. There is no explanation of how many section 257 HMOs have been licensed under the current and nor why the criteria should be changed. Under the Council's current scheme, the licensing of section 257 HMOs is limited to situations where the number of dwellings exceeds the number of storeys in the building and where the building and all the dwellings within it are either in the same ownership or considered by the Council to be effectively in the same control. We think this provides a balanced and proportionate approach and would encourage the Council to retain the status quo. If the Council decide to include section 257 HMOs containing long leasehold owner occupiers, we believe that will unnecessarily complicate matters. If the licensing criteria are widened in this way, we do not think the Council can exclude a long leasehold owner occupied flat from the licence. The legislation simply limited the ability to impose conditions relating to parts of the property over which they have no control. This is an important difference. Bringing section 257 HMOs within the additional licensing scheme could be problematic for long-leasehold owner-occupiers who find their flat is within a licensable building. The licensing fee may push up their service charge and could cause difficulties with their mortgage lender. As the licence would need to be disclosed to a prospective purchaser, some mortgage lenders may be reluctant to lend on a residential mortgage for a flat within a licensed HMO, thus adversely impacting on property value. It is also the case that the 2015 general approval to introduce an additional licensing scheme only applies if the Council has consulted persons likely to be affected by the scheme designation. Without actively consulting with long leaseholder owner occupiers and explaining the implications of including section 257 HMOs, the conditions in the general approval would not be met and the additional licensing scheme could not be introduced without Secretary of State approval. We would encourage Ealing Control to retain the section 257 licensing criteria in the current additional licensing designation.

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.

For HMOs, we understand the licence fee will be £1,100, plus £50 per habitable room, up from £30 per habitable room under the current scheme. For selective licences, we understand the fee will be £750 per property, representing a 50% increase in the £500 application fee currently being charged. We think this is an excessive increase, particularly as the lettings industry seeks to recover from the operational challenges caused by the pandemic.

We note that the schedule of fees proposes no fee reduction for licence renewals. Instead, it proposes a 25% discount for all applications received during the first three months of the scheme. This will unfairly penalise landlords who licensed their property under the current scheme, but the licence does not expire until after this three-month period has ended. For example, a landlord granted a selective licence in 2020 will not be eligible for this discount when their licence expires in 2025. Whereas a landlord who evaded the current scheme

benefits from the discount being offered. We would encourage the Council to rethink this proposal to ensure fairness and equity. One option would be to extend the 25% discount to situations where the licence is renewed in the three-month period leading up to the licence expiry date. Whilst we support continuation of the accreditation discount, we would request that Safeagent is added to the list of recognised organisations and that our former name – the National Approved Lettings Scheme (NALS) – is removed. We also question why Safeagent (formally NALS) is being treated differently to ARLA and RICS. If all members of ARLA and RICS are eligible for a £75 discount, the same should apply to all members of Safeagent. As highlighted in the introduction, all Safeagent agents are required to deliver defined standards of customer service, operate within strict client accounting standards, maintain a separate client bank account and be included in a Client Money Protection Scheme. We are very happy to discuss this matter further and answer any questions the Council may have in this regard. We understand the current accreditation discount applies if the licence holder or designated manager belong to a recognised organisation. We would request assurance that the new criteria will also include designated managers, as this will encourage landlords to use accredited managing agents.

Whilst we welcome the licence fee discount for properties with EPC Band C or above, we think the proposed £50 discount is unlikely to encourage behavioural change and increase investment in energy efficiency. We would suggest the Council explores scope to increase the discount offered. We note the Council is proposing to charge a fee to increase the occupancy limit on an existing licence. Under Parts 2 and 3 of the Housing Act 2004, there is no power to charge for licence variations and so this proposal should be discontinued.

Licence conditions

We have studied the proposed list of standard additional and selective licence conditions published alongside 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. As a general point, some conditions require information to be provided within 28 days and some require information to be provided within seven days. We think seven days is too short a period, particularly when allowing for letters to arrive by post and for landlords or agents to take a short break, or absence due to illness. We think a minimum period of at least 14 days would be more appropriate.

Additional licensing Condition 2.2: From an equalities perspective, we would ask the Council to clarify what happens if a prospective tenant is unable to provide a reference, and yet is reliant on the private rented sector for somewhere to live? Examples could include care leavers, ex-offenders, asylum-seekers and people fleeing domestic violence. It is important that such groups retain a legal route to access affordable accommodation in private rented sector.

Condition 2.4: The requirement is to provide the tenant with prescribed information within 30 days of taking the deposit, and not at the time the deposit is taken. Condition 2.7(f): It would not be reasonable or appropriate to insist the licence holder takes legal proceedings if some anti-social behaviour occurs 14 days after a warning letter has been sent to the tenant. By legal proceedings, we assume this is referring to eviction proceedings by way of

a section 8 notice. Whilst this option can be used where appropriate, the precise circumstances, and evidential basis, will dictate whether this is an appropriate option. The addition of words such as 'where appropriate' would help to put this requirement in context.

Condition 3.3: This condition should be restricted to electrical appliances provided by the landlord.

Condition 3.6: If the Council is requiring fire precautions to be provided by way of a licence condition, it should specify what fire precautions are required and within what timescale. Alternatively, the general condition should be restricted to maintenance of existing fire precautions.

Condition 6.2: The requirement for 'adequate thermal insulation' either needs to be removed or defined to explain what it requires and by what date the work must be completed. Condition 6.3 implies that the EPC rating must be at least Band E. It is unclear if condition 6.2 is duplicating this requirement or imposing a different requirement. If the Council do grant a licence for a property with an EPC Band of F or G, it should specify a timescale to achieve E if there is no exemption in force.

Condition 7.1: This condition needs to be substantially rewritten. 7.1(a) says shared living rooms cannot be used for living purposes. We assume this is an error. 7.1 (b) requires emergency lighting 'where appropriate' but does not define what that means. Either the licence condition is requiring emergency lighting to be installed within a particular timeframe, or it is not. Clarity is needed on what the conditions mean to ensure compliance. Alternatively, it should be deleted. 7.1(c) says there must be a cleaning regime in all corridors and stairways. In an HMO let on a single tenancy, neither the landlord nor agent have access into the property without prior notice. In HMOs let on exclusive use tenancies, cleaning will normally be the tenants' responsibility and this condition would not be appropriate. 7.1(d) risks confusing the communal areas of buildings containing several dwellings, with the common parts of an HMO let to sharers on a single tenancy. The smoking ban does not apply to shared houses let on one tenancy. In such properties, it is for the landlord to decide whether they wish to ban smoking as a condition of the tenancy.

Condition 8.1: Displaying a copy of the licence in the common parts of a property can create an institutional feel, particularly if the property is let to sharers with exclusive use. There is also nothing to stop the tenants removing notices from display once the tenancy has started. Many Councils now accept a copy of the licence being displayed in the property or given to the tenants at tenancy sign up, as happens with the EICR, EPC, How to Rent booklet, etc. We would encourage the Council to amend the condition and accept either option.

Condition 8.3: As with condition 8.1, displaying a copy of the gas safety certificate in the common parts of a property can create an institutional feel, particularly if the property is let to sharers with exclusive use. There is also nothing to stop the tenants removing the certificate from display once the tenancy has started and the requirement exceeds the gas safety regulations. We would encourage the Council to accept either displaying the certificate or giving a copy to the tenants.

Condition 8.4: We think this condition is excessive and should be removed. There is already a requirement to provide the EPC at or before tenancy sign up and the certificate is valid for 10 years. EPCs are also published online and free to view at any time. We see no reason to display a copy in the property and not all HMOs even require an EPC under current legislation.

Condition 8.5: As with condition 8.1, displaying a copy of the rubbish and recycling arrangements in the common parts of a property can create an institutional feel, particularly if the property is let to sharers with exclusive use. We would encourage the Council to accept either displaying the information or including this information in the tenancy sign-up pack when the tenancy starts.

Selective licensing

Condition 2.2: Same comment as for additional licensing.

Condition 2.4: Same comment as for additional licensing.

Condition 2.7(f): Same comment as for additional licensing.

Condition 3.3: Same comment as for additional licensing.

Condition 6.1: The requirement for 'adequate thermal insulation' should be removed as selective licence conditions are restricted to the 'management, use and occupation of the house' and do not extend to property condition. This was confirmed by the Court of Appeal in *Brown v Hyndburn Borough Council* (2018).

Condition 6.2: The requirement to achieve minimum energy efficiency standards cannot be enforced by way of a selective licence condition. As explained above, conditions are restricted to the 'management, use and occupation of the house' and do not extend to property condition. This issue should instead be enforced via MEES (Minimum Energy Efficiency Standards).

Condition 7.1(a), (b) and (c): This condition is not appropriate for a selectively licensed property let to a single household. Licence conditions can only extend to the curtilage of the dwelling. There would be no common areas within a single family dwelling and cleaning within the property would be the tenant's responsibility. The condition should be deleted. The only exception might be a single block of flats selective licence where the communal stairway and access corridors form part of the licence. A bespoke condition could be created solely for those licences.

Conditions 8.1 to 8.5: These conditions are not appropriate for a selectively licenced single-family property which would have no common parts within the curtilage of the dwelling. Legal documentation like this would not be displayed in every Council property and neither should it be displayed in every private rented home. We think it is reasonable to give the tenant a copy of the licence, the landlord and agents contact details and information about rubbish collection arrangements when the tenancy starts. Tenants must already be given the EPC, gas and electrical certificates at the start of the tenancy. There is no need to display these documents in a private tenant's home throughout their tenancy and doing so would create

a negative institutional feel. A bespoke condition could be created for a single block of flats selective licence, to require the licence the manager's details to be displayed in the common parts of such properties.

Condition 9.1: During a single-family tenancy, if the property has a private garden, the upkeep of the garden would be the tenant's responsibility. Any requirement to maintain the garden should be restricted to communal gardens where the upkeep of the garden is the licence holder's responsibility. Whilst the landlord would retain responsibility for the repair and maintenance of boundary walls and outbuildings, selective licence conditions exclude property condition and so references to condition should be removed.

Condition 10.3: Within a single family let, the landlord or agent can confirm the number of adults and children who live in the property. However, they have no control over which room each family member sleeps in. As such, the licence holder can only give occupancy details for the property, not each room within it. A bespoke condition could be created for a single block of flats selective licence, to require occupancy information for each private rented flat.

Inspection regime

If properties are to be inspected as part of the licence application process, it is vital that the Council has sufficient officers available to conduct any inspections in a timely manner so that licence approvals are not unduly delayed. We would ask the Council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored. In other boroughs, we regularly see licence approvals taking six months or more due to a backlog of work and inadequate resourcing. Whilst the consultation report sets out several objectives against which scheme performance will be measured, these general objectives need clear performance targets and the publication of baseline data against which performance will be assessed. We welcome the Council's intention to deliver an educational campaign for tenants, helping them to understand more about their rights and responsibilities. We would be interested to find out more about this aspect of the project. We would encourage the Council to stress the importance of tenants renting through a reputable letting agent – one with redress scheme membership and client money protection as a minimum. Our website contains useful information for private tenants (<https://safeagents.co.uk/for-tenants/>) and has a postcode search facility for find Safeagent accredited members: <https://safeagents.co.uk/find-an-agent/>.

Delivering effective enforcement

It is vital that the Council establishes and maintains a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme. 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 licensed 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, a further requirement was introduced requiring agents to display all relevant landlord and tenant fees, the redress scheme they belong to and whether they belong to a client money protection scheme, both in-store and on the company's website. On 1 April 2019, the requirements were updated again, requiring letting agents and property managers to be members of a government approved client money protection scheme if they hold client funds. At Safeagent we operate one of the government approved client money protection schemes.

To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed the NALS Effective Enforcement Toolkit. Originally published in June 2016, the toolkit has been updated in conjunction with London Trading Standards and is currently undergoing a further review. The latest toolkit can be downloaded free of charge from our website:

https://safeagents.co.uk/wp-content/uploads/2019/05/07618_NALS_EnforcementToolkit_Web-compressed.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.

iHowz

The following points are a summary of those raised at online meeting(s) run by iHowz Landlords' Association, attended by landlords and others who have an interest in the consultation by Ealing Council of the proposed private rented property licensing scheme.

- 1 Insufficient communication given to landlords and/or those affected, particularly to landlords residing outside of the Borough of Ealing.** Ealing Council have access to landlords' addresses for the purpose of sending council tax bills via post, however no such consultation information was sent via post. Many attendees claimed they were only aware of any such consultation via an Ealing Council email newsletter sent less than two weeks' ago (03/08), which also means they cannot demonstrate that they were consulted

for the required time of 10 weeks. There is also concern that the effectiveness of communication was disrupted by Covid, eg advertisements for the consultation on local buses would not be seen by those isolating or working from home. This is contrary to S.80(9) of the Housing Act 2004, “before making a designation the local housing authority 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”

- 2 **Insufficient evidence has been offered for the benefits of the scheme, and how the scheme differs from existing landlord legislation for housing safety.** The three points provided in the consultation document (to improve standard of PRS; to enable a more proactive approach for landlords to adopt good practices; and to create a level playing field by targeting rogue landlords) are vague claims and unsubstantiated. Landlords must already comply with the legal requirements including, but not limited to: EPC, electrical installation legislation, Right to Rent legislation, Gas-Safe regulations, fire safety regulations. Much of the current legislation makes the Council’s business case for enforcing these through additional licencing, redundant. Furthermore, no evidence has been given that the 10,308 existing license holders have been contacted in this consultation and what support they have received or experienced in respect of the existing scheme’s benefits
- 3 **Insufficient evidence has been provided for the claim that “housing conditions in PRS are, on average, often in worse condition than in other tenures”.** This is contrary to the statutory criteria in Article 4 Selective Licensing of Houses (Additional Conditions) (England) Order 2015. This includes the condition “that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties in the PRS to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises”. The consultation document does not provide any evidence of PRS housing conditions other their own “estimates”. Furthermore, no breakdown is provided to state how many Cat 1 hazards and disrepair complaints relate to PRS compared to other forms of housing, or the seriousness of these complaints
- 4 **Insufficient evidence that Ealing have implemented other measures to combat poor housing conditions.** This is again contrary to Article 4 Selective Licensing of Houses (Additional Conditions) (England) Order 2015, which states “that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement in general housing conditions in the area.” The Council have documented these measures in their Ealing Housing and Homelessness Strategy, and the Ealing Private Housing Strategy. However, the documents are not up to date; they were written approximately 2014. Now in 2021 there is no evidence of having implemented the measures that they committed to in their Action Plan. It is not clear if Ealing Council are able to demonstrate how selective licensing, combined with other measures taken by them will contribute to the improvement in general housing conditions in the area, or what other courses of action they have taken. Furthermore, no evidence was provided to show that this scheme is a co-ordinated approach in connection with dealing with homelessness and empty properties. Simply stating that “Our plans are

designed within the framework of wider council strategies” is insufficient without demonstrable evidence.

- 5 **The scheme is wholly reliant on landlords pro-actively making themselves known to their local authority, therefore not addressing the fundamental problem of “rogue” landlords.** Criminal landlords who fail to provide secure and safe accommodation to their tenants will not come forward. Councils need a much smarter system to find and root out those who will never willingly make themselves known. There is no incentive for these “rogue” landlords to suddenly pay attention to yet another regulation when they have ignored their legal obligations to provide safe housing
- 6 **Lack of evidence of direct causal or correlative link between licensing and reduction in anti-social behaviour (ASB) means it is unclear how the scheme will achieve this objective.** It is quite a stretch to claim, “all HMOs across the borough experienced ASB” and even if it were true, there is no evidence to demonstrate that licensing addresses this issue. Existing legal avenues are already available to landlords and councils to pursue via the Anti-social Behaviour, Crime and Policing Act 2014 such as injunctions, criminal behaviour orders, dispersal powers, community protection orders, and others including possession of dwelling-houses for ASB. It is not clear what, if any, additional powers are given to the landlord or council from the proposed licensing scheme nor how landlords are meant to address illegal activities such as drug misuse and prostitution. The consultation document also cites under ASB, the objective to “reduce fly tipping and other forms of environmental nuisance”, which cannot be linked to licensing, would be impossible for landlords to enforce, and is further exacerbated by Ealing Council’s decision to close Acton Reuse and Recycling Centre, which is one of only two recycling centres in the whole of the Borough of Ealing
- 7 **No budget provided for the gross income and costs associated with the current scheme or the proposed scheme.** It is estimated the current scheme grossed between £8-£11 million, and the new scheme will raise in excess of £20 million. The consultation states that “Licence fees cannot be used elsewhere in the Council or used to generate a profit” however there is no further detail provided around how this will be enforced / managed, or how it will be spent aside from “processing the application”, or if any underspend will be refunded to licensees. Furthermore, any landlord having paid their fee in the previous scheme and have had an inspection with no works outstanding, are now required to re-licence, and pay the full fee again. This is difficult to justify and throws further doubts on the claim that the licensing scheme is not for profit
- 8 **The consultation fails to consider tenants’ choice of accommodation, and that the growing number of PRS offers better choice for tenants.** Having stated that “Ealing has a large and growing PRS, with 54,776 (38.1%) properties currently predicted to be private rented”, the consultation document makes no mention that tenants are able to choose their accommodation, so if a property is unsafe or of poor condition, they are not obliged to stay, and a rise in PRS supply would facilitate this. An increase in PRS in the local market would also encourage landlords to ensure their properties are of satisfactory condition or risk losing tenants. While landlords do support the need for education for tenants on their statutory rights, this does not require a licensing scheme to achieve this. As seen in other borough that have introduced licensing, this is also likely to result in an

increase in rent, which fundamentally undermines the “affordable housing” objective of the Council’s housing strategy.

Hanger Hill Garden Estate Residents Association

Consultation on licensing privately rented properties in Ealing

I would like to make the following comments on behalf of Hanger Hill Garden Estate Residents Association:

- Our Residents Association need to be informed when a license is applied for, as that allows us to contact the appropriate party for service charges and any issues. This would be applicable for other Residents Associations with similar arrangements
- It is helpful to continue to maintain a register of HMOs on our Estate, so that (as above) we know who to approach for service charge payments and any issues
- Maintaining register also allows us to alert an officer when we become aware of a property that should be licensed, but which has not yet been
- We would support neighbours being informed about applications, and would prefer that to be via letter, again so appropriate contact details are available for any issues
- Rather than focusing on license length, as a shortening represents significant costs and challenges to landlords, we would rather see more action from the Council using powers that already exist when there are problems, terminating licenses early or applying restrictions when needed. Residents Associations can be a useful point of contact for providing information/evidence when restrictions are considered
- We would like to see more outcome from the scheme – our experience is inspections do not happen. We value having a named officer for our ward and would wish to see this continue. We also need to see evidence of liaison with other services, eg police over properties used as cannabis farms
- Licenses should include as a condition making appropriate provision and information to tenants for rubbish/recycling/refuse, as this is a common problem for HMOs
- When a focus group occurs – and we are disappointed this has not yet happened – as well as landlords, we would suggest Residents Associations are involved as we can contribute around ASB eg noise and fly-tipping
- We have questions about how the funds raised from licensing are used and would like to know what services are provided – for example we could use a mediation service when landlords are trying to resolve an issue and tenants are not co-operating.

We look forward to hearing the outcome of the consultation.

Ealing Green Party

Consultation on licensing privately rented properties in Ealing

Ealing Green Party would like to make the following comments on the consultation:

- More transparency and easier communication are needed
 - For example, a named officer for each ward is needed
 - There needs to be a 'report a problem' section for these licences so tenants (and others) can highlight issues. At present the only option on the website seems to be reporting an illegal HMO, rather than a problem with a licenced one.
- In general great to see more protections for renters across the borough, but would support the scheme being rolled out across all wards (some are excluded at present but likely to be included at a later date)
- Climate emergency – the cost of the licences is £750 or £110 (depending on type). The Council propose a £50 discount for licensing a property with an EPC rating of C or above. This doesn't represent anything like the type of financial incentive that's needed, especially given the cost of retrofitting. We would suggest a scale of discounts, with most for A rated, and with discounts for improvement since last licence, perhaps with option to re-licence and get refund during the licence period.

We look forward to hearing the outcome of the consultation.

London Fire Brigade

London Fire Brigade is supportive of proposals to improve safety standards in residential buildings both in Ealing and across London. While this is not an area of expertise for LFB, an expansion of the licensing scheme over a larger area in Ealing could have the effect of improving the governance of landlords and the education they receive about their responsibilities for keeping their tenants safe, which could have a positive impact on safety standards.

Enfield Council

Private Rented Property Licensing Schemes – London Borough of Enfield Consultation Response

Thank you for providing the opportunity to comment on your consultation to renew your two private rented property licensing schemes in the London Borough of Ealing after December 2021.

Enfield Council supports the introduction of your proposed Additional and Selective Licensing schemes. We consider the proposed schemes will continue to improve the

conditions of private rented properties for your residents by resolving issues such as poor property conditions, poor property management and anti-social behaviour.

Having reviewed the evidence from your current licensing scheme, it clearly shows the effectiveness of licensing in improving standards in the private rented sector. The evidence demonstrates that licensing has provided additional enforcement powers to tackle these issues by requiring all landlords to sign up to management conditions that help ensure they adopt a responsible approach to management of their properties, and identify those landlords whose management arrangements are inadequate. We are of the view this could not have been achieved by using existing powers alone. We consider the new proposals will continue to make further improvements in Ealing's private rented sector by identifying those HMOs and other private rented properties that continue to be managed ineffectively.

The level of enforcement action is further indication of the success of the current scheme - the positive outcomes and improvements in the level of compliance in the borough's private rented sector. It is clear that if the proposed schemes were not adopted that this may limit the authority's ability to tackle future compliance issues and consequently reduce, or even undo, the level of impact currently achieved.

Enfield believes that the private rented sector has an important role to play in the housing market. We consider licensing benefits both tenants and landlords. It can have a positive effect for landlords; from area improvements that potentially have a positive impact on property values and tenancy turnover. Tenants benefit from improved living conditions and better managed properties.

We consider that property standards and safety will continue to be improved in Ealing with the implementation of the licensing schemes proposals.

Havering London Borough

I write in response to your consultation in relation to proposals to renew Additional and Selective property licensing designations in Ealing.

The London Borough of Havering already operates borough wide additional licensing and has recently also implemented a small selective licence scheme, therefore we acknowledge the benefits of property licensing.

The current housing market is buoyant with increasing property prices and growing demand for homes to rent in the private sector, particularly across London. This can result in a ready supply of tenants who are willing to rent even the worst condition homes. High rental prices can also lead to an increase of shared accommodation and HMO's. Property licensing promotes better regulation of this sector and places greater responsibility upon landlords to not only manage the properties they let out better, but to also intervene as necessary to reduce anti-social behaviour caused by some tenants.

Another great benefit of property licensing is to enable local authorities to carry out proactive property inspections. This allows issues caused by overcrowding, disrepair and sub-

standard accommodation to be identified and addressed without the necessity for tenants to first make a complaint. Tenants who are living in the worst properties are often the most vulnerable and are also less likely to complain about poor living conditions for fear of retaliation or eviction. Proactive property inspections serve to safeguard tenants from this form of retaliation.

Continuing to require all HMOs and many single family rental homes to be licensed will build on the progress Ealing has already made to improve the private rented sector therefore Havering is fully in favour of your proposals.

Advice Resolutions (Charity providing advice and representation)

Request to attend on line proposed new landlord licensing scheme in 15 wards of West London

Please note that we are an un-incorporated charity who helps to alleviate poverty and assist clients to access justice.

We have an outreach service throughout the UK and any of our potential clients can contact us from anywhere in the UK for advice and representation, not just in the 15 areas of West London for the newly proposed licensing scheme, and could benefit from our professional law consultancy services.

We would like to join the meeting on line on 23 June 2021 and seek to have a link sent to our email address so that we may participate in the discussion of the proposals.

We look forward to receiving an invite to attend the meeting online. We do, however, have 3 questions we would like to ask at this time:

1. Will the newly proposed licensing scheme involve 'all' landlord homes being checked before they are licenced?
2. Will the newly proposed licensing scheme have mandatory accreditation and requirement to pass a landlord skills test/exam?
3. Will the newly proposed licensing scheme have a fit and proper person test that the landlord has to prove they can qualify for?

We look forward to hearing from you.

Landlord A

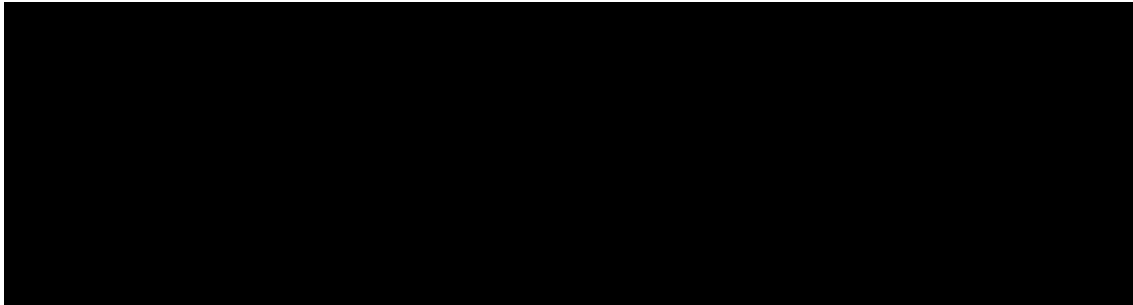
Re: Private rented property licencing: Ealing Borough Council PRS Consultation document

I write as the owner of a [REDACTED] flat [REDACTED] (Hobbayne Ward).

Thank you for allowing me to provide comments on the rented property licencing (PRS) proposal by Ealing Council. In general, I can see the merits and benefits of PRS licencing,

particularly for the protection of vulnerable tenants, however I would like some further detail regarding my comments below please – apologies if I missed these points in the documentation you kindly sent me.

Please confirm the role of managing Estate Agents especially with responsibility for both flats in the property?



- For clarity, would we each have to purchase a licence of £1100 (less discounts), or is this a licence for the property and managed through a single Agent?

Governance and assurance - what is baseline for measurement of condition of the PRS licence (eg other building regulations apart from Gas safety, EPC etc)?

Is this purely a measure to tackle the minority of poor housing conditions, or does this enable landlords to use their licence as a form of rating to attract tenants through demonstration of compliance to standards, and/or charge higher rent? Ie what are the incentives other than punitive? PRS licencing enhances landlord responsibility but also creates a burden, especially for those of us who are already 'good' and compliant landlords.

Costs incurred:

- Can any relevant costs be passed on to tenants such as additional bins, recycling containers, or items purchased or installed for tenant use, specifically to maintain compliance with the licence?
- I assume the PRS licence can be claimed through tax relief?

Would a PRS licence have any impact on insurances, either in terms of non-compliant elements negating policies, or enhancing qualification for upgraded policies?

Tenants:

- Licencing would appear to rely on tenant co-operation eg use of appropriate bins and waste management, no anti-social behaviour etc. What counterpart measures are proposed for tenants to be responsible and complaint? I am unable to closely or regularly monitor these things.

- Are there any incentives for tenants to assist enactment of the PRS licence eg energy saving tips, discounts on 'green' products, recycling incentives and measures?
- What does a licence do over and above the AST contract and associated responsibilities? Are there occasions where the licence would cause a breach of the tenancy agreement eg access arrangements for inspections?

Again, thank you for the opportunity to provide late comments. Going forward, I would be interested to see the Consultation report and survey results, and I welcome set up of a Landlords forum.

Landlord B

Ealing Consultation: Private Rented Property Licensing Schemes

Thank you for the opportunity to respond to the consultation. I am responding by letter because the structure of the survey doesn't really assist in addressing the issues.

I am a landlord with [REDACTED] who specialises in high quality property and excellent customer service. I have never had a tenant complain to a Council about the quality of my properties; never had a deposit dispute registered; and frequently received feedback from tenants that I am the best landlord they have encountered. While I am sure that the various examples of grotty accommodation highlighted in the consultation exist, it's not a market I am involved in.

The questions I would think it useful for Ealing to ask themselves are as follows:

- (a) acknowledge the costs and explain why they are justified by the benefits? The summary on page 15 of the consultation lists claimed benefits but no costs.
- (b) Coverage – how much of the poor quality accommodation the scheme is aimed at will actually get captured by licensing, and how much of the effort and cost will be dissipated on perfectly acceptable accommodation?
- (c) Flat shares – this type of arrangement, while technically an HMO under Ealing's proposed scheme, has few if any of the characteristics of an HMO and operates much more like family occupation. No consideration appears to have been given over whether this kind of HMO needs licensing at all, and if so, what conditions would be appropriate.
- (d) Have Ealing properly understood the legal basis of their section 257 proposals, where I believe they may risk misdirecting themselves?

As these issues have not been properly addressed to date, I wish to object to the proposals on the grounds of incomplete justification and questionable legal basis.

I attach a note which explores these topics and others in a little more detail. It also comments on the proposed licence conditions, some of which are unduly onerous or poorly drafted. I do hope that this will be useful.

Detailed comments

Costs and benefits

Tenants

The summary on page 15 of the Consultation notes the benefits for tenants as being:

- (a) That it will enable the standard of properties and their management in the PRS to be improved; and
- (b) Many people who are reliant on the PRS are vulnerable, disabled or living on low incomes.

However, the consultation lists no costs for tenants. The most obvious one is that licensing will reduce supply and increase cost. This is because:

- (1) Accidental Landlords (ie people who let out a family home without intending to be in that position as a business but because of their circumstances) will be deterred by the bureaucracy of licensing and the risk that they may be required to make changes to their homes. Survey evidence suggests that accidental landlords are about 10% of the PRS in London, and if a proportion of them choose to leave their properties empty rather than navigate licensing, this will affect supply.
- (2) To the extent that licensing triggers refurbishment of properties, they are likely to command higher rents.
- (3) To the extent that licensing causes poor quality properties to be removed from the market (which may of course be the desired outcome) this will affect supply until, for example, they are sold or become owner occupied.

These factors do not necessarily mean that licensing is overall bad for tenants, but it is poor practice to pretend that these costs do not exist, rather than attempting to quantify them and weigh them against benefits.

Landlords

The consultation claims two benefits for landlords:

- (a) That they will become more skilled and professional as a result of interaction with the Council; and
- (b) That they will be able to raise rents as a result of reduced competition from low quality landlords.

The second argument is true in principle and would benefit from some form of quantification. Obviously, it would represent a cost for tenants.

The first can easily be tested. How many landlords would pay £750 to £1200 to attend a course run by Ealing Council officers on how to manage property better? I suspect the answer is zero.

The costs for landlords are not mentioned. They include:

- (1) the licence fee;
- (2) the time spent navigating the process to obtain a licence;
- (3) the cost of complying with the licence conditions, some of which are poorly drafted or unduly onerous;
- (4) the costs of complying with the Council's requirements for changes to the property, where there is no guarantee that that they are reasonable or appropriate.

To give an example, the landlord is proposed to be required to take legal action on anti-social behaviour (ASB). The only realistic option currently available is a section 21 notice, but this is option is likely to be removed by national legislation. To be required to pursue a discretionary claim for possession for ASB under section 8 through the courts, irrespective of the changes of success and without any realistic prospect of recovering the thousands of pounds of legal fees or the endless hours handling the case, is an eye-watering imposition on a small landlord.

To give another example,

The truth is that these proposals are a burden on landlords which will increase their costs. They may be able to recover this in whole or in part by increasing rents. But I miss an attempt to quantify the costs and explain why they are justified by the benefits.

Wider community

The consultation claims that:

- (a) licensing will help prevent antisocial behaviour by requiring landlords to take action on it
- (b) a requirement for adequate rubbish receptables will prevent fly tipping; and
- (c) by banning overcrowding, nuisance from this source can be eliminated.

However, there is no assessment as to the realism of these obligations. A good landlord will of course take up antisocial behaviour with the tenant, but the legal liability for ASB is the tenant's. It is unreasonable to oblige the landlord to take legal action. Similarly, it may not be in the landlord's gift to provide the rubbish receptacles if the let property is a flat in a building controlled by the freeholder.

It is unclear what a landlord should do about overcrowding if a tenant's family circumstances change and additional occupiers appear, with or without the landlord's knowledge or consent. Are the tenants to be evicted and would the Court in practice order possession if the tenant is happy with the overcrowding? It's also unclear how larger low income families are to find accommodation that they can afford if overcrowding limits mean that they can only consider larger properties that are too expensive. Again, it would be useful to have seen some analysis of the effect of capacity limits on affordability.

It would also be interesting to know whether Ealing applies these rules to its own housing. For example, does it go for discretionary section 8 eviction proceedings in relation to every unresolved ASB complaint or only when it judges the problem to be sufficiently serious and the prospects of success high? Does it automatically upgrade council tenants whose living space has become cramped? It would be inappropriate for Ealing to use licensing to be more stringent on the PRS than its own practices with Council Housing.

Conclusion on costs and benefits

There are of course arguments against these points. But I miss any evidence that Ealing has actually thought about them at all. A well-constructed consultation would discuss these issues and justify the proposed decision as proportionate.

Coverage

Universal licensing schemes have a deadweight cost in that effort is expended in relation to properties that are satisfactory, in order to detect those that are problematic.

This can be exacerbated if there is differential compliance. So for example, properties marketed through agents are likely to be of an adequate standard and the agent will look for evidence of any necessary licensing. So this segment, which is likely to be largely deadweight, is likely to have high compliance. Conversely, property that is marketed informally may well be of a lower standard but may also not apply for a licence. It is unclear how Ealing intend to gather in all of these to their licensing process.

The risk is that a lot of time and effort is spent on licensing good quality properties, while those that the scheme is aimed at go unlicensed and unimproved.

It would be good to have seen some analysis of this issue. It is at least possible that the scheme will have a very high deadweight cost with licensing adding to the costs of good landlords and being ignored by the "rogue" ones.

Flat shares

A flat share is where a group of friends rent an entire flat on a joint and several basis. As a matter of law they all have equal rights over the entire flat though in practice it is usual for each to settle in a particular bedroom.

Such arrangements have very few of the characteristics of an HMO and are much more like single family occupation. However, they fall within the scope of HMO legislation and get caught by HMO licensing schemes unless specifically excluded.

In my experience, flat shares are among the least problematic tenants in terms of ASB risk and other difficulties and I find it difficult to see why they are covered by HMO licensing. Certainly, I have received more conduct complaints over the years about family tenants than flat sharers.

Flat shares are therefore a good example of deadweight HMO licensing which should ideally be excluded or else consideration be given to the appropriateness of the licence conditions in such circumstances.

Section 257 licensing

I think that Ealing has misdirected itself on the proposed section 257 licensing scheme. In particular, section 257 applies to the block as a whole and not flats within it. It is about whether the block has been converted to modern (post 1991) standards and if not, whether reasonable retrospective fire safety measures (normally improvements to the flat doors, smoke detection and emergency lighting) have been installed.

Section 257(5) states that “The fact that this section applies to a converted block of flats (with the result that it is a house in multiple occupation under section 254(1)(e)), does not affect the status of any flat in the block as a house in multiple occupation.”

The sentence in the consultation (page 16) “Any owner-occupied flats or flats demised to separate leaseholders will not form a part of the licence.” does not seem to make any sense within the statutory scheme. It is the block as a whole that is an HMO under section 257 not the flats within it and it would be the freeholder that holds the licence.

Ealing needs to be clear whether they want to licence the staircase lighting etc for a block converted pre-1991 and if so, why they want to do it only in the case where the freeholder is also a landlord in the block.

If Ealing does have such a narrow view of who they want to licence, it may be best to forget the whole section 257 thing given that the intention seems to be an adjunct to the other licensing proposals which seem more than adequate. Conversely, if they want to spread section 257 licensing wider, they will risk annoying a lot of owner occupiers.

Comments on Licence Conditions

Selective conditions

1 Permitted occupation – what is the landlord to do if another person occupies the property without the landlord’s consent?

2.2 What is the point of the requirement for references? Referencing agencies check on identify and ability to afford the rent. They will not in all likelihood flag ASB. A reference from a previous landlord who wants rid of the tenant will not mention ASB. This requirement is both intrusive and ineffective and should be dropped.

2.3 It is unreasonable and probably a breach of data protection to retain references after the tenant has left.

2.5 It is unreasonable to require the landlord to provide a 24 hour response service to ASB. ASB is the responsibility in law of the occupier and any intervention to an incident in real time would be for the Police or Environmental Health.

Why are “formal” waste arrangements required? There is a dedicated or shared bin, according to the circumstances, which the Council empties. Bulky waste can be collected by the Council.

Why must written records be kept of inspection/repair visits?

2.6 It is unreasonable and probably a breach of data protection to retain inspection reports after the tenant has left.

2.7 The ASB section needs to be completely re-thought as it is unreasonable for the landlord and potentially the tenant. In particular:

- (a) replace “take action” with “assess and if appropriate take action”. Some ASB complaints reflect on the complainer rather than the tenant. For example, what should a landlord do if a neighbour complains about a toddler upstairs occasionally stamping his feet, running about, and shouting?
- (b) This may or may not be appropriate depending on the nature of the complaint. In the case of the child referred to above the correct action is probably nothing. In other cases, where the ASB is probably accidental or reflects a lack of understanding of an issue, a polite word on the phone would be a more appropriate first step than a written warning. It’s also reasonable to ask the complainer whether they have spoken to the tenant about their concerns.
- (d) This is only appropriate if the ASB is sufficiently serious and after assessing the safety for the landlord/agent of performing the visit. For example, if the complaint was about a dangerous dog or carrying offensive weapons, a visit might not be wise.
- (f) This is unreasonable. A discretionary section 8 eviction for ASB is a huge exercise with very significant costs and low probability of success. A landlord should not be compelled to take such action automatically any more than the Council would do so.
- (g) A requirement to attend meetings should only apply at a mutually convenient time.

3.1 It is impossible for the landlord to ensure that the gas equipment is safe at all times. The landlord is not resident and can only assure the equipment's safety by maintenance and, if a fault is discovered and reported, arranging for a competent person to fix it promptly. The wording should track the Gas Safety (Installation and use) Regulations which imposes a duty for the landlord to maintain the gas installation and appliances in a safe condition.

3.2 This should refer to the EICR which is now a statutory requirement rather than a landlord declaration.

3.3 There is currently no legal requirement for PAT testing of electrical appliances in residential let property. The landlord has a responsibility to ensure that appliances are safe, but he can do this otherwise than by PAT testing. It may be that this item could use a declaration that the landlord has taken appropriate steps to assure the safety of appliances.

3.4 The landlord is only responsible for dealing with infestations which are his fault. If a tenant stays in a dodgy hotel and brings back bed bugs to a flat that was clear of them, it is the tenant's not the landlord's responsibility to deal with it. Similarly, if a tenant leaves food out in a manner that attracts mice, not only is it inappropriate for the landlord to pay for pest controllers to sort it out, but it would be pointless to do so unless the tenant changed his behaviour.

3.8 This is too prescriptive. In some tenanted buildings consisting of more than one flat, there may not be separate wheelie bins for each flat; larger bins might be shared. It is not necessarily within the power of the landlord to change the rubbish arrangements as these will be determined by the freeholder. A requirement to have adequate rubbish disposal arrangements is of course reasonable.

5.1 I would question the need to display the manager's name in a prominent place. It's an ugly prescriptive intrusion that has no role if the tenants know how to contact the landlord/manager. It is reasonable for the landlord to be required to ensure that the tenants are adequately informed of who to contact for service issues.

6.1 A requirement for adequate thermal insulation to minimise heat loss through the building structure is either meaningless or very onerous. What is adequate? Few landlords will wish to fit external cladding which would cost a lot of money and make their property virtually unsaleable in a post Grenfell world. Cavity wall insulation may not be in the gift of the leaseholder in a block. This requirement needs to be rethought or deleted.

6.2 This should read "the minimum statutory standard is achieved or an exemption registered". The legislation on EPC ratings accepts that some dwellings cannot be brought up to the standard at a reasonable cost, but allows for an exemption to be registered rather than requiring them to be withdrawn from the rentals market.

7.1 These requirements are not applicable when a property is let on a single tenancy as the tenant is the lawful occupier and has latitude to occupy the property as he wishes.

HMO Conditions

1 This assumes that the HMO is let with each room on a separate tenancy. However the additional licensing scheme captures many arrangements known as “flat shares” where a group of friends (normally 3) rent a flat in its entirety and are jointly and severally responsible for the entire space. Although they will normally settle in a bedroom each, that is not a matter for the landlord. It is arguable that such arrangements should be excluded from HMO licensing as they have few if any of the characteristics of HMOs, but if they are to be included, the conditions need to reflect that.

2.2 - 3.4 See comments on the corresponding selective licensing conditions above.

3.9 See comment on selective licensing condition 3.8 above.

5.1 See comments on the corresponding selective licensing condition above.

6.2 - 6.3 See comments on selective licensing conditions 6.1 and 6.2 above.

7.1 These requirements are not applicable to flat shares. In a flat share, the joint tenants are the lawful occupiers of the whole flat and can arrange and clutter the space as they see fit, just as a family who rents a flat can.

8.1-8.4 In a flat share, the option of providing all the information to the sharers should be available as well as the display option. It's a shared home nor a rooming house.

Landlord C

As landlords of property in Ealing we are responding to the Council's Consultation document.

The Consultation

- It is obvious that in order to be effective a consultation needs to be clear so it is readily understood. However there are numerous examples in this document where clarity does not exist, including:
- In the Executive Summary we are told that 'Ealing Council is consulting on new licensing proposals for the private rented sector' and that 'the current licencing schemes....will expire in December 2021.' It is not until page 13 we are given any information about the various licensing schemes. In between there are a lot of statistics about Houses of Multiple Occupation (HMOs). It is therefore unsurprising that board members of a large housing estate in Ealing with whom we spoke believed, after looking at the Consultation document, that the proposals only covered HMOs and did not apply to privately rented dwellings. They were not aware of the Consultation until we drew their attention to it.
- The confusion is exacerbated by the fact that Additional Licensing, which is a separate legal concept, is frequently referred to in the document using lower-case letters which

gives the impression that the authors are simply referring to 'more' or 'extra' licensing. The legal meaning of the term as a specific entity is lost. For many, who are unfamiliar with this licence-specific terminology, this makes the document difficult to follow.

- There are frequent references to s254s (shared amenity HMOs) and s257s (converted HMOs) but there is no explanation as to how Mandatory or Additional Licensing relate to these.
- PRS statistics are provided for housing conditions but only shared amenity HMOs are split out. Other HMOs are lumped together with non-HMOs so it is not possible to see how they compare.
- There is a general tendency to discuss Wards in terms of the absolute numbers of problems but without highlighting the populations of those Wards which can mean that in percentage terms the problems are far less significant e.g. we are informed that East Acton has the highest number of Antisocial Behaviour (ASB) at Private Rented Sector (PRS) properties, but on an ASB per 1000 PRS it is in fact the lowest! We are also told that East Acton has the highest level of ASB in HMOs whereas in fact on an ASB per 1000 HMOs it is the 9th highest. Again the document states that East Acton has the highest number of HMOs with Cat 1 hazards yet on a Cat 1 hazards per 1000 basis (s254s only as s257s are not split out) it is the 6th highest. Headline figures can be misleading and it should not be necessary to delve into statistics in a separate document to discover the per 1000 rate.
- Headline numbers of ASB can also disguise the fact that ASB may be persistent only in terms of specific offenders and not specific areas (a few families may cause the majority of problems). However no information about this is provided.
- It is not specifically stated that there is Government oversight of Selective Licensing but not of Additional Licencing. This is important because it shows there are reservations about extensive regulation in this area.
- There is a secondary report (Private Rented Sector: Housing Stock Condition and Stressors Report by Metastreet) on which the Consultation document is based and which needs to be referred to in tandem to try and understand the statistics provided in the Consultation document. This makes the data hard to follow so we have compiled some tables using the statistics supplied in both the Metastreet report and the Consultation document in order to provide a level playing field for comparison between the two types of HMO and other PRS in Ealing.

Conclusion: the Consultation is not written a form which makes it easy for a member of the public to follow. To understand the basic core issues requires a huge amount of study. Given that the Consultation appears to be one of the key conditions of the Council's legal authority (Part 2 of the Housing Act 2004) to designate HMOs under Additional Licensing. This is of concern.

Initiating a designation

Part 3 of the Housing Act 2004 sets out the scheme for Selective Licensing in the private rented sector (PRS).

To initiate a designation the Council needs to establish that Ealing has a high proportion of properties in the PRS.

It is noted that:

a) the Consultation document states that “all of Ealing’s Wards have a higher percentage of PRS than the national average (England) which was 19% on 2019-20”. What it fails to state is that the English Housing Survey 2019-20 also says that, in London, the PRS average is 28%. Given that Ealing is in London this appears disingenuous. It also means that five Wards are at or below the average for London.

b). The Consultation document states that Ealing’s PRS was 23% of all dwellings in 2011. Yet Ealing’s own 2011 Census fact sheet states that the PRS at that time was 28%.

Conclusion: These misrepresentations/inaccuracies do not inspire confidence in the predicted figures listed in the Consultation document.

The Council then needs to identify its objectives and how these will be achieved

We are told the objectives are to:

1. Improve housing standards
2. Reduce ASB
3. Eliminate rogue landlords
4. Identify and educate PRS landlords
5. Inform tenants of their rights

We are not told when Mandatory Licensing started in Ealing. However we are informed that a borough-wide Additional Licensing scheme for HMOs and a Selective Licensing scheme for PRS in Acton Central, East Acton, South Acton, Southall Broadway and Southall Green has been running for nearly 5 years.

Given this extensive experience why has the Council not provided evidence of how its measures have reduced or ideally eliminated the problems it has identified e.g. by setting out:

- a. What were the original criteria for conducting the current licensing schemes?
- b. What measures were put in place?
- c. What have these measures achieved since the current licensing schemes were introduced?
- d. How do these results compare with the criteria set at the outset?
- e. What conclusions have been drawn from this?

We have been given numbers of ASB or hazards in relevant Wards but no indication of how these numbers have changed over the five years. If there has been no appreciable difference in the numbers of problems/miscreants then it would be clear that at least objectives 1-3 have not been achieved.

The key achievements section noted in the Consultation document relate to the process of achieving licensing itself and lists large numbers of applications and licences. However much is unclear, e.g.

- We are told that 75% of properties were brought into compliance (licence submitted) following receipt of warning letter. However it is not clear what this means. Were the warnings sent at the point of application (e.g. the landlord has not provided the correct certification) or does it refer to ASB prevention or a hazard removed?
- 3,723 licence checks/audits - were these visits to the property or were they done remotely?
- Many service requests were received but we do not know whether these were as a result of licensing or would have happened anyway.
- Neither of the two case studies in the Consultation document was identified via licensing and presumably were therefore dealt with under the existing enforcement powers of the Council.
- There is no mention of objectives 4-5 (education of landlords and tenants)

In fact the only achievement which is quantified in terms of success or failure is the first part of objective 4 which is to identify PRS landlords.

Conclusions: It is hard to escape the conclusion that the Council has failed in its key objectives other than to create a register of PRS landlords. If achievement of the key objectives has not been evidenced after five years of experience, it is hard to make a case for extending licensing further. If they have been achieved this should be clearly set out in the Consultation document. Apart from vague assertions this case has not been made. Alternatives are listed but without clear explanations as to why they are not suitable.

The Council also needs to explain how its designations are consistent with its overall housing strategy.

Conclusion: Its most recent Private Sector Housing Strategy document is dated 2014-19 and, in common with the Metastreet report associated with the Consultation, many of the statistics provided in both appear to be estimated rather than actual.

It should also be noted that the most popular approach by landlords and tenants in the 2014-19 Housing Strategy was accreditation of landlords (41.6%) with mandatory registration and licensing of PRS landlords at 31.9%. The Council's current approach does not appear to reflect that desire.

The Council must then ascertain that Ealing is an area experiencing the following:

1. "The area is, or is likely to become, an area of low demand for housing".

The Ealing Council Consultation document starts by talking of the shortage of affordable housing in Ealing with demand far outstripping supply. The Council has also very recently

approved a 50 year £390million investment programme for its housing company to build thousands of homes.

Mik Sabiers at Ealing Council said at the time that “thousands of residents are struggling to afford to live in the neighbourhoods that they grew up in, so it is essential that we continue building new homes in the long term”.

Ealing Council’s own research documented in its Strategic Housing Market Assessment (October 2018) states that the population in the borough “is likely to increase from 343,500 to 405,600 over the twenty-five year period 2016-2041” leading to “a growth of around 41,200 households”.

Chesterton forecast that in 2021 supply (of rental properties) could struggle to keep up with demand in the capital. The RICS April 2021 survey showed steady sales market activity and a lack of rental properties across London.

Conclusion: None of the above implies that Ealing “is, or is likely to become, an area of low demand for housing”

2. “The area is experiencing a significant and persistent problem caused by anti-social behaviour (ASB) that is attributable to occupiers of privately rented properties and that some or all of the private sector landlords are failing to take action that it would be appropriate for them to take to combat the problem”.

Is there a significant and persistent problem? The Consultation document states that ASB in Ealing is moderate compared with other councils in London. Over a five year period, ASB occurred at a rate of 110 per 1000 (0.02 per annum per PRS) for all PRS in Ealing which is negligible. The document does make clear that within Ealing it is significantly higher in the HMO sector but does not highlight the situation within non-HMO PRS. All HMOs (s254s and s257s combined) average 291 ASB per 1000 properties whereas non-HMO PRS average only 77 per 1000, i.e. HMOs are nearly 4 x more likely to give rise to ASB. This is not made explicit in the Consultation document but can readily be calculated from the data provided in the Metastreet report.

The statistics provided are scattered throughout the Metastreet report and the Consultation document which makes it difficult to understand and compare the scale of any problem. Much of the information is only provided using graphs (e.g. stacked column graph in Fig 29 of the Metastreet report). So, in the interests of clarity and using the Council’s own statistics, we have brought together in one Table (See Table below) ASB rates for the three types of PRS over all the Wards and used a benchmark of the average rate of ASB for **all** PRS properties (110). Any property above that benchmark is highlighted in red.

	ASBs per 1000 <u>All PRS</u>	ASBs per 1000 HMOs	ASBs per 1000 s254s	ASBs per 1000 s257s	ASBs per 1000 Non HMO PRS
Southall Broadway	100	250	311	144	74
Greenford Broadway	124	588	817	155	98
Dormers Wells	134	485	623	230	92
Southall Green	98	258	410	131	80
Northolt Mandeville	143	868	1392	229	98
East Acton	81	356	426	186	46
North Greenford	164	632	855	132	102
Greenford Green	158	603	891	37	116
Lady Margaret	120	437	574	164	84
Perivale	133	353	427	188	108
Northolt West End	151	457	667	0	137
South Acton	88	204	266	148	56
Norwood Green	109	389	485	162	77
Hobbayne	152	350	545	83	120
Acton Central	112	236	285	180	72
Elthorne	92	262	473	91	61
Ealing Broadway	86	220	271	172	63
Ealing Common	94	286	367	127	51
Hanger Hill	107	271	296	97	68
Cleveland	115	220	280	43	90
Walpole	125	240	315	149	87
Southfield	94	157	222	80	70
Northfield	113	265	305	161	61
Ealing Total / Average	110	291	387	139	77

Source: Data and graphs provided in Metastreet report

Conclusion: By showing the statistics provided in the Consultation document in this way, we believe we have created a level playing field showing that only very few Wards could even begin to be categorised as experiencing a significant problem of ASB in non-HMOs. We therefore conclude that the case has not been made that there is a “significant and persistent” problem of ASB in Non-HMO PRS.

The second part of the Condition states that some or all of the private sector landlords are failing to take appropriate action to combat the problem.

It should be noted that no proof is provided in the Consultation document that any of the ASB are caused by the neglect of PRS landlords.

It should also be noted that a small number of persistent offenders can cause the majority of ASB thereby racking up the numbers, but this is not discussed in the Consultation document. This type of offending should be dealt with by the Police not landlords.

The Antisocial Behaviour, Crime and Policing Act 2014 refers to various remedies including ASB case review, community trigger procedures, civil injunctions etc which are led by the Police or councils and social landlords. This is for the very good reason that evidence needs to be gathered to enforce these interventions. Not least even to ascertain that anti-social behaviour has occurred at all since perceptions can vary as to whether a behaviour is simply irritating or criminal, or even whether there may be mental health issues involved. This is a

specialist process in which few if any private landlords are equipped to intervene. Most are, generally small business people, not aspiring law enforcers, probation officers, social workers or health care professionals. They are not equipped to make risk assessments of potentially dangerous situations or their psychological or social causes. Landlords should not be expected to put themselves at risk of harm by intervening in cases of ASB.

Conclusions:

- a. **No proof is provided by the Council that PRS landlords are failing to take action to combat ASB.**
- b. **It is wrong to attempt to pass responsibility on to private landlords to police ASB. Landlords are not equipped to make such assessments.**
- c. **Headline ASB numbers may be being racked up by a few persistent offenders who need to be tackled by the authorities not landlords.**
- d. **The only real remedy available to the private landlord for bad behaviour by tenants is eviction and this process can take many months if not years during which time the tenant may stop paying rent which is unlikely ever to be recovered. This is a major disincentive.**
- e. **In spite of this landlord possession claims are high in Ealing. According to the Metastreet report they were the third highest in London and twice the average (see Fig 7 in the Metastreet report). So it would appear that many landlords are taking “appropriate action”.**
- f. **This trend is likely to only increase further as a result of extending the licensing of PRS properties and it is possible that many of these properties may not return to the rented market at all or if they do so at a higher rent to cover the increased costs.**
- g. **If the Council aspires to increase the availability of affordable rental properties in the borough as it claims, this is precisely the wrong way to go about it.**

3. Poor Housing conditions

It is a moot point whether the Metastreet report provides a review of housing conditions as required under the legislation. Ealing’s last Housing Strategy review was dated 2014-19 which only briefly refers to Cat 1 hazards and the Council’s legal obligations in this regard in terms of enforcement. It should also be noted that the figures provided for hazards in the Metastreet report are projected and not actual. This is important because errors can be made as we know from the mistake regarding Ealing’s percentage of PRS dwellings in 2011.

The Council has extensive powers to tackle poor property conditions under Part 1 of the Act and should only designate Wards for Selective Licensing if it is certain a significant number of properties in the area are in a poor condition to the extent that it affects the health and safety of the occupants.

Looking at the statistics provided once again it has been necessary to compile tables using the Council’s statistics to present the information in a more accessible way.

Neither the Consultation document nor the Metastreet report shows data for HMOs vs non-HMOs on housing conditions (only data for shared amenity s254s is provided in the form of a stacked column graph - Fig 26 in the Metastreet report). Using this it is possible to estimate the numbers for s254s with hazards vs all other PRS properties (s257s and non-HMOs combined) as shown in the Table below:

	PRS with Serious Hazards Cat 1 HHSRS		
	HHSRS per 1000 All PRS	HHSRS per 1000 HMO s254 ppties	HHRS per 1000 PRS which are not s254s
Southall Broadway	535	798	507
Greenford Broadway	187	749	167
Dormers Wells	274	678	243
Southall Green	389	657	376
Northolt Mandeville	197	616	184
East Acton	199	615	162
North Greenford	262	601	232
Greenford Green	236	590	214
Lady Margaret	301	570	282
Perivale	237	566	212
Northolt West End	202	534	192
South Acton	269	521	240
Norwood Green	163	513	136
Hobayne	199	474	175
Acton Central	337	449	321
Elthorne	140	413	120
Ealing Broadway	140	401	120
Ealing Common	130	399	93
Hanger Hill	172	362	134
Cleveland	156	336	126
Walpole	159	329	133
Southfield	128	300	98
Northfield	162	291	133
Ealing Total / Average	220	462	195

Source: Data and graphs provided in Metastreet report

Using as a benchmark the average hazard rate per 1000 PRS properties of 220, the Wards highlighted in red are those with an above average hazard level per 1000 PRS. As for ASB it is clear that s254s are far more likely to have hazards than the rest of the PRS - hazards per 1000 at s254s average 462 whereas for all other rental properties (s257s and non-HMOs combined) they average only 195. In all Wards s254s are well above average but we do not know what proportion of these have already been licensed under Mandatory Licensing.

In only seven Wards (Southall Broadway, Southall Green, Acton Central, Lady Margaret, Dormers Wells, South Acton and North Greenford) are there above average hazards where one might consider either Additional or Selective Licensing.

Given that the Council's main stated objectives are to combat ASB and hazards, we assume these results have been combined to arrive at the list of Wards designated for Selective Licensing. The table below shows these two combined for s257s and non-HMOs on the assumption that all s254s are already or will be licensed.

It should be noted that there is limited linkage between the Wards with above average projected hazards and ASB. Of the worst wards for ASB linked to PRS properties only half are amongst the worst for hazards.

Combining the figures provided for both ASB and predicted hazards

Type of Licence applicable	Hazards	ASBs		Has Evidence been Provided for Licensing Proposals?		
	HHRS per 1000 PRS which are not s254s	ASBs per 1000 s257s	ASBs per 1000 Non HMO PRS	Has Evidence been provided for the Proposal?	Where Proposed	Has Evidence been provided for the Proposal?
		Additional	Selective			
		Additional & Selective			Additional Licensing is Proposed in All Wards	Selective Licensing is Proposed where indicated
Acton Central	321	180	72	Yes	Yes	Yes
Cleveland	126	43	90	No		
Dormers Wells	243	230	92	Yes	Yes	Yes
Ealing Broadway	120	172	63	Yes		
Ealing Common	93	127	51	Yes		
East Acton	162	186	46	Yes	Yes	No
Elthorne	120	91	61	No		
Greenford Broadway	167	155	98	Yes	Yes	No
Greenford Green	214	37	116	Yes	Yes	Yes
Hanger Hill	134	97	68	No	Yes	No
Hobbayne	175	83	120	No	Yes	Yes
Lady Margaret	282	164	84	Yes	Yes	Yes
North Greenford	232	132	102	Yes	Yes	Yes
Northfield	133	161	61	Yes		
Northolt Mandeville	184	229	98	Yes	Yes	No
Northolt West End	192	0	137	No	Yes	Yes
Norwood Green	136	162	77	Yes		
Perivale	212	188	108	Yes	Yes	No
South Acton	240	148	56	Yes	Yes	Yes
Southall Broadway	507	144	74	Yes	Yes	Yes
Southall Green	376	131	80	Yes	Yes	Yes
Southfield	98	80	70	No		
Walpole	133	149	87	Yes		
Ealing Average	195	139	77			
Benchmark: Average all PRS	220	110				

Source: Data and graphs provided in the Metastreet report

On this basis it is difficult to justify inclusion of East Acton, Greenford Broadway, Hanger Hill, Northolt Mandeville or Perivale under Selective Licensing as has been proposed because they are all below average in both hazards and ASB.

Similarly (below average in both hazards and ASB) there does not appear to be a case for Additional Licensing in Cleveland, Elthorne, Hanger Hill, Hobbayne, Northolt West End or Southfield as has been proposed.

Conclusion: It is unfortunate that the statistics provided in the Consultation are not sufficiently clearly presented to explain why the Council believes a significant number of properties in the Wards identified in the two paragraphs above are in such poor condition as to warrant Additional or Selective Licensing. Part 1 (enforcement) would be more appropriate in these Wards to tackle the problems directly. It is always open to the Council to re-designate in future should the situation deteriorate.

It is also unfortunate that the limited data provided with regard to s257s makes it difficult to assess the case for extending licensing which is the purpose of the Consultation. Had this information been provided it is likely that it would have

revealed that more non-HMOs have much lower levels of hazards on average obviating the necessity for Selective Licensing in more Wards.

4. Migration

The only reference to this is a graph showing Ealing to be an area of average migration as compared to the rest of London. This is not in the Consultation document, only in the Metastreet report.

The increase in net migration in the figures provided for 2018-19 was 2,514, which is 0.7% of the population and well below the 15% level proposed as a benchmark in the Government guidelines.

5. Deprivation

This is barely referenced in the Consultation document. It is noted in the Metastreet report that Ealing is ranked as average on the IMD 2019 scale with variations within the borough. There is no mention of employment status of adults, average incomes of households, health of households, or the availability and ease of access to education, training and other services for households.

6. Crime

This is barely referenced in the Consultation document. The Metastreet report provides a graph with one crime only (household burglary) with East Acton being the worst Ward for this.

Final Summary

At first glance the Consultation document appears to contain a substantial quantity of data. However there is a lack of explanation in key areas and the statistics lack context. The latter are also frequently only decipherable by repeated reference to the associated document (Metastreet report) which is only available as a link. We discovered one fundamental error (incorrect reporting of Ealing's PRS as a percentage of all dwellings in 2011) in the Metastreet report which had the effect of reducing our confidence in it.

Based on its own objectives, the Council has failed to provide strong evidence of successful outcomes from its previous licencing schemes, with the sole exception of starting the creation of a register of PRS landlords. Alternatives to licensing are listed but without clear explanations as to why they are not suitable. The disadvantages should be weighed against the advantages to present a balanced view.

There are six key tests for the Council to consider with regard to Selective Licensing and in all but one the Council has failed to provide clear evience that the necessary conditions prevail in non-HMO PRS. In one category (Poor Housing Conditions) the evidence shows seven Wards of concern but unfortunately the statistics are severely hampered by the fact that s257 HMO properties are lumped in with non-HMO PRS.

This will inevitably skew the results negatively because HMOs tend to have worse outcomes than non-HMO PRS.

Given the difficulty of reading the statistics provided we felt it necessary to re-present some of these in a clear and concise form in order to be able to compare all the PRS against a benchmark which we chose to be the overall average. We have concentrated this effort on ASB and Hazards since these are listed as the Council's main objectives. This has created a level playing field upon which to see the results for all PRS in terms of ASB and hazards per 1000. These statistics were all provided by the Council but were scattered throughout the various documents often in the form of graphs and the tables were derived from these. It is unfortunate that this information was not clearly presented in the Consultation document so comparisons could be made between types of PRS. It is key information to understand whether the tests relating to ASB and poor housing conditions have been met and whether licensing should be applied.

It is clear from the Tables we have provided in this letter that, based on a level playing field, the Council's key objectives of reducing ASB and hazards in PRS should involve addressing the worst offenders, i.e. HMOs. This is an important consideration when assessing the extension of licensing. When problems are only emanating from a small percentage of non-HMO properties it would be more appropriate and proportionate to deal with these individually rather than penalise a majority of PRS landlords. Such a potentially intrusive measure as Selective Licensing needs to be very carefully targeted.

Over-zealous surveillance needs to be limited in a free society. Tenants have a right to the peaceful enjoyment of their rented property. This is upheld in the Human Rights Act. They should not be subjected to inspections every 6 months as suggested in the Consultation document unless there is a very serious imperative.

Landlords are already subject to a large body of legislation including statutory requirements such as an EPC, gas and electrical certification, tenancy deposit schemes and other health and safety measures. Many of these documents are available on registers easily available to inspect on-line. It should not be necessary for these to be presented on demand to a Council official when these officials can access them at the click of a button.

It is hard to avoid the suspicion that these schemes are mainly to provide additional funding from reputable landlords.

We trust that the Secretary of State and the Council will take these comments into consideration and restrict the wholesale licensing of the Borough to the areas where it is only proven to be strictly necessary and where they are likely to make a significant and quantifiable impact.

Resident A

The Ealing Council has again comes up with strange idea asking the home owners to register and get license to rent the house under pretext of safety. It is a joke. This is an absurd motive and wrong idea. The council tries to copy the wrong doing of other councils to harass the residents. This is blunder committed by some Councils As a result the rent has gone up and ultimately mediocre and poor residents suffer under pretext of safety. The Council sheds crocodile tears using the word safety. Please leave us alone and let us live in peace. This is very difficult to maintain the life in Ealing. There is an argument that the home owners are capable to pay extra taxes Majority of home owners live on hand to mouth income.

Majority of houses are well maintained and decorated observing the health and safety guideline and regulations in Ealing Borough. We pay very high Council tax Income tax VAT Custom duties tax Road tax Water bill Gas bill Electricity bill in the limited income. The Starlings are not grown on trees. We have to work hard to earn our livelihood to pay the taxes feed children family and maintain the house. How can we survive when Council takes up all money under several excuses There is serious hardship in UK owing to Corona virus epidemic. There are no jobs left From where we get money to pay the Council for this funny strange idea. The imposing registration and fees both ideas are absurd and wrong This is harassment to all residents. Please do not come up with strange idea to extract the money from residents If Ealing Council keeps on imposing fees with fake ideas there is no need of such Council it should be abolished.

We strongly reject the proposal to impose the registration of rented property.

Appendix 3: Consultation promotion

The Council launched its consultation on its new licensing proposals on 10 May 2021. The purpose of the consultation was to seek views from residents, private tenants, private landlords, businesses and other stakeholders about the proposals. The consultation lasted for a total of 14 weeks, ending on 16 August 2021.

At the start of the consultation, the Council created a dedicated webpage which placed a range of information on its website about the proposals. The material available from the website included:

- A consultation document which set out the details of the Council's proposals
- Ward profiles containing key information about how the licensing proposals would apply to each ward in the borough
- The report "Housing Stock Conditions and Stressors Report" which set out the evidence supporting the proposals
- The proposed additional licensing conditions
- The proposed selective licensing conditions
- The proposed schedule of fees
- An "FAQ" document

The webpage also contained a link to an online survey on the Council's proposals. The survey contained links to the documents listed above so persons could easily access the required information to help them answer the questions.

The website also provided details of a dedicated telephone line and email address for persons to contact for them to contact should they have had any queries specifically about property licensing and the consultation. 213 emails were received and 43 telephone calls.

Public events

These events were listed on the Council's dedicated consultation webpage. A total of four virtual online public meetings were held in order to enable stakeholders to participate in discussions about the proposals. The first three events were aimed at specific stakeholder groups, whilst the last event was aimed at everybody. The reason for hosting the events online as opposed to in person was due to the evolving restrictions in place due to Covid-19 and also to enable persons who were self-isolating due to Covid-19 to participate.

The details of the events are set out below:

- On Wednesday 09 June 2021 a meeting aimed at tenants of private sector properties was attended by 11 persons

- On Wednesday 16 June 2021 a meeting aimed at private landlords and lettings/managing agents was attended by 53 persons
- On Wednesday 23 June 2021 a meeting aimed at Ealing residents and business was attended by 27 persons
- On Wednesday 11 August 2021 a meeting aimed at everybody was attended by 21 persons

Communication and publicity

The Council used a variety of methods to promote and publicise the consultation as widely as possible to ensure a diverse range of stakeholder groups were aware. These are set out in the paragraphs below:

- 1 **Press release** announcing the launch of the consultation to landlord trade media, local and ethnic media, issued on 10 May
- 2 **News article** announcing the launch of the consultation published on the Council's website on 10 May
- 3 **Launch story** published in Ealing News Extra, a website dedicated to Council news for local residents, on 10 May. This was updated on 03 August to advise of the extension to the consultation from 02 to 16 of August, and also of the additional public event held on 11 August
- 4 **Weblink** to the consultation webpages added to the section of the Council's website dedicated to private property licensing
- 5 **Leaflet drop** to 153,895 residences and businesses from 17 May
- 6 **Advertising and editorial feature** in the summer edition of Around Ealing, the Council's quarterly magazine for residents. This was door dropped to 131,300 business and residential premises, 2,700 to libraries, leisure centres etc, 960 to schools, 1,120 posted out to small organisations. The distribution took place between 5 and 11 June
- 7 **Strapline** with the weblink to the consultation webpages included in the signature to Property Regulation staff emails from 17 May until 16 August. This strapline was also added to the auto responses from relevant mailboxes (propertyregulation@ealing.gov.uk, emptypropertisteam@ealing.gov.uk and PRSLicensing@ealing.gov.uk) from 10 June until 16 August
- 8 Article on the Council's **intranet page** which is accessed by Council staff on 23 July
- 9 **Targeted emails** containing information about and weblinks to the campaign as follows:
 - Feature in the Ealing News e-newsletter to circa 132,000 addresses on 10 May, 16 July, 30 July and 13 August.

- Feature in the Council’s business e-newsletter circulated to circa 15,000 addresses on 14 May, 29 May and 16 July
 - Email to members of the Council’s “Residents’ Panel” (circa 2130 addresses) on 02 June, resent on 09 June to those who had not opened it previously
 - Feature in Landlord News, a quarterly e-newsletter circulated to all licensed landlord (circa 5,000 addresses) on 03 June, resent on 05 June to those who did not open the first email
 - Email to voluntary organisations on 11 June (131 addresses) and 30 June (30 further addresses)
 - Email to organisations offering legal advice/aid (36 addresses) on 30 June
 - Email to London borough Chief Executives (33 addresses), including London Councils (33 addresses) on 28 June and resent on 2 August to include information on the extension of the consultation and additional public event
 - Feature in Ealing News Extra email (circa 132,000) addresses sent on
 - Email to London Council leaders (32 addresses), including London Councils (33 addresses) on 28 June and resent on 2 August to include information on the extension of the consultation and additional public event
 - Email to providers of Council leased / temporary accommodation (132 addresses) on 01 July
 - Ealing News Extra email (circa 132,000 addresses) sent on 30 July, resent on 31 July to addresses that did not open the first email
 - Email to letting and managing agents operating in Ealing and the other West London Boroughs of Hounslow, Hammersmith & Fulham, Harrow, Hillingdon, Brent and Royal Borough and Kensington and Chelsea (774 addresses) on 30 July
 - Email to licensed landlords and temporary accommodation landlords (circa 5,000 addresses) on 30 July, resent on 02 August to those who did not open the first email
 - Email to residents’ associations and community organisations (156) addresses on 30 July, resent on 31 July to those that had not opened the first one
 - Email to Council leaseholders (2,798 addresses) sent on 30 July, resent on 02 August to those who had not opened the first email
 - Email to addresses on the Ealing News Extra database (circa 132,000 addresses) on 03 August, with a re-send on 05 August that had not opened the first one
 - Ealing News Extra update (circa 132,000 addresses) sent featuring a “last chance” article about the licensing consultation sent on 13 August
- 10 A **digital campaign** via Council Advertising Network (CAN Digital) running between 01 June and 25 July:
- 957,070 Impressions (number of digital views or engagements)

- 8,922 clicks and click-through-rate of 0.93% which is higher than the average of 0.35%
- 8,922 interactions (clicks, swipe ups, likes, shares, video views over 10 seconds) and impression rate of 0.93%
- Minimum reach of 154,551 (Largest device reach on the largest platform) and maximum reach of 298,744 (Device reach added together across all platforms)
- Target audiences were tenants, Southall and surrounding boroughs
- Surrounding boroughs had 7,431 impressions, 317 interactions and an impression rate of 4.27%
- Adverts placed on: Instagram, Facebook, Gumtree, Propertytorenovate.co.uk, Realhomes.com, Ealing Times, Propertywire.com, Apartmenttherapy.com, Homebuilding.com, French-property.com, Houseladder.co.uk and Globalpropertyguide.com.
- Digital advertising of the public events including promoted content on Facebook and adverts on Metro and the Evening Standard between 31 May and 14 June.
- Digital advertising of the consultation survey including promoted content on Facebook and adverts on Metro and the Evening Standard between 05 July and 16 August.
- Surrounding boroughs target audience for CAN digital campaign had 7,431 impressions, 317 interactions and an impression rate of 4.27%

11 **Digital advertising** via the London Landlord Accreditation scheme (LLAS) newsletter which is circulated via email to over 40,000 landlords and property agents, on 01 July. This was followed up with a news article published on 21 July on their website on to include information on the extension to the consultation and the additional public event

12 **Digital advertising** campaign via the London Property Licensing website which ran from 24 May until 16 August and consisted of:

- LBE dedicated webpage on the website updated with information on the consultation on 24 May
- High profile banner headline with rotating image on homepage from 25 May to 16 August
- Banner advert on the website homepage and 16 London borough pages from 01 June to 16 August
- Promotion of the consultation on their events webpage from 25 May to 16 August (with separate listings for events on 16 June and 11 August)
- Articles in the newsletters sent out on 27 May, 30 June and 29 July
- Posts on their Facebook account on 03 June, 12 July, 22 July and 09 August
- Posts on their LinkedIn account on 27 May, 03 June, 05 August and 09 August
- Posts on their Twitter account every 9 to 11 days from 27 May to 16 August.

13 **Social media** posts via the Council's Facebook and Twitter accounts:

- Facebook posts with link to the consultation on 10 May, 09 June, 14, July, 15, July, 16, July, 19 July, 21 July, 23, July, 26, July, 28, July, 30, July, and 31 July
- Tweet with link to consultation on 10 May, 06 June, 09 June, 14 July, 15 July, 16 July, 19 July, 21 July, 23 July, 26 July and 30 July
- Tweet with information about the additional public event on 28 July
- The Council also retweeted a post from London Property Licensing advising of the additional public meeting on 29 July. It was also retweeted by Renters Rights London.

14 **Mailshot** of paper letters sent out as follows:

- 6,280 letters to Council leaseholders (including owner occupiers and landlords and tenants) on 02 and 03 August
- 21 letters to voluntary/community organisations that did not have an email address on 04 August
- 4,567 letters to tenants in temporary accommodation on 05 August

15 **Non-digital poster campaign** consisting of:

- A3/A4 posters displayed and distributed to public buildings on 07 and 08 June at 14 public buildings across the borough, namely the Dominion Centre (Southall), Southall Library, Southall Sports Centre, Jubilee Gardens Library (Southall), Perivale Library, Dormers Wells Leisure Centre (Southall), Lido Centre (Ealing), Ealing Library, Acton Library, Acton Leisure Centre, Greenford Community Centre, Greenford Hall, Greenford Library, Hanwell Community Centre, Northfields Library, Northolt Library, and Northolt Leisure Centre
- Displays to kiosks and roadside billboards to 32 locations in the borough from 28 June to 02 August
- Displays placed on single decker buses (internal panels and street liners) running from the following bus depots between 05 July to 02 August: Fulwell Garage, Fulwell Bus Garage, Armstrong Road (Southall) and Hounslow Depot
- Advertisements placed in the Metro (London) newspaper on 01 July and 06 July. The Metro is distributed on public transport networks (trains, trams, buses and the London Underground) daily and has a readership of 1,715,000 (source [Metro London | Our Brands | Mail Metro Media & Evening Standard Classified \(metroclassified.co.uk\)](http://metroclassified.co.uk))

16 **Radio advertisement campaign** consisting of:

- Adverts on Global radio stations (including the stations of Heart, Capital, LBC, Capital XTRA, Classic FM, Smooth, Radio X and Gold) from 28 June to 02 August

- Adverts on Sunrise radio 05 July to 02 August
- Adverts on Desi radio from 05 July 02 August

17 Other **third party** promotion/sharing of the consultation:

- Article published on Landlord Today website on 20 May
- Retweet by the National Residential Landlords' Association (NRLA) of the Council's own tweet about the consultation on 06 June
- Tweet by the National Residential Landlords' Association (NRLA) promoting their regional webinar featuring a conversation with Ealing Council and information about the licensing consultation on 13 July, retweeted on 15 July
- Tweets by the National Residential Landlords' Association (NRLA) promoting their licensing toolkit and referring to various local authorities and Ealing's current licensing consultations on 05 July, 07 July, 14 July, 22 July and 27 July
- Email circulated to members by iHowz, a private landlord association on 12 August.

Out of borough communications

Of the communications listed above, the following would have reached out of the borough. It should be noted that many of our licensed landlords, temporary accommodation landlords, Council leaseholders and some temporary accommodation tenants would reside out of the borough of Ealing.

Email to all London Council Chief Executives (30 addresses) – 28 June and resent on 02 August.

Email to all London Council Leaders (28 addresses) – 28 June and resent on 02 August.

Email to managing/lettings agents based in the boroughs surrounding Ealing which are Brent, Hammersmith and Fulham, Harrow, Hillingdon, Hounslow and Royal Borough and Kensington and Chelsea.

Digital advertising via the Council Advertising Network (CAN), including adverts on Facebook, Metro and Evening Standard:

- Advertising events – 31 May to 14 June
- Advertising the consultation survey – 05 July to 16 August

Surrounding boroughs target audience for CAN digital campaign had 7,431 impressions, 317 interactions and an impression rate of 4.27%

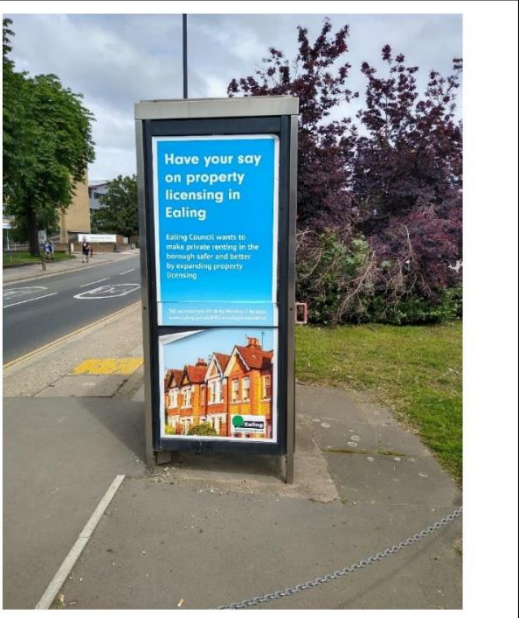
Non-digital advertising:

- Global radio (including the stations of Heart, Capital, LBC, Capital XTRA, Classic FM, Smooth, Radio X and Gold from 28 June to 02 August)
- Sunrise radio – 05 July to 02 August
- Desi radio - 05 July to 02 August
- Adverts on single decker buses running from Fulwell, Armstrong Road (Southall) and Hounslow between 05 July and 02 August
- Advertisements placed in the Metro (London) newspaper on 01 July and 06 July. The Metro is distributed on public transport networks (trains, trams, buses and the London Underground) daily and has a readership of 1,715,000 (source [Metro London | Our Brands | Mail Metro Media & Evening Standard Classified \(metroclassified.co.uk\)](#))

COMMUNICATION VISUALS



Media Board



Telephone kiosk posters



Posters displayed in Perivale Library



Poster displayed in Southall Library



METRO PROPERTY

'Shared ownership was just the ideal option'

WHEN I DECIDED TO PURCHASE THIS...
 ANDREA BIANCHI

Have your say on property licensing in Ealing

Ealing Council wants to make private renting in this borough safer and better by expanding property licensing.

Tell us what you think
www.ealing.gov.uk/PPSlicensing/onlineforum

Metro Advert
Page 5, Thursday 01 July 2021



Surprise! Prince Harry a guest at awards ahead of William reunion

Grieving mum livid as PM 'dismisses' fury over Hancock

Have your say on property licensing in Ealing

Ealing Council wants to make private renting in this borough safer and better by expanding property licensing.

Tell us what you think
www.ealing.gov.uk/PPSlicensing/onlineforum

Metro Advert
Page 18, (property section) Thursday 06 July 2021



Bus Advert
Uxbridge Road, Ealing
22 July 2021

Appendix 4: Online survey

Have your say on private property licensing in Ealing

1. Introduction

In order to continue to improve the standards of private rented property in the borough, Ealing Council is proposing to introduce:

An additional licensing scheme for houses in multiple occupation (HMOs) across the whole borough. A selective licensing scheme covering 15 out of 23 wards, implemented in two phases:

Phase 1

East Acton
Southall Broadway
Southall Green

Phase 2

Acton Central
Dormers Wells
Greenford Broadway
Greenford Green
Hanger Hill
Hobbayne
Lady Margaret
North Greenford
Northolt West End
Norwood Green
Perivale
South Acton

If the council decides to introduce them, these two schemes will come into effect in 2022. They will replace the existing borough-wide additional licensing scheme and the selective licensing scheme in the five wards of Acton Central, East Acton, South Acton, Southall Broadway and Southall Green which end in December 2021.

This survey seeks your views on these two new proposals.

You can find out more information about what is proposed in the [consultation document](#) and [individual ward profiles](#).

The survey has five sections:

Your interest in private renting in Ealing Private renting in Ealing The proposal for a new additional licensing scheme for houses in multiple occupation (HMOs) The proposal for a new selective licensing scheme About you.

The survey should take approximately 15 minutes to complete. There are links to relevant material as you work through the survey.

The survey must be completed by **Monday 2 August 2021**.

HQN, an independent housing consultancy, is managing this consultation exercise on behalf of Ealing

Council. For any help on the questions, please contact them by email at ealingmeetings@hqnetwork.co.uk or by phone **01904 557197**.

Your response will be analysed along with all other replies. A report on the consultation including the questionnaire results will be sent to the council.

To ensure anonymity, it will not be possible to identify individuals in our report. All survey information will be treated in accordance with the General Data Protection Regulations (GDPR).

If you have a specific issue on private renting that you would like HQN to forward to the council, please complete the box below.

1. Email address: _____

Query:

Section one: Your interest in private renting in Ealing

2. I am responding as: *

- A tenant of a private rented property in the borough
- A tenant of a housing association or the council
- Owner occupier
- A landlord in the borough
- A managing or letting agent for a property in the borough
- A person who works or visits the borough
- An organisation representing privately rented tenants, landlords or letting agents
- A business operating in the borough

Other:

3. Home address: Ward and postcode: If you are unsure of which ward you live in, go to Ealing Maps and enter your address or postcode. *

Which ward do you live in? *

What is your postcode?
 (please exclude the final character in your postcode, eg AB12 7XY should be recorded as AB12 7X) *

Section two: Your views about private renting in Ealing

We would like to know your views about the private rented sector in your area.

4. To what extent do you agree or disagree with the following statements on the private rented sector in your area? *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/not applicable
The number of private rented properties has been increasing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The physical condition of private rented properties is a problem.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are health and safety issues with private rented properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overcrowding is a problem in private rented properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are inadequate fire safety measures in private rented properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The private rented sector causes neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is a problem with illegal or substandard conversions in the private rented sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Please use the box below to make any further comments about the private rented sector.

Section three: New additional licensing scheme for HMOs throughout the borough

HMOs are houses or flats occupied by different households and include shared accommodation, bedsits and certain blocks of flats.

Ealing Council, like all other councils across the country, must operate a mandatory licensing scheme for larger HMOs. It also currently operates a borough-wide additional HMO licensing scheme that covers smaller HMOs that are two or more storeys, and have four or more occupiers in two or more households that share (or lack) toilet, washing or cooking facilities. It also covers certain buildings that have been converted into self-contained flats. This existing additional HMO scheme will end in December 2021.

The council is proposing to introduce a new borough-wide additional HMO licensing scheme that will operate for five years from 2022. You can read about the proposed scheme [here](#).

A licence will be required for all HMOs rented to three or more persons in two or more households sharing (or lacking) toilet, washing or cooking facilities. It will also apply to certain buildings that have been converted into self-contained flats.

Landlords will need to obtain a licence for an HMO falling within the new scheme. A fee is charged by the council to cover the costs of processing an application, monitoring compliance with licence conditions and enforcing the scheme.

6. Do you agree with the council’s proposal to introduce a new additional HMO licensing scheme for 2022-27? *

- Yes
- No
- Unsure

7. To what extent do you agree or disagree that the new five-year additional licensing scheme will:

*

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know /not applicable
Improve the physical condition of HMO properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve the health and safety of tenants living in HMOs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help to tackle issues of neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour associated with HMOs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help identify poorly performing HMO landlords, managing agents and lettings agents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know /not applicable
Assist landlords to raise their standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support good HMO landlords?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Under additional licensing, the council requires landlords to meet certain conditions. Some of these (e.g. electrical and gas safety) are required by law. Other conditions are set by the council to improve the management, use and occupation of HMOs in Ealing.

You can read the proposed licence conditions in full [here](#).

8. To what extent do you agree or disagree that additional HMO licence conditions should include: *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
Provision of a written tenancy agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controls on the number of people able to occupy the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provision and management of fire safety measures e.g. fire alarms, smoke detectors and satisfactory means of escape?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Actions to effectively address problems of neighbour nuisance and anti-social behaviour caused by HMOs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Space standards (e.g. room sizes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The provision of a sufficient number of amenities (e.g. toilet, bathroom and kitchen facilities)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High standards of property management?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property security requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequate heating and insulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy efficiency (e.g. minimum EPC rating)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate standards for the management of common areas such as emergency lighting in corridors and stairways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
Satisfactory maintenance of outbuildings, gardens and yards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate arrangements for rubbish collection and recycling?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The council will charge a fee to recover the costs and overheads of running the scheme. Each licence would normally last for a maximum of five years. Details about the fees and the discounts can be found [here](#).

9. To what extent do you agree or disagree with the fees, discounts and additional charges under the additional HMO licensing scheme? *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
Flat rate fee of £1,100 and an additional fee of £50 per habitable room?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional charges for applicants who (i) apply late, (ii) submit a paper rather than an online application and (iii) require council assistance to complete an application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discounts for applicants (i) who apply before the commencement of the scheme renewal (early bird scheme), (ii) who are members of an accredited landlord scheme, and (iii) have an energy performance certificate rating of C or above?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Please use the box below to make any further comments about the proposed new additional licensing scheme for HMOs.

Section four: New selective licensing scheme

The council is proposing a new selective licensing scheme for all privately rented homes in fifteen wards. These have been chosen because they have higher levels of privately rented accommodation which is in poor condition. You can read about the proposed scheme [here](#).

It is proposed that the scheme will be introduced in two phases. The first phase involves three wards: East Acton, Southall Broadway and Southall Green. The second phase centres on the other twelve wards. Both phases would come into force during 2022. Find out more details in

the [individual ward profiles](#).

Under the proposals, landlords would need to obtain a licence for each property they rent out. A licence fee would be charged for each property to cover the costs of processing the application, monitoring compliance with licence conditions and enforcing the scheme.

11. Do you agree with the council's proposal to introduce a new selective licensing scheme for 2022-27? *

- Yes
- No
- Unsure

12. To what extent do you agree or disagree with: *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
The council's choice of the fifteen wards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The council's two-phase approach?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. To what extent do you agree or disagree that the new selective licensing scheme will: *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know /not applicable
Improve the physical condition of private rented properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve the health and safety of tenants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help to tackle issues of neighbourhood problems such as noise, nuisance, rubbish and other anti-social behaviour?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help identify poorly performing landlords, managing agents and letting agents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assist landlords to raise their standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support good landlords?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By licensing all private rented properties in the fifteen wards, the council will require landlords to meet certain conditions. You can read more about the licence conditions [here](#).

Some conditions (e.g. electrical and gas safety) are already required by law. Other conditions are aimed at improving the management, use and occupation of privately rented properties.

14. To what extent do you agree or disagree that the new selective licence conditions should include: *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
Provision of a written tenancy agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controls on the number of people able to occupy the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Actions to effectively address problems of anti-social behaviour?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High standards of property management?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property security requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequate heating and insulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy efficiency (e.g. minimum EPC rating)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Standards for common areas (if appropriate) such as emergency lighting in corridors and stairways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Satisfactory maintenance of outbuildings, gardens and yards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate arrangements for rubbish collection and recycling?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The council will charge a fee in order to recover the costs and overheads of running the selective licensing scheme in the three wards. Each licence would normally last for a maximum of five years. Details about the fees and the discounts can be found [here](#).

15. To what extent do you agree or disagree with the fees, discounts and additional charges under the new selective licensing scheme? *

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
Standard fee of £750	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional charges for applicants who (i) apply late,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / not applicable
(ii) submit a paper rather than an online application and (iii) require council assistance to complete an application?						
Discounts for applicants (i) who apply before the commencement of the scheme renewal (early bird scheme), (ii) who are members of an accredited landlord scheme, and (iii) have an energy performance certificate rating of C or above?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Please use the box below to make any further comments about the proposed new selective licensing scheme.

Section five: About you

Please tell us a little about yourself. The survey is completely anonymous and information you provide will only be used for the purposes of analysing the results of this survey. All the information will be handled in accordance with the Data Protection Act 2018, which incorporates the EU's General Data Protection Regulation (GDPR).

In accordance with the Equality Act 2010, this information will help us in understanding how views and experiences of different groups of people vary.

It is not compulsory to answer these questions, any information you provide will be kept strictly confidential. If you don't wish to answer the questions please go to the bottom of the page and click NEXT PAGE.

17. Age

- 18 or below
- 19 – 24
- 25 - 34

- 35 – 44
- 45 – 54
- 55 – 64
- 65 or above
- Prefer not to say

18. Do you consider yourself to have a disability? The Equality Act 2010 defines a person as having a disability if s/he 'has a long term physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities'

- Yes
- No
- Don't know/ can't say
- Prefer not to say

19. What is your gender?

- Male
- Female
- Prefer to self-describe
- Prefer not to say

20. Are you....?

- Married or in a civil partnership
- Single
- Divorced/ separated
- Prefer not to say

21. What is your sexual orientation?

- Bisexual
- Gay man
- Gay woman/ lesbian
- Heterosexual/ straight

- Prefer to self-describe
- Prefer not to say

22. Do you consider yourself to be transgender?

- Yes
- No
- Prefer not to say

23. Is your gender identity the same as the gender you were assigned at birth?

- Yes
- No
- Prefer not to say

24. (For women only) Are you...?

- Currently pregnant
- Have been pregnant in the last 12 months
- Have given birth in the last 12 months
- None of the above
- Prefer not to say

25. Which of these best describes your household? Please note, couples can be married/in a civil partnership or cohabiting

- I am single, living on my own
- I am single, living with children
- I am single, living with other adults (including parents)
- I am part of a couple, with no children
- I am part of a couple, with children
- I am part of a couple, living with other adults (including parents)

- Prefer not to say
- Other (please specify): _____

26. What is your religion/ belief?

- Agnostic
- Atheist
- Buddhist
- Christian
- Hindu
- Humanist
- Jewish
- Muslim
- Sikh
- No religion or belief
- Prefer not to say
- Other (please specify): _____

27. Which ethnic group do you consider you belong to?

- White – British, English, Northern Irish, Scottish, Welsh
- White – Irish
- White – Gypsy, Roma, Irish Traveller
- White – European
- Any other White background
- Mixed / multiple ethnic groups – White and Black Caribbean
- Mixed / multiple ethnic groups – White and Black African

- Mixed / multiple ethnic groups – White and Asian
- Any other Mixed / multiple ethnic background
- Asian / Asian British – Indian
- Asian / Asian British – Pakistani
- Asian / Asian British – Bangladeshi
- Asian / Asian British – Chinese
- Any other Asian background
- Black / African / Caribbean / Black British – African
- Black / African / Caribbean / Black British – Caribbean
- Any other Black / African / Caribbean background
- Other ethnic group - Arab
- Prefer not to say
- Other (please specify): _____

Survey Complete

You have now completed all questions in the survey. Please click on 'next page' below to submit your response. Once you do this you will no longer be able to review your answers.

Thank you for taking part in this consultation

Appendix 5: Ealing Council PowerPoint presentation

Safer and better private renting in Ealing

Allison Forde

Head of Property Regulation, Planning Enforcement and Environment

June 2021

PLACE



Terminology

PRS

Private rented sector

Properties that are rented by tenants from private landlords

HMO

House in Multiple Occupation

MHCLG

Ministry of Housing, Communities and Local Government

www.ealing.gov.uk/PRSlicensingconsultation

Introduction

- The Private Rented Sector (PRS) is an important housing tenure in Ealing, currently estimated to account for approx. 38% of Ealing's housing stock
- Private rented property continues to be the only housing option available to many of Ealing's residents, including those who are vulnerable and on low incomes
- Housing conditions in the PRS are, on average, often in worse condition than in other tenures
- In order to build on the successes of the current licensing schemes and make renting in Ealing safer and better the council is proposing to renew and expand its PRS licensing schemes

Independent Housing Review: Key findings

- High levels of PRS properties throughout all wards
- Mixture of high and low deprivation wards, high rents and above London average private rented property possession claims, fuel poverty and homelessness
- Poor housing conditions are prevalent in all wards with 22% of Ealing's PRS predicted to have serious housing hazards
- Relatively high number of HMOs across all wards with ASB significantly higher in HMOs than in any other tenure
- Council received 9,931 complaints from tenants in the PRS over a 5-year period
- Council enforcement officers served 1,254 housing, public health and planning enforcement notices over 5 years

Outline of proposals

Scheme type	Current	Proposed
Mandatory licensing (HMOs)	Large houses in multiple occupation (HMOs) 5+ persons Boroughwide	No change National scheme
Additional licensing (HMOs)	Smaller HMOs 4+ persons, and s.257 HMOs Boroughwide	Smaller HMOs 3+ persons, and s.257 HMOs Boroughwide
Selective licensing	All other privately rented homes (not just HMOs) 5 designated wards	All other privately rented homes (not just HMOs) 15 designated wards

Mandatory Licensing

'Large HMOs'

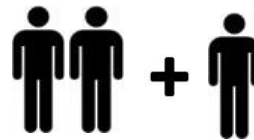
- 5(+) occupants
- 2(+) households
- Occupants are unrelated
- Share facilities (kitchen, bathroom or toilet)



Additional Licensing

'Smaller HMOs'

- 3(+) occupants
- 2(+) households
- Occupants are unrelated
- Share facilities (kitchen, bathroom or toilet)



Additional Licensing

s.257 HMOs

- Buildings where the conversion work did not comply with the 1991 building regulations (and still does not)
- Containing 3(+) self-contained flats
- The building, or parts of building, are all under the same ownership/control



Selective Licensing

‘Non-HMOs’

- All other private rented properties
- 15 wards proposed
- Those wards with the highest proportion of homes estimated to suffer poor conditions
- Implemented in two phases



Selective licensing proposals: Phase 1

This designation includes:

- Three wards - East Acton, Southall Broadway and Southall Green
- Wards with the highest prevalence poor housing conditions
- Wards are currently subject to selective licensing
- Equates 13.5% of the geographical area of the borough and 18.4% of the total private rented sector in Ealing
- Approval can be agreed locally by the council's cabinet
- Implemented in early 2022

Selective licensing proposals: Phase 2

- Includes a further 12 wards experiencing high levels of poor housing conditions:

Acton Central	Hanger Hill	Northolt Mandeville
Dormers Wells	Hobbayne	Northolt West End
Greenford Broadway	Lady Margaret	Perivale
Greenford Green	North Greenford	South Acton

- Equates to 56.9% of the geographical area of the borough and 41.4% of the total private rented sector in Ealing
- This phase of the proposals will need to be approved by the government (MHCLG) before it can be implemented
- Implemented in late 2022

Map of how licensing will apply in Ealing



How will the schemes be financed?

Proposed Fees

- Additional licence will cost £1100 plus £50 per habitable room.
- Selective licence will cost £750.
- Discounts will apply (25% for early applications, £75 for accredited landlords, £50 for properties with an EPC rating of A, B or C.

How will the money collected be used?

- Schemes are designed to be cost neutral and will not make a profit.
- Fees collected will only offset the cost of additional staff resources and administration for the schemes alone
- Fees will not subsidise other council work

Enforcement approach

SUMMARY	TOTAL
Applications received (all schemes)	11269
Licences granted (all schemes)	10308
Number of accredited landlords	1425
Properties visited as part of street surveys	5000
Licence Compliance Checks/Audits undertaken	3723
Warning Letters issued	6000
Properties brought into compliance (licence submitted) following receipt of warning letter	75%
Service Requests (complaints) received and responded to	9931
Housing, Public Health and Planning statutory notices served	1254
Civil Penalties (policy adopted May 2019)	44
Prosecutions	8

HMO Planning vs HMO Licensing

HMO Planning

- Small HMOs (between 3 and 6 unrelated occupiers) have permitted development rights
- Submission of a planning application not required
- Council has no legal grounds to take action or stop the development where change of use is 'permitted'
- Breach of planning legislation does not mean an application to licence an HMO will be refused or a licence already granted will be revoked

HMO Licensing

- Prescribes standards of safety and amenity, suitability for occupation and management of a licensable HMO property

Benefits of licensing

- Licensing improves the standard of private rented properties, making them safer for tenants (many who are vulnerable) who live in them
- Licensing enables a more proactive approach to be taken by encouraging and assisting landlords to adopt good practices through licence conditions
- Licensing enables the council to create a 'level playing field' for responsible landlords by taking a more targeted approach to the minority of 'rogue' landlords who fail to invest in their properties and meet their legal obligations

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Rockingham House, St Maurice's Road, York, YO31 7JA
Tel: +44 (0)1904 557150 Email: hqn@hqnetwork.co.uk

Visit: hqnetwork.co.uk

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