



Notice of Decision Meeting:

Cabinet

Meeting Location: Victoria Hall, Ealing Town Hall, New Broadway, Ealing, London W5 2BY

Date and Time: Wednesday, 08 December 2021 at 19:00

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Chief Executive: Paul Najsarek

Members:

Portfolio

Councillor Mason	(Leader of the Council) – Chair
Councillor J Anand	(Thriving Communities)
Councillor Blacker	(Healthy Lives)
Councillor Costigan	(Climate Action)
Councillor Donnelly	(Inclusive Economy)
Councillor Mahfouz	(Decent Living Incomes)
Councillor Manro	(Good Growth)
Councillor Nagpal	(A Fairer Start)
Councillor Raza	(Tackling Inequalities)
Councillor L Wall	(Genuinely Affordable Homes)

AGENDA

Open to Public and Press

LINK TO VIEW

This meeting will take place in Ealing Town Hall and be webcast live on the Council's YouTube channel.

We encourage the public to watch remotely to reduce the risk of the spread of COVID. However, if a member of the public wishes to attend in person, please notify us in advance by emailing cabinetreports@ealing.gov.uk

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Also Present

1 Apologies for Absence

2 Urgent Matters

3 Declarations of Interest

4 Matters to be Considered in Private

Item 8 contains information that is exempt from disclosure by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

ITEM(S) FOR DECISION

5 Minutes

To approve as a correct record the minutes of the meeting held on 10 November 2021.

Cabinet Minutes - 10 November 2021

5 - 16

6 Appointments to Sub Committees and Outside Bodies

Appointment in relation to Broadway Living Limited and Broadway Living RP Limited.

7 Budget Strategy and MTFS 2022/23 to 2024/25

17 - 38

8	Ealing Service for Children with Additional Needs Accommodation	39 - 46
9	Private Rented Sector Licensing Schemes Renewal	47 - 464
10	Update on Berrymede Infant and Junior schools and Authority to Publish Statutory Proposals for Both Schools	465 - 486
11	Update on Energy Efficiency Funding – Grants Related to Tackling the Climate Crisis	487 - 498
12	Proposed Youth Plan for Ealing and the Transition of Youth Services from the Young Adult Centre in Park View Road, Southall to Dormers Hub in Longridge Lane, Southall	499 - 542
13	Date of Next Meeting	

The next meeting will be held on 12 January 2022.

MATTERS TO BE CONSIDERED IN PRIVATE

Exclusion of the Public and Press:

On agreement of the Committee, under Section 100(A) of the Local Government Act 1972, the public would be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act for the reasons stated on the agenda.

8 CONFIDENTIAL Appendix A ESCAN

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Published: Tuesday, 30 November 2021

Paul Najsarek
Chief Executive, London Borough of Ealing

A handwritten signature in black ink, appearing to read "P. Najsarek". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.

CABINET

**Tuesday 10 November 2021 at 7pm
Minutes**

PRESENT:

Councillors: Mason (chair), Blacker, Costigan, Donnelly, Mahfouz, Manro, Nagpal and Raza

ALSO PRESENT:

In accordance with paragraph 2.6(a) of the Constitution, Councillors Malcolm and Stafford addressed the Cabinet with regard to the following items:

- Item 7 - Budget Update Report 2021 -22 (Councillors Stafford)
- Item 8 – Agency Worker Contract (Councillor Stafford)
- Item 9 - Proposed Changes to the Corporate Complaints Procedure Including an Update on Performance (Councillors Malcolm and Stafford)
- Item 11 - Final Report of Scrutiny Review Panel 1 2020/2021: Ealing’s Response to Covid-19 (Councillor Stafford)
- Item 12 - Final Report of Scrutiny Review Panel 2 – 2020/2021: Children’s Services Ofsted Improvement (Councillor Stafford)
- Item 13 - Final Report of Scrutiny Review Panel 3 – 2020/2021: Agile Scrutiny – Miscellaneous Topics (Councillor Stafford)
- Item 14 - Final Report of Scrutiny Review Panel 4 – 2020/2021: Climate Emergency (Councillor Stafford)

Councillors Costigan, Dabrowska, Dhadwal and Driscoll addressed the Cabinet with regard to items 11, 12, 13 and 14 in their capacity as chairs of these scrutiny panels during 2020/21.

1. Apologies for Absence

Apologies for absence were received from Cllr J Anand and Cllr L Wall.

This meeting was held in a hybrid format with members and officers able to join the meeting remotely.

However, regulations did not allow for members attending virtually to be counted as present in the attendance section of the minutes, and their attendance would not count as attendance in relation to section 85(1) of the Local Government Act 1972.

Members attending virtually would be able to speak but would not be able to vote.

Councillors joining remotely:

Councillors Dabrowska, Dhadwal, Driscoll and Malcolm

2. Urgent Matters

There were none.

3. Declarations of Interest

There were none.

4. Matters to be Considered in Private

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

Item 8 contained confidential appendices but was not taken in private as it was not necessary to discuss the confidential information provided.

5. Minutes

Resolved:

That the minutes of the Cabinet meeting held on 13 October 2021 be agreed and signed as a true and correct record.

6. Appointments to Sub Committees and Outside Bodies

Resolved

There were none.

7. Budget Update Report 2021 -22

Resolved

That Cabinet:

- i) notes the General Fund revenue budget estimated outturn position of (£0.307m) net underspend (0.12%) for 2021/22 (section 4 of the report), and an underspend of £0.960m on Housing Revenue Account for 2021/22 (section 7 of the report).
- ii) notes financial pressures arising from COVID in 2021/22 are currently forecasted to be met from grants and reserves (paragraph 4.4 of the report).
- iii) notes the combined General Fund revenue underspend forecast position of (£0.307m) (section 4 of the report).
- iv) notes the in-year Dedicated Schools Grant (DSG) deficit forecast of £1.953m to be charged to the DSG account (section 6 of the report).
- v) notes the HRA forecast breakeven position (section 7 of the report).
- vi) notes the progress on delivering the 2021/22 savings (section 5 of the report).
- vii) notes the 2021/22 capital programme forecast with break-even position (paragraph 8.3 of the report).
- viii) approves the re-profiling of 2021/22 capital programme net slippage of £10.174m (appendix 2 of the report) into future years.

Reasons for Decision and Options Considered

To forecast the financial position for 2021/22 based on available information at end of 30 September 2021 for BAU and COVID pressures. The report outlines the Council's forecasted position on revenue, capital, income and expenditure to the end of quarter 2.

8. Agency Worker Contract

Resolved

That Cabinet:

- i) agrees to award a direct call off contract to Adecco UK Limited from the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR3) under Lot 1b (Master Vendor), the "Framework Agreement", for the provision of agency workers. The start date of the contract is 9 January 2022, and the contract would be for two years with the option to extend for a further 2 periods of 12 months each (2 + 1 +1) with a value of £25,136,198 per annum (£100,544,792 for a four-year cost of the contract).
- ii) records the formal dissent by the Leader of the Opposition, Cllr Stafford, in relation to this decision

Reason for Decision and Options Considered

On 13 September 2016 Cabinet granted approval for the Council to enter into a contract with The Adecco Group from 9 January 2017 for a period of three years, with an option to

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extend for a further year under the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR2). The Adecco Group was awarded the contract under Lot 1b (Master Vendor) of the MSTAR2 Framework Agreement, following a collaborative mini-competition exercise led by the London Borough of Newham on behalf of a number of London Boroughs.

On 10 December 2019 Cabinet granted approval to extend the current contract with The Adecco Group from 9 January 2020 to 8 January 2021.

On 10 November 2020 Cabinet authorised the extension of the existing contract with Adecco UK Limited for the provision of Managed Services for Temporary Agency Resources, dated 5 January 2021, for a duration of one year from 9 January 2021 to 8 January 2022.

On 20 April 2021 Cabinet gave authority to conduct a mini competition for a call off contract from the Eastern Shires Purchasing Organisation (ESPO) MSTAR3 Framework Agreement for the provision of a managed service for temporary agency workers which had been effective from 11 April 2019. The start date of the contract was 9 January 2022, and the contract was for two years with the option to extend for a further 2 periods of 12 months each for an estimated value of £25,136,198 per annum.

ESPO was a local authority owned purchasing and supply consortium. It was jointly owned by the county councils of Cambridgeshire, Leicestershire, Warwickshire, Lincolnshire and Norfolk and city council of Peterborough. ESPO had over 30 years of experience in public sector procurement. All ESPO frameworks were let in full compliance with UK procurement regulations (and the EU procurement directive). ESPO was a not for profit, self-funded organisation. ESPO recovered its overheads by means of a retrospective rebate from the suppliers. The rebate levied averages less than 1% of framework turnover. ESPO's specialist buying teams had extensive experience of providing high quality procurement solutions to the public sector on a nationwide basis. ESPO used their expertise to work with our strong and varied supply chain to bring you the best value procurement solutions possible.

Provider/suppliers on the ESPO MSTAR3 Framework Agreement could be selected in accordance with its rules. For the preferred category – Lot 1b Master Vendor – the “ESPO MSTAR3 Lot 1 Managed Service Provider MSP Service Calculator v1 – Lot 1b Master Vendor Shopping Basket tab” was used to assess suppliers as per the ESPO rules.

The assessment process followed was the ‘Call-off without competition’ process as per the ‘ESPO User Guide Framework 653F Issue 20 – Managed Services for Temporary Agency Resources (MSTAR3)’. This process included:

- Assessing the rates/pricing model of the unranked list of successful suppliers (see appendices 1 to 7 of the report).
- Using the current Ealing Council agency worker hours usage data to make an assessment on the pricing elements proposed by suppliers, particularly the pricing elements that the suppliers are in control of i.e., the Managed Service Provider (MSP) fee and agency fee (see appendices 1 to 7 of the report); and

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- Consideration of the costs that would be incurred in changing provider from the existing contractor. These costs included: the costs of re-tendering; re-implementation costs (especially in respect of technology solutions); re-training users (especially all hiring managers of agency workers across the Council including on new technology solutions); and internal disruption of the provision of agency workers to hiring managers especially key agency workers such as Qualified Social Workers”

The recommendation following the assessment process was to award a direct call off contract to Adecco UK Limited from the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR3) under Lot 1b (Master Vendor), the “Framework Agreement”, for the provision of agency workers. The start date of the contract was 9 January 2022, and the contract would be for two years with the option to extend for a further 2 periods of 12 months each (2 + 1 +1) with a value of £25,136,198 per annum (£100,544,792 for a four-year cost of the contract).

As well as tangible savings, the most significant justification for direct awarding would be removing the cost of change involved in the implementation of a new Managed Service Provider (MSP).

Suppliers were required to pay at least the London Living Wage (now the Real Living Wage) to all staff engaged on the Contract as per the Council's Pay Policy Statement and that they had GDPR protocols/procedures in place. The recommended supplier – Adecco UK Limited – paid the real Living Wage (rLW) to all agency workers engaged by Ealing Council as per the Pay Policy Statement agreed by Full Council each year.

Appendix 9 of the report provided the Social Value commitments/approach offered by the recommended supplier – Adecco UK Limited.

After consultation with the Commercial Hub, a direct award from the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR3) under Lot 1b (Master Vendor), had been identified as the most appropriate procurement route:

- All public bodies have access to this Framework Agreement with the agreement of the Contracting Body
- Adecco UK Limited was one of the largest trading organisations providing agency workers
- Adecco UK Limited was a member of the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR3), the purpose of which was to improve the effectiveness, by co-ordination, of local authority purchasing with the object of effecting savings in public expenditure
- Using the Framework Agreement avoided the need for consultancy services to oversee and project manage an in-house tender process, thus saving time and money
- The Framework Agreement was national, fully OJEU compliant and adheres to the latest Public Contracts Regulations (2015)

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- The Framework Agreement had been established with a maximum percentage on cost price for each organisation, ensuring value for money was obtained
- The Framework Agreement provided quality assurance through having already assessed suppliers based upon their price modelling, quality of service offer, and other key contractual criteria

The London Borough of Ealing used the Adecco Beeline system for procuring and paying agency workers. It was imperative to secure a new contract from 9 January 2022 to ensure continued access to the system so that existing agency workers could be paid and to ensure business continuity.

9. Proposed Changes to the Corporate Complaints Procedure Including an Update on Performance

Resolved

That Cabinet:

- i) agrees the proposed changes to the corporate complaints policy including
 - the proposal to change the corporate complaints process from a three-stage process to a two-stage process.
 - agree proposal to increase of the time allowed for stage 1 responses from 10 days to 20 days.
 - revised definition of a complaint
- ii) notes the proposed go live of the customer digital complaints solution (customer portal) Dec 2021.
- iii) notes that members will be engaged and consulted with regarding the implementation of the new digital members portal.
- iv) notes the complaints and Ombudsman performance as outlined (Appendix 2 of the report)
- v) notes the council's self-assessment against Compliance with the Complaint Handling Code as required by the Housing Ombudsman (Appendix 4 of the report)

Reason for Decision and Options Considered

Corporate complaints were dealt with in different ways across the organisation depending on the volumes and complexity. Adults and Children's and Housing Landlord services also have their own separate complaints policies or procedures with these areas having dedicated officers dealing with the inputting, administration, preparing draft replies and chasing of responses.

Until Jan 21 most complaints were logged through iCasework, a system which was now switched off as unsupported and would have required investment to improve the functionality. Some services were also using their own individual systems to manage complaints. This made accurate reporting and monitoring at a corporate level difficult which in turn limits the opportunity to identify in a timely manner, areas of concern or failure with regards to service delivery.

The speed, completeness and quality of responses also differed quite significantly across the Council and the ability to gain insight into the nature and type of complaint was limited.

Another challenge with the existing process was addressing a complaint that had multiple parts and required a cross directorate response, co-ordination and the provision of a unified response often proved difficult.

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The report set out a summary of the current 3 stage process for corporate complaints:

Currently all complaints were received via email, letter, e-form or telephone, then these were manually recorded onto the new digital corporate complaints system. They were then directed to the correct service area for response and sign off by the relevant service head or their representative

Stage 1

All stage 1 complaints currently should be acknowledged within four days with the target to respond within 10 working days. These were signed off by the head of service or Assistant Director.

Stage 2

Where the customer was not satisfied with the response at stage 1, they could request the complaint to be reviewed by the director of the relevant department, by making clear what aspects of the response they did not agree with and what outcome they would like to see. (These requests should be submitted by the customer within 28 days of receipt of the stage 1 response). The target for services was to respond to Stage 2 complaints within 20 working days. These were received and logged as in the Stage 1 process.

Stage 3

If a customer was still dissatisfied, they could currently request to have the complaint escalated to the Chief Executive where the complaint was reviewed and responded to within a further 20 working days. The Chief Executive was only to consider cases that had already been through stages 1 and 2. Customers needed to set out why they were dissatisfied and what outcome they would like to see. (A stage 3 complaint should be responded to within 28 days of receipt of the stage 2 response.)

On reviewing a sample of the stage 3 complaints it was found that the stage 3 review did not change the outcome for the complainant (apart from a small number of cases) As with the above stages there was a significant amount of administration in logging, managing, chasing and writing responses to stage 3 complaints.

Digital Programme and refined complaints process

The digital programme played a key role in delivering improved efficiency by streamlining processes, promoting new ways of working, and making substantial improvements to IT by delivering a Customer Relationship Management (CRM) system in a phased implementation approach to cover all the Council's service. Some of the benefits are:

- Simplification of processes, allowing the adoption of a model that was efficient, fully defined and standardised across the council, and capable of improving the quality of decisions.
- Improve customer service by building a Customer Relationship Management (CRM) system as the primary channel for residents to access products and services whilst providing proactive customer interactions to our service users.
- Deliver a modern, fit for purpose IT infrastructure for the Council drawing together all relevant customer information from interactions between the council and the customer, enabling a single accurate view of the customer, thereby promoting efficiency.

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The complaints process was included in Wave 2 of the digital programme. Through business analysis and engagement with complaints staff, a process had been agreed to channel all customers to log their complaints through the new customer portal. This would allow for a single consolidated complaints service.

Proposal to change to a 2 stage complaints procedure

After going through the digital 'as is' and 'to be' mapping and engaging with service teams and directors including the Senior Leadership Team. All processes had been reviewed with one of the key recommendations being that it would be more efficient and an improved experience for the customer if the organisation only had a 2-stage procedure. If after stage 2 a customer was still unhappy with their response, they would be referred to the Ombudsman. This approach was supported by The Ombudsman and to support this decision we had also surveyed complaint processes for other London Boroughs.

Out of Local Authorities reviewed we have found the following:

- 23 have a two-stage process, including. Brent, Hounslow, Harrow, Hammersmith and Fulham, Richmond, Barnet, and Camden
- Of the West London Borough's only Hillingdon still retain the stage 3 process.

From December 2021 all customers would be encouraged to log their complaints through the new customer portal (Dynamics CRM) which would eliminate the need for staff to input complaints information and data which would allow for automation in respect of allocation. All complaints received in this way could be tracked internally and reminders issued to those responsible for responding within timescales improving performance.

Any additional supporting documentation could also be uploaded by the customer, linked and case notes made, which will give a full history of the complaint.

The Head of Service would still be responsible in ensuring that an appropriate response is completed at stage 1 and the Director/ Executive Director would have responsibility at stage 2.

It was appreciated that there would be some complaints received through non-digital methods, with customers unable to use this service due to no access to digital or lack of skills. These customers would be supported by staff to submit their complaints, or the complaint would be logged onto the system manually through the CRM by the appropriate staff member, which would instigate the allocation and response process.

This reasonable adjustment was a requirement of the Housing Ombudsman Complaints Handling Code and has been reflected in the revised corporate complaints policy (Appendix 1 of the report) Staff would still be on hand in customer services to assist customers in using the new customer portal with a portal helpline being available for any enquiries regarding registration.

Change response times – Stage 1

On reviewing complaint SLAs across London, it was found that there were varying SLAs for stage 1 with many LA's having a longer time to respond, up to 20 days (13 LA's) or 15 days (8). Taking this into account and after feedback as outlined above from services, the

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proposal for a longer response time of 20 days for stage 1 with an acknowledgement of receipt within 2 days (currently 4).

It was thought the longer response time allowed would enable services to carry out a proper and full investigation and ensure the complaint was dealt with thoroughly which was often challenging in some areas such as Planning, Housing and Benefits due to the service complexity. With the new digital solution in place and improved reporting it would be easier to monitor the performance against response times and processes would be in place to ensure robust management of the new response times to ensure targets are met. It was anticipated with the longer time allowed to respond the quality and resolution of complaints would improve, this would be monitored closely after implementation.

The complaints policy had been updated to reflect the outlined changes in process as detailed in Appendix 1 of the report The attached policy also reflected a change in the definition of a complaint which was now in line with the Ombudsman definition.

Member Enquiries

The digital programme had also reviewed the Member enquiry process which was currently very haphazard. Although there were dedicated members mailboxes for individual service areas, it was common practice to email free text to any number of officers with the same enquiry at the same time. This risked, duplicating officer time or not having the enquiry resolved as no one took responsibility for the enquiry. Members have raised issues in the past where they felt that officers did not respond in a timely manner or in some cases not at all.

The proposal will be for members to use the “members portal” to submit all their enquiries, as this would ensure they were allocated in a timely manner to the correct officers and would be tracked to ensure that an appropriate response was done. This ask of the Members would be a behavioural and cultural change, however if the benefits of the portal were to be realised for both efficiency and service improvement it would be a necessary requirement. Benefits were:

- Members could track cases via the portal
- Improved response times
- Improved quality of responses
- Reduction in administration and duplication
- Data held in one place
- Achieving economies of scale from the consolidating of activities across the council

It was recognised that we would need to have a clear consultation and engagement plan for members to implement this strategy. This would follow the same format used in the digital change programme with planned communication about the proposed changes, demonstrations of the system and training if required. The plan would be to start looking at implementing after the go live of the complaints

Ombudsman

Currently the Ombudsman was required to use one access point to contact the council and this was at their request, and it was not envisaged that this would change, however responsibility for administration of Ombudsman enquiries sat with Customer Services who received and distribute all complaints and enquiries and would also have the oversight of Cllrs/MP's and all complaints enquires. All Ombudsman enquiries would be logged and managed by customer services through the new customer portal.

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10. Regulation of Investigatory Powers Act 2000 (RIPA)

Resolved

That Cabinet:

- i) notes the current use of RIPA in relation to surveillance and acquisition and disclosure of communications data as set out in this report.
- ii) approves the updated RIPA policy at Appendix 1.
- iii) approves the continuing appointment of the following:
 - a) Helen Harris (Director of Legal and Democratic Services) as senior responsible officer (SRO) for directed surveillance, use of covert human intelligence sources, and obtaining communications data.
 - b) the following as authorising officers for directed surveillance and the use of covert intelligence under s.28 and S.29 of RIPA 2000 (prior to judicial approval):
 - Mark Wiltshire, (Director of Safer Communities & Housing)
 - Mike Pinder (Head of Audit and Investigations)
 - Justin Morley (Head of Legal Services - Litigation)
- iv) authorises the Director of Legal and Democratic Services to:-
 - a) make any further necessary amendments to the RIPA Policies which are necessary to maintain consistency with legislation, Codes of Practice, good practice.
 - b) make any necessary changes in authorising officers.
 - c) review the authority's procedures, policies and training on a quarterly basis.

Reason for Decision and Options Considered

There was a requirement in the Codes of practice that members are to be kept informed about the Council's use of powers under RIPA and that Cabinet approves a policy annually to ensure the policy remains fit for purpose.

11. Final Report of Scrutiny Review Panel 1 2020/2021: Ealing's Response to Covid-19

Resolved

That Cabinet:

- i) notes the final report of Scrutiny Review Panel 1 2020/21 – Ealing's Response to Covid-19, which is attached as Appendix 1 of the report.
- ii) accepts the Scrutiny Panel's recommendations numbered 1 to 8 in Section 12 of the final report, with the exception of recommendation number 7 which was rejected for the reasons stated in the report.
- iii) directs Council officers to produce/or finalise an action plan within an agreed timescale on those recommendations that are agreed by Cabinet.
- iv) reports its decisions to OSC on 02 December 2021 or 03 February 2022, as appropriate.
- v) notes the chair of the panel's thanks to Cllr Sumner, vice chair, all members of the panel and Janpal Singh Basran (Southall Community Alliance) for their work on this panel.

Reason for Decision and Options Considered

Scrutiny Panels had a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny Panels needed to be taken forward in a timely manner and in accordance with the Council's Constitution if the scrutiny function was to be effective. The Scrutiny and Executive Protocol identified the timescale for Cabinet to respond to Scrutiny Panel recommendations. This decision would mean that the response was made in a timely manner and that services could implement the accepted recommendations.

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12. Final Report of Scrutiny Review Panel 2 – 2020/2021: Children’s Services Ofsted Improvement Resolved

That Cabinet:

- i) notes the final report of Scrutiny Review Panel 1 2020/21 – Ealing’s Response to Covid-19, which is attached as Appendix 1 of the report.
- ii) accepts the Scrutiny Panel’s recommendations number 1 to 6 in Section 8 of the final report, with the exception of recommendation number 3 which was rejected for the reasons stated in the report.
- iii) directs Council officers to produce/or finalise an action plan within an agreed timescale on those recommendations that are agreed by Cabinet.
- iv) reports its decisions to OSC on 02 December 2021 or 03 February 2022, as appropriate.
- v) thanks to Councillor Millican for working with the administration on the deep dive into housing support.
- vi) notes the chair of the panel’s thanks to the panel, officers, social workers and everyone involved in this sector for all their hard work.

Reason for Decision and Options Considered

Scrutiny Panels had a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny Panels needed to be taken forward in a timely manner and in accordance with the Council’s Constitution if the scrutiny function was to be effective. The Scrutiny and Executive Protocol identified the timescale for Cabinet to respond to Scrutiny Panel recommendations. This decision would mean that the response was made in a timely manner and that services could implement the accepted recommendations.

13. Final Report of Scrutiny Review Panel 3 – 2020/2021: Agile Scrutiny – Miscellaneous Topics Resolved

That Cabinet:

- i) notes the final report of the Panel, as endorsed by the Overview and Scrutiny Committee (OSC) on 21 October 2021, which is attached as **Appendix 1**;
- ii) accepts the following Panel’s recommendations in Section 8.0 of the final report: recommendation numbers 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23 for the reasons stated in the report.
- iii) part accepts the following Panel’s recommendations in Section 8.0 of the final report: recommendation numbers 1, 2, 3, 4, 8, for the reasons stated in the report.
- iv) rejects the following Panel’s recommendations in Section 8.0 of the final report: recommendation numbers 16, 19, 24 for the reasons stated in the report; recommendation number 8 was part rejected for the reasons stated in the report.
- v) directs service officers to produce/or finalise an action plan within an agreed timescale on those recommendations that are agreed by Cabinet; and
- vi) reports its decisions to OSC on 02 December 2021 or 03 February 2022, as appropriate.
- vii) notes the chair of the panel’s thanks to Harjeet Bains, Overview and Scrutiny Officer, for her support and input to this panel throughout the year.

Reason for Decision and Options Considered

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Scrutiny Panels had a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny Panels needed to be taken forward in a timely manner and in accordance with the Council's Constitution if the scrutiny function was to be effective. The Scrutiny and Executive Protocol identified the timescale for Cabinet to respond to Scrutiny Panel recommendations. This decision would mean that the response was made in a timely manner and that services could implement the accepted recommendations.

14. Final Report of Scrutiny Review Panel 4 – 2020/2021: Climate Emergency Resolved

That Cabinet:

- i) notes the final report of the Panel, as endorsed by the Overview and Scrutiny Committee (OSC) on 21 October 2021, which is attached as Appendix 1.
- ii) accepts the Panel's recommendations number 1 to 17 in Section 8.0 of the final report.
- iii) directs service officers to produce/or finalise an action plan within an agreed timescale on those recommendations that are agreed by Cabinet.
- iv) reports its decisions to OSC on 02 December 2021 or 03 February 2022, as appropriate.
- v) thanks Councillor Driscoll and all members of the panel for an interesting and useful report.

Reason for Decision and Options Considered

Scrutiny Panels had a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny Panels needed to be taken forward in a timely manner and in accordance with the Council's Constitution if the scrutiny function was to be effective. The Scrutiny and Executive Protocol identified the timescale for Cabinet to respond to Scrutiny Panel recommendations. This decision would mean that the response was made in a timely manner and that services could implement the accepted recommendations.

15. Date of Next meeting Resolved

That Cabinet notes that the next meeting of Cabinet would be held on 8 December 2021 at 7pm.

Councillor Peter Mason, Chair

Date

The duration of this meeting was 7:05pm to 8:05pm

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

Contains Confidential or Exempt Information	No
Title	BUDGET STRATEGY AND MTFS 2022/23 TO 2024/25
Responsible Officers	Ross Brown, Chief Finance Officer
Authors	Shabana Kausar, Assistant Director Strategic Finance
Portfolio	Councillor Steve Donnelly, Cabinet Member for Inclusive Economy
For Consideration By	Cabinet
Date to be considered	8 December 2021
Implementation Date if Not Called In	21 December 2021
Affected Wards	All
Area Committees	All
Keywords/Index	Budget Strategy, Medium Term Financial Strategy (MTFS), Budget approach/process, Savings

Purpose of Report

The budget strategy report provides an update to cabinet on developments since the last budget strategy report in October 2021 and sets out how these changes impact the 2022/23 budget gap and the Council's legal duty to set a balanced budget.

It provides a summary of key announcements from the 2021 Spending Review and Autumn Budget and notes that, once again, local government must plan next year's spending on crucial local services without yet knowing detail of how much funding it will receive from government to pay for them.

The report also sets out key issues faced by the Council when planning a balanced budget for beyond 2022/23 including the impact of the COVID-19 pandemic on our communities and increased demand for services, whilst details of financial impact of changes to the New Homes Bonus grant and implementation of governments New Health and Social Care Plan are yet unknown. The uncertain operating and financial challenges faced by the Council against the context of prolonged reduction in the

Council's funding from central government until 2019/20, that has since 2010 seen it reduce by 64%.

Although there has been a positive headline announcements for Local Government in receiving additional £8.5bn over the spending review period of which £3.6bn is for implementation of the new social care reforms and £4.8bn is for additional grant (on average £1.5bn per annum), there are risks that the distribution methodology for the additional £4.8bn grant funding may not favour Ealing, and other London authorities, as the government continues to pursue its "levelling up" agenda. This is one of the reasons why current funding forecast is maintained at previous assumptions suggesting that the Council will be faced with a significant budget gap of c£24m for 2022/23. Unless the Local Government Finance Settlement comes forward with a sustainable funding package, the Council will be required to take some challenging decisions to achieve a legal and balanced budget.

The Council is preparing its budget plan under a variety of scenarios as it is prudent to do so and the budget gap of £24m as set out in this report is a prudent assessment of the scale of financial challenge the Council is facing in 2022/23.

The report also sets out an update on the 2022/23 Schools Funding and budget strategy for the Capital Programme and the Housing Revenue Account.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Notes the 2021 Spending Review and Autumn Budget announcements and notes that work is on-going to further refine funding assumptions following Local Government Finance Settlement and associated technical release (section 3).
- 1.2 Agrees that officers continue to prepare detailed plans and budget proposals in accordance with the Administration's priorities and financial strategy objectives and the proposed approach to savings identification (section 4).
- 1.3 Continues to set a requirement to identify savings proposals that will close the revised forecast budget gap for 2022/23 of £23.793m by the end of the budget process (paragraph 5.2 and 5.3).
- 1.4 Notes the high-level forecast budget gap of £52.004m over the three-year Medium-Term Financial Strategy period and sets a requirement to also bring forward proposals to close the forecast gap in 2022/23 onwards recognising that the Local Government Finance Settlement would have a material impact on this value (paragraph 5.2 and 5.3).
- 1.5 Recognises that new service growth given the funding context will present

further challenges that could affect the overall budget gap (paragraph 5.3.8 to 5.3.10).

- 1.6 Notes the capital investment process as set out in the report (section 6).
- 1.7 Notes the outcome of 2022/23 School Funding Formula changes as agreed by Schools Forum (Section 7) and:
 - a) Notes the intention to keep the structure of the Ealing Early Years Funding Formula the same for 2022/23, subject to the outcome of the consultation and School Forum decision in January 2022.
 - b) Approves the proposed 2022/23 structure of Ealing's Funding Formula for schools as set out in Appendix 1.
 - c) Agrees that, should it be necessary to adjust the funding formula for schools so that allocations are within the funding available which will be announced later in December, this would be done by adjusting the low prior attainment and / or deprivation factors, and by capping and/or scaling gains for those schools that gain funding under the formula.
 - d) Authorises Assistant Director Planning, Resources and Service Development to submit the proforma to the Education and Skills Funding Agency by 21 January 2022.
- 1.8 Notes Housing Revenue Account (HRA) Budget Strategy (section 8).
- 1.9 Notes the budget preparation timetable as set out in the report (section 9).

2. Reason for Decision and Options Considered

- 2.1 The Council made significant investment in service areas as part of the 2021/22 budget process but continues to face significant financial pressures in future years and uncertainty, including the continuing uncertainty of the level of support from Central Government over the medium term and an increased demand for services alongside the potential impact of COVID-19 into future years.
- 2.2 This is an update report for Member's consideration on the 2022/23 Budget and Medium-Term Financial Strategy (MTFS). It updates the MTFS assumptions for 2022/23 to 2024/25 and endorses officers to continue to prepare detailed budget proposals for Member consideration as part of the annual budget-setting cycle in line with the timetable in section 9.
- 2.3 The overarching objective is to set a priority-led budget over the medium term that is balanced and realistic; and supported by achievable savings plans. However, it must be recognised that significant budget gaps such as that set out in this report could severely curtail the ability of the Council to deliver comparable service levels and some service areas compared to the current state.

3. Financial Context

3.1 Budget Statement

3.1.1 In 2021, the Chancellor has presented two budget statements:

- a) Spring Budget Statement (March 2021)
 - Budget focused on rebuilding and levelling up the economy, supporting jobs and business as we emerge from the Pandemic.
 - Additional funding made available to tackling domestic abuse.
 - 2021/22 COVID-19.
- b) Autumn Budget Statement (October 2021)
 - Continued focus on rebuilding and levelling up agenda.
 - Reform to social care system and associated taxation and funding being made available.
 - Providing a multi-year settlement for Local Government.

3.2 Economic and Fiscal Outlook

3.2.1 The general national and local health of the economy has both direct and indirect impacts on the Council's medium term financial strategy. The Spending Review considers the latest economic performance and projections which help to determine what the general outlook for local government funding over the short-medium term.

3.2.2 Following the lifting of pandemic restrictions, the economic recovery continues to be uncertain and of national concern is the rebound in consumer demand which has been met with supply constraints driven by a combination of changes in migration and trading in the context of Brexit, thus leading to higher prices and pressure on wages. Despite these factors the 2021 Spending Review announcement looked ahead to a more normalised position where extraordinary measures in response to the pandemic recovery and from Brexit come to an end. Such a view could still put the public finances, including local government, at risk, hence the need for Council to continue and adapt current plans to both manage economic recovery and council finances.

3.2.3 Tax introductions such as the health and social care levy together with corporate and personal tax increases announced in the March 2021 Budget, increase the tax burden from 33.5% of GDP before the pandemic to 36.2% of GDP by 2026/27, its highest since the early 1950s. All whilst public spending falls from its peacetime high of 53.1% of GDP in 2020/21 to 45.1% in 2021/22 as pandemic related support comes to end.

Fiscal targets

3.2.4 The Spending Review and Autumn Budget sets out the government's new fiscal

rules. Fiscal policy decisions for at least this Parliament will be guided by the following mandate:

- 1) To have the Public Sector Net Debt as a share of the GDP falling by 2024/25.
- 2) To balance the current budget by 2024/25.
- 3) To ensure that the average Public Sector Net Investment does not exceed 3% of GDP.
- 4) To keep welfare spending below the 'welfare cap' determined by Treasury.

Key Economic and Fiscal Indicators

3.2.5 The table below provides summary of the economic data and forecast of relevance to local government which has been published alongside the Spending Review and Autumn budget.

Table 1: Key Economic and Fiscal Indicators

Key Economic and Fiscal Indicators	Outturn	Forecast					
	2020	2021	2022	2023	2024	2025	2026
Gross domestic product growth (%)	(9.8%)	6.5%	6.0%	2.1%	1.3%	1.6%	1.7%
Public sector net borrowing (£bn)	319.9	183	83	61.6	46.3	46.4	44
Public sector net borrowing (% of GDP)	15.2%	7.9%	3.3%	2.4%	1.7%	1.7%	1.5%
Public sector net debt (% of GDP)	84.2%	96.6%	98.2%	97.9%	97.8%	94.7%	90.5%
Labour Force Survey unemployment (% rate)	4.6%	4.9%	4.8%	4.3%	4.2%	4.2%	4.2%
Employment (millions)	32.5	32.2	32.6	33	33.2	33.3	33.4
CPI Inflation (%)	0.9%	2.3%	4.0%	2.6%	2.1%	2.0%	2.0%

Source: London Councils on the day briefing October 2021

3.3 Comprehensive Spending Review (CSR)

3.3.1 On 27 October 2021, the Chancellor delivered a three-year Spending Review and the Autumn budget for the year ahead. The latter sets out governments taxation and public expenditure plans for the year ahead, whilst the three-year Spending Review confirms government departments resource and capital budgets for three years 2022/23 to 2024/25. Although the spending review may provide more certainty to allow longer term financial planning, it is still not clear whether the final settlement will provide one-year allocation or a multi-year package. Further details are expected to be published alongside the provisional Local Government Finance Settlement in mid-December.

3.3.2 Below is summary of key government announcements impacting local government which we will need to interpret and understand once the detail becomes available.

a) Local Government

- Core Spending Power (CSP) to rise on average by 3% in real terms by 2024/25 which equates to an estimated additional £8.5bn funding which includes:

- £3.6bn funding for new adult social care reforms¹ over the spending review period. The increase in funding is very much front loaded, with growth in grant funding of £1.4bn profiled for 2022/23.
 - £4.8bn of additional grants for local government² over the spending review period, averaging to £1.5bn per annum with further details yet to be confirmed.
 - The remaining funding increase within the CSP is assumed to be derived from a combination of business rates and council tax (including social care precept) incomes, with the latter likely to contribute to a higher proportion of the share.
 - No reference was made to the New Homes Bonus grant.
- b) COVID-19
- No separate compensation for COVID-19 tax losses relating to 2021/22.
 - No announcements whether there will be an extension of the additional COVID funding to support councils with increased costs of Local Council Tax Support.
 - Current 66% temporary relief in England for eligible retail, hospitality and leisure properties will reduce to 50% relief, up to a cash cap of £110,000 per business in 2022/23 up from £105,000 in 2021/22.
 - Extension of COVID education recovery funding with an additional £1.8bn, including:
 - £1bn Recovery Premium for the next two academic years with £145 per pupil in primaries and more for secondary schools.
 - £324m in 2024/25 for additional learning hours for 16-19 year olds.
 - £200m per year continuation of the Holiday Activities and Food Programme introduced during the pandemic.
- c) Council Tax Referendum and Social Care Precept Limits:
- The ability for Councils to increase Council Tax by up to 2%
 - The ability for Councils to levy a Social Care Precept up to 1%
- d) Business Rates
- No reference was made to the business rates baseline reset or any of the other business rates reforms. Given the continuation of Business Rate pilots until 2024/25, this suggests that the baseline reset will also be delayed.
 - Business rates multiplier will be frozen in 2022/23 for which councils will be compensated.
 - Business Rates Revaluation:
 - Three yearly business rate revaluations from 2023 with a consultation on Transitional Relief scheme for the 2023 revaluation

¹ Funding forms part of the £3.6bn increase in the Local Government Department Expenditure Level (DEL) by 2024/25

² Funding forms part of the £3.6bn increase in the Local Government DEL by 2024/25

will be carried out in 2022.

- 'Business Rates Reliefs and Exemptions:
 - The government will consult on implementation of a new 100% Improvement Relief which will take effect in 2023 and be reviewed in 2028. This will be a 12 months relief from higher bills for occupiers where eligible improvements to an existing property increase the rateable value.
 - Targeted exemptions for eligible plant and machinery used in onsite renewable energy generation and storage, and a 100% relief for eligible heat networks, to support the decarbonisation of non-domestic buildings, to be introduced from 1 April 2023 until 31 March 2035.
 - Extended transitional relief for small and medium-sized businesses, and the supporting small business scheme, for 1 year. This will restrict bill increases to 15% for small properties (up to a rateable value of £20,000 or £28,000 in Greater London) and 25% for medium properties (up to a rateable value of £100,000), subject to subsidy control limits.
 - Councils to be fully compensated for these measures.

- e) Health and Social Care
 - In September 2021 the government announced funding reforms for adult social care to be funded through introduction of a new UK wide 1.25% Health and Social Care Levy, based on National Insurance contributions, ring-fenced for funding governments health and social care plan.
 - In total £5.4bn was announced for adult social care reform over the spending review period of which;
 - £3.6bn will go directly to councils to implement the charging reforms and support councils to better sustain their local care market by moving towards a fairer cost for care.
 - £1.7bn will come from the Department of Health and Social Care (DHSC) to improve the wider social care system including quality and integration of care. Of this £500m is for investment in adult social care workforce to further improve quality of services and integration with the NHS.
 - Details of both funding streams are yet to be published; however, the additional funding is intended to fund the associated costs of implementing these reforms and will be phased in from 2022/23. There are risks that the funding allocated to these proposed government reforms do not cover the additional costs likely to be incurred by councils and the Local Government Association have expressed concern that the money allocated will not be sufficient.
 - The additional funding is not intended to deal with the pressures arising from additional demand, complexity of demand and associated costs and there are concerns across the sector around

- increased demand, particularly resulting from the pandemic.
 - Public Health Grant to be maintained in real-terms rising by inflation estimated to be £0.5bn nationally.
- f) Education
 - The Department for Education (DfE) settlement provides an additional £4.7bn cash increase in core resource funding by 2024/25 which is equivalent to a cash increase of £1,500 per pupil compared with 2019/20 amounts.
 - £1.6bn by 2024/25 for 16-19 year olds' education.
 - £2.7bn for apprenticeships and further improvements for employers.
- g) Housing
 - £639m of rough sleeping funding to be made available by 2024/25.
 - Continuation of the Rough Sleeping Initiative and Homelessness Prevention Grant.
- h) Capital and Infrastructure
 - Additional £2.6bn capital funding over the spending review period was announced for SEND, which is intended to provide 30,000 additional places.
 - Additional £65m to improve the planning regime through a new digital system
 - Transport:
 - £5bn investment over the Parliament in buses and cycling of which £3bn relates to buses and £2bn is in relation to cycling and walking including £710m of new active travel funding.
 - £1.7bn was confirmed via the first round of the Levelling Up Fund in 105 projects. London received just 3.8% (£65m) of the total funding across the UK, via 6 projects and received the lowest amount of any English region.
 - Additional Levelling Up infrastructure investment funding including³:
 - Strategic roads investments that will benefit London, including the Lower Thames Crossing, increasing capacity across the Thames east of London by over 90%.

3.3.3 Details of how the additional grant of £4.8bn (average £1.5bn per annum) will be distributed will be included in the Provisional Local Government Finance Settlement expected in mid-December. There are risks that the distribution methodology may not favour Ealing, and other London authorities, as the government continues to pursue its “levelling up” agenda. Whilst it is too early to speculate on the details of the distribution there are still a few long-standing funding issues that remain unresolved which include:

³ As confirmed by London Council's in their 'On the Day' briefing on 27 October 2021

- Details and revised timeline of the ‘Fair Funding Review’ and Business Rates baseline reset.
- Future of the New Homes Bonus grant scheme.
- Long-term funding arrangements for Social Care and financial impact of the implementation of the new Health and Social Care Plan for Ealing.
- Long term funding impact of COVID on local government.
- Addressing the funding decline experienced between 2010 and 2019.

3.3.4 As a result of this uncertainty the Council will need to continue to plan with little or no funding certainty over the medium term until details of these are published.

4. Approach to Budget Setting

4.1 The Council’s approach to setting the budget was set out in the Budget Strategy Report to Cabinet on 14 July 2021 and 13 October 2021, a summary of the approach is set out in this section below.

4.2 Delivering Administration Priorities

4.2.1 The budget process is priority-led, aligning the allocation of resources with the priorities of the Administration. There are three key new Administration priorities for Ealing covering the MTFS period:

- Creating good jobs
- Tackling the climate crisis
- Fighting inequalities

4.2.2 These are supported by nine priority outcomes delivered via the Future Ealing programme.

4.3 Future Ealing Outcomes

4.3.1 The Council continues to use Future Ealing as a vehicle for delivering the 2022/23 and future years budget strategy.

4.3.2 The Future Ealing budget strategy contains two main strands:

- 1) Future Ealing Outcomes - Continued drive on Future Ealing outcomes and the associated savings that this approach brings. For 2022/23 in addition to the continued delivery of the existing commitments and activities specific areas of focus include;
 - a) Demand focused outcome reviews.
 - b) Investment led outcome and service reviews.
- 2) Modern Council - there four main workstreams (commercial, assets,

efficiency and digital) which form the core of the approach

4.4 Key Deliverables and Objectives

- 1) Set and Deliver a Balanced Budget
- 2) Maximise Future Ealing as an Organisational Development approach
- 3) Ensure safe and effective delivery of COVID-19 response

4.5 Progress towards Delivering of the Budget Strategy

4.5.1 In recognition to a tight timeline for developing saving proposals and setting a balanced budget for 2022/23, the Council have procured additional project management support from Newton Europe to bolster in-house capacity to facilitate the Future Ealing process. Services are being supported to develop options and business cases within the agreed timescales, allowing the Council to approve a balanced budget in March 2022.

4.5.2 The Future Ealing programme proposals are currently going through officer and member review and challenge process, which includes:

- Sign-off of proposals by relevant Departmental Management Teams and Senior Leadership Team.
- Engagement with Portfolio Holders as part of the process.
- Member sessions following which final proposals to be presented to Cabinet in February for decision.

5. Medium Term Financial Strategy 2022/23 to 2024/25

5.1 2021/22 Budget and MTFS 2022/23 to 2024/25

5.1.1 The MTFS, covering the 4-year period 2021/22 to 2024/25, was approved by Cabinet and Council in February and March 2021 respectively. It reflects the impacts of central government funding decisions, analysis of advice and information from relevant organisations and the effects of the national and local economic context. It provides a robust financial framework to support achievement of the Council's overall objectives and delivery of services.

5.1.2 By necessity the MTFS is updated to reflect changing circumstances, updated priorities and ambitions, the latest financial situation and external factors such as Government funding settlements. Uncertainty regarding the impact of postponed local government funding reforms (business rates baseline funding reset and the Fair Funding Review) and widely anticipated recession that is likely to follow the pandemic present significant risks. This in turn creates a high degree of uncertainty both within and beyond 2022/23. As such the MTFS and budget strategy is being compiled in a period of unprecedented financial uncertainty and any estimate beyond one-year is very much speculative.

5.2 2022/23 Budget Gap as October 2021

5.2.1 The table below sets out the indicative budget gap for 2021/22, as reported to Cabinet in October 2021.

Table 2: 2022/23 Budget Gap Sensitivity Modelling

Budget Gap	£M
Net Service Expenditure	0.036
Service Growth	2.032
Inflation	2.633
Levies	2.279
Corporate Budgets (including treasury)	(0.062)
Grants Held Centrally	5.899
Contingency	0.000
Net Centrally Held Budgets	12.781
Covid Grants and other funding	10.976
Budget Gap as at October 2021	23.793

Source: Budget Strategy & MTFS 2021/22 to 2024/25 – October 2021 Cabinet

5.2.2 Whilst the range of the budget gap for 2022/23 is between c£23m to c£26m, the working estimate of the 2022/23 budget gap in July 2021 remained same as approved by Cabinet in February 2021 of c£24m.

5.2.3 The table below provides an updated position of the MTFS for 2022/23 to 2024/25 as at October 2021.

Table 3: 2021/22 to 2024/25 Updated Medium Term Financial Strategy Summary

MTFS 2021/22 to 2024/25	2021/22	2022/23	2023/24	2024/25
	£M	£M	£M	£M
Funding	(256.148)	(251.349)	(252.767)	(258.322)
Net Budget Requirement	252.648	271.642	284.910	306.826
Contributions to (+) / from (-) reserves	3.500	3.500	3.500	3.500
Net Budget Requirement after Reserves	256.148	275.142	288.410	310.326
Forecasted Budget Gap - Incremental	0.000	23.793	11.850	16.360
Forecasted Budget Gap - Cumulative	0.000	23.793	35.643	52.004

Source: Budget Strategy & MTFS 2021/22 to 2024/25 – October 2021 Cabinet

5.3 December 2021 MTFS and 2022/23 Budget Update

5.3.1 The working assumption from a planning perspective is that there is no change to either the level of funding or costs at this stage from what was approved by

Cabinet October 2021. The forecast budget gap of £52.004m over the three-year MTFS period includes a forecast gap in of £23.793m in 2022/23 which could be impacted following the publication of the Local Government Finance Settlement. Assumptions will continue to be stress tested against various scenarios in parallel to the budget process. Changes to the budget gap will continued to be reported in accordance with the timetable set out in section 9 below.

Collection Fund

- 5.3.2 Due to the pandemic the Council sees significant losses in its income collection in relation to council tax and business rates. Ealing were not alone in this phenomenon as similar experiences were seen across all local authorities and as such councils were able to phase the 2020/21 deficit over three years and be partly compensated for their losses. The financial impact for 2020/21 is shown in table below.

Table 5: 2021/22 Budget Impact of the Estimated Collection Fund Deficit as at 31 March 2021

General Fund Impact for Ealing	£M			
	2021/22	2022/23	2023/24	Total
Council Tax	2.884	0.714	1.870	5.467
Business Rates	(1.779)	3.201	2.197	3.620
Estimated Budget Impact	1.106	3.915	4.067	9.088

Source: Budget Strategy & MTFS 2021/22 to 2024/25 – July 2021 Cabinet

- 5.3.3 The impact of the pandemic and lockdown continues to impact the 2021/22 in-year collection rates but financial impact of the collection fund on next years budget is yet to be ascertained and therefore no assumptions have been made within the current updated MTFS and to the 2022/23 Budget Gap.

Business Rates

- 5.3.4 The Council's MTFS continues with the assumption of retaining 30% of the estimated business rates over the MTFS period, in line with current retention scheme.

Council Tax and Adult Social Care Precept Options 2022/23

- 5.3.5 Each year the government determines the limit at which council tax increases would be excessive and therefore require a referendum. The referendum limit for 2022/23 was announced in the Autumn Budget as 1.99% for core Council Tax and up to 1.00% for the Social Care Precept.
- 5.3.6 There is a nil forecast included within the current MTFS for 2022/23 and beyond with regards to council tax and social care precept increases.
- 5.3.7 For illustrative purposes, a 1% SCP equates to c£1.5m, a 1.99% Council tax increase equates to c£3m. When combined this amounts to c£4.6m.

New Service Pressures

5.3.8 From an MTFFS perspective there are several areas where it is sensible to make provisional estimates for growth, such new areas that will need to be factored into 2022/23 that are not currently taken include:

- Provision for growth required to address service pressures including COVID. It should be noted that included in the MTFFS summary at table 3 above, there is some provision for service growth but not to the level in previous years.
- Growth required to address service pressures through changes in operational delivery model.
- Growth required for capital investment to address health and safety pressures.
- Growth required to invest in key administrative priorities.

5.3.9 The updated MTFFS budget gap remains at c£24m and includes a total forecast of £2.032m (excluding inflationary pressures) which remains unchanged from the budget gap as approved by Cabinet in October 2021. Officers will continue to monitor the level and recurring nature of service pressures in-year and will have to pursue all options to mitigate pressures on a permanent basis, which will need to determine the appropriateness of including new growth in addressing said pressures. The resultant effect of new growth capacity to address these pressures would be to increase the budget gap from existing figure to allow for more growth provision and as such will require for the saving target to be increased to accommodate this.

5.3.10 This presents a very real risk to the financial stability of the authority and in a similar way to the potential impact of the settlement being adverse, the manifestation of pressures at current levels without further mitigation would result in new budget growth requirements requiring new savings to be found to ensure a balanced budget can be set.

6. Capital Investment Proposals

6.1 As detailed in the 2021/22 Budget Update Report to Cabinet in November 2021, the revised Capital Programme for the period 2022/23 to 2024/25 totalled £1,119.079m. A summary of the capital programme as at end of September 2021 is set out in the table below.

Table 6: 2021/22 to 2024/25 Capital Programme Summary

Capital Programme Summary	Budget 2021/22	Budget 2022/23	Budget 2023/24	Budget 2024/25	Budget 2025/26	Total
	£M	£M	£M	£M	£M	£M
General Fund	137.176	414.474	62.468	74.734	53.763	742.615
HRA	92.452	93.133	84.936	61.608	44.335	376.464
Total	229.628	507.607	147.404	136.342	98.098	1,119.079

Source: Budget Update Report 2021/22 – November 2021 Cabinet

6.2 Capital Growth

- 6.2.1 The planning assumption for the capital programme in 2022/23 onwards is for a net neutral impact on the General Fund. Further will be undertaken as part of the budget process to assess each business case against set of agreed criteria which will look to ensure that any investment requiring financing is affordable.
- 6.2.2 The new investment will prioritise any capital spending required to meet unavoidable Health and Safety and any funds remaining will be allocated against other priorities agreed as part of the budget setting process.

7. Schools Funding

- 7.1 During September and October this year the Council consulted with schools on the structure of Ealing's school funding formula.
- 7.2 Currently both Early Years and Schools Dedicated Schools Grant (DSG) block formulas reflect the national funding formula (NFF). Both funding formulas consist of mandatory and discretionary factors, with the government setting the minimum level of funding that must be allocated through the respective mandatory factors.
- 7.3 At the Schools Forum meeting on 10 November 2021 the decision to continue to move the schools funding formula towards the NFF structure and factor values was discussed and agreed to be put forward to Cabinet for approval.

7.4 Schools DSG Block Funding Formula

- 7.4.1 School Funding Formula Factors are proposed to be increased in line with the NFF changes. If following the announcement of the provisional finance settlement in December 2021, if the DSG allocation for 2022/23 Schools Block is less than the current estimate, then the Council will be required to undertake the following to ensure overall affordability:
- Adjust the low prior attainment factors and / or deprivation factors; and
 - Cap and/or scale back gains for those schools that gain funding under the formula.

7.4.2 Appendix 1 sets out the proposed school funding formula factors.

7.5 Early Years DSG Block Funding Formula

7.5.1 The national Early Years Funding Formula was introduced in April 2017. The funding arrangements for 2022/23 guiding the structure of the formula remain unchanged. The maximum a council will be able to retain for central spend will remain at 5% requiring for 95% pass through regulation and to manage the affordability of the formula.

7.5.2 The provisional Early Years DSG block allocation will be published in December 2021, whilst the actual allocation will not be known until end of 2022/23 as the grant is based on pupil census data taken in January 2022 and 2023.

7.5.3 The Council will be consulting with key stakeholders on the formula in November 2021, ahead of the decision to be presented to Schools Forum in January 2022 which will be proposing to not make any changes to the formula.

8. Housing Revenue Account (HRA) Budget Strategy

8.1 The HRA budget strategy will be presented to Cabinet for review in January 2022.

9. Budget Process and Timetable

9.1 The Council has a well-established Budget Review Process that integrates financial planning with corporate planning and considers the wider impact on the community through equalities impact assessments.

Table 7: Budget Activity Timetable

Date	Activity
November 2021	<ul style="list-style-type: none">Schools Forum
December 2021	<ul style="list-style-type: none">Provisional Local Government Finance SettlementCabinet report reflecting the updated MTFS forecasts and funding position
January 2022	<ul style="list-style-type: none"><i>Final Local Government Finance Settlement (provisional)</i>Cabinet report to approve HRA budget for 2021/22 and 30-year business plan (including capital programme)Section 151 officer agrees Tax Base and forecast

Date	Activity
	Collection Fund surplus under delegated authority <ul style="list-style-type: none"> • Schools Funding Report update to Schools Forum
February/March 2022	<ul style="list-style-type: none"> • Consultation with Ealing Business Partnership • Budget proposals to Cabinet and Overview & Scrutiny Committee • Cabinet considers final budget proposals and makes recommendations to Full Council • Council approves Budget & Council Tax for 2022/23 • Council decision to approve updated Flexible Use of Capital Receipts policy (<i>if required</i>)

10. Legal

10.1 The Council has a legal duty to set a balanced budget.

10.2 The Council is required to monitor and review, from time to time during the year, its income and expenditure against budget, using the same figure for financial reserves. If, having conducted the review, it appears to the Council that there has been a deterioration in its financial position, it must take such action, if any, as it considers necessary to deal with the situation, and be ready to act if overspends or shortfalls in income emerge. (Section 28 of the Local Government Act 2003).

11. Value for Money

11.1 The budget setting process addresses the Council's performance in delivering national and local priorities and focuses on the needs of its communities. The budget process will require services to demonstrate this through their budget proposals submissions.

11.2 The Council consistently monitors performance and finance in tandem, to ensure that services are commissioned and provided for, as well regularly adjusting its activities to improve performance and achieve better value for money. The budget process sets the approach, providing the framework in which the Council can look to improve performance and achieve better value for money.

12. Sustainability Impact Appraisal

12.1 Not applicable.

13. Risk Management

13.1 It is important that spending is contained within budget so that the Council can maintain its financial standing in the face of further pressure on resources in 2022/23 and beyond as set out in the annual review of the Medium-Term Financial Strategy (MTFS) approved by Cabinet in February 2021.

13.2 The local government finance settlement published in January 2021 only provided certainty for 2021/22, beyond this there remains a great deal of uncertainty. The MTFS therefore includes various assumptions on future funding which is based on Government announcements made to date.

13.3 The MTFS model will continue to be updated as greater clarity is provided by the Government on their medium-term funding plans.

13.4 Given the uncertainties of the economic environment, impact of COVID-19 and the anticipated scale of the expenditure reductions required, there are inevitably significant risks involved in delivering balanced budgets over the medium term. Key strategic risks are;

- included in the Corporate Risk Register;
- regularly reported to Audit Committee; and
- reviewed through updated Budget and MTFS Strategy reports to Cabinet.

13.5 Since 2013/14, the balancing of the budget in-year depends upon the Council achieving its council tax and business rates projections which are closely monitored by the Financial Strategy Group.

13.6 The most immediate risk to the budget process are:

- unfunded income loss pressures because of the pandemic particular in relation to Council Tax and Business rates income. The Council will continue to closely monitor the impact of these income streams and support lobby to government as region to ensure the Council can be full compensated for these losses;
- non-delivery of the approved savings; and
- social care placement pressures, which continue to be partly mitigated by spend controls, transformational cost reduction programmes and close monitoring by SLT and by the Leader and the portfolio holders for Finance and Leisure, Health & Adult Services and Schools & Children's Services.

13.7 The Council is faced with an uncertain financial climate over the medium to long term which presents a high risk to the authority and there remains potential for

further, as yet unrecognised, risks. For this reason, a prudent approach to the level of reserves held by the council remains sensible and necessary. The Chief Finance Officer, as the council's Section 151 Officer, is required to state whether the reserves are adequate as part of the annual budget setting process.

- 13.8 The Council's MTFs is continually under review and builds in projections for the MTFs period and beyond as further details and analysis become available. These updates are regularly reviewed by SLT and the portfolio holder and updates on the financial environment the Council is operating in are provided in Budget Strategy reports to Cabinet. Any sustainability impacts will be considered before final decisions are taken on whether to implement each proposal.

14. Community Safety

- 14.1 Not applicable.

15. Links to Strategic Objectives

- 15.1 The Council's medium-term financial strategy, budgets and capital programme are designed to deliver the Council's strategic priorities. The budget set for 2021/22 supported delivery of national and local priorities.

16. Equalities Analysis Assessments (EAAs)

- 16.1 There is no requirement for an Equality Impact Assessment as part of this report.

17. Regarding the Council's Public Law Duties

- 17.1 When making decisions the Council must act reasonably and rationally. It must consider all relevant information and disregard all irrelevant information and consult those affected, considering their views before final decisions are made. It must also comply with its legal duties. Many proposals will impact upon third parties and where this is the case there may be a requirement for the Council to consult those affected before a final decision is taken on whether to implement the proposal or to amend the proposal prior to implementation.

18. Staffing/Workforce and Accommodation Implications

- 18.1 There are no direct staffing/workforce and accommodation implications arising from this report.

19. Property and Assets

- 19.1 Not applicable.

20. Any Other Implications

20.1 The overall financial position of the Council impacts on the future provision of all Council services.

21. Consultation

21.1 Information and explanations have been sought from directorates on specific aspects of this report and their comments have been incorporated.

22. Appendix

- Appendix 1 - 2022/23 Ealing's School Funding Formula

23. Background Information

23.1 Cabinet reports:

- Budget Update Report 2021/22 – 10 November 2021
- Budget Strategy and MTFS 2022/2 to 2024/25 – 13 October 2021
- Budget Update Report 2021/22 – 22 September 2021
- Budget Strategy and MTFS 2022/2 to 2024/25 – 14 July 2021
- Revenue and Capital Outturn – 16 June 2021
- Budget Strategy and MTFS 2021/22 To 2023/24 – 22 February 2021

Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Ross Brown	Chief Finance Officer	Continuous	Continuous	Throughout
Paul Najsarek	Chief Executive	12/11/2021	17/11/2021	Throughout
Judith Finlay Lucy Taylor	Executive Directors	12/11/2021	17/11/2021	Throughout
Kieran Read	Director of Strategy & Engagement	12/11/2021	17/11/2021	Throughout
Helen Harris	Director of Legal and Democratic Services	18/11/2021	24/11/2021	Legal section
Councillor Steve Donnelly	Cabinet Member for Inclusive Economy	12/11/2021	23/11/2021	Throughout
Councillor Peter Mason	Leader of the Council	18/11/2021	23/11/2021	Throughout
Tamara Quinn	Assistant Director – Planning, Resources and Service Development	Continuous	Continuous	Recommendation 1.8 and Section 7

Report History

Decision type: For decision		Urgency item? No	
Authorised by Cabinet member:		Report deadline:	Date report sent:
Report	Report authors and contacts for queries: Shabana Kausar, Assistant Director Strategic Finance, 020 8825 7549		

Current and Proposed Factor values before adjustment to the Low Prior Attainment and / or deprivation factors if required

Factor	2021/22 Ealing Funding Formula Rates		2022/23 National Funding Formula (NFF) Rates (including ACA)		Difference 2022/23 NFF Rates minus 2021/22 Ealing Rates			
	Primary School	High School	Primary School	High School	Primary		High	
	£ per pupil	£ per pupil	£ per pupil	£ per pupil	£	%	£	%
	(a)	(b)	(c)	(d)	(d) = c - a	(e) = d / a	(f) = d - b	(g) = f / b
Primary (Years R-6)	£3,589.43		£3,694.66		£105.23	3%		
Key Stage 3 (Years 7-9)		£5,061.74		£5,209.51			£147.77	3%
Key Stage 4 (Years 10-11)		£5,704.23		£5,871.03			£166.80	3%
FSM	£527.22	£527.22	£539.79	£539.79	£12.57	2%	£12.57	2%
FSM6	£659.03	£962.76	£677.60	£993.44	£18.57	3%	£30.68	3%
IDACI Band A	£771.60	£1,076.50	£735.03	£1,022.15	(£36.57)	(5%)	(£54.35)	(5%)
IDACI Band B	£591.15	£846.27	£562.76	£803.94	(£28.39)	(5%)	(£42.33)	(5%)
IDACI Band C	£553.81	£784.04	£528.30	£746.51	(£25.51)	(5%)	(£37.53)	(5%)
IDACI Band D	£510.25	£699.10	£482.36	£683.35	(£27.89)	(5%)	(£15.76)	(2%)
IDACI Band E	£323.58	£516.47	£310.09	£488.10	(£13.49)	(4%)	(£28.37)	(5%)
IDACI Band F	£267.57	£385.80	£252.67	£367.51	(£14.90)	(6%)	(£18.29)	(5%)
English as an Additional Language (EAL)	£630.38	£1,702.02	£648.89	£1,757.17	£18.51	3%	£55.15	3%
Mobility	£1,031.53	£1,478.52	£1,062.34	£1,527.48	£30.81	3%	£48.96	3%
Low Prior Attainment (LPA)	£1,255.02	£1,902.59	£1,297.78	£1,963.90	£42.76	3%	£61.31	3%
	Per School	Per School	Per School					
Lump Sum	£135,015.29	£135,015.29	£139,310.62	£139,310.62	£4,295.33	3%	£4,295.33	3%

Notes

1. All rates shown include the Area Cost Adjustment (ACA) for Ealing ACA for Ealing is 1.14848
2. In 2021-22 Ealing IDACI factors were adjusted above NFF to support the transition to the new IDACI model. The updated model reduced eligibility for this factor. This was affordable due to the lagged nature of Schools Block funding. We agreed to keep the overall cash available to schools through this factor the same for stability for one year. It is proposed to reduce these back to NFF rates in 2022-23 to ensure affordability in the formula for overall increase in funding levels for 2022/23 and allow for increases in FSM. All schools will still see an increase in funding per child.
3. It is proposed to adjust the Low Prior Attainment and / or deprivation factors in 2022-3 if required due to affordability.

Abbreviations

FSM - Free School Meals
FSM6 - Free School Meals Ever 6
IDACI - Income Deprivation Affecting Children Index



Report for:
ACTION

Item Number:

8

Contains Confidential or Exempt Information	Yes – part Appendix 1 is exempt from disclosure by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972)
Title	Ealing Service for Children with Additional Needs Accommodation
Responsible Officer(s)	Charles Barnard, AD Early Years, Prevention, Youth Services, and SEND, cbarnard@ealing.gov.uk 020 8825 6139
Author(s)	Kim Price, Planning and Resources Strategic Lead (Children’s Services) kprice@ealing.gov.uk 020 8825 6139 Tamara Quinn, AD Planning, Resources and Service Development, tquinn@ealing.gov.uk 020 8825 8444
Portfolio(s)	Cllr Kamaljit Nagpal, Cabinet Member for a Fairer Start
For Consideration By	Cabinet
Date to be Considered	8 th December 2021
Implementation Date if Not Called In	21 st December 2021
Affected Wards	All
Keywords/Index	Ealing Service for Children with Additional Needs (ESCAN)

Purpose of Report:

The report considers options for future accommodation for the Ealing Service for Children with Additional Needs and approves the principle of the Council entering into a new 10-year lease with a 5 year break for Carmelita House.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Notes the current position with regard to accommodation for the Ealing Service for Children with Additional Needs and options for future accommodation as set out in paragraph 3.7 below.
- 1.2 Approves the principle of the Council entering into a new 10-year lease at Carmelita House with a 5 year break either with the West London NHS Trust (the Trust) as a co-lessee or by means of a separate licence agreement with the Trust.
- 1.3 Delegates authority to the Director of Growth and Sustainability to negotiate the terms of the lease and authorise the completion of that lease following consultation with the Portfolio holder for a Fairer Start, the Portfolio holder for Good Growth, the Assistant Director Planning Resources and Service Development and the Director of Legal & Democratic Services.

- 1.4 In the event that the Trust does not enter into the new lease, delegates authority to the Director of Growth and Sustainability to negotiate the terms and authorise the Council to enter into an agreement with West London NHS Trust to allow them to continue to share occupation and costs of Carmelita House with the Council in order to deliver integrated services.
- 1.5 That the financial, accounting, tax implications and cost recoveries from the NHS Trust of any final decision regarding the lease are subject to consultation with the Chief Finance Officer.

2. Reason for Decisions and Options Considered

2.1 Ealing Service for Children with Additional Needs (ESCAN) is currently based at Carmelita House. The Council's existing lease on Carmelita House ends on 13 May 2022. Officers have considered options for future accommodation as set out in paragraph 3.7 below. Officers have also consulted internal and external partners and had regard to the Council's accommodation strategy. Engagement around alternative models and sites has led to a shared view that the Carmelita House site offers value and flexibility. If the Council did not take up a new lease on Carmelita House, the Council staff would need to be accommodated elsewhere which could impact on the quality of both Council and Trust services, and outcomes for children and young people with additional needs and their families.

3. Key Implications

3.1 Ealing Service for Children with Additional Needs (ESCAN) is a multi-agency service run by the NHS and Ealing Council that gives both families and professionals a single point of contact for information, referrals, assessments and appropriate help for children and young people with special educational needs and disabilities living in the London Borough of Ealing. This service is currently based at Carmelita House, 21-22 The Mall, Ealing, London, W5 2PJ.

3.2 ESCAN is a key feature of the Council's Local Area Offer and strategic delivery model in relation to Ealing's statutory responsibilities for children and young people 0-25 years with special educational needs and disabilities. This was recognised in the 2019 Local area SEND inspection which can be found here:

<https://reports.ofsted.gov.uk/provider/44/80493> The report findings set out that, while there remain challenges, the service is highly valued by parents:

'The support provided to families by key workers to coordinate packages of care is highly regarded by those who access specialist teams working in Ealing Services for Children with Additional Needs (ESCAN), family nursing and the child development unit. Inspectors heard from some parents about how invaluable this has been and how colocation is helping to embed the 'tell it once' approach. However, some feel that changes in staffing mean that they have to repeat their story to new staff. Some parents told inspectors that they feel overwhelmed by the amount of coordination they have to do themselves to be able to support their child in accessing services'.

3.3 Demand for the Council services that form part of ESCAN (Children with Disabilities, SENAS, Educational Psychology) is ongoing and increasing. The number of children and young people with Education, Health and Care Plans continues to rise, with a further 10% increase to 2,956 plans in January 2021. Growth in Ealing has been similar to both the London and national averages over

the past year (10%) and the past three years (34%). Children with EHC plans now represent 3.1% of the age 3-24 population. This has increased from 2.3% in 2018.

3.4 The Council currently shares the site with the Trust who occupy under a licence. This was recently renegotiated and expires in May 2022 at the same time as the existing lease. The West London NHS Trust share occupation of Carmelita House with the Council in order to deliver integrated services. The Trust contribute towards rent and running costs of the building, reducing the Council's spend at the property. They have indicated that they are keen to continue the arrangement under the proposed new lease for a period of up to 10 years.

3.5 The Council's Occupational Health Services (to all Ealing employees) have been located on the top floor of Carmelita House since they vacated from Ealing Town Hall as part of the Town Hall decant. Entering into a new lease on Carmelita House would also enable Occupational Health to continue to use this space to deliver this service.

3.6 The Council services that form part of ESCAN (Children with Disabilities, SENAS, Educational Psychology) currently total around 70 employees. The Family Information Service, Parenting Services and Early Years Services are also being considered for relocation to Carmelita House as part of the Perceval House decant. These services total around a further 40 staff. Should the Council enter into a new lease, the future occupation of the building will need to give consideration to both the New ways of working and any ongoing COVID 19 requirements with regards to social distancing as this would significantly reduce occupancy levels.

3.7 In delivering the Council's statutory responsibilities and related accommodation of teams the following options have been considered:

Option 1 – Cease co-location, and proceed as a virtually integrated service, requiring the Council and separately the NHS Trust to each secure their own accommodation. The Council's services could be considered for Perceval House relocation through this process. However, there is concern that there may be limitations around customer access, and the service believes this would be a significant challenge to families, a risk to the Council's reputation and it would reduce the quality of the local offer. In the worst case this may put at risk the current areas of strength set out by the Ofsted report and further exacerbate areas requiring improvement:

Overall, leaders are taking effective action and have demonstrated that they have the capacity to continue to make improvement. Leaders are open and honest in recognising their strengths and weaknesses in implementing the SEN reforms. They use a wide range of information across education, health and care to inform their self-evaluation. It is detailed, and in most respects accurate. However, leaders have underestimated the level of dissatisfaction of parents and carers.

Option 2 – Co-locate services elsewhere (including Perceval House) delivering an integrated service, requiring the Council and Trust to secure alternative accommodation. This approach would result in disruption to services users during any period of relocation. Existing Perceval House development plans do not accommodate the specific health, clinical and customer facing requirements, and to include these requirements in the design would have a detrimental impact on the existing business plan which delivers new Council accommodation through the creation of residential units. It is also apparent that Perceval House scheme timescales are not aligned as a possible alternative in the short to medium term.

Option 3 – Continue to co-locate at Carmelita House as an integrated service. This approach would avoid disruption to services users and is considered to represent commercial value for money. This is the recommended option. Details can be found in confidential appendix A. A 10 year lease with a break at 5 years could allow the Council flexibility to seek alternative co-location opportunities within the medium term which, with options including the redeveloped Perceval House. The current lease expires on 13 May 2022. Unless a new lease is agreed with the landlord, the Council (and the Trust) must vacate the premises by this date. The lease could be entered into either with the West London NHS Trust (the Trust) as a co-lessee or by means of a separate licence agreement with the Trust

Option 1 and 2, if taken forward, would not preclude the Council entering into a new lease for Carmelita House and using the site for an alternative purpose.

3.8 Under any option, the Council is committed to delivering the best outcomes for children, young people and their families and continue to work towards the Council's overarching new ways of working to ensure efficient cost effective use of accommodation.

3.9 If Option 3 was taken forward without the Trust as co-lessee and the Trust subsequently took the decision not to enter into a new licence, the Council would be liable for the full cost of the Carmelita House lease. The risk of this is set out in confidential appendix A.

4. Financial implications

4.1 The financial implications of the proposal are set out in the confidential appendix A, which gives further detail on the current lease arrangement with the landlord and the share funding arrangement with the NHS.

4.2 The budget for ESCAN accommodation is funded from the General Fund. The gross budget is sufficient to recover to fund the overall gross costs of the lease with 50% of the rental and running costs funded by the NHS under the present arrangement.

4.3 The proposal to enter into a new lease arrangement will need to be contained within the existing budget and contributions from the NHS and this needs to include any Stamp Duty Land Tax consequences from the transaction.

4.4 The financial, accounting, tax implications and cost recoveries from the NHS Trust of any final decision regarding the lease are subject to consultation with the Chief Finance Officer,

5. Legal

5.1 The Council has the power to enter into a lease for the purposes of any of their functions under section 120 of the Local Government Act 1972.

5.2 Section 10 of the Children Act 2004 requires the Council to make arrangements to promote co-operation between itself and the NHS to improve, amongst other things, the physical, mental and emotional well-being of children within its area. Part 3 of the 1989 Act sets out the Council's powers and duties to support services for children in need and their families. Section 17 of the 1989 Act provides that the

Council has a general duty to safeguard and promote the welfare of “children in need” in their area.

5.3 Any change in provision or services should be considered in accordance with the public sector equalities duty to eliminate unlawful conduct under the Equalities Act 2010. The duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have ‘due regard’ to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a ‘protected characteristic’ and those who do not share that protected characteristic.

6. Value for Money

6.1 See confidential appendix A.

7. Sustainability Impact Appraisal

7.1 The Council, through its accommodation strategy, seeks to deliver improved energy efficiency, renewables, active travel, and electric vehicle facilities.

8. Risk Management

8.1 The lease would be negotiated to limit the risk to the Council. Further details can be found in confidential appendix A

9. Community Safety

9.1 The Carmelita House office space is configured to meet the community safety requirements of the customer facing elements of the service.

10. Links to the 3 Key Priorities for the Borough

10.1 This proposal would contribute to “fighting inequality” by enabling the delivery of integrated services between the Council and the NHS for children with additional needs.

10.2 The proposal will aim to contribute to “tackling the climate crisis” by seeking to negotiate with the landlord around improved energy efficiency / renewables and electric vehicle charging points as conditions on the new lease.

11. Equalities, Human Rights and Community Cohesion

11.1 An Equalities Analysis Assessment would be undertaken should the option to cease co-location or move the service be taken forward.

12. Staffing/Workforce and Accommodation implications

12.1 Mitigation actions to be considered in minimising disruption to Ealing Service for Children with Additional Needs. Along with an ongoing commitment to ‘New Ways Of Working’ delivering flexibility to staff in working from the office, remotely, or from home.

12.2 Improvements to the quality of the accommodation would be sought through the negotiations.

13. Property and Assets

13.1 Entering into a new lease would enable the Council's continued shared occupation of Carmelita House.

14. Any other implications

14.1 None

15. Consultation

15.1 Early consultation with the key stakeholders in the Trust. Extensive consultation with service users would be required should the option to cease co-location or move the service be taken forward.

16. Timetable for Implementation

16.1 Should the option to agree a new lease be taken forward, negotiations would take place between December 2021 and April 2022 and the lease would commence in May 2022. If an alternative option is taken forward there will need to be comprehensive planning over a period of time, in consultation with key stakeholders.

17. Appendices

Appendix A – Confidential financial information

18. Background Information

None

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Kamaljit Nagpal	Cabinet Member for A Fairer Start	14.10.21		
Cllr Shital Manro	Cabinet Member for Good Growth	14.10.21		
Judith Finlay	Executive Director Children, Adults and Public Health	14.10.21		
Lucy Taylor	Executive Director, Place	14.10.21		
Carolyn Fair	Director, Children and Families	14.10.21		
Charles Barnard	AD Early Years, Prevention, Youth Services, and SEND	14.10.21		
Jackie Adams	Head of Legal Services (Commercial)	6.10.21	7.10.21	Throughout
Justin Morley	Head of Legal Services (Litigation)	7.10.21	12.10.21	5
Ross Brown	Chief Finance Officer	14.10.21		
Russell Dyer	Assistant Director of Accountancy	14.10.21	28.10.21	1.5

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Kim Price, Planning and Resources Strategic Lead kprice@ealing.gov.uk 020 8825 8698
	Tamara Quinn, AD Planning, Resources and Service Development tquinn@ealing.gov.uk 020 8825 8444

Report for: DECISION
Item Number: 9

Contains Confidential or Exempt Information	No
Title	Private Rented Sector Licensing Schemes Renewal
Responsible Officer(s)	Mark Wiltshire (Director of Community Development)
Author(s)	Allison Forde (Assistant Director Property Enforcement and Environmental Protection) Rachel Fell (Property Regulation Lead Practitioner)
Portfolio(s)	Councillor Shital Manro (Portfolio Leader for Good Growth)
For Consideration By	Cabinet
Date to be considered	08 December 2021
Implementation Date	20 December 2021
Affected Wards	All
Keywords/Index	Private Rented Sector, Additional Licensing, Selective Licencing, HMOs

<p>PURPOSE OF REPORT</p> <p><u>The purpose of this report is to:</u></p> <p>To consider the evidence and responses following a statutory consultation exercise on proposals to renew and expand its private rented sector licensing schemes and to determine whether any proposed renewed and new scheme shall be introduced.</p>
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1. RECOMMENDATIONS

It is recommended that Cabinet:

- 1.1 Consider the outcome of the consultation process detailed in the Consultation Report (**Appendix 1**), the representations received and the Council's consideration and response to these representations (**Appendix 2**).
- 1.2 Agree to designate a new Additional Licensing area of the whole of the London Borough of Ealing from 01 April 2022 as delineated and edged red on the map in the draft designation in **Appendix 4** for a five-year period.
- 1.3 Agree to designate a new Selective Licensing area (to be known as Selective Licensing Designation 1) in the three ward areas of East Acton, Southall Broadway and Southall Green (pre May 2022 boundaries) from 01 April 2022 as delineated and edged red on the map in the draft designation in **Appendix 5** for a five-year period.
- 1.4 Agree to the licensing scheme objectives as set out in **Appendix 7**.
- 1.5 Agree the proposed HMO licensing conditions set out in **Appendix 8**.
- 1.6 Agree the proposed selective licensing conditions set out in **Appendix 9**.
- 1.7 Agree the proposed property licensing fee structure detailed in **Appendix 10**.
- 1.8 Agree the policy regarding the length (duration) of licences granted under any new licensing scheme and the variation of licences granted for less than five years under the existing additional and selective licensing schemes at **Appendix 11**.
- 1.9 Agree to delegate the authority to the Director of Community Development to issue the required statutory notifications in relation to the designations and, in consultation with the Portfolio Holder, to amend the licensing fee and make such other changes to the schemes as is necessary for the effective administration of the schemes.
- 1.10 Agrees for the Director of Community Development to consult with the Chief Finance Officer annually with regards to seeking:
 - a) approval of any surplus and deficits to be carried forward for the established ring fenced trading account, which has the financial objective of breaking even over the life of the schemes. In doing so regard will be given to the current financial performance and expected future financial performance and recommendations will be made as to any corrective action to be taken to ensure that the financial objective is met over the agreed scheme period.
 - b) approval of updated financial plan. In doing so regard will need to be given to the prior-year outturn position and forecasted future position with the key aim to deliver a break-even position over the remaining scheme term.

- 1.11 Note that a further report will be brought to Cabinet in 2022 informing it of the results of its recruitment campaign for the new licensing schemes and proposals for a Selective Licensing Designation 2.

2. REASON FOR DECISION AND OPTIONS CONSIDERED

Background

- 2.1 On 01 January 2017, the Council's existing additional and selective licensing schemes required eligible private rented properties to be licensed with the Council. Property licences require the licence holder to comply with conditions relating to the letting and management of the property. Such discretionary property licensing schemes can only last for a maximum of five years and Ealing's schemes are due to expire on 31 December 2021.
- 2.2 On 20 April 2021, the report presented to Cabinet *Private Rented Sector Licensing Schemes Renewal* set out the achievements of the existing schemes, evidence of the current nature of the private rented sector (PRS) in Ealing and resultant proposals, informed by the evidence, for new additional and selective licensing schemes. As a result, Cabinet approved the decision to launch a statutory consultation seeking stakeholders' views on these proposals.

- 2.3 The proposals and options considered subject to the consultation were:

- A new boroughwide additional HMO licensing scheme applicable to all "shared amenity" HMOs and many "converted building" HMOs (so called "section 257" HMOs).
- Selective licensing of all other private rented accommodation in specific wards in the borough, to be introduced in two distinct phases.

Phase (1) consisting of the wards of East Acton, Southall Broadway and Southall Green.

Phase (2) consisting of the wards of Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hangar Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton.

In this report, phases 1 and 2 shall now be referred to as designations 1 and 2.

- 2.4 The consultation started on 10 May 2021 and lasted for 14 weeks, closing on 16 August 2021. As the consultation was held towards the end of COVID restrictions, the consultation communication channels and activities were adjusted to mitigate any issues and to ensure all stakeholders could be reached despite the challenges. Further details are in the consultation report (**Appendix 1**) which sets out how the Council conducted the consultation and the response received. As required by the Housing Act 2004, the Council must consider any representations made which are not withdrawn. The Council's response to these representations can be found in **Appendix 2**.

- 2.5 In order to ensure independence, the Council commissioned Housing Quality Network (HQN), an independent housing consultancy, to undertake the consultation exercise on its proposals. The consultation included an online survey, live online public meetings, and interviews with key stakeholders. The exercise sought views from residents, private tenants, private landlords, lettings/managing agents, businesses and other stakeholders about the Council's proposals. Additional effort ensured that landlords resident outside the borough were also advised of the consultation exercise. The consultation materials and evidence made available during the consultation to support the proposals can be found in **Appendix 3**.
- 2.6 This report sets out the response to this consultation, providing evidence upon which the recommendations are made for the designation of a new boroughwide additional HMO licensing scheme and the designation of selective licensing to the wards of East Acton, Southall Broadway and Southall Green (Designation 1).

3. KEY IMPLICATIONS

Additional HMO licensing designation

- 3.1 During the consultation exercise, the Council proposed on renewing a boroughwide additional licensing scheme. The HMOs required to be licensed would be as follows:
- All HMOs that are rented to three or more occupiers in two or more households that share (or lack) toilet, washing and cooking facilities (section 254 HMOs).
 - Converted building HMOs (section 257 HMOs), but only where the building or any rented flats in the building are in the same ownership or control, or considered by the housing authority to be effectively under the same ownership or control. This will include buildings within mixed use developments or above non-residential premises. Any owner-occupied flats or flats demised to separate leaseholders will not form a part of the licence. An additional licence will not be required where a building has been converted into no more than two flats.
- 3.2 From the consultation, 50% of online survey respondents supported the Council's proposal to introduce a new additional HMO licensing scheme. This varied from 65% of PRS tenants and 71% of residents being in support of the scheme compared to 25% of landlords and 7% of lettings/managing agents. Overall, 37% of respondents were against the proposals.
- 3.3 The majority of survey respondents (42-55%) agreed that additional HMO licensing would help to address issues in the PRS (including improving conditions, safety of tenants and tackling neighbourhood problems such as ASB). However, the majority of landlords did not agree (47-56%).
- 3.4 74% of PRS tenants and 70% of residents felt that the scheme would identify poorly performing landlords and letting agents over the five-year period.

- 3.5 In the freetext parts of the survey, some respondents including both PRS tenants and landlords, voiced concerns about the cost of licensing and that it would be passed on to tenants. Another common theme emerging was the need for the schemes to be underpinned by effective enforcement. The Council's response to these representations can be found in **Appendix 2**.
- 3.6 In addition to the survey findings, the Council also received feedback in relation to the inclusion and description of s.257 HMOs. Having carefully considered these representations the Council shall exclude any s.257 HMO that contains any flats demised to separate leaseholders.
- 3.7 The HMOs required to be licensed in the new designation shall now be as follows:
- All HMOs that are rented to three or more occupiers in two or more households that share (or lack) toilet, washing and cooking facilities (section 254 HMOs).
 - Converted building HMOs, as defined by section 257 of the Housing Act 2004, but only where all accommodation units are privately rented and the building and accommodation units are in the same ownership or control, or considered by the housing authority to be effectively under the same ownership or control. This includes buildings within mixed use developments or above non-residential premises. An additional licence is not required where a building has been converted into no more than two flats.
- 3.8 Having carefully considered the consultation representations there are no other changes recommended in regard to the overall proposals to introduce a boroughwide additional HMO licensing scheme.
- 3.9 The proposed additional licensing designation can be found in **Appendix 4**.

Selective licensing designation

- 3.10 During the consultation exercise, the Council proposed a new selective licensing scheme that would cover two distinct designations. The scheme would apply to all private rented sector properties in the designated areas that are not included in the mandatory or additional licensing schemes.
- 3.11 Designation 1 consists of three wards (East Acton, Southall Broadway and Southall Green) which covers 13.48% of the geographical area of the borough and 18.37% of the total private rented sector in Ealing.
- 3.12 Designation 2 consists of a further 12 wards and covers 56.89% of the geographical area of the borough and 41.35% of the total private rented sector in Ealing.
- 3.13 The selective licensing proposals were supported by 42% of survey respondents. This varied between 61% of PRS tenants and 67% of residents being in support compared to 9% of landlords and 8% of lettings/managing agents. Overall, 47% of respondents disagreed with the proposals.

- 3.14 33% of respondents were in support of the 15 wards proposed. This varied between 48% of PRS tenants and 50% of residents being in support compared to 10% of landlords and 8% of lettings/managing agents. Overall, 39% of respondents disagreed with the proposals.
- 3.15 30% of respondents were in support of the two-phase approach. This varied from 43% of PRS tenants and 44% of residents being in support compared with 11% of landlords and 8% of lettings/managing agents. Overall 38% of respondents disagreed with it.
- 3.16 Most PRS tenants (63-63%) and 15-22% of landlords felt that selective licensing would lead to improvements in the PRS over the next five years (including improving the physical conditions of properties, health and safety of tenants, and assisting landlords to raise their standards). However, most landlords (63-71%) did not agree with the potential benefits of selective licensing.
- 3.17 70% of PRS tenants and 67% of residents felt that the scheme would identify poorly performing landlords and letting agents over the five-year period.
- 3.18 As with additional HMO licensing, some respondents expressed concerns about the cost of licensing being passed on to tenants. Similarly respondents from all the main groups expressed the need for the effective enforcement of the schemes. The Council's response to these representations can be found in **Appendix 2**.
- 3.19 Having carefully considered the consultation representations there are no changes recommended in regard to the proposals to introduce selective licensing designation 1.
- 3.20 The proposed selective licensing designation (Selective Licensing Designation 1) can be found in **Appendix 5**. A list of all streets that fall within this designation can be found in **Appendix 6**.
- 3.21 Whilst the Council collated evidence and carried out a public consultation for both designation 1 and designation 2, this report does not seek approval to implement designation 2 at this time.
- 3.22 As part of the process of preparing its new licensing schemes, the Council has become aware of a shortage in specialist staff in this area, particularly qualified and/or experienced environmental health officers. This may create challenges in the recruitment of the large team that will be required to administer, inspect and enforce both selective licensing designations. This challenge is heightened as the existing team has been scaled back over the last two years to coincide with the end of the current schemes. As a result, the Council is proposing to split its selective licensing schemes into two distinct phased designations.
- 3.23 The Council proposes to introduce designation 1 first under the general approval as set out at section 5 below. This will allow the Council to continue to have a selective licensing scheme in operation in the borough, in the areas where there is the most acute need. The timeline for implementation of this designation means that there should be only a small break (3 months) between the existing selective scheme and the new designation 1. This is important as these three

wards have some of the worst property conditions in the borough and as a result have had the most statutory notices issued for both housing and planning violations. If this designation were any larger, it would need confirmation by the Secretary of State, which we know from the experience of other local authorities, can cause considerable delays. The relatively small size of this designation means that the council will be able to scale up staffing from the current team size of 31 to the new team size of 45 over the next three to six months.

- 3.24 During this time the Property Regulation team will put together a fully researched and realistic people/HR plan which will provide a practical road map to how the selective licensing designation 2 will be staffed. This will include the recruitment results and challenges of designation 1, a fully researched market analysis of available skilled EHOs or similar level officers, a graduate recruitment and retention plan, apprenticeships plus a training and development plan for existing officers within the Property Regulation team.
- 3.25 The Council will present this people/HR plan in 2022 when seeking approval from Cabinet to make Selective Licensing designation 2. Due to the size of the designation, after being agreed by the Council's cabinet, approval will also be sought from Cabinet to make an application to the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) requesting confirmation of the Selective Licensing Designation 2.

Objectives of the proposed schemes and alternatives to licensing

- 3.26 The objectives of the proposed schemes can be found in **Appendix 7**.
- 3.27 A local authority must not make a property licensing designation unless consideration has been given to other courses of action available to them that would achieve the objectives they would want the designations to achieve.
- 3.28 These objectives and alternative options were also set out in the Council's consultation evidence documents which can be found in **Appendix 3**.
- 3.29 The most common theme about alternatives to licensing that emerged from the consultation was that the Council should focus on using its existing powers rather than designate further discretionary licensing schemes. The Council's response to these representations can be found in **Appendix 2**.
- 3.30 It is considered that no alternatives were identified through the consultation process that would, individually or collectively, be capable of delivering the scheme objectives that the Council would deliver through its selective and additional licensing schemes.

Licence conditions

- 3.31 Property licences are issued with licence conditions which the licence holder must comply with. The conditions are a combination of those which local authorities must impose (mandatory conditions by law), and those which they have a power to impose. Draft licence conditions were available for persons to comment on during the consultation.

- 3.32 The online survey proposed a number of items for inclusion in the licensing conditions (including fire safety, provision of amenities, numbers of occupiers, energy efficiency, management of ASB including rubbish/recycling) and there was considerable support for each of the proposed items (additional and selective) compared with the proportion of responses opposed to the conditions.
- 3.33 In addition to the survey findings, the Council also received feedback in relation to the proposed licence conditions. Following consideration of all responses, eight conditions (three from additional HMO licensing and five from selective licensing) have been removed from the proposed additional HMO licence conditions and the proposed selective licence conditions. A further seventeen conditions (nine for additional HMO licensing and eight for selective licensing) have been amended. The details of these changes can be found on pages 3 and 4 of the Council's response to the consultation (**Appendix 2**).
- 3.34 Taking these changes into account, the revised proposed additional HMO licence conditions are attached as **Appendix 8** and the revised proposed selective licence conditions as **Appendix 9**.

Licence Fees

- 3.35 The landlord or managing agent will be required to pay a licence fee for each property requiring a licence in the designated area. The proposed additional licensing fee is £1,100 per HMO plus an additional £50 for each habitable room. The proposed selective licensing fee is £750.
- 3.36 The proposed fee schedule was made available for persons to comment on during the consultation. It set out the fees the Council was proposing to charge, together with a number of concessionary and discount rates available. These included a 25% discount for "early bird" applications, a £75 discount for accredited landlords and a £50 discount for properties with an EPC rating of C or higher.
- 3.37 In regard to additional licensing:
- 34% in the survey agreed with the fee structure for additional licensing and 49% disagreed – 35% PRS tenants, 56% residents and 11% landlords and 8% lettings/managing agents were in support.
 - 35% agreed and 48% disagreed with the additional charges (including charges for late applications, or the submission of a paper application) — 38% PRS tenants and 53% residents compared to 16% landlords and 15% lettings/managing agents were in support.
 - 48% agreed and 28% disagreed with the discounts – 60% PRS tenants, 57% residents compared to 26% landlords and 30% lettings/managing agents were in support.

In regard to selective licensing:

- 31% in the survey agreed and 53% disagreed with the fee structure – 40% PRS tenants, 52% residents and 7% landlords and 12% lettings/managing agents were in support.

- 35% of respondents supported and 50% disagreed with additional charges (including charges for late applications, or the submission of a paper application) – 41% PRS tenants and 54% residents in support compared to 14% of landlords and 12% lettings/managing agents.
- 46% agreed and 35% disagreed with the discounts – 68% of PRS tenants and 55% resident occupiers were in support compared to 34% of landlords and 31% of lettings/managing agents.

3.38 Concerns over fees were strongly expressed by landlords (as well as some tenants) in the free text parts of the survey, with comments including ‘tax on good landlords’, ‘fee costs are passed on to tenants’ and ‘good landlords receive no benefits from licensing’. The Council’s response to these representations can be found in **Appendix 2**.

3.39 Having carefully considered the consultation representations the Council is proposing to make the following changes to the proposed fee structure. This is to support responsible landlords who have previously licensed their properties and/or who are improving their professionalism through a broader range of landlord accreditation organisations.

- Early bird fees: the Council has taken into consideration the feedback regarding licence holders whose licence started mid-way through the current scheme. This will mean that their licence will expire later in the new scheme and they would, therefore, be unable to take advantage of the early bird discount. In order to give the same opportunity for a discount to these responsible landlords, the Council will offer a 25% discount where the property meets the requirements of the new scheme and if the licence holder applies for a new licence within the three months prior to the expiry date of their current licence.
- Landlord accreditation discounts: to include Safeagent as a recognised organisation for the purposes of receiving the £75 discount, and to keep the list of organisations under review and updated.

3.40 The proposed fee structure has been amended accordingly and can be found in **Appendix 10**.

Length (duration) of a licence

3.41 This did not form a part of the consultation but as the Council transitions between the existing and proposed property licensing schemes, Cabinet approval is sought for the agreement of a policy in relation to the length (duration) of licences.

3.42 In determining an application for any property licence, the Council must decide whether to grant or refuse a licence. In circumstances where the Council is minded to grant a licence, it has some discretion as to the length of the term of any licence period, except that any granted licence must not exceed a 5-year period.

3.43 The proposed policy sets out the Council’s approach to:

- Determining new applications.
- Granting licences for a reduced term.
- Consideration of the planning status of a property.
- Applications to extend a licence granted for less than 5 years under the existing additional and selective licensing schemes.

4. FINANCIAL

- 4.1 The proposed additional and selective licensing fees are set out in section 3.35 above.
- 4.2 It is the Council's intention to grant all additional HMO and selective licences for a period of five years starting from the date they are granted, unless the Council is satisfied that in the circumstance of a particular property a shorter period is appropriate.
- 4.3 Evidence from the current licensing schemes support that although the largest proportion of applications are received in year 1 when landlords wish to take advantage of 'early bird discounts', applications are consistently received throughout the scheme designation and continue to be received well into year 5 of the designation.
- 4.4 A financial model has therefore been created to be cost neutral over the course of a 10 year period. The model assumes that although the scheme is for 5 year licences there is an ongoing licence enforcement and management requirement over the life of the licence, even though the new additional and selective schemes will cease and no new licences issued from year 6 onwards.
- 4.5 The costs of resourcing the schemes in years 6 -10 will reduce in line with the number of licences that need to be managed and enforced during this period.
- 4.6 In setting the fee the Council has had regard to the EU Service Directive and sections 63(7) and 87(7) of the Housing Act 2004 which confirms that "when fixing fees the local authority may take into account all costs incurred by the authority in carrying out their functions".
- 4.7 The Regulatory Impact Assessment on licensing makes it clear that authorities should not use fee income to raise additional revenue.
- 4.8 The proposed licence fees will be sufficient to cover the estimated costs of establishing and administering the schemes and also the undertaking of any enforcement action.
- 4.9 The proposed fee structure is based on the introduction of a combined additional and selective licensing scheme (Designation 1 and 2). If only one of the schemes is implemented or selective licensing designation 2 is not approved, the fee structure will need to be revised to ensure that the scheme remains cost neutral.
- 4.10 Expenditure

The costs included in the fees model are:

- additional staff to process applications (including recruitment and training)
- additional staff to carry out inspections of premises
- the cost of dealing with appeals against licensing decisions
- the cost of a new Information Technology system
- other costs associated with ensuring compliance with the scheme.

Costs (£m)	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	TOTAL
Staffing	3.75	2.97	2.53	1.76	1.59	1.24	1.19	1.16	1.11	1.10	18.40
Non Staffing	3.31	0.84	0.68	0.49	0.41	0.21	0.20	0.20	0.19	0.19	6.72
Total	7.06	3.80	3.21	2.25	2.00	1.45	1.39	1.36	1.31	1.29	25.12

4.11 Income

The estimated net position over a 10 year period is detailed below.

Revenue (£m)	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	TOTAL
Expenditure	7.06	3.80	3.21	2.25	2.00	1.45	1.39	1.36	1.31	1.29	25.12
Income	(8.49)	(5.51)	(4.51)	(2.42)	(2.07)	(0.81)	(0.63)	(0.46)	(0.25)	(0.21)	(25.36)
Total	(1.43)	(1.70)	(1.30)	(0.17)	(0.07)	0.64	0.76	0.90	1.05	1.08	(0.24)

- 4.12 The Property Licensing account (separate from statutory services) going forward will need to operate on a ringfenced trading account basis carrying over deficits and surpluses with the aim of breaking even over the period of the scheme (10 years for 5 year licences) in terms of income and expenditure with no subsidy from the general fund (as is the case with the statutory service). This will allow the profile of income and expenditure to be managed flexibly over the period of the scheme enabling peaks and troughs in activity to be managed.
- 4.13 Any funding not used within the period of the scheme's operation would have to be refunded to those charged. This is unlikely given that the Council is seeking to move the service from being subsidised to a break-even position over the period of the scheme. The fees have therefore been set having regard to these overall objectives.
- 4.14 There is the potential risk of a significant under recovery of income and a failure to effectively achieve the schemes objectives if the Council does not receive the estimated number of applications and fees. This risk has been mitigated by ensuring that sufficient staffing resources are allocated to identifying unlicensed properties.
- 4.15 Should the number of licences vary from those anticipated, and/or the profile of applications change, the resourcing requirement will be flexed to manage any pressure this creates within existing budgets.
- 4.16 The licence fee for both schemes will cover the owner of the property for a period up to 5 years, however should ownership of the property be transferred within that period, a further licence fee will be payable by the new owner.

- 4.17 The actual financial position of the schemes against the budget will be robustly reviewed on an annual basis. This will be undertaken as part of the Council fees and charges process to ensure that the fees remain reasonable and proportionate. The Council is aware that any consistent surplus must be used to adjust fees in upcoming years, although some reinvestment over more than a year is permitted. This balance will be assessed in the yearly review and adjustments made accordingly if required.

Overall Financial Operation of the Scheme

- 4.18 Given the nature of the scheme is intended to break even over several years of its operation with no material subsidy from the Council, it will operate as a ring fenced trading account within the General Fund, carrying over surpluses and deficits as appropriate. The Director of Community Development will need to manage and operate the trading account in accordance with the financial regulations and appropriate finance guidance notes/advice. The operation of the ringfenced trading account will be subject to an annual review and decisions with regards to any carry over of surplus and/or deficit balances between years will be subject to formal approval by the Chief Finance Officer as the Council's Section 151 Officer. In doing so regard will be given to the financial performance of the scheme with regard to the objective of break-even over the life of the scheme, including corrective actions recommended by the Director of Community Development which may include relevant adjustments to expenditure and income and charges levied and the continued operation of the scheme therein.

5. LEGAL

Additional licensing of HMOs

- 5.1 Section 56 of the Housing Act 2004 gives local authorities the discretion to introduce additional licensing of other types of (smaller) HMOs which are not subject to mandatory licensing. A local authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise to one or more particular problems either for those occupying the HMOs or for members of the public. It must also be satisfied that the designation will significantly assist with dealing with the problems.

Properties defined as HMOs under the Housing Act 2004

- 5.2 Sections 254 – 260 set out the meaning of “house in multiple occupation” for the purposes of the Housing Act 2004. Generally, section 254 defines most types of HMOs, which are generally buildings (or part) that are occupied by three or more persons in two or more households sharing (or lacking) one or more basic amenities. Examples of properties this will cover include bedsits, shared houses, shared flats and some hostels and bed and breakfast accommodation.
- 5.3 Any of these HMOs not licensable under the mandatory scheme will require an additional HMO licence under the Council's current proposals.

5.4 Certain converted blocks flats are also considered to be HMOs under section 257 of the Housing Act 2004. The criteria are:

- that building work undertaken in connection with the conversion did not comply with the appropriate building standards* and still does not comply with them, and
- it is less than two-thirds owner-occupied.

*"Appropriate building standards" means:

- in the case of a converted block of flats (i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and (ii) which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and
- in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

5.5 Certain types of buildings are not HMOs for the purpose of Part 2 of the Housing Act 2004. These are set out in schedule 14 of the Act.

Selective Licensing

5.6 Section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out the criteria and considerations that the Council must be satisfied are met when considering designating a selective licensing area. These general conditions are:

- That the area is, or is likely to become, an area of low housing demand
- That the area is experiencing a significant and persistent problem caused by antisocial behaviour
- The area has poor property conditions
- The area has high levels of migration
- The area has high levels of deprivation
- The area has high levels of crime.

5.7 Confirmation from the Secretary of State is required for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area. In this case, Selective Licensing Designation 1 equates to 13.48% of the geographical area of the borough and 18.37% of the total private rented sector in Ealing, so this designation can be agreed locally and will not require confirmation from the Secretary of State.

5.8 Certain types of tenancies/licences are exempt from selective licensing, and these are set out in section 79 of the Housing Act 2004 and the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

Other criteria to be met prior to designated additional and selective licensing schemes.

- 5.9 Where a designation does not require confirmation by the Secretary of State, it cannot come into force until three months after it is made. A designation may be made for up to 5 years
- 5.10 In the case of *Iyawa v Newham LBC LON/00BB/HMV/2016/0004* the First Tier Tribunal held that a local housing authority may grant a licence for up to five years even if, by doing so, the licence expires after the scheme designation has ceased to have effect. The Council obtained counsel's advice previously to confirm this position.
- 5.11 Section 59 (Additional Licensing) and Section 83 (Selective Licensing) of the Act requires local housing authorities to publish a notice of the designation once it has been confirmed. A local housing authority must:
- publish a notice within the designated area within seven days of the designation being confirmed.
 - notify all those consulted on the proposed designation within two weeks of the designation being confirmed.
- 5.12 For both additional and selective licensing designations the Council must be satisfied that:
- the proposed designations are consistent with the overall housing strategy,
 - a co-ordinated approach is adopted in dealing with homelessness, empty properties and ASB,
 - alternative courses of action have been considered.
 - the proposed designations will significantly assist in achieving its objectives

Housing Strategy

- 5.13 The designation of a new additional and selective licensing schemes is consistent with the Council's housing strategy. The strategy is currently being updated with the following six draft priorities (subject to consultation). Property licensing is key to contributing to these priorities and will play an integral role in helping the Council achieve its objectives.
- Priority 1: Increase the supply of homes across all tenures in Ealing
 - Priority 2: Support sustainable homes & neighbourhoods
 - Priority 3: Seek to prevent and address homelessness and rough sleeping
 - Priority 4: Ensure intermediate and low cost rented homes are genuinely affordable and well managed (N/A)
 - Priority 5: Address housing inequality in the borough
 - Priority 6: Safer, better managed private rented homes

Homelessness

- 5.14 Property licensing will ensure the quality and standard of housing in Ealing is better, with less overcrowding, and longer tenancies thus helping to prevent homelessness by persons feeling they cannot remain in their existing accommodation. Furthermore, licensing will improve the professionalism of landlords in their management of their properties so potential problems with tenancies are dealt with quickly and effectively before things become unresolvable, thus decreasing the likelihood of tenants being evicted.

Empty Properties

- 5.15 The Council's Property Licensing and Empty Properties functions regularly share intelligence in regard to the location, ownership etc of both empty and licensed properties. Empty Properties attract nuisance and ASB, so work done to bring empty properties up to standard and back into use as liveable homes is complimentary to the objectives of Property Licensing and other Council strategies such as homelessness and ASB reduction.

Antisocial Behaviour

- 5.16 The Council's Safer Communities Team oversees the Council's response to ASB in the borough and undertakes enforcement and partnership work with the Police and other key partners. We will continue to work closely with the Safer Communities Team to share information and intelligence on the ownership and management of rented properties in order to resolve ASB in privately rented properties. There are a number of licence conditions that deal with tenancy management and ASB, clearly stating the landlords' responsibilities when dealing with ASB. The property licensing designations are vital in supporting the Council's multi-agency approach to tackling and reducing ASB by obliging landlords and property managers to be proactive in dealing with any ASB arising in their properties. A protocol is currently being drafted which will set out our coordinated approach to addressing ASB in privately rented properties.
- 5.17 In addition to the above criteria, when making a selective licensing designation the council must:
- have considered any potential negative economic impact that licensing may have on the area, and
 - can demonstrate how licensing will work in conjunction with existing initiatives (such as landlord accreditation) and partnerships.

Potential negative economic impact

- 5.18 There is no evidence to suggest that the introduction of the Council's discretionary licensing schemes in 2017 had a negative impact on the areas in which they operated. A recent independent review of the Use and Effectiveness of Selective Licensing commissioned by MHCLG (now DLUHC) determined that there was no substantive evidence of rent rises being passed onto tenants due to the introduction of selective licensing schemes. If selective licensing is extended to other wards in the borough, no negative economic impacts are anticipated. It is considered that selective licensing, when combined with other

measures taken in the designated areas will have a positive economic impact rather than negative by contributing to improved housing conditions.

Licensing working in conjunction with existing initiatives and partnerships

- 5.19 We will continue to build on the good working relationship with our internal and external partners. We have engaged in several joint working initiatives and partnerships with agencies such as the Police, Fire Service, HMRC, Immigration Enforcement, Social Services, Park Guard, Community Safety, Envirocrime and Planning Enforcement. We will also continue to actively promote the London Landlord Accreditation Scheme (LLAS) and provide discounts to accredited landlords.

Penalties and Sanctions

- 5.20 It is a criminal offence for a landlord to operate a property without a licence in a designated area or to fail to comply with any licence conditions. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
- 5.21 Other consequences of operating a licensable property without a licence include Banning Orders, Rent Repayment Orders, and not being able to issue so called “no-fault” eviction notices.

Public Sector Equality Duty

- 5.22 When considering the recommendations of this report, due regard must be given to the public sector equality duty in section 149 of the Equality Act 2010. Cabinet must take note of the Council’s obligations as set out above when making a decision and are referred to the updated Equality Analysis Assessment (EAA) detailed in **Appendix 12** of this report. The EAA has taken account of the consultation process, the information gathered through that process and assessed the impact that the recommendations could have on different protected groups and, where possible, identify methods for mitigating or avoiding any adverse impact on those groups.

6. VALUE FOR MONEY

- 6.1 Once the scheme is set up it is designed to be self-financing through the levy of fees. The schemes also have potential to produce value for money in other areas, as set out below.

Health benefits - It is estimated that poor housing costs the NHS in the UK at least £2.5bn per year. By addressing poor housing conditions this will help to improve health and wellbeing, reduce health inequalities, and prevent and reduce demand for primary health care and social care interventions, including admission to long-term care settings. This will produce a quantifiable cost saving to health and social care budgets. (<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>)

- 6.2 The Covid-19 pandemic has also shown correlations between susceptibility to the virus and poor-quality housing. Therefore, good quality housing can do much to help combat the spread of covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.
- 6.3 Educational attainment - It is also well understood that poor housing conditions and overcrowding have a negative impact on educational attainment. This in turn impacts on an individual's ability to reach their full potential. It is expected that licensing will assist the Council and partners in achieving objectives in improving educational attainment and residents achieving their full potential.
- 6.4 Fraud detection - Other licensing schemes have identified housing benefit, council tax benefit and leasehold/tenancy fraud through their schemes, recouping money for the public purse as a result.
- 6.5 Future Ealing – The goal of Future Ealing is to improve the lives of residents, which in turn will save the Council money. Licensing helps contribute to the achievement of the nine [Future Ealing outcomes](#).

7 SUSTAINABILITY IMPACT APPRAISAL

- 7.1 The introduction of the additional and selective licensing schemes will have a positive impact on property conditions. A good quality private rented sector will encourage residents to stay in Ealing, in turn creating sustainable communities.

8 RISK MANAGEMENT

- 8.1 The following risks have been identified in respect of introducing additional and selective licensing schemes in Ealing:

Risks	Mitigation
Failure to receive estimated number of applications and fees creating significant budget shortfall.	<p>Landlords will be incentivised to apply for a licence through the fee structure.</p> <p>Prior to commencement of the schemes a major publicity campaign will be undertaken.</p> <p>Sufficient staffing resources have been allocated to identifying unlicensed properties.</p>
Landlords exit the Private Rented Sector causing a reduction in private rented dwellings.	Evidence from previous additional and selective licensing schemes and other authorities who have introduced similar schemes suggests that this will not happen. However, we will carefully monitor the impact on homelessness in the PRS.

Risks	Mitigation
	<p>Due to Ealing's desirability as a location, very high demand with good links to central London, and cross rail development it will still be viewed as an area in which to invest. Therefore, new landlords will enter the PRS balancing out those who exit.</p>
<p>Cost of licence fee passed on to tenants</p>	<p>Evidence from previous additional and selective licensing scheme shows that landlords absorb the cost of the licence fee over the 5-year period. Should landlords raise rents the overall impact on rent affordability to tenants would be minimal and outweighed by the additional benefits tenants would receive from the scheme.</p> <p><i>An Independent review of the Use and Effectiveness of Selective Licensing</i> commissioned by MHCLG (now DLUHC) determined that there was no substantive evidence of rent rises being passed onto tenants due to the introduction of selective licensing schemes.</p>
<p>Displacement of good landlords to other boroughs.</p>	<p>This risk is considered unlikely as many of Ealing's neighbouring boroughs have or are in the process of introducing similar licensing schemes.</p>
<p>Scheme does not reduce ASB or improve property conditions</p>	<p>Robust enforcement action will accompany the licensing regime. Inspections will be undertaken to ensure that landlords comply with licensing conditions and maintain well managed properties. Enforcement action will be taken where appropriate.</p> <p>Tenants will also be aware of the standards that should be in place and will be encouraged to report landlords who do not comply with licensing conditions.</p>

Risks	Mitigation
<p>The designations may be challenged by judicial review, as has been the experience of other local housing authorities. There is the potential for additional and unfunded legal work to meet any such challenges or cases brought against the local authority</p> <p>Judicial review proceedings may be successful where local authorities have failed to follow the correct processes or have been unable to justify part of their scheme, proposals or evidence base.</p>	<p>Independent research has been undertaken to develop the evidence base. The evidence is considered to be reliable and supports justification for scheme proposals.</p> <p>Independent consultants experienced in the legal process required for proposed licensing schemes have been commissioned to conduct the statutory consultation process.</p> <p>It is considered that the above actions mitigate the potential risk of Judicial review.</p>

9 COMMUNITY SAFETY

9.1 This report has direct links to making Ealing one of the safest places in London and impacts on residents' perception of how we deal with crime and antisocial behaviour. Property licences come with conditions that include conditions that require licence holders to take proactive action in relation to any ASB occurring on their properties.

10 LINKS TO THE THREE KEY PRIORITIES

10.1 The Council has three key priorities for Ealing which are:

- Creating good jobs - returning good well-paid jobs to our borough and delivering the next generation of genuinely affordable homes.
- Tackling the climate crisis - cleaning our air and ensuring the borough we build is sustainable.
- Fighting inequality – that blights too many lives and disproportionately holds back all too many people from achieving their dreams and aspirations.

Property licensing, by improving the standard of homes in the borough, helps support these priorities.

11 EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

11.1 An Equalities Analysis Assessment (EAA) has been completed and is included as **Appendix 12**.

12 STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 12.1 If adopted recruitment will commence immediately and it is recognised that it will be a challenge to recruit a competent team before 01 April 2022. We will therefore use a combination of short contracts, permanent recruitment and agency staff to meet the levels of activity required. This also provides an opportunity to generate new career opportunities and we will be looking at opportunities to recruit and train those interested in this area of work.
- 12.2 Workforce accommodation will be required for the new personnel identified for the delivery of the schemes. The development of the team to deliver these schemes will need to be accommodated in accordance with our existing accommodation strategy.

13 PROPERTY AND ASSETS

- 13.1 There are no property or assets implications.

14 ANY OTHER IMPLICATIONS

- 14.1 None applicable.

15 CONSULTATION

- 15.1 Consultation has been carried out with the relevant stakeholders.

16 TIMETABLE FOR IMPLEMENTATION

Date	Action
20 Dec 2021	Implementation date if not called in.
Dec - March 2022	If proposals accepted by cabinet <ul style="list-style-type: none">• major recruitment campaign to begin• statutory publicity campaign will be undertaken to advertise the schemes in the three-month period before they come into operation.
01 Apr 2022	Additional HMO and Selective Licensing Designation 1 commence.

17 APPENDICES

No.	Title
Appendix 1	Consultation Report
Appendix 2	Council response to comments received during public consultation
Appendix 3	Consultation materials
Appendix 4	Additional HMO Licensing Designation
Appendix 5	Selective Licensing Designation 1
Appendix 6	List of streets within Selective Licensing Designation 1
Appendix 7	Licensing schemes objectives
Appendix 8	HMO Licence Conditions
Appendix 9	Selective Licence Conditions
Appendix 10	Fee Structure
Appendix 11	Policy on the Length (Duration) of licences
Appendix 12	Equalities Analysis Assessment

18 BACKGROUND INFORMATION

- [Cabinet Report: Licensing the Private Rented Sector July 2016](#)
- [The Housing Act 2004](#)
- [The Housing and Planning Act 2016](#)
- [The Selective Licensing of Houses \(Specified Exemptions\) \(England\) Order 2006](#)
- [The Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2015.](#)
- [Selective licensing in the private rented sector, a guide for local authorities, MHCLG, March 2015](#)
- [The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018](#)
- [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#)
- [Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities, MHCLG, June 2018.](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Shital Manro	Portfolio Holder for Good Growth	04.11.21		
Mark Wiltshire	Director of Community Development	04.11.21		
Justin Morley	Head of Legal Services (Litigation)	04.11.21	10.11.21	Throughout
Russell Dyer	Assistant Director, Accountancy	04.11.21	24.11.21	Section 4
Yalini Gunarajah	Senior Finance Business Adviser	04.11.21	09.11.21	Section 4

Report History

Decision type:	Urgency item?
Key decision	No
Report no:	Allison Forde, Assistant Director Property Enforcement and Environmental Protection Email: fordea@ealing.gov.uk Tel: 020 8825 7741
	Rachel Fell, Property Regulation Lead Practitioner Email: fellr@ealing.gov.uk Tel: 020 8825 8513

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 ‘tarred 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?

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?

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?

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 nimbyism (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 or 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

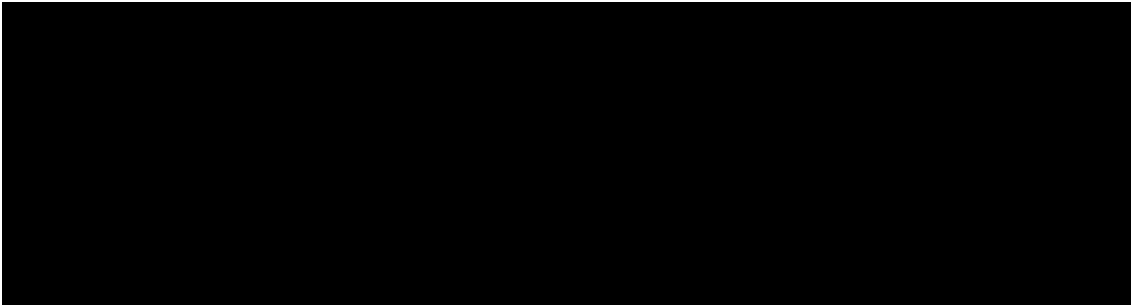
Re: Private rented property licencing: Ealing Borough Council PRS Consultation document

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 evidence 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 \(metroclassified.co.uk\)](#))

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 HEARD ABOUT SHARED OWNERSHIP, THIS WAS THE ONLY OPTION I FELT COMFORTABLE WITH. I WASN'T SURE I COULD AFFORD TO BUY A HOUSE, BUT I WAS DETERMINED TO GET ON THE LADDER. I FOUND A PROPERTY I LOVED AND DECIDED TO GO FOR IT. I WAS A BIT NERVOUS AT FIRST, BUT THE AGENT WAS VERY HELPFUL AND MADE THE PROCESS SO EASY. I'M SO GLAD I CHOSE SHARED OWNERSHIP. IT'S BEEN THE BEST DECISION I'VE EVER MADE. I'M ENJOYING MY HOME SO MUCH AND I'M GLAD I GOT ON THE LADDER. I'M SO HAPPY AND I'M GLAD I CHOSE SHARED OWNERSHIP. IT'S BEEN THE BEST DECISION I'VE EVER MADE. I'M ENJOYING MY HOME SO MUCH AND I'M GLAD I GOT ON THE LADDER.

Have your say on property licensing in Ealing
 Ealing Council wants to make private renting in the borough safer and better by expanding property licensing.
 Tell us what you think
www.ealing.gov.uk/P/RSK/enrgng/eng/online

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
 BY ROSEMARY HANMANN
 A MOTHER OF A BOY WHO DIED IN THE COVID-19 PANDEMIC HAS BEEN LIVID AS THE PRIME MINISTER DISMISSED HER FURY OVER THE DEATH OF HER SON. SHE SAID SHE WAS "DISMAYED" BY THE PM'S RESPONSE TO HER LETTER TO MR. HANCOCK, WHO WAS RESPONSIBLE FOR THE DEATH OF HER SON. SHE SAID SHE WAS "DISMAYED" BY THE PM'S RESPONSE TO HER LETTER TO MR. HANCOCK, WHO WAS RESPONSIBLE FOR THE DEATH OF HER SON.

Have your say on property licensing in Ealing
 Ealing Council wants to make private renting in the borough safer and better by expanding property licensing.
 Tell us what you think
www.ealing.gov.uk/P/RSK/enrgng/eng/online

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'

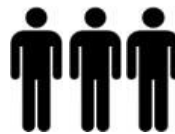
- 5(+) occupants
- 2(+) households
- Occupants are unrelated
- Share facilities (kitchen, bathroom or toilet)



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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Private Sector Licensing

Ealing Council's response to comments and representations received during the public consultation

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Introduction

Ealing Council are looking to build on the success of their current licensing schemes and widen the range of properties that will be eligible for licensing. The council is proposing to introduce a new additional licensing scheme which will apply to houses in multiple occupation (HMOs) across the whole borough as well as a new selective licensing scheme which will apply to all privately rented properties in 15 wards of the borough. During the consultation, the Council received a range of responses regarding the proposed new schemes and the wider private rented sector in Ealing. The following is the Council's formal response to these representations, which have been considered and have informed a number of changes to the proposed schemes.

Changes made to the proposed schemes by the Council following the public consultation

The following five conditions (two from Additional HMO licensing and three from Selective licensing) have been removed from the proposed [additional HMO licence conditions](#) and the proposed [selective licence conditions](#) following feedback from the consultation.

Licence type/condition	Licence subject
Selective Licence condition 6.1	Thermal insulation
Selective Licence condition 6.2	EPC
Additional Licence condition 6.2	Thermal insulation
Selective Licence condition 7.1	Common areas of the property
Additional Licence condition 8.4	Displaying EPC certificates

The following conditions (seven for Additional HMO Licensing and six for Selective Licensing) have been amended following feedback from the consultation.

Licence type/condition	Licence subject
Additional and Selective Licence condition 2.4	Tenancy Deposit scheme information
Additional and Selective Licence condition 2.7 (f)	Taking appropriate action against ASB
Additional and Selective Licence condition 3.3	Electrical appliances
Additional Licence condition 3.6	Fire precautions
Additional Licence condition 7.1	Common areas of the property
Additional Licence condition 8.1	Displaying licence conditions
Additional Licence condition 8.3	Displaying of gas safety certificate
Selective Licence condition 8.1 to 8.5	Displaying of information
Selective Licence condition 9.1	Outbuildings
Selective Licence condition 10.3	Details of the property's occupants

Early bird discount

The council has also taken into consideration the feedback regarding licence holders whose licence started mid-way through the current scheme. This will mean that their licence will expire later in the new scheme and they would, therefore, be unable to take advantage of the Early Bird discount. In order to give the same opportunity for a discount to these responsible landlords, the Council will offer a 25% discount where the property meets the requirements of the new scheme and if the licence holder applies for a new licence within the three months prior to the expiry date of their current licence.

Comments about Licence Conditions

Theme	Licence Condition	Example Comment	Comment Source	Council response
Section 257 HMOs	General comment	<p>“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 or 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.</p> <p>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... Bringing section 257 HMOs within the additional licensing scheme could be problematic for long-leasehold owner-occupiers who find their flat is</p>	SafeAgent Letter	Through the Council’s experience and understanding of its housing stock, we are aware of the need to broaden the definition of s257 HMOs that ought to be included in the proposed additional HMO licensing scheme. However, following the consultation we have decided to exclude s257 HMOs that contain any flats demised to separate leaseholders.

Theme	Licence Condition	Example Comment	Comment Source	Council response
		<p>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.</p>		
Conditions requiring information within 7 days	General comment	<p>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.</p>	Safeagent letter	<p>The Council considers it appropriate to require certain information to be provided in 7 days especially where this is in relation to health and safety matters or where such information is already required at the start of a tenancy. This is consistent with the HMO Management Regulations.</p> <p>Enforcement action is considered on a case by case basis and factors impacting upon the ability to provide information within timescales will be taken into consideration.</p>

Additional & Selective licence conditions

Theme	Licence Condition	Example Comment	Comment Source	Council response
Additional & Selective Licence Condition 2.2	The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.	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.	Safeagent letter	Schedule 4 of the Housing Act 2004 sets out the mandatory conditions to be applied to property licences, including for selective licences that the licence holder must demand and obtain references from persons who wish to occupy the house. This condition is also deemed appropriate for HMOs. Guidance on reference checks is available in the governments 'How to Let' guide. Enforcement action is considered on a case-by-case basis and factors impacting on the ability to obtain references will be taken into consideration.
Additional & Selective Licence Condition 2.4	The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within 28 days on demand.	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.	Safeagent letter	The Council agrees and the wording shall be changed to the following: <i>The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme within 30 calendar days from the day the deposit is received and must provide the tenant with details of how their deposit has been protected within the same 30-day period. This information must be provided to the Council within 28 days on demand.</i>
Additional & Selective Licence	The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the	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	Safeagent letter	The Council agrees to the addition of the words ' <i>where appropriate</i> '.

Theme	Licence Condition	Example Comment	Comment Source	Council response
Condition 2.7 (f)	part of occupiers of, or visitors to the property by complying with the requirements of below: (f) after 14 days of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence) that must include promptly taking any legal proceedings to address the antisocial behaviour	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.		
Additional & Selective Licence Condition 3.3	The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within 7 days on demand.	This condition should be restricted to electrical appliances provided by the landlord.	Safeagent letter	The Council agrees that this condition should be restricted to appliances provided by the landlord and will reword the condition as follows to add clarity: <i>The licence holder shall ensure that all electrical appliances provided by the landlord in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within 7 days on demand.</i>

Theme	Licence Condition	Example Comment	Comment Source	Council response
<i>Additional only licence conditions</i>				
Additional Licence Condition 3.6	The licence holder shall install other fire precautions as may be deemed appropriate and shall keep them maintained and in good working order and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions within 7 days on demand.	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.	Safeagent letter	The Council agrees that this condition should be reworded: <i>The licence holder shall ensure that any existing fire precautions shall be kept maintained and in good working order and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions within 7 days on demand.</i>
Additional licence condition 6.2	The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.	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 specific a timescale to achieve E if there is no exemption in force.	Safeagent letter	The Council agrees and this condition will be removed
Additional Licence Condition 7.1	The licence holder shall comply with the requirements of paragraphs (a) to (d) below: (a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping or living purposes, either	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.	Safeagent letter	The Council agrees that this condition should be reworded: <i>The licence holder shall ensure that all parts of the house in common use including shared living rooms, kitchens, passageways, corridors, halls and lobbies are;</i> <i>(a) not used for sleeping purposes, either by occupiers or their guests;</i>

Theme	Licence Condition	Example Comment	Comment Source	Council response
	<p>by occupiers or their guests;</p> <p>(b)Corridors, stairways and lobbies are to be fitted where appropriate, with emergency lighting in accordance with current British Standards;</p> <p>(c)A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</p> <p>(d)Smoking is not permitted in any common areas and 'no smoking' signs should be displayed in accordance with the Health Act 2006.</p>	<p>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.</p>		<p><i>(b) kept in a good state of repair and all exit routes are kept free from obstruction and combustible material.</i></p>
<p>Additional Licence Condition 8.1</p>	<p>The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property.</p>	<p>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.</p>	<p>Safeagent letter</p>	<p>This condition is consistent with the HMO Management Regulations that requires certain information to be clearly displayed in a prominent position in the HMO. HoweverHowever, agree to amend the condition as follows:</p> <p><i>The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property or provide a copy of the licence to tenants at the start of a tenancy.</i></p>

Theme	Licence Condition	Example Comment	Comment Source	Council response
Additional Licence Condition 8.3	The licence holder shall display a copy of the current gas safety certificate in the common parts of the property.	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.	Safeagent letter	The Council agrees to amend the wording as follows: <i>The licence holder shall display a copy of the current gas safety certificate in the common parts of the property or provide a copy of the gas safety certificate to tenants at the start of a tenancy.</i>
Additional Licence Condition 8.4	The licence holder shall display an Energy Performance Certificate (EPC) for all accommodation for which EPCs are applicable at the end of the existing tenancy at the time the licence was dated and issued. This must be provided to the Council within 28 days on demand.	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.	Safeagent letter	The Council agrees and this condition will be removed.
Additional Licence Condition 8.5	The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property,	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	Safeagent letter	The management of refuse in HMOs generates large enquiries for the Council and is of major concern. Due to the transient nature of HMOs the Council considers it appropriate that this information is clearly displayed at all times.

Theme	Licence Condition	Example Comment	Comment Source	Council response
	before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before. Alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 0208 825 6000			
<i>Selective only licence conditions</i>				
Selective Licence Condition 6.1	The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.	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]	Safeagent letter	The Council agrees and this condition will be removed.
Selective Licence Condition 6.2	For accommodation where Energy Performance Certificates (EPC) are required by law, the licence holder shall ensure that the minimum statutory standard rating is achieved.	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).	Safeagent letter	The Council agrees and this condition will be removed.
Selective Licence Condition	The licence holder shall comply with the requirements of	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	Safeagent letter	The Council agrees and this condition will be removed.

Theme	Licence Condition	Example Comment	Comment Source	Council response
7.1 (a), (b), and (c)	<p>paragraphs (a)to (c)below, if applicable;</p> <p>(a)Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping, either by occupiers or their guests;</p> <p>(b)A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</p> <p>(c)Smoking is not permitted in any common areas and 'no smoking' signs should be displayed in accordance with the Health Act 2006.</p>	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		
Selective Licence Conditions 8.1 to 8.5	<p>8.1The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.</p> <p>8.2 The licence holder shall display a notice</p>	<p>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</p>	Safeagent letter	<p>The Council agrees to reword the condition as follows:</p> <p><i>The licence holder shall provide the following to tenants at the start of the tenancy:</i></p> <p>a) <i>a copy of the licence to which these conditions apply.</i></p> <p>b) <i>the name, address and emergency contact number of the licence holder or managing agent.</i></p>

Theme	Licence Condition	Example Comment	Comment Source	Council response
	<p>with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.</p> <p>8.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.</p> <p>8.4 The licence holder shall display an Energy Performance Certificate (EPC) for all accommodation for which EPCs are applicable at the end of the existing tenancy at the time the licence was dated and issued. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand.</p>	<p>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</p>		<p>c) <i>details of the day of the week rubbish and recycling is collected and must also state any Council specific requirements e.g. That rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before, For further information see www.ealing.gov.uk or telephone 020 8825 6000.</i></p>

Theme	Licence Condition	Example Comment	Comment Source	Council response
	<p>8.5 The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. That rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before, alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 020 8825 6000.</p>			
Selective Licence Condition 9.1	<p>The licence holder shall ensure that all outbuildings, yards and gardens are maintained in repair, a clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.</p>	<p>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</p>	Safeagent letter	<p>The licence condition shall be reworded as follows: <i>The licence holder shall ensure that all outbuildings, boundary walls, fences, communal gardens and yards are kept maintained and in good order.</i></p>

Theme	Licence Condition	Example Comment	Comment Source	Council response
Selective Licence Condition 10.3	<p>The licence holder shall if required by written notice provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the property:</p> <ul style="list-style-type: none"> ➤ The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property. ➤ Number of individuals in each household <p>The particulars shall be provided to the Council within 7 days on demand.</p>	<p>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.</p> <p>Inspection regime.</p>	Safeagent letter	<p>The licence condition shall be reworded as follows:</p> <p><i>The licence holder shall if required provide to the Council within 7 days on demand the names and numbers of individuals occupying the property.</i></p>
Providing information to tenants	General comment	Licences should include as a condition making appropriate provision and information to tenants for rubbish/recycling/refuse, as this is a common problem for HMO	Hanger Hill Garden Estate Residents Association	<p>The Council agrees with this comment. For HMO Licensing, licence condition 3.9 requires that</p> <p><i>“The licence holder shall provide each separate letting with sufficient external bins with lids for the storage of rubbish, recycling and food waste pending collection. Provision shall be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties”</i> and licence condition 8.5 requires that <i>“The licence holder shall display a notice for the occupiers of the</i></p>

Theme	Licence Condition	Example Comment	Comment Source	Council response
				<i>property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before. Alternatively, a copy must be provided to the tenant at the start of the tenancy”.</i>

Comments about Licence Fees

Theme	Example Comment	Comment Source	Council response
How is the fee split?	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	NRLA Letter	<p>The Councils fees are split as detailed on page 24 of the Council’s consultation documents and in its accompanying Schedule of fees. The split was carefully calculated with regard to the EU Services Directive and the decisions in both <i>Hemming v Westminster City Council</i> and <i>Gaskin v LB Richmond Upon Thames</i>.</p> <p>Property licensing consultation document Ealing Council Proposed schedule of licence fees Ealing Council</p> <p>The licence fee is payable in two instalments. On submission of the application the first instalment of 30% of the total amount payable (after applicable discounts or charges) will be due to cover the processing of the application form.</p>

Theme	Example Comment	Comment Source	Council response
			Should the application be refused or rejected by the council or withdrawn by the applicant this first instalment payment will not be refunded. Once the application has been assessed and the decision is made to grant the licence, the second instalment of 70% of the total amount will become payable (after applicable discounts or charges).
Discounts	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	NRLA Letter	In developing its fee structure the Council has had regard to the EU Services Directive and the decisions in both <i>Hemming v Westminster City Council</i> and <i>Gaskin v LB Richmond Upon Thames</i> .
Can the fee be paid monthly?	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?	NRLA Letter	The payment of fees on a weekly/monthly basis would lead to a substantial increase in administration which would raise the overall cost of the licence. Fees are however payable in two instalments.
Early Bird discount	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	Safeagent Letter	The council does not wish to penalise good landlords who licensed their properties under the previous schemes and in order to ensure fairness and equity will offer a 25% discount where the property meets the requirements of the new scheme and if the licence holder applies for a new licence within the three months prior to the expiry date of their current licence.

Theme	Example Comment	Comment Source	Council response
	where the licence is renewed in the three-month period leading up to the licence expiry date.		
Discount for landlords licensed under the previous scheme	There should be a discount for landlords who already have a selective license from previous scheme.	Consultation survey response	If the licensing schemes are approved, the Council will carry out comms and marketing activities for stakeholders, including landlords, so they are aware of the scheme and the proposed start dates. If you had a licence under the previous scheme that has expired, or will expire before the proposed new scheme starts, you can apply for the early bird discount. If your licence does not expire until after the new scheme is expected to start, should you apply for a new licence three months prior to your existing licence expiring you will be eligible for a discount as explained above.
	I don't live in the property, your letters might come to me too late to action. I already have the licence, I should be given a discount automatically to follow all your requirements.	Consultation survey response	
Discount for accredited landlords	“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.”	Safeagent Letter	The Council agrees to remove the National Approved Lettings Scheme (NALS) from the list of organisations eligible for an accreditation discount and to include Safeagent as a recognised organisation. The Council will ensure that this list is regularly reviewed and maintained throughout the scheme designation.
	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		The Council gives its assurance that the accreditation discount will also apply to a designated manager accredited with one of the recognised organisations.
EPC rating discount	“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	Safeagent Letter	The Council have considered the level of discounts as part of its fees setting

Theme	Example Comment	Comment Source	Council response
	efficiency. We would suggest the Council explores scope to increase the discount offered.”		process and consider the level of discount to be appropriate.
	Climate emergency – the cost of the licences are £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	Ealing Green Party response	The Council wishes to encourage and acknowledge the efforts landlords are taking to make their properties more energy efficient.
	My property is in a conservation area and we are not allowed to change windows easily - we are asked to retain as many original features as possible which makes trying to reach a C EPC rating very very difficult	Consultation survey response	The Council acknowledges that a C rating is not possible for every property, however the Council wants to contribute to the actions addressing the climate crisis and encourage good practice.
	C is too high for many Victorian and Edwardian housed build pre ww1		
	We have a lot of older housing stock in Ealing, that isn't going to meet an energy rating of C. Be careful of damaging conservation areas, with inappropriate uPVC fenestration that doesn't match the original.		
	As previously stated don't penalise landlords for things they cannot change or influence e.g. EPC if they are not the freeholder or maintenance of communal areas if outside their property.		
	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 LL		
	My property is in a conservation area and getting a C EPC rating is almost impossible due to council restrictions so I don't know what I would be able to do to reach a C rating		
Fee to increase occupancy limit	“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	Safeagent Letter	In accordance with the council's HMO fee structure there is a £1100 flat fee

Theme	Example Comment	Comment Source	Council response
	<p>Housing Act 2004, there is no power to charge for licence variations and so this proposal should be discontinued”</p>		<p>and an additional £50 per habitable room.</p> <p>The council acknowledges that it cannot charge for a variation of a licence and does not intend to.</p> <p>However, if the variation to an HMO licence will result in the use of more ‘habitable rooms’, the relevant fee per habitable room is payable e.g. if 2 more rooms are to be used an additional fee of £100 (£50 x 2) shall be payable.</p> <p>This shall ensure that the council is applying an equitable fee to all landlords with the same number of habitable rooms.</p>
<p>Opposed to the paper application fee and assistance fee</p>	<p>We shouldn't penalise those who are unable to submit online.</p> <p>Applicants who submit a paper application or who ask for assistance should not be penalised. This is discrimination.</p> <p>The following additional fees are disproportionate for the service provided:</p> <p>£100 extra for paper form. Some landlords do not have access to computers, or lack computer literacy- especially older landlords. Potentially a discriminatory charge as this will target the elderly as per previous legal cases.</p> <p>£50 extra for council assistance to complete form. Same as above- penalises those without a computer, or who lack literacy. Again, mainly the elderly. This would mean they're charged £150 extra if you are assisting with the completion of a paper form. Still £50 extra if an electronic version.</p> <p>Questions must be asked as to why this charge is separate when you're already charging so significantly for the licence itself.</p> <p>Someone who is unable to do an online application is going to be punished for it !! Assumption is being made here that everyone will</p>	<p>Consultation survey response</p>	<p>Paper applications cost significantly more to process and administer. Should an additional ‘paper form’ fee not be made this would mean having to set a higher licence fee to cover the additional cost, which would pass the burden on to all landlords, instead of the minority who wish to submit an application in this format.</p> <p>The council has considered representations made regarding when an additional charge for assistance will be required. Having due regard to the Equality Act 2010 the council consider it appropriate to waiver the fee for assistance where the licence applicant has a protected characteristic which prevents them to ‘self’ complete the licence application form, such as age, disability or language difficulties. In</p>

Theme	Example Comment	Comment Source	Council response
	<p>have access to a computer/ smart phone and will be educated to use the device to complete the form. Is LBOE going to provide training on digital inclusion?</p> <p>I don't agree with the additional charges for applicants who require council assistance to complete an application.</p> <p>Some landlords might be good landlords but not technically literate. It would be better not to penalise those who require assistance</p> <p>I don't think you discriminate against people who choose not to use online facilities. Or against those who need council assistance.</p>		<p>circumstances such as this assistance will be provided by the Property Regulation Licensing Processing team free of charge.</p>
The fees are too high	<p>The fee is too high. Need to reduce.</p> <p>Cost of licence is too high.</p> <p>The fee is too expensive. If you are trying to encourage people to apply for this and keep standards of housing high, the fee needs to be lower so it in itself is not a disincentive to apply.</p> <p>As with my previous statements, it seems unfair to penalise landlords who have more complex letting situations. The fee is too high and I do not believe it will create the desired outcome of improving housing in the borough.</p> <p>Fee is far too high. Will drive unscrupulous landlords underground and punish reputable landlords</p> <p>It's outrageous the inflated prices that are being applied to these licenses. Especially when a landlord could use those monies to improve properties for tenants. Seems like the council would rather pocket that money than have it spent on tenants.</p> <p>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.</p>	<p>Consultation survey response</p> <p>Safeagent Letter</p>	<p>The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications the Council anticipate, under the proposed designations.</p> <p>A selective licence obtained at the start of the five-year scheme for a property will pay a one-off fee of £750 (which equates to around £2.90 per week). For an additional licence the flat fee is £1,100 (which equates to around £5.00 per week), with a one-off charge of £50 per habitable room. Whilst the Council recognises that the licence fee is a cost to the landlord, this is not considered unaffordable compared to the average rental income obtainable in Ealing at present.</p>
	<p>Fees should be higher to ensure compliance and adherence by license holders to fulfil their obligations.</p>	<p>Consultation survey response</p>	

Theme	Example Comment	Comment Source	Council response
The fees should be higher	Not high enough. No incentive for landlords to uphold their duties. Should be a % of annual rent		As stated above, the fees have been set to cover the cost of the scheme, which is a legal requirement.
	Again, £750 is way too cheap. Councils should be charging more for this license because landlords make quite a lot of money on rent while providing subpar housing. I believe a fee of £3,000.		
	I think the standard fee is a bit too low and for the prices of rent it will not encourage landlords to improve homes and behave well. Someone who owns and rents several houses will find it very easy to pay out.		

Comments about the Licensing Schemes

Theme	Example Comment	Comment Source	Council response
It's a money-making scheme	This is clearly a money making exercise by Ealing council.	Consultation survey responses	Under the law, the Council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications the Council anticipate, under the proposed designations.
	I do not believe that a licence scheme will improve standards. It is just a way for the council to make money.		
	We Have enough laws to deal with law breaking landlords. We do not need any more even if this a money making exercise.		
	Feels like this is a money making scheme rather than a genuine attempt to raise or maintain standards. Landlords will pass on this cost so rent goes up and the tenant suffers.		
	This is just a money making exercise for the council. There are already provisions for gas safety certificates and electric safety and EPCs		
	I'm all for improving standards, but this is just a revenue raising exercise that penalises good landlords, adds costs for good tenants, and will do nothing to address the poor/illegal landlords who operate below the radar and will not even apply for an £1,100 licence.		
I strongly disagree with this initiative. Tenants view properties before they rent them and can see for themselves if they are not up to standard without the Council having to tell them if it is good enough to rent. Landlords have to compete with a large number of high standard			

Theme	Example Comment	Comment Source	Council response
	<p>new builds, so substandard properties are very unlikely to receive any interest from tenants. This just appears to be yet an initiative to raise more money from residents under another a convenient ruse. If the council needs more money be upfront with it and raise council tax. Residents will then give their verdict at the next election.</p>		
<p>Opposed to selective licensing scheme</p>	<p>I don't agree with the selective license scheme.... it's unfair to small landlords and its discriminatory. if council introduces it, it should be borough wide. as landlords already provide so much info and meet legislation, why introduce this? Money making exercise?</p> <p>This should only apply to HMOs, not all landlords.</p> <p>The problems highlighted in the questions above apply to HMO properties not single house dwellings. HMO properties need to be licensed but single dwelling properties do not. Punishing single dwelling property landlords for the short comings of HMO landlords is not a solution and if anything will push most landlords to convert their properties into HMO's to recoup the money spent on overpriced licenses.</p>	<p>Consultation survey responses</p>	<p>Whilst the Council understands that some stakeholders may disagree with the proposal to introduce selective licensing, the Council has provided evidence of the need for selective licensing to tackle persistent issues with poor property conditions.</p> <p>The Council can only introduce selective licensing in areas in the borough where there is evidence that the areas meet the criteria as laid out in the Selective Licensing of Housing 2015 (Additional Conditions). The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor property conditions.</p> <p>The Council also acknowledges there are also issues in HMO properties. The Council is also proposing to introduce a borough-wide additional licensing scheme which would apply to HMO properties not covered by the existing nationwide Mandatory HMO Licensing scheme.</p>
	<p>I object to this proposal in its entirety. It assumes anti social behaviour, lack of external maintenance and arrangements for refuse collection is caused by private rented tenants. I disagree entirely with the</p>	<p>Consultation survey responses</p>	<p>Similar to the above, the Council understands that some stakeholders may disagree with the proposal to introduce</p>

Theme	Example Comment	Comment Source	Council response
Opposed to the licensing schemes	introduction of any fees which will have to be passed on to the tenants. I object to Ealing council assuming they have the skills to introduce these changes to the private rented sector when they have failed consistently in their duty as a social landlord. One would assume you should get your own house in order first		<p>licensing. However, the Council has evidence of persistent issues in the Private Rented Sector. Whilst the council understands that many landlords keep their properties to a high standard, there are many who are either not aware of their responsibilities or are ignoring them. Licensing would enable the council to work proactively with landlords to bring up the standards in the properties</p> <p>Licensing is also an effective tool for addressing rogue or criminal landlords in the borough.</p> <p>Licensing is part of the Council's wider strategy to improve the lives of their residents. The Council Plan (available here Council plan Ealing Council) outlines the Council's approach to improving Council Housing.</p>
	I have put disagree with most of them. This is because most hmo cannot rent out with out safety provisions, tenancy agreements, epc, smoke alarms in place. So you care creating work for work sake. Council don't need to support landlords as most landlords belong to landlords groups or association. Also how can landlords control tenants behaviour? You are asking too much. In regards to maintaining communal areas or rubbish bins, tenants don't respect or maintain, how many times can landlords follow this up? Fees for licence too much.		
	You are making silly wide assumptions that the large number of rented properties are Sun standard, poor condition, over crowded etc. This generalisation is dangerous and completely inaccurate. I agree there would be a minority of bad landlords but the majority are law abiding, provide good accommodation to tenants and look after their properties. You are using these sweeping statements as justification for licencing which I strongly disagree with.		
Rents will increase / costs will be passed onto tenants	This will increase for sure rent, poor tenant going to become homeless because they will not able afford the increase rent because of your rule and licence requirement, please think about poor tenant.	Consultation survey responses	<p>We have seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere and this is similar to the findings from other authorities who have also been operating licensing schemes. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent levels.</p>
	This will result in higher rents, the cost will be passed on straight to the renter.		
	Landlords will charge the tenants.		
	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 (due to the pandemic-Brexit combination of economic turmoil).		

Theme	Example Comment	Comment Source	Council response
	<p>Once again, you will just push up rent for those who can't afford it.</p> <p>Bad landlords will continue to be bad and everyone will just have pay more.</p> <p>Silly policy</p> <p>My concerns about this scheme is that it would drive rental prices further up, add overhead costs and bureaucracy without bringing tangible benefits to residents. It would be more beneficial to mandate the property owners to invest the money into improving conditions of their property instead of funding yet another licensing scheme. Council generates additional revenue via council taxes from new residents, which should be leveraged to improve services for everyone, instead of creating new tick-box money making schemes</p> <p>Tenants in HMOs deserve a standard and good living environment. My concern is landlords passing the fee onto already vulnerable tenants, or not registering at all.</p> <p>I'm really concerned with the level of proposed charges as this will simply translate into increase in rents as landlords will simply pass them on to Tenants.</p> <p>The level of charges should be minimal level to be to control and meet the key objective of Council to be 'proactive' rather than reactive</p>		<p>If landlords want to increase the rent, there are procedures which must be followed and any increase above market rents levels can be challenged via the Residential Property Tribunal.</p>
Licensing punishes good landlords	<p>I feel that as an already responsible landlord, where I have all measures in place, the fee is an unreasonable penalty.</p> <p>You are just punishing good landlords</p> <p>I think this is an outrageous proposal. Landlords already have more and more legislation they need to respond to. This is also NOT good for tenants as the cost will simply get passed on to the tenants. Plus any of the work needed. You are penalising decent landlords.</p> <p>Sadly I think the proposals will not target those they are designed to target. Why should there be a selective Licence on homes that meet all the current regulations but based on their postcode they will have to pay for a licence which will not be for any additional services. Again I think the good landlords will be penalised for the bad landlords</p>	Consultation survey responses	<p>The council understands that many landlords who rent out properties in the private sector manage their properties responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented sector with poor property conditions and Anti-Social Behaviour.</p> <p>The Council's intention is to use the regulatory framework provided by additional and selective licensing schemes to focus on those that do not comply and impact negatively on the</p>

Theme	Example Comment	Comment Source	Council response
	<p>The council would yet again be penalising good law abiding landlords. Why not bring in these licensing laws for just the bad landlords who do not abide by any laws and fall under the raider of all authorities</p> <p>There are enough laws regarding health and safety of tenants already . All decent landlords give written contracts. The costs proposed are huge! We have had tenants with rent difficulties because of COVID . This is unaffordable. Why should good landlords be punished because of poor landlords. Bad landlords do not comply.</p>		<p>reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance and work with landlords to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.</p>
<p>The council should target rogue/bad landlords</p>	<p>I think the license fee is just a way for the council to raise revenue and it will not prevent poor housing or bad landlords. The council should have a strong enforcement team who go around inspecting rented housing and issue fines for poor property upkeep. This will ensure landlords maintain high property standards. Once a few landlords are made and example of word will spread and there will be a vast improvement in rental property standard etc</p> <p>Fund it by fining landlords that break existing laws</p> <p>Please go after Bad Landlords or Private Individuals renting their properties without even paying Taxes. Stop, this is another way of taxing people who are trying hard to not rely on Benefits and cater for their own retirement.</p> <p>The requirements for proper conditions in rental properties as outlined above all make sense - define them, publish them and target any landlord reported to be non-compliant. Just don't build up a whole new expensive bureaucracy around compliant landlords doing a decent job.</p>	<p>Consultation Survey Comments</p>	<p>If approved, the Council will carry out inspections under the new scheme to find unlicensed properties and will take action against those who refuse to licence their properties.</p> <p>An independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) found that licensing “provides a clearly defined offence (licensed / unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences”. The council believes that licensing will enable them to work with landlords to raise standards of living in the borough and work to tackle the issues of poor property conditions, and ASB, by holding landlords to a high standard, and by carrying out inspections.</p> <p>Alongside the enforcement powers granted by licensing, the Council will also carry out a comms campaign to make landlords, tenants and residents aware of the licensing schemes, and raise awareness of how to report issues.</p>

Theme	Example Comment	Comment Source	Council response
Licensing will cause landlords to sell their properties / move out of the sector	<p>This system will ultimately squeeze landlords out of the sector. They are already losing money because home loans/buy-2-let mortgages are no longer allowable to be used as expenditure on the tax form. The extra hassle above will cause Landlords to sell up.</p> <p>not necessary as will only encourage Landlords to sell and reduce the stock available forcing tenants to live in overcrowding</p> <p>I feel that this scheme will reduce landlords wishing to rent, and homeowners considering it as an option, which will put pressure on the Council to provide housing and cause more homeless.</p> <p>This scheme will put landlords of the idea of renting in Ealing. I know it has made me decide not to purchase another buy-to-let in the Ealing area.</p>	Consultation Survey Comments	We have seen no evidence that that landlords have moved elsewhere or that there has been an increase in difficulty in finding rental properties in a licensable area. This is similar to the evidence from other authorities who have also been operating licensing schemes. The private rented sector is a growing sector, and properties continue to be in high demand, including in areas where licensing has been introduced.
The council should enforce existing laws / standards	<p>we don't need another expensive licensing scheme. we need the council to enforce current regulations and laws and more social housing</p> <p>council has adequate legislation to enforce good landlords and should use that first</p> <p>No additional license requirements are needed. Pls implement the existing regulations Effectively before creating new Ones.</p> <p>stop with this there is plenty of regulation already it is irksome for landlords and ends up paid for by tenants</p> <p>more bureaucracy and more expense as a results when the rules in place are adequate. it might be more efficient to just apply regular checks that existing conditions and regulations are enforced rather than duplicating what is already there plus creating more red tape.</p> <p>the existing regulations are strong enough and no further action should be required to keep increasing the pass down of costs to the tenant</p> <p>the rules and regulations already in place are sound enough. what is needed is more efficient enforcement of the already conditions in existence.</p>	Consultation Survey Comments	The council have considered a range of alternatives to selective and additional licensing, but do not believe they are as effective in dealing with poor property conditions and ASB in the borough. The current powers the council has, including the use of the Part 1 Housing Act 2004, do not require landlords to declare themselves. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about. Formal action under the Housing Act can be a slow process, and improvements to properties can take many months.

Theme	Example Comment	Comment Source	Council response
	In many situations, the Council should consider enforcement notices and management orders. The use of such orders would deliver immediate results.	NRLA Letter	
There is already too much regulation of landlords	There are already too many regulations for private landlords. Your rules can make purpose build properties unlettable at market rent. There should be a national register of landlords that HMRC and Councils can check and that tenants can use to check their property but not see all of a landlords portfolio.	Consultation Survey Comments	The Council acknowledges that landlords are subject to existing regulations and laws. However, as stated above, the existing regulations and powers do not require landlords to declare themselves to the council. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about. Formal action under the Housing Act can be a slow process, and improvements to properties can take many months.
	Since 2018 especially been huge number of additional regulatory changes in rented sector Electrical, fire safety. Vale Estate all properties Ealing fitting interlinked smoke & heat detectors. Quality of private & other rented properties have been steadily increasing and huge protection for tenants through deposit, eviction and general regulation		
	Over regulated already. Just an excuse by the council to raise money from landlords.		
	As a landlord, we have to meet strict government health and safety guidelines currently (gas and elec certificates as well as smoke alarms etc). I used to live in my property for many years before I rented it and I had to do a lot of upgrades to make it rentable for tenants. If anything I think that the private rented sector makes health and safety and fire safety better as you have to operate to a higher standard		
	LL are over regulated with over 180 measures to take into account with each new tenancy, including legionnaires risk assessment, EICR, EPC, safe homes, deposit registrations, pandemic moratoriums, 6 months notice to evict tenants, 12 months plus to go to court to enforce evictions, limited 5 weeks deposits that often don't cover damages/arrears. We have one tenant that has not paid rent for 15 months and we are still unable to evict him and have little chance of recovery of funds. HMO measures cover fire safety and amenity standards already		

Theme	Example Comment	Comment Source	Council response
Licensing is unnecessary	Landlords who rent private properties (not HMO), are already subject to government guidelines/laws regarding gas, electric safety and EPC. There is no need for further licensing	Consultation Survey Comments	<p>Whilst the Council acknowledges that many landlords operating in the borough keep their properties to a high standard, the evidence presented during the consultation shows that there are large scale issues with poor property conditions, and ASB in the borough's private rented sector, that licensing can help to address.</p> <p>The council believes that many landlords will meet the licence conditions, and do keep their properties in good condition, but licensing enables the council to take action against those landlords who place their tenants in unsafe or overcrowded properties.</p>
	<p>Alongside many other professionals and Landlords, we feel that appropriate legislation is in place already and that there are channels available for tenants to report disrepair or rouge landlords.</p> <p>This unnecessary scheme is expensive and very difficult to check and control all private sector rentals. with the choice available you will not rent a place if it is not up to standard and maintained well.</p>		
	In my experience there is a good supply of high-quality rented accommodation throughout Ealing and property licensing is not required		
	Licensing for non-HMO properties is totally unnecessary. You have powers already to enforce good standards. You will at a stroke destroy any hope of good relations between you and non-HMO private landlords in the Borough. Instead of licensing you should hold regular Landlord events and training, fund Advice Centres to provide tenants with support and advice on disrepair and bad behaviour by landlords, and make sure Environmental Health and other departments are on the case when poor standards are reported. Licensing in itself will not achieve anything.		
Licensing will not solve issues	As mentioned previously, I don't think that this is actually solving the problems that you have identified. Making the landlord pay for a licence will not resolve ASB or any of the other issues that you've identified.	Consultation Survey Comments	The recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found that selective licensing can be an "effective policy tool" that can achieve demonstrable positive outcomes.
	I personally don't see how charging landlords for a 'licence' will improve any standards. I'm in favour of setting standards/targets, having inspections, and introducing penalties for failing to meet them. Otherwise, landlords are handing over the money for licences that they could be spending on improvements.		
	I just don't think you will solve the issue- these people never intended on paying tax on their earnings or looking after their tenants, if you think they will pay for a licence m- good luck with that!		
	It still won't address the problems tbh, there just isn't enough affordable housing and most landlords are in it for the profit		

Theme	Example Comment	Comment Source	Council response
	<p>If there are allegations about a tenant causing problems (e.g. nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the 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</p>	NRLA Letter	<p>Licensing is part of the Council's wider approach to ensure safer and better conditions in the private rented sector. The licensing team will work closely with teams across the council including the homelessness, Community Safety and Envirocrime teams. In particular, we shall ensure there is regular co-ordinated multi-agency work to solve complex and high risk ASB cases.</p>
<p>The schemes need to be enforced</p>	<p>Enforcement of the rules etc by Ealing Council will be critical to the success of the scheme. This is not Ealing's strong point.</p> <p>The fees must be used to enforce the scheme otherwise it will be a waste of money and a pure tax on good performing landlords and the poor performing landlords will continue to abuse the tenants</p> <p>The above is interdependent on good enforcement. There is huge exploitation of the system and this needs regulation and adequate investment for it to work. The existing complaints system appears to favour the developer/landlord and a better balance needs to be struck which supports community cohesion and is not biased.</p> <p>Again, the principle of the licensing is laudable. However, the majority of safety standards and tenant protection is in place. Unless the council can demonstrate they have the infrastructure and staff to monitor and implement the licensing, it will be seen as another tax on property. There doesn't appear anything in the consultation documents as to how all these new licences will be managed?</p> <p>The proposals are well founded. However, the success of improving standards in HMO provision is primarily down to the efficiency of the management put in place to monitor these rules (the majority of which are in place) and unless the council have an adequate management team to monitor/deal with this extra work load, I fear it will be an additional tax on property owners without a significant improvement on the provision of properties in the PRS.</p> <p>It is well and good to propose new additional licensing scheme for HMOs but these schemes/rules have to be enforced. No good just</p>	<p>Consultation Survey Comments</p>	<p>If the schemes are approved, the Council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.</p>

Theme	Example Comment	Comment Source	Council response
	promising but you have to check that the scheme/rules are being followed. Not just empty words.		
	Requirements MUST be enforced. Some landlords will do as little as possible to just creep above the baseline standards.		
	Will Ealing inspect each property at least once	NRLA Letter	The Council will carry out a desktop risk assessment of the licence applications to determine the properties in most urgent need of inspection. All Additional HMO properties will be inspected during the scheme. The Council will also carry out proactive tasking days to find unlicensed properties.
	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.	Safeagent Letter	The Council will publicise the timescales for processing a licence on its website and in correspondence after the application. We will provide resources to minimise any backlog and will keep landlords informed about the status of the applications, expediting cases as necessary.
The previous scheme did not improve conditions	I am in an area already subject to the Selective Licensing Scheme. I feel that process was incredibly admin orientated, any advice from the council was severely lacking, the overall benefit for our tenant was zero and we took a cost which has not delivered any benefit - the tenants had no idea what it was either and felt no comfort from the license I spent hours sorting.	Consultation Survey Comments	The existing licensing schemes have enabled the Council to improve basic standards in often the most unsafe housing. We do not grant licences until landlords can demonstrate at the point of application that basic fire, gas and electrical safety conditions are complied with, and that they are fit and proper persons able to manage the property
	Once the council issues a Selective Licence, the council does nothing until it is time for renewal. I'm not convinced how this inertia is supposed to improve housing stock.		
	The licences you issued in 2017 were for closer to 4 years than 5 which is a bit of a cheat. And now you are proposing a 50% increase which seems steep. You never visited my property in the past 4 years so I don't feel I got		A summary of the existing licensing schemes' key achievements and work undertaken to improve property

Theme	Example Comment	Comment Source	Council response
	<p>value for money. I think if you visit a property and it meets a certain quality/safety criteria you should offer a discount to those landlords.</p> <p>Having already had a selective licence for 5 years I have seen nothing from the council that ensures any of these things actually happen. It took nearly 1 year for the licence to be granted and once they had my money nothing more happened for the subsequent 5 years</p> <p>The council has not visited properties that are licenced and therefore the existing scheme does not work and I have no faith that a replacement scheme will be any different. Rules are already in place for HMO's.</p> <p>I have been licensed for the past two years without a single inspection or communication from the council. I'm not confident that the council has the will nor that the licence has the power to alter the state of rental housing.</p>		<p>conditions and ASB is detailed on page 14 of the Council's consultation document.</p> <p>Property licensing consultation document Ealing Council</p>
	<p>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.</p>	NRLA letter	<p>The licensing schemes have enabled the council to better target enforcement action towards the minority of landlords who fail to invest in their properties or meet their legal obligations. Through intelligence gathered via licence applications and service requests, the council has been able to target the most problematic areas of housing, including unlicensed and high-risk properties, to ensure improvements are achieved for the benefit of tenants and the wider community.</p>
	<p>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.</p>	Safeagent Letter	<p>A summary of the existing licensing schemes' key achievements and work undertaken to improve property conditions and ASB is detailed on page 14 of the Council's consultation document.</p> <p>Property licensing consultation document Ealing Council</p>

Theme	Example Comment	Comment Source	Council response
	<p>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?</p> <p>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</p>		<p>Within the new scheme objectives we have set ourselves challenging targets. Resources shall be prioritised to effectively deal with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.</p>
<p>Selective Licensing should apply to the whole borough</p>	<p>The selective licensing scheme should cover all wards in order to address the issues highlighted above - for example Walpole is excluded despite having a high percentage of rented property. The selective licensing should cover all wards.</p> <p>Personally, I would not restrict this to 15 wards. I believe it would be beneficial throughout the borough.</p> <p>I understand the logic of introducing the scheme in those wards where the problem is considered more serious, but in time I feel it should be introduced Borough wide, so that all are treated equally.</p> <p>I think the scheme should simply apply across all of Ealing. I do not understand the motivation behind it being selective - it feels like discrimination against residents of specific boroughs</p> <p>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 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. I suppose the risk is any fees or</p>	<p>Consultation Survey Comments</p>	<p>The council can only introduce selective licensing in areas in the borough where there is evidence that the area meets the criteria as laid out in section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015.</p> <p>The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor property conditions and ASB.</p> <p>The evidence shows the prevalence of housing issues is even higher in HMOs, which is why the council is proposing an additional licensing scheme that covers the whole of the borough.</p>

Theme	Example Comment	Comment Source	Council response
	<p>charges will simply be passed on to the tenants who may already be struggling.</p> <p>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</p> <p>This is an initiative that should be rolled out throughout the borough, not just selected poorer parts of the borough. Why should landlords in wealthier parts of the borough not have the same scrutiny? Isn't this just going to encourage developers to look at these areas as potentially more lucrative areas to set up HMO's thus creating the same issues borough wide. There should be equity throughout the borough or nothing at all. Stop marginalising the poorer areas! You've done this time and time again with LTNs and general infrastructure.</p>		
<p>What are the benefits to landlords / tenants of the schemes?</p>	<p>What alternatives has the council explored? I fail to see evidence of any incentive here for landlords to tackle the issue other than risk a fine for non-compliance. This is all stick and no carrot.. what is the Council proposing to do to directly assist and support Landlords to address the issues the licensing scheme is intending to solve? Will rewards be provided to landlords that demonstrate good property and tenant management for example? Standards have been proven to rise when consumers are able to rate providers and vice versa (Uber for example). What has the council done to explore using these sorts of platforms to change tenant and landlord behaviours? Taking money away from landlords is a blunt instrument here and I cannot see how it will change anything.</p> <p>Don't agree with most because by law landlords have to provide tenancy agreement, epc, gas safety reports, etc. So what will council do in addition, you are creating bureaucracy and additional work for landlords. Fees for hmo are high already. Why are you penalising those who may submit paper applications, older landlords like this, I'm not old, I like it.</p> <p>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?</p>	<p>Consultation Survey Comments</p>	<p>The Council believes there will be several benefits to the licensing schemes.</p> <p>For tenants, the benefits would be:</p> <ul style="list-style-type: none"> • Licensing improves the standard of private rented properties. This makes properties safer for tenants who occupy them. • Licensing allows a local authority to adopt a much more proactive approach to tackling poor housing conditions and raising standards in private rented housing. Licensing encourages good practices – if a landlord is not able to demonstrate that they comply with fire, gas and electrical safety conditions, a licence will not be granted. • Many people who are vulnerable, disabled and living on low incomes

Theme	Example Comment	Comment Source	Council response
	<p>Why is this so expensive? What service does council provide for this excessive cost? This will be passed to tenants and will hardly work in their favour.</p> <hr/> <p>How much are these licenses going to cost for the landlords? If there is cost involved, how is LBOE going to justify this cost? In other words what are the gains for the tenants and landlords?</p>		<p>rely on private renting. Licensing helps the council to protect as many tenants living in private renting as possible</p> <p>For landlords, the benefits would be:</p> <ul style="list-style-type: none"> • Licensing encourages landlords to proactively manage their properties and to take reasonable action to address problems. The council will work with landlords to help support them and build their professionalism. • Licensing enables the council to create a 'level playing field' for responsible landlords by taking a much more robust approach to the minority of 'rogue' landlords who fail to invest in their properties and meet their legal obligations. <p>The benefits for the wider community would be:</p> <ul style="list-style-type: none"> • Poorly managed privately rented properties have a negative impact on many neighbourhoods. Licensing will increase the number of landlords managing their properties effectively, including the enforcement of tenancy conditions to combat neighbourhood nuisance caused by their tenants or people visiting their properties. • Poor waste management and fly tipping has been cited as a major issue in many wards. All property licences contain a condition that the holder must provide adequate sized bins and sufficient recycling containers for the occupiers.

Theme	Example Comment	Comment Source	Council response
			<ul style="list-style-type: none"> When a property is overcrowded this is often linked to an increase in noise complaints. Through licensing the council is able to limit the number of occupants in a property, reducing overcrowding and the likelihood of noise nuisance.
The council should address issues in council properties first	Improve your council house and flats first then apply that to the private sector	Consultation Survey Comments	Licensing is part of the Council's wider strategy to improve the lives of their residents. The Council Plan (available here Council plan Ealing Council) outlines the Council's approach to improving Council Housing.
	Again the issues raised should be the councils responsibility, not landlords. The largest landlord in the borough is the council itself, and the council of local council housing is no better than the private sector		
	Improve your council house and flat first. Then start to apply the same to the private sector. Don't charge a lot like you planning to do. Charge way less to insure every one provide the stander you want to provide to the Tennent		
	Council rentals are far worse on all these counts - noise overcrowding unsafe to other residents - suggest sort that out first		
	What about the council properties are they all safe? When the council make their building fire safe and all the other. Then and only them apply the same rules to the private sector. Stop charging unreasonable fee. Make sure the certificate are not expensive to obtain and every one will do them.		
Problems exist in all sectors, not just the PRS	If these provisions are seen as maintaining standards of living for benefit of all they should apply to all including private homes- there is no logical argument as to why only landlord are required to have these provisions	Consultation Survey Comments	While the Council acknowledges that all property types may have issues with property conditions and ASB, licensing is a tool available for the Council to use to address these issues in the PRS.
	As before - for flats/blocks you're only targeting standards for landlords that are not there for owner occupiers who often are the ones that don't adhere to certain standards		
	In all of this about private licensing, the same should apply to the council and housing associations as their standards, as noted in British media of late, are incredibly low too.		

Theme	Example Comment	Comment Source	Council response
	<p>If the number of PRS properties is large there are bound to be a few problems. I have seen no evidence that there are more problems in the PRS than among social properties or in the owner occupied sector.</p> <p>I feel that noise, and illegal conversions are similar levels for owners whether privately let or not.</p> <p>All the above are just as prevalent in privately owned properties as in privately rented properties.</p>		
<p>There should be support for landlords to deal with difficult tenants</p>	<p>You should support landlords when they have with tenants , like unpaid rent, criminal damage to the property. Maybe you should run classes for tenants teaching them their responsibility and use the property responsible way.</p> <p>There is no real mention of supporting landlords against bad tenants. If landlords pay for a license then the council should provide the landlord with services. For instance, dealing with abusive and disruptive tenants. Making tenants behave with respect for their neighbours. Making the tenants pay their rent.</p> <p>The issue is often the tenants rather than the properties. What caveats will you intend to put on tenants to ensure they maintain properties as currently they have no regard for the condition of properties and are very difficult to hold to account. The solution must be one that protects landlords and not just tenants.</p> <p>Landlords need Ealing's help as well as tenants. It must be appreciated that landlords have huge expenses, including the cost of regular safety reports, certificates and licenses, and yet many are not receiving full rent. As licensed a landlord, I comply with Ealing's regulations and am careful who I choose as tenants, but it is the tenants who are responsible for noise, nuisance, rubbish and overcrowding. Landlords can have non-smoking leases and put up no smoking signs but it's impossible to police no smoking. We are not running boarding hostels or hotels.</p>	<p>Consultation Survey Comments</p>	<p>As stated above, the Property Regulation team will work with council teams, including the Community Safety team to support landlords in addressing issues with difficult landlords. The Council will also hold regular landlord forums. Tenants will also be provided with a copy of the licence conditions, which along with their tenancy agreements will outline their responsibilities.</p>
	<p>The documentation provided fails to indicate what additional funding will be available to support the expansion of licensing. Adult social care will have to involved as many tenants have mental health, alcohol, or drug related illnesses. How do landlords' access this for their tenants?</p>	<p>NRLA Letter</p>	<p>The schemes have been costed to ensure that if they are approved the Council's enforcement capability will be increased in line with the number of licences.</p>

Theme	Example Comment	Comment Source	Council response
			<p>The Property Regulation team will assist in signposting landlords to the relevant internal departments or external organisations that may be able to assist tenants in these situations.</p>
	<p>How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support</p>		<p>As detailed above our practices allow for advice and support to landlords and tenants e.g. referrals to landlord bodies, tenant agencies, social services, mental health support workers and internal Housing Solutions colleagues.</p>
	<p>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?</p>		<p>The Council cannot prevent malicious claims or poor housing being made. Complaints will however be investigated, with enforcement action only being taken where there is clear evidence to do so.</p>
	<p>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</p>		<p>Properties let through Airbnb are short-term, commercial lets and do not legally fall under these licensing schemes. Airbnb properties need planning permission and any ASB issues will be dealt with by the Community Safety team</p>
	<p>If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the Council make it clear in the report that they will support the landlord in the ending of the tenancy?</p>		<p>In regard to ASB and eviction, the recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' stated that 'tenants tend to ultimately comply with requests to moderate their behaviour rather than risk eviction.' It also noted that 'several authorities reported that their landlord training and support schemes had a focus on reducing the need for evictions through helping landlords to work more effectively in dealing with anti-social behaviour. Furthermore, joint working to</p>
	<p>When a Section 21 notice (or future notice as currently being consulted upon under the renters Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour, 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 antisocial behaviour</p>		<p>In regard to ASB and eviction, the recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' stated that 'tenants tend to ultimately comply with requests to moderate their behaviour rather than risk eviction.' It also noted that 'several authorities reported that their landlord training and support schemes had a focus on reducing the need for evictions through helping landlords to work more effectively in dealing with anti-social behaviour. Furthermore, joint working to</p>

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			<p>tackle issues uncovered through licensing such as alcoholism, drug addiction, unemployment etc. serve to tackle the root causes of anti-social behaviour rather than simply move the problem on'</p> <p>The Property Regulation team will work closely with the Homelessness Prevention team to support landlords and tenants to sustain tenancies.</p> <p>If the licensing schemes are introduced, the council proposes to increase the landlord forums and support events, with help and guidance for dealing with anti-social behaviour as part of the programme. In relevant cases, the Council will also provide further support for responsible landlords who are struggling with their tenants' behaviour and causing deliberate ASB.</p>
	<p>[In cases of subletting without the landlords knowledge] what is the process for landlords, it would help if the Council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the Council provide for landlords to whom this has happened? Will the Council support an accelerated possession order?</p>		<p>Rent to rent and sub-let situations are often discovered during the processing of licence applications or when carrying out inspections of properties. Where such accommodation is found to be occupied on this basis we will make sure that the person who owns the property knows it is being used in this way.</p> <p>Breaches of the tenancy agreement by the tenant are a contractual matter between the landlord and the tenant(s). It is therefore good practice to ensure there are clauses relating to subletting in the</p>

Theme	Example Comment	Comment Source	Council response
	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?		tenancy agreement and that these are enforced as necessary. The Council expects that landlords/the licence holder will carry out regular inspections, which should bring to light instances of subletting
How will the scheme be enforced?	How can you find out that there is a HMO in your neighbourhood, plus the name and contact details of the license holder and how does the Council propose to police the new arrangements in a timely, effective and vigorous manner, given the pressure on resources? Will this new scheme help to tackle "black market" renting and tax avoidance? What powers, if any, does Ealing Council have to evict renter in a HMO? when there is overcrowding, nuisance and anti-social behaviour from HMO's small and large what does the Property Regulation Department do about it? What checks do you do at the properties to see that they are adhering to the specificity of their licences i.e.. the amount of people that are living in the property, seeing evidence and copies of their tenant agreements, what have tenants told to them about behaviour when living at the property. Property which has flooring but no carpeting in property or cushioning has not been done which has been used in a vexatious targeted campaign. This is an issue at the flat above us for many years since it has been let and been given a licence.	Consultation Survey Comments	It is a legal requirement for the Council to maintain a public register of all licensed properties in the borough. Details of the licence holder and manager (if applicable) will appear on this register. You can search for a licensed property at https://pam.ealing.gov.uk/online-applications/ If the schemes are approved, the Council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties. The level of enforcement carried out by the council's Property Regulation team has steadily increased over the years and the council will not hesitate in taking robust enforcement action where required.
Other	How does the local authority plan to communicate best practice to the landlord and tenants of Ealing?	NRLA Letter	The Council will continue to communicate best practise to landlords through their work with accreditation agencies – this includes providing a discount to licence holders who are

Theme	Example Comment	Comment Source	Council response
			<p>accredited and hosting further training sessions for landlords with accredited agencies (of which there have already been 24 sessions). The Council will also provide the government's 'How To Rent' guide to licence holders.</p>
	<p>We would also like to see the Council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly</p>		<p>As stated above, licensing is part of the wider Council's framework of strategies. The licensing team will work closely with the Community Safety team to stop persistent perpetrators of ASB.</p> <p>Tenant referencing is also a mandatory condition of additional and selective licensing.</p>
	<p>Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the Council to collect. This is in hope of getting their 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</p>		<p>The licence conditions for both additional and selective licensing require the licence holder to ensure there is appropriate waste disposal / bins at the property and to make tenants aware of refuse collection and disposal information.</p> <p>Landlords can access the Council re-use and recycling centres, however if they are not a resident there is a charge. More information can be found on the Council website here - Recycling centres and sites Re-use and recycling centres and sites Ealing Council</p> <p>The Council would be happy to meet with the NRLA to discuss this further.</p>
	<p>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</p>		<p>The Council does not agree that a schedule of inspections every 6 months with advance notice to the tenants could be considered harassment, and would</p>

Theme	Example Comment	Comment Source	Council response
	<p>example, a landlord keeping a record of a tenant could be interpreted as harassment.</p>		<p>expect landlords to keep records of inspections for their own records with regards to possible damages. The Council also does not agree that keeping a record of previous tenants during the life of the scheme could be seen as harassment as it is common practice, should previous tenants require a reference.</p>
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Safeagent Letter</p>	<p>HMOs have proven to have more health and safety issues and therefore are high risk regardless of their location. The Council believes bringing them into a regulatory framework will help improve these conditions, and is particularly important in a borough that has had fatalities in HMOs.</p> <p>The Council will provide a new strategy for enforcement, including proactive tasking days to find unlicensed properties</p> <p>In the properties that have been inspected under the previous scheme, there has been a reduction in the Cat 1 Hazards.</p> <p>The Council also acknowledged that properties that complied with licence conditions 5 years ago can fall into disrepairs within the period of the next scheme</p>

Theme	Example Comment	Comment Source	Council response
	<p>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</p>		
	<p>More transparency and easier communication is needed.</p> <ul style="list-style-type: none"> • 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. 	Ealing Green Party Letter	There will be a number of ways tenants, neighbours and other residents will be able to get in touch with the team to report properties they are concerned about, or specific issues with a property. This will include a dedicated email to report issues, a licensing telephone line to speak to officers and an online reporting form on the Council's website .
	<p>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</p>	iHowz Landlords' Association	Licensed landlords, managing agents, council leaseholders and providers of temporary accommodation were contacted by email about the consultation.

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	<p>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, e.g. 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</p>		<p>The Council carried out a publicity campaign to raise awareness of the consultation throughout the 14-week consultation period. This publicity included digital advertising, which has a reach across London. This included advertising on landlord organisations’ websites such as London Landlord Accreditation Scheme and London Property Licensing websites.</p> <p>The Council also delivered leaflets regarding the consultation to 153,895 residences and business in the borough and had adverts on London-wide and nationwide radio stations including Desi, Sunrise and Global stations (including Heart, Capital, LBC, Gold, Smooth and Classic FM). A full explanation of the many publicity activities carried out throughout the consultation can be found in the consultation report.</p> <p>The consultation was carried out by an independent research organisation, HQN, who state in their report that they “strongly believe that the communications strategy and publicity were appropriate and effective”</p>
	<p>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.</p> <p>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</p>		<p>The recent Government research ‘An Independent Review of the Use and Effectiveness of Selective Licensing’ found that selective licensing “provides a clearly defined offence (licensed / unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences” and that it “encourages the development of effective intelligence</p>

Theme	Example Comment	Comment Source	Council response
	<p>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</p>		<p>gathering mechanisms – extremely valuable both in identifying unlicensed properties”</p> <p>Under the previous scheme the Council held 24 landlord training sessions with accreditation agencies, briefings at ward forums and sent out newsletters. The Council also informed registered landlords when there were changes in legislation (e.g. during he COVID-19 pandemic) and provided information to landlords on these changes.</p> <p>These communication activities will be expanded on in the next scheme.</p>
	<p>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</p>		<p>The estimates used in the consultation document are from a reputable independent company, whose methods have been accepted by the Department of Levelling Up, Housing and Communications (formerly MHCLG).</p> <p>In the report, the national benchmark for Category 1 hazards across all property types was used as the comparator and shows that the PRS is above the national average.</p> <p>Category 1 hazards are defined as hazards that present a serious and immediate risk to a person’s health and safety and therefore the Council takes any Cat 1 hazards as serious complaints.</p>
	<p>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</p>		<p>A new Housing Strategy is currently being drafted; however it was not ready in time for the consultation period. Licensing is a key tool of the strategy.</p>

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	<p>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.</p>		<p>Page 26-27 of the consultation document outlines the combined working approach the Council plans to take with licensing working with the homelessness, empty homes and ASB teams across the council.</p>
	<p>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</p>		<p>The Council will take a proactive approach to finding unlicensed properties. Using the Tenure intelligence model (TIMs) the Council will identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations.</p> <p>The Council will also use intelligence-led ‘Compliance days’ involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions.</p>
	<p>Lack of evidence of direct causal or correlative link between licensing and reduction in anti-social behaviour (ASB) means it is</p>		<p>The Council believes that proactive and improved tenancy relations can help to</p>

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	<p>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</p>		<p>reduce ASB by engaging tenants early on and ‘nipping it in the bud’.</p> <p>ASB covers a range of issues from envirocrime (such as litter and dirty front gardens) to harassment and noise. Environmental nuisance includes a lack of recycling. As stated above, a licence condition is for the licence holder to share information about refuse and recycling disposal and collection Ealing has a recycling collection service, more information on this can be found via the council website here - Recycling services Ealing Council</p>
	<p>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</p>		<p>More detail on the budget can be found in the Cabinet report. It is a legal requirement of the scheme that the licence fees cannot be used elsewhere, and the fees have been set to cover the cost of implementing and running the licensing schemes. The increased income from the larger scheme will enable greater enforcement activity and additional roles and services as the Council want to be more ambitious with this scheme</p>
	<p>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</p>		<p>While the option to choose your accommodation may be the case for the top and middle of the market, this is not the case for tenants on the lower end. The Council’s experience is that some tenants do not have the same options to move as others, and that some landlords actively ignore their responsibilities. The Council has also found that even some</p>

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	<p>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</p>		<p>landlords who think they are “good” landlords can be not up to date in recent changes in legislation relating to health and safety.</p> <p>We have seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere. This is similar to the evidence from other authorities who have also been operating licensing schemes. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent levels.</p>

The council also received comments in support of the proposed licensing schemes:

- I agree with this. I would consider making the fees a little higher and eventually expand to the other wards. Unfortunately there are poor landlords all over the borough but I agree some areas are more of a priority with people living in dreadful housing.
- I would prefer the council to introduce the licensing scheme asap across the whole borough.
- Great ideas about time these proposed licensing schemes will happen the sooner the better.
- I think it is a good proposal.
- Please implement this asap.
- As stated previously would hope that this will improve standards and promote good responsible landlords and hold absent landlords more to account.
- Sounds like a good plan.
- This will help the area in all the above mentioned aspects and provide the tenants with safer accommodation.
- Anything that makes landlords more accountable I support. there are too many unscrupulous ones.
- Good proposals. Will weed out bad landlords and give the tenants a better quality of home.
- Great initiative, very supportive of it.

- The idea to licence HMOs is a good idea, I feel it will help reduce the number of illegal HMOs and sheds with beds that seem to be being built around the Borough. It would also help in the reduction of overcrowding in some of the properties but only if it is policed properly.
- Strongly agree to the council proposal.
- As this sector is responsible for over 38% of housing it needs regulating as soon as possible.
- If it creates better landlords and tenants then it needs to be implemented.
- I believe it will improve the Quality of life and the improvement towards climate change challenges!
- the councils new changes for private rented property is a good idea it will make residents and owners feel safer and look after rented property and maintain them.
- New licensing scheme will lead to an improvement in standards of accommodation and will make errant landlords accountable. It will help to ensure a better standard of living for tenants and lead to improvements within the neighbourhood.
- I am in support of any licensing measures that strongly require landlords to meet high safety and quality standards for the homes and flats they rent to people. Keeping flats up to date in terms of safety and quality must be part of the license.
- As many HMOs are basically let out of greed by the landlord with little or no concern for the tenants and neighbourhood, I would support anything which improves conditions for tenants but also prevents landlords from overloading properties. One 3 bed/2 bath down our road used to have 11 tenants.
- This scheme can only improve conditions for tenants and also help make the area around the properties more attractive and cleaner.
- This is an important initiative. Good landlords will have no difficulty complying with the standards.
- 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.
- This is good. The idea is set a standard across private licensing. We do see a lot of landlords letting out houses to a group of people without providing the basic requirements.
- Private landlords need more regulation and to be held accountable.
- Landlords are lucky to be able to have income from people who can't afford to buy and it's my view if they don't have gratitude, wanting the best for those people from home they make extra money, licensing may wake them up.
- It's a good idea that Ealing manage private landlords to make sure they keep up high standards.
- Ealing residents are finding more and more properties being rented for many reasons such as taking advantage of refugees or people from abroad with low incomes who are put up in very poor conditions with no safety standards in place. Not only is this dangerous but it is becoming a BIG nuisance to the local neighbours as the living standards for people in the borough is falling - such as noise, tidiness, overcrowding, neighbour disputes, partying till late hours. All this needs to be controlled and currently there are no standards in place. There needs to be licensing in place to landlords to adhere to otherwise we will have no control on what property is rented out and who or how many people are living at such properties.
- I feel that private renting should be properly controlled and all HMOs should be licensed.

Comments about the Private Rented Sector

Theme	Example Comment	Comment Source	Council response
<p>The council should look into planning applications and enforcement</p>	<p>Several landlords have been given Large HMO licences even though they only have planning permission for small HMO. Ealing Council needs to stop granting the licenses if there is no planning permission as the landlords then retroactively apply for planning to convert to Large HMOs on the basis they were given licenses.</p>	<p>Consultation survey response</p>	<p>HMO planning and HMO licensing are separate regimes and their legislative requirements are quite different and the regimes can sometimes be at odds with each other. In particular, landlords seeking to regularise the planning status of a property are often required to obtain possession. However, under the Housing Act 2004 a landlord is not able to serve a section 21 notice to regain possession of an unlicensed property. Therefore, if the local authority refused to grant a licence, the landlord would not be able to gain possession in order to regularise the planning status.</p> <p>The council takes breaches of planning enforcement extremely seriously. Anyone wishing to report breaches of planning legislation should email planningenforcement@ealing.gov.uk</p>
	<p>There are a number of planning applications locally to convert dwellings from 2 or 3 flats into multiple self-contained residential units (i.e. bedsits). There needs to be action at the planning stage to stop these developments before they are built. Sub-standard accommodation for tenants, and hell for the neighbours particularly if the conversion is in a semi or terraced property.</p>		<p>Small HMOs (between 3 and 6 unrelated occupiers) have permitted development rights, therefore submission of a planning application is not required. The Council has no legal grounds to take action or stop the development where change of use is 'permitted'.</p>
	<p>Most issues with the rental sector in Ealing stem from a failure of planning enforcement, and a policy of allowing houses to be broken into flats despite the impact on the neighbourhood</p>		<p>The council takes breaches of planning enforcement extremely seriously. Anyone wishing to report breaches of planning legislation should email planningenforcement@ealing.gov.uk</p>

Theme	Example Comment	Comment Source	Council response
<p>HMO rented properties contribute to ASB / envirocrime</p>	<p>When houses in our street come up for sale they are being purchased by landlords who convert them into flats/HMOs. We are having many problems with rented properties, including: rubbish on the street, rats caused by food waste left out, fly tipping of furniture, antisocial behaviour (noise at night), lack of community cohesion and care for the community.</p> <p>We have experienced massive problems in recent times with neighbouring houses which have been converted. The main problems have been noise nuisance, rubbish and a general deterioration in the properties, which affects the area.</p> <p>We have been living next to a private rented HMO for 10 years and the amount of overcrowding and rubbish has been appalling. It's even been on national tv. It's a complete eye sore otherwise ruining a pretty street scene.</p> <p>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 antisocial behaviour, shouting and singing all night.</p> <p>Too many HMOs and overcrowded private rentals in general. Many landlords do not bother to look after gardens and properties etc. This is not acceptable for the tenants (who are paying a lot in rent) and neighbours. Rubbish, particularly old mattresses, not disposed of properly - left in front gardens or dumped in the streets for 'the Council' to get rid of. Strain put upon parking and local services.</p> <p>There are ongoing issues of waste, fly tipping, and antisocial behaviour. Additionally tenants are poorly vetted if at all, increasing crime, and putting local residents in danger. In my area one rented property has been visited almost annually by the police, for drug dealing/antisocial behaviour, to arrest criminals wanted by the Police, to stop drunken disorderly behaviour and most recently raided for running a cannabis farm. This has all happened while the Landlord has continued to take money.</p>	<p>Consultation Survey Comments</p>	<p>The Council understands that some residents have experienced issues with HMOs. The Council has presented evidence of persistent issues with privately rented HMOs throughout the borough, and the intention with introducing licensing is to address these issues.</p>

Theme	Example Comment	Comment Source	Council response
	There are a number of HMO properties that have sprung up on our road. They are a hotbed of drug abuse, violence, anti-social behaviour, noise and gang activities. The police and ambulance services are always in attendance. The landlords have even made underhanded threats with the objective of buying my property.		
Outbuildings are let out	Too many rouge landlords and people letting sheds out with beds	Consultation Survey Comments	The Council acknowledges that this is an issue, and the proposal is for the licensing schemes to enable the Council to inspect and enforce regulations which would address outbuildings being used as accommodation.
	Too many out buildings in the gardens which are rented out illegally		
	Too many dwellings in converted garages and buildings at the bottom of gardens		
	Many properties in the area are using outbuildings and garages for rent.		
	I am aware of poorly kept properties rented out in our street. Also additional garden buildings being used as rented places to live.		
	Because I see people building in their back gardens and then renting out this enhanced sheds out to individuals.		
The property the respondent rents or rents out is a high standard	So far I've only had good set of landlords and good standard of housing in the area.	Consultation Survey Comments	As stated above, whilst the council understands that there are many good landlords who operate in the borough, and whose properties are well maintained, the council's experience of dealing with poor property conditions in the borough shows that some landlords do not know or actively ignore their responsibilities, therefore the proposed licensing scheme will help the Council to work with landlords to improve standards in their properties
	All of our managed properties are managed to a high standard , there is no overcrowding and we let to properly-referenced tenants		
	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) 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		
No experience with issues relating to the PRS	There are no problems with any of the above in the neighbourhood I live in. There are many renters down my road and I have not heard anyone complaining about any of the above.	Consultation Survey Comments	Similar to the comments above, the Council understands that many tenants are happy with their rented properties and have not experienced issues, but there is evidence of persistent issues and the
	Privately rented properties in my area appear to be in very good condition and in my experience tenants are very well behaved and		

Theme	Example Comment	Comment Source	Council response
	<p>integrate in the local community very quickly. I have been a resident here for 30 years and have never experienced any problems caused by tenants.</p> <p>I have no issues with the privately rented residences in my area and therefore do not believe the issues proposed reflects all areas of the borough.</p> <p>I do not have personal experience of any issues with private rented sector but I understand from your report that some areas of the Borough do experience issues</p> <p>All the rental properties that I have lived in around the borough have been fine. I don't think there is a major problem, maybe a few bad eggs, that's all</p>		Council's experience of dealing with poor property conditions in the borough shows that some landlords do not know or actively ignore their responsibilities.
Is currently or has experienced poor standards and conditions in the PRS	<p>I had five years with no gas safety inspection and a serious mouse problem.</p> <p>my flat has ongoing issues and category 1 hazard problems that would likely harm the health and safety of anyone living there including: damp and mould growth, lack of security due to badly-fitting external windows and problems with locks, broken floor at the kitchen, broken sink, big cracked surrounding kitchen sink causing splash-back to the external wall, lack of mechanical extraction, smoke detector not working and raised moisture level.</p> <p>Landlords don't seem to care about preventing a problem only when the problem intensifies. For example, the roof in my rented property has brown patches, as in water could leak through any minute. Additionally, there are cracks in the wall. My husband and I have informed the landlord several times and he keeps saying he will send someone to have a look but nothing. I'm worried that it will take the ceiling falling in for the landlord to care.</p> <p>It is hard to get the landlord to do any maintenance work or any safety measures to be taken or get rid of pest nuisance as there is a fear that you will be asked to vacate the place.</p>	Consultation Survey Comments	As stated above, the Council understands that some residents have experienced issues with HMOs and the PRS The Council has presented evidence of persistent issues with privately rented properties throughout the borough, and the intention with introducing licensing is to address these issues.
Experience of issues with	<p>The owner below me is renting out his property which is not fit for purpose with rising damp on walls, hole in the wall and he has put a lock on the garden side gate to prevent the family living in it at the moment from exiting the dwelling from the back which is a</p>	Consultation Survey Comments	As stated above, the Council understands that some residents have experienced issues with HMOs and the PRS The Council has presented evidence of

Theme	Example Comment	Comment Source	Council response
neighbouring properties	<p>H&S risk for them if there is a fire. He used to rent out individual rooms to students. In the garden there is an outhouse that he has lived in and tried to rent it out to students. The council have carried out a few enforcements regarding his outhouse. 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.</p>		persistent issues with privately rented properties throughout the borough, and the intention with introducing licensing is to address these issues.
	<p>Anti Social Behaviour such as noise nuisance, visitors' vehicles blocking my driveway, overcrowding and corresponding increased crime rates affecting our quality of life in the neighbourhood.</p>		
	<p>The companies who rent out in the private sectors do not set standards for those living in the properties. It seems that the occupants do not comply to noise, rubbish and behaviour. Only two days ago an owner/occupier had to point out to someone who works for a lettings agents that the windows of the rented property needs to be cleaned, and the surrounding area should be tidied up.</p>		
	<p>We have a house next door to us which is privately rented. The landlord/ owner is terrible- a greedy man who does no repairs to the house yet wants his tenants to pay entirely over the top rents. The house has been in disrepair for years but because of its location (and only this) he eventually manages to let it. The disrepair impacts on our property because he doesn't repair the fences or fix the drains so we end up with waste in our garden.</p>		
	<p>Overcrowding neighbours in my experience also causes excess rubbish- difficult when they also don't recycle, thus causing attraction overloading bins that won't get taken. This did start attracting rats. Worrying with cats in the area</p>		
	<p>As someone who lives below what was originally a 1 bed flat, then a loft conversion made it a 2 bed flat - at that point privately owned and occupied - but now rented out as a mini HMO to 3 totally separate individuals - with the living room converted to a bedroom, my quality of life as the downstairs owner occupier is much disturbed.</p>		
	<p>It is noticeable around our area that private rented accommodation is not kept to a good standard, I have noticed a number of hazardous looking buildings in local streets as well as</p>		

Theme	Example Comment	Comment Source	Council response
	<p>fly tipping. The house next door has been converted into an HMO, without full planning permission being granted for some of the works, it is occupied to what seems over crowding. As a consequence we suffer noise issues, but the council don't appear to be interested and have granted an HMO licence without visiting or even checking that planning permission has been granted.</p>		
<p>Concerns about the number of HMOs impacting the community / neighbourhood</p>	<p>Short term tenancies with constantly changing tenants who do not stay long enough to care about the local area are a huge problem and it is increasing.</p> <p>It splits community and make people isolated with a them and us attitude. Repairs are not done quickly and properly which has a knock on effect on those of us living here as tenants or owner's</p> <p>It splits community and make people isolated with a them and us attitude. Repairs are not done quickly and properly which has a knock on effect on those of us living here as tenants or owner's</p> <p>The random way HMOs are allowed can destroy a street, decreasing value and killing the community feel.</p> <p>The increase in rental property on the estate is significant. Many of the new rentals are small HMO's. We need a publicly available directory of licensed properties. Haven't been able to find one.</p>	<p>Consultation Survey Comments</p>	<p>The Council understands the concerns regarding the impact on the local community. Creating thriving communities is a key objective of the Council's Plan and more information on the approach to this can be found here - Council plan Ealing Council</p>
<p>The cost of rent is too high</p>	<p>Renting in Ealing is very expensive and hard to get by this puts lots of family's at risk of eviction which from my personal experience has a impact on mental health both on parents and children there should be something done to make it more stable for family's in the Borough, also noise Nuisance is a big problem as well.</p> <p>Landlords charge excessive amounts for small living spaces and are not value for money. On top they are reluctant to want to fix things in the property.</p> <p>Prices are unaffordable for even key workers with full time jobs. It is not an option to rent without living in overcrowded houses.</p>	<p>Consultation Survey Comments</p>	<p>The Council acknowledges that rents in the borough can be high in the borough. The aim of licensing is to improve the quality of rented accommodation in the borough and reduce overcrowding, so that privately renting tenants have more value for money. The Council Plan also acknowledges the challenges faced by the borough in light of the COVID-19 pandemic and the pay gap between those living in the borough. More information is available here - Council plan Ealing Council</p>

Theme	Example Comment	Comment Source	Council response
Problems with parking	<p>The properties have been converted to multiple dwelling so more people in a small area not enough parking space as one property can have more than 4 vehicles and tenants just dumping unwanted furniture etc. On the pavements</p> <p>The number of persons living in each property should be limited to 4 only with maximum of one vehicle only.</p> <p>Parking is impossible when houses are cut into 3-4 tiny flats and each has a car. There just isn't enough space on the street.</p> <p>there should be provisions for adequate parking for all in the HMO, houses and streets were not designed for HMOs and not for houses with more that say 3 cars, this causes real problems for residents who share the space, also there is no transparency on who to contact if there are issues, with noise or antisocial behaviour, despite complaints to the council no one is accountable,</p> <p>Adequate parking should be available. 6 people living in 1 small house like in my road no parking for any tenants so they block all our driveways. No thought for residents</p>	Consultation Survey Comments	<p>The Council understands that parking is an issue for many residents in the borough. Licensing is part of wider Council strategies to improve the lives of residents in Ealing. More information on the Council's plan to address issues with parking can be found in the Council's Parking plan - Parking plan Ealing Council</p>

Safer and better private renting in Ealing

9



Private rented property licensing schemes:

CONSULTATION DOCUMENT

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Executive Summary

Ealing Council is consulting on new licensing proposals for the private rented sector in the borough. Property licensing is a way of ensuring safer and better conditions in private rented properties.

Ealing is consistent with the rest of London in that it has a shortage of affordable housing, with house prices remaining out of reach for many. Demand for social housing far outstrips availability. Private rented property is therefore increasingly becoming the only option available to many Ealing residents, including those who are vulnerable and on low incomes. Presently, 38.1% of Ealing's housing stock is in the private rented sector and this is expected to continue to rise in the future.

We believe there are strong benefits to landlords, tenants and the wider community from property licensing. We recognise that most landlords offer good quality housing for their tenants, but there is a small and significant minority who do not. Licensing allows the council to be much more proactive in raising standards for tenants and supporting good landlords.

Licensing allows the council to be much more proactive in raising standards for tenants and supporting good landlords.

The current licensing schemes, which will expire in December 2021, have ensured good progress in improving standards but there is much more to do. Poor housing conditions remain prevalent, with 22% of Ealing's private properties predicted to have serious housing hazards. Many properties are either unlicensed or are not currently licensable.

In order to build on the achievements of the current schemes and widen the range of properties that will be eligible for licensing, the council is proposing to introduce a new additional licensing scheme which will apply to houses in multiple occupation (HMOs) across the whole borough as well as a new selective licensing scheme which will apply to all privately rented properties in 15 wards of the borough.

Whether you are a tenant, landlord, managing or letting agent, business, service provider, voluntary organisation or local resident, it's your chance to have your say on private property licensing.

Introduction

This consultation document provides information about the scale of problems relating to poor housing conditions and ASB in Ealing's private rented sector and the evidence to support the council's proposal to introduce new licensing schemes. It also provides a detailed description of the proposed new licensing schemes, the proposed new licence conditions and proposed fees.

Key information about each ward in the borough and how the new proposals might affect you can be found in the ward profiles at <https://bit.ly/3nTuUuF>.

We are keen to hear your views on these proposals and encourage you to complete our online survey by visiting: www.ealing.gov.uk/prslicensingconsultation

You can also have your say on our proposals by attending live virtual public meetings to be held on the following dates from 7 – 8.30pm:

- **Wednesday 9 June** for tenants living in private rented properties
- **Wednesday 16 June** for landlords and managing and letting agents renting out private rented properties
- **Wednesday 23 June** for all other residents living in the borough and local businesses

Please contact us via the details below to register your attendance at one of the above meetings.

The consultation will run for **12 weeks** from **10 May until 2 August 2021**

The council has appointed HQN, an independent housing consultancy, to run this consultation exercise on our behalf. For further information about the proposed new licensing schemes, and for any help with the consultation please contact:

- **Email:** ealingmeetings@hqnetwork.co.uk
- **Telephone:** 01904 557197
- **Post:** HQN, Rockingham House, St Maurice's Road, York YO31 7JA

The private rented sector (PRS) in Ealing

The nature of Ealing's private rented sector (PRS) varies greatly and includes houses, flats, converted buildings and houses in multiple occupation (HMOs).

In order to understand the current state of Ealing's housing stock, Metastreet Ltd were commissioned to undertake an independent detailed review across the borough and assess housing stressors relating to key tenures, particularly the PRS. The review provided estimates of:

- Current levels of PRS properties in Ealing and tenure change over time
- Information on the number of HMOs in the borough
- Levels of serious housing hazards in the PRS

- Other housing related stressors including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.

Ealing has a large and growing PRS, with 54,776 (38.1%) properties currently predicted to be private rented

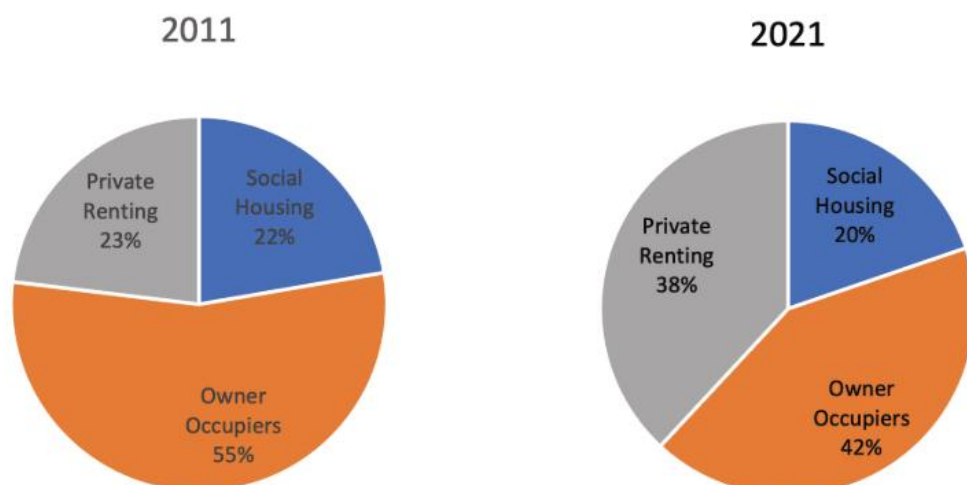
This review has shown that Ealing has a large and growing PRS, with 54,776 (38.1%) properties currently predicted to be private rented. There is also a relatively high number of HMOs (8,360). Poor housing conditions are prevalent in the PRS as is associated ASB, particularly with HMOs.

The full report is available from <https://bit.ly/2ROSJEH>, however some key findings are presented below.

Housing tenure

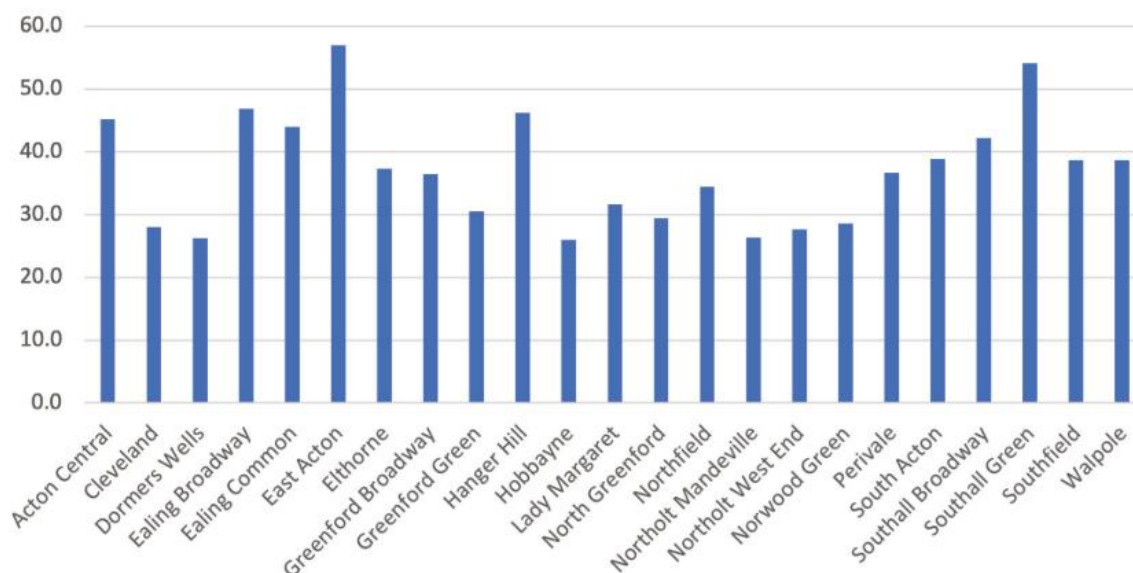
Consistent with national and London trends, Ealing's PRS is growing. It is estimated to have increased from 23% in 2011 to 38.1% in 2021, representing an increase of 65.7% over the last 10 years.

Housing tenure in Ealing [Source: Metastreet Ltd, 2021]



Ealing's PRS is prevalent across all wards. The percentage of PRS properties in each ward ranges between 57% in East Acton and 26% in Hobbayne. All of Ealing's wards have a higher percentage of PRS than the national average (England), which was 19% in 2019-20.

% PRS in Ealing by ward [Source: Metastreet Ltd, 2021]



Houses in multiple occupation (HMOs)

Houses in multiple occupation, commonly known as HMOs, are a subset of PRS properties and are typically properties or buildings that are shared between different individuals, households or families. HMOs can vary greatly in use, size and design. They include bedsits, hostels, “bed and breakfast” accommodation, halls of residence, and some buildings converted into flats.

Under the Housing Act 2004, HMOs broadly fall under two legal categories:

- HMOs where households share (or lack) basic amenities - for example bathroom and kitchen facilities. These are “section 254” HMOs and referred to as “shared amenities” HMOs in this document.
- HMOs that are buildings converted into self-contained flats and households share common areas such as stairs and corridors. These are “section 257” HMOs and referred to as “converted building” HMOs in this document.

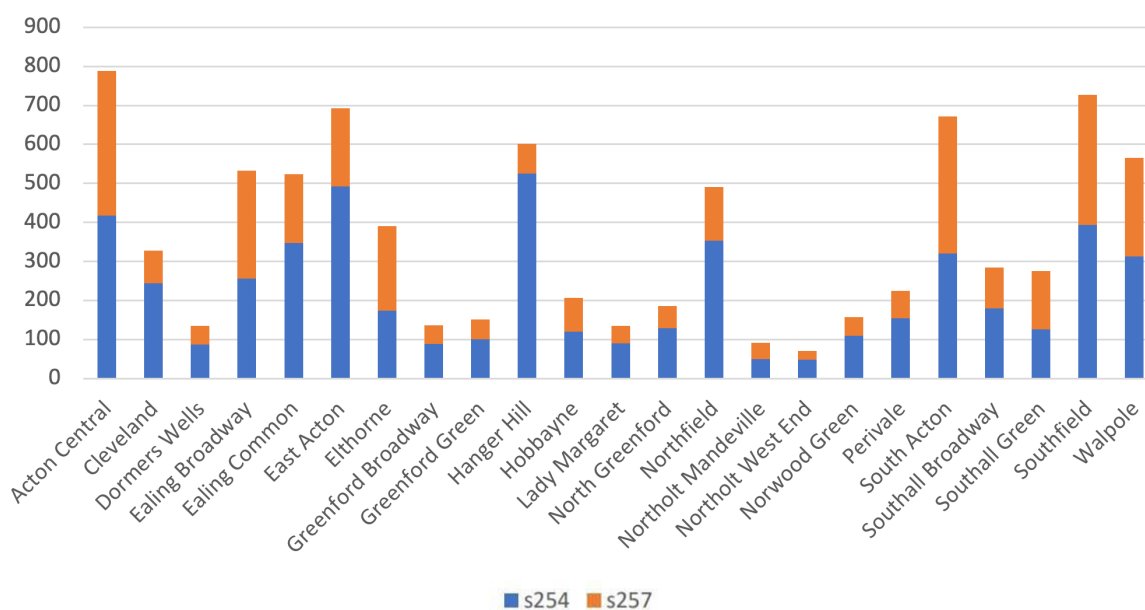
HMOs are usually the cheapest form of private housing available and have traditionally been occupied by single adults. However, in recent years many more couples and children reside in HMOs. Pressure on affordable housing and higher rates of homelessness have driven up demand for this type of property. They remain an integral and important part of the housing supply.

Ealing is considered to have a relatively high number of HMOs, with a predicted number of 8,360 across all wards in the borough

Ealing is considered to have a relatively high number of HMOs, with a predicted number of 8,360 across all wards in the borough. 5,130 of these are shared amenities HMOs and 3,247 are converted building HMOs.

The wards of Acton Central (789) and Southfield (727) have the highest numbers of HMOs. Northolt West End has the lowest number (70) of HMOs.

Number of HMOs by ward [Source: Metastreet Ltd, 2021]



Housing conditions

There is a gradient of risk with age of the property, the risk being greatest in properties built before 1900, and lowest in the more energy efficient properties built after 1980. Ealing has a high level of residential properties (62.8%) built before the Second World War.

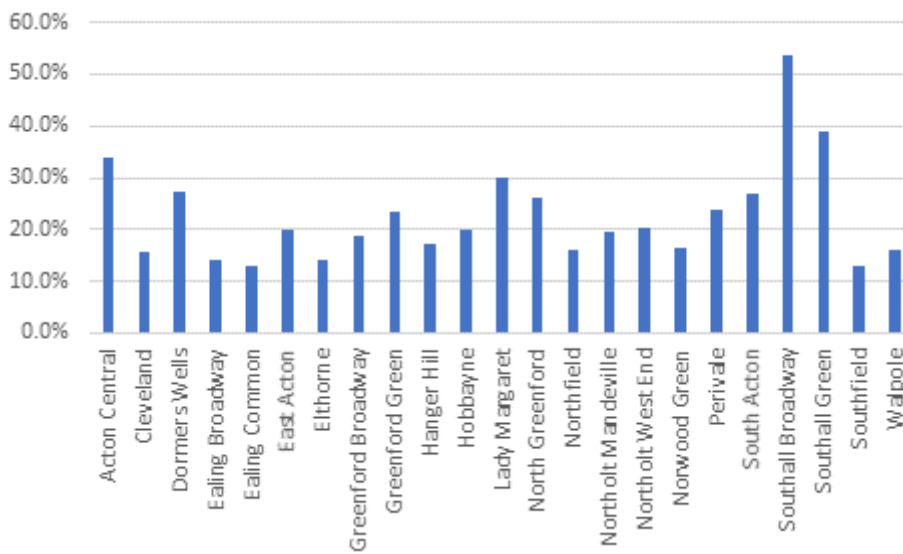
Under the current Minimum Energy Efficiency Standard (MEES), properties must have a minimum Energy Performance Certificate (EPC) rating of E before they can be let out. Currently in Ealing, 2.2% of the PRS have an F and G rating, which means approximately 1,205 PRS properties are likely to fail the MEES statutory requirement.

Under the Housing Health and Safety Rating System (HHSRS), category 1 hazards are the most serious housing hazards and have a physiological or psychological impact on the occupant which may result in medical treatment.

Our evidence shows that category 1 hazards in Ealing’s PRS are distributed across the whole borough, with over 12,000 private rented properties having at least one category 1 hazard, representing 22% of Ealing’s PRS. The national (England) average in 2019 was 13%.

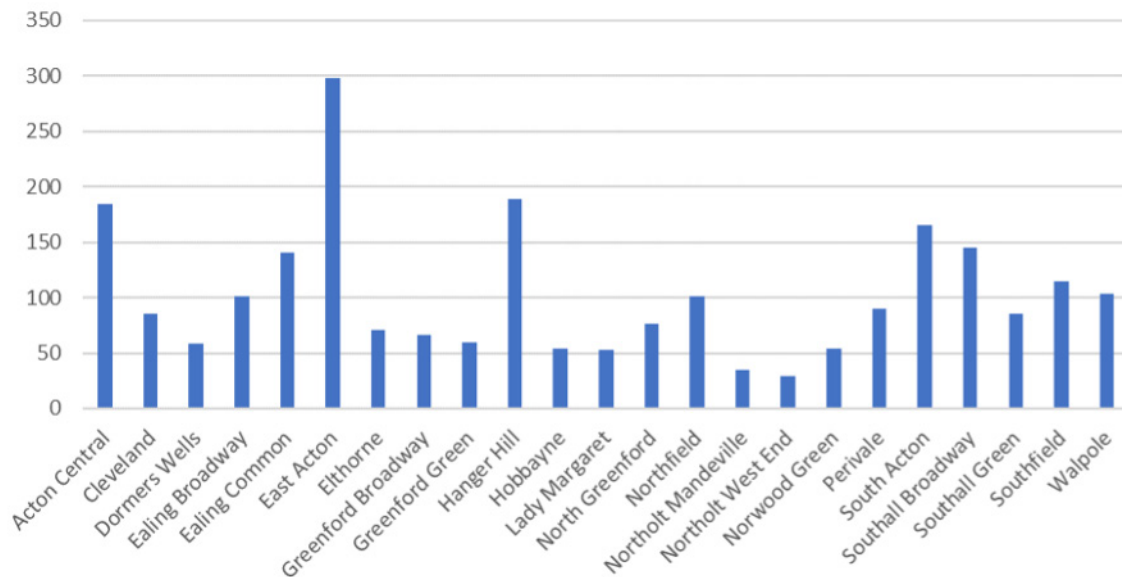
Southall Broadway (53.4%) and Southall Green (38.8%) wards are predicted to have the highest % of PRS properties with category 1 hazards. Southfield has the lowest at 12.8%.

% PRS predicted to have category 1 hazards [Source: Metastreet Ltd, 2021]



Our evidence shows that Ealing’s HMOs are suffering from poor housing conditions. Nearly half (46%) of shared amenities HMOs are predicted to have category 1 hazards. Common issues found in all types of HMO are a lack of adequate fire and electrical safety measures, inadequate amenities, overcrowding and inadequate heating. East Acton has the highest number of HMOs with category 1 hazards (298).

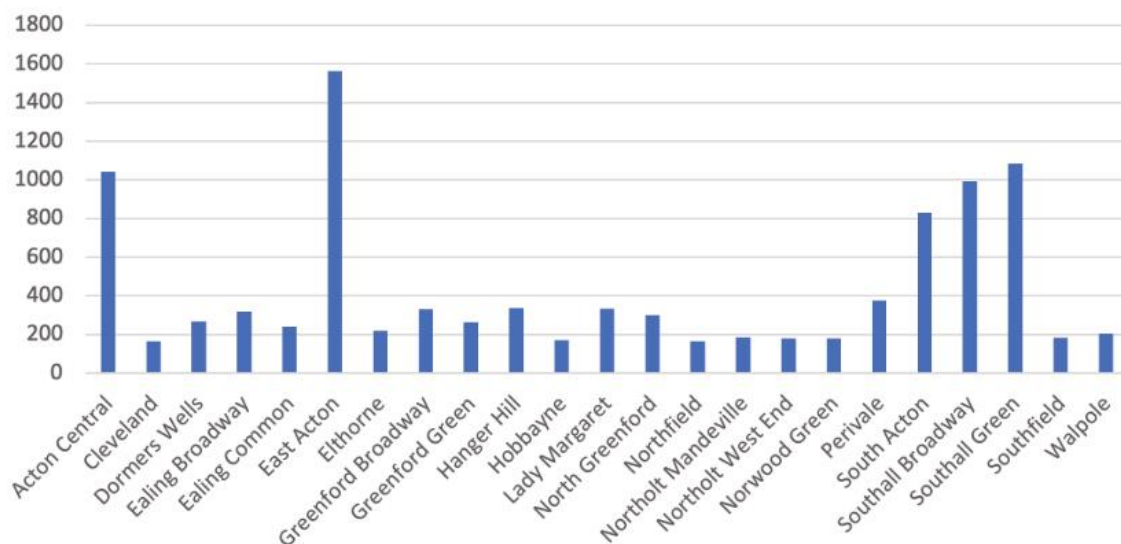
Number of shared amenities HMOs with category 1 hazards by ward [Source: Metastreet Ltd, 2021]



Housing interventions

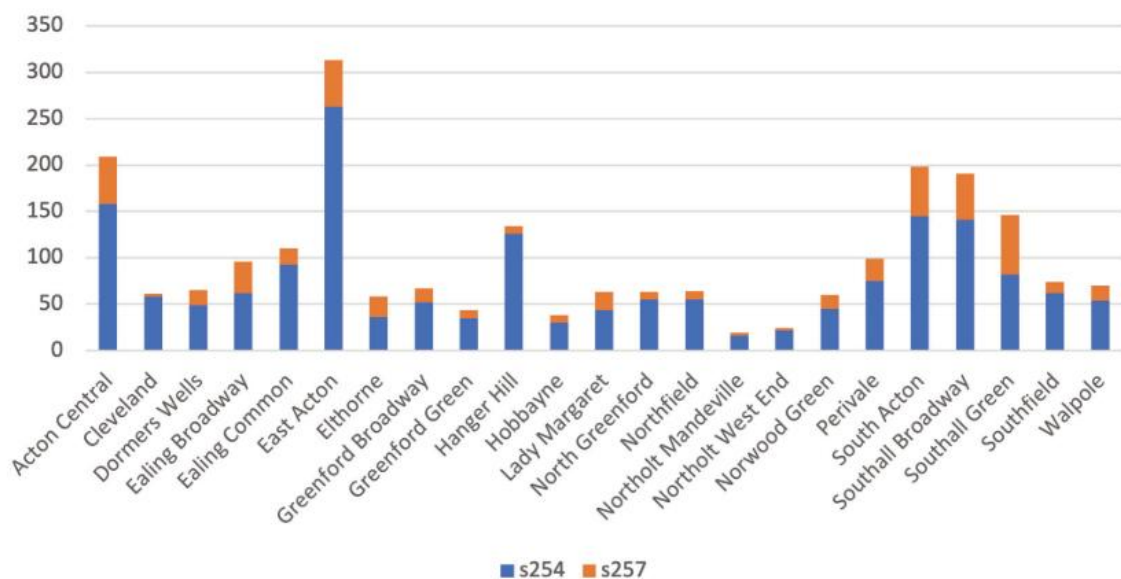
Over a five-year period up to 2020, the council recorded 9,931 complaints from PRS tenants about poor conditions and disrepair across all wards in the borough. East Acton (1,564) and Southall Green (1,085) received the most complaints.

Number of complaints about PRS made to the Council [Source: Metastreet Ltd, 2021].



Over the same period, 2,266 of these complaints concerned HMOs. East Acton (313) and Acton Central (209) received the most complaints, although complaints came from HMOs across the whole borough.

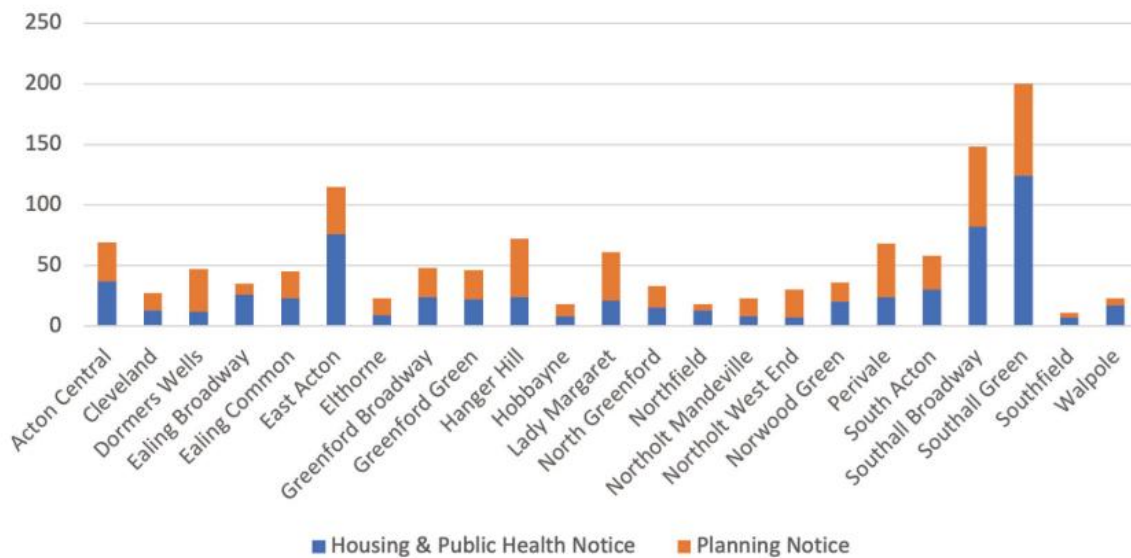
Number of complaints about HMOs made to the Council [Source: Metastreet Ltd, 2021].



The council has powers to take enforcement action under various legal provisions. Where housing hazards, disrepair, public health or planning concerns are identified that need enforcing, statutory notices can be served on the responsible persons requiring action to be taken within a specified timeframe.

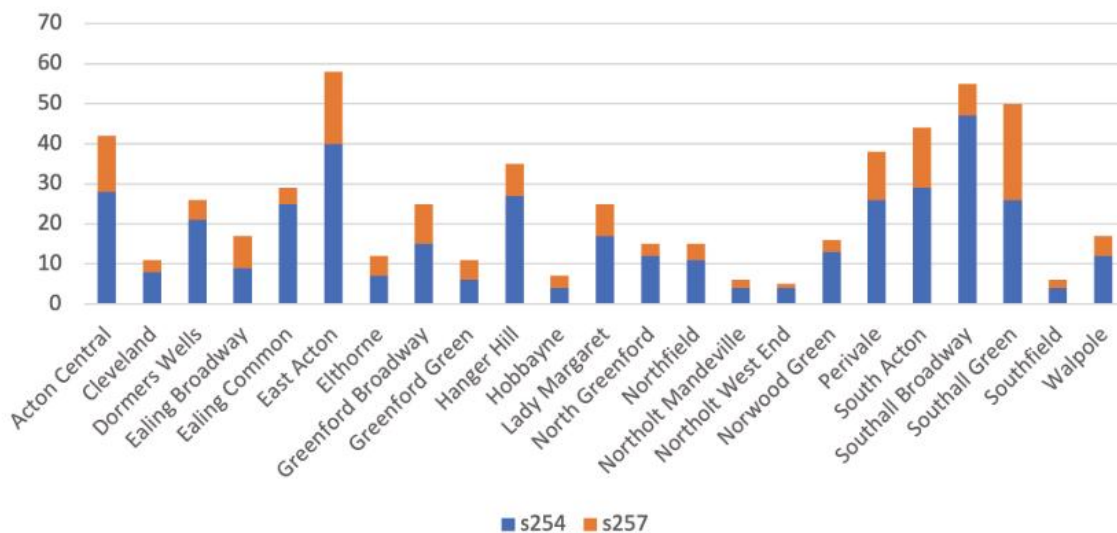
The council has served a significant number of statutory notices over a five-year period until 2020. 1,254 housing, public health and planning enforcement notices were issued. Southall Green (200), Southall Broadway (148) and East Acton (115) received the most statutory notices.

Number of statutory notices served [Source: Metastreet Ltd, 2021].



565 of these statutory notices were served in relation to HMOs. HMOs in East Acton (42) and Southall Broadway (55) have received the highest number of statutory notices.

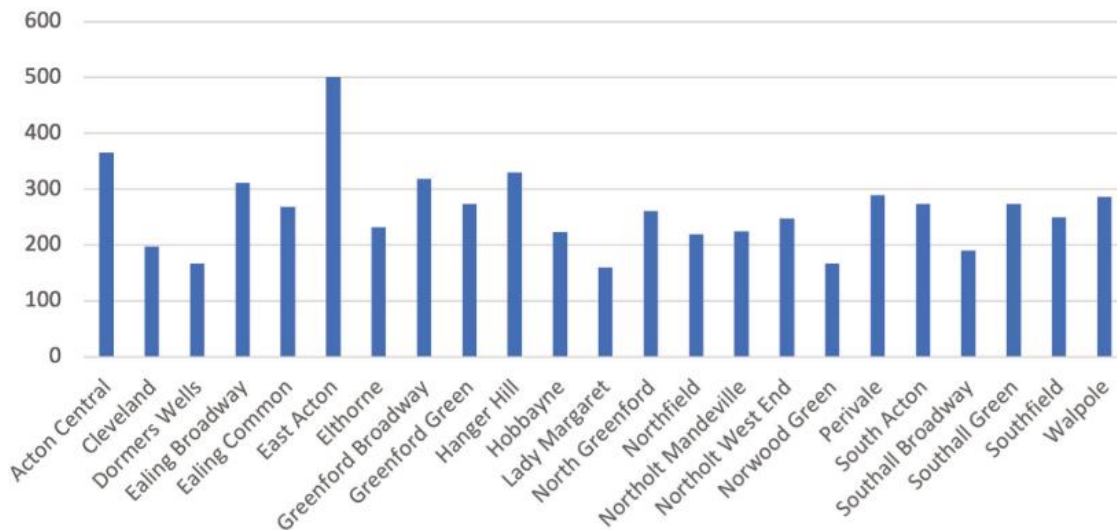
Number of statutory notices served on HMOs [Source: Metastreet Ltd, 2021].



Antisocial behaviour associated with the PRS

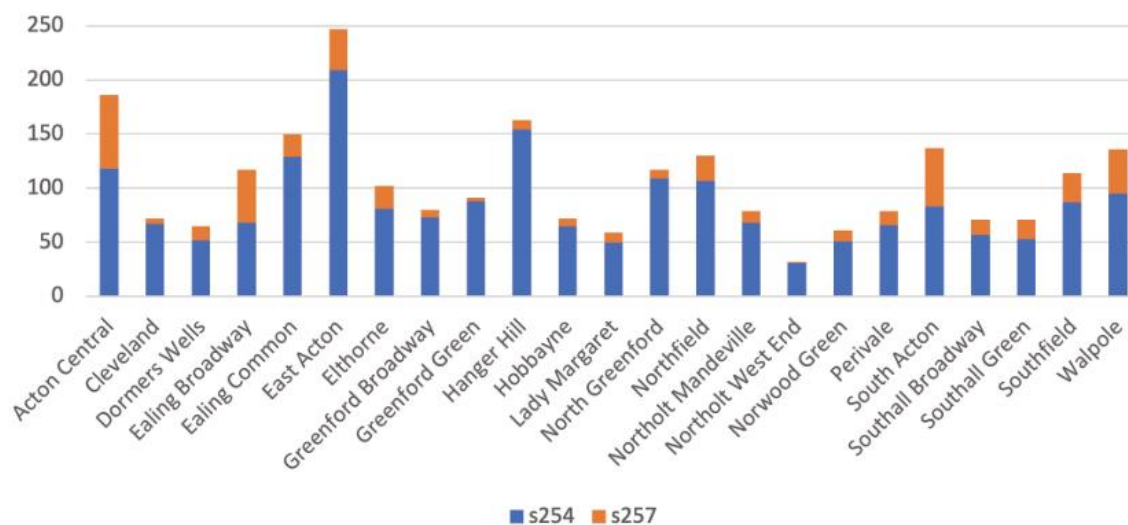
Over a five-year period up to 2020, 6,025 ASB incidents directly linked to PRS properties across the borough have been recorded. They consist of noise, verbal abuse, harassment, intimidation, nuisance animals, nuisance vehicles, substance misuse, prostitution, rubbish and fly tipping. East Acton (501) and Acton Central (365) have the highest numbers and Lady Margaret (160) has the lowest numbers of PRS ASB incidents.

Number of ASB incidents linked to PRS by ward [Source: Metastreet Ltd, 2021].



ASB associated with Ealing's PRS is generally considered to be moderate, however of all 6,025 recorded incidents, nearly half (2431) stemmed from HMOs across all wards, again with East Acton (247) and Acton Central (186) having the highest levels. The lowest number was in Northolt West End (32).

Number of ASB incidents linked to HMOs by ward [Source: Metastreet Ltd, 2021].



Property licensing schemes

What is property licensing?

Property licensing enables local authorities to regulate private rented properties in their areas by issuing a licence to the person responsible for the property, usually the landlord, which contains conditions that relate to its management, use and upkeep.

There are three types of property licensing scheme that are applicable to the private rented sector.

- **Mandatory HMO licensing** operates across England and generally applies to all larger HMOs* occupied by five or more persons in two or more households. It applies to shared amenities HMOs and does not include converted buildings. All local authorities in England must operate mandatory HMO licensing.

*The full definition of mandatory HMO can be found at <https://bit.ly/3xUQwuX>.

- **Additional HMO licensing** is discretionary and applies to smaller HMOs and converted building HMOs which are not covered by mandatory licensing. Local authorities can opt to implement additional licensing should specific legal criteria be met. Additional licensing schemes last for up to five years, after which they expire. Ealing Council's current scheme, which operates boroughwide, is due to expire in December 2021.
- **Selective licensing** of other residential accommodation applies to all private rented properties and not just HMOs. Like with additional licensing, it is discretionary and can be implemented should specific legal criteria be met. Selective licensing schemes also can last for up to five years, after which they expire. Ealing Council's current scheme, which operates in Acton Central, East Acton, South

Acton, Southall Broadway and Southall Green, is due to expire in December 2021.

Property licence conditions are wide ranging and include requirements relating to maximum occupation, gas, electrical and fire safety, pest control, refuse/recycling management and energy efficiency.

Property licensing in Ealing

Together with mandatory HMO licensing, Ealing currently has a boroughwide additional licensing scheme and a selective licensing scheme in the wards of Acton Central, East Acton, South Acton, Southall Broadway and Southall Green. Since the introduction of these schemes in January 2017, a total of 10,308 licences have been granted.

Licence type	Applications received	Licences granted
Mandatory	1,524	1,404
Additional	987	835
Selective	8,758	8,069
TOTAL	11,269	10,308

Through these schemes, we have been able to improve basic standards in often the most unsafe housing. We do not grant licences until landlords can demonstrate at the point of application that basic fire, gas and electrical safety conditions are complied with, and that they are fit and proper persons able to manage the property.

All licences are attached with conditions which must be complied with

All licences are attached with conditions which must be complied with. This enables the council to better regulate the private rented sector, improve housing conditions and promote better standards of management. Licensing requires landlords to proactively manage their properties and take action to address any problems in order to comply with licence conditions. It encourages better standards of property management.

The licensing schemes have enabled the council to better target enforcement action towards the minority of landlords who fail to invest in their properties or meet their legal obligations. Through intelligence gathered via licence applications and service requests, the council has been able to target the most problematic

areas of housing, including unlicensed and high-risk properties, to ensure improvements are achieved for the benefit of tenants and the wider community.

Through property licensing the council was able to quickly support landlords in relation to government-imposed restrictions to minimise the spread of Covid-19. Practical guidance was provided to landlords to help limit the spread of the disease in shared accommodation, including A4 posters to be printed and displayed.

The table below provides a summary of the existing licensing schemes' key achievements and work undertaken to improve property conditions and ASB.

Summary	Total
Applications received (all schemes)	11,269
Licences granted (all schemes)	10,308
Number of accredited landlords	1,425
Properties visited as part of street surveys	5,000
Licence compliance checks/audits undertaken	3,723
Warning letters issued	6,000
Properties brought into compliance (licence submitted) following receipt of warning letter	75%
Service requests (complaints) received and responded to	9,931
Housing & public health statutory notices served	642
Civil penalties (policy adopted May 2019)	44
Prosecutions	8

Property licensing: benefits to landlords, tenants and the community

Property licensing offers benefits to landlords, tenants and the wider community.

Benefits for tenants

- Licensing improves the standard of private rented properties. This makes properties safer for tenants who occupy them.
- Licensing allows a local authority to adopt a much more proactive approach to tackling poor housing conditions and raising standards in private rented housing. Licensing encourages good practices – if a landlord is not able to demonstrate that they comply with fire, gas and electrical safety conditions, a licence will not be granted.
- Many people who are vulnerable, disabled and living on low incomes rely on private renting. Licensing helps the council to protect as many tenants living in private renting as possible.

Benefits for landlords

- Licensing encourages landlords to proactively manage their properties and to take reasonable action to address problems. The council will work with landlords to help support them and build their professionalism.
- Licensing enables the council to create a 'level playing field' for responsible landlords by taking a much more robust approach to the minority of 'rogue' landlords who fail to invest in their properties and meet their legal obligations.

Benefits for the wider community

- Poorly managed privately rented properties have a negative impact on many neighbourhoods. Licensing will increase the number of landlords managing their properties effectively, including the enforcement of tenancy conditions to combat neighbourhood nuisance caused by their tenants or people visiting their properties.
- Poor waste management and fly tipping has been cited as a major issue in many wards. All property licences contain a condition that the holder must provide adequate sized bins and sufficient recycling containers for the occupiers.
- When a property is overcrowded this is often linked to an increase in noise complaints. Through licensing the council is able to limit the number of occupants in a property, reducing overcrowding and the likelihood of noise nuisance.

Proposals for a new additional HMO licensing scheme

The council, since January 2017, has operated a boroughwide additional licensing scheme and this is due to end in December 2021. We are therefore proposing to introduce a new additional licensing scheme in early 2022, that will apply to all wards in the borough and run for a further five years.

By implementing an additional licensing scheme the council is able to effectively deal with poor conditions and ASB

By implementing an additional licensing scheme the council is able to effectively deal with the poor conditions and ASB present in smaller and converted-building HMOs.

An additional HMO licence will be required for properties that are:

- HMOs rented to three or more occupiers in two or more households that share (or lack) toilet, washing and cooking facilities. This excludes HMOs that require a mandatory HMO licence.
- Converted building HMOs, as defined by section 257 of the Housing Act 2004 (<https://bit.ly/3nWUVcz>), but only where the building or any rented flats in the building are in the same ownership or control, or considered by the housing authority to be effectively under the same ownership or control. This will include buildings within mixed use developments or above non-residential premises. Any owner-occupied flats or flats demised to separate leaseholders will not form a part of the licence. An additional licence will not be required where a building has been converted into no more than two flats.

There are some types of buildings which are exempt from HMO licensing by law. These

include buildings controlled by public sector bodies (for example, housing associations), some buildings occupied by students, and some owner-occupied buildings. A full list of exemptions can be found at <https://bit.ly/3vMG511>.

Evidence to support a new additional HMO licensing scheme

Before any local authority can decide to introduce additional HMO licensing, certain conditions must be met. In particular, the council must consider that a significant proportion of the eligible HMOs in its area are being managed sufficiently ineffectively to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

Whilst we have made good progress in identifying and improving these HMOs, there is more to be done

Since the introduction of the current additional scheme, the council has granted 835 additional licences and issued 564 statutory enforcement notices in relation to HMOs to bring about much needed improvements. Whilst we have made good progress in identifying and improving these HMOs, there is more to be done as our evidence shows that a significant proportion of HMOs in the borough are being managed ineffectively due to the presence of serious hazards and significant ASB.

Key factors supporting the council's proposals are:

- Ealing has a relatively high number of HMOs across all wards; 8,360 in total representing approximately 15% of the PRS. In the past

5 years, the council has received over 2250 complaints from residents about HMOs. This represents 22% of all housing complaints. Although some wards - such as Hanger Hill, Acton Central and South Acton – have larger concentrations of HMOs, generally HMOs are distributed throughout the borough.

- Poor housing conditions are prevalent in Ealing’s HMOs. The evidence shows that nearly half (46%) of the shared amenities HMOs have serious (category 1) hazards. Converted building HMOs are also usually older houses or buildings converted into flats either under considerably older legal standards, or without any consideration of building standards. Common issues found in all types of HMO are a lack of adequate fire and electrical safety measures, inadequate amenities, overcrowding and inadequate heating.
- ASB has been shown to be significantly more prevalent in HMOs than in the PRS generally, with nearly half (40.3%) of all ASB incidents in the PRS stemming from HMOs. Whilst some wards (East Acton and Acton Central), had higher numbers of incidents, all HMOs across the borough experienced ASB.

It is vital that all HMOs are of an adequate standard, managed effectively and offer a safe home to their occupiers. By introducing a new additional HMO licensing scheme, we will be able to continue to improve conditions in this important sector and tackle the problems identified.

Proposed licence conditions

All additional HMO licences will be issued with conditions. Some of the conditions are mandatory and by law must be included in a licence. Other conditions are discretionary, but can only be included where the law permits. In certain circumstances, bespoke conditions may be added to a licence which are specific to a particular property.

The proposed conditions can be found at <https://bit.ly/3b93I61>.

Proposed licence fees

Licence applicants will be required to pay a fee for each property that needs a licence. For additional HMO licensing, the proposed fee is £1100 per HMO plus an additional £50 for each habitable room.

We are also proposing to offer the following discounts:

- Applicants who apply within the first three months of the scheme starting will receive a 25% discount.
- Applicants who are members of a Landlord Accreditation Scheme will receive a £75 discount.
- Applicants who are licensing a property with an EPC rating of C or above will receive a £50 discount.

Licence fees must be charged in two parts. There will be an initial fee which is charged to cover the cost of processing the application. Once the application is successful, the remainder of the fee will be charged before the full licence is issued. This part of the fee is used to cover the council’s costs in running and administering the licensing scheme. Licence fees cannot be used elsewhere in the council or used to generate a profit.

A full list of property licensing fees can be found at <https://bit.ly/2StGHUF>.

Case Study 1: Additional HMO Licensing: A three storey property poorly converted into five flats

This unlicensed HMO was identified by the council during a street survey.

On inspection, council officers found a number of hazards including a risk of structural collapse, no fire doors, an inadequate fire detection system, electrical and lighting hazards, inadequate kitchen facilities, an active mouse infestation, and severe damp and mould growth throughout.

The council served a series of enforcement notices on the landlord, who had to undertake significant works to address the unsafe and poor condition of the property. These notices were all complied with bringing about substantial improvements to the standard of the property.

The property is now licensed with the council and subject to licence conditions.



Proposals for a new selective licensing scheme

The council, since January 2017, has operated selective licensing in Acton Central, East Acton, South Acton, Southall Broadway and Southall Green and this is due to end in December 2021.

Before any local authority can decide to introduce selective licensing, one or more of the following conditions must be met. These conditions are:

- That the area is, or is likely to become, an area of low housing demand
- That the area is experiencing a significant and persistent problem caused by antisocial behaviour
- The area has poor property conditions
- The area has high levels of migration
- The area has high levels of deprivation
- The area has high levels of crime

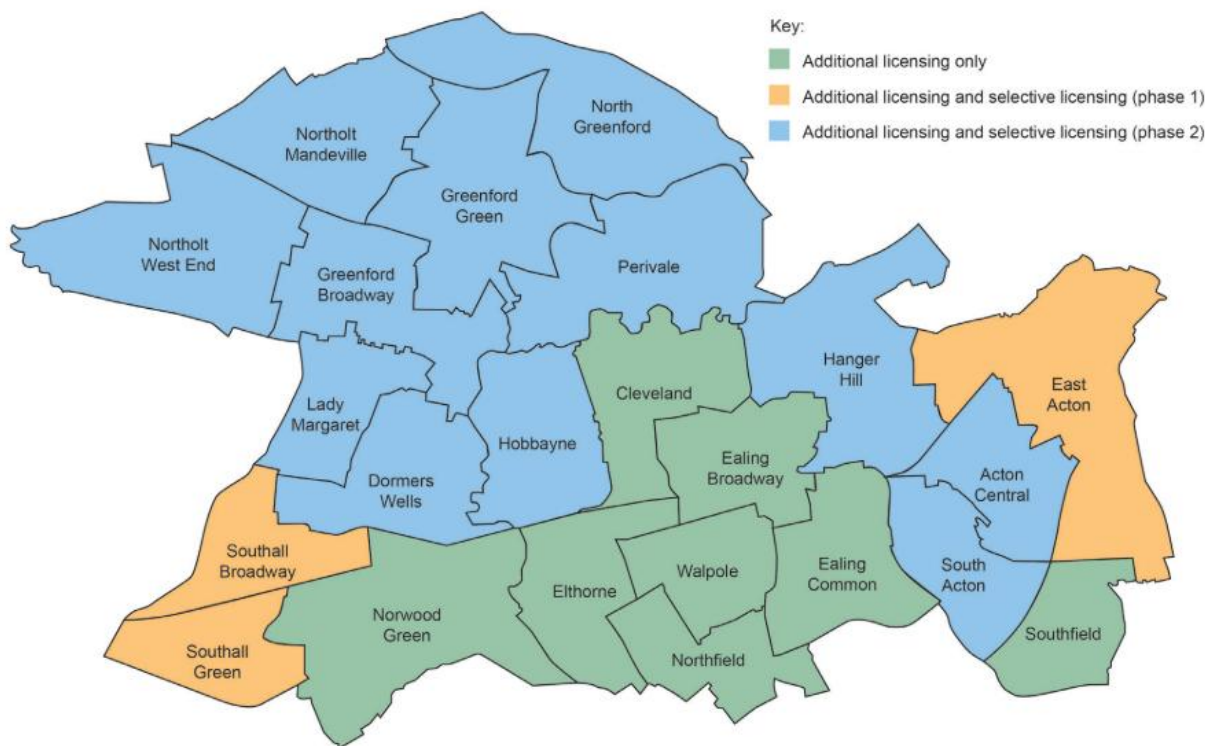
Our evidence suggests that the PRS is continuing to grow and that poor housing conditions remain prevalent

Since the introduction of the current selective scheme, the council has granted 8,069 selective licences and issued 690 statutory enforcement notices in relation to non-HMO properties. However, our evidence suggests that the PRS is continuing to grow and that poor housing conditions remain prevalent.

We are therefore proposing to introduce a new selective licensing scheme that will cover more parts of the borough and will come into force in two phases, with each phase running for five years.

The council intends to introduce a new selective licensing in the following wards:

Phase 1, early 2022	East Acton, Southall Broadway, Southall Green
Phase 2, late 2022	Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale, South Acton



Selective licensing applies to all privately rented properties, unless they are licensable HMOs or exempt by law. Such exemptions include tenancies granted by public bodies (for example housing associations), holiday homes and some business tenancies. A full list of exemptions can be found at <https://bit.ly/2PVbf0C>.

Evidence to support a new selective licensing scheme

Since 2011, the PRS is estimated to have grown from 23% of the stock in 2011 to over 38% in 2021. Some key points about Ealing’s PRS are listed below:

- Nearly 55,000 properties are estimated to be private rented out of a total housing stock of nearly 144,000.
- Each of the 23 wards in Ealing has over 20% of its housing stock in the private rented sector - the average figure for England is 19%.
- East Acton ward has the highest estimated proportion of private rented stock at 57%,

while Hobbayne has the lowest at 26%

- The ward with the highest estimated numbers of private rented stock is East Acton (6,162), while Dormers Wells has the lowest estimated numbers of private rented stock (1,246).
- It is estimated that over 12,000 private rented properties (22%) have at least one serious (category 1) hazard. East Acton (1,224), Acton Central (1,099) and Southall Green (1,089) have the highest number of properties with serious hazards. Proportionally, Southall Broadway (53.5%), Southall Green (38.8%) and Acton Central (33.8%) have the highest levels of serious hazards.
- In response to non-compliance over the past five years, a significant number of statutory notices have been served. Southall Green (200), Southall Broadway (148) and East Acton (115) were issued with the most statutory notices.

Key information for each ward can be seen in the table below:

Ward	Percent PRS (%)	% of dwellings with serious hazards (Cat 1)	No. of dwellings with serious hazards (Cat 1)	No. of disrepair complaints received	No. of housing & public health statutory notices served	No. of ASB incidents
Acton Central	45.2	33.73	1,099	1,042	37	365
Cleveland	28.0	15.59	267	164	13	197
Dormers Wells	26.3	27.37	341	268	12	167
Ealing Broadway	46.9	13.98	508	317	26	311
Ealing Common	44.0	13.04	370	240	23	268
East Acton	57.0	19.86	1,224	1,564	76	501
Elthorne	37.3	13.98	354	218	9	232
Greenford Broadway	36.5	18.75	481	329	24	318
Greenford Green	30.6	23.57	408	265	22	274
Hanger Hill	46.2	17.25	530	335	24	330
Hobayne	26.0	19.89	292	172	8	223
Lady Margaret	31.6	30.14	403	332	21	160
North Greenford	29.4	26.18	417	299	15	261
Northfield	34.5	16.15	314	166	13	219
Northolt Mandeville	26.3	19.73	310	186	8	224
Northolt West End	27.6	20.21	331	181	7	247
Norwood Green	28.6	16.32	249	181	20	167
Perivale	36.7	23.74	516	374	24	289
South Acton	38.9	26.89	839	832	30	273
Southall Broadway	42.2	53.48	1,015	993	82	190
Southall Green	54.1	38.87	1,089	1,085	124	274
Southfield	38.7	12.81	341	183	7	249
Walpole	38.7	15.93	365	205	17	286

In order to continue to drive up improvements to the PRS, we are proposing to introduce a new selective licensing scheme that will cover a wider

geographical area of the borough. The scheme will be introduced in two phases.

Phase 1: Designation 1

This designation will include the three wards of East Acton, Southall Broadway and Southall Green.

Ward	Area sq.kms	Total PRS	Percent PRS (%)	No. of dwellings with Cat 1 hazard	% of dwellings with Cat 1 hazard
East Acton	4.28	6,162	57.0	1244	19.86
Southall Broadway	1.62	1,898	42.2	1,015	53.48
Southall Green	1.59	2,802	54.1	1089	38.87

This designation includes three wards because they are experiencing some of the highest levels of poor housing conditions in the borough. The council receives a significant number of complaints from residents in these wards and a significant number of statutory notices have been served.

Because the size of this designation affects less than 20% of the geographical area of Ealing

(13.48%) and less than 20% of privately rented housing (18.37%), it can be agreed locally by the council and could come into effect from early 2022.

These wards are currently subject to selective licensing and the council considers that there would be a detrimental effect to property conditions and tenant safety should selective licensing cease for a significant period of time.

Phase 2: Designation 2

This designation will include a further twelve wards listed in the table below.

Ward	Area sq.kms	Total PRS	Percent PRS (%)	No. of dwellings with Cat 1 hazard	% of dwellings with Cat 1 hazard
Acton Central	1.77	3,258	45.2	1,099	33.73
Dormers Wells	2.26	1,246	26.3	341	27.37
Greenford Broadway	2.52	2,566	36.5	481	18.75
Greenford Green	3.38	1,731	30.6	408	23.57
Hanger Hill	3.28	3,073	46.2	530	17.25
Hobayne	2.21	1,468	26.0	292	19.89
Lady Margaret	1.54	1,337	31.6	403	30.14
North Greenford	3.26	1,593	29.4	417	26.18
Northolt Mandeville	2.76	1,571	26.3	310	19.73
Northolt West End	3.55	1,638	27.6	331	20.21
Perivale	3.37	2,174	36.7	516	23.74
South Acton	1.72	3,120	38.9	839	26.89

These wards are also experiencing high levels of poor housing conditions. The size of this affects more than 20% of the geographical area of Ealing (56.89%) and more than 20% of privately rented housing (41.35%). This means that this designation, if agreed by the council, would need further confirmation by the Ministry of Housing, Communities and Local Government (MHCLG). If approved this designation could come into effect later in 2022.

Wards not included

The eight wards of Cleveland, Ealing Broadway, Ealing Common, Elthorne, Northfield, Norwood Green, Southfield and Walpole are currently not being included in the proposed selective licensing scheme.

Although these wards have high levels of private renting, our evidence suggests that poor housing

conditions are not as prevalent as in the other wards. The council considers it more appropriate to be selective in its approach and focus resources on the worst affected areas. However, a third designation could be considered for these wards should the evidence change.

Proposed licence conditions

All selective licences will be issued with conditions. Some of the conditions are mandatory and by law must be included in a licence. Other conditions are discretionary, but can only be included where the law permits. In certain circumstances, bespoke conditions may be added to a licence which are specific to a particular property.

The proposed conditions can be found at <https://bit.ly/3ersAYB>.

Proposed licence fees

Licence applicants will be required to pay a fee for each property that needs a licence. For selective licensing, the proposed fee is £750 per property.

We are also proposing to offer the following discounts:

- Applicants who apply within the first three months of the scheme starting will receive a 25% discount.
- Applicants who are members of a Landlord Accreditation Scheme will receive a £75 discount.

- Applicants who are licensing a property with an EPC rating of C or above will receive a £50 discount.

Licence fees must be charged in two parts. There will be an initial fee which is charged to cover the cost of processing the application. Once the application is successful, the remainder of the fee will be charged before the full licence is issued. This part of the fee is used to cover the council's costs in running and administering the licensing scheme. Licence fees cannot be used elsewhere in the council or used to generate a profit.

The full documents detailing the property licence fees can be found at <https://bit.ly/3uutrgF>.

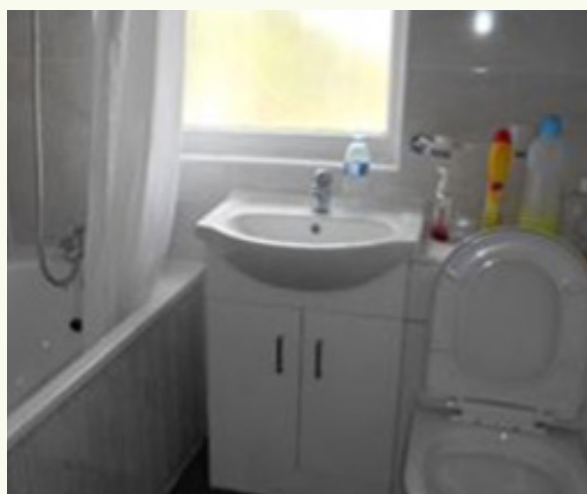
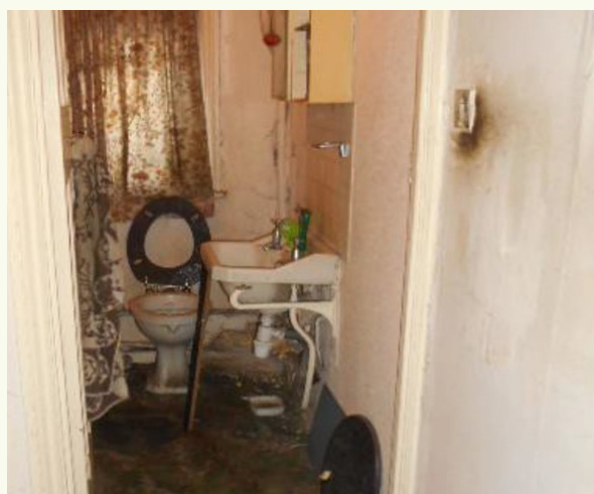
Case Study 2: Selective Licensing Scheme: An unlicensed flat above commercial premises

This unlicensed property was brought to the council's attention by a complaint from a local resident.

On inspection, council officers found a number of hazards including damp and mould, a lack of heating and hot water, electrical hazards, inadequate fire precautions, an active mouse infestation, inadequate kitchen facilities and damaged flooring creating a risk of falls.

The landlord was served with notices requiring him to address the unsafe and poor condition of the property and remove health hazards. These notices were complied with, bringing about extensive improvements to the property.

The property is now licensed with the council and subject to licence conditions.



Objectives of the proposed schemes

The proposed additional and selective licensing schemes will place the responsibility on the landlord to inform the council that their property is licensable and encourage them, with the council's support, to ensure that they meet the required standards. The council can then prioritise its resources effectively to dealing with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.

The main objectives of the schemes will be to:

1. Improve housing conditions by eliminating poor standards of management in the private rented sector

- Proactively inspect each privately rented property during the duration of the licence and robustly enforce the conditions of the licence.
- Improve the health, safety and welfare of tenants.
- Ensure that absentee or unfit landlords employ an agent to actively manage their properties.

2. Reduce ASB in the private rented sector

- Working with partners, proactively target nuisance areas.
- Reduce flytipping and other forms of environmental nuisance through better management of private rented properties.

3. Eliminate rogue landlords

- Take appropriate enforcement action against those landlords who fail to licence or deliberately flout licence conditions.

4. Improve the working relationship between the council and private sector landlords

- Deliver an education campaign for landlords so that they understand their rights and responsibilities.
- Establish a landlord's focus group.
- Provide discounts for accredited landlords.
- Develop a comprehensive database of Ealing landlords, letting and managing agents.
- Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.

5. Increase awareness in tenants on the minimum standards to be expected in rented accommodation

- Deliver an education campaign for tenants so that they understand their rights and responsibilities.
- Improved protection for vulnerable groups living in the PRS.
- Improved communication between landlords and tenants.

Licensing and wider council strategies

Our plans are designed within the framework of wider council strategies.

The council already uses a wide range of powers and approaches to improve the condition of private rented properties in the borough, and dealing with homelessness, empty properties and ASB. This includes joint working initiatives with partners and agencies such as the Police, Fire Service, HMRC, Immigration Enforcement, Social Services, Park Guard, Community Safety, Envirocrime and Planning Enforcement.

Housing Strategy

Ealing's overarching Housing Strategy is currently being updated. Its key aims will remain consistent with its 2014/19 Private Sector Housing Strategy (<https://bit.ly/3xQt8yS>) which sets the following four strategic priorities:

- Increase the supply of private housing
- Support residents to access affordable, well managed private rented homes
- Improve the condition of private housing through regulation through our licensing schemes.
- Develop strong partnerships to support the private housing sector.

These priorities are complementary to the council's Homelessness Reduction Strategy 2018 – 2022 (<https://bit.ly/3uus4yu>), which identifies property licensing as an opportunity to control property standards and engage with licensed landlords in order to increase the supply of much needed family accommodation.

Ealing Council also participates in the London-wide "Setting the Standard" programme, which aims to ensure that bed & breakfasts and studio

flats used by local authorities for temporary accommodation meet a decent level of quality and management standards.

The London Housing Strategy (<https://bit.ly/3xSn4WA>) sets out the Mayor's plans to tackle the capital's housing crisis. The strategy supports well-designed and operated council property licensing schemes.

In January 2021, the council adopted its Climate and Ecological Strategy (<https://bit.ly/2QSUHHL>) in order to reduce emissions across the borough and become carbon neutral by 2030. Insulating homes is one of many actions that can be taken to reduce carbon emissions. A key objective of the strategy is to contact all licensed landlords to promote energy efficiency measures. Licence conditions will also require dwellings to have an EPC rating of E and above. Furthermore, we are proposing to offer a discount of £50 to licensed landlords whose properties have an EPC rating of C or above.

Homelessness

This service seeks to prevent homelessness by assisting households to find their own accommodation in the private sector and identifying private sector units. HMOs and self-contained units in the private sector are therefore utilised to relieve homelessness pressure both as temporary accommodation and as permanent accommodation for households leaving temporary accommodation.

The Housing Service works with landlords to support them to provide well managed homes providing secure and good quality accommodation. It is a requirement that all landlords who let their properties through the council are accredited through an approved accreditation scheme. The Housing Service is also able to offer a management service.

Empty Properties

The Empty Properties team is responsible for investigating empty properties in the borough with a view to bringing them back into use through a number of interventions including incentives (property renovation grants) and enforcement. A condition of the grant is that the council has nomination rights to the newly-renovated properties in order to provide homes for families in need.

Anti-Social Behaviour

The council's Safer Communities team undertakes enforcement and partnership work with the Police and other key partners. Their work includes:

- Responding to ASB/noise referrals and overseeing patrols of parks and estates.
- Enforcement work including injunction applications to stop persistent perpetrators of ASB.
- Identification of high ASB/crime areas in order to discourage and reduce ASB/crime activity.
- Coordination of regular multi-agency meetings to problem solve complex and high risk ASB cases.
- Supporting third sector organisations and independent advocates in domestic abuse work.
- Enacting Public Spaces Protection Orders (PSPOs) which provide Council patrol officers and the Police additional powers to respond to different ASB behaviours.

Alternatives to licensing and options considered

It is our belief that introducing new property licensing schemes is the most effective means of tackling poor housing conditions in the borough. These schemes will enhance the council's ability to use its existing powers and enable it to target action towards the most problematic housing in the borough.

There are other courses of action, or alternatives, to the proposals that have been considered. But we do not believe that they provide as effective means of tackling poor housing conditions in the borough.

The following alternative options have been considered:

Alternative considered	Implications	Disadvantages
To operate a mandatory HMO licensing scheme only	Only larger HMOs would require a licence and be subject to licensing conditions. Dealing with other types of property would rely on a reactive rather than proactive approach.	If no discretionary licensing powers are used, most private rented properties, including smaller and converted building HMOs, would not be subject to proactive regulation. A reactive approach relies mostly on residents reporting concerns to the council. Not all persons are willing or able to do this, including vulnerable residents.
To operate boroughwide additional HMO licensing only	Boroughwide additional licensing would ensure all HMOs are subject to property licensing, but not other non-HMO properties.	This would leave a large proportion of private rented properties ineligible for licensing and not subject to proactive regulation.
To adopt a selective licensing scheme only	Only larger HMOs would be eligible for licensing under the mandatory scheme.	Many other HMOs, which are also experiencing poor housing conditions and ASB, would no longer be licensable.
To operate a selective licensing scheme in the 5 existing wards only (Acton Central, East Acton, South Acton, Southall Broadway and Southall Green)	The evidence supports the operation of selective licensing in these wards, but also shows that poor housing conditions are more widespread.	Not extending licensing beyond these five wards would result in many properties, which are experiencing problems with poor housing conditions, being ineligible for licensing.

<p>Rely on use of existing statutory powers, such as those under Part 1 Housing Act 2004 and other statutes</p>	<p>Following an investigation, formal statutory notices can be served that require improvements to a property. If the notice is not complied with the council can carry out works in default or take action to prosecute or impose civil penalties on the person responsible.</p>	<p>These powers are reactive and can be resource intensive for the Council. They do not place any obligation on landlords to be proactive in improving conditions within a property.</p> <p>Prosecutions and civil penalties may act as a deterrent in allowing properties to remain in poor condition, but do not themselves secure improvements to property conditions.</p>
<p>Wider promotion of voluntary accreditation landlord schemes</p>	<p>The council recognises that accredited landlords are key to raising standards in private housing and encourages all landlords to become accredited and achieve a level of knowledge and competence before letting a home.</p>	<p>Compliant landlords become accredited; less compliant landlords tend not to proactively participate in such schemes.</p>

Glossary

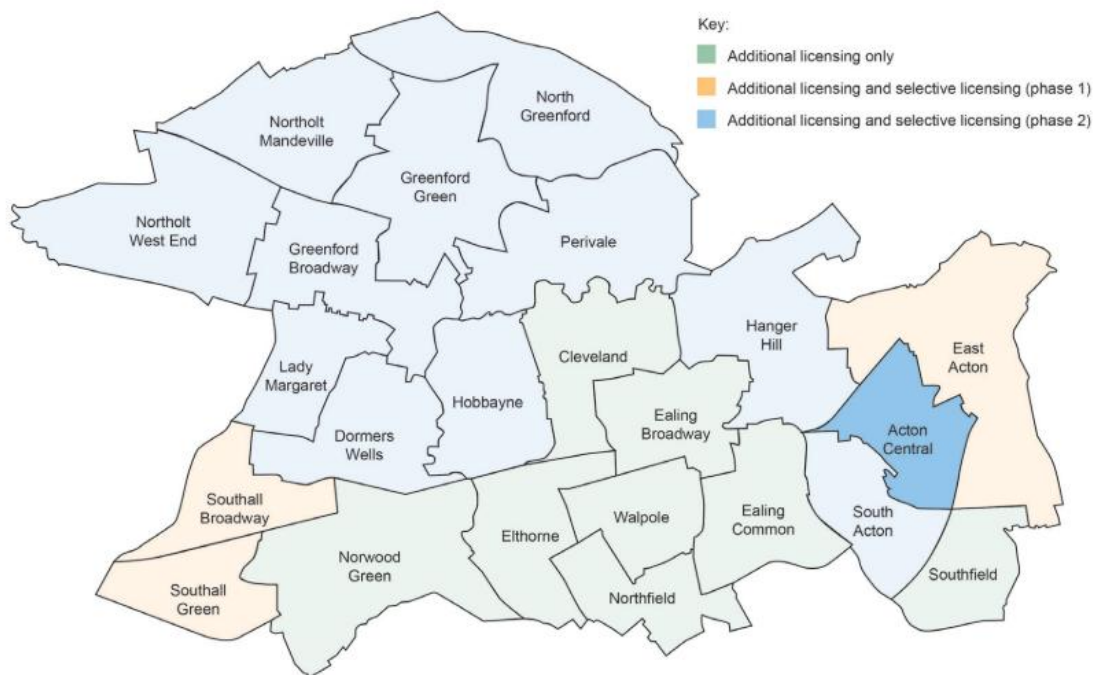
TERM	DEFINITION
Private Rented Sector (PRS)	Properties that are rented by tenants from private landlords.
Private renting	Renting a property from a private landlord.
Social housing	Renting a property from organisations such as housing associations and local authorities.
Owner Occupiers	Persons who live in properties they own.
Mandatory HMO licensing	Licensing of larger HMOs (occupied by 5+ persons in 2+ households) that is operated by all local authorities in England.
Additional HMO licensing	Licensing of other HMOs, which local authorities can opt to implement in their areas.
Selective licensing	Licensing of all private rented properties, which local authorities can opt to implement in their areas.
Household	A family, couple or single person living as a single unit.
Housing Health and Safety Rating System (HHSRS)	A risk-based evaluation tool to help local authorities identify and tackle potential risks and hazards to health and safety from any disrepair/deficiencies identified in residential properties.
Category 1 Hazard (Cat 1)	The most serious hazards under the HHSRS, which include imminent threats to health and safety.
Category 2 Hazard (Cat 2)	Less serious hazards under the HHSRS. Whilst considered less serious, they can still be a concern.
Statutory Notice	A legal document issued by public bodies, including local authorities, that require recipients to complete specified actions within a defined timeframe.
Anti-Social Behaviour (ASB)	Conduct/behaviour that is considered unreasonable, disruptive and causes nuisance and annoyance to other persons.
Deprivation	Deprivation in this context refers to a measure of living standards. The English Indices of Multiple Deprivation (IMD) measure 7 domains of deprivation: income, employment, education, health, crime, living environment, and barriers to housing and services.
Minimum Energy Efficiency Standard (MEES)	Regulations that set a minimum energy efficiency standard (EPC rating of E) that applies to private rented properties.
Energy Performance Certificate (EPC)	EPCs rate how energy efficient properties are using grades from A to G (with 'A' the most efficient grade).
Accreditation	Schemes overseen by various organisations, including local authorities and landlord associations, to provide training and encourage good practice by private landlords.

Private rented property licensing schemes:

WARD PROFILES

Acton Central

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



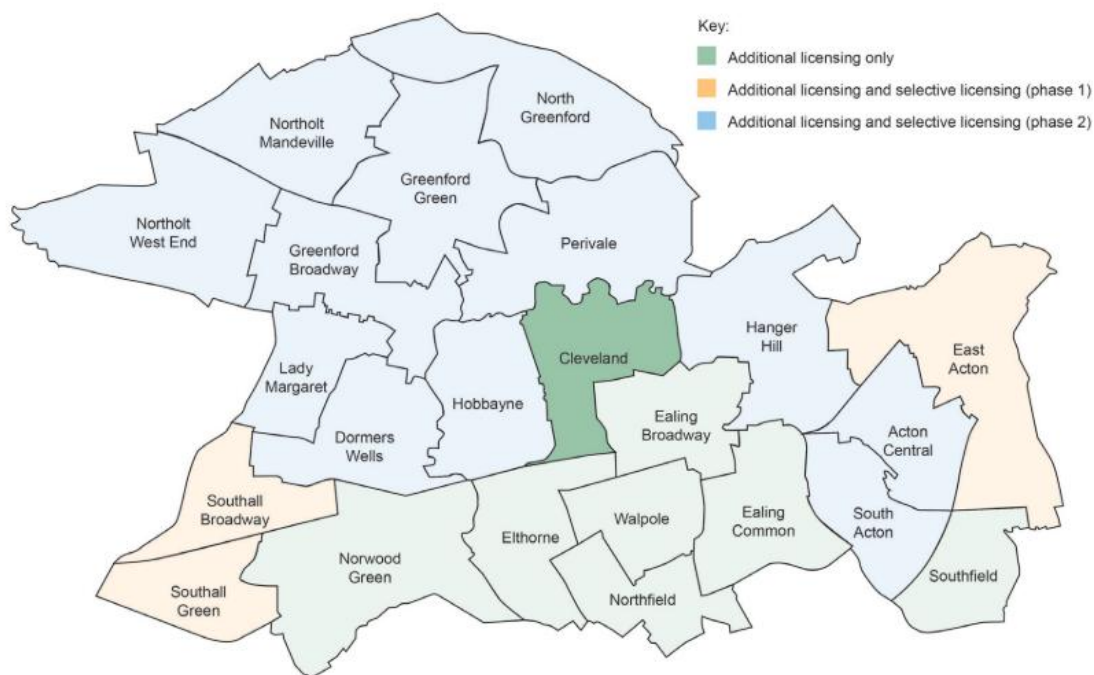
Population	16,100
% Private rented sector (PRS) (predicted)	45.2%
Number of disrepair complaints received	1042
Number of statutory notices served	37
% PRS with category 1 hazards (predicted)	33.73%
Number of ASB incidents associated with the PRS	365
Number of HMOs (predicted)	789
Number of ASB incidents associated with HMOs	186

Acton Central has:

- Slightly higher than average deprivation
- The highest number of HMOs in the borough (789)
- The third highest percentage and second highest number of private rented homes with serious hazards in the borough
- The second highest number of anti-social behaviour incidents linked to the PRS

Cleveland

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



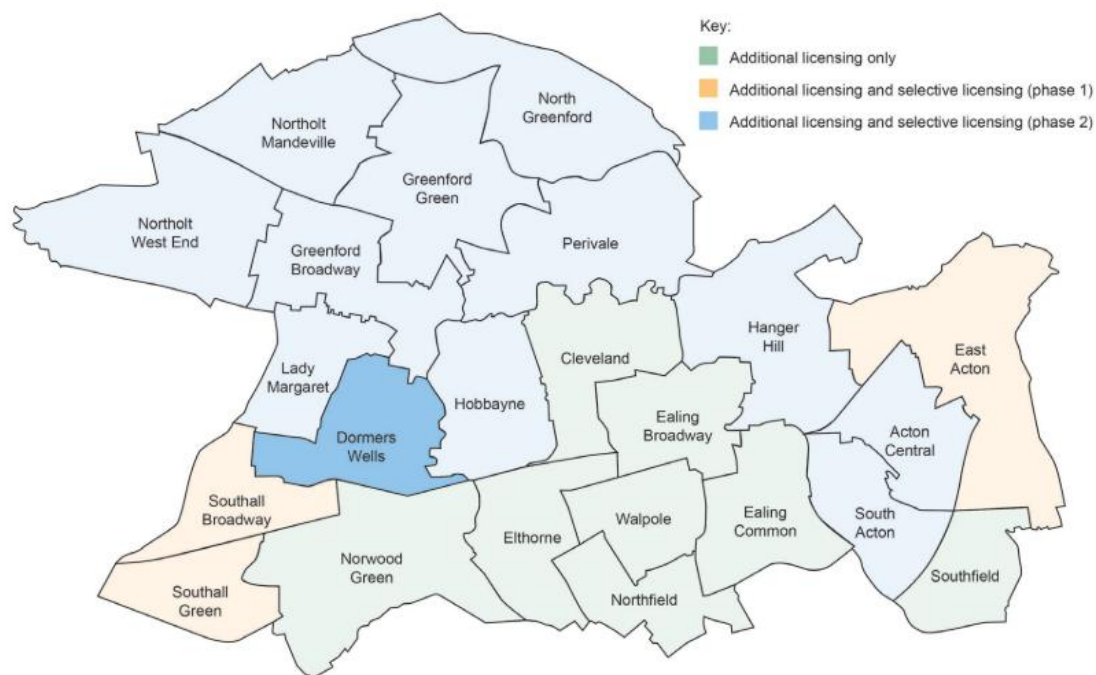
Population	14,700
% Private rented sector (PRS) (predicted)	28%
Number of disrepair complaints received	164
Number of statutory notices served	13
% PRS with category 1 hazards (predicted)	15.59%
Number of ASB incidents associated with the PRS	197
Number of HMOs (predicted)	328
Number of ASB incidents associated with HMOs	72

Cleveland has:

- Slightly lower than average deprivation
- Mid-range in the number of HMOs (300+)
- Among the lowest percentage and number of private rented homes with serious hazards in the borough
- Lower than average number of anti-social behaviour incidents linked to the PRS

Dormers Wells

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



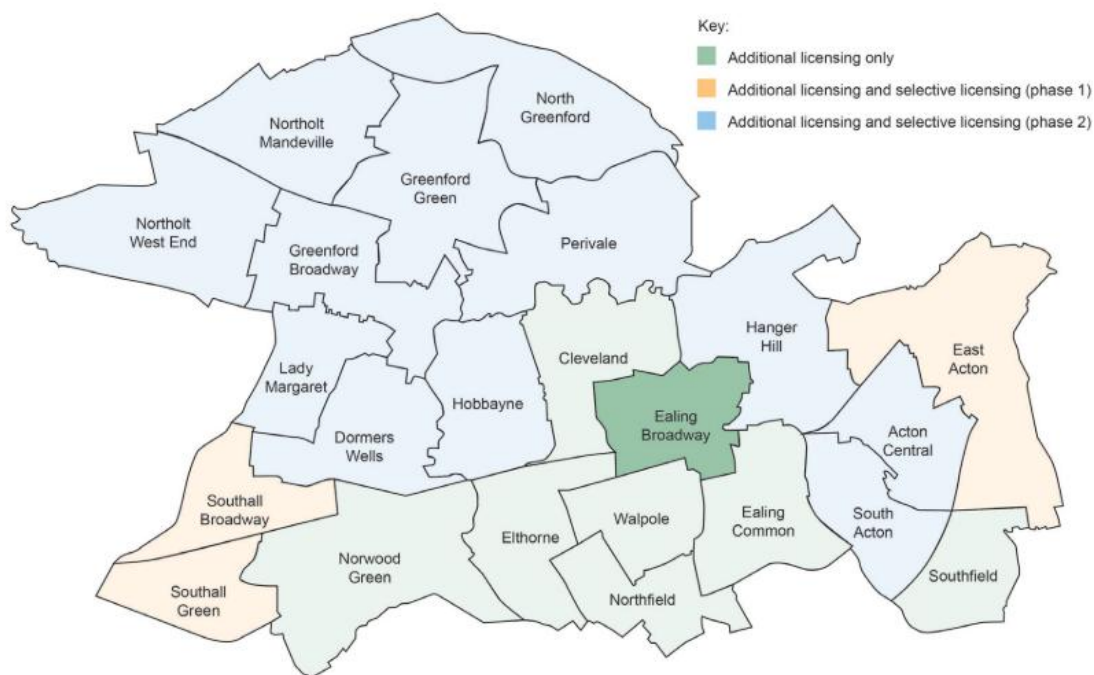
Population	14,200
% Private rented sector (PRS) (predicted)	26.3%
Number of disrepair complaints received	268
Number of statutory notices served	12
% PRS with category 1 hazards (predicted)	27.37%
Number of ASB incidents associated with the PRS	167
Number of HMOs (predicted)	134
Number of ASB incidents associated with HMOs	65

Dormers Wells has:

- Higher than average deprivation
- The lowest number of private rented homes and among the lowest number of HMOs in the borough
- The fifth highest percentage of private rented homes with serious hazards in the borough, but lower than average in numbers
- Lower than average number of anti-social behaviour incidents linked to the PRS

Ealing Broadway

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



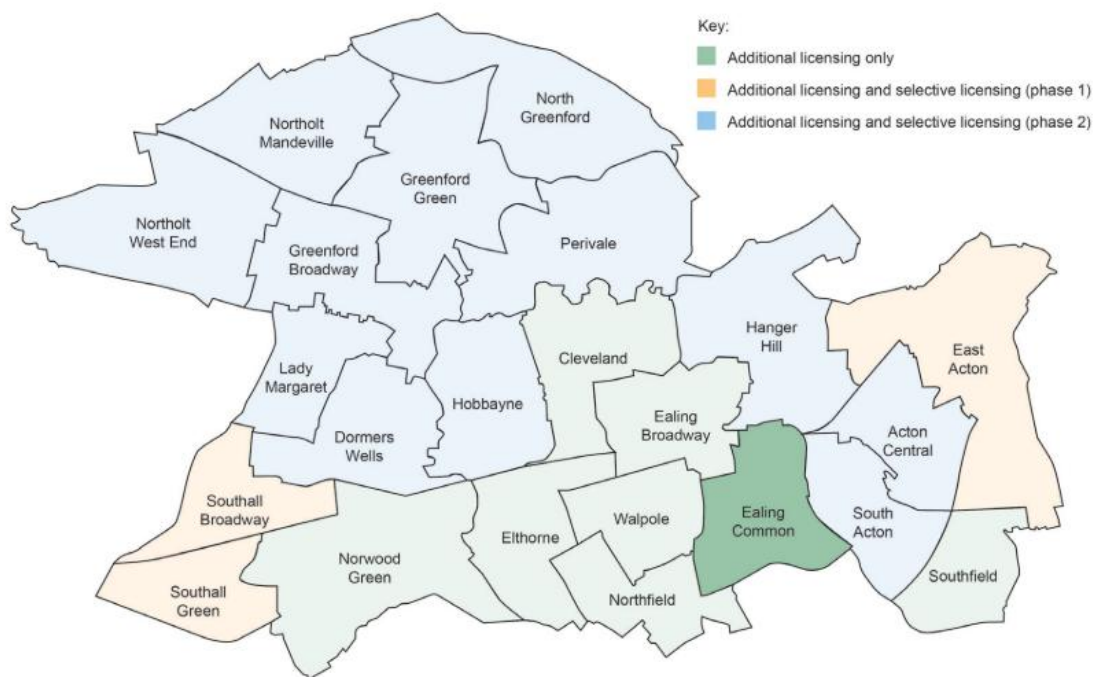
Population	14,900
% Private rented sector (PRS) (predicted)	46.9%
Number of disrepair complaints received	317
Number of statutory notices served	26
% PRS with category 1 hazards (predicted)	13.98%
Number of ASB incidents associated with the PRS	311
Number of HMOs (predicted)	532
Number of ASB incidents associated with HMOs	117

Ealing Broadway has:

- Lower than average deprivation
- Higher than average number of HMOs (500+)
- Lower than average percentage but eighth highest number of private rented homes with serious hazards in the borough
- Fifth highest number of anti-social behaviour incidents linked to the PRS

Ealing Common

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



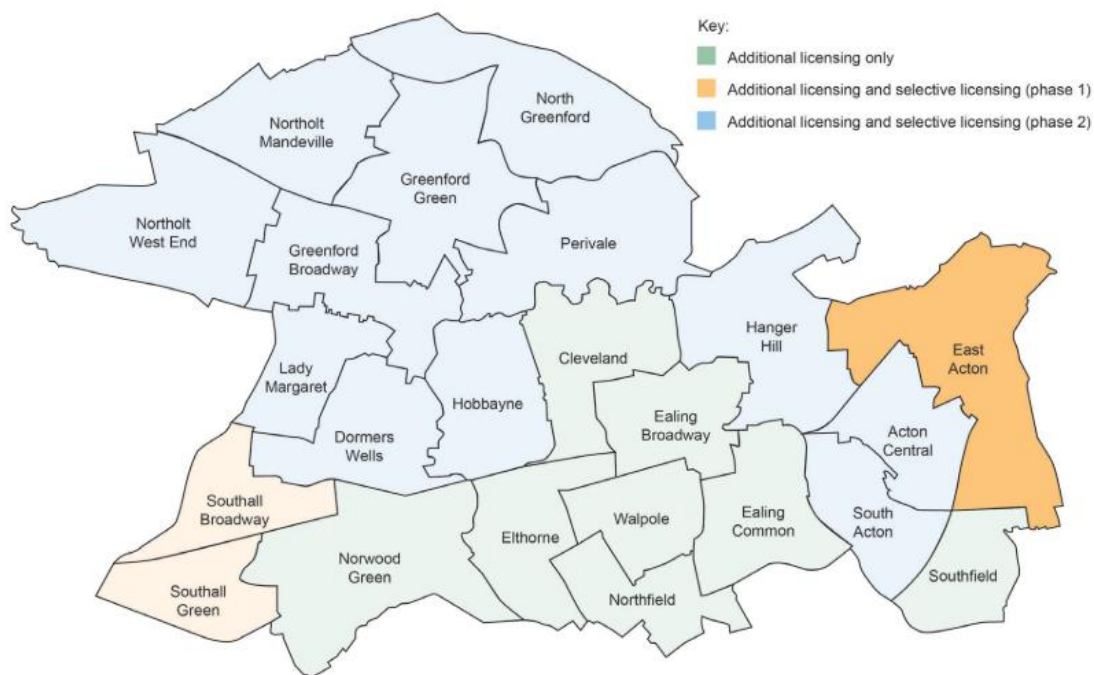
Population	13,800
% Private rented sector (PRS) (predicted)	44%
Number of disrepair complaints received	240
Number of statutory notices served	23
% PRS with category 1 hazards (predicted)	13.04%
Number of ASB incidents associated with the PRS	268
Number of HMOs (predicted)	524
Number of ASB incidents associated with HMOs	150

Ealing Common has:

- Average deprivation
- Higher than average number of HMOs (500+)
- The second lowest percentage and mid-range numbers of private rented homes with serious hazards in the borough
- An average number of anti-social behaviour incidents linked to the PRS

East Acton

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 1, Early 2022



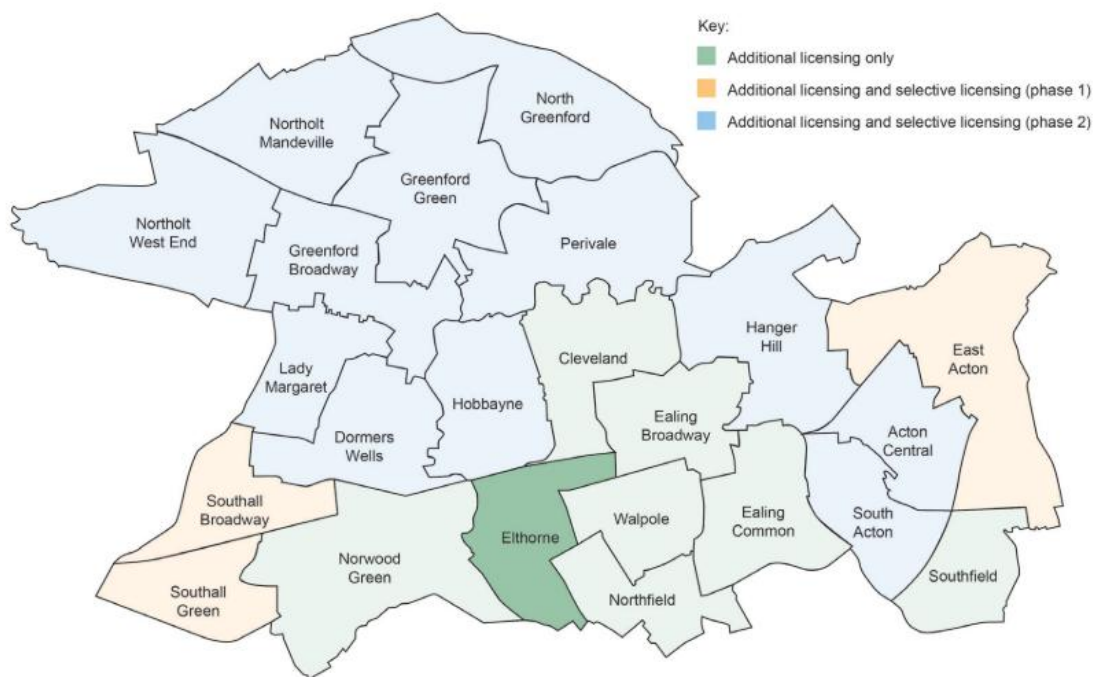
Population	23900
% Private rented sector (PRS) (predicted)	57%
Number of disrepair complaints received	1564
Number of statutory notices served	76
% PRS with category 1 hazards (predicted)	19.86%
Number of ASB incidents associated with the PRS	501
Number of HMOs (predicted)	693
Number of ASB incidents associated with HMOs	247

East Acton has:

- Higher than average deprivation
- Higher than average number of HMOs (693)
- About average percentage but second highest number of private rented homes with serious hazards in the borough
- The highest number of anti-social behaviour incidents linked to the PRS

Elthorne

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



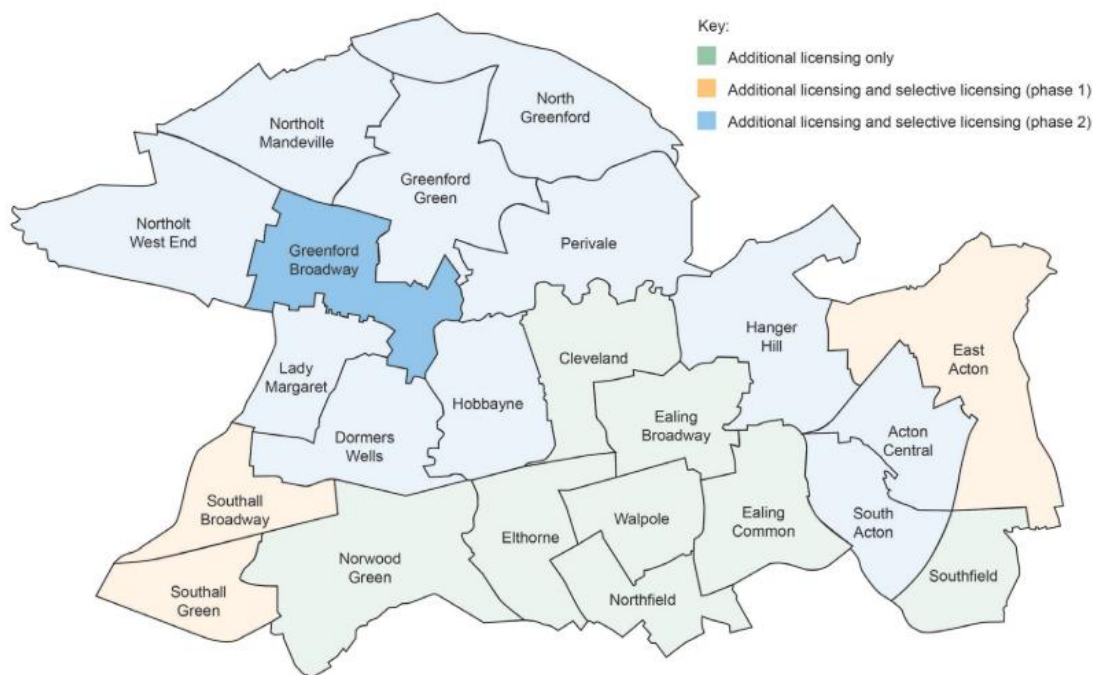
Population	15,200
% Private rented sector (PRS) (predicted)	37.3%
Number of disrepair complaints received	218
Number of statutory notices served	9
% PRS with category 1 hazards (predicted)	13.98%
Number of ASB incidents associated with the PRS	232
Number of HMOs (predicted)	390
Number of ASB incidents associated with HMOs	102

Elthorne has:

- Slightly higher than average deprivation
- A mid-range number of HMOs (<400)
- The third lowest percentage and mid-range number of private rented homes with serious hazards
- A mid-range number of anti-social behaviour incidents linked to the PRS

Greenford Broadway

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



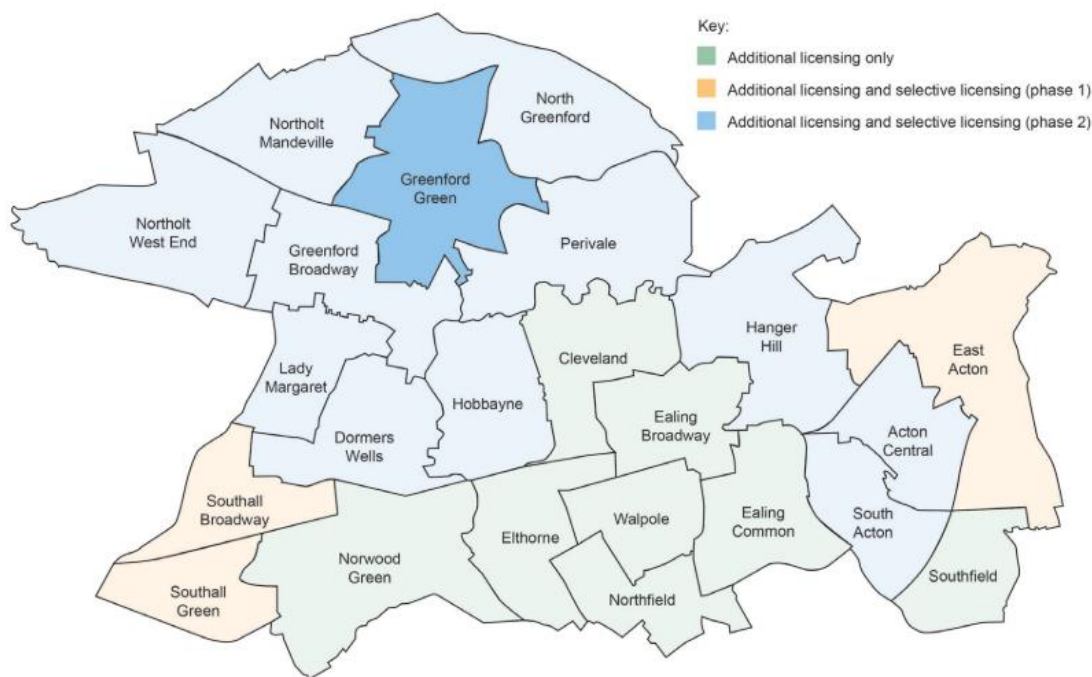
Population	18,100
% Private rented sector (PRS) (predicted)	36.5%
Number of disrepair complaints received	329
Number of statutory notices served	24
% PRS with category 1 hazards (predicted)	18.75%
Number of ASB incidents associated with the PRS	318
Number of HMOs (predicted)	136
Number of ASB incidents associated with HMOs	80

Greenford Broadway has:

- Higher than average deprivation
- Among the lowest numbers of HMOs in the borough (100+)
- A mid-range percentage and ninth highest number of private rented homes with serious hazards in the borough
- Fourth highest number of anti-social behaviour incidents linked to the PRS

Greenford Green

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



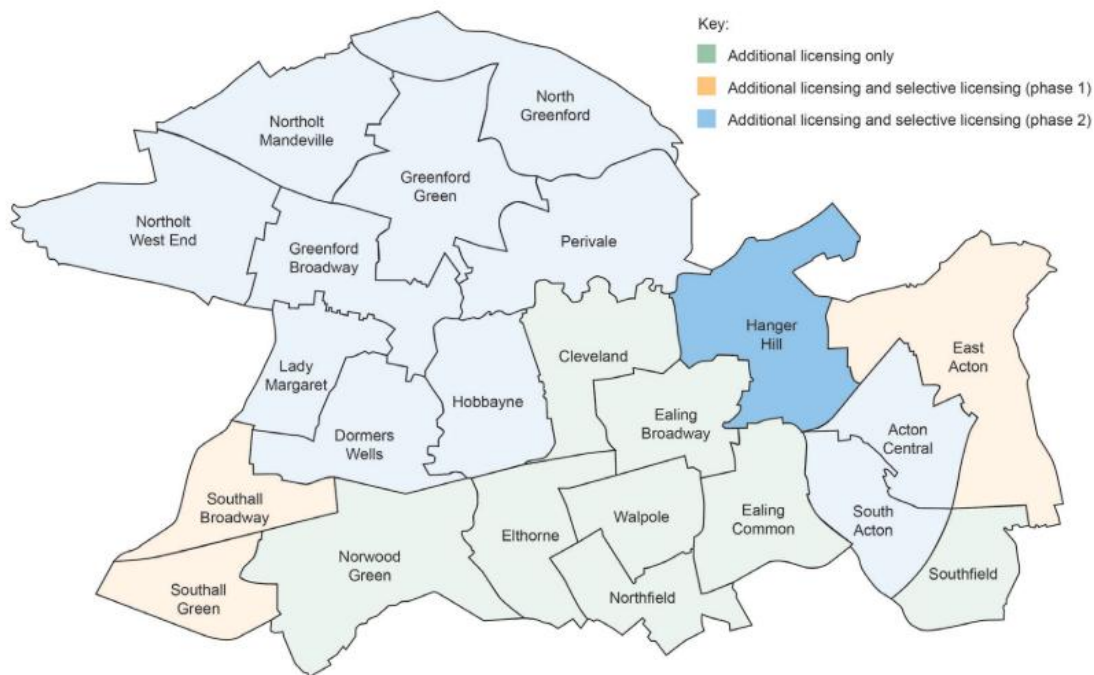
Population	15,300
% Private rented sector (PRS) (predicted)	30.6%
Number of disrepair complaints received	265
Number of statutory notices served	22
% PRS with category 1 hazards (predicted)	23.57%
Number of ASB incidents associated with the PRS	274
Number of HMOs (predicted)	151
Number of ASB incidents associated with HMOs	91

Greenford Green has:

- Slightly higher than average deprivation
- Among the lowest numbers of HMOs in the borough (100+)
- Mid-range percentage and number of private rented homes with serious hazards in the borough
- Higher than average number of anti-social behaviour incidents linked to the PRS

Hanger Hill

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



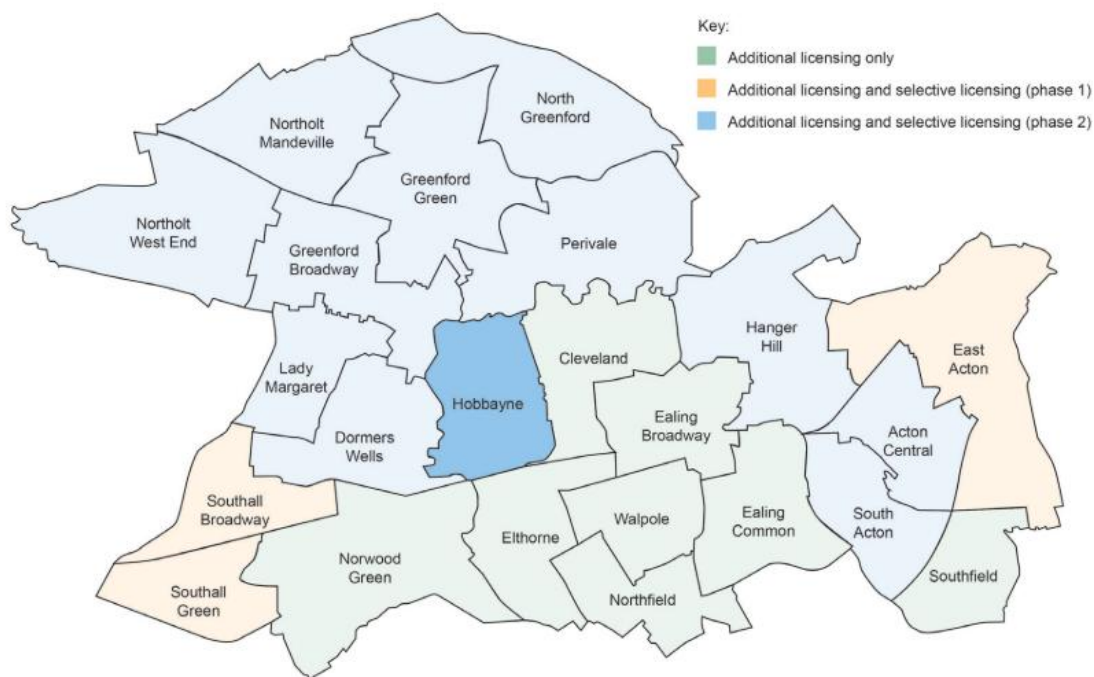
Population	16,400
% Private rented sector (PRS) (predicted)	46.2%
Number of disrepair complaints received	335
Number of statutory notices served	24
% PRS with category 1 hazards (predicted)	17.25%
Number of ASB incidents associated with the PRS	330
Number of HMOs (predicted)	601
Number of ASB incidents associated with HMOs	163

Hanger Hill has:

- Higher than average deprivation
- High number of HMOs (601)
- Mid-range percentage and sixth highest number of private rented homes with serious hazards in the borough
- Third highest number of anti-social behaviour incidents linked to the PRS

Hobbayne

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



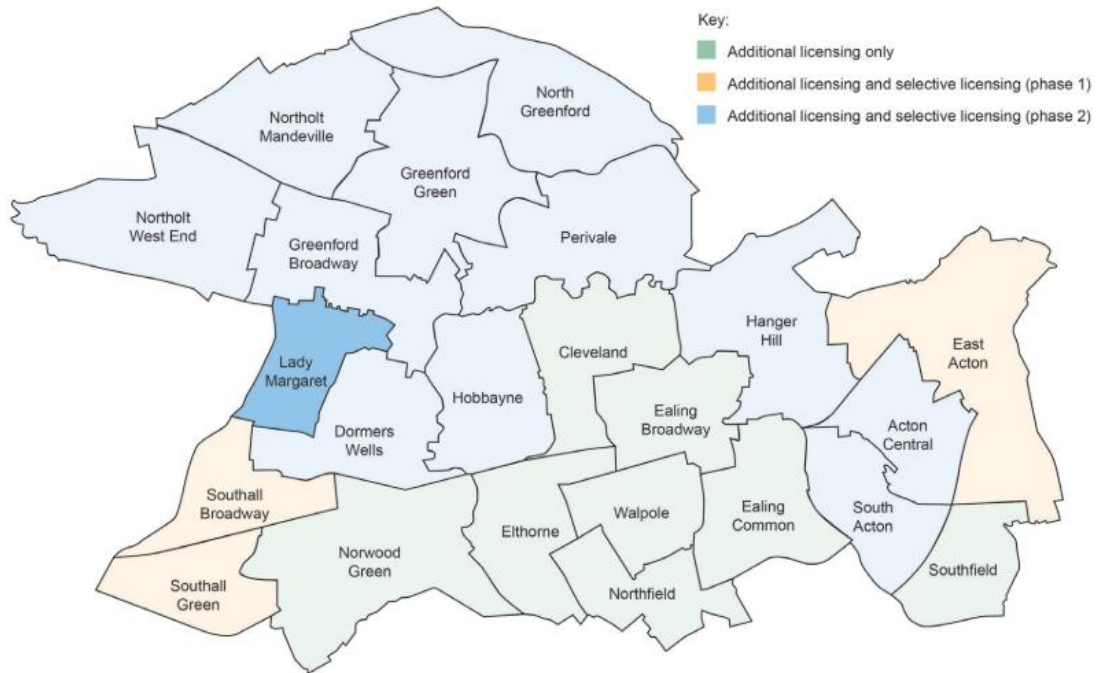
Population	13,900
% Private rented sector (PRS) (predicted)	26%
Number of disrepair complaints received	172
Number of statutory notices served	8
% PRS with category 1 hazards (predicted)	19.89%
Number of ASB incidents associated with the PRS	223
Number of HMOs (predicted)	206
Number of ASB incidents associated with HMOs	72

Hobbayne has:

- Slightly higher than average deprivation
- Lower than average number of HMOs (223)
- Mid-range percentage and third lowest number of private rented homes with serious hazards in the borough
- Seventh lowest number of anti-social behaviour incidents linked to the PRS

Lady Margaret

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



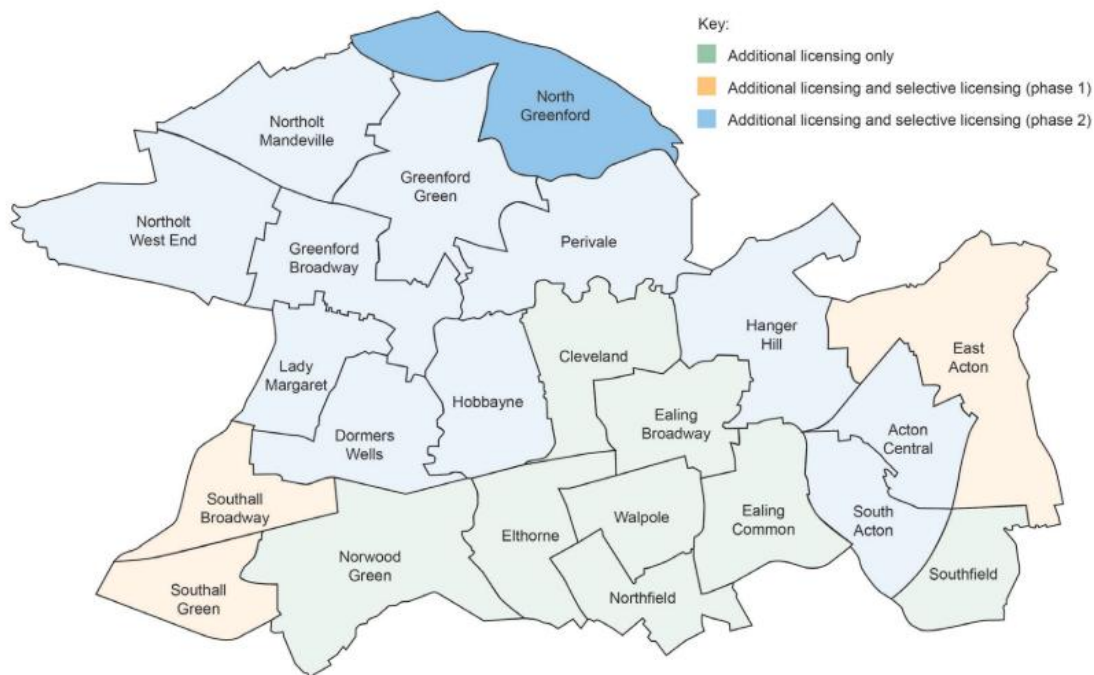
Population	13,100
% Private rented sector (PRS) (predicted)	31.6%
Number of disrepair complaints received	332
Number of statutory notices served	21
% PRS with category 1 hazards (predicted)	30.14%
Number of ASB incidents associated with the PRS	160
Number of HMOs (predicted)	135
Number of ASB incidents associated with HMOs	59

Lady Margaret has:

- Average deprivation
- Among the lowest number of HMOs in the borough (100+)
- Fourth highest percentage and an average number of private rented homes with serious hazards in the borough
- Lowest number of anti-social behaviour incidents linked to the PRS

North Greenford

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



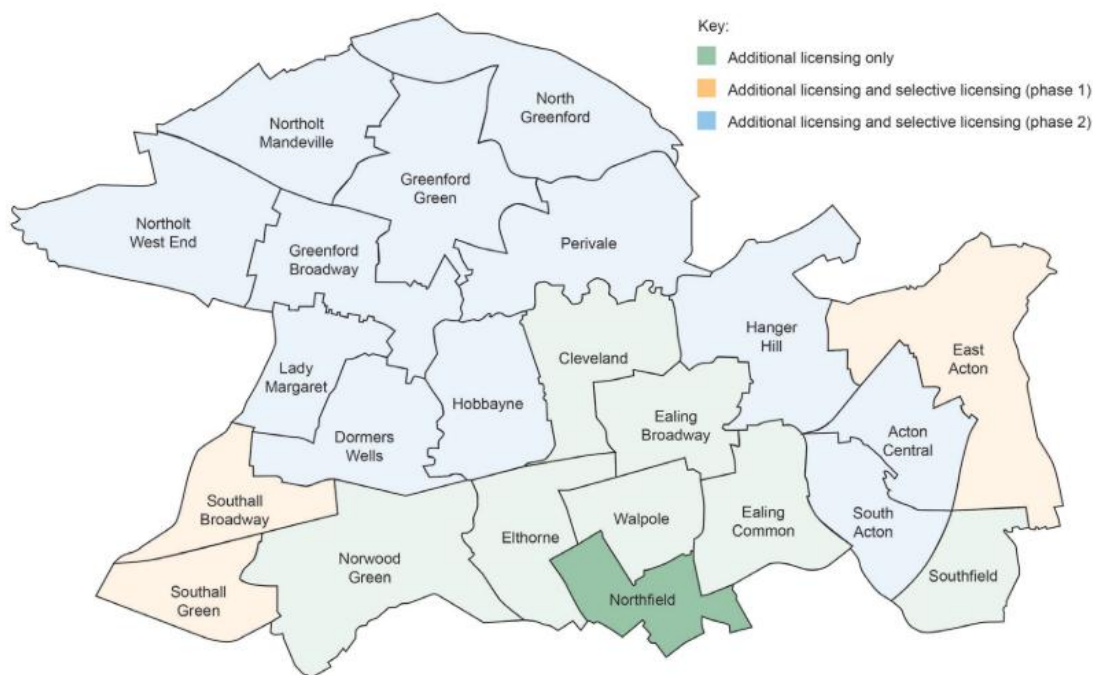
Population	14,600
% Private rented sector (PRS) (predicted)	29.4%
Number of disrepair complaints received	299
Number of statutory notices served	15
% PRS with category 1 hazards (predicted)	26.18%
Number of ASB incidents associated with the PRS	261
Number of HMOs (predicted)	185
Number of ASB incidents associated with HMOs	117

North Greenford has:

- Lower than average deprivation
- In the lower range of HMOs in the borough (<200)
- Higher than average percentage and mid-range number of private rented homes with serious hazards in the borough
- Average number of anti-social behaviour incidents linked to the PRS

Northfield

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



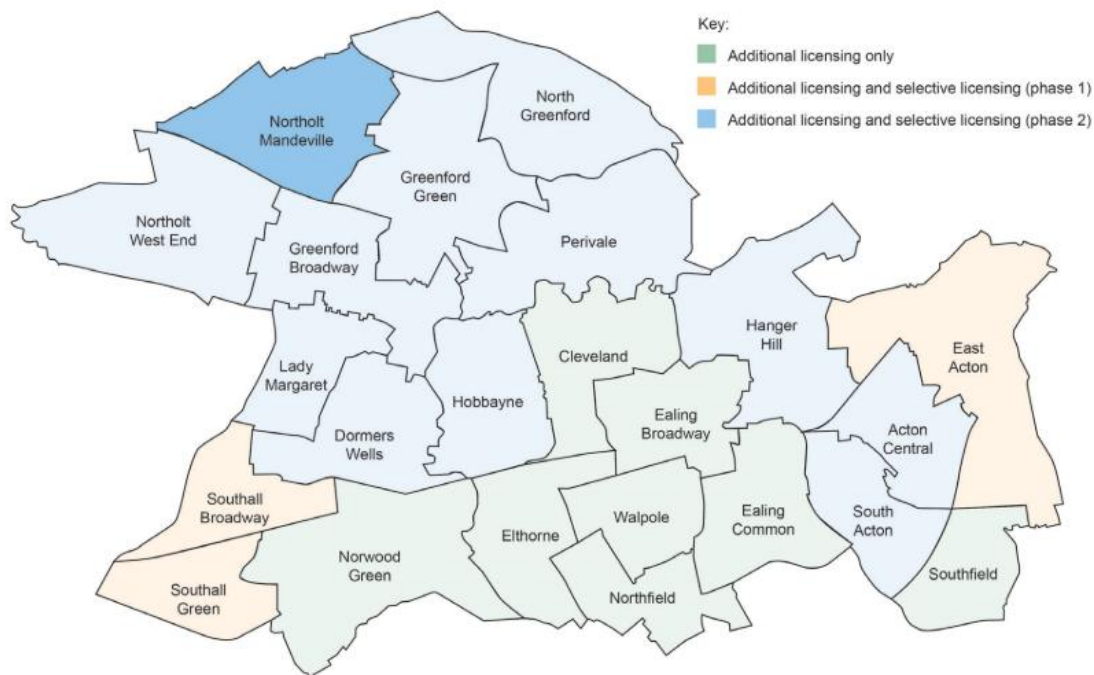
Population	13,400
% Private rented sector (PRS) (predicted)	34.5%
Number of disrepair complaints received	166
Number of statutory notices served	13
% PRS with category 1 hazards (predicted)	16.15%
Number of ASB incidents associated with the PRS	219
Number of HMOs (predicted)	491
Number of ASB incidents associated with HMOs	130

Northfield has:

- Lower than average deprivation
- In the higher range of numbers of HMOs in the borough (491)
- In the lower percentages and numbers of private rented homes with serious hazards in the borough
- Sixth lowest number of anti-social behaviour incidents linked to the PRS

Northolt Mandeville

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



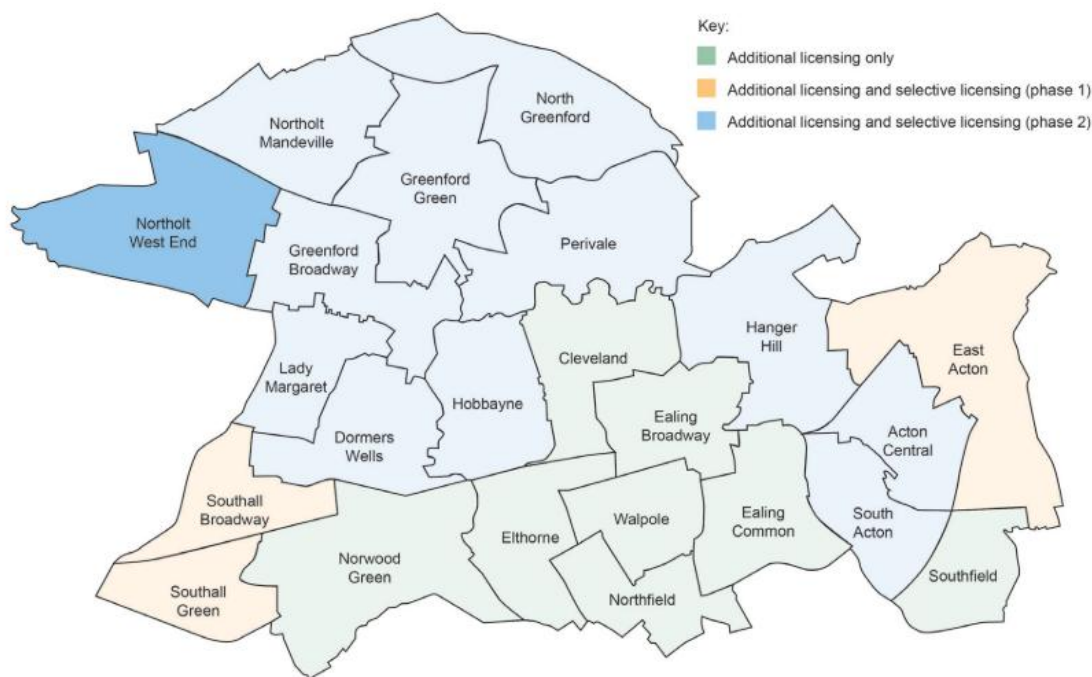
Population	15,500
% Private rented sector (PRS) (predicted)	26.3%
Number of disrepair complaints received	186
Number of statutory notices served	8
% PRS with category 1 hazards (predicted)	19.73%
Number of ASB incidents associated with the PRS	224
Number of HMOs (predicted)	91
Number of ASB incidents associated with HMOs	79

Northolt Mandeville has:

- Higher than average deprivation
- Among the lowest numbers of HMOs in the borough (<100)
- Mid-range percentage and lower range number of private rented homes with serious hazards in the borough
- Lower than average number of anti-social behaviour incidents linked to the PRS

Northolt West End

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



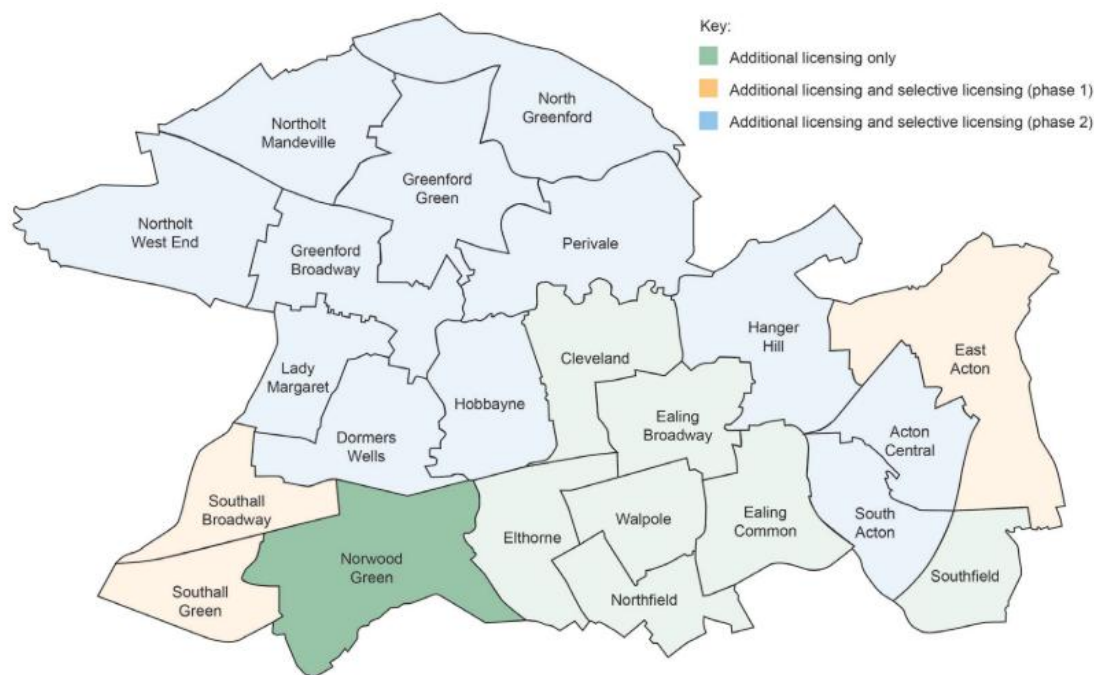
Population	15,200
% Private rented sector (PRS) (predicted)	27.6%
Number of disrepair complaints received	181
Number of statutory notices served	7
% PRS with category 1 hazards (predicted)	20.21%
Number of ASB incidents associated with the PRS	247
Number of HMOs (predicted)	70
Number of ASB incidents associated with HMOs	32

Northolt West End has:

- Higher than average deprivation
- Lowest number of HMOs in the borough (70)
- Mid-range percentage and lower range number of private rented homes with serious hazards in the borough
- An average number of anti-social behaviour incidents linked to the PRS

Norwood Green

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



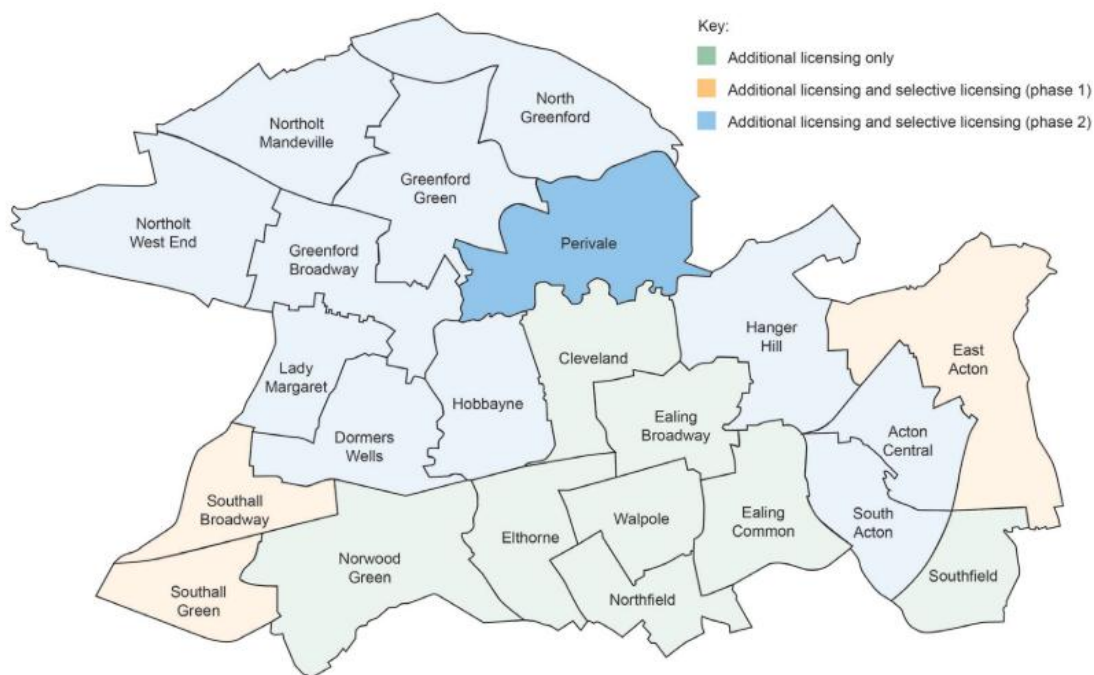
Population	14,600
% Private rented sector (PRS) (predicted)	28.6%
Number of disrepair complaints received	181
Number of statutory notices served	20
% PRS with category 1 hazards (predicted)	16.32%
Number of ASB incidents associated with the PRS	167
Number of HMOs (predicted)	157
Number of ASB incidents associated with HMOs	61

Norwood Green has:

- Higher than average deprivation
- Lower range of numbers of HMOs (<200)
- Lower than average percentage and lowest number of private rented homes with serious hazards in the borough
- The second lowest number of anti-social behaviour incidents linked to the PRS

Perivale

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



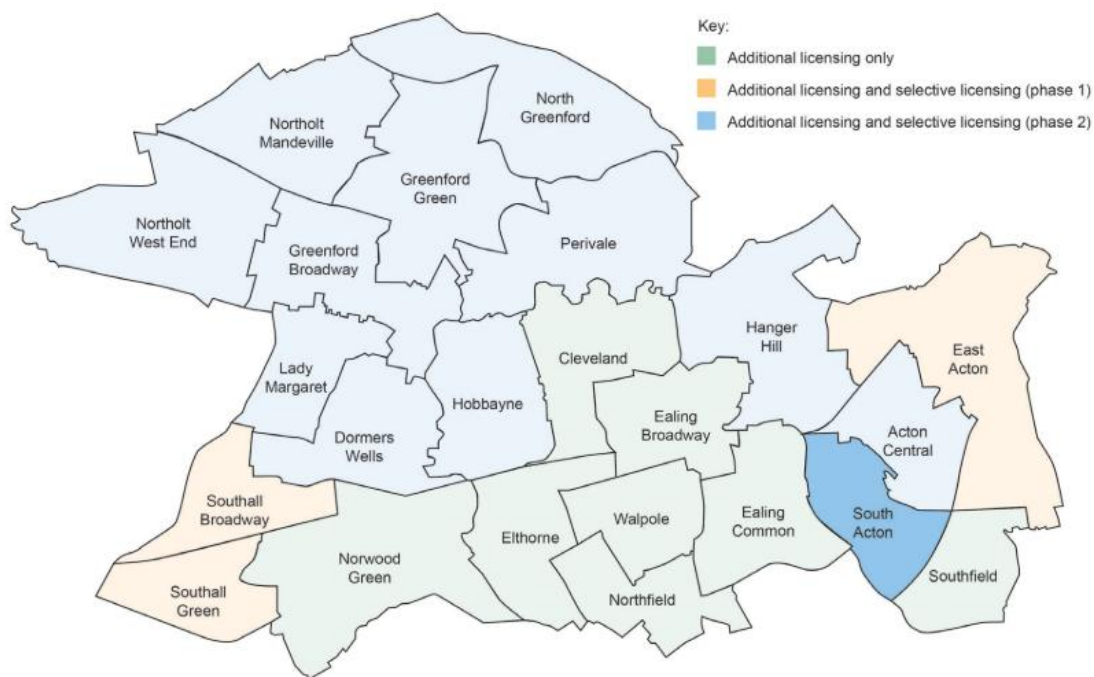
Population	16,000
% Private rented sector (PRS) (predicted)	36.7%
Number of disrepair complaints received	374
Number of statutory notices served	24
% PRS with category 1 hazards (predicted)	23.74%
Number of ASB incidents associated with the PRS	289
Number of HMOs (predicted)	224
Number of ASB incidents associated with HMOs	79

Perivale has:

- Slightly lower than average deprivation
- Lower range in numbers of HMOs (200+)
- Higher than average percentage and number of private rented homes with serious hazards in the borough
- Higher than average number of anti-social behaviour incidents linked to the PRS

South Acton

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 2, late 2022



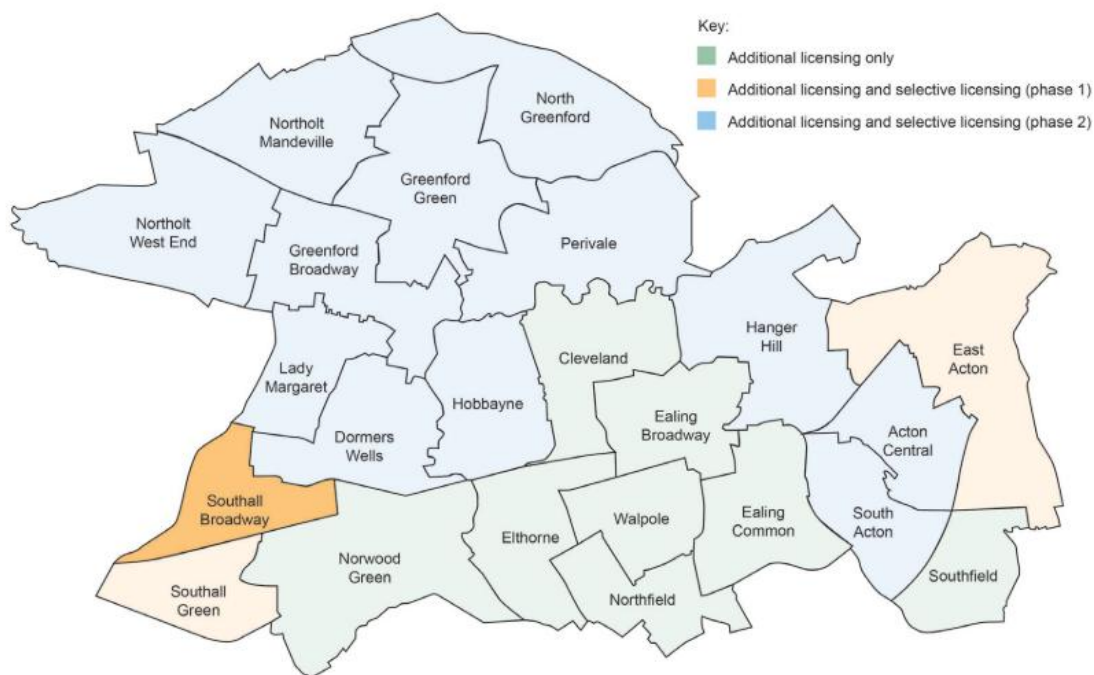
Population	15,800
% Private rented sector (PRS) (predicted)	38.9%
Number of disrepair complaints received	832
Number of statutory notices served	30
% PRS with category 1 hazards (predicted)	26.89%
Number of ASB incidents associated with the PRS	273
Number of HMOs (predicted)	671
Number of ASB incidents associated with HMOs	137

South Acton has:

- Higher than average deprivation
- Among the highest numbers of HMOs in the borough (600+)
- Higher than average percentage and numbers of private rented homes with serious hazards in the borough
- A mid-range number of anti-social behaviour incidents linked to the PRS

Southall Broadway

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 1, Early 2022



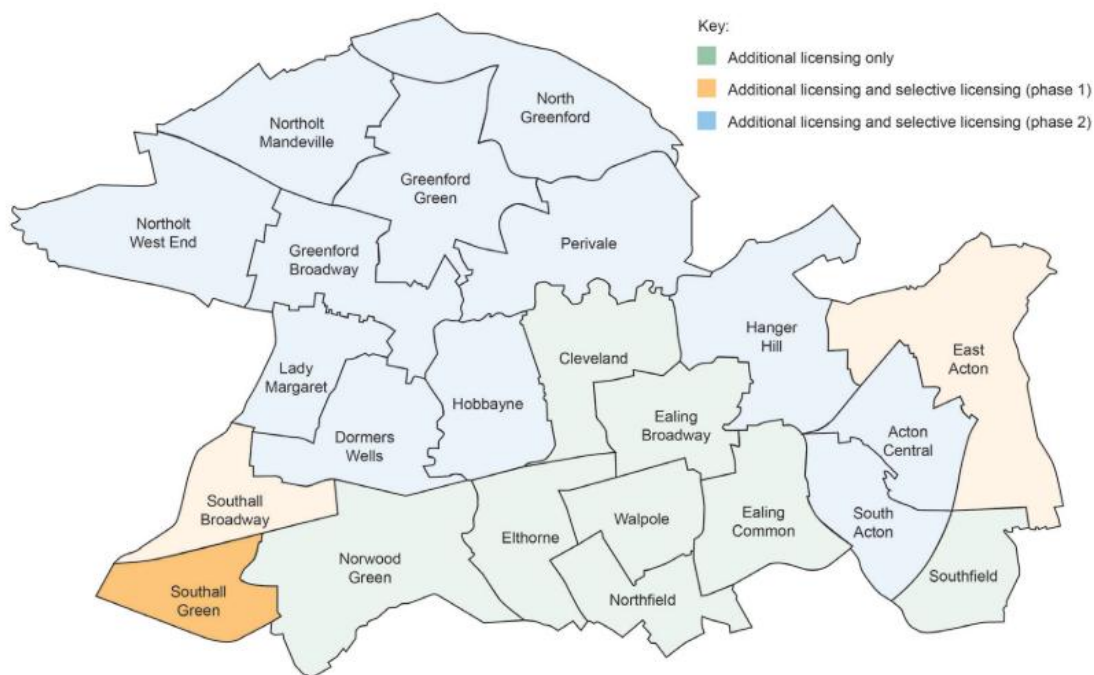
Population	15,100
% Private rented sector (PRS) (predicted)	42.2%
Number of disrepair complaints received	993
Number of statutory notices served	82
% PRS with category 1 hazards (predicted)	53.48%
Number of ASB incidents associated with the PRS	190
Number of HMOs (predicted)	284
Number of ASB incidents associated with HMOs	71

Southall Broadway has:

- Higher than average deprivation
- A mid-range number of HMOs (<300)
- Highest percentage and fourth highest number of private rented homes with serious hazards in the borough
- Fourth lowest number of anti-social behaviour incidents linked to the PRS

Southall Green

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, Phase 1, Early 2022



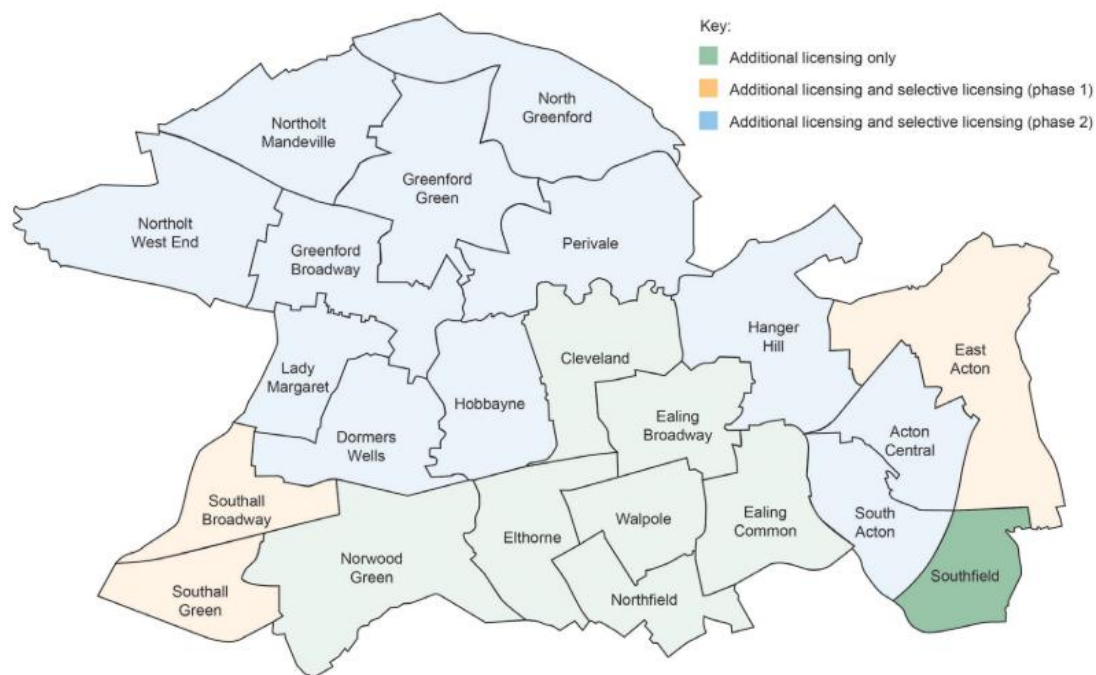
Population	16,700
% Private rented sector (PRS) (predicted)	54.1%
Number of disrepair complaints received	1085
Number of statutory notices served	124
% PRS with category 1 hazards (predicted)	38.87%
Number of ASB incidents associated with the PRS	274
Number of HMOs (predicted)	275
Number of ASB incidents associated with HMOs	71

Southall Green has:

- Higher than average deprivation
- A mid-range number of HMOs (<300)
- The second highest percentage and third highest number of private rented homes with serious hazards in the borough
- Higher than average number of anti-social behaviour incidents linked to the PRS

Southfield

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



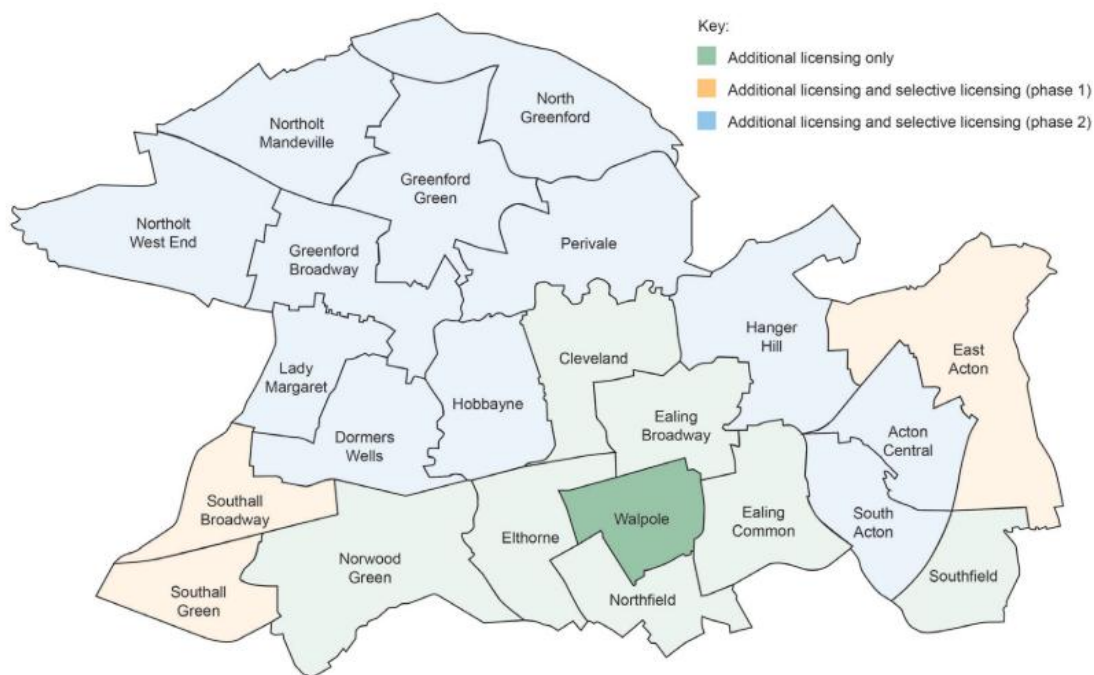
Population	13,700
% Private rented sector (PRS) (predicted)	38.7%
Number of disrepair complaints received	183
Number of statutory notices served	7
% PRS with category 1 hazards (predicted)	12.81%
Number of ASB incidents associated with the PRS	249
Number of HMOs (predicted)	727
Number of ASB incidents associated with HMOs	114

Southfield has:

- Lower than average deprivation
- The second highest number of HMOs in the borough (700+)
- The lowest percentage but mid-range number of private rented homes with serious hazards in the borough
- An average number of anti-social behaviour incidents linked to the PRS

Walpole

Licensing proposals:	Additional licensing, Early 2022
	Selective licensing, N/A



Population	12,900
% Private rented sector (PRS) (predicted)	38.7%
Number of disrepair complaints received	205
Number of statutory notices served	17
% PRS with category 1 hazards (predicted)	15.93%
Number of ASB incidents associated with the PRS	286
Number of HMOs (predicted)	566
Number of ASB incidents associated with HMOs	136

Walpole has:

- Lower than average deprivation
- A high number of HMOs (500+)
- Lower range percentage and mid-range number of private rented homes with serious hazards in the borough
- Higher than average number of anti-social behaviour incidents linked to the PRS



Private rented property licensing schemes:

FREQUENTLY ASKED QUESTIONS (FAQS)

Frequently asked questions (FAQs)

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About licensing	5
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Reasons the council is proposing a licensing scheme.....	9
How licensing would affect tenants, residents and the community.....	10

About the consultation on private property licensing in Ealing

What is the council consultation about?

Ealing Council is consulting on new licensing proposals for the private rented sector in the borough. Property licensing is a way of ensuring safer and better conditions in private rented properties.

- **Email:** ealingmeetings@hqnetwork.co.uk
- **Telephone:** 01904 557197
- **Post:** HQN, Rockingham House, St Maurice's Road, York YO31 7JA

How long will the consultation last?

The consultation will run for **12 weeks** from **10 May** until **2 August 2021**

How can I take part in the consultation?

You can take part by completing our online survey at www.ealing.gov.uk/prslicensingconsultation.

You can also tell the council your views by attending a live virtual public meeting. The meetings will take place from 7 – 8.30pm on the following dates:

- **Wednesday 9 June** for tenants living in private rented properties
- **Wednesday 16 June** for landlords and managing and letting agents renting out private rented properties
- **Wednesday 23 June** for all other residents living in the borough and local businesses

The council has appointed HQN, an independent housing consultancy, to run this consultation exercise on its behalf. For further information about the proposed new licensing schemes, and for any help with the consultation please contact:

About licensing

What is property licensing?

Property licensing enables local authorities to regulate private rented properties in their areas by issuing a licence to the person responsible for the property, usually the landlord, which contains conditions that relate to its management, use and upkeep.

What is additional HMO licensing?

Additional HMO licensing applies to smaller HMOs and converted building HMOs which are not covered by mandatory licensing. It is discretionary, which means that local authorities can opt to implement it should specific legal criteria be met. Additional licensing schemes last for up to five years, after which they expire. Ealing Council's current scheme, which operates boroughwide, is due to expire in December 2021.

What is selective licensing?

Selective licensing of residential accommodation applies to all private rented properties and not just HMOs. Like with additional licensing, it is discretionary and can be implemented should specific legal criteria be met. Selective licensing schemes can last for up to five years, after which they expire. Ealing Council's current scheme, which operates in Acton Central, East Acton, South Acton, Southall Broadway and Southall Green, is due to expire in December 2021.

What is a house in multiple occupation (HMO)?

Under the Housing Act 2004, HMOs broadly fall under two legal categories:

- HMOs where households share (or lack) basic amenities - for example bathroom and kitchen facilities. These are "section 254" HMOs and referred to as "shared amenities" HMOs in this document.
- HMOs that are buildings converted into self-contained flats and households share common areas such as stairs and corridors. These are "section 257" HMOs.

What is a household?

A household is either a single person or members of the same family who live together. A family includes people who are:

- married or living together - including people in same-sex relationships
- relatives or half-relatives, for example grandparents, aunts, uncles, siblings
- step-parents and step-children.

Which wards will be covered by additional HMO licensing?

The proposed scheme will apply to all wards in the borough.

Which wards will be covered by selective licensing?

The council intends to introduce a new selective licensing scheme in the following wards:

Phase 1, early 2022	East Acton, Southall Broadway, Southall Green
Phase 2, late 2022	Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale, South Acton

Are any wards not included in the proposed scheme?

The eight wards of Cleveland, Ealing Broadway, Ealing Common, Elthorne, Northfield, Norwood Green, Southfield and Walpole are currently not being included in the proposed selective licensing scheme.

Although these wards have high levels of private renting, evidence suggests that poor housing conditions are not as prevalent as in the other wards. The council considers it more appropriate to be selective in its approach and focus resources on the worst affected areas. However, a third designation could be considered for these wards should the evidence change.

How do I find out whether additional or selective licensing will apply in my area?

Selective licensing is planned to apply only in certain council wards. You can find out which ward your home is in by putting your address or postcode into the Ealing Maps page <https://bit.ly/2PVazZ8>. Then check if your ward is on the list above for selective licensing.

Can you give any examples of the kinds of property that would be included in the schemes?

The kinds of the property that would require a licence under the proposed schemes include:

- **Shared houses and flats:** this will include bed-sit accommodation, houses rented out in rooms, or houses which are shared by friends, students or groups of professionals even where there is one single tenancy agreement.
- **Bedsits or houses rented out in rooms:** the tenants will have no connection with each other and the landlord rents rooms separately. The tenants will have exclusive use of their own rooms but will share one or more basic amenity.
- **Hostels:** vulnerable occupiers who may need support to live independently
- **Student accommodation:** students living within a building and sharing one or more basic amenity. Student accommodation may be exempted from licensing if run by an exempted university or organisation.
- **Property with a residential landlord:** the owner lives in the property but rents rooms to others unconnected with him or her or with each other. This would include a situation in which lodgers live in the same property as their landlord and may or may not be provided with meals by him or her.
- **Certain buildings converted into flats:** typically older buildings that were originally constructed as houses, but have since been converted into self-contained flats. The standard of conversion will not meet certain building regulations.
- **All private rented property** in the wards where selective licensing is proposed.

Details about licences and costs

What will landlords be required to do under property licensing?

All licences are attached with conditions which must be complied with. This enables the council to better regulate the private rented sector, improve housing conditions and promote better standards of management. Property licence conditions are wide ranging and include requirements relating to maximum occupation, gas, electrical and fire safety, pest control, refuse/recycling management and energy efficiency.

Full details of the licensing conditions can be found at <https://bit.ly/3esLPkF> (additional licensing) and <https://bit.ly/2PVMgKG> (selective licensing).

What are the benefits of licensing to landlords?

- Licensing encourages landlords to proactively manage their properties and to take reasonable action to address problems. The council will work with landlords to help support them and build their professionalism.
- Licensing enables the council to create a 'level playing field' for responsible landlords by taking a much more robust approach to the minority of 'rogue' landlords who fail to invest in their properties and meet their legal obligations.

How much will a licence cost?

Landlords must apply for a licence for each property they rent out, in the areas covered by the council's scheme.

Licence applicants will be required to pay a fee for each property that needs a licence.

For **additional HMO licensing**, the proposed fee is £1100 per HMO, plus an additional £50 for each

habitable room.

We are also proposing to offer the following discounts:

- Applicants who apply within the first three months of the scheme starting will receive a 25% discount.
- Applicants who are members of a Landlord Accreditation Scheme will receive a £75 discount.
- Applicants who are licensing a property with an EPC rating of C or above will receive a £50 discount.

For **selective licensing**, the proposed fee is £750 per property.

We are also proposing to offer the following discounts:

- Applicants who apply within the first three months of the scheme starting will receive a 25% discount.
- Applicants who are members of a Landlord Accreditation Scheme will receive a £75 discount.
- Applicants who are licensing a property with an EPC rating of C or above will receive a £50 discount.

A full list of property licensing fees can be found at <https://bit.ly/33kShUb>

When will Ealing's licensing scheme come in?

Ealing already has mandatory, additional and some selective licensing. If approved, the new scheme, which is broader in scope, will be phased in during 2022.

How long does a licence last?

Licences can be granted for up to five years. The council may grant licences for shorter periods in certain circumstances.

Complete applications received within the first three months of the scheme's designation would be considered an indication of professional property management and a five-year licence is likely to be granted. The property would then be risk assessed for an inspection to take place within five years from when the licence was issued.

Were the council to become aware of serious problems at a property which had not been adequately dealt with by the landlord, the council would consider issuing a twelve month licence and make an inspection within that 12 month period.

Can the council refuse to license a property?

Yes - if the property does not meet the conditions set out and/or if the licence holder/manager is not a "fit and proper person". Licences are not granted until landlords can demonstrate at the point of application that basic fire, gas and electrical safety conditions are complied with, and that they are fit and proper persons able to manage the property.

Landlords may have properties in several different authorities; do they have to apply for licences in those authorities too?

Yes, where applicable. Each local authority is responsible for determining and issuing a licence in their area. This allows local authorities to take their local needs and policies into account when making decisions about licensing the PRS in an area.

What happens if the landlord decides to sell a property or wants to occupy it themselves?

The council can issue a temporary exemption

notice for up to three months if reasonable steps are being taken to ensure the property no longer requires a licence. No refund or partial refund will be given for the licence fee already paid.

What happens if a landlord sells their licensed property on as an HMO or privately rented home?

Licences are not transferable to another person or property. If you wish to sell your property on for renting, the new landlord would need to apply for a new licence.

What would happen if a landlord failed to apply for a licence under the proposed new licensing schemes?

There are strict penalties for operating licensed properties without a licence. A landlord may be prosecuted and on conviction face an unlimited fine. The council may also impose a civil penalty of up to £30,000. Landlords may also have to pay back up to 12 months' rent or housing benefit payments if required to do so by a Rent Repayment Order (RRO). RROs are made by the first-tier tribunal - property chamber (residential property). Also, section 21 eviction notices cannot be issued in relation to unlicensed properties, that require a licence.

The council can also make an Interim Management Order in respect of a licensable property where there is no reasonable prospect of it being licensed or certain health and safety conditions are met.

What is accreditation?

Landlord accreditation schemes are voluntary and are often overseen by local authorities or landlord organisations. They provide training and support to landlords and encourage good practice. Accredited landlords can receive a discount on their licence fee.

Reasons the council is proposing a licensing scheme

Why is the council proposing property licensing?

Ealing has a large and growing PRS, with 54,776 (38.1%) properties currently believed to be private rented. There is also a relatively high number of HMOs (8,360). Poor housing conditions are prevalent in the PRS, as is associated ASB, particularly with HMOs.

Why are HMOs of concern to the council?

Evidence shows that Ealing's HMOs are suffering from poor housing conditions. Nearly half (46%) of shared amenities HMOs are believed to have category 1 hazards. Common issues found in all types of HMO are a lack of adequate fire and electrical safety measures, inadequate amenities, overcrowding and inadequate heating. ASB has been shown to be significantly more prevalent in HMOs than in the PRS generally, with nearly half (40.3%) of all ASB incidents in the PRS stemming from HMOs.

Why does the council want to operate an additional HMO licensing scheme when there is already a mandatory licensing scheme in place?

By implementing an additional licensing scheme the council is able to effectively deal with the poor conditions and ASB present in smaller and converted-building HMOs.

Since the introduction of the current additional scheme, the council has granted 835 additional licences and issued 564 statutory enforcement notices in relation to HMOs to bring about much needed improvements. Whilst good progress has been made, evidence shows that a significant

proportion of HMOs in the borough are being managed ineffectively due to the presence of serious hazards and significant ASB.

Why does the council want to introduce selective licensing?

Since the introduction of the current selective scheme, the council has granted 8,069 selective licences and issued 690 statutory enforcement notices in relation to non-HMO properties. However, evidence suggests that the PRS is continuing to grow and that poor housing conditions remain prevalent. It is estimated that over 12,000 private rented properties (22%) have at least one serious (category 1) hazard.

Are there any exemptions to property licensing?

There are some types of buildings which are exempt from HMO licensing by law. These include buildings controlled by public sector bodies (for example, housing associations), some buildings occupied by students, and some owner-occupied buildings. A full list of exemptions can be found at <https://bit.ly/3b4tisL>.

Selective licensing applies to all privately rented properties, unless they are licensable HMOs or exempt by law. Such exemptions include tenancies granted by public bodies (for example housing associations), holiday homes and some business tenancies. A full list of exemptions can be found at <https://bit.ly/33noTNb>.

How licensing would affect tenants, residents and the community

What would be the benefit to tenants of property licensing?

Licensing would make sure that landlords manage and maintain tenants' homes to a reasonable standard, so that they are safe and in a good state of repair. Licensing improves the standard of private rented properties. This makes properties safer for tenants who occupy them.

Licensing allows a local authority to adopt a much more proactive approach to tackling poor housing conditions and raising standards in private rented housing. Licensing encourages good practices – if a landlord is not able to demonstrate that they comply with fire, gas and electrical safety conditions, a licence will not be granted.

Many people who are vulnerable, disabled and living on low incomes rely on private renting. Licensing helps the council to protect as many tenants living in private renting as possible.

How would tenants know if their home is licensed?

Once a licence had been issued, the information would be entered onto a public register which could be accessed via the council's website.

What would be the benefits to the local community?

Poorly managed privately rented properties have a negative impact on many neighbourhoods. Licensing will increase the number of landlords managing their properties effectively, including the enforcement of tenancy conditions to combat

neighbourhood nuisance caused by their tenants or people visiting their properties.

Poor waste management and fly tipping has been cited as a major issue in many wards. All property licences contain a condition that the holder must provide adequate sized bins and sufficient recycling containers for the occupiers.

When a property is overcrowded this is often linked to an increase in noise complaints. Through licensing the council is able to limit the number of occupants in a property, reducing overcrowding and the likelihood of noise nuisance.

LONDON BOROUGH OF EALING

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)

The London Borough of Ealing, in exercise of its powers under section 56⁹ of the Housing Act 2004 (“the Act”), hereby gives notice that a designation has been made for additional licensing of Houses in Multiple Occupation (“HMOs”) for the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Ealing Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. This designation is made on 20 December 2021 and shall come into force on 01 April 2022.
3. This designation shall cease to have effect on 31 March 2027 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the whole area of the London Borough of Ealing as delineated and edged red on the map at **Annex A**.

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs
 - (i) as defined by section 254 of the Housing Act 2004 (as detailed in **Annex B**), which are HMOs rented to three or more occupiers in two or more households that share (or lack) toilet, washing and cooking facilities;
 - (ii) Converted building HMOs, as defined by section 257 of the Housing Act 2004 (as detailed in **Annex B**), but only where all accommodation units are privately rented and the building and accommodation units are in the same ownership or control or considered by the housing authority to be effectively under the same ownership or control. This includes buildings within mixed use developments or above non-residential premises.

all within the area described in paragraph 4 unless –
 - (a) the building is of a description specified in Schedule 14 of the Act (Buildings which are not HMOs for the purposes of the Act excluding Part 1), as detailed in **Annex C**;
 - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (c) the HMO is subject to a temporary exemption under section 62 of the Act; or
 - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (mandatory licensing).
 - (e) Converted building HMOs, as defined by section 257 of the Housing Act 2004 that consists of no more than two flats.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) above, every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.
7. The London Borough of Ealing will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act and Regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Housing Act 2004, namely The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 1st April 2015.

A person having control of or managing a prescribed HMO must apply to the London Borough of Ealing for a licence. Failure to apply for a licence in the designated area is an offence under Section 72(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. In addition they may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First Tier Tribunal (Property Chamber) the provisions of section 73 and section 74 of the Housing Act 2004 for a rent repayment order. No notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed house so long as it remains an unlicensed house.

Landlords, managing agents and tenants are advised to seek advice as to whether their property is affected by this designation.

Advice, applications for licences and a copy of this designation for inspection are available at:

Property Regulation
Ealing Council
Perceval House,
14-16 Uxbridge Road,
Ealing W5 2HL
Telephone 020 8825 9512 or email PRSLicensing@ealing.gov.uk

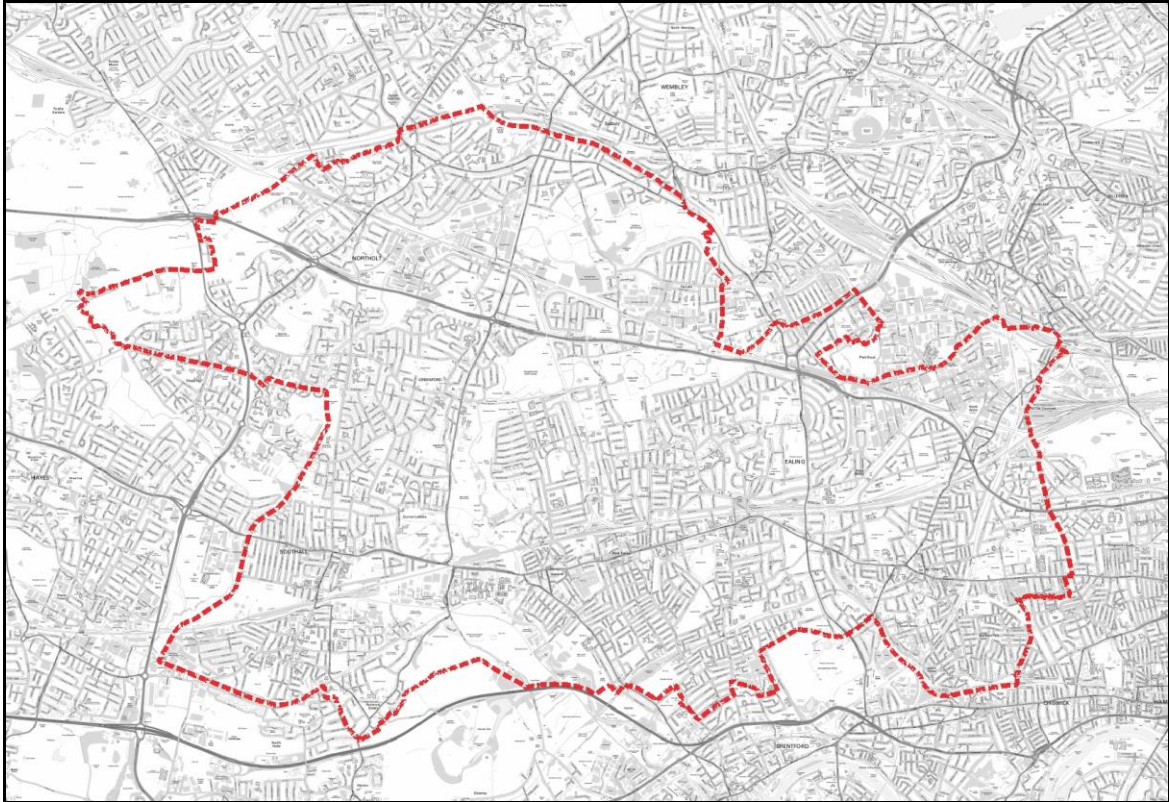
Date: 20 December 2021

Signed:

Portfolio holder and elected Cabinet

For and behalf of the London Borough of Ealing

Annex A - Additional Licensing Designation



Annex B: HMOs to which this designation applies (subject to paragraphs XX – XX above)

Section 254, Housing Act 2004 (meaning of “house in multiple occupation”)

A building or a part of a building meets the standard test if—

- (a) It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) The living accommodation is occupied by persons who do not form a single household⁴;
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it⁵;
- (d) Their occupation of the living accommodation constitutes the only use of that accommodation;
- (e) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (f) Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

A part of a building meets the self-contained flat test if—

- (a) It consists of a self-contained flat; and
- (b) Paragraphs (b) to (f) of standard test definition above apply (reading references to the living accommodation concerned as references to the flat).

A building or a part of a building meets the converted building test if—

- (a) It is a converted building;
- (b) It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
- (c) The living accommodation is occupied by persons who do not form a single household⁶;
- (d) The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it⁷;
- (e) Their occupation of the living accommodation constitutes the only use of that accommodation; and
- (f) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

“Basic amenities” means—

- (a) A toilet,
- (b) Personal washing facilities, or
- (c) Cooking facilities

⁴ For the definition of “persons not forming a single household” please see section 258 Housing Act 2004

⁵ For the definition of “persons treated as occupying premises as only or main residence” please see section 259 Housing Act 2004

⁶ For the definition of “persons not forming a single household” please see section 258 Housing Act 2004

⁷ For the definition of “persons treated as occupying premises as only or main residence” please see section 259 Housing Act 2004

“*Converted building*” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

“*Enactment*” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“*Self-contained flat*” means a separate set of premises (whether or not on the same floor)—

- (a) which forms part of a building;
- (b) either the whole or a material part of which lies above or below some other part of the building; and
- (c) in which all three basic amenities are available for the exclusive use of its occupants

HMO declarations

If a local housing authority are satisfied that a building or part of a building in their area meets either:

- the standard test; or
- the self-contained flat test; or
- the converted building test

they may serve a notice under this section (an “HMO declaration”) declaring the building or part to be a house in multiple occupation.

Section 257, Housing Act 2004 (HMOs: certain converted blocks of flats)

A “*converted block of flats*” means a building or part of a building which -

- (a) has been converted into, and
- (b) consists of,

self-contained flats.

This section applies to a converted block of flats if—

- (a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and
- (b) less than two-thirds of the self-contained flats are owner-occupied.

“*Appropriate building standards*” means—

(a) in the case of a converted block of flats—

- (i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and
- (ii) which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

A flat is “*owner-occupied*” if it is occupied—

- (a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
- (b) by a person who has the freehold estate in the converted block of flats, or
- (c) by a member of the household of a person within paragraph (a) or (b).

The fact that this section 257 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.

“self-contained flat” here has the same meaning as in section 254 (see above).

Annex C – Housing Act 2004 Schedule 14 Buildings which are not HMOs for the purposes of this Act (Excluding Part 1)

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
- (2) In this Schedule “building” includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2 (1) A building where the person managing or having control of it is—
 - (a) a local housing authority,
 - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - (c) a police authority established under section 3 of the Police Act 1996 (c. 16),
 - (d) the Metropolitan Police Authority established under section 5B of that Act,
 - (e) a fire and rescue authority, or
 - (f) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990 (c. 19).
- (2) In sub-paragraph (1)(e) “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

Buildings regulated otherwise than under this Act

- 3 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Buildings occupied by students

- 4 (1) Any building—
 - (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
 - (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.
- (2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—
 - (a) a particular educational establishment, or
 - (b) a particular description of educational establishments.
- (4) The appropriate national authority may have regard to the extent to which, in its opinion—
 - (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
 - (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

(5) In sub-paragraph (4) “occupied for connected educational purposes”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Buildings occupied by religious communities

5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

Buildings occupied by owners

6 (1) Any building which is occupied only by persons within the following paragraphs—

(a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;

(b) any member of the household of such a person or persons;

(c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

7 Any building which is occupied only by two persons who form two households.

LONDON BOROUGH OF EALING

DESIGNATION OF AN AREA FOR SELECTIVE LICENSING

The London Borough of Ealing, in exercise of its powers under section 80 of the Housing Act 2004 ("the Act"), hereby gives notice that a designation has been made for selective licensing of the area of the London Borough of Ealing described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Ealing Designation 1 of an Area for Selective Licensing 2022.
2. This designation is made on 20 December 2021 and shall come into force on 01 April 2022.
3. This designation shall cease to have effect on 31 March 2027 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the three Council ward areas of East Acton, Southall Broadway and Southall Green (pre May 2022 ward boundaries) as delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ where the whole of it is occupied under a single tenancy or licence, or under two or more tenancies or licences in respect of different dwellings contained in it, within the area described in paragraph 4 unless-
 - (a) the house is a House in Multiple Occupation (HMO) and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

EFFECT OF THE DESIGNATION

6. The London Borough of Ealing will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act and Regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

¹ For the definition of "house" see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

flat was itself multiply occupied, it would need an additional or mandatory HMO licence depending on the number of persons accommodated.

³ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Housing Act 2004, namely The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 1st April 2015.

A person having control of or managing a licensable property must apply to the London Borough of Ealing for a licence. Failure to apply for a licence in the designated area is an offence under Section 95(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. In addition they may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First Tier Tribunal (Property Chamber) under the provisions of section 96 and section 97 of the Housing Act 2004 for a rent repayment order. No notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed house so long as it remains an unlicensed house.

Landlords, managing agents, and tenants are advised to seek advice as to whether their property is affected by this designation.

Advice, applications for licences and a copy of this designation for inspection are available at:

Property Regulation
Ealing Council
Perceval House,
14-16 Uxbridge Road,
Ealing W5 2HL
Telephone 020 8825 9512 or email PRSlicensing@ealing.gov.uk

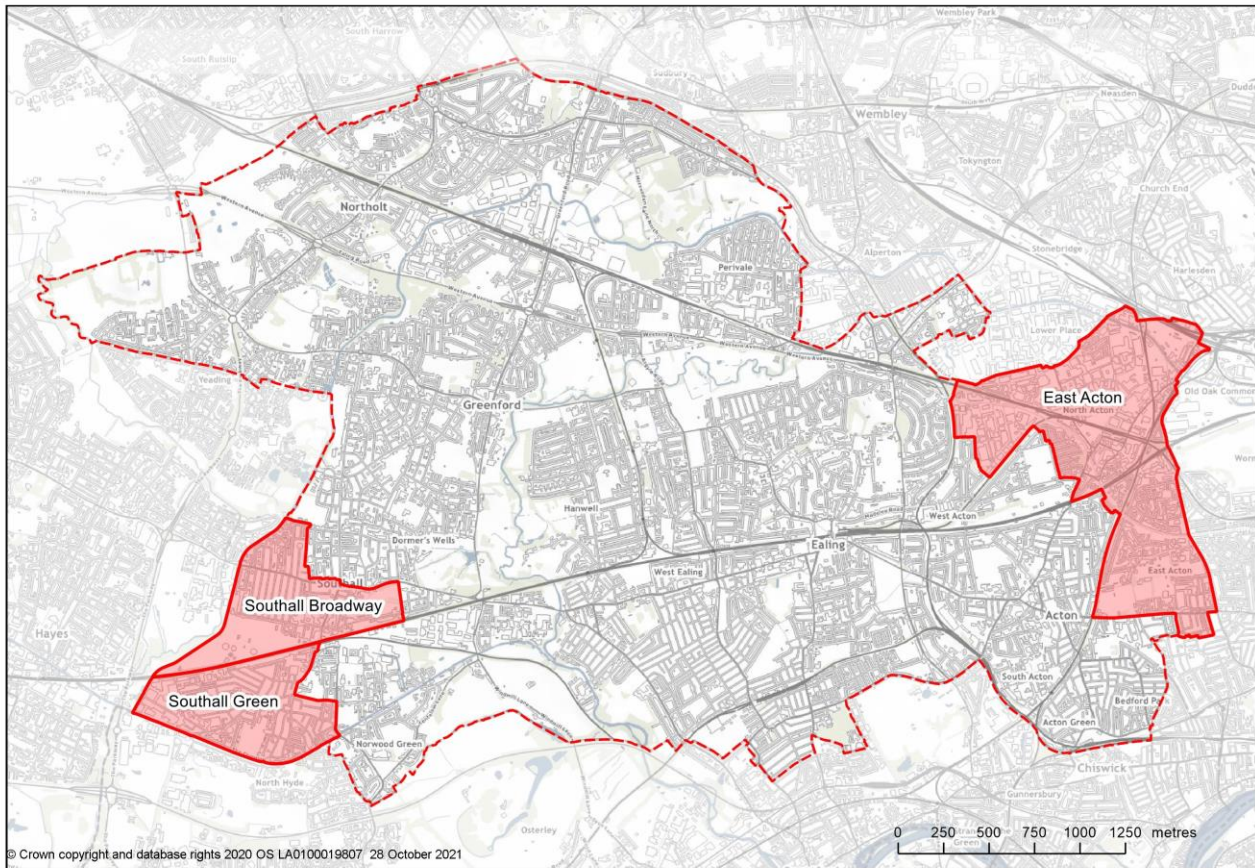
Date: 20 December 2021

Signed:

Portfolio holder and elected Cabinet

For and behalf of the London Borough of Ealing

Annex A – Selective Licensing Designation 1



9

Selective Licensing Designation 1

List of streets by ward (pre-May 2022 boundaries)

East Acton ward (pre May 2022 boundaries)

EAST ACTON

ACCESS ROAD TO CANTERBURY COURT	ALLEYWAY REAR OF 51-93 DAVIS ROAD AND 61-101 ST ELMO ROAD	COLONNADE GARDENS
ACCESS ROAD TO CAR PARK AND YARD AT REAR OF 840-850 CORONATION ROAD	ALLEYWAY REAR OF 70-108 VALETTA ROAD	CONCORD ROAD
ACCESS ROAD TO FROGMORE INDUSTRIAL ESTATE	ALLEYWAY REAR OF 9-47 DAVIS ROAD AND 103-143 ST ELMO ROAD	CONWAY GROVE
ACCESS ROAD TO GLENDUN COURT	ALLEYWAY RUNNING BEHIND 14-30 ALLAN WAY	CORONATION ROAD
ACCESS ROAD TO KENDAL COURT	ALLEYWAY RUNNING BEHIND 2-12 KATHLEEN AVENUE AND 1-21 WILFRID GARDENS	COTTON AVENUE
ACCESS ROAD TO MILL TRADING ESTATE	ALLEYWAY RUNNING FROM 4-6 ALLEN WAY ALONG REAR OF 2-28 WILFRID GARDENS	COURT WAY
ACCESS ROAD TO PARK ROYAL SOUTH LEISURE COMPLEX	ALLIANCE ROAD	COWLEY ROAD
ACCESS ROAD TO REAR OF 79A OLD OAK COMMON LANE	ANDERSON CLOSE	CREWE PLACE
ACCESS ROAD TO VICTORIA INDUSTRIAL ESTATE	ARMSTRONG ROAD	CULLEN WAY
ACCESS ROAD TO WESTERN TRADING ESTATE	ASHFIELD ROAD	CUNARD ROAD
ACCESS ROAD TO WESTPOINT TRADING ESTATE	ATLAS ROAD	CURTIS DRIVE
ACCESS ROAD TO WORKS	B4492	DAVIS ROAD
ACORN GARDENS	BALFOUR ROAD	DRAGOR ROAD
ACTON LANE	BARRETT'S GREEN ROAD	DUKES ROAD
AGNES ROAD	BASHLEY ROAD	DUNCAN GROVE
ALLAN WAY	BAYWILLOW PLACE	EAST ACTON LANE
ALLEYWAY BETWEEN 13 AND 15 WILFRID GARDENS	BEECH AVENUE	EAST ACTON LANE SERVICE ROAD TO NUMBERS 115-129 AND BEECHWOOD GROVE
ALLEYWAY BETWEEN 14-16 WILFRID GARDENS	BEECHWOOD GROVE	EAST ACTON LANE SERVICE ROAD TO NUMBERS 39-107
ALLEYWAY BETWEEN 30 AND 32 VALETTA ROAD	BETHUNE ROAD	EAST CHURCHFIELD ROAD
ALLEYWAY BETWEEN 76 AND 78 VALETTA ROAD	BOWES ROAD	ELIZABETH GARDENS
ALLEYWAY BETWEEN CECIL AND NOEL ROAD BEHIND 335-365 HORN LANE	BOWES ROAD SERVICE ROAD TO NUMBERS 1-7	ELM GREEN
ALLEYWAY REAR OF 1-7 OLDFIELD ROAD	BRAID AVENUE	EVERITT ROAD
ALLEYWAY REAR OF 2-22 VALETTA ROAD AND 1-35 JEDDO ROAD	BRASSIE AVENUE	FERGUSON DRIVE
ALLEYWAY REAR OF 24-58 VALETTA ROAD	BRITANNIA WAY	FIRST AVENUE
ALLEYWAY REAR OF 29-75 VALETTA ROAD	BROAD PASSAGE	FOOTPATH FROM 116-123 COTTON AVENUE RUNNING WEST TO 108-115 COTTON AVENUE
	BROMYARD AVENUE	FOOTPATH FROM 117 TO 139 OLD OAK COMMON LANE
	BRUNEL ROAD	FOOTPATH FROM 123-128 SHAFTESBURY GARDENS RUNNING NORTH TO 29-39 MIDLAND TERRACE PARK ROYAL
	CANADA CRESCENT	FOOTPATH FROM 14-15 MUIRFIELD RUNNING EAST TO 127-129 OLD OAK COMMON LANE
	CANADA ROAD	FOOTPATH FROM 187 OLD OAK COMMON LANE TO EAST END OF PERRY AVENUE VIA FOOTBRIDGE
	CARLISLE AVENUE	FOOTPATH FROM 35-39 ASHFIELD ROAD TO TRINITY WAY
	CECIL ROAD	
	CENTRE AVENUE	
	CEZANNE ROAD	
	CHANDOS ROAD	
	CHANNEL GATE ROAD	
	CHASE ROAD	
	CLOISTER ROAD	

<p>FOOTPATH FROM 39 SEACOLE CLOSE ADJACENT TO RAILWAY TO WESTERN AVENUE</p> <p>FOOTPATH FROM 51-53 PARK VIEW TO 51-53 CLOISTER ROAD</p> <p>FOOTPATH FROM 59 ALLAN WAY TO 322-324 PARK ROYAL ROAD VIA WESTERN AVENUE SUBWAY</p> <p>FOOTPATH FROM 63-65 CANADA CRESCENT THROUGH TO WESTERN AVENUE</p> <p>FOOTPATH FROM ANOTHER FOOTPATH AT REAR OF 60-75 COTTON AVENUE TO 43 COTTON AVENUE</p> <p>FOOTPATH FROM EAST END OF SIMPSON DRIVE TO 73-74 PERRY AVENUE VIA RAILWAY</p> <p>FOOTPATH FROM OLD OAK LANE RUNNING ALONG GRAND UNION CANAL TO ACTON LANE</p> <p>FOOTPATH FROM OPPOSITE 1-8 COTTON AVENUE RUNNING NE TO THE SOUTH END OF FERGUSON DR</p> <p>FOOTPATH FROM REAR OF 31-32 CURTIS DRIVE TO COTTON AVENUE OPPOSITE PERRY AVENUE</p> <p>FOOTPATH FROM REAR OF 43 COTTON AVENUE RUNNING EAST TO 11-12 FERGUSON DRIVE</p> <p>FOOTPATH FROM THE REAR OF 38 COTTON AVENUE RUNNING NORTH TO REAR OF 34 COTTON AVENUE</p> <p>FOOTPATH RUNNING BETWEEN 49-51 WELLS HOUSE ROAD</p> <p>FOSTER ROAD</p> <p>FRIARS PLACE LANE</p> <p>GARRETT CLOSE</p> <p>GIBBON ROAD</p> <p>GLENDUN ROAD</p> <p>GODOLPHIN PLACE</p> <p>GOLDSMITHS CLOSE</p> <p>GOODHALL STREET</p> <p>GORST ROAD</p>	<p>GREENVIEW CLOSE</p> <p>GRIEG ROAD</p> <p>HAMPTON MEWS</p> <p>HARLEY ROAD</p> <p>HAROLD ROAD</p> <p>HIGHFIELD ROAD</p> <p>HOLST ROAD</p> <p>HORN LANE</p> <p>HOYLAKE ROAD</p> <p>JEDDO ROAD</p> <p>JENNER AVENUE</p> <p>JOHNSONS WAY</p> <p>KATHLEEN AVENUE</p> <p>KENDAL AVENUE</p> <p>KINGSDOWN AVENUE</p> <p>LANEWAY FROM WESTERN AVENUE REAR OF 340 HORN LANE RUNNING SW TO LEAMINGTON PARK</p> <p>LARCH AVENUE</p> <p>LEAMINGTON PARK</p> <p>LISTER CLOSE</p> <p>LONG DRIVE</p> <p>LUCY CRESCENT</p> <p>MANET GARDENS</p> <p>MANSFIELD ROAD</p> <p>MAPLE AVENUE</p> <p>MASHIE ROAD</p> <p>MASONS GREEN LANE</p> <p>MIDLAND TERRACE</p> <p>MINERVA ROAD</p> <p>MOZART GARDENS</p> <p>MUIRFIELD</p> <p>NEWARK CRESCENT</p> <p>NOEL ROAD</p> <p>NORTH ACTON ROAD</p> <p>OAK WAY</p> <p>OLD OAK COMMON LANE</p> <p>OLD OAK LANE</p> <p>OLD OAK ROAD</p> <p>OLDFIELD ROAD</p> <p>PARK ROYAL ROAD</p> <p>PARK VIEW</p> <p>PERRY AVENUE</p> <p>PERRY ROAD</p> <p>PORTAL WAY</p> <p>PRIDEAUX PLACE</p> <p>RADNOR WAY</p> <p>REGENCY STREET</p> <p>ROSEBANK WAY</p> <p>SCHOOL ROAD</p> <p>SEACOLE CLOSE</p>	<p>SECOND AVENUE</p> <p>SERVICE ROAD ON WESTERN AVENUE TO LEISURE COMPLEX</p> <p>SHAA ROAD</p> <p>SHAFTESBURY GARDENS</p> <p>SIMPSON DRIVE</p> <p>SIR ALEXANDER CLOSE</p> <p>SIR ALEXANDER ROAD</p> <p>SOVEREIGN PARK</p> <p>ST ANDREWS ROAD</p> <p>ST ELMO ROAD</p> <p>ST LEONARDS ROAD</p> <p>STANDARD ROAD</p> <p>STATION ROAD</p> <p>STEPHENSON STREET</p> <p>STOKE PLACE</p> <p>STRELLEY WAY</p> <p>SUNBEAM ROAD</p> <p>SUNNINGDALE AVENUE</p> <p>SWAINSON ROAD</p> <p>SYCAMORE CLOSE</p> <p>TAYLORS GREEN</p> <p>TELFORD WAY</p> <p>TEMPLEMEAD CLOSE</p> <p>THE APPROACH</p> <p>THE BYE</p> <p>THE CRESCENT</p> <p>THE FAIRWAY</p> <p>THE GREEN</p> <p>THE TEE</p> <p>THE VALE</p> <p>THIRD AVENUE</p> <p>TRADING ESTATE ROAD</p> <p>TRAVELLERS ROAD</p> <p>TRINITY WAY</p> <p>VALETTA ROAD</p> <p>VARDON CLOSE</p> <p>VICTORIA ROAD</p> <p>VICTORIA TERRACE</p> <p>VOLT AVENUE</p> <p>VYNER ROAD</p> <p>WALES FARM ROAD</p> <p>WEBB PLACE</p> <p>WELLS HOUSE ROAD</p> <p>WENTWORTH MEWS</p> <p>WESLEY AVENUE</p> <p>WESLEY PLAYING FIELDS ROAD</p> <p>WESTERN AVENUE</p> <p>WESTERN ROAD</p> <p>WESTVALE MEWS</p> <p>WILFRID GARDENS</p> <p>YORK ROAD</p>
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Southall Broadway ward (pre May 2022 boundaries)

SOUTHALL BROADWAY

<p> ABBOTTS ROAD ACCESS ROAD TO BARRATT INDUSTRIAL PARK ACCESS ROAD TO CAR PARK OPPOSITE 76 SOUTH ROAD ACCESS ROAD TO GAS HOLDER STATION ACCESS ROAD TO TA CENTRE ACCOLADE AVENUE AGAPE WAY ALEXANDRA AVENUE ALFRED GARDENS ALMA ROAD AVENUE ROAD BANKSIDE BEACHCROFT AVENUE BEACONSFIELD ROAD BEATRICE ROAD BERESFORD ROAD BOYD AVENUE BRENT ROAD CAMBRIDGE ROAD CANAL TOWPATH RUNNING ALONG GRAND UNION CANAL FROM BULLS BRIDGE TO BANKSIDE CEDRUS AVENUE CHERRY AVENUE DANE ROAD FOOTPATH FROM 1 ALEXANDRA AVENUE TO ANOTHER FOOTPATH REAR OF 63 ALEXANDRA AVENUE FOOTPATH FROM 116-120 LANCASTER ROAD TO REAR OF 171 LANCASTER ROAD FOOTPATH FROM 19 AVENUE ROAD RUNNING ALONG AVENUE ROAD TO OPPOSITE CAMBRIDGE ROAD FOOTPATH FROM 19-21 HERBERT ROAD RUNNING EAST TO 24-26 SOUTH ROAD FOOTPATH FROM 42-44 RANELAGH ROAD RUNNING WEST TO 45-47 BERESFORD ROAD FOOTPATH FROM 44 SPIKES BRIDGES ROAD TO REAR OF 141 DANE ROAD </p>	<p> FOOTPATH FROM 62-64 WOODLANDS ROAD RUNNING WEST TO 43-45 RANELAGH ROAD FOOTPATH FROM 64-66 WEST END ROAD RUNNING WEST TO 67-69 TOWNSEND ROAD FOOTPATH FROM 68-70 LANCASTER ROAD RUNNING EAST TO 61-63 DANE ROAD FOOTPATH FROM 68-70 TOWNSEND ROAD RUNNING WEST TO 69-73 TRINITY ROAD FOOTPATH FROM 70-72 TRINITY ROAD RUNNING WEST TO 53-55 WOODLANDS ROAD FOOTPATH FROM 74-76 SAXON ROAD RUNNING WEST TO 56-58 DANE ROAD FOOTPATH FROM 80-82 RANELAGH ROAD RUNNING WEST TO 48 CHERRY AVENUE FOOTPATH FROM 82-86 HAMBROUGH ROAD RUNNING WEST TO 77-79 WEST END ROAD FOOTPATH FROM BOROUGH BOUNDARY ADJOINING FOOTPATH AT REAR OF 141 DANE ROAD FOOTPATH FROM OPPOSITE CAMBRIDGE ROAD RUNNING ALONG AVENUE ROAD TO BOYD AVENUE FOXGLOVE CLOSE GRANGE ROAD GREEN DRIVE GREENLEAF WALK HAMBROUGH ROAD HAMILTON ROAD HANSON GARDENS HERBERT ROAD HIGH STREET HIGH STREET SERVICE ROAD TO NUMBERS 52-78 HONEYSUCKLE CLOSE JASMINE CLOSE LADY MARGARET ROAD LANCASTER ROAD LEWIS ROAD </p>	<p> LIVINGSTONE ROAD LOWDEN ROAD MARIGOLD CLOSE MARKET PLACE MILAN ROAD NORMAN AVENUE NORTHCOTE AVENUE ORCHARD AVENUE ORCHID CLOSE OSWALD ROAD OXFORD WALK PARK AVENUE PUNJAB LANE RANDOLPH ROAD RANELAGH ROAD RAYNOR CLOSE RUSKIN ROAD SAMARA DRIVE SAXON GARDENS SAXON ROAD SOUTH ROAD SOUTH ROAD SERVICE ROAD TO NUMBERS 31-43 SOUTHALL SQUARE SPIKES BRIDGE ROAD ST JOSEPHS DRIVE STANLEY ROAD THE BROADWAY THE CRESCENT THE STRAIGHT TOWNSEND ROAD TRINITY ROAD TUDOR ROAD VIKING ROAD VILLIERS ROAD WEST END ROAD WHITE STREET WOODLANDS ROAD </p>
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Southall Green ward (pre May 2022 boundaries)

SOUTHALL GREEN

ACCESS ROAD TO DOMINION INDUSTRIAL ESTATE UNADOPTED SECTION	WEST TO 35-37 HARTINGTON ROAD	RECREATION ROAD
ACCESS ROAD TO ENDSLEIGH INDUSTRIAL ESTATE	FOOTPATH FROM DUDLEY ROAD AND SPENCER STREET TO WHITE STREET AND THE STRAIGHT	RECTORY ROAD
ACCESS ROAD TO FEATHERSTONE INDUSTRIAL ESTATE	FOOTPATH FROM GURU NANAK ROAD RUNNING SOUTH INTO HAVELOCK COURT	REGINA ROAD
ADELAIDE ROAD	FOOTPATH FROM LEAMINGTON ROAD TO SOUTHALL RECREATION GROUND	RESHAM CLOSE
ALBERT ROAD	FOOTPATH FROM NORWOOD ROAD RUNNING ALONG GRAND UNION CANAL TO WESTERN ROAD	ROSAMUN STREET
BALFOUR ROAD	FOOTPATH RUNNING ALONG GRAND UNION CANAL BETWEEN WESTERN ROAD AND BULLS BRIDGE ROAD	RUBASTIC ROAD
BELMONT AVENUE	GEORGE STREET	SALISBURY ROAD
BEVERLEY ROAD	GILDING WAY	SANGAM CLOSE
BOEING WAY	GLADSTONE ROAD	SAVERA CLOSE
BRENT ROAD	GOBIND DRIVE	SCOTTS ROAD
BULLS BRIDGE ROAD	GORDON ROAD	SOUTHBRIDGE WAY
CANALSIDE GARDENS	GREENLAND CRESCENT	SPENCER STREET
CARAGH MEWS	GURU NANAK ROAD	ST JOHNS ROAD
CAXTON ROAD	HAMMOND ROAD	STRATFORD ROAD
CLARENCE STREET	HANSA CLOSE	SUSSEX ROAD
CLIFTON ROAD	HARTINGTON ROAD	TACHBROOK ROAD
DAGMAR MEWS	HEATHWAY	TALBOT ROAD
DAGMAR ROAD	INVERNESS ROAD	THE COMMON
DERLEY ROAD	JOHNSON STREET	THE GREEN
DILLOWAY LANE	KING STREET	TILNEY ROAD
DOMINION ROAD	LEA ROAD	TRIDENT WAY
DUDLEY ROAD	LEAMINGTON ROAD	VICTORIA ROAD
ELLISON GARDENS	LEONARD ROAD	WALTHAM ROAD
ELMFIELD ROAD	LONSDALE ROAD	WESTERN ROAD
EMERALD SQUARE	MANOR WAY	WILLIAMS ROAD
ENDSLEIGH ROAD	MARLBOROUGH ROAD	WITLEY GARDENS
FEATHERSTONE ROAD	MONTAGUE ROAD	
FEATHERSTONE TERRACE	MONTAGUE WAY	
FLORENCE ROAD	NORTH HYDE LANE	
FOOTPATH FROM 123 NORWOOD ROAD RUNNING ALONG MERRICK ROAD TO GURU NANAK ROAD	NORWOOD GARDENS	
FOOTPATH FROM 188 REGINA ROAD AND 1 THE COMMON TO 1 RECREATION ROAD	NORWOOD ROAD	
FOOTPATH FROM 2 RECREATION ROAD TO JUNCTION OF MONTAGUE ROAD AND MONTAGUE WAY	OLD MANOR ROAD	
FOOTPATH FROM 21-23 LEAMINGTON ROAD TO MANOR WAY	PRIORY WAY	
FOOTPATH FROM 23-25 GLADSTONE ROAD RUNNING	QUEENS ROAD	

Licensing scheme objectives

- i. **Improve housing conditions by eliminating poor standards of management in the private rented sector**
 - Proactively inspect each privately rented property during the duration of the licence and robustly enforce the conditions of the license.
 - Improve the health, safety and welfare of tenants.
 - Ensure that absentee or unfit landlords employ an agent to actively manage their properties.

- ii. **Reduce ASB in the private rented sector**
 - Working with partners, proactively target nuisance areas.
 - Reduce flytipping and other forms of environmental nuisance through better management of private rented properties.

- iii. **Eliminate rogue landlords**
 - Take appropriate enforcement action against those landlords who fail to licence or deliberately flout licence conditions.

- iv. **Improve the working relationship between the Council and private sector landlords**
 - Deliver an education campaign for landlords so that they understand their rights and responsibilities.
 - Establish a landlord's focus group.
 - Provide discounts for accredited landlords.
 - Develop a comprehensive database of Ealing landlords, letting and managing agents.
 - Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.

- v. **Increased awareness in tenants on the minimum standards to be expected in rented accommodation**
 - Deliver an education campaign for tenants so that they understand their rights and responsibilities.
 - Improved protection for vulnerable groups living in the PRS.
 - Improved communication between landlords and tenants.

Housing Act 2004
Part 2 – Licensing of Houses in Multiple Occupation (HMO)
(section 64 and schedule 4)

HMO LICENCE CONDITIONS

Schedule 1
Standard Licence Conditions

9

Property Address

1. Permitted Occupation

A new resident must not be permitted to occupy the property or any part of the property if that occupation:

- Exceeds the maximum permitted number of persons for the property as detailed in the schedule of permitted occupation below.
- Exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the property and/or the room at the date of the issue of the licence.

Letting	Location	Area (Sq m)	Max Permitted Number per Room

Total Maximum Permitted Number of Persons for the Property

Comments - Occupation is determined at the point of application by room sizes, facilities and amenities.

2. Tenancy management

- 2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within **7 days upon demand**.
- 2.2 The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within **28 days on demand**.
- 2.4 The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme within 30 calendar days from the day the deposit is received and must provide the tenant with details of how their deposit has been protected within the same 30-day period. This information must be provided to the Council within **28 days on demand**.
- 2.5 The licence holder must provide to the Council details in writing of the tenancy management arrangements that have been, or are to be, made to prevent or reduce antisocial behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within **28 days on demand**.

The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency 24hr contact number (including out of hours response arrangements)
 - Formal arrangements for the disposal of rubbish and bulky waste
 - Maintenance of written records of property inspections for management and repair issues.
- 2.6 The licence holder shall ensure that at least three inspections per year of the property are carried out to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within **28 days on demand**.
- 2.7 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the property by complying with the requirements of paragraphs (a) to (g) below:
- (a) The licence holder must not ignore or fail to take action, if he has received complaints of antisocial behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.
- (b) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the occupier within 14 days. The occupier must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.

- (c) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour and whether it is continuing.
 - (d) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the property and issue the occupier with a warning letter advising them of the possibility of eviction.
 - (e) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
 - (f) If after 14 days of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence) that must include where appropriate promptly taking any legal proceedings to address the antisocial behaviour
 - (g) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.
- 2.8 Any correspondence, letters and records referred to in condition 2.7 above must be provided to the Council within **28 days on demand**.

3. Property Management

- 3.1 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within **7 days on demand**.
- 3.2 The licence holder shall ensure that every electrical installation in the property is in proper working order and safe for continued use. The licence holder must supply the Council with a declaration confirming the safety of such electrical installations within **7 days on demand**.
- 3.3 The licence holder shall ensure that all electrical appliances provided by the landlord in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within **7 days on demand**.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out intended to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within **28 days on demand**.
- 3.5 The licence holder shall install at least one working smoke alarm on every storey of the property on which there is a room used wholly or partly as living accommodation, and a carbon monoxide alarm in any room in the property which is used wholly or partly as living accommodation containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove etc.) and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions. Refer also

to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. (**N.B.** Battery operated smoke alarms are not suitable for Houses in Multiple Occupation)

- 3.6** The licence holder shall ensure that any existing fire precautions shall be kept maintained and in good working order and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions within **7 days on demand**.
- 3.7** The licence holder shall ensure that smoke alarms are maintained in good working order, and in particular at the start of each new tenancy. Where the following are provided, the licence holder must submit to the Council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic smoke alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the Council within **7 days on demand**.
- 3.8** The licence holder shall ensure that furniture and furnishings made available by him in the property is in a safe condition. All upholstered furniture, covers and fillings of cushions and pillows should comply with current fire safety legislation A declaration by the licence holder as to the safety of such furniture and furnishings, must be provided to the Council, within **7 days on demand**.
- 3.9** The licence holder shall provide each separate letting with sufficient external bins with lids for the storage of rubbish, recycling and food waste pending collection. Provision shall be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties. Bins can either be ordered online or by calling Ealing Council Customer Services on 020 8825 6000.
- 3.10** In addition the licence holder shall provide suitably adequate sized bins with lids within each shared kitchen for the storage of rubbish pending collection. Appropriate and sufficient recycling containers must also be made available for the occupiers.

4. Security

- 4.1** The licence holder shall ensure the property is secure by complying with the requirements of paragraphs **(a)** to **(e)** below:
- (a)** The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;
- (b)** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant;
- (c)** Where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;
- (d)** Where previous occupiers have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupiers moving in;
- (e)** Where alley gates are installed to the side and rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.

5. Absence

- 5.1 The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

6. Heating

- 6.1 The licence holder must ensure that occupiers are provided with controls to allow them to regulate the temperature within their individual letting.

7. Common Areas

- 7.1 The licence holder shall ensure that all parts of the house in common use including shared living rooms, kitchens, passageways, corridors, halls and lobbies are:
- (a) not used for sleeping purposes, either by occupiers or their guests;
 - (b) kept in a good state of repair and all exit routes are kept free from obstruction and combustible material.

8. Documents to be displayed

- 8.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property or provide a copy of the licence to tenants at the start of a tenancy.
- 8.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property.
- 8.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property or provide a copy of the gas safety certificate to tenants at the start of a tenancy.
- 8.4 The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before. Alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 0208 825 6000

9. Outbuildings

- 9.1 The licence holder shall ensure that all outbuildings, boundary walls, fences, gardens and yards are kept maintained, in repair in clean condition and good order.

10. Guidance on Ealing Space Standards

10.1 Subject to further assessment the following Ealing Space Standards will apply.

Standards for Room Sizes for Houses in Multiple Occupation

Standards for room sizes for houses in Multiple Occupation	
Rooms with separate cooking facilities	Minimum floor area square metres
One person aged under 10 years	4.64
One person aged over 10 years	6.51
Two persons	10.22
Rooms with cooking facilities in the room	Minimum floor area square metres
One person unit of accommodation	10.2
Two person units of accommodation	13.5

Comments:

Maximum of ONE person in a single habitable room
Maximum of TWO persons in a double habitable room

11. General

- 11.1 The licence holder must notify the Council's Property Regulation, Licensing Team of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
- 11.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers from carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 11.3 The licence holder shall if required by written notice provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the house:
- The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - Number of individuals in each household.

The particulars shall be provided to the Council within **7 days on demand**.

- 11.4 The licence holder shall inform the Council of any change in ownership or management of the house.
- 11.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the property.
- 11.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Comments:

For planning and building regulation queries please refer to the planning pages on the Council's website, telephone or contact:

Planning services:

Office hours: Mon-Fri, 9am-5pm
Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 6600
Email: planning@ealing.gov.uk

Building control:

Perceval House 4SW, 14-16 Uxbridge
Road Ealing W5 2HL
Tel: 020 8825 8230
Email: bcontrol@ealing.gov.uk

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Planning, Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005.

Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Failure to comply with any licence condition is a criminal offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

Schedule 2

Property Specific Licence Conditions

Schedule of Works / Requirements

Property Address

NB: Listed below are unique licence conditions specific to property, dependent on the information supplied at the time of application.

- 1.
- 2.
- 3.

DRAFT

Schedule 3

The Main Terms of the Licence, General Requirements and Duration

1. This licence relates to..... A licence may not relate to more than one HMO.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.
3. The licence comes into force on the date specified on the licence and will continue in force for up to 5 years unless;
 - a) The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
 - b) The licence is revoked under section 70 of the Housing Act 2004.
4. The licence period continues for a period of up to 5 years even if the premises are no longer an HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
7. If at any time during the period stated (the initial period), the personal representatives of the deceased licence holder request the council to grant a further exemption from the date the initial period ends. The premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
8. A person having control or managing a house in multiple occupation who allows the house to be occupied by more persons or households than is permitted by the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
9. A licence holder or person who has restrictions or obligations placed on him by the licence and who fails to comply with any condition of the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
10. A serious breach of a condition of the licence or repeated breaches of such a condition may also result in the licence being revoked.

Housing Act 2004
Part 3 – Selective licensing of other residential accommodation
(Section 90 and schedule 4)

SELECTIVE LICENCE CONDITIONS
Schedule 1 9
Standard Licence Conditions

Property Address

1. Permitted Occupation

A new resident must not be permitted to occupy the property or any part of the property if that occupation:

- Exceeds the maximum permitted number of persons:
- Exceeds the maximum permitted number of households for the property

A new resident means a person who was not an occupier of the property at the date the licence was granted.

No account shall be taken of a child under the age of one (they would count as 0 in the total permitted number below)

A child aged one or over but under ten shall be reckoned as one half of a unit

Maximum Permitted Number of Persons for the property	
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Comments - Occupation is determined at the point of application by room sizes.

The property is licensed for a maximum of X household comprising of no more than X persons

2. Tenancy management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in

place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within **7 days upon demand**.

- 2.2** The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- 2.3** The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within **28 days on demand**.
- 2.4** The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme within 30 calendar days from the day the deposit is received and must provide the tenant with details of how their deposit has been protected within the same 30-day period. This information must be provided to the Council **28 days on demand**.
- 2.5** The licence holder must provide to the Council details in writing of the tenancy management arrangements that have been or are to be made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within **28 days on demand**.

The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency 24hr contact number (including out of hours response arrangements).
 - Formal arrangements for the disposal of rubbish and bulky waste.
 - Maintenance of written records of property inspections for management and repair issues.
- 2.6** The licence holder shall ensure that an inspection is carried out at least every 6 months to identify any problems relating to the management, use and occupation of the property. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within **28 days on demand**.
- 2.7** The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the property by complying with the requirements of paragraphs **(a)** to **(g)** below:
- (a)** The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.
- (b)** If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the occupier within 14 days. The occupier must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.

- (c) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour and whether it is continuing.
- (d) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the property and issue the occupier with a warning letter advising them of the possibility of eviction.
- (e) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- (f) If after 14 days of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence) that must include where appropriate promptly taking any legal proceedings to address the antisocial behaviour
- (g) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.

2.8 Any correspondence, letters and records referred to in condition 2.7 above must be provided to the Council within **28 days on demand**.

3. Property Management

- 3.1** The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within **7 days on demand**.
- 3.2** The licence holder shall ensure that every electrical installation in the property is in proper working order and safe for continued use. The licence holder must supply the Council with a declaration confirming the safety of such electrical installations within **7 days on demand**.
- 3.3** The licence holder shall ensure that all electrical appliances provided by the landlord in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within **7 days on demand**.
- 3.4** Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out intended to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within **28 days on demand**.

- 3.5** The licence holder shall install at least one working smoke alarm on every storey of the property on which there is a room used wholly or partly as living accommodation, and a carbon monoxide alarm in any room in the property which is used wholly or partly as living accommodation containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove etc.) and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions. Refer also to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Please note that a room includes a bathroom lavatory.
- 3.6** The licence holder shall ensure that smoke alarms are maintained in good working order, and in particular at the start of each new tenancy. Where the following are provided, the licence holder must submit to the Council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic smoke alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the Council within **7 days on demand**.
- 3.7** The licence holder shall ensure that furniture and furnishings made available by him in the property is in a safe condition. All upholstered furniture, covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration by the licence holder as to the safety of such furniture and furnishings, must be provided to the Council, within **7 days on demand**.
- 3.8** The licence holder shall provide each separate letting with a sufficient external bin with a lid for the storage of rubbish recycling and food waste pending collection. Provision must be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties. Bins can either be ordered on line or by calling Ealing Council Customer Services on 020 8825 6000.

4. Security

- 4.1** The licence holder shall ensure the property is secure by complying with the requirements of paragraphs **(a)** to **(e)** below:
- (a)** The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order always;
 - (b)** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant;
 - (c)** Where a burglar alarm is fitted to the property, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;
 - (d)** Where previous occupiers have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupiers moving in;

- (e) Where alley gates are installed to the side and rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.

5. Absence

- 5.1 The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

6. Documents to be provided to tenants

- 6.1 The licence holder shall provide the following to tenants at the start of the tenancy:

- (a) a copy of the licence to which these conditions apply.
- (b) the name, address and emergency contact number of the licence holder or managing agent.
- (c) details of the day of the week rubbish and recycling is collected and must also state any Council specific requirements e.g. That rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before, For further information see www.ealing.gov.uk or telephone 020 8825 6000.

7. Outbuildings

- 7.1 The licence holder shall ensure that all outbuildings, boundary walls, fences, communal gardens and yards are kept maintained and in good order.

8. General

- 8.1 The licence holder must notify the Council's Property Regulation, Licensing Team of any proposed changes to the construction, layout or amenity provision of the property that would affect the licence or licence conditions.
- 8.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers from carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.

- 8.3** The licence holder shall if required provide to the Council within 7 days on demand the names and numbers of individuals occupying the property. The particulars shall be provided to the Council within **7 days on demand**.
- 8.4** The licence holder shall inform the Council of any change in ownership or management of the property.
- 8.5** The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the property.
- 8.6** The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

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Comments:

For planning and building regulation queries please refer to the planning pages on the Council's website, telephone or contact:

Planning services:

Office hours: Mon-Fri, 9am-5pm
Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 6600
Email: planning@ealing.gov.uk

Building control:

Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 8230
Email: bcontrol@ealing.gov.uk

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Planning, Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005.

Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Failure to comply with any licence condition is a criminal offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

Schedule 2

Property Specific Licence Conditions

Property Address

Schedule of Works / Requirements

NB: Listed below are unique licence conditions specific to property, dependent on the information supplied at the time of application.

- 1.
- 2.
- 3.

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Schedule 3

The Main Terms of the Licence, General Requirements and Duration

1. This licence relates to..... A licence may not relate to more than one property.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.
3. The licence comes into force on the date specified on the licence and will continue in force for up to 5 years unless;
 - a) The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
 - b) The licence is revoked under section 93 of the Housing Act 2004.
4. The licence period continues for a period of up to 5 years even if the premises are no longer licensable, unless a valid application is made for the licence to be revoked under section 93 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 86 and 91 of the Housing Act 2004 will apply.
7. If at any time during the period stated (the initial period), the personal representatives of the deceased licence holder request the council to grant a further exemption from the date the initial period ends. The premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 86 and 91 of the Housing Act 2004 will apply.
8. A licence holder or person who has restrictions or obligations placed on him by the licence and who fails to comply with any condition of the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
9. A serious breach of a condition of the licence or repeated breaches of such a condition may also result in the licence being revoked.

PRIVATE RENTED PROPERTY LICENSING SCHEMES

SCHEDULE OF FEES & CHARGES

The licence fee is payable in two instalments. On submission of the application the first instalment of 30% of the total amount payable (after applicable discounts or charges) will be due to cover the processing of the application form.

Should the application be refused or rejected by the council or withdrawn by the applicant this first instalment payment will not be refunded.

Once the application has been assessed and the decision is made to grant the licence, the second instalment of 70% of the total amount payable (after applicable discounts or charges) will be due within seven days of notification.

1. DISCOUNTS

Early bird

Applicants who apply within the first three months of the scheme commencement will receive a 25% discount.

A 25% discount will also be applicable for existing Additional HMO and Selective licence holders, where the property meets the requirements of the new scheme and the licence holder applies for a new licence within three months prior to the expiry date of their current licence.

Accredited Landlords

If you are **accredited** under one of the following schemes, you may be entitled to a £75 discount:

- London Landlord Accreditation Scheme (LLAS)
- National Residential Landlords Association (NRLA)
- UK Association of Letting Agents (UKALA)

If you are a **member** of one of the following schemes, you may be entitled to a £75 discount:

- Association of Residential Letting Agents (ARLA)
- Royal Institution of Chartered Surveyors (RICS)
- Safeagent

Property EPC rating of C or above

If your property has an EPC rating of C or above, you may be entitled to a £50 discount

- *A discount will not be applicable where the local authority has made two requests for additional supporting documents.*
- *A discount will not be applicable where the local authority has served a warning letter for failure to license the property.*
- *Discounts will be determined on receipt of full application and all supporting documents*

2. ADDITIONAL HMO LICENCE

Flat fee	Number of Habitable Rooms	Additional £50 per Habitable Room	Total Fee before applicable discounts or charges	Total Fee following Early Bird 25% discount
£1,100	2	£100	£1200	£900.00
£1,100	3	£150	£1250	£937.50
£1,100	4	£200	£1300	£975.00
£1,100	5	£250	£1350	£1012.50
£1,100	6	£300	£1400	£1050.00
£1,100	7	£350	£1450	£1087.50
£1,100	8	£400	£1500	£1125.00
£1,100	9	£450	£1550	£1162.50
£1,100	10	£500	£1600	£1200.00

3. SELECTIVE LICENCE

Standard Fee	Total Fee following Early Bird 25% discount
£750	£562.50

4. SELECTIVE LICENCE (BUILDING CONTAINING SELF-CONTAINED FLATS)

A discounted Selective licence fee is available to applicants who control two or more flats within the same building, i.e. are entitled to receive the rack rent for the flats, or would be entitled to receive it were the flats let at such a rent.

*Accredited Landlord and EPC discounts will be applicable to the first flat only.

	APPLICATIONS RECEIVED WITHIN 3 MONTHS OF SCHEME IMPLEMENTATION	APPLICATIONS RECEIVED AFTER 3 MONTHS OF SCHEME IMPLEMENTATION
'Block' or 'Multiple Flat' application	Early Bird 25% discount	10% discount
	£562.50 per flat	£675.00 per flat

5. ADDITIONAL CHARGES (FOR ALL SCHEMES)

Action	Fee
Applicants who are sent two warning letters	Application fee plus £25% additional late application fee
Applications submitted in paper form (excluding Selective Licensing (Building containing self-contained flats))	Application fee plus an additional £100
Council assistance to complete an application form	Application fee plus an additional £50

6. ADDITIONAL CHARGES FOR SELECTIVE LICENCE (BUILDING CONTAINING SELF-CONTAINED FLATS)

Action	Fee
Applicants who are sent a warning letter will be charged the full fee	£750 per flat
Applicants who are sent two warning letters will be charged the full fee (£750) plus an additional 25% finder's fee per flat	£937.50 per flat

7. RENEWAL LICENCE FEES APPLICABLE (FOR ALL SCHEMES)

The renewal fee shall be the same as new applications.

8. LICENCE VARIATION FEES APPLICABLE (FOR ALL SCHEMES)

These fees are applicable where the property is already licensed.

Variation to Licence	Fee
Increase in the number of occupiers and/or households, through increasing the number of habitable rooms.	Additional £50 per habitable room
Change of licence holder's address	None
Change of manager's address	None
Change/appointment of manager	None
Change of name (marriage/divorce/deed poll)	None
Change in amenities	None

9. OTHER FEES AND CHARGES APPLICABLE (FOR ALL SCHEMES)

Action	Applicable Fee
Revocation of licence	None
Application to licence following revocation of licence	New application fee
Application refused or rejected by the council	First instalment payment
Application withdrawn by the applicant	First instalment payment
Temporary Exemption Notice (TEN) made by the council	None
Application received following the expiry of a Temporary Exemption Notice (TEN) made by the council	New application fee

Licences will be issued for a maximum of five years.

We may issue a licence for a shorter period of time if we have concerns about the management of the property.

Length of Licence Term Policy

- 1. Summary**
- 1.1 In circumstances where the Council is minded to grant a property licence, it has some discretion as to the length of the term of any licence period, except that any granted licence must not exceed a 5-year period.¹
- 2. Licences granted for a reduced term**
- 2.1 In exercising its discretion, the Council will look at the circumstances of each case, and will take account of any factors relating to the proposed licence holder/manager or to the property itself that indicate that it would not be appropriate to grant a full-term licence.
- 2.2 In such instances, the Council will normally grant a licence for a reduced term of one year.
- 3. Breach of planning control**
- 3.1 When considering the terms of a licence the Council will take into consideration the planning status of a property.
- 3.2 Where a breach of planning legislation has occurred the Council may refuse the licence, or may grant it for a limited period of time so to allow the landlord time to resolve the planning issue and then reapply.²
- 4. Applications to extend a licence granted for less than 5 years under the existing additional and selective licensing schemes**
- 4.1 Where an additional or selective licence has been granted under the current schemes for less than 5 years (i.e. with a licence expiry date of 31st December 2021) the Council will provide licence holders a time-limited opportunity to vary the term of that licence to a 5 year period.
- 4.2 Licence holders will be required to submit an application to vary the licence, however such applications may be made at no cost to the applicant.
- 4.3 If there are no contra-indications relating to person or property, the Council will normally agree to extend the term of such a licence to a maximum 5-year term.
- 4.4 In the event that the Council varies an existing licence to a 5-year term, the licence holder will be expected to comply from the date of the variation, with the same licence conditions that will be imposed in respect of licences approved under its new additional and selective licensing schemes. Accordingly, the licence holder will be required to agree to a corresponding variation of any existing licence conditions.

¹ Sections 68(4) and 91(4) Housing Act 2004

² [Waltham Forest London Borough Council V Mohammad Afzal Khan \[2017\] UKUT 153 \(Lc\)](#)

Full Equalities Analysis Assessment

1. Proposal Summary Information	
EAA Title	Private Rented Sector Licensing Proposals
Please describe your proposal?	Scheme
Is it HR Related?	No
Corporate Purpose	Cabinet Report Decision 9

1. What is the Scheme looking to achieve? Who will be affected?

- 1.1 This scheme is intended to improve property conditions and reduce ASB in Ealing's private rented sector (PRS). To achieve these objectives it is proposed that the following are introduced:
- a. A renewed boroughwide additional licensing scheme for Houses in Multiple Occupation (HMOs) and,
 - b. A renewed selective licensing scheme (known as Selective Licensing Designation 1) in the three ward areas (pre-May 2022 boundaries) of East Acton, Southall Broadway and Southall Green. Properties which meet the criteria of these schemes would be required to be licenced for a period of up to 5 years.
- 1.2 Tenants and landlords of both HMOs and other private rented properties in the aforementioned wards will be directly affected as the new policies should ensure that the condition of properties is improved. Unfortunately, information as to the demographics of tenants and landlords is currently incomplete. People with each of the nine protected characteristics are however highly likely to fall within the broad category of private renters. Whilst there are fewer landlords than tenants, it is also likely that most of the protected characteristics are also represented amongst this cohort. Information on the demographics of households living in private rented accommodation is however available via the national decennial census.
- 1.3 The landlord or managing agent will be required to pay a licence fee for each property requiring a licence in the designated area. The proposed additional licensing fee is £1100 per HMO plus an additional £50 for each habitable room. The proposed selective licencing fee is £750. Tenants and landlords may be concerned that they will be made to bear the additional cost of any further licensing administration. However, there is no evidence to suggest that the current licensing schemes have had negative financial impacts on the areas in which they operate. Furthermore, a recent independent review (Use and Effectiveness of Selective Licensing) commissioned by the MHCLG (now DLUCH) determined there was no substantive evidence of rent rises being passed on to tenants due to the introduction of selective licensing.
- 1.4 To acquire a licence the landlord/ managing agent must be determined fit and proper for the purposes of the Act. To make this decision, the Council must take into account:
- Any previous convictions relating to violence, sexual offences, drugs and fraud;
 - Contravention of any law relating to housing or landlord and tenant matters;
 - Whether the person has been found guilty of unlawful discrimination;
 - Whether the person has contravened any Approved Code of Practice.
 - Whether a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.
- It is consequentially anticipated that discrimination in the private rented sector should be decreased through ensuring that licence holders are 'fit and proper'.
- 1.5 Overall, the scheme is expected to have a positive impact on people with any/none of the protected characteristics who are negatively affected by the poor repair; antisocial behaviour, discrimination and/or overcrowding relating to the borough's private rented sector.

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1.6 An additional positive impact of the scheme is that of increased awareness in tenants on the minimum standards to be expected in rented accommodation and greater understanding of their rights and responsibilities which will in turn lead to improved protection for vulnerable groups living in the PRS.

2. What will the impact of your proposal be?

Size of Ealing Borough's Private Rented Sector

- 2.1 Ealing's population in 2018 was estimated to be 346,908 in 2018 and is projected by the GLA to increase to 398,308 by 2031.
- 2.2 Since the 2011 Census the tenure structure of residential properties has markedly changed with higher numbers than ever now believed to be renting privately. Census figures for 2011 show that in Ealing 23% of households rented privately. However, a recent stock modelling exercise commissioned by the Council reveals that now, 38.1% of housing stock is now rented privately which exceeds the national average (19%).
- 2.3 The projected increase in population coupled with a shortage of affordable housing suggest that private renting will continue to increase for the foreseeable future, being the only option available for many residents including those who are vulnerable and on low incomes.

The Current Licensing Position

- 2.4 In accordance with national government legislation Ealing Council is obliged to operate mandatory HMO licensing, which essentially covers rented properties occupied by five or more persons in two or more households. Through this scheme 1,546 HMO licences have been granted. These properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. Mandatory HMO licensing operates indefinitely.
- 2.5 The Council also regulates a boroughwide additional HMO licensing scheme which requires most other smaller HMOs to be licenced with the Council. The scheme includes two storey HMOs occupied by four or more persons in two or more households, and some so-called "section 257" HMOs which are buildings poorly converted into self-contained flats/studios. Through this scheme 870 additional HMO licences have been granted. Like with mandatory HMO licensing, these properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that HMOs remain prevalent in Ealing's PRS, accounting for 15% of Ealing's PRS. Poor housing conditions and ASB are also present in Ealing's HMOs, with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard. Nearly half (40.3%) of all ASB stemming from the PRS came from HMOs. The Council also continues to receive large numbers of complaints of poor conditions in HMOs. Should the additional licensing scheme not be renewed, the Council will no longer be able to proactively regulate these HMOs.
- 2.6 The Council also introduced its first selective licensing which became operative from 01 January 2017. Selective licensing applies to all private rented property not licensable under any HMO licensing scheme. It currently operates in five wards: Acton Central, East Acton, South Acton, Southall Broadway and Southall Green. Through this scheme currently 8,811 selective licences have been granted. Like with HMO

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licensing, these properties have a specified maximum number of occupants but the conditions are slightly different to licensed HMOs. Landlords still need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that poor conditions remain present in Ealing's PRS, including in the wards currently subject to selective licensing. Most wards are predicted to have a high proportion of dwellings containing at least one serious (category 1 HHSRS) hazard, higher than the national average (13%).

2.7 The Council also continues to receive large numbers of complaints of poor conditions in the PRS. Should selective licensing not be renewed, the Council will no longer be able to proactively regulate much of the PRS.

The Proposed Licensing Position and Impact of the Schemes on Tenants

2.8 As already mentioned above, the proposal is to:

- a. Renew additional HMO licensing boroughwide, but to widen its scope to cover all HMOs occupied by three or more persons (in two or more households)
- b. Renew selective licensing but in two distinct designations, The first designation (known as Selective Licensing Designation 1) will cover the ward areas (pre May 2022 boundaries) of East Acton, Southall Broadway and Southall Green which are considered to have the highest prevalence of housing hazards. A second designation, if introduced later in 2022, could see the introduction of selective licensing in a further 12 wards also considered to have high rates of housing hazards. These wards are Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton. Eight wards have not been included as they do not contain the high proportion of housing hazards seen elsewhere in Ealing.

2.9 Since the introduction of the existing schemes 2,416 HMO licences and 8,811 selective licences have been granted.

LICENCE TYPE	APPLICATIONS RECEIVED	LICENCES GRANTED
MANDATORY	1,734	1,546
ADDITIONAL	1,022	870
SELECTIVE	9,337	8,811
TOTAL	12,093	11,227

2.10 It is estimated that there are in the region of 8360 HMOs in the borough; and a total of 54,776 private rented dwellings. In the three wards where Selective Licencing Designation 1 is proposed, there is an estimated 10,862 private rented dwellings that would fall within scope of the schemes (Metastreet Ltd, 2021).

2.11 It is believed that the renewal of these schemes would serve to reduce inequalities, through raising the standards of poor quality housing of some of the most deprived households in the borough; through reducing overcrowding and the risk of antisocial behaviour; and through vetting landlords to ensure they are 'fit and proper'.

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2.12 Raising the standards of private rented accommodation will benefit tenants, including those from the protected groups, across the borough. Licensing raises the profile of housing standards and may encourage tenants to seek help where they may not have done previously.

Statutory consultation

2.13 As required by the Housing Act 2004, the Council undertook a statutory consultation on its licensing proposals between 10 May and 16 August 2021. The consultation was publicised via a wide variety of digital and non-digital methods to ensure as many people as possible were able to participate in the consultation. The consultation was promoted via methods including a press release, leaflet drop, magazine article and newspaper adverts, social media advertising, direct emails and letters, radio adverts and posters on phone kiosks and buses. Persons were able to submit their views and comments on the proposals via an online survey, public meetings and through a dedicated email and telephone line. The consultation was operated by HQN, and independent housing consultancy. For the online survey, respondents were able to declare personal characteristics such as their age, disability status, gender, sexual orientation, marriage/civil partnership status, pregnancy status, religion and ethnic group.

2.14 The main finding from the consultation was that tenants and residents were much more in favour of the proposed new licensing schemes than landlords and lettings agents.

2.15 The results of the statutory consultation have been considered within this equalities analysis.

The Proposed Licensing Position and Impact of the Schemes on Landlords

2.16 The MHCLG's (now DLUCH) 2018 English Private Landlord Survey contains some demographic information on landlords in England, concluding that landlords were, on average, 57 years old with 89% of landlords identifying as White, 4% Indian, 2% Black, 1% Pakistani or Bangladeshi and the remaining 4% as "Other". However, given how widely local property markets vary (especially in London boroughs) it is not possible to draw conclusions on how this national data compares to Ealing. Landlords who operate in Ealing consist of a mix of persons/companies resident in the borough, in London or further afield in the UK or overseas. There is no data at borough level that shows the demographic make-up of Ealing's landlords, however it is expected that many will be within the protected groups.

2.17 A recently statutory consultation exercise revealed that landlords were generally opposed to the renewal of the licensing schemes for various reasons including perceived costs and bureaucracy. Where landlords fall within any of the protected groups and require assistance with the application process this will be provided by the Property Regulation Licensing Administration Team. In terms of the proposed licence fees for the schemes, a number of discounts will be made available to landlords in certain circumstances, such as discounts for early application submission or membership to recognised trade bodies. The licence fee will be payable in two instalments. Licensed landlords will benefit from support and advice from the Council in regard to any changes or developments in relevant housing laws.

2.18 As with the current licensing schemes, enforcement of the renewed schemes will be intelligence-led and targeted towards the worst or so-called "rogue" landlords operating at the lowest standard and least likely to apply for a licence. In recognition of good landlords who will comply with the requirements of the schemes, various discounts on fees will be offered in relation to good practices such as being accredited, having an EPC certificate rating of C and above and applications being submitted early. Additional charges will be imposed in relation to late applications and failure to submit required safety documents, such as for gas, electrical and fire provisions.

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2.19 It is believed that the renewal of the schemes may pose a marginal risk of landlords exiting Ealing's private rented sector and causing a reduction in the number of properties available in the market. However evidence from Ealing's previous schemes and other authorities who have introduced similar schemes suggests that this will not happen. Due to Ealing's desirability as a location, very high demand with good links to central London, and cross rail development it will still be viewed as an area in which to invest. Therefore new landlords will enter the PRS balancing out those who exit. Furthermore, over the past few years we have seen many new-build properties come straight onto the rental market, indicating that Ealing is a place where landlords wish to invest. We will however monitor carefully the impact on homelessness in the PRS and the impact on protected groups as part of any review process of the implemented schemes, and work closely with colleagues in other teams such as the homeless service to sign-post any persons who may be affected.

Poor Quality Housing

2.20 Ealing's private rented sector is currently thought to represent 38.1% of housing in the borough (Metastreet Ltd 2021). This is considerably higher than the national average 19%.

2.21 Poor housing conditions are considered to be present throughout the private rented sector in Ealing, with 12,063 dwellings predicted to have at least one serious (category 1 HHSRS) hazard. This represents 22% of Ealing's private rented sector, which is higher than the national average of 13%. Overcrowding in private rented accommodation has increased to 7% of all renters nationally, compared to 3% for all households. The proportion of overcrowded households in private rented accommodation is expected to be higher in Ealing than nationally. Overcrowding not only has a detrimental affect on the mental and physical health of persons (including impacts on children's education) but puts strain on the property exacerbating hazards and poor housing conditions. Nationally ethnic minority households are also more likely to be overcrowded with 11% of all ethnic minority household estimated to be overcrowded.

2.22 Multiple occupation often represents a higher risk to those persons living in such a property, and as a consequence the government has created additional legal provisions to regulate the safety and suitability of such accommodation. Poor conditions are even more prevalent in HMOs with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard (Metastreet Ltd 2021). Traditionally, these properties are viewed as the worst in the rented sector for safety, facilities, repairs and harassment of occupiers. ASB is also more prevalent in HMOs, with 40.3% of all ASB incidents stemming from the private rented sector coming from HMOs.

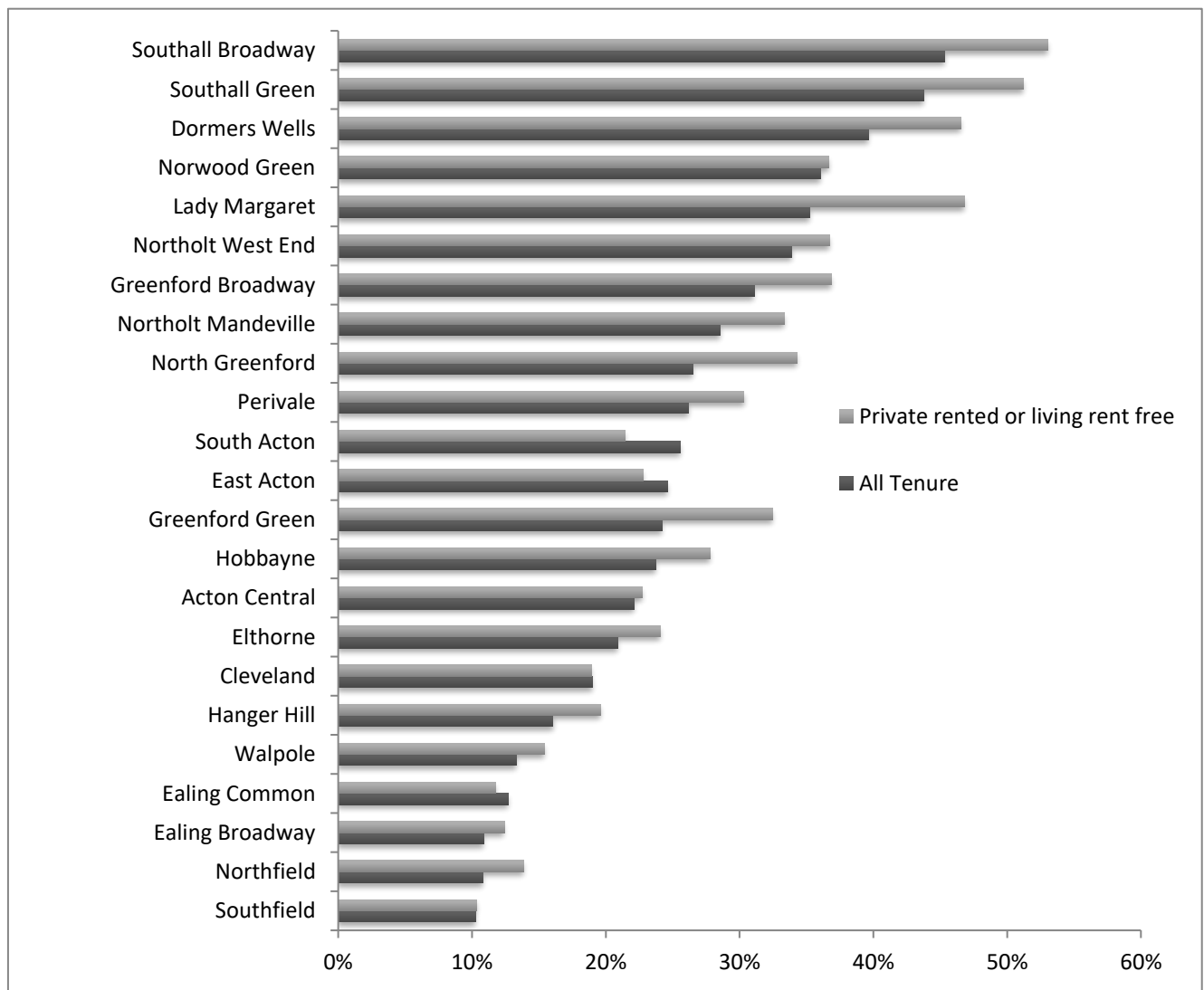
Deprivation and Social Class by Tenure

2.23 HMOs are an important and integral part of the housing supply, and meet the demands of a whole range of residents. Often HMOs are occupied by people living on low income many of whom are part of vulnerable or disadvantaged groups. Overall households in Ealing that live in private rented accommodation are marginally more likely than those living in other tenures to be unemployed or in lower grade occupations. However, borough level figures mask the marked disparity of tenure by social class visible at ward level which is illustrated in the graph overleaf.

2.24 In almost all wards in Ealing Borough, and particularly those in Southall, Social Class DE households are over-represented in private-rented accommodation. East Acton, Ealing Common and South Acton wards are the exception to this, perhaps attracting more young professionals choosing to rent properties with good transport links. Percentages private renting in South Acton are also lower due to the higher percentages living in social rented accommodation there.

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Percentage of Private rented/ Living rent free households that are Social Classes D and E against the percentage of All households that are Social Classes D and E in Ealing wards, 2011 Census, ONS



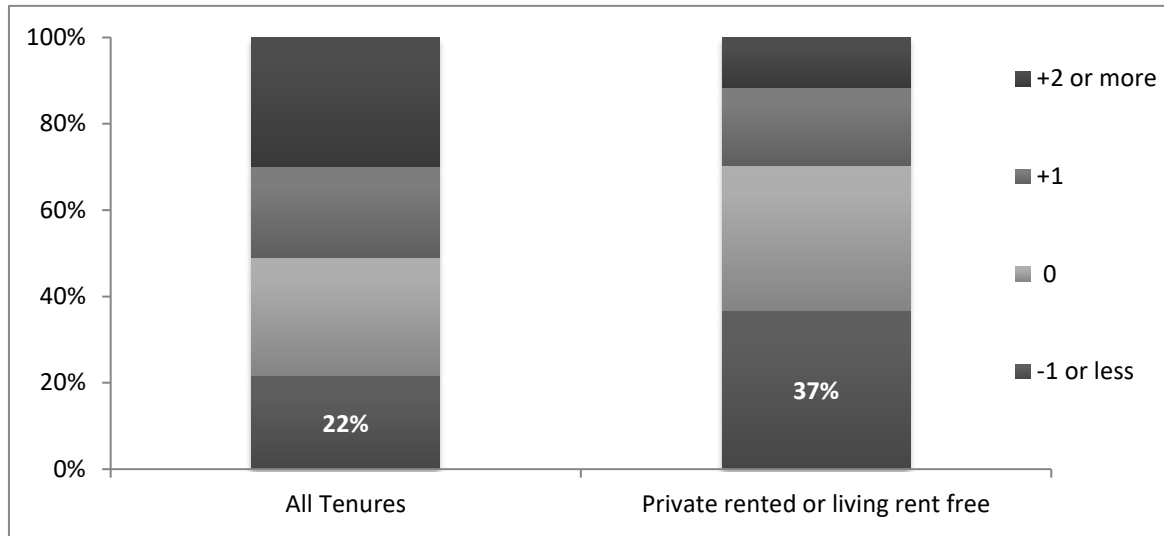
Overcrowding by Tenure

2.25 Households living in private rented accommodation are more likely to be overcrowded than those living in other tenures. Occupancy rating (rooms) provides a measure of whether a household's accommodation is overcrowded or under occupied based on the number of rooms. The ages of the household members and their relationships to each other are used to derive the number of rooms they require, based on a standard formula. The number of rooms required is subtracted from the number of rooms in the household's accommodation to obtain the occupancy rating. An occupancy rating of -1 implies that a household has one fewer room than required, whereas +1 implies that they have one more room than the standard requirement.

2.26 Evidence shows that overcrowding is considerably more common in the private rented sector than other tenures; the percentage of private rented/living rent free households in Ealing borough which have one fewer room than the standard requirement is 37% but across all tenures in Ealing borough it is just 22%. The graph overleaf illustrates this point.

Full Equalities Analysis Assessment

Percentage of Private rented/ Living rent free households that have an occupancy rating of -1 or less against the percentage of All households in Ealing Borough, 2011 Census, ONS



Antisocial Behaviour

2.27 It is probable that overcrowding is a contributor to the levels of noise reported in these accommodations. Multiple administrative data sources show that Council reported ASB and poor housing conditions are increasing over time.

Health benefits

2.28 Addressing poor housing conditions will help to improve health and wellbeing, reduce health inequalities, and prevent and reduce demand for primary health care and social care interventions, including admission to long-term care settings. This will produce a quantifiable cost saving to health and social care budgets (<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>). A healthy home is also recognised as essential to health and wellbeing, throughout life and is a wider determinant of health (<https://www.gov.uk/government/publications/improving-health-through-the-home/improving-health-through-the-home>

2.29 The Covid-19 pandemic has also shown correlations between susceptibility to the virus and poor-quality housing and overcrowding (https://www.health.org.uk/news-and-comment/blogs/emerging-evidence-on-covid-19s-impact-on-health-and-health-inequalities?gclid=EAIaIQobChMI_tmpovCI9AIVCLbtCh0VqgCIEAAYASAAEgIZvD_BwE). Therefore, good quality housing can do much to help combat the spread of Covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.

Educational attainment

2.30 It is also well understood that poor housing conditions and overcrowding have a negative impact on educational attainment. This in turn impacts on an individual's ability to reach their full potential. It is expected that licensing, by reducing overcrowding, will assist the council and partners in achieving objectives in improving educational attainment and residents achieving their full potential, further reducing inequalities.

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2. Impact on Groups having a Protected Characteristic

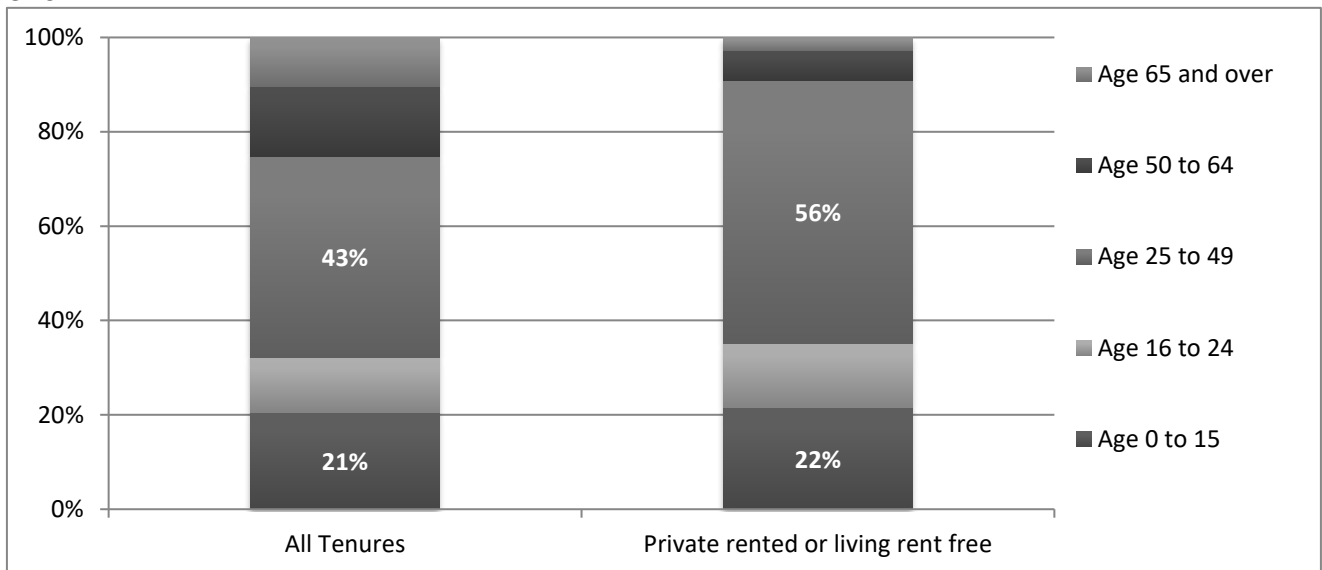
AGE: A person of a particular age or being within an age group.

State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

Middle-aged people are over-represented in private rented accommodation in Ealing Borough, and particularly those below pensionable age. Those aged 25 to 49 years are particularly over-represented comprising 56% of those in rented accommodation but just 43% of the overall population. The main factor here is that those aged 65 years and over are most likely to own their home.

Age distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Within these overall figures it is unclear the extent to which younger people live in smaller and poorer quality rental accommodation than those who are middle aged; but it would be quite plausible that this is the case. In addition to this under 35-year olds applying for Housing Benefit are only entitled to the Single Room Rate and therefore tend to occupy more affordable shared or HMO accommodation within the private sector rental market. At the time of the 2011 census there were 13,893 young adults aged 16 to 24 years living in Ealing borough's private rented/rent-free accommodation.

Overall, whilst a greater proportion of middle aged people live in private rented accommodation than other tenures, it is probable that younger adults are most likely to be living in the smallest and poorest quality rented accommodation. It is therefore probable that younger people will disproportionately benefit from this scheme. Due to greater physical vulnerability, younger and older residents are likely to benefit from better housing quality in terms of their health, and any identified measures to tackle poor energy efficiency during assessment of properties.

It would seem that this scheme is likely to help reduce the inequalities of housing quality between people of different ages.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

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The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

DISABILITY: A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.

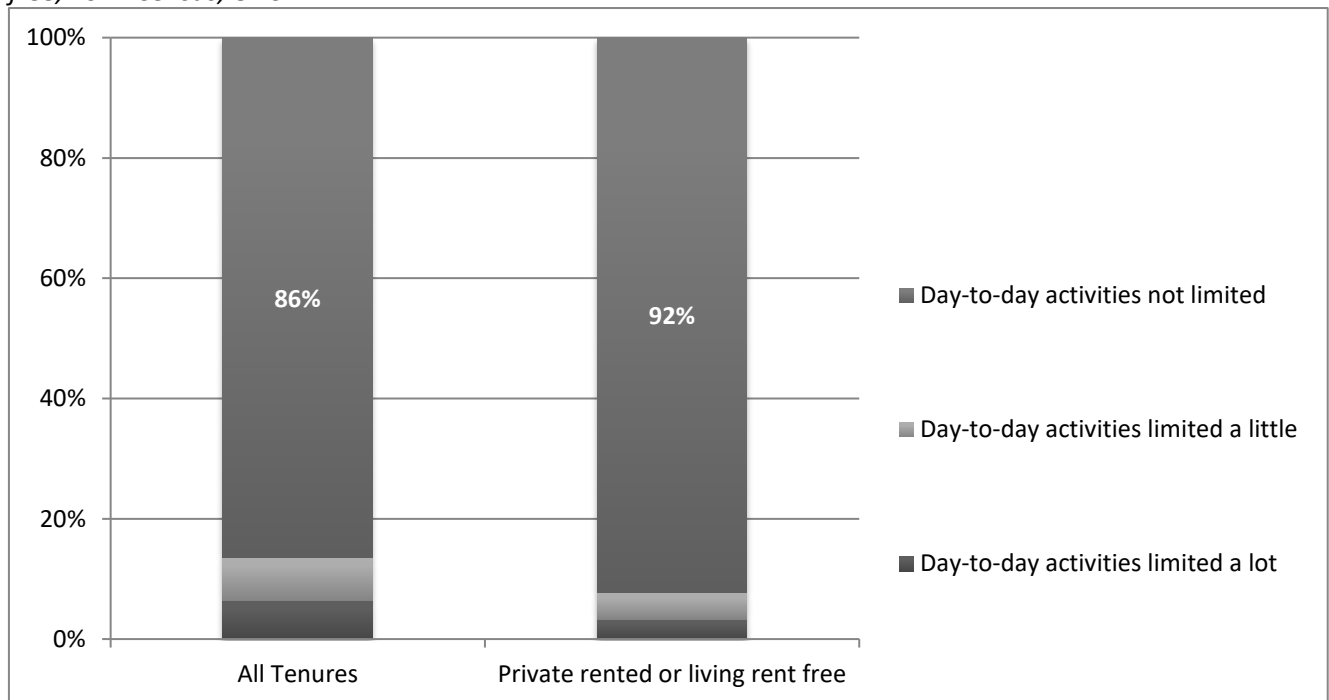
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

As a rule the private rented/living rent free sector has a smaller proportion of people with long term limiting illnesses than other tenures. This is perhaps a consequence of there being fewer older people in private rented accommodation than average.

At the time of the 2011 census there were 3,423 people whose day-to-day activities are limited a lot by a long term health problem or disability living in private rented/ rent-free accommodation in Ealing Borough.

Long term health problems or disability of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Proportionally the scheme is more likely to impact on people without long-term disabilities or illnesses as these people are less likely to be in rented accommodation. For persons with disabilities/long-term illnesses who are in private rented accommodation, the schemes will benefit them.

If properties are assessed for the health and safety of their inhabitants it is probable that people with mobility and visual/hearing difficulties for example may disproportionately benefit through professionals' suggestions of supportive modifications to the properties. This would serve to reduce the inequality gap between those with and without serious long term health conditions.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

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The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

GENDER REASSIGNMENT: *This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.*

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

There is no available data on the number of people who might be in the process of gender reassignment that could be impacted on by this policy.

However, the assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should therefore on balance reduce the number of landlords in the borough who might discriminate against people in the process of gender reassignment.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

RACE: *A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.*

State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

The most over-represented ethnic group in Ealing Borough's private rented accommodation is 'White Other', comprising 30% of the private rented sector but just 15% of the overall population (2011 Census, ONS). A substantial portion of this group are believed to be economic migrants who are willing to accept poor quality housing in order (through choice or necessity) to keep their housing costs as low as possible. There were 10,632 people who identify as 'White Other' living in the borough's private rented/rent free accommodation at the time of the 2011 census.

Those defining themselves as 'Arab' are the second most over-represented, comprising 4% of the private rented sector but just 2% of the overall population. 'Other Asian' comprises 11% of the private rented sector and just 7% of the overall population. Whilst White British and Asian Indian populations are under-represented in the private rented sector, the size of these groups within the borough means that they are still a significant proportion of the private rented sector. One quarter of private sector tenants in the borough self-define as 'White British' (8,859 people) and 9% self-define as 'Indian' (3,178). The data corroborates the hypothesis that recent migrants are more likely to be in private rented accommodation than longer-term residents.

Over recent years Ealing borough's local strategic partnership working to improve the standards of local HMO and Outhouses has uncovered many rogue landlords who appear to prey upon the vulnerabilities of some migrants including those who do not know how to navigate the UK housing system or their rights as tenants, and even some who fear deportation. It is possible that some rogue landlords may opt to withdraw from Ealing Borough leading to evictions which might disproportionately impact on recent migrants and people from ethnic minorities. However, if such landlords do withdraw from the borough and more 'fit and proper' landlords come in this may be considered a net-benefit to residents of the borough. It is also possible that during transition to the new scheme some overstayers or other illegal migrants may be located and deported or driven into worse accommodation through fear of discovery. This is not anticipated to be at a higher rate to usual though. However

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for the majority of migrants living in substandard accommodation it is anticipated that their housing conditions will be improved by this new scheme and that the improvement of housing conditions would in turn help to reduce health and educational inequalities.

People from black and minority ethnic backgrounds (BAME) are not only more likely to live in rented accommodation than other tenures but they are also more likely to live in deprived neighbourhoods than the White British majority (ESRC Centre on Dynamics of Ethnicity Centre on Dynamics of Ethnicity, 2013) where there are greater proportions of White British people living in the less deprived areas. Those living in deprived neighbourhoods are likely to experience greater health/education/ housing inequalities than their counterparts in less deprived neighbourhoods.

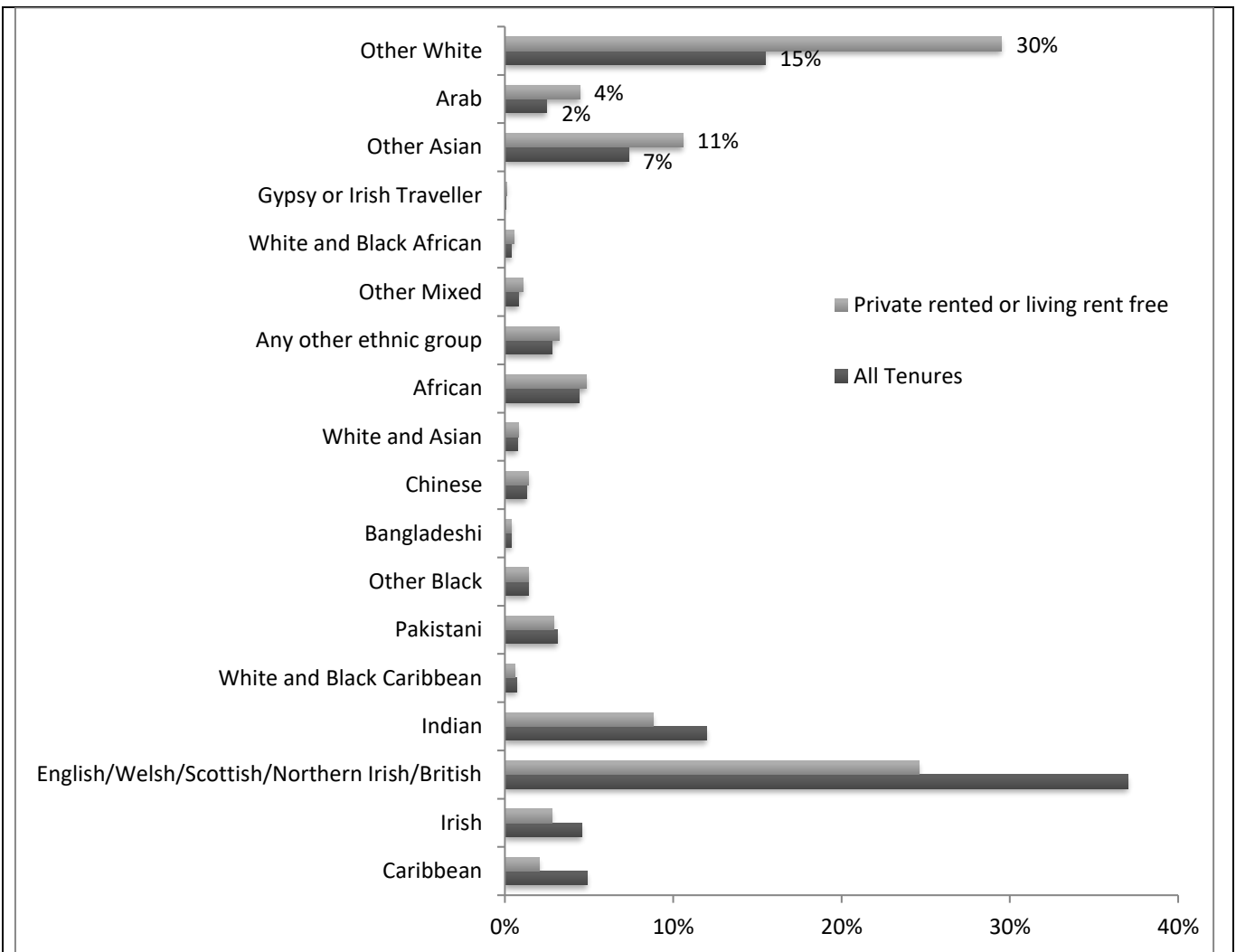
Furthermore, more recent research by the Runnymede Trust highlighted that BAME groups are at greater risk from Covid-19: they are more likely to be working outside their home, more likely to be using public transport, more likely to be working in key worker roles, less likely to be protected with PPE and more likely to live in multigenerational, overcrowded housing, so much less able to self-isolate and shield (<https://www.runnymedetrust.org/projects-and-publications/employment-3/overexposed-and-underprotected-covid-19s-impact-on-bme-communities.html>)

Raising the quality of housing and reducing antisocial behaviour in the borough's private sector should serve to reduce inequalities amongst the minority ethnic groups.

The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of race.

Ethnic distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS

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Overall this scheme would appear to disproportionately benefit BME and migrant groups which ultimately should serve to reduce inequalities across a number of spheres.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

RELIGION & BELIEF: Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person’s life choices or the way you live for it to be included.

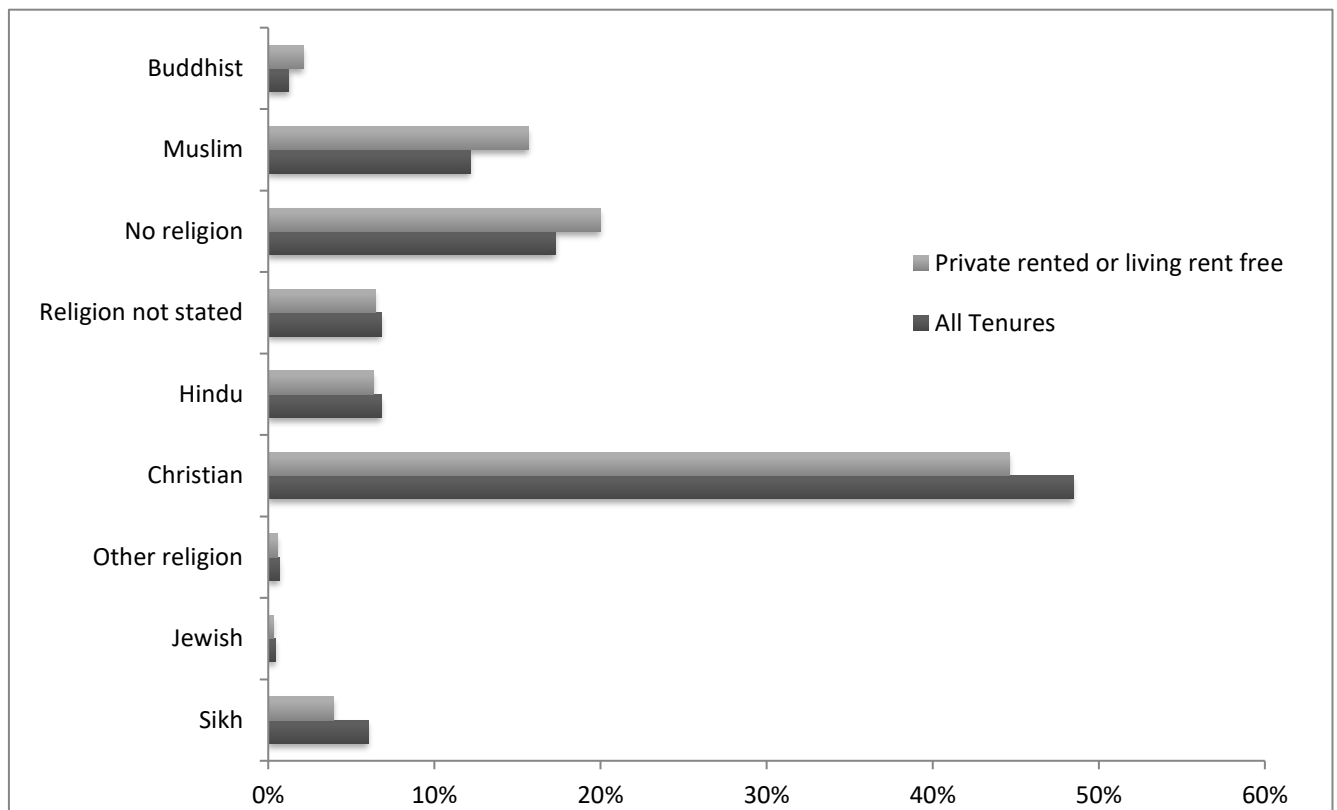
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

People who are Buddhist, Muslim or have no religion are over-represented in private rented accommodation. The size of the Christian population in Ealing Borough means that whilst they are marginally under-represented in private rented accommodation, they still make up a significant proportion of tenants in the borough (45%). At the time of the 2011 census there were 7,211 people identifying with no religion and living in private rented/rent free in the borough. There were also 5,644 people identifying as Muslim living in private rented/rent free in the borough and 762 identifying as Buddhist.

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Religious distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their religion or beliefs.

Overall this scheme would appear to disproportionately benefit people with a Muslim faith, those with no religion and those of a Buddhist faith which ultimately should serve to reduce inequalities.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

SEX: *Someone being a man or a woman.*

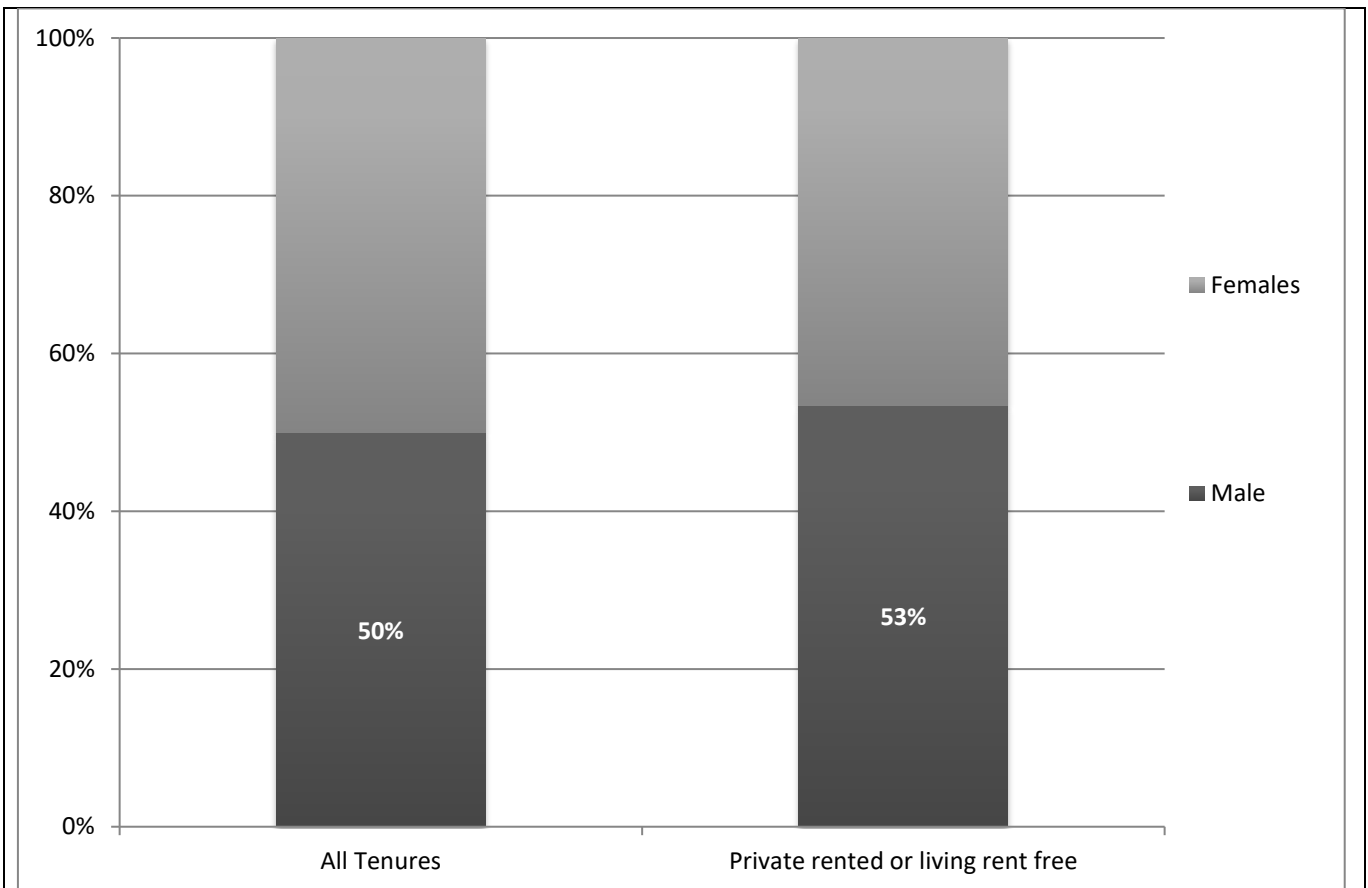
State whether the impact is positive, negative, a combination of both, or neutral: Positive

Describe the Impact

Men are over-represented in the private rented sector (53% of the sector). This is perhaps because more men migrate to Ealing Borough to work than women. At the 2011 census, 55,083 of those private renting/rent free in the borough were male.

Sex distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS

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The assessment of landlords to be ‘fit and proper people’ will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their gender/sex.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

The proposed scheme of selective and additional licensing is anticipated to have an overall positive impact on this protected characteristic group.

SEXUAL ORIENTATION: A person’s sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

There is no available data on the number of people who might be attracted toward his or her own sex, the opposite sex or to both sexes that might be impacted on by this scheme.

The assessment of landlords to be ‘fit and proper people’ will however identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their sexual orientation.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

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Describe the Mitigating Action
<i>Not applicable</i>

PREGNANCY & MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no clear data on the number of people who might be pregnant or have recently given birth that might be impacted on by this scheme. However some data on country of mother's birth is available from the ONS at borough level. In 2010, 70% of live births in the borough were to non-UK born mothers: 1,819 were to mothers born in the Middle East and Asia, and 1,129 were born elsewhere in the European Union (878 were from the new EU). A further 766 of new mothers in 2010 were born in Africa (ONS, 2015). Given the high numbers of people from White Other ethnicity who are living in rented accommodation in the borough, it seems likely that there are high numbers of Eastern European mothers amongst these. They are likely to benefit from improved housing quality which again would assist in reducing inequalities.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of pregnancy or maternity.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

MARRIAGE & CIVIL PARTNERSHIP: Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage
Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no available data on the number of people who might have entered into marriage or a civil partnership with someone of the same or a different sex that might be impacted on by this scheme.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of whether they have entered into marriage or a civil partnership with someone of the same or a different sex.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

3. Human Rights²

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

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4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Not applicable</i>

4. Conclusion
<p>2011 Census data remains the most up to date available data to assess the numbers and proportions of people of different sexes, ages, disabilities, races and religion/beliefs who live in rented accommodation in Ealing Borough and are most likely to be impacted upon by the introduction of this licensing schemes. It has also been possible to investigate the numbers and proportions of people of different social classes who are living in private rented/rent free accommodation, and to consider the numbers of rented households that are overcrowded across the borough. Unfortunately the categorisation of census variables makes it difficult to separate out those living in private rented accommodation from those who are living rent free. However the numbers living rent free are small and unlikely to have a significant impact on the figures.</p> <p>The potential impacts of this scheme on groups with different characteristics have been investigated and considered using all the available evidence. Two significant and resolvable evidence gaps are apparent as well as one hard-to resolve-evidence gap.</p> <ul style="list-style-type: none">• The first is a lack administrative data on the demographics of both landlords and private sector tenants in the borough, and also on victims or perpetrators of anti-social behaviour such as noise nuisance. It would be ideal to have such information available when making decisions that impact on these groups. Further data collection should be considered if the proposed scheme is implemented, although any such decision must be balanced with a small administrative burden and cost.• The second is the lack of data regarding how some groups might be impacted by social interventions such as this, in particular those who are transitioning from one sex to another, sexual orientation, pregnancy and maternity, and marriage and civil partnership. <p>The main perceived threat to the well-being of any of these protected groups is the possibility of eviction by a landlord who as a result of the initiation of these schemes may no longer wish to do business in the borough. However there was no evidence to suggest that this occurred following the implementation of the current discretionary licensing schemes. Also, other London boroughs who have undertaken similar Additional or Selective Licensing Schemes have not reported any significant increase in evictions or homelessness that could be attributable to these schemes. In the event of any eviction, advice will be available, homeless applications can be supported and households will be prioritised in the usual manner.</p> <p>Overall, it is considered that the renewal of additional and selective licensing will continue to significantly assist in reducing inequalities across the board and particularly for tenants of the poorest quality private rented accommodation with the most unfit and improper landlords. It is considered that renewing the schemes will:-</p>

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- a) Continue to allow the Council to develop a more comprehensive database of private rented properties.
- b) Better protect the health, safety and welfare of more tenants.
- c) Reduce the number of complaints associated with private rented properties.
- d) Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.
- e) Assist and encourage stable, long-term tenancies to the benefit of both landlords and tenants (creating sustainable communities)
- f) Assist in the delivery of the council's wider housing and related strategies.

It is further hoped that licensing will contribute to increased confidence in the local housing market leading to investment by fit and proper landlords; well-housed tenants; and cohesive neighbourhoods that do not suffer with anti-social behaviour. It is considered that the renewal of these schemes will ultimately assist in reducing inequalities.

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Office for National Statistics (ONS):

2011 Census

2015 Country of Parents' Birth statistics

Department for Communities and Local Government, 2015: Indices of Deprivation

Metastreet Ltd: London Borough of Ealing, Private Rented Sector: Housing Stock Condition and Stressors Report (January 2021)

English Private Landlord Survey 2018 (MHCLG) [English Private Landlord Survey 2018: main report - GOV.UK \(www.gov.uk\)](#)

English Housing Conditions Survey: Headline Report 2019-20 [English Housing Survey: headline report \(publishing.service.gov.uk\)](#)

House of Commons Library: Overcrowding Housing (England), 2020 [Overcrowded housing \(England\) - House of Commons Library \(parliament.uk\)](#)

ESRC Centre on Dynamics of Ethnicity (CoDE), 2013: Dynamics of Diversity: Evidence from the 2011 Census <http://www.ethnicity.ac.uk/medialibrary/briefingsupdated/ethnicity-and-deprivation-in-england-how-likely-are-ethnic-minorities-to-live-in-deprived-neighbourhoods%20%281%29.pdf>

Building Research Establishment (BRE) Cost of poor housing briefing paper 2015 <https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>

Improving health through the home (Public Health England, August 2017) <https://www.gov.uk/government/publications/improving-health-through-the-home/improving-health-through-the-homeN>

Over Exposed and Under-Protected - The Devastating Impact of COVID-19 on Black and Minority Ethnic Communities in Great Britain (Runnymede Trust, June 2020)

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<https://www.runnymedetrust.org/projects-and-publications/employment-3/overexposed-and-underprotected-covid-19s-impact-on-bme-communities.html>

Emerging evidence on COVID-19's impact on health and health inequalities linked to housing (The Health Foundation, August 2020)

https://www.health.org.uk/news-and-comment/blogs/emerging-evidence-on-covid-19s-impact-on-health-and-health-inequalities?gclid=EAAlQobChMI_tmpovCI9AIVCLbtChOVqgCIEAAYASAAEglZvvd_BwE

5. Action Planning: (What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)
Designation of new additional HMO and selective licensing schemes.	Continuation of regulation that results in landlords proactively managing and maintaining their properties.	Successful implementation of schemes, no challenge by Judicial Review.	Dec 2021 – April 2021	Rachel Fell, Property Regulation Lead Practitioner

Additional Comments

³ Linked to the protected characteristics above

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6. Sign off: (All EAA's must be signed off once completed)

Completing Officer Sign Off:	Service Director Sign Off:	<i>HR related proposal (Signed off by directorate HR officer)</i>
Signed:  Name (Block Capitals): RACHEL FELL Date: 18.11.21	Signed:  Name (Block Capitals): MARK WILTSHIRE Date: 18.11.21	Signed: Name (Block Capitals): Date:

For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):

Appendix 1: **Legal obligations under Section 149 of the Equality Act 2010:**

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.



Report for:
ACTION

Item Number:

10

Contains Confidential or Exempt Information	No
Title	Update on Berrymede Infant and Junior schools and Authority to Publish Statutory Proposals for both Schools
Responsible Officer(s)	Tamara Quinn, Assistant Director Planning, Resources & Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk
Author(s)	Tom Lindsay, Education Strategic Advisor, E-mail: tlindsay@ealing.gov.uk
Portfolio(s)	
For Consideration By	Cabinet
Date to be Considered	8 th December 2021
Implementation Date if Not Called In	15 th December 2021
Affected Wards	All
Keywords/Index	School amalgamation; Closure; Statutory Proposal. Berrymede Infant and Junior

Purpose of Report:

The purpose of this report is:

1. To advise Cabinet of the feedback from the consultation on establishing all through primary-phase education provision at Berrymede Infant School and Berrymede Junior School.
2. To obtain authority to proceed with the amalgamation proposal, which for the Council involves publishing Statutory Proposals to close Berrymede Junior School and to extend the age range of Berrymede Infant School to cover the full primary phase.
3. To delegate all necessary authority to undertake the statutory processes of doing so.

1. Recommendations

It is recommended that Cabinet:

- i. Notes the response to the consultation about the amalgamation of Berrymede Infant School and Berrymede Junior School to become an all through primary school, and that both Governing Bodies after reviewing the consultation feedback have confirmed their desire to proceed with the amalgamation by closing Berrymede Junior School and extending the age range of Berrymede Infant School;
- ii. Authorises the Executive Director Children, Adults and Public Health, in consultation with the Portfolio Holder, to publish the necessary Statutory Proposals and any further consultative documents required for the closure of

- Berrymede Junior School and for extending the age range of Berrymede Infant School in support of the amalgamation;
- iii. Notes that there will be a further report to Cabinet for determining the statutory proposal.

2. Reason for Decisions and Options Considered

The decision is required to enable the local authority (LA) to progress with the statutory processes for the creation of an all through infant and junior education provision. This involves the closure of Berrymede Junior School and extension of the age range at Berrymede Infant School.

The Governing Bodies of both schools wish to meet the challenges for education in the future and to enable children to continue experiencing excellent teaching and learning. Almost all pupils progress from Berrymede Infant School to Berrymede Junior School. The schools have been collaborating increasingly closely in recent years, including from this term sharing an Executive Headteacher following the retirement of the Infant School Headteacher last year.

Amalgamating the schools to form a primary school therefore reflects the pupil journey. In addition, Ealing Council and the two Governing Bodies believe that a single primary school is educationally and financially more sustainable than separate infant and junior schools.

The Legal Framework within which Cabinet must consider the proposals is set out in **section 5**.

The relevant background report on starting the consultation was last presented to Cabinet on the 22nd of September, can be accessed via the link below:

All through education provision at Berrymede Infant School and Berrymede Junior School <http://ealing.cmis.uk.com/ealing/Committees.aspx>

3. Key Implications

Ealing Council has no directive policy on amalgamation of infant and junior schools into primary schools, it does however prefer primary schools and therefore asks Governing Bodies to consider amalgamation as a way forward. There is also increasing financial pressure on smaller schools with less than 2 forms of entry (420 pupils on roll) to thrive in the current educational environment.

Berrymede Infant has just had an OFSTED inspection September 2021 with a 'Good' outcome and is not due another inspection for at least 4 years, as good schools are inspected broadly every 4 years. Berrymede Junior had an OFSTED inspection in 2019 with a 'Good' outcome and, therefore, is not due another inspection for at least two years. Falling pupil numbers in the area has resulted in both schools' intake falling progressively to below 2FE (60 per year).

When two schools amalgamate at least one of the schools must technically close; there are 3 possible routes:

1. Close both schools and establish a new primary school which, under current legislation, would be expected to be an academy.

2. Extend the age range of Berrymede Junior School into Berrymede Primary School and close Berrymede Infant School.

3. Extend the age range of Berrymede Infant School into Berrymede Primary School and close Berrymede Junior school.

Options two and three would be a practical means to an end and should not be viewed as one school 'taking over' another. The intention is for the primary school to benefit from and build upon the strengths of each current school.

Prior to the consultation the LA did not wish to proceed with option 1 and sought stakeholder responses to either option 2 or 3.

Option 1 is not preferred because if both schools were closed, Government legislation requires, normally, that a 'competition' be held to open a new school with a default position of it being an academy. This allows other organisations to present proposals to operate the replacement new school and can take up to 12 months to complete. Not having a 'competition' allows for a more secure and straightforward transition and is the most secure route to protect current members of staff when considering employment arrangements whilst maintaining the high standards of education for the children.

Stakeholder consultation was run by both schools supported by the Local Authority in October and November 2021. Details of this are included in **appendix A**. The consultation complied with the statutory requirements.

Consultees were asked to comment upon proposals and other matters associated with an amalgamation. With the question: "To what extent do you agree or disagree with the proposal to amalgamate Berrymede Infant and Berrymede Junior School to form a Primary School for children aged 3 – 11 (nursery to the end of Year 6)", the overall support for the proposal was 66% agree or strongly agree from a total of 53 respondents. It should be noted that out of the 53 respondents 18 skipped the question and 6 either didn't know, or neither agreed nor disagreed.

The consultation showed that the majority supported the amalgamation and recognised the closure of one school was a necessary means to an end. The Schools' Governing Boards acknowledge that both schools are good. Their recommendation is to close the junior school and extend the age range of the infants. This is because the Infant school would have a later OFSTED inspection date, allowing the amalgamated Primary school more time to become fully established before the next inspection. This was also reflected in the response to the consultation question: "Bearing in mind that the closure is a means to an end, please indicate your preference for which school should close", of the 53 responses, 37 either skipped the question or had no preference. Of those who did have a preference, 3 were in favour of closing the Infant school and 13 were in favour of closing the Junior school.

On this basis the recommendation is to publish the necessary Statutory Proposals for Berrymede Junior School to close and for the age range of Berrymede Infant School to be extended to cover the whole primary phase. This enables the schools to amalgamate and become an all through primary school, and publish any further consultative documents required.

With regard to the statutory consultation period, the Notice will be completed using the applicable Department for Education (DfE) prescribed template and guidance.

Notification of the publication of the Statutory Notice and Statutory Proposal will be advertised widely, in line with DfE guidance. During this time any person could object to or make comments on the proposals by sending written representation to the Council directly or via the school office, to have their views on the proposals taken into consideration by the decision maker (Cabinet in this instance).

4. Financial Implications

There is no impact on council's general fund. Any liability falling to the LA because of the closure of a maintained school with a deficit will be contained from an appropriate reserve. The Council has a regular engagement with the schools concerned to ensure that the financial consequences of the amalgamation are managed appropriately and that a consequential deficit required to be written off is minimised. The amalgamation seeks to ensure that the provision is financially viable into the future given future pupil number projections.

School funding is largely linked to pupil numbers, reduced demand impacts school budgets, and is more acutely felt in small schools such as these.

At the end of financial year and as reported to Schools Forum for 2020/2021, Berrymede Infant School had a surplus of £0.074m, a decrease of £0.097m on the previous year. Berrymede Junior School had a surplus of £0.023m, a decrease of £0.131m on the previous year. The schools have implemented a number of successful measures to reduce expenditure while improving standards. However, without further action it is likely that a deficit will arise and these are being projected for 2021/22. This will increase the likely exposure of both the schools and the LA to financial risk.

Two form entry all through primary schools are at a lower risk of financial difficulty and are largely sustainable due to the overall funding available to them and economies of scale, such as a single leadership structure. With a school amalgamation, the school will only have one lump sum, but this will be mitigated by the efficiencies and economies of scale highlighted above. Any redundancy costs through efficiency or early retirement will ultimately need to be borne by the school and we understand that the schools are already doing this and asking for cash flow support.

As maintained schools the land falls under the responsibility and ownership of Ealing Council. The land will remain with Ealing Council after the amalgamation.

5. Legal

The Council has a statutory duty to ensure that there are sufficient school places in their area. They must also promote high educational standards, increased parental choice, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. Also, under the School Premises (England) Regulations 2012 suitable outdoor space must be provided in order to enable:

- a) Physical Education to be provided to pupils in accordance with the school curriculum; and
- b) Pupils to play outside

The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for the establishment of new schools, the closing of schools and the making of prescribed alterations to existing schools including enlargement.

The Council is currently required to comply with this statutory framework so far as maintained schools are concerned. Therefore, in this case there are two statutory processes that must be followed. One to close the junior school and another to extend the age range of the infant school.

In November 2019, statutory guidance was published entitled: 'Opening and closing maintained schools'. Part 4 of this guidance sets out the stages for closing a maintained school.

Those stages are:

- Stage 1: Consultation (statutory)
- Stage 2: Publication
- Stage 3: Representation
- Stage 4: Decision
- Stage 5: Implementation

Cabinet has the responsibility under the Constitution to agree matters relating to school organisation in the borough, which are not within the legal remit of the Schools Adjudicator or the Secretary of State.

At this stage the consultation has taken place and Cabinet is being asked to give authority for the publication the statutory notice (stage 2). The Local Authority legal department will provide advice and guidance

The representation period (stage 3) starts on the date of publication of the statutory proposal and MUST last for four weeks.

In regard to public law and equalities considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

As public bodies schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 the Equality Act 2010.

The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority.

6. Value for Money

Representative governors from both schools supported by LA officers have agreed to form a working party to meet regularly to review progress and ensure the process is being managed and executed according to statutory processes and agreed timescales.

7. Sustainability Impact Appraisal

The consultation showed the impact on sustainability will be neutral as outlined within the Council's procurement policies.

8. Risk Management

The Authority is working closely with the governing bodies of both schools and will develop a key risk register. See EAA appendix B. And sections 12 and 13 of this report.

9. Community Safety

There were no concerns about transport, traffic and travel gathered as part of the initial consultation. The amalgamation would not change pupil numbers or the sites occupied by the school.

10. Links to the 3 Priorities for the Borough

The project is linked to 'Opportunities and living incomes' and 'A healthy and great place' priorities.

11. Equalities, Human Rights and Community Cohesion

An Equalities Assessment has been carried out for the proposals described in this report.

12. Staffing/Workforce and Accommodation implications:

- Both schools are maintained, and Ealing Council is the employer of all the staff. Ealing Council will remain the employer after the amalgamation statutory process, and therefore TUPE would not apply as the Primary School would remain a community school.
- The amalgamation partnership board and governing boards of the schools will be reviewing and updating of the operating model for the primary school. Staff changes are not expected. However, HR due diligence will be undertaken if any measures are required, and any pertinent info will be included in future reports

13. Property and Assets

Both schools are maintained by the LA, so the land is freehold owned by Ealing Council.

Ealing Council's legal team will support both schools to ensure all statutory processes are met.

14. Any other implications

None.

15. Consultation

Consultation has taken place with the Portfolio Holder. Extensive consultations have been, and will continue to be carried out with the school staff, parents, local schools, unions and the community.

16. Timetable for Implementation

Cabinet decision on whether to proceed to statutory proposals	8th December 2021
Publish statutory proposals	January 2022
Cabinet decision on whether to approve statutory proposals	March 2022
Implementation	September 2022

17. Appendices

Appendix A: Consultation feedback report (to follow)

Appendix B: Equalities Analysis Assessment (EAA)

18. Background Information

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Kamaljit Kaur Nagpal	Portfolio Holder, A Fairer Start	11/11/21	11/11/21	Throughout
Judith Finlay	Executive Director Children, Adults & Public Health	11/11/21	17/11/21	Throughout
Tamara Quinn	Assistant Director Planning, Resources & Service Development	03/11/21	03/11/21	Throughout
Justin Morley	Head of Legal Services (Social Care and Education)	04/11/21	15/11/21	Throughout
Kathleen Ennis	Principal Lawyer (Housing and Social Care)	04/11/21	15/11/21	Throughout
Laurence Field	Programme Manager, Children's Services	03/11/21	04/11/21	Throughout
Russell Dyer	Assistant Director, Accountancy	04/11/21	17/11/21	Throughout
Stephen Bell	Finance Manager – Children and School Services	04/11/21	17/11/21	Throughout
Craig McDowell	Category Lead (People)	04/11/21	11/11/21	Throughout
Mark Nelson	Head of Schools HR Consultancy	04/11/21	11/11/21	Throughout

External				
	eg voluntary organisation			

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Tom Lindsay. Education Strategy Advisor

Appendix A: Consultation at Berrymede Infant and Junior School relating to closure of one school to enable amalgamation to create an all through primary phase school

Consideration of Consultation

Members should consider the views of all those affected by the proposal or who have an interest in them including pupils, families of pupils, staff, other schools and colleges etc. Members should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead, Members should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposal.

Initial Consultation

The proposal consulted on is the closure one School to enable amalgamation with the other School to create an all through primary phase school. This would involve transferring pupils, staff, land, buildings and equipment to Berrymede Primary.

Almost all pupils progress from Berrymede Infant School to Berrymede Junior School and few join the Junior School who were not previously at the Infant School. The schools have been collaborating increasingly closely in recent years, including sharing an Executive Headteacher since September 2021, which both Governing Bodies believe has benefited pupils.

Amalgamating the schools to form a primary school therefore reflects the pupil journey and formalises the collaboration. In addition, Ealing Council and the two Governing Bodies believe that a single primary school is educationally and financially more sustainable than separate infant and junior schools.

Both schools were judged to be 'Good' when last inspected by OFSTED – Junior inspection (2019), Infants inspection (2021).

The whole consultation period was from **Monday 4th October 2021 to Monday 15th November 2021**

Who was consulted?

The proposal was sent to the following stakeholders:

- Parents of pupils
- Staff and Governors
- An EGFL gatekeeping article was sent to all Ealing Schools about the proposals
- Ward Councillors
- Local MP
- Adjacent Local Authorities

The initial proposal was available to download on the Ealing Council website during the consultation period, and all parents and staff were notified that the consultation was underway.

How were stakeholders consulted?

- **Consultation Letter and Feedback Forms** – The initial proposal detailed and circulated with a feedback form or an online link attached. Response forms were received online (47) and in paper form (6).
- **Consultation Events** – Parent consultation events took place on 17th and 18th October. Overall, 10 parents attended the face to face and online meetings.
- A separate event was held for staff on the 4th and 11th of October 2021
- This was attended by 12 members of staff
- **Emails were sent directly to:**
 - The Ward Councillors
 - Local MP
 - Adjacent Local Authorities
- **An EGFL gatekeeping article was sent to all Ealing Schools about the proposals**

Feedback from Stakeholders

With the question: “To what extent do you agree or disagree with the proposal to amalgamate Berrymede Infant and Berrymede Junior School to form a Primary School for children aged 3 – 11 (nursery to the end of Year 6)”, the overall support for the proposal was 66% agree or strongly agree from a total of 53 respondents. It should be noted that out of the 53 respondents, 18 skipped the question and 6 either didn’t know or neither agreed nor disagreed.

The four most commonly identified advantages or benefits were:

- Consistency of teaching and learning (mentioned 12 times)
- Smooth transition between Year 2 and Year 3 (mentioned 9 times)
- Increased opportunities for staff development (mentioned 7 times)
- Improved efficiency of resources (mentioned 6 times)

The consultation responses raised some concerns, each of which was raised ten or fewer times. The concerns raised were mainly within seven themes, which are collated below. The response from the Governing Bodies is in italics:

- Whether amalgamation would impact upon the identity of the schools and improve the reputation of the whole school (10)

“The governing boards and the executive head teacher believe the amalgamation process will raise standards and improve the reputation of the school. Workshops are planned for staff and governors to ensure a positive vision for the Primary school is established”.

- Staffing implications, including the potential for staff re-structure, and whether the transition would have a negative impact upon well-being (7).

“The schools are now at the right staffing level, so the amalgamation is not expected to result in job losses”

- Communication and lack of clarity as to why amalgamation is a good idea (6)

“The governors believe that Primary can better meet needs of families / community and expectation now favour Primary schools. Berrymede is the last Infant / Junior in the Borough.”

- Concern about the whole primary phase mixing together (3)

“The amalgamation proposes to keep all of the current sites open and therefore the infant and junior playgrounds will remain separate. Current class structures and sizes will remain unchanged.”

- Changing the uniform (3)

“Any change of uniform would be done gradually and in consultation with parents.”

- Quality of buildings (1)

“All existing sites will continue to be used regardless of which school technically closes.”

- Budget (1)

“The governing boards believe this will be offset by efficiency gains”.

Full Equalities Analysis Assessment

1. Proposal Summary Information

EAA Title	Publication of Statutory Proposals for all through education provision of Berrymede Infants and Berrymede Junior schools
Please describe your proposal?	Scheme: Amalgamation through the closure of one school and extending the age range of the other school.
Is it HR Related?	Yes <input type="checkbox"/>
Corporate Purpose	Cabinet Report Decision

1. What is the Initiative/Function/Policy/Project/Scheme (pick one) looking to achieve? Who will be affected?

The scheme under consideration is for Berrymede Infants and Berrymede Junior schools to amalgamate and become an all through primary on the schools' present sites.

Consultations with staff, parents, children and the local community will be held in the autumn 2021 term. The scheme is supported by both Governing Bodies.

This EAA accompanies a report to the 8th December 2021 Cabinet. Cabinet is asked to give authority to proceed with publishing Statutory Proposals for the closure of one school and extended the age range of the other to cover the primary phase..

The key stakeholders include parents of current pupils at the school, parents of future pupils at the school, and local residents will be affected, so potentially all of the protected groups will be affected.

2. What will the impact of your proposal be?

The proposed amalgamation would be achieved through the closure of one school and by extending the age range of the other to 4 – 11 years. The closure of one school is only a means to achieve the amalgamation.

2. Impact on Groups having a Protected Characteristic

AGE: *A person of a particular age or being within an age group.*

Full Equalities Analysis Assessment

State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their age has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on age so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
The proposal is anticipated to have a neutral effect.

DISABILITY: <i>A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their disability has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on disability so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
The proposal is anticipated to have a neutral effect.

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to gender reassignment has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Full Equalities Analysis Assessment

legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on gender reassignment so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

RACE: <i>A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their race has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on race so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

RELIGION & BELIEF: <i>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on religion and belief has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory

Full Equalities Analysis Assessment

legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on religion or belief so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

SEX: <i>Someone being a man or a woman.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their sex has been identified. The schools are mixed community-based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on sex so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

SEXUAL ORIENTATION: <i>A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No differential impact on people based on sexual orientation, so neutral impact identified.

Full Equalities Analysis Assessment

Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

PREGNANCY & MATERNITY: <i>Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No differential impact on people based on pregnancy and maternity, so neutral impact identified.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

MARRIAGE & CIVIL PARTNERSHIP: <i>Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact

Full Equalities Analysis Assessment

No differential impact on people based on marriage and civil partnership so neutral impact identified.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

This proposal has a neutral effect.

3. Human Rights²

4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?

Yes No

4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?

Yes No

4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?

Yes No

(If yes, please describe the effect and any mitigating action you have considered.)

4. Conclusion

The information shows that there is no negative impact identified. The main driver for this proposal is to bring about greater benefit to all staff, children and parents as one all through provision.

As part of the process opportunities for any concerns or issues to be raised will be offered so that these can be considered prior to a formal proposal being submitted for consideration.

The Council's Schools' HR team will provide support to both schools.

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

Full Equalities Analysis Assessment

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Information summarized in the Cabinet report.

DfE statutory

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

Legislation

- Ealing's Equality Assessment Process
- Guidance for Human Rights and Equality Effect Assessments
- Summary of the UN Convention on the Rights of the Child and Tights of Persons with Disabilities

(All above at http://inside.ealing.gov.uk/downloads/download/89/equalities_templates)

5. Action Planning: *(What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer <i>(Contact Details)</i>



Additional Comments:

No mitigating actions to be taken.

³ Linked to the protected characteristics above

Full Equalities Analysis Assessment

6. Sign off: (All EAA's must be signed off once completed)

Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal (Signed off by directorate HR officer)
Signed:  Name (Block Capitals): L M FIELD Date:	Signed:  Name (Block Capitals): T QUINN Date: 23/11/2021	Signed: Name (Block Capitals): Date:
For EA's relating to Cabinet decisions: received by Committee Section for publication by (date):		

Appendix 1: Legal obligations under Section 149 of the Equality Act 2010:

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP

- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.

- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Full Equalities Analysis Assessment

Report for:
ACTION/INFORMATION

Item Number: 11

Contains Confidential or Exempt Information	NO
Title	Update on energy efficiency funding – grants related to tackling the climate crisis
Responsible Officer(s)	Sandra Fryer, Director of Economic Growth and Sustainability
Author(s)	Jo Mortensen, Climate Action Programme Manager
Portfolio(s)	Cllr. Dierdre Costigan
For Consideration By	Cabinet
Date to be Considered	8 December 2021
Implementation Date if Not Called In	21 December 2021
Affected Wards	All
Keywords/Index	Climate action, energy efficiency, grant funding

Purpose of Report:

This report seeks Cabinet approval for officers to bid for and make relevant approvals in relation to grant funding that supports the delivery of the council's climate and ecological emergency strategy for the following grant schemes:

- Phase 3 of the Green Homes Grant: Local Authority Delivery (GHG:LAD)
- Phase 3 of the Public Sector Decarbonisation Scheme (PSDS)

1. Recommendations

It is recommended that Cabinet

- 1.1. Approves additional capital expenditure of £15.036m being incepted into the 2021/22 and 2022/23 capital programmes for the Phase 3 for the Green Homes Grant: Local Authority Delivery, to be funded wholly from that grant. Noting also that the Council will act as accountable body for the Partnership with a requirement for spend by 31 March 2023, or agreed amended timescales.
- 1.2. Authorises the Executive Director of Place to apply for £8.657m of grant as part of the Public Sector Decarbonisation Scheme and, if successful, enter into an agreement with Salix Finance (the fund administrator) to receive the grant funding.
- 1.3. Approves, subject to grant approval being successful, additional capital expenditure of up to £8.657m being incepted into the 2021/22 capital programme for the Phase 3 of the Public Sector Decarbonisation Scheme (PSDS), to be funded from a mix of grant and match funding, and to spend the entire grant income for the Public Sector Decarbonisation Scheme in accordance with the terms of the grant. Also notes the match funding requirement of £0.402m will be funded from the existing approved capital programmes, which will require virement under the Financial Regulations.
- 1.4. Agrees that Director ICT, IDM, & Property Services (CIO) ICT (CIO) and Property Services, following consultation with the Chief Finance Officer, vary the contract for the current service provider Asset Plus Ltd for an approximate value of up to £8.657m to complete energy efficiency upgrades to Ealing Council corporate buildings, under the National Framework Agreement for Energy Performance Contracting dated 24 April 2020 (the "Framework Agreement"), OJEU reference number OJ/S S194 08/10/2019 471647–2019–EN.
- 1.5. Delegate authority to the Director ICT, IDM & Property Services (CIO) to finalise the list of building works and take any other necessary steps to implement the works.
- 1.6. Approves the increase of £1.226m (£0.626m in 2021/22 and £0.600m in 2022/23) to the Phase 2 Greener Home scheme of £10.788m, as approved by Cabinet in June 2021. The scheme increase will be fully funded by the additional administrative and managing agent grant, under the governance arrangements as set out in the previous Cabinet Report of June 2021 on Domestic Retrofit Programmes.

2. Reason for Decision and Options Considered

- 2.1. The Ealing Climate and Ecological Emergency Strategy (CEES) sets a date of 2030 to be a net zero carbon borough. Each of the grant funding schemes below contributes to this commitment.

Phase 3 of the Green Homes Grant: Local Authority Delivery

- 2.2. The council's climate strategy (CEES, January 2021) committed to developing resources for residents to improve privately owned housing stock within the borough.
- 2.3. The Sustainable Warmth competition brought together two fuel poverty schemes (Local Authority Delivery Phase 3 and Home Upgrade Grant Phase 1) into a single funding opportunity for Local Authorities (LAs). The two schemes that make up the Sustainable Warmth competition have a shared goal to contribute to the aims set out in the Sustainable Warmth: protecting vulnerable households in England strategy. Both schemes aim to support low-income households in England, living in energy inefficient homes by installing energy efficiency and low carbon heating upgrades with a delivery timeframe of January 2022 to March 2023.
- 2.4. As agreed by Cabinet on 16 June 2021, the council led the consortium bid for the Sustainable Warmth competition. Ealing will continue to lead a partnership delivery approach to home retrofits, as Cabinet agreed in June, for future phases of the programme. All council costs are covered by the grant in their entirety (see Admin & Ancillary in table below). For this phase of delivery, the partnership is between 13 London boroughs: Barnet, Brent, Camden, Ealing, Hammersmith & Fulham, Harrow, Hillingdon, Hounslow, Lambeth, Kensington & Chelsea, Newham, Richmond, and Wandsworth.
- 2.5. Ealing's successful funding award was for only the Green Homes Grant: Local Authority Delivery grant, as follows:

Green Homes Grant: Local Authority Delivery capital (85%)	£12,780,812.50
Admin & Ancillary (15%)	£2,255,437.50
Total	£15,036,250.00

- 2.6. A project board, consisting of representatives from each partner borough, as well as staff from the West London Alliance, representing senior management of the participating boroughs, will meet fortnightly to discuss communications strategies, cases which require additional resources outside the scheme, and to monitor lessons learned and best practice.
- 2.7. The partnership will continue to use the existing Greater Southeast Energy Efficiency Hub (GSEEH) Managing Agent Framework and Access Agreement, by extending the council's current contract with WarmWorks as managing agent, who are delivering our £10.78m Phase 2 programme. WarmWorks is a joint venture partnership between Everwarm, Energy Savings Trust, and Changeworks and were procured using the GSEEH's Managing Agent Framework for the GHG:LAD Phase 2. WarmWorks will continue to sub-contract management of the call centre and pre-screening for referrals to Groundwork London.
- 2.8. Of the 212,492 fuel poor households in the 13 boroughs we have already identified 71,697 as both living in EPC E, F, or G rated properties and either being in receipt of housing benefit, council tax discount, or as having income under £30,000, indicating they will be eligible for either the HUG or LAD

scheme. 8,699 low-income tenants in private rentals have also been identified.

- 2.9. By March 2023, the programme aims to retrofit up to 1915 homes across the partnership, and will target up to 140 privately rented properties and 190 socially rented properties. It is anticipated that residents of Ealing will benefit from a roughly proportional amount of the grant funding, approximately £983k.

Phase 3 of the Public Sector Decarbonisation Scheme

- 2.10. The Department for Business, Energy and Industrial Strategy (BEIS) launched the Public Sector Decarbonisation Scheme (PSDS) in 2020, delivered by Salix Finance. The council was successful in a funding award of £2.831m in Phase 1. The scheme is now in its third phase of funding, and the council has bid for funding to enable eight schools to receive energy retrofits in 2022/23, bid value £2,660,919; and the installation of ground source heat pumps in six sheltered housing blocks, bid value £5,996,719.
- 2.11. A small proportion of match funding is required for each bid, and this has been agreed with services as detailed in paragraphs 4a and 4b of this report.
- 2.12. The CEES commits to an ambitious target for 100% of council owned homes to contribute to zero carbon outcomes by 2023 (i.e., low energy lighting, low carbon heating systems, electric appliances, and low flow toilets) and for all Council owned homes to have an average EPC rating B (SAP points) by 2030. The CEES also commits the council to improving its own commercial portfolio (offices, centres, etc.) and managed schools to meet the net zero carbon target by 2030. This funding would allow the council to make progress toward these targets.
- 2.13. Phase 3 PSDS grants are available for capital energy efficiency and heat decarbonisation projects within public sector non-domestic buildings including central government departments and arm's length bodies in England. It has been confirmed that the retrofit of sheltered housing is allowable under the scheme. The scheme allows Public Sector Bodies including eligible central government departments and their arm's length bodies to apply for a grant to finance up to 100% of the costs of capital energy saving projects that meet the scheme criteria.
- 2.14. The council bid is based on energy efficiency audits on corporate buildings, including schools and sheltered accommodation. These were confirmed with the Strategy Property and Investment team as assets that will not be disposed of in the near term. The audit produced a costed plan for energy efficiency upgrades, and two PSDS bids were based on these plans.
- 2.15. The council is currently delivering Phase 1 of PSDS using the GLA and Local Partnerships RE:FIT framework (National Framework Agreement for Energy Performance Contracting). The current contract allows the council to make a variation to extend works proposed in the Phase 3 bid.
- 2.16. The funding award is expected early in 2022, and delivery will be complete by March 2023.

3. Key Implications

3.1. Utilising grant funding to deliver retrofits on both private sector homes and the council's own buildings delivers multiple benefits including:

- Financial savings to residents, schools and the council through reduced energy and building maintenance costs
- Demonstrating leadership in the borough with carbon and energy saving projects
- Development of local case studies
- Positive changes in staff behaviour at work, which could also lead to positive changes in behaviour outside work
- Reduced cold-related ill health (excess winter deaths and winter hospital admissions)
- The growth of the Green Economy, supporting economic recovery and renewal through the skills agenda so residents can access good quality and secure employment

4. Financial

Green Homes Grant: Local Authority Delivery

Total grant value: £15,036,250. (capital)

4.1. With regard to the Green Homes Grant of £15.036m (Phase 3), this is an extension to the earlier phase grants approved in Cabinet reports in October 2020 and January 2021. The partnership now involves 13 London boroughs with Ealing as accountable body.

4.2. As noted within the preceding paragraphs, the total additional grant awarded for the expanded partnership is £15.036m of which 15% (£2.255m) can be allocated for additional administrative costs including surveys and the costs of the managing agent. The additional element which is expected to directly relate to Ealing's participation is likely to be around c £1m. Ealing will be the accountable body for the entire grant meaning that it is financially responsible for the whole grant and the administrative costs associated with that will be funded by either the 15% top-slice. Any financial risks associated with Ealing being the accountable body (other than Ealing's own element) is being addressed and mitigated within the governance arrangements of the partnership, which Finance has been a part of, and also within the formal Interauthority Agreement with the consortium which is being signed off by the 13 boroughs in the partnership.

4.3. The terms and conditions of the grant is such that the grant can only be spent on qualifying dwellings and in this instance will not be spent on the council's own housing stock and therefore for the purposes of the accounts, this expenditure is not an addition to the Council's fixed assets on the balance sheet but is rather treated the along the lines of an improvement grant to a private dwelling or as Revenue Expenditure Funded from Capital Under

Statute (REFCUS). As the Phase 3 grant is expected to be spent by 31 March 2023, the exact phasing of the grant is still to be confirmed before it is added to the capital programme for 2021/22 and 2022/23.

Public Sector Decarbonisation Scheme Phase 3

a) Schools

Total Project value: £2,897,919

Total Grant value: £ 2,660,919 (capital)

Match fund required: £237,000 – from the School's Condition Capital Programme, funded by the Schools Condition Grant

b) Housing Asset Management: Sheltered accommodation

Total Project value: £6,162,380

Total Grant value: £5,996,719 (capital)

Match fund required: £165,661 – from the Energy & Sustainability element of the HRA capital programme

The report also refers to a bid for Public Sector Decarbonisation Scheme grants of up to £8.657m building on previous phases agreed by Cabinet in October 2020 and January 2021, albeit the Schools scheme is via Salix. This will be for enhancements to Ealing's own assets (8 schools & 6 sheltered housing schemes) and will be funded from the capital grant. The administrative and procurement costs associated are expected to be absorbed within existing budgets. The phasing of the grant is yet to be confirmed to allow it to be phased between 2021/22 and 2022/23.

As noted above the grants have a matched funding requirement. These have been identified within the relevant capital programmes and are subject to virement approval in accordance with the Financial Regulations of the Council.

Greener Home Grant: Phase 2

In the report to Cabinet in June 2021, the £10.788m Greener Homes Grant Phase 2 was approved and incepted into for the under the governance arrangements for the partnerships, as set out in that report. The additional element of the grant was announced later for £1.226m in respect of the administration and managing agent spend elements supporting the main grant to the partnership. Therefore approval is sought to accept receipt of the grant and for its inception into the capital programme for 2021/22 (£0.626m) and 2022/23 (£0.600m).

5. Legal

5.1. Green Homes Grants

- 5.2. The Council has power to enter into the managing agent contract and to deliver the Phase 3 of the Green Homes Grant Scheme. Section 111(1) of the Local Government Act 1972 gives a local authority the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. This will include doing anything that, in its opinion, is in the interests of, and will bring direct benefit to, its area or any part of it or all or some of its residents. In addition to this, section 1 (1) of the Localism Act 2011 gives local authorities general power to do anything individuals may do unless it is specifically prohibited in legislation.
- 5.3. As with the Phase 1a and 2 works, procurement process for the appointment of the managing agent for Phase 3, and for any subsequent phase of the scheme will be in accordance with the Public Contract Regulations 2015 and the council's Contract Procedure Rules as appropriate.
- 5.4. For the Phase 3 works, Ealing Council will procure the managing agent via the Cambridgeshire and Peterborough Combined Authority (CPCA) framework which permit direct award. The framework agreement was established in compliance with Public Contracts Regulations 2015, is in date and Ealing Council is legally entitled to use it.
- 5.5. The Council will enter into a memorandum of understanding with the Consortium Boroughs which will require the Consortium Boroughs to certify the works done before any payment is made by Ealing and will contain indemnities from the Consortium Boroughs and require them to comply with the Green Homes Grant Scheme conditions.

5.6. Public Sector Decarbonisation Scheme

- 5.7. As agreed by Cabinet in January 2021, the council invited and evaluated proposals and awarded a contract for a service provider to deliver the Public Sector Decarbonisation Scheme to complete energy efficiency upgrades to Ealing Council corporate buildings, under the National Framework Agreement for Energy Performance Contracting dated 24 April 2020 (the "Framework Agreement"), OJEU reference number OJ/S S194 08/10/2019 471647–2019–EN.
- 5.8. The Invitation to Tender provided sufficient information on the scope and nature of the possible additional works and that these additional works will be carried out under the same terms and conditions. The proposed phase 3 works were envisaged under the ITT and are within the nature of works anticipated under the framework agreement and the call-off contract. Therefore, the phase 3 works when they arise may be instructed as a contract variation under the current contract in reliance on Reg.72(1)(a) and would not constitute an infringement of the principles of the Public Contracts Regulations.

6. Value For Money

All contracts have been secured by calling off from OJEU frameworks, which assess value for money as a key criterion.

7. Sustainability Impact Appraisal

The Council has committed to treat climate change as a crisis, where a swift, intensive and substantial response is critical to combatting this climate disruption, not dissimilar to the Council's response to the current COVID-19 crisis, which has most severely affected wards with the highest fuel poverty rates. Climate change presents an opportunity for communities to unite behind a common cause and proactively change their behaviours and built environment, prepare for the future by insulating homes and buildings, switching to low-carbon heating sources, and mitigate ongoing harm to our natural environment.

In January 2021, Cabinet approved the Ealing Climate and Ecological Emergency Strategy. The grants described in this report give the council an opportunity to deliver domestic and commercial retrofits at scale, under fully funded schemes. This forms part of a broader ambition to scale up retrofitting and upskill the local workforce, which will underpin the growth of the green economy.

8. Risk Management

8.1. Ealing residents and businesses would expect the following outcomes, identified by the UK's Committee on Climate Change, if carbon emissions are not drastically reduced by 2030:

- **Climate extremes.** Temperature extremes are expected to increase by 2-3 times the increase in global average temperature between 1.5°C and 2°C. Around 420 million fewer people would be exposed to extreme heatwaves if warming was kept to 1.5°C than 2°C. The Department for Environment, Food and Rural Affairs (Defra) estimated that the cost from heat-related mortality due to climate change would increase from a total annual figure of £10-50 million now to between £25-150 million per year by 2050. Illness, poor thermal comfort and reduced productivity and wellbeing are all major economic and social concerns of overheating.
- **Ecosystems.** Risks of species extinction on the land and in the ocean are lower at 1.5°C than 2°C. For example, the fraction of global land area that would change ecosystem type due to climate change factors at 2°C (13%) would be roughly halved if warming was kept below 1.5°C (7%).
- **Distribution of risks.** The additional increase in climate risk between 1.5°C and 2°C warming would affect poor and vulnerable people most of all. Poverty and disadvantage have increased with recent warming and are expected to increase for many populations as average global temperatures increase from 1°C to 1.5°C and higher.
- **Irreversible changes.** Marine ice sheet instability in Antarctica and/or irreversible loss of the Greenland ice sheet could possibly be triggered by warming between 1.5°C and 2°C. Keeping warming as low as

possible reduces the risk of triggering these large-scale irreversible shifts in the climate.

8.2. The Council acknowledges climate change as an ongoing, time critical risk, however the current situation it faces, exacerbated by the socioeconomic impacts of COVID-19, requires it to be both responsive and flexible, finding mutual gains wherever possible.

9. Community Safety

None

10. Links to the 3 Key Priorities for the Borough

The council's administration has three key priorities for Ealing. They are:

- **Fighting inequality** - Eliminating fuel poverty for households results in community wealth generation by reducing the overall impact of heating and fuel costs on a resident's income.
- **Tackling the climate crisis** – Both projects contribute directly to the reduction of carbon emissions
- **Creating good jobs** - There is extensive potential for job creation in the borough during the scale up phase, bringing highly skilled, technical, and high paying job opportunities, as well as apprenticeships for those looking to upskill or move into the green economy.

11. Equalities, Human Rights and Community Cohesion

An EEA has been completed for the first phase of the Green Homes Grant (December 2020). The full EEA can be found in the [Council's Cabinet Meeting summary from 19 January 2021](#).

12. Staffing/Workforce and Accommodation implications:

- Officers from the Climate Action and Sustainability, Schools Project Delivery Unit and Housing Asset Management teams will serve as internal project managers and will be responsible for monitoring and delivering outcomes of each project. Their time will be reclaimed from grant funding wherever it is permitted by terms and conditions of award.

13. Property and Assets

PSDS Phase 3 Council-owned properties were selected for retrofit, with comprehensive input from the Housing Asset Management and Housing Regeneration teams to ensure properties are not a part of any schedule of disposals within 30 years.

School assets were selected to receive a decarbonisation plan on the basis that they are managed by the London Borough of Ealing and are not part of any schedule of disposals.

14. Any other implications:

None

15. Consultation

Senior managers and officers from Housing Asset Management, Housing Regeneration, Strategic Property, Facilities Management, Schools Property, Finance and Procurement have participated in discussions to identify properties for funding bids. They will continue to be stakeholders and key decision makers throughout the implementation of the schemes.

16. Timetable for Implementation

The Green Homes Grant: Local Authority Delivery scheme Phase 3 runs until 31 March 2023.

The Public Sector Decarbonisation Scheme Phase 3 runs until 31 March 2023.

17. Appendices

None

18. Background Information

Report to Cabinet, Domestic Retrofit Programmes, 16 June 2021

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6877/Committee/3/Default.aspx>

Climate and Ecological Emergency Strategy, 2021-2030

https://www.ealing.gov.uk/downloads/download/6005/climate_and_ecological_emergency_strategy

Ealing Council Climate Emergency Declaration, 2 April 2019

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5004/Committee/2/SelectedTab/Documents/Default.aspx>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Sandra Fryer	Director Growth and Sustainability	4/11/21		
Connor McDonagh	AD Growth	4/11/21		
Darren Sullivan	Procurement	9/11/21		
Laurence Field	Schools Property	4/11/21		
John Knight	Housing Asset Management	4/11/21		
Russell Dyer	Assistant Director, Accountancy	4/11/21	18/11/21	Finance
Jackie Adams	Legal Services (Commercial)	4/11/21	23/11/21	Legal
Afam Ajoh	Legal Services	4/11/21	23/11/21	Legal

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
Jo Mortensen, 0208 825 9183	



**Report for:
ACTION/INFORMATION**

12

Item Number:

Contains Confidential or Exempt Information	NO (If yes state which paragraph of the Access to Information Rules, the exemption relates)
Title	Proposed Youth Plan for Ealing and the transition of youth services from the Young Adult Centre in Park View Road, Southall to Dormers Hub in Longridge Lane, Southall.
Responsible Officer(s)	Judith Finlay, Executive Director Children, Adults and Public Health Carolyn Fair, Director, Children and Families.
Author(s)	Ian Jenkins Ext 8602, Direct Line 0208 825 8602
Portfolio(s)	Cllr Nagpal – Fairer Start Cllr Raza – Tackling Inequality
For Consideration By	Cabinet
Date to be Considered	8 th December 2021
Implementation Date if Not Called In	21 st December 2021
Affected Wards	All Wards
Area Committees	
Keywords/Index	Youth Service – Young Adult Centre – Dormers Hub

Purpose of Report:

To seek approval

- a) To agree in principle to permanently relocate youth services from the Young Adult Centre (YAC) in Southall to a purpose-built facility in Southall.
- b) To temporarily relocate the youth services from the YAC in Southall to the Dormers Hub with a spoke facility in the Dominion Centre.
- c) To seek funding and undertake the necessary works to upgrade the Dormers Hub from a former play Centre to one that better meets the needs of young people, and to upgrade facilities at the Dominion

Centre.

- d) To pledge to young people that they will be involved in the design of a purpose-built facility to be completed within 3 – 5 years.
- e) To inform members on the Youth Plan 2022 - 2026 and how the youth services will continue to be delivered across Ealing.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Note and agree the overarching strategy for the Youth Service provision in the borough. This builds upon the previously agreed direction of travel for the service, and includes:
 - Refreshed strategy set out in the Youth Plan (Appendix B)
 - Explore a revised service delivery model, including a hub and spoke option
 - A need for a new permanent Youth facility in Southall replacing the current Young Adult Centre (YAC) in the medium to long term
 - A temporary relocation of the current YAC provision in Southall to be delivered from the Dormers Hub facility with a 'spoke' facility at the Dominion Centre pending the identification of a permanent location.
- 1.2 Approve the Youth Plan for Ealing as attached in **Appendix B**.
- 1.3 Delegate authority to the Director of Children and Families to progress in further developing a detailed option appraisal on alternative delivery models for youth services in Ealing, which will meet the outcomes set on in the Youth Plan, following consultation with the Portfolio Holders and the Chief Finance Officer.
- 1.4 Note and agree that there will a 12-week public consultation to engage with Young People and local communities to inform how Youth Services will be delivered from the Dormers site and the Dominion Centre in the interim and in which alternative location/s the service will be delivered from permanently. Following the consultation, the final decision will be made on the permanent location for the replacement of the YAC as set out paragraphs 3.5 -3.6.
- 1.5 Agree in principle for a new permanent facility to be provided in Southall over the next 3 to 5 years (as outlined in paragraphs 3.8 – 3.9)

at an indicative capital cost of up to £2.3m. This will require the Council undertake a more detailed assessment and design of a new youth centre, including a value for money assessment.

- 1.6** Note and agree in principle the temporary relocation of the current YAC provision to Dormers Hub site and the Dominion Centre, estimated to cost up to £0.300m. The capital growth required will form part of the 2022/23 budget process and subject to approval will be incepted into the capital programme next year. The spend profile of the funding is split equally between 2022/23 and 2023/24 with it fully being funded from the disposal of the current YAC site, subject to approval (see recommendation 1.8). Any cashflow timings issue will need to be agreed with the Chief Finance Officer in order for the Council to agree alternative financing options and any associated revenue impacts such as temporary borrowing being made available in the short-term.
- 1.7** Subject to the outcome of the consultation, delegate authority to the Director of Children and Families to undertake the necessary steps to procure and implement the necessary works for the temporary relocation of services at the Dormers Hub and the Dominion Centre, following approval and inception of growth within the capital programme.
- 1.8** Note and agree in principle that once the youth service has relocated to a temporary location the existing site be redeveloped for the delivery of the Council priorities for housing as part of BLRP's GLA funded housing delivery programme and that a planning application be progressed on that basis.
- 1.9** Delegate authority to the Executive Director of Place to;

 - a) Manage the existing YAC site within the Corporate Landlord function once the youth service has transferred.
 - b) Continue to work with Broadway Living BLRP to develop a proposal for the site in accordance with Broadway Living's approved business plan.
 - c) Develop a disposal strategy for the YAC site, including a best consideration assessment following consultation with the Portfolio Holders, the Chief Finance Officer and the Director of Legal and Democratic Services
- 1.10** Note and agree that a further report will be brought to Cabinet or the Housing Development Cabinet Committee (as appropriate) for approval

to proceed with the redevelopment of the Park View Road site for housing by BLRP

- 1.11** Delegate authority to Executive Director Children, Adults and Public Health and following consultation with the Portfolio holder for Fairer Start;
- a) Progress in further developing a design for the new permanent option (as set out in 1.4 above) and undertaking a detailed option appraisal in relation to site and a detailed financial and operational viability assessment of the proposed scheme, following consultation with the Chief Finance Officer
 - b) Ensure Capital investment requirements are put forward as part of the annual budget process following sign-off by the Chief Finance Officer of the financial viability assessment including financing options.
 - c) Consult with young people on the design of the new facility.
 - d) Return to Cabinet following the consultation with an identified preferred location for a decision on the preferred location.

2. Background

- 2.1** This report updates members on a report that was previously submitted to Cabinet in 2016, as part of a Budget report seeking agreement to dispose of the YAC site as part of the Children's Services financial savings, and to move the youth provision to Dormers Hub, and a subsequent report that was approved for further feasibility work exploring co-location and/or development of the YAC site for affordable housing in July 2018.
- 2.2** At the time of the 2016 report various options for alternative youth site Centre sites were considered but it was felt that the Dormers Hub site presented the best opportunity for young people in terms of access, location, and reduced disruption. This site was also considered the most suitable due to its proximity to other community facilities so the disruption to young people and partner agencies would be reduced. Proposed sites for a Youth Centre have been extensively revisited over the past 3 months to explore if there are any better locations or options for a youth centre in Southall.

3. Reason for Decision and Options Considered

- 3.1** The decision in principle to relocate the youth service from the YAC site in Southall was made in 2016. Further feasibility work in relation to use of the site for affordable housing was considered and authorised as part the July 2018 Cabinet report on assets.
- 3.2** Following further feasibility work and further detailed consideration of the options the recommended option is that the service currently located at the YAC, Southall relocate to new facilities in Southall and that the service relocates temporarily to the Dormers Hub and Dominion Centre.
- 3.3** There is a need to consult with the community and young people regarding this proposed temporary and permanent provision and delivery of youth services in Ealing generally.
- 3.4** The consultation will be through a public meeting presentation to young people and the community and an online survey for young people and the community. In both forums the temporary and permanent options will be put to young people and the community as will the proposed way the youth service will deliver its services in Ealing. The consultation will run for 12 weeks, and the results will be used to inform how youth services will be delivered across the Borough and feedback from the consultation on the interim and permanent solutions will be used as a part of the final decision-making process on the proposed location of a permanent youth centre. The results of the survey will be fed back to Cabinet.
- 3.5** The proposed arrangement would involve the transition of services from the current site of the YAC to a temporary report at Dormers Hub and the Dominion Centre. The relocation to Dormers Hub was put forward as a proposal in the initial 2016 report and the Dominion Centre has since been added to the proposal. Several sites for a temporary youth centre have been considered, but the Dormers Hub site is deemed to be the most suitable.
- 3.6** The temporary relocation process, inclusive of a more detailed review of a permanent facility, would require the allocation of capital funding, up to £0.300m which is anticipated to be financed from the capital receipt expected from disposal of the current site of the YAC, subject to the recommendation 1.8 above and matters noted at Section 6 below. Under these proposals, the existing YAC site would then become surplus and can be considered for alternative use or disposal.

- 3.7** As noted at Para 3.1, the current proposal as authorised by Cabinet in July 2018 is that the site would be redeveloped for affordable housing and subsequent discussion have been held with Broadway Living RP for the site to be disposed for this purpose. The site was listed in the November 2020 Cabinet report where the Broadway Living Business Plan was approved. The Council is continuing to work with Broadway Living to further develop these proposals and anticipate that Broadway Living will undertake further consultation ahead of a planning application. This will be the subject of a further report to Cabinet and/or HDCC as appropriate in due course and subject to achieving an acceptable offer.
- 3.8** The proposed permanent solution for the youth service is a purpose-built youth centre for young people, and the community. Options have been identified to date both are in Southall.
- 3.9** One first Southall option is in the area of Southall Park where several possible sites can be considered. This option would entail building a purpose-built youth centre which would include additional community facilities within the build. The site would be close to the open space of the park and close to the current YAC. This option would cost approximately £2.3 million pounds.
- 3.10** The second Southall option would see a purpose-built youth centre incorporated into a new development to be leased from the owner / developer once built. This would require less Council capital as the development plans would incorporate the youth centre at the start and construction costs would part of the developer's project costs and the youth centre would sit alongside other community facilities on the site. However, this option does mean the Council are dependent on the developer's timescales and would have to fit into an existing development without open space. There would be ongoing revenue costs payable under a lease.
- 3.11** Both options in 3.8 and 3.9 will form a part of the consultation process with the young people and the community. Other options will also be considered as feedback from the consultation process. Young people will be involved in the design of either centre to ensure it meets their needs.
- 3.12** This proposal separates the two parts of the wider proposals which would see the temporary relocation of the youth service to Dormers Hub and the Dominion Centre, freeing up the YAC site immediately for

affordable housing. This temporary relocation would separate the dependency between these two projects.

- 3.13** In the establishment of a new permanent youth centre the business model on how the centre would best operate will also be revisited to maximise its use and income generation opportunities.

4. Youth Services

- 4.1** In 2022 it is proposed that officers establish and test a recognised approach for service delivery in the borough, using a hub and spoke model of delivery. A model very similar to this proposal is already in place in Bollo youth club. This plan will take good practice from other youth centres in Ealing, locally and nationally so that we engage young people and facilitate and enable partners. The hub and spoke model of service provision will represent a shift towards more decentralised delivery, affording greater flexibility in service delivery and to the young people that will enable them to access provision locally and virtually, thereby increasing engagement.

- 4.2** There will be monitoring and evaluation of the effectiveness of this approach, working with delivery partners to ensure youth centres are at the heart of the community delivering youth services for young people. There will be a focus on the delivery of 7 key themes of activity across the youth service and in everything being delivered:

- Young people will feel healthy and well.
- Young People will feel Safe and will be Safe in the Borough.
- Young People will feel connected to each other and those around them.
- Young people will feel heard and supported.
- Young people will feel that issues around inequalities and disproportionality are being addressed.
- Young people will feel inspired and promoted as role models.
- Young people will feel informed about matters affecting them.

- 4.3** Ealing's Integrated Youth Service (IYS) has been meeting the challenge of providing activities, support, and engagement throughout the COVID restrictions, through the development of a virtual hub utilising the recently redesigned Young Ealing website as the 'one-stop' virtual portal for young people in Ealing, alongside face-to-face support for young people in the youth centres. In 2022, we will be adding components within this virtual environment to support and give our

young people a voice e.g., the voice and campaigns of young people with Special Educational Needs and Disability (SEND). We will also be opening the centres again for more participation and engagement activities for young people delivered by Ealing Council and partners.

- 4.4** In 2022 we will see the expansion of services to young people with Special Educational Needs and Disability. A new post is to be created in which the Youth Service Special Educational Needs and Disability Manager will oversee the design and implementation of a programme of activities, liaising with other services and with the newly appointed Youth Workers within partner teams (e.g., SAFE & MAST).
- 4.5** Ealing's IYS has been at the forefront of supporting vulnerable young people at risk of gang activity and involvement in the criminal justice system and we will be strengthening this work in 2022 through Ealing's Contextual safeguarding approach. There will be a realignment of staff working on funded initiatives to work more closely together to deliver careers advice and guidance supporting education initiatives in a school environment as well as targeted youth workers working from the youth Centres to support a range of vulnerable young people.

5. Transition of services to Dormers Hub and Dominion Centre.

- 5.1** The services provided at the YAC will transition to Dormers Hub which is at the heart of the local community on the Golf Links Estate. It is also accessible for young people from local secondary and primary schools. The location will provide a base for a variety of programmes, activities, and events, as well as a site to link closely to other local provision. The Hub will act as a base for partners and communities to be involved in the delivery of initiatives through the hub and spokes model of the youth plan. Utilising space in the Dominion Centre will enable greater reach to be achieved through the 'hub and spokes' model for delivery. The Dominion Centre will have a range of programmes delivered from the site to engage young people in an area where there are relatively few youth programmes.
- 5.2** A small group of young people have been consulted, and their views have been incorporated into the Ealing youth plan. This consultation focused on what activities and programmes would like to see in their area and the role of youth workers. Young people led this consultation with peer-to-peer questions being asked. Youth workers and tutors were also involved in asking young people what they want from a youth service. There will be a more localised consultation relating to services to be delivered from Dormers Hub and the Dominion Centre.
- 5.3** Short introductory sessions will be promoted to encourage young people to attend, particularly during the transition from primary to secondary school.

- 5.4 The Hub will open 5 days a week, and in the evenings to deliver the programmes and activities that the community is seeking. As far as possible local organisations will be able to use the Hub, and any overflow will be directed to the Golf Links Community Centre.
- 5.5 The Hub will extend its reach through outreach programmes and with partners to the North of the Borough as illustrated in the youth plan, so all young people can access local youth provision.
- 5.6 Dormers Hub will become the centre for the delivery between Ealing Council and Ealing schools for the Duke of Edinburgh Award programme. Part of the funding referred to in 3.6 will be used to expand Dormers Hub to accommodate equipment used by the Duke of Edinburgh Programme, as well as renovation work and making the centre useable.
- 5.7 There is a need to renovate Dormers Hub from a Play Centre to a youth centre incorporating the Duke of Edinburgh programme. This renovation will be part of the funding referred to in 3.5. and will enable the Centre to be open to young people and community partners by arrangement. The refreshed youth delivery model will enable a youth offer to be delivered in Southall and across Ealing.

6. Future Use of the current YAC site

- 6.1 Once Youth Services relocate to the temporary site at Dormers Hub subject to recommendation 1.8 within this report the YAC site will transfer to the Corporate Landlord function. A review will then be undertaken to assess whether it is surplus to requirements and if so, a disposal strategy will be developed and this will include an assessment of the best consideration requirement. This will also include an exploration of the potential for affordable housing opportunities via Broadway Living. Subject to the requisite consultation If this is considered the optimal outcome, it would then be subject to approval by Housing Development Cabinet Committee and Planning Committee.

7. Implications

- 7.1 There are no known implications of the transfer of services from the YAC to the Dormers Hub. The service delivery model is outlined in the Youth Plan, with a very clear role being identified for the youth service embedded in the local community.
- 7.2 The services provided through Dormers Hub will replicate as far as possible the services already being provided through the YAC, with the scope to increase greater community participation and engagement through the hub and spokes model.

8. Financial

8.1 Interim - Revenue Costs for Vacated YAC Site at Southall and new Site at Dormers Hub

Some potential additional revenue costs for the Corporate Landlord have been identified flowing from this potential decision on the vacated site and the new site. These will be contained within existing service budgets.

	£000
Business Rates	20
Transfer of Corporate Landlord	5
Contingency	5
Total	30

There will be no additional service staffing costs to be considered as part of this report.

8.2 Capital Costs – for proposed new Dormers Hub and Dominion Centre

The costings produced are a blend of estimates from partners. The costs include the costs to develop Dormers Hub into a youth centre. All estimates will be revisited as part of the development of the site.

The costs include an additional contingency cost to cover unknown or unexpected issues.

Works / Instructions	Estimates £000		
	2022/23	2023/24	Total
Architect and Planning Fees	2.5	2.5	5.0
Replacing and Removing Fencing	7.5	7.5	15.0
Building Costs	42.5	42.5	85.0
Infrastructure Changes	2.5	2.5	5.0
Alarm / CCTC /Intercom	10.0	10.0	20.0
Kitchen instillation	2.5	2.5	5.0
Painting / Decorating	5.0	5.0	10.0
Heating	10.0	10.0	20.0
Youth Centre Equipment	2.5	2.5	5.0
Equipping Duke of Edinburgh room	5.0	5.0	10.0
Signage	2.5	2.5	5.0
Cycle Stand	1.0	1.0	2.0

Works / Instructions	Estimates £000		
	2022/23	2023/24	Total
Clear existing sites and move equipment	1.5	1.5	3.0
Contingency	5.0	5.0	10.0
Subtotal: Relocation of YAC to Dormers Hub / Dominion Centre	100.0	100.0	200.0
Development of a permanent scheme (up to planning permission)	50.0	50.0	100.0
Total Spend	150.0	150.0	300.0
Capital Receipt (YAC site)	(150.0)	(150.0)	(300.0)
Net	0.0	0.0	0.0

8.3 Subject to the capital growth being approved through the annual budget process the cost of relocation will be financed from any capital receipt through disposal of the existing YAC site, subject to the matters identified at Section 6 of the report. If the receipt is not realised within that time, grants or appropriate S106 funding will be used or other capital financing measures. This will be subject to consultation with the Chief Finance Officer. As a final resort borrowing will be used.

Permanent replacement costs

8.4 Based upon an existing review of options, the cost to build a new youth centre is estimated to require up to £2.3 million.

8.5 Approval is sought to undertake a more detailed assessment and design of a new youth centre, including a value for money assessment. The affordability of the overall scheme is to be reviewed as part of the Council's future budget setting process and strategy, in consultation with the Chief Finance Officer.

8.6 The final decision on the proposed site and the costed proposals will be passed back to Cabinet for final approval and through the annual budget and MTFs process for the relevant financial years.

8.7 As part of the current option review the service have identified a number of anticipated funding sources for a new youth centre provision, which require to be explored further. The list below provides a summary of these:

- Utilise balance of capital receipt yielded from YAC site less costs of interim arrangements
- Explore charitable and DfE contributions for both revenue & capital
- Explore young people led/owned model of delivery, leading to charitable status
- Utilise of any other funding streams, e.g., S106

- In consultation with the Chief Finance Officer explore financing of provision from borrowing and associated revenue impacts on treasury management budgets.

9. Legal

9.1 Ealing Council owns both the YAC site the Dormers Hub site and Dominion Centre as a leaseholder.

9.2 Provision of service

There is a statutory duty to “*secure, so far as reasonably practicable, provision of educational and recreational leisure time activities for young people*”. There is no statutory duty to provide a particular type of youth service.

Consultation

The Council must ensure that young people are consulted and have a say in the local offer. This is often referred to as the “youth service duty.”

9.3 Public law duties, Equalities and Human Rights considerations

When making decisions public authorities must act reasonably.

S149 Equality Act 2010 requires public authorities to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by the Act; Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; Foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- (b) The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- (c) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- (d) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; encourage persons who share a relevant protected characteristic to participate in

public life or in any other activity in which participation by such persons is disproportionately low.

- (e) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (f) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- (g) Compliance with the duties in this section may involve treating some persons more favourably than others.

As part of the consultation process the Council has gathered information and assessed the impact that the proposed changes could have on different protected groups and, where possible, identify methods for mitigating or avoiding any adverse impact on those groups. This is set out within the EAA.

10. Value for Money

- 10.1** The project is considered to offer good value for money in that it represents the consolidation of the service and releases a site for alternative use by the Council while at the same time continuing to offer a youth service locally.
- 10.2** Procurement of goods and services associated with the relocation of the service will be carried out in accordance with the Council's contract procedure rules.

11. Risk Management

There are no known risks associated with the transfer of the service from the YAC to Dormers Hub, neither are there any known risks associated with the delivery of the Youth Plan.

12. Community Safety

None.

13. Links to Strategic Objectives

- 13.1** The council's administration has three key priorities for Ealing. They are:

1. Good, genuinely affordable homes
2. Opportunities and living incomes
3. A healthy and great place

13.2 This proposal will offer the opportunity for Ealing Council to propose alternatives for the YAC site which includes the delivery of good, genuinely affordable homes, and at the same time ensure that the provision from the Dormers Hub will continue to create a healthy and great place for young people in Ealing and for communities to work together in an area where youth provision and community provision will be closely aligned.

13.3 More widely the youth provision across the Borough will work together through the youth centres and within communities, with partners and young people making Ealing a healthy and great place to live and work for young people.

14. Equalities and Community Cohesion

14.1 There are no known equalities implications through the transition of youth services. A full EAA is in **Appendix A**.

14.2 The youth plan will be delivered to all young people across Ealing with programmes being delivered to children with disabilities in all youth centres, with a significant presence and variety of programmes being delivered from Westside.

15. Staffing/Workforce and Accommodation implications

There are no known workforce implications.

16. Property and Assets

16.1 This proposal will render the existing YAC surplus to the current services requirements. Proposals for alternative use of this land are set out above subject to a final decision which will be considered separately.

16.2 The Dormers Hub site will need to be modified and extended to make the building full useable.

16.3 Works will also need to be undertaken at the Dominion Centre and the landlord's consent may be required.

17. Any other implications

None

18. Consultation

- 18.1** There has already been a small consultation with young people on their views for youth provision in Ealing which have been captured and detailed in the youth plan. The feedback has been incorporated into the transition proposal. This consultation was initiated prior to the COVID lockdown.
- 18.2** An online consultation will take place with young people, local youth providers, voluntary sectors organisations to promote the way forward for youth provision across Ealing using the youth plan as the focus of the consultation. The consultation will also highlight the proposed changes affecting the YAC site with the short- and long-term proposals to give young people and the community the opportunity to respond to the proposals.
- 18.3** The consultation will be in the form of an online survey. A face-to-face consultation will be arranged.

19. Timetable for Implementation

- 19.1** It is proposed to begin the changes for the interim to Dormers Hub early in 2022 for the site to be ready to open as a youth centre by the Summer 2022. This will enable decisions to be made as to the future use of the site. It is not proposed that there will be any gap in the provision of youth services in the area.
- 19.2** The permanent solution will be in place in between 3 to 5 years. A more detailed project plan will be put into place once funding has been identified and a preferred site is selected and approved.

20. Appendices

Appendix A – EAA

Appendix B – Summary of the Ealing Youth Plan.

21. Background Information

Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Cllr. Nagpal	Cabinet Member for Fairer Start	09/11/2021	17/11/2021	Throughout
Cllr. Raza	Cabinet Member for Tackling Inequality	09/11/2021		Throughout
Judith Finlay	Executive Director – Children’s, Adults and Public Health	09/11/2021		Throughout
Carolyn Fair	Director – Children and Families	09/11/2021		Throughout
Lucy Taylor	Executive Director - Place	09/11/2021		Throughout
Russell Dyer	Assistant Director of Accountancy	09/11/2021		Throughout
Kathleen Ennis	Legal	09/11/2021		Throughout
Sandra Fryer	Director of Growth and Sustainability	09/11/2021		
Adam Whalley	Ass Director – Capital Investments	09/11/2021		Throughout
Jackie Adams	Legal	09/11/2021		Throughout
Shabana Kauser	Assistant Director – Strategic Finance	24/11/2021		Throughout
External				
Community	Consultation as to the future re-provision to commence on 29 th November 2021 through an online survey.			

Appendix A

EAA Title	Relocation of Youth Services
Please describe your proposal?	Is it a Function
Is it HR Related?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Corporate Purpose	Cabinet Report Decision

1. What is the Function looking to achieve? Who will be affected?

Ealing youth service is relocating its youth service provision from the Young Adult Centre (YAC) in Park View Road in Southall to an alternative site in Dormers Hub on Torrington Road in Southall, with a satellite provision in the Dominion Centre in Norwood Green. The YAC site provides a range of programmes and activities for young people across Ealing as well as providing access for community partners and professionals to deliver programmes for young people they are supporting.

The aim will be to continue to provide a full range of youth services for young people, community partners and professionals working with young people from Dormers Hub and the Dominion Centre. The relocation of services aims to increase young people engaging and participating in programmes and activities in a safe and supportive environment across both locations. The aim is also to develop a hub and spoke model for the Youth Service and partners to deliver a wider range of activities and programmes across Ealing

Young people aged between 12 -19 use the YAC and young people aged up to 24 who have Special Educational Needs and Disability (SEND) use the centre, as well as Community partners. They will still be able to use Dormers Hub, albeit Dormers Hub is smaller in size, and to address the smaller size the Dominion Centre is also being opened to deliver services. The services delivered at the YAC have been at a reduced level due to the impact of COVID. The YAC has also been identified for closure so there has been a tapering service delivered

for several years.

Staff providing the service out of the YAC will continue to provide the service from Dormers Hub and the Dominion Centre. The number of staff will increase from January 2022 to provide additional support for young people.

2. What will the impact of your proposal be?

It is expected that the quality and reach of service delivery will improve. The service provision being delivered from the YAC has been tapering downwards due to the uncertainty over its closure. The quality and delivery of services will increase with the recruitment of more staff, greater clarity on the roles and clarity over the location(s) and a real emphasis to engage partners and the community.

Young people will continue to have access to youth workers and programmes either face to face or virtually and this will widen our reach and the offer of service delivery.

Staff will continue to provide the full range of services, and this will increase with more staff joining the teams. Any disruption will be kept to a minimum.

2. Impact on Groups having a Protected Characteristic

AGE: *A person of a particular age or being within an age group.*

State whether the impact is positive, negative, a combination of both, or neutral: **Positive**

Describe the Impact :

The proposals would disproportionately affect young people in the borough. However, the impact is neutral as the proposal is to relocate services out of the YAC to a new site which will continue to be accessible to young people.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

To mitigate the move from the YAC to a new site, a full range in services will continue to be offered to young people from the interim or permanent site.

DISABILITY: *A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.*

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
The YAC provides access for schools who have pupils with Special educational needs and disability to support the delivery of programmes and activities. This access will continue in Dormers Hub which will have adaptations put in place to continue to support the schools and young people. Therefore, the impact is neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Young people with Special Educational Needs and Disability will continue to be able to access services at Dormers Hub. Services in Westside young people's centre are also expanding their offer to support children and young people. The offer will include an increase in staff with a dedicated worker who will support the expansion and development of the youth offer across the Borough.

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
The service relocation supports all young people. There is no data to identify any young people attending the YAC who are transitioning from one sex to another. The service will monitor this but at this time there is no evidence to suggest there will be a negative impact.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant at this time but the youth service will continue to monitor attendance.

RACE: <i>A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
The youth services are universally available to all young people aged 12 – 19. The local demographics between the YAC and Dormers Hub are very similar. With an increase in service provision through the revised youth working model it is envisaged that there will be greater access by young people of all races which will be a positive impact.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant. The attendance of young people will be monitored closely and if it is evident that there is any negative impact due to race this will be addressed through the type of programmes provided.
Targeted youth workers will work from the youth centres to support young people where any additional support is identified or requested.

RELIGION & BELIEF: <i>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</i>

State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
Neutral. There is no evidence available which would demonstrate a service transition will adversely impact on the religion or beliefs of any of the young people attending the service.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant. The attendance of young people will be monitored closely and if it is evident that there is any negative impact due to religion or belief this will be addressed.
Targeted youth workers will work from the youth centres to support young people where any additional support is identified or requested.

SEX: <i>Someone being a man or a woman.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
The impact will be neutral. The YAC provided a range of programmes for young people, some of which were gender specific. The same services, activities and programmes will continue to be available at Dormers Hub and Dominion Centre following the transition. The engagement of a wider range of partners will increase the number of programmes available.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant. The attendance of young people will be monitored closely and if it is evident that there is any negative impact due to sex this will be addressed.
Targeted youth workers will work from the youth centres to support young people where any additional support is identified or requested.

SEXUAL ORIENTATION: <i>A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
Neutral. There is no evidence available which would demonstrate that a service transition will adversely impact on the sexual orientation of a young person accessing the service.
The youth service provides a range of programmes for all young people, and this will continue following the transition from the YAC to Dormers Hub or the Dominion Centre.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant. The attendance of young people will be monitored closely and if it is evident that there is any negative impact due to a young person's sexual orientation this will be addressed.
Targeted youth workers will work from the youth centres to support young people where any additional support is identified or requested.

PREGNANCY & MATERNITY: *Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of*

<i>breastfeeding.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral.
Describe the Impact
There is no evidence available which would demonstrate that a service transition will adversely impact on the pregnancy and maternity of a young person accessing the service. The youth service provides a range of programmes, including Health information for all young people, and this will continue following the transition from the YAC to Dormers Hub or the Dominion Centre.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This is not relevant. The attendance of young people will be monitored closely and if it is evident that there is any negative impact due to a young person's pregnancy and maternity this will be addressed. Targeted youth workers will work from the youth centres to support young people where any additional support is identified or requested.

MARRIAGE & CIVIL PARTNERSHIP: <i>Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage</i> <i>Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
Neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Not relevant

3. Human Rights²
4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?
No
<i>(If yes, please describe the effect and any mitigating action you have considered.)</i>
4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?
No
<i>(If yes, please describe the effect and any mitigating action you have considered.)</i>
4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?
Yes
The service provides a range of programs and activities for all young people. It also provides a range of programmes and activities to support young people with additional needs. These services will continue following

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

the transition.

4. Conclusion

No negative impact has been identified. The service will transition from one location in Southall to another location nearby. The same services will be available albeit in a slightly smaller location in Dormers Hub, but additional space will be provided in the Dominion Centre.

Additional staff have been employed, including a dedicated member of staff to support children with additional needs and they will help to deliver a wider youth service offer to increase the community and partners participation across Ealing to support young people.

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Demographic data, service information from existing services, and the youth IYSS data system. There is a continued need to provide youth services across the Borough

5. Action Planning: (What are the next steps for the proposal please list i.e. when it comes into effect, when mitigating actions linked to the protected characteristics above will take place, how you will measure impact etc.)

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)
Cabinet decision to transition services	Agreement	See previous column	December 2021	Ian Jenkins – Head of Integrated Youth Services.

Additional Comments:

6. Sign off: (All EAA's must be signed off once completed)

Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal (Signed off by directorate HR officer)
Signed: 	Signed: 	Signed: Name (Block Capitals):

Name (Block Capitals): Ian Jenkins Date: 10/11/2021	Name (Block Capitals): Carolyn Fair Date: 10/11/2021	Date:
For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):		

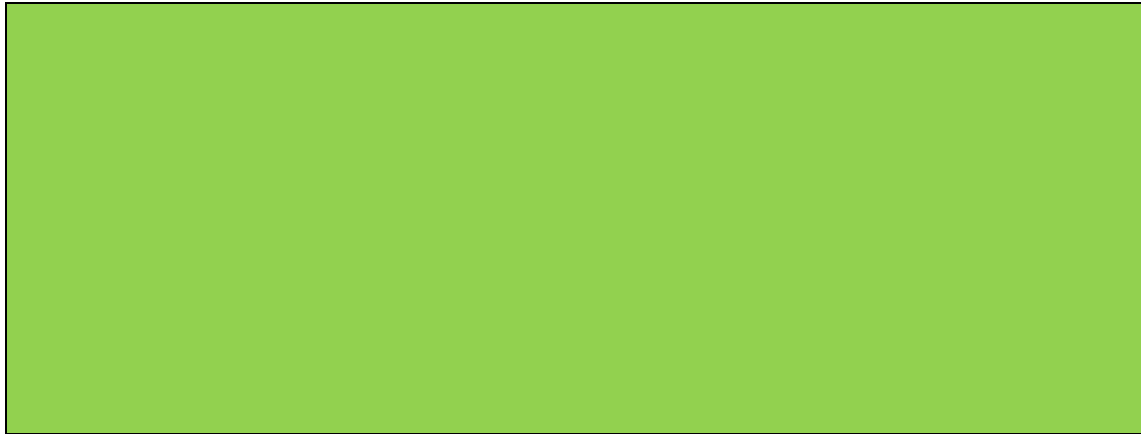
Appendix 1: *Legal obligations under Section 149 of the Equality Act 2010:*

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Appendix B

Ealing Youth Plan

2022 - 2026



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system

1 Introduction

This plan promotes the partnership working opportunities between public, private, and voluntary organisations sharing resources and working together across the Borough to deliver this Vision.

We need a plan because young people in Ealing have highlighted, they face pressures and challenges in their lives which includes staying safe, being economic independence, staying healthy, receiving support for their wellbeing, and providing suitable affordable housing. Finding the right support for young people to deal with these challenges which are disproportionately experienced by their age group compared to the whole population is dependent on all partners working together. We will provide a supportive structure to help address these pressures and challenges to ensure young people achieve the best outcomes in their lives.

This plan will cover young people living in Ealing aged between 12–24, for the period 2022 - 2026. The first year we will be transitioning to a hub and spoke arrangement, tested through the new Dormers Wells hub and then good practice and best value solutions rolled across the borough from 2022 -2024.

The new organisational and partnership model will evolve through the participation and engagement of young people and partners and be flexible enough to respond to the pressures and challenges within the community, across London and Nationally.

The delivery of our Plan and future youth provision in Ealing, will be built around the needs of our young people underpinned by data which identifies the circumstances and the challenges they face. There will be a blend of provision delivered by Ealing's Integrated Youth Service through our youth centres, with partners, commissioned services, outreach services and detached provision.

We will ensure the voice of young people is heard and acted upon through their involvement in the Ealing's Children and Young Peoples Board, maximising contact, and engagement through the virtual environment of the Young Ealing website and through their engagement and involvement in Boards, plans and initiatives that Ealing Council is involved in.

2 Vision and Values

The Vision for Ealing Borough is for all young people to be engaged in, participating in, and involved in local, regional, and National activities so that

every child and young person can be inspired to fulfil their potential in a safe and supported environment.

Our plan to ensure every child and young person can be inspired to fulfil their potential in a safe and supported environment across Ealing.

3 Key strands of activity

The provision will aim to focus on 6 key strands of activity which will feed directly towards support the wishes of young people. These are that:

- 3a. Young people will feel healthy and well.
- 3b. Young People will feel Safe and be Safe in the Borough.
- 3c. Young People will feel connected to each other and those around them.
- 3d. Young people will feel heard and supported.
- 3e. Young people will feel that issues around inequalities and disproportionality are being addressed.
- 3f. Young people will feel inspired and promoted as role models.
- 3g. Young people will feel informed.

4 Executive Summary

- In 2021 we will be establishing and testing a recognised approach for service delivery in the borough, using a hub and spoke model of delivery. A model very similar to this proposal is already in place in Bollo youth club. This plan will take good practise from youth centres in: Ealing, locally and nationally so that we engage young people and facilitate and enable partners. The hub and spoke model of service provision will represent a shift towards more decentralised delivery, affording greater flexibility in service delivery and to the young people that will enable them to access provision locally and virtually, thereby increasing engagement.
- We will be monitoring and evaluating the effectiveness of this approach, working with delivery partners to ensure youth centres are at the heart of the community.
- Ealing's Integrated Youth Service has been meeting the challenge of providing activities, support, and engagement throughout the COVID-19 restrictions, through the development of a virtual hub utilising the recently redesigned Young Ealing website as the 'one-stop' virtual

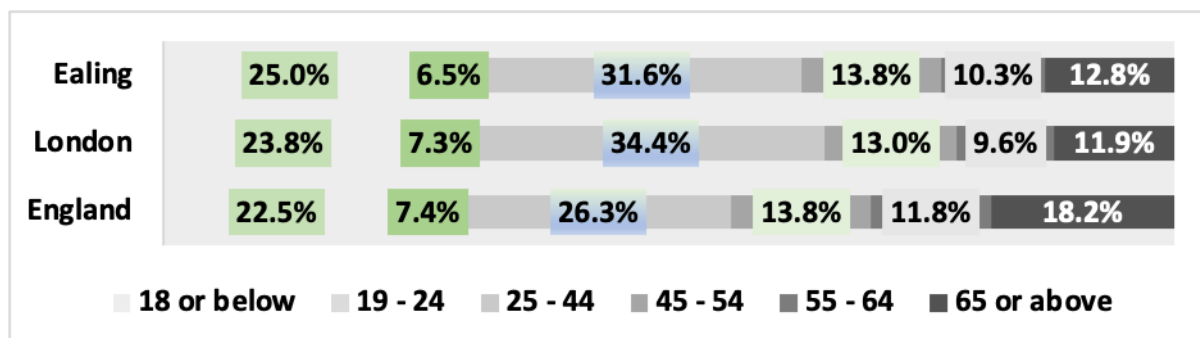
portal for young people in Ealing. In 2022, we will be adding components within this virtual environment to support and give our young people a voice e.g. the voice and campaigns of young people with SEND. We will also be opening up the centres again for more participation and engagement activities for young people delivered by Ealing Council and partners.

- In 2022 we will see the expansion of services to young people with SEND. A new post is to be created in which the Youth Service SEND Manager will oversee the design and implementation of a programme of activities, liaising with other services and with the newly appointed Youth Workers within partner teams (e.g. SAFE & MAST).
- Ealing’s Integrated Youth Service has been at the forefront of supporting vulnerable young people at risk of gang activity and involvement in the criminal justice system and we will be strengthening this work in 2022 through Ealing’s Contextual safeguarding approach and the realignment of staff working on funded initiatives to work more closely together to deliver careers advice and guidance supporting education initiatives in a school environment.

5 Local Context

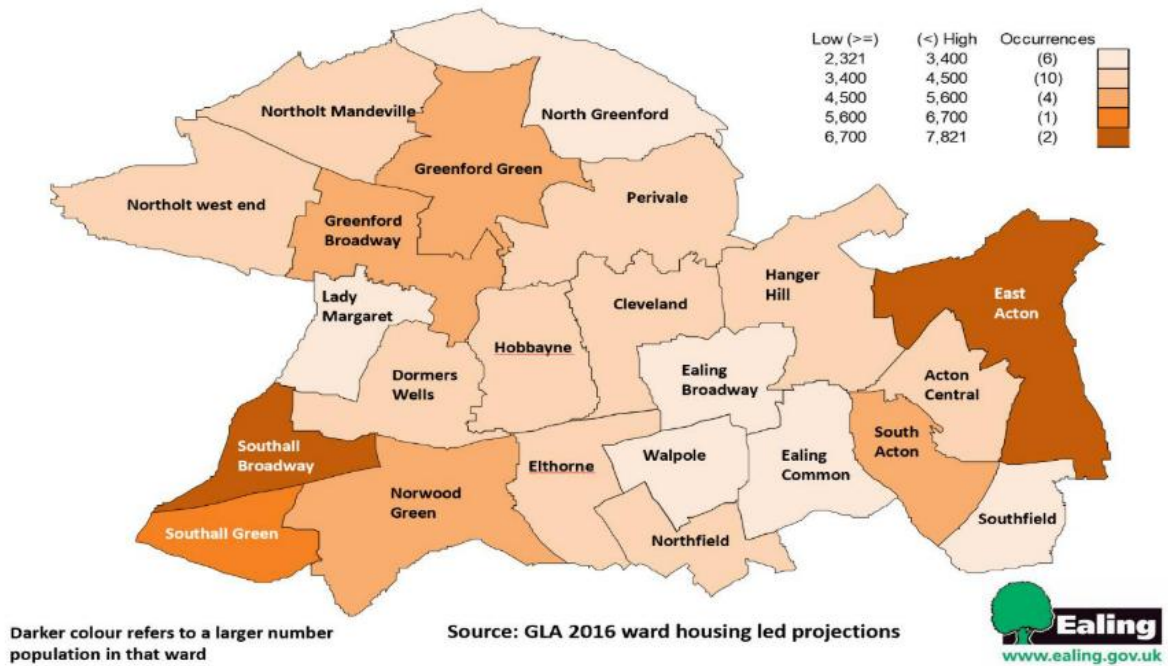
5a Demographic information-population of young people

Ealing has a population of 342,000 residents, the fourth highest in London. 85,600, (32.5% of the population) are children and young people who are aged 24 or below, compared to 31.2% in London. 54,578 attend state schools in Ealing (2019).



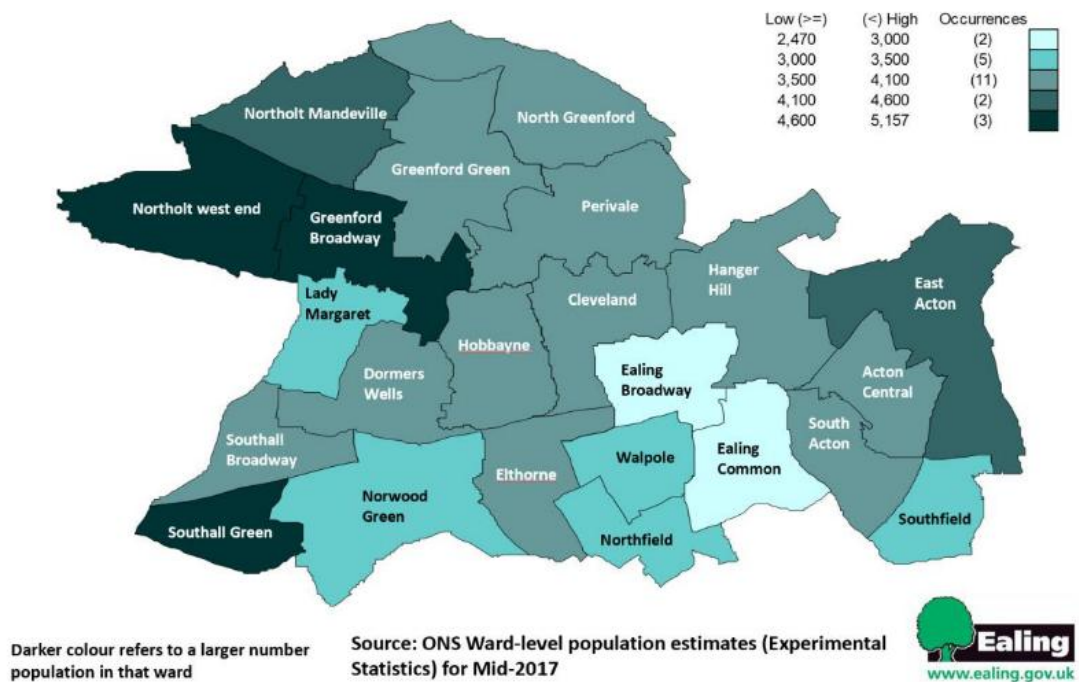
The level of the population aged below 24 is likely to remain at 30% up to 2030.

Projected 2030 population aged 18 and under by ward



The 2017 population by ward for young people under the age of 18 identifies areas where additional youth activities should be focused to maximise the opportunities to engagement young people.

Population by ward (0-18 years old)

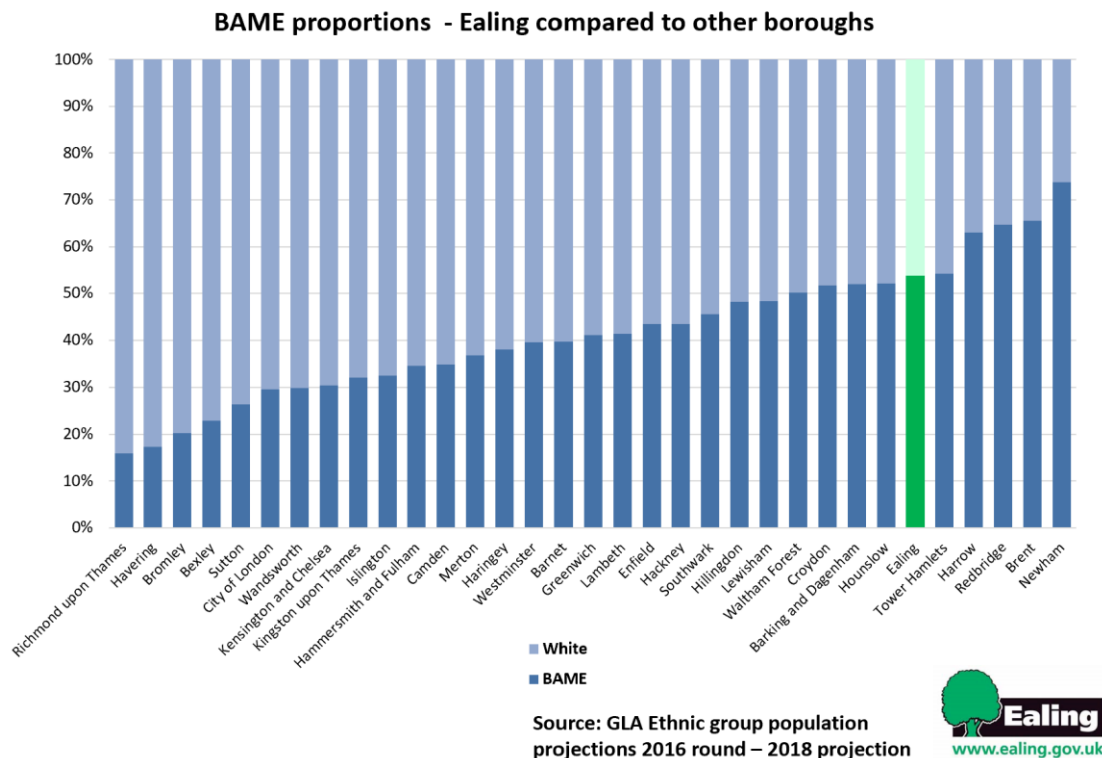


5b Diversity

Ealing is the third most ethnically diverse local population in the UK with 84% of pupils being of minority ethnic origin compared to 34% nationally. In London Ealing is amongst the most diverse boroughs.

Ethnicity: The population of state funded schools in the borough is very ethnically diverse; with 84.5% of pupils classified as being of minority ethnic origin in 2020. 85.1% of primary school pupils (compared to 33.5% nationally in 2019), and 83.2% of high school pupils (compared to 31.3% nationally in 2019) are from an ethnic minority. 29% of pupils are White, 30% Asian or Asian British. The number of Indian pupils is higher than the number of White British pupils for the second year in a row and is the largest ethnic group attending Ealing schools.

Language spoken: 61% (33,414) of pupils in Ealing schools do not speak English as their first language, with a higher proportion of EAL in primary (64%) than secondary (56%). This is well above the 2019 national figures of 21% for primary and 17% for high schools. There are more than 170 different languages spoken in Ealing schools.



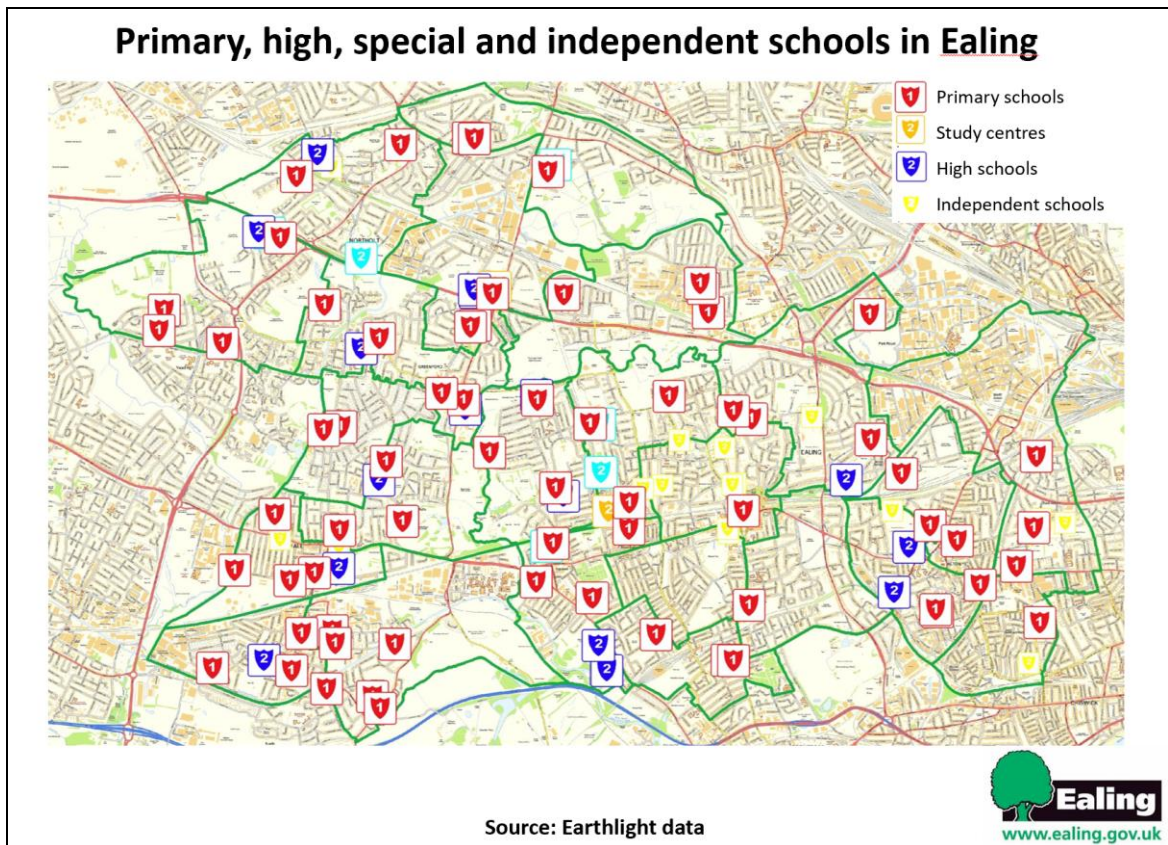
5c Number of young people with SEND

Special Educational Need (SEN): 14% (7,777) of pupils in Ealing schools were identified as having a Special Educational Need in 2020. 11% were on SEN Support, while 4% (1,990) had an Education Health & Care Plan (EHCP), with 824 of those attending special schools. The proportion of pupils with EHCPs overall (3.6%) is above the 2019 national average of 3.1%.

5d School Provision

Ealing has 89 maintained schools of which 68 are Primary, 15 are secondary and 6 are Special schools.

In order to deliver a youth strategy for the whole of Ealing against a background of a high percentage population of young people under the age of 24, a diverse and engaged community, crime focused across key wards and bands of locations, high pockets of deprivation close to areas of affluence and schools who deliver a very strong education base for all children. It is important to listen to what young people see as a future for their youth service while we focus on keeping them safe, engaged, achieving economic independence, support their health and wellbeing and address challenges which are disproportionately experienced by their age group compared to the whole population.

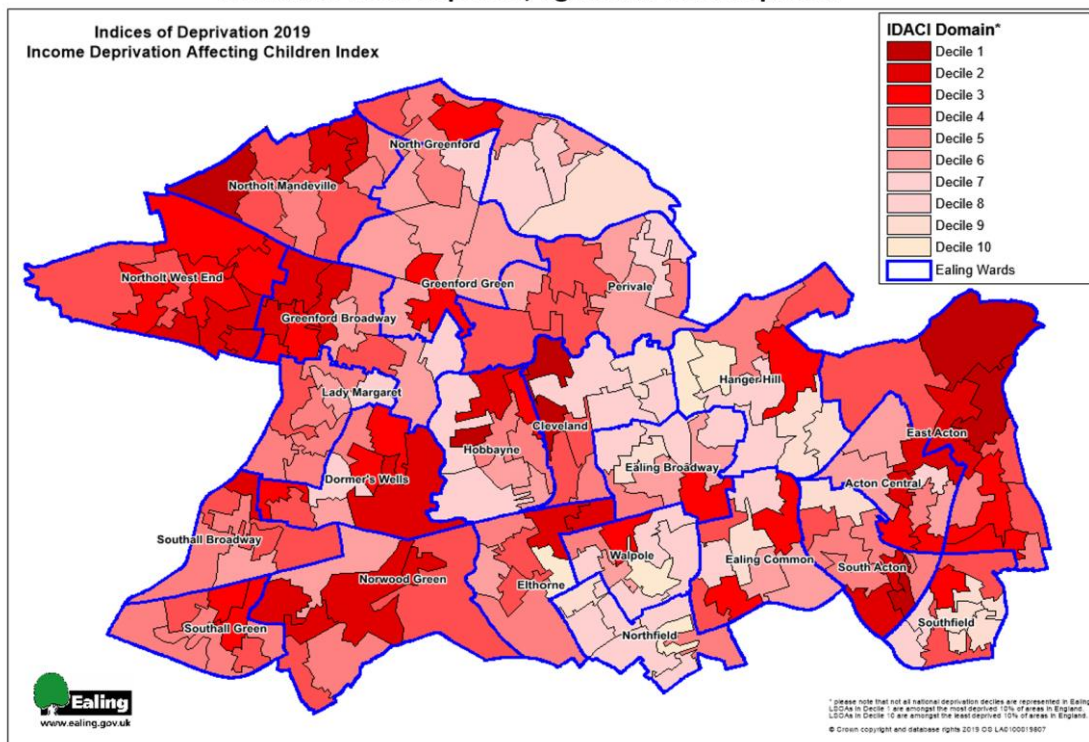


5e Deprivation

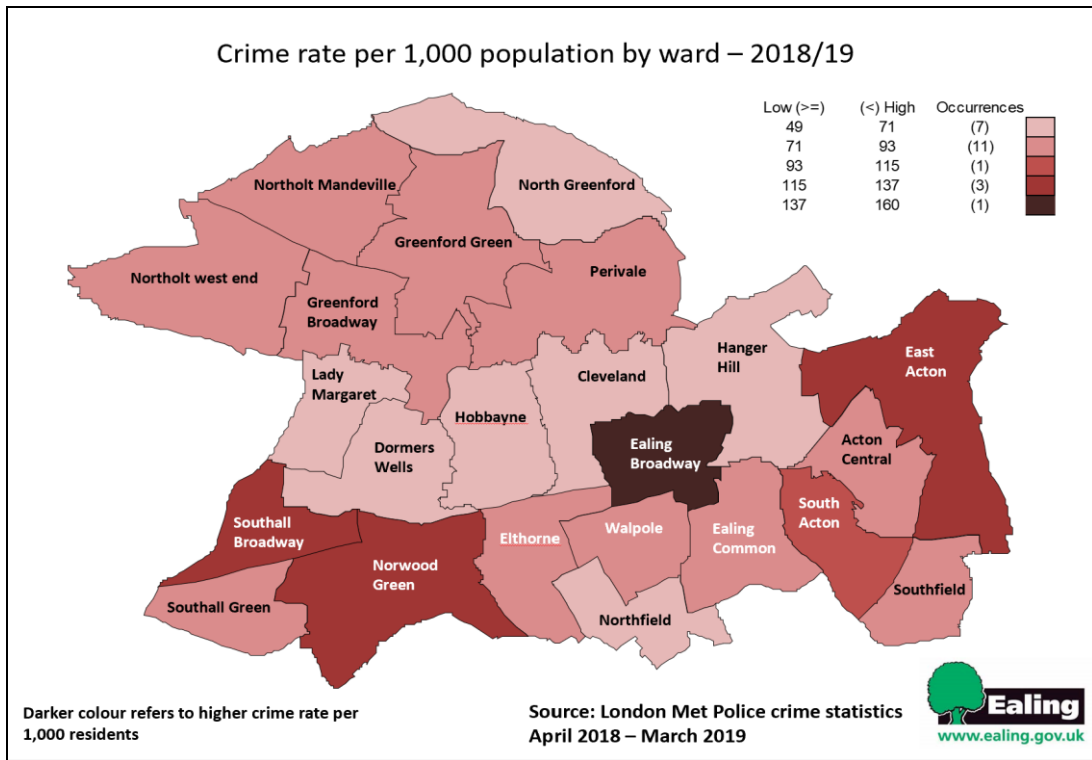
Based on 2019 IMDI data Ealing ranks 88 out of 326 authorities in England and Wales as being most deprived, with individual areas standing out further against the average, with around 11,910 young people aged under 16 living in low-income families. At both primary and high school level 16% of pupils are eligible for free school meals.

Entitlement to Free School Meals (FSM): 18% (8,632) of pupils in Ealing state funded schools were recorded as entitled to Free School Meals in January 2020. This has increased from 16% (7,561) since last year.

IDACI 2015 rank in Ealing
Darkest is most deprived, lightest is least deprived



5f Crime



The wards with the highest levels of crime per 1,000 population identify Ealing Broadway as having the highest level of crime in Ealing, followed by Southall Broadway, Norwood Green and East Acton, with crimes involving drugs, knives, and violence most affecting young people.



6 Current Youth Service Provision

The youth centres in Ealing will develop to become local partnership centres to deliver programmes and activities across the Borough to deliver the 6 strands of activities. Ealing presently has 3 youth centres, Bollo, Young Adult Centre (YAC) and Westside. They provide a range of services for young people, which young people appreciate with 94% of young people being satisfied with the current service being provided. Young people feel safe in the youth centres so they will continue to deliver services. This will continue. The Centres are available for partners to use, and this will continue to be the case, particularly as part of this plan is for all partners to work more closely together to respond to and deliver what young people want.

Bollo youth centre is situated on the South Acton Estate and it a purpose-built centre providing innovative and engaging programmes to encourage local participation by young people. Bollo already provides most of the activities identified by young people as activities they enjoy doing. Bollo will continue to provide accessible programmes and activities in the Acton area of the Borough and will be the hub for wider delivery in the East of the Borough.

The YAC transition to the Dormers Hub in 2022. The YAC in Southall was identified in 2016 as a site that would be regenerated into housing. Ealing recognises the need for a youth centre and youth service provision in the area, so the service identified Dormers Hub on the Golf Links Estate as a viable alternative in the area so it will move provision from the YAC in Park View Road during 2022. Dormers Hub will have a spoke in the Dominion Centre in Norwood Green to widen the service offer to young people. The hub will be the centre of delivery in the West of Ealing and within the immediate catchment area of significantly more young people in and around the Golf Links Estate. The transition of services to Dormers Hub will be temporary, while a permanent site for a new youth centre is identified and a new youth centre built in Southall. We will involve young people and the community in the design and planning of the building.

Westside in Ealing is the largest of the youth centres and provides a base for office space as well as youth provision. This Centre is the best equipped centre to provide programmes and activities for children with disabilities. It also provides programmes for all young people to attend. It has recently been redesigned to maximise these opportunities. This centre will continue to be accessible to the community as a base for local initiatives and will form the hub in the centre of Ealing.

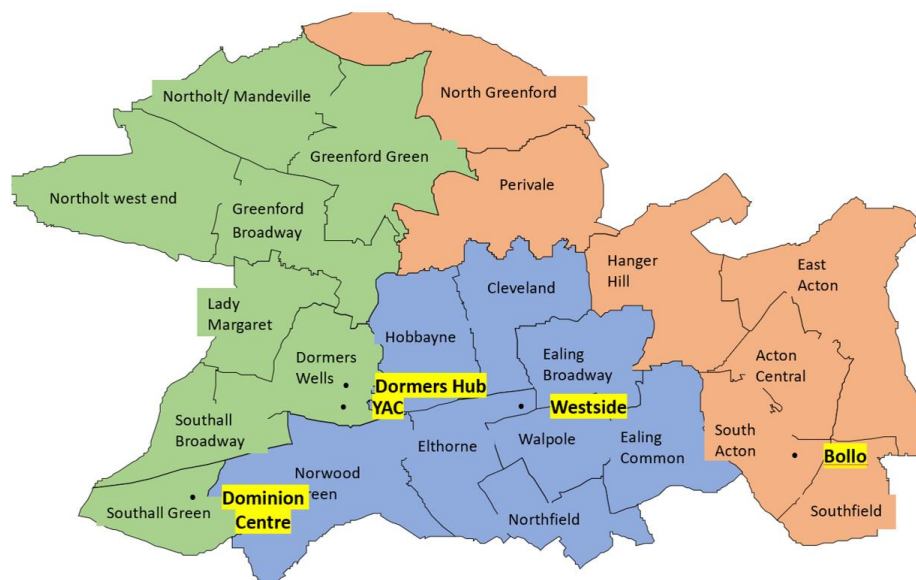
Islip Manor Children's Centre and Lime Trees Children's Centre are a satellite centres which is used to provide afternoon and evening games and activities in the Northolt area for young people.

The youth centres will continue to provide a focal point for youth delivery with the aim of increasing engagement and participation by young people in Ealing. As well as developing local partnership centres with the aim of drawing in partners and community groups to deliver a wider range of activities and programmes through the spokes. Youth Centre managers will be charged with developing local partnerships and wider activities with resources being allocated to support this within the defined areas.

Defined partnership areas

7. Partnership Work

Coverage for each youth centre.



All too often, when young people say there is nothing to do, the reality is that they often do not know what is available, how to access it, or have the confidence to take part. Ealing’s diverse population means that we must work harder to engage and understand the needs of all young people to effectively communicate to them what is available for their age group promoting equality and inclusion.

All the activities and programmes will be promoted through the Integrated Youth Service to internal and external partners and via the www.youngearing.co.uk website where partners can promote their youth activities, and young people can find out what is going on locally and engage with the activities.

All partners have a vital role to play in the delivery of a local delivery plan if we are to support young people achieve the best from their lives. Partners have access to different resources, have different skills and deliver different

priorities all of which can be brought together to form a cohesive plan through the Children and Young Peoples Board. This approach will enable a holistic approach to providing services across Ealing for young people.

Through this approach we will be able to develop a range of challenging, creative, formal, and informal programmes which will recognise the different needs of our young people.

Example: Some key partners that have been included in the design and delivery of current services across Ealing

Let Me Play

Let me Play is an alternative education provider who provides support to young people who are at risk of exclusion as well as other programmes designed to inspire young people. They use YAC daily delivering NVQ sports development and hair and beauty courses to young people aged 16-25 years.

Acton Youth Association engages in the local community with the aim of inspiring and creating positive change.

Voice of Dalmat International [VODI]

Community charity organisation attended YAC on a Tuesday and Thursday 3pm-6pm delivering reading and educational programme for young people 5-16 years. They also deliver a peer learning support programme. Referrals from low-income families for additional support from teachers and volunteers within the community.

DELVE Is a youth engagement programme providing engagement and participation opportunities in the local community through Bollo.

Focus Forth

Community voluntary organisation supporting children and young people aged 5-19 years in the community with additional classes help for reading, GCSE preparation, ESOL classes. Attended Sundays 12pm-5pm

Somali Advice and Development Centre works with young people and families in the transition into life in Britain and general support for the Somali community. They provide individual and group learning opportunities as well as sporting opportunities for the community through the YAC.

Brentford Sport in the Community provide sporting, mentoring and coaching opportunities delivered in community settings. We will link in more closely to Brentford and other sports providers in the community to promote and refer young people to their activities as an alternative to attending a youth Centre.

MENCAP has worked with Ealing helping to design and deliver programmes from Westside to support vulnerable young people

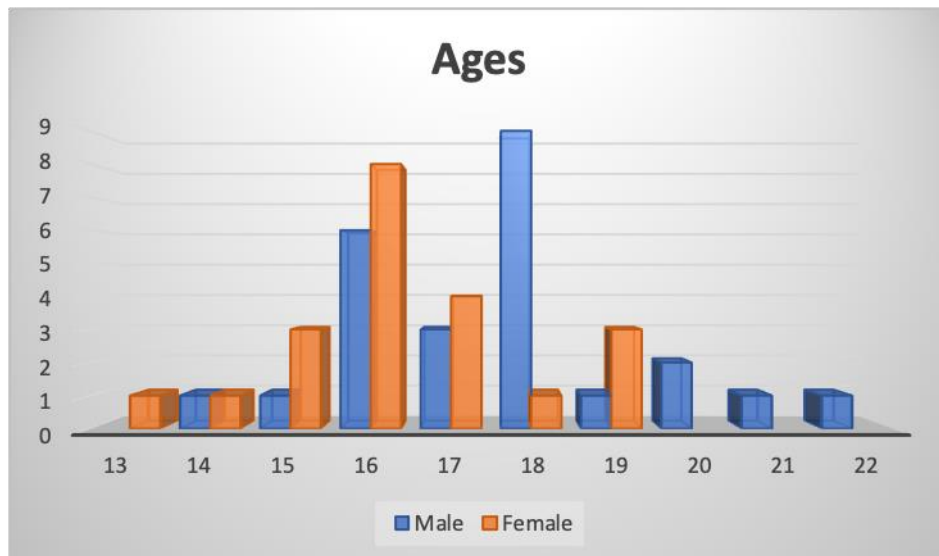
Young Ealing Foundation is actively engaged in promoting, supporting, and encouraging the delivery of a range a programs across Ealing for children and young people.

Let's Go Southall aims to help people in Southall become more physically active.

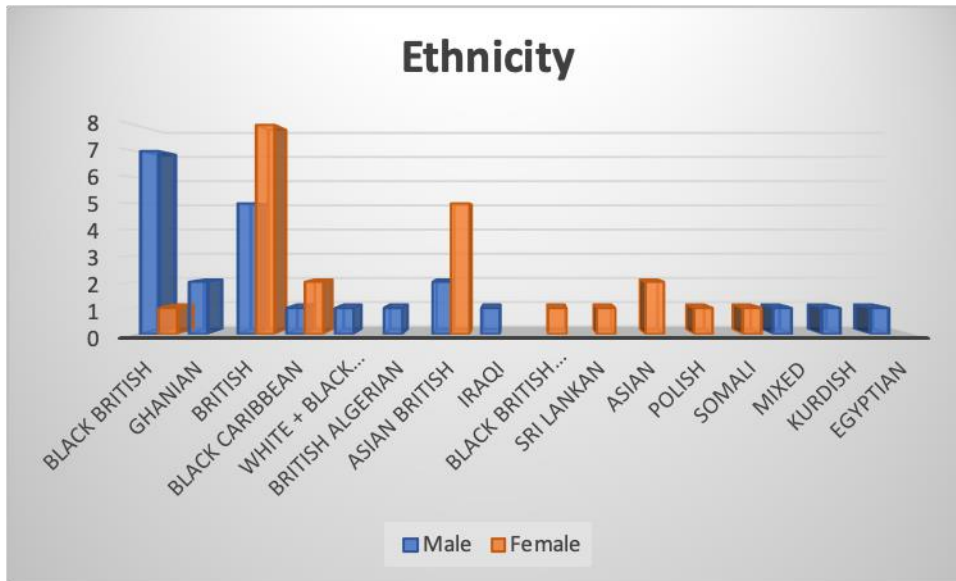
While these are some of our existing partnerships the aim will be to further engage or re-engage with these and other partners as part of the model to maximise access for all young people. This plan will also create the ability to oversee youth provision across the Borough. This plan will also afford an opportunity for community partners to engage in the programmes and activities and facilitate voluntary sector cohesion to support young people.

8. Opinions of Young People

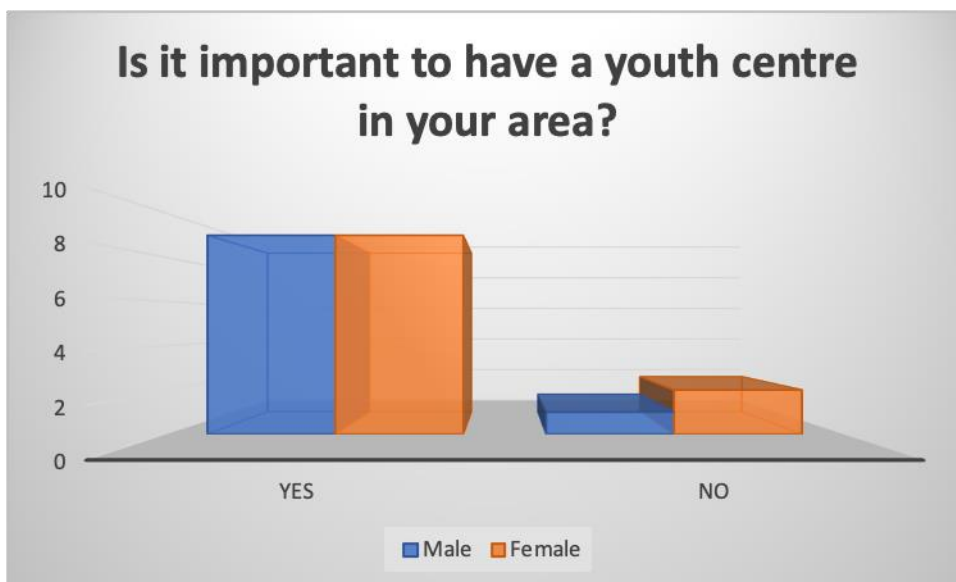
Young people in Ealing were encouraged to take part in a local consultation on youth provision, and the role of youth clubs in delivery of that provision. This consultation was delivered through phone interviews due to the COVID restrictions and the interviews were conducted by young people from the Young Ealing Safeguarding group as well as by tutors and youth workers. The consultation involved 50 young people across a range of ages. 48% of responses were provided by females and 52% by males.



The ethnicity of young people taking part in the consultation clearly shows how important and strategy is if it is to embrace the diversity of all our young people, and those who were willing to take part and make their voice heard.



Young people identified that it was important to have a youth centre in their area as it: provided a safe place for them to go to relax and take part in activities, see friends, stay off the street away from trouble, to speak to someone about careers and education or just to get advice. The youth centres also provided clubs and activities for young people which they could not get anywhere else, and they appreciate this.

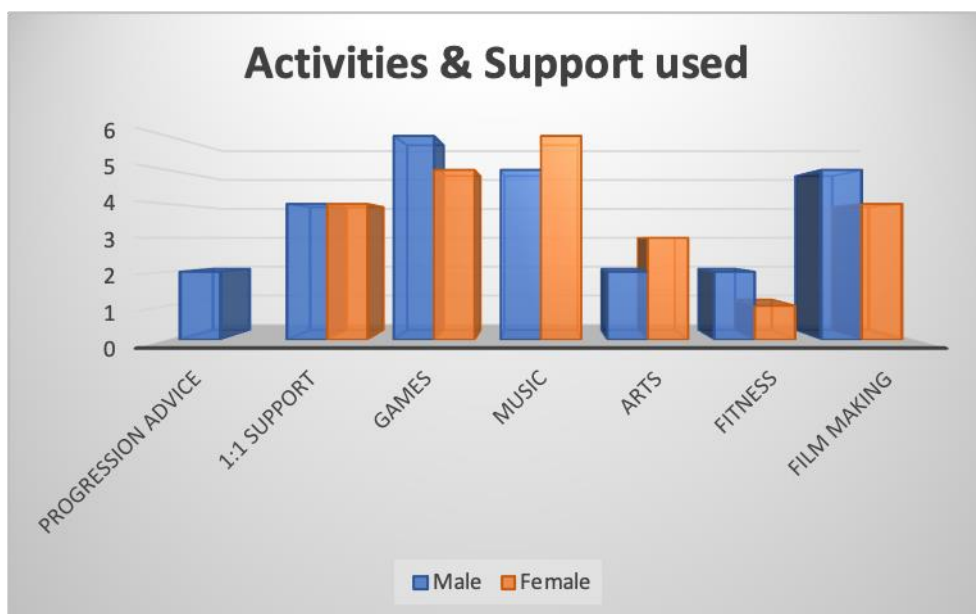


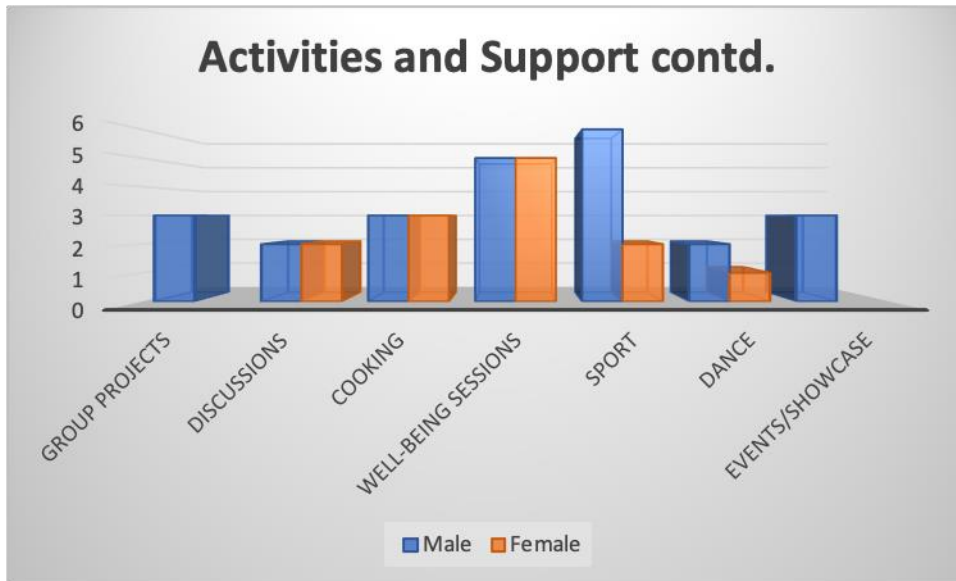
Majority of young people recognised the value of a youth centre in their area and the majority said that they would be prepared to travel up to 30 minutes to get to a youth centre. The benefits of attending included the advice, help and support that they received from the youth workers and other workers in the centre. They saw youth workers as being incredibly important in their

development. Young people went on to explain that they saw youth centres as being essential in the community to create a community for young people and for young people to feel part of the community where they can see friends and innocently enjoy their youth. The centres were seen as inclusive and offered a range of opportunities which were valued by young people, and this encouraged them to attend.

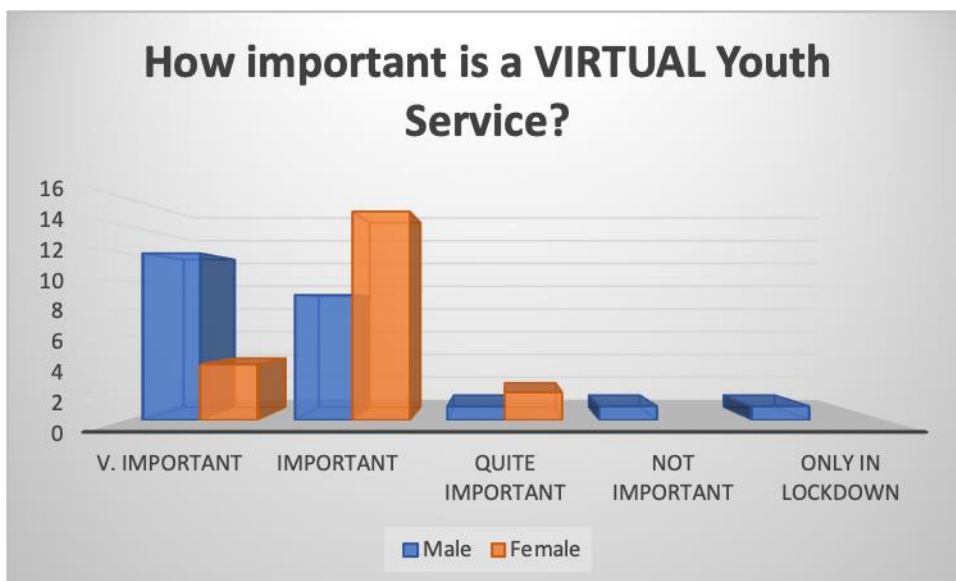


Young people were asked what activities and support encouraged them to attend a centre. They provided a range of answers for activities that they enjoyed with the highest being sport, music, and wellbeing sessions. They also enjoyed cooking, learning new things, and trying new activities.





Young people were asked how important a virtual youth offer is to them if they cannot attend a youth centre in person. The Ealing virtual offer has developed following the COVID – 19 lockdown as one of the few ways to engage and support young people in a safe way. This virtual offer has been recognised as an important way forward for young people to compliment any face-to-face activities. The vast majority identified that any virtual offer was very important or important in the future.



It is important to keep delivering the activities which young people have said they enjoy, add activities which have evolved since the COVID lockdown such as the virtual and internet offers, broaden our reach with some very successful initiatives such as the Duke of Edinburgh scheme as well as delivering new initiatives with partners and the community from existing provision as well as within the community.

9 Proposed Service developments from 2022

9a Enhancing the Hub and Spoke model

We will be re-establishing and developing our approach for service delivery across all parts of the Borough which directly uses a hub and spoke model of delivery built on good practise and what works and what young people want.

The hub and spoke model of service provision will represent a shift towards more decentralised delivery, affording greater flexibility in service delivery and to the young people that will enable them to access provision locally and virtually, thereby increasing engagement.

We will develop this multi partnership approach to ensure the integrated youth service make the best attempts possible to extend reach across marginalised groups as well as geographical areas, be cost effective and demonstrate efficiency.

Proposed Hub and Spoke model for Southall



The Dormers hub which will be a temporary replacement facility for the YAC will provide a blend of provision with a greater emphasis on managing, commissioning and publicising outreach provision in the Southall and Northolt areas of the Borough utilising the Dominion Centre. It will continue to be accessible to the community as a base for local initiatives and it will be able to provide programmes from within the Centre for young people. The new youth club has access to local sporting facilities with the MUGA nearby, as well as a hall with a kitchen for activities.

It will provide a centre for the Duke of Edinburgh management to be based, with a view to widening this offer locally and building on the successful partnerships with high schools in supporting more vulnerable pupils in achieving the Duke of Edinburgh award, supporting their confidence and academic attainment. The temporary replacement centre will also be well placed to engage with other local providers to ensure our provision is

integrated and delivers what young people want. We will be working to an established model to ensure we are fully integrated locally. We will be monitoring and evaluating the effectiveness of the approach, sharing programmes and resources as well as marketing our offer to the local community.

The wider youth offer will also see a greater focus on direct targeted youth work to support vulnerable children in the community. The targeted youth workers will support children in the catchment area of the youth hub to provide Safeguarding support and help. Young people will continue to be able to visit any youth centre they wish and attend any programme or activity they wish.

Dormers Hub will be a temporary youth centre in the West of the Brough. As a permanent youth centre site is developed young people will be involved in the design of the centre as well as the delivery of programmes.

9b The Youth Service Virtual Offer – COVID learning

Ealing's Integrated Youth Service has been meeting the challenge of providing activities, support, and engagement throughout the COVID-19 restrictions, through the development of a virtual hub utilising the recently redesigned Young Ealing website as the 'one-stop' virtual portal for young people in Ealing.

In addition to the website providing a portal to keep young people informed it will evolve into a place where young people go to find out: what is going on in their area, seek help and support, job and apprentice opportunities will be promoted, and they will be able to learn about new activities. It will also build on the learning of the COVID lockdown period by providing more online activities e.g., debating forums, learning sessions e.g., music and art online. It will market partners activities and events to increase the marketing for young people of activities and support the hub and spokes ethos culture for youth service across the borough.

During COVID most of the youth participation and engagement opportunities have been provided online. These sessions will continue after COVID restrictions have been lifted as they have offered an innovative and flexible way to support young people.

In 2022, we will be adding components within this virtual environment to support and give our young people a voice e.g., the voice and campaigns of young people with SEND.

<https://www.youngealing.co.uk>

Components of the Virtual Offer



9c Enhancing support to young people with SEND

In 2022 we will see the expansion of services to young people with SEND. A new post is to be created in which the Youth Service SEND Manager will oversee the design and implementation of a programme of activities, liaising with other services and with the newly appointed Youth Workers within partner teams (e.g., SAFE & MAST).

The Youth Service SEND Manager will also be utilising the learning to date from the partnership work under the Building My Future Programme, successfully delivering the Life skills/Duke of Edinburgh Programme and AQA qualifications.

This was cited by the Children's Commissioner as a national example of good practice.

"Ealing has established a new service called 'Building my Future', which is funded by national pilot funding. The aim is to work with children with additional needs to improve life skills and avoid school exclusion.

This is a good example of an early support multi-disciplinary service which does not have access thresholds and can reach out to children with additional needs in the community and put preventive support in place.

The involvement of youth services in the programme has been particularly successful, encouraging children to get out into the community."

Children's Commissioner for England Report "Far less than they deserve" May 2019

9d Supporting vulnerable young people and families at risk or victims of gang activity and involvement in the criminal justice system

Ealing's Integrated Youth Service has been at the forefront of supporting vulnerable young people at risk of gang activity and involvement in the criminal justice system.

The range of activities include:

- Close involvement with schools and colleges to provide support to young people and families where a young person is suspected of being involved in or on the edges of gang activity.
- Close involvement in supporting young people who have been excluded from school until alternative educational provision has been provided. This is to ensure young people are not exploited and drawn into gangs.
- Working with partners to provide a range of programmes and activities to engage and support young people.

The activities and support for 2022 will be:

- Strengthening of the Contextual approach to supporting young people and families in Ealing.
- Closer working between the Serious Youth Violence co-ordinator and Violence Reduction co-ordinator to design and deliver a range of bespoke educational and career pathways.
- Developing the IYS online and face to face offers to young people involved in the YJS to provide alternative learning platforms, which link closely to schools to allow young people to continue their education and achieve successful outcomes e.g., UNITAS Summer Arts College.

The success of this approach will be evaluated in 2024. There will be an emphasis on increased:

- Participation activities
- Attendances at youth centres and on programmes
- Increased access to our virtual offer
- Increased partner involvement
- Positive feedback from young people on the provision of services offered.

Conclusion

The Youth Plan gives a structure upon which Ealing Council, young people, partners, and communities can join to provide programmes and activities to ensure every child and young person can be inspired to fulfil their potential in a safe and supported environment across Ealing.

