

Safer and better private renting in Ealing



Private rented property licensing schemes:

CONSULTATION DOCUMENT

Contents

Executive Summary	4
Introduction	5
The private rented sector (PRS) in Ealing	6
Housing tenure	6
Houses in multiple occupation (HMOs)	7
Housing conditions	8
Housing interventions	10
Antisocial behaviour associated with the PRS	12
Property licensing schemes	13
What is property licensing?	13
Property licensing in Ealing	13
Property licensing: benefits to landlords, tenants and the community	15
Proposals for a new additional HMO licensing scheme	16
Evidence to support a new additional HMO licensing scheme	16
Proposed licence conditions	17
Proposed licence fees	17
Proposals for a new selective licensing scheme	19
Evidence to support a new selective licensing scheme	20
Phase 1: Designation 1	22
Phase 2: Designation 2	23
Wards not included	23
Proposed licence conditions	23
Proposed licence fees	24
Objectives of the proposed schemes	25
Licensing and wider council strategies	26
Housing Strategy	26
Homelessness	26
Empty Properties	27
Anti-Social Behaviour	27
Alternatives to licensing and options considered	28
Glossary	30

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

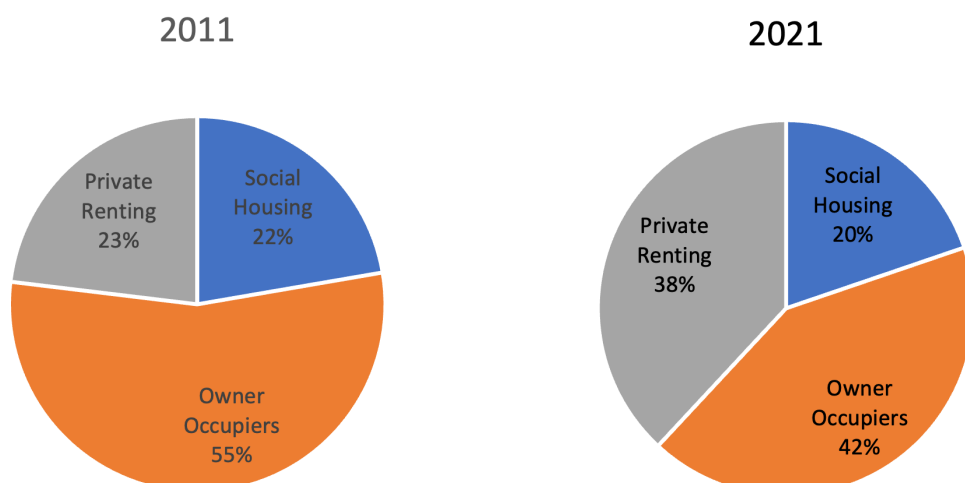
This review has shown that Ealing has a large and growing PRS, with 54,776 (38.1%) properties currently predicted to be private rented. There is also a relatively high number of HMOs (8,360). Poor housing conditions are prevalent in the PRS as is associated ASB, particularly with HMOs.

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

Housing tenure

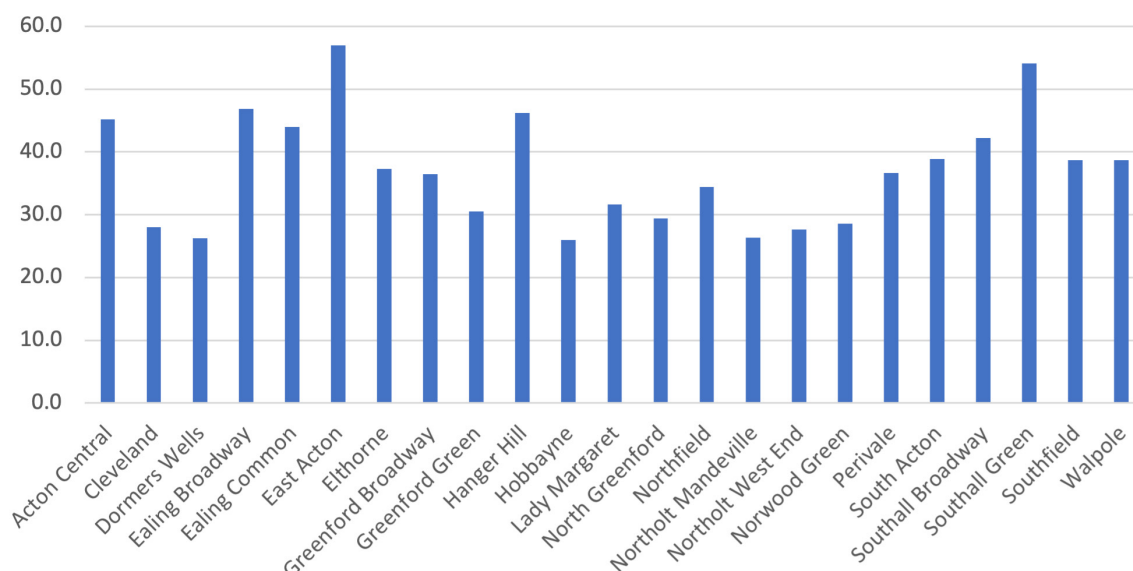
Consistent with national and London trends, Ealing's PRS is growing. It is estimated to have increased from 23% in 2011 to 38.1% in 2021, representing an increase of 65.7% over the last 10 years.

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.

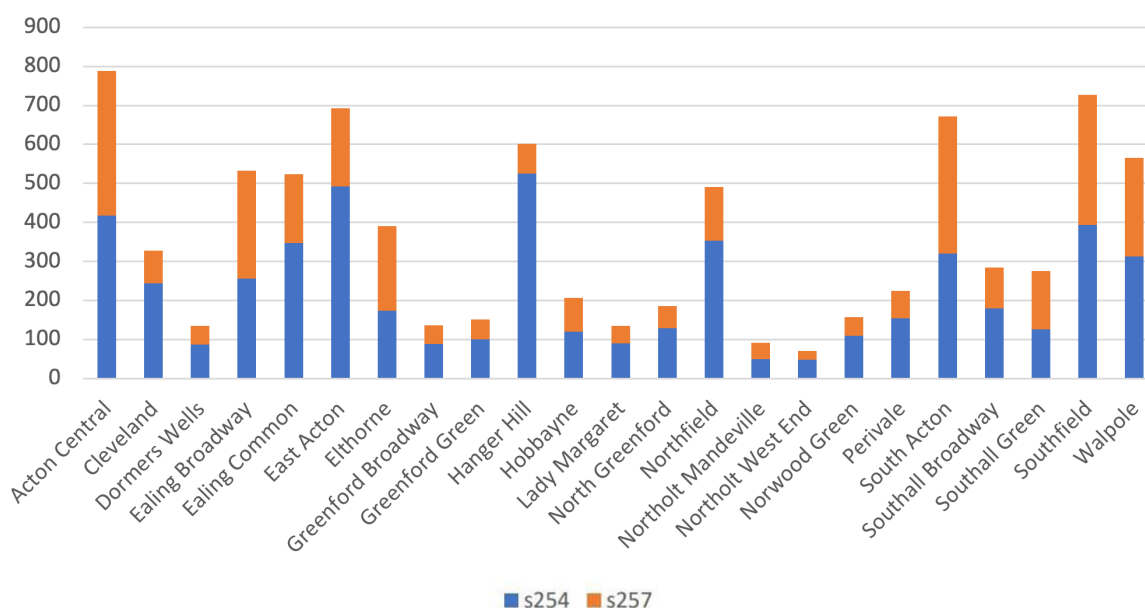
HMOs are usually the cheapest form of private housing available and have traditionally been occupied by single adults. However, in recent years many more couples and children reside in HMOs. Pressure on affordable housing and higher rates of homelessness have driven up demand for this type of property.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

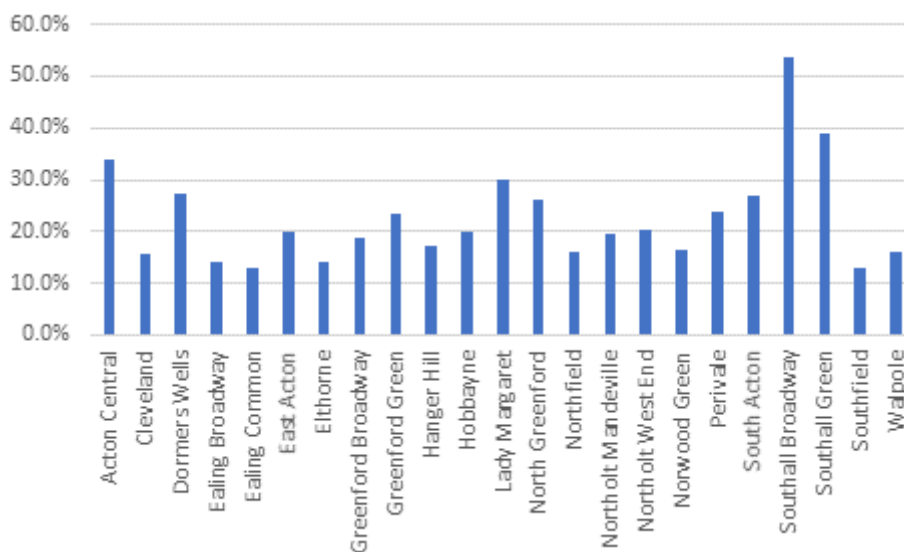
Under the current Minimum Energy Efficiency Standard (MEES), properties must have a minimum Energy Performance Certificate (EPC) rating of E before they can be let out. Currently in Ealing, 2.2% of the PRS have an F and G rating, which means approximately 1,205 PRS properties are likely to fail the MEES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

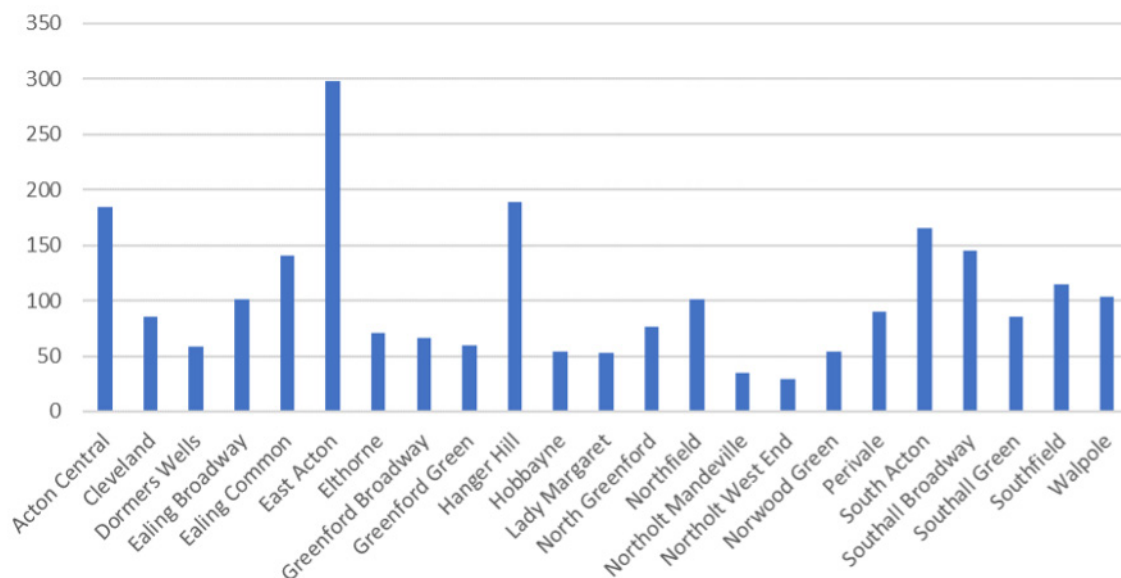
Southall Broadway (53.4%) and Southall Green (38.8%) wards are predicted to have the highest % of PRS properties with category 1 hazards. Southfield has the lowest at 12.8%.

% 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).

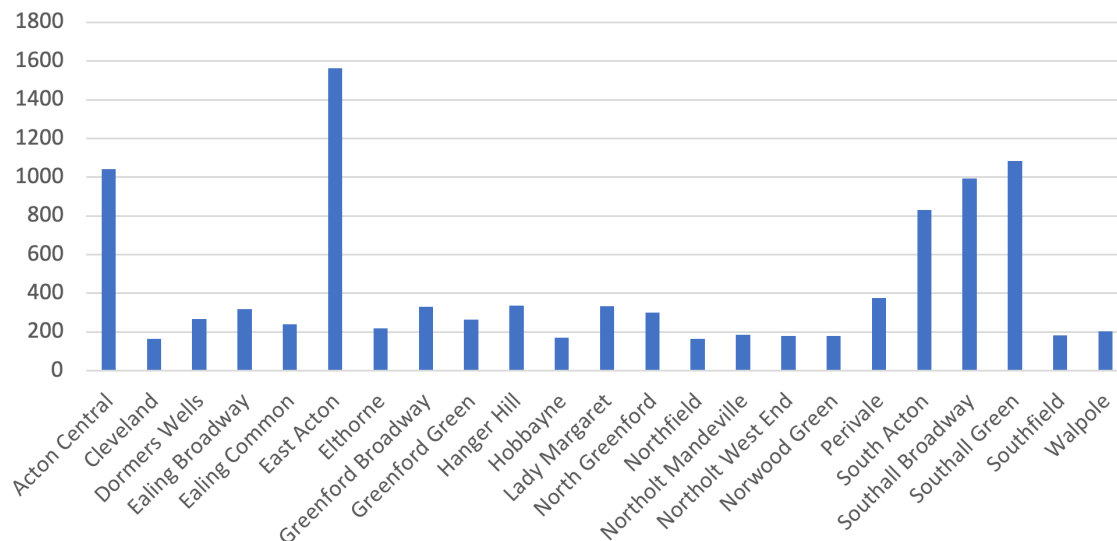
Number of shared amenities HMOs with category 1 hazards by ward [Source: Metastreet Ltd, 2021]



Housing interventions

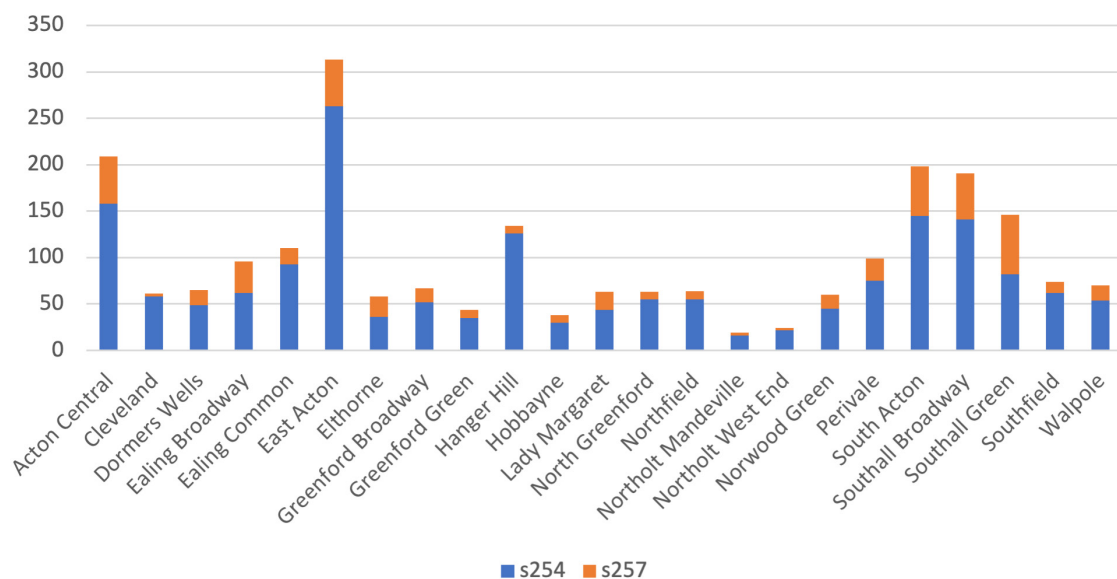
Over a five-year period up to 2020, the council recorded 9,931 complaints from PRS tenants about poor conditions and disrepair across all wards in the borough. East Acton (1,564) and Southall Green (1,085) received the most complaints.

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.

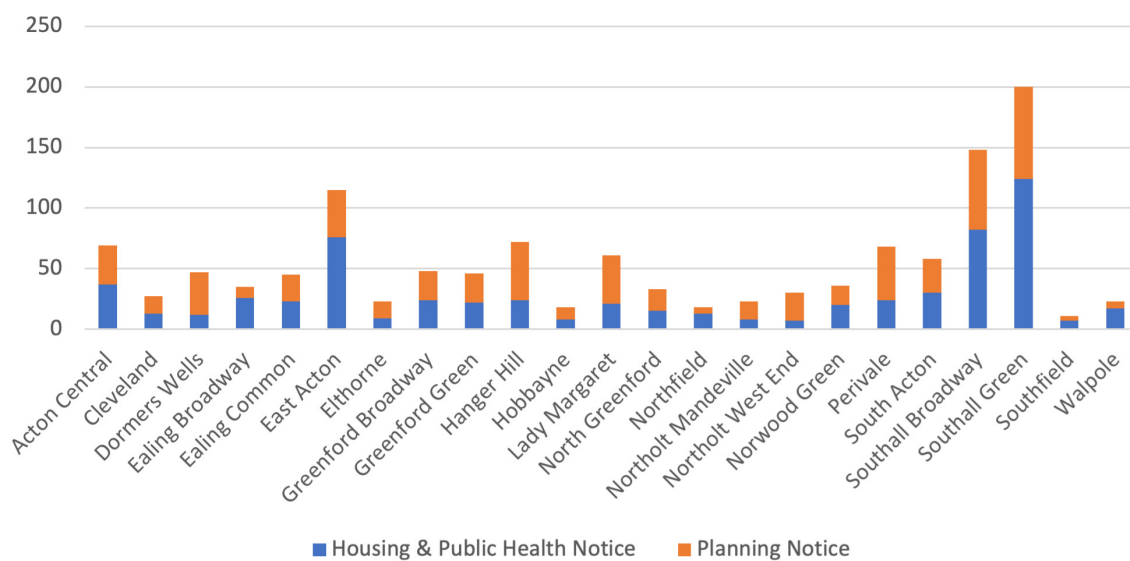
Number of complaints about HMOs made to the Council [Source: Metastreet Ltd, 2021].



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.

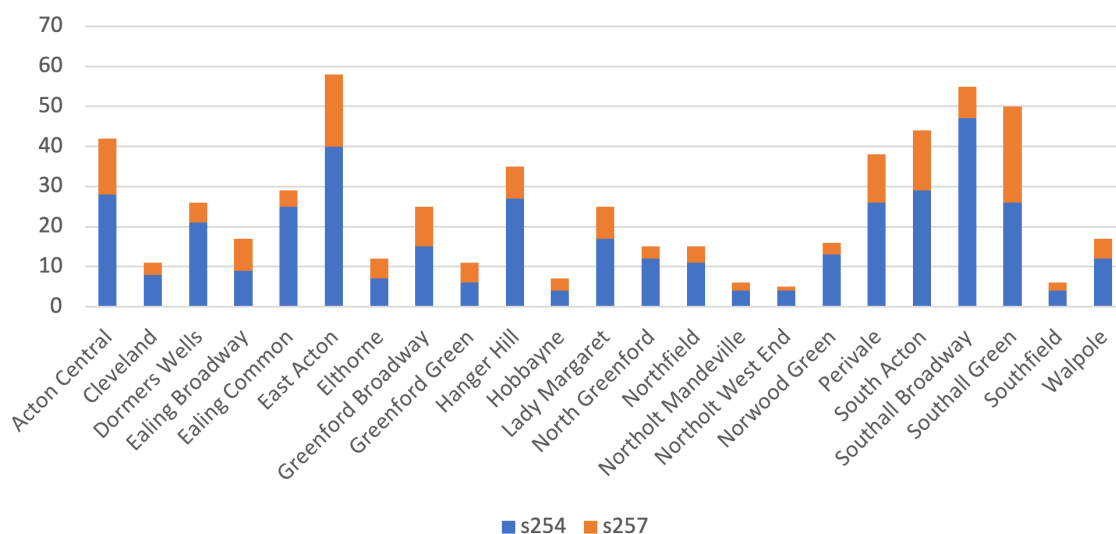
The council has served a significant number of statutory notices over a five-year period until 2020. 1,254 housing, public health and planning enforcement notices were issued. Southall Green (200), Southall Broadway (148) and East Acton (115) received the most statutory notices.

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.

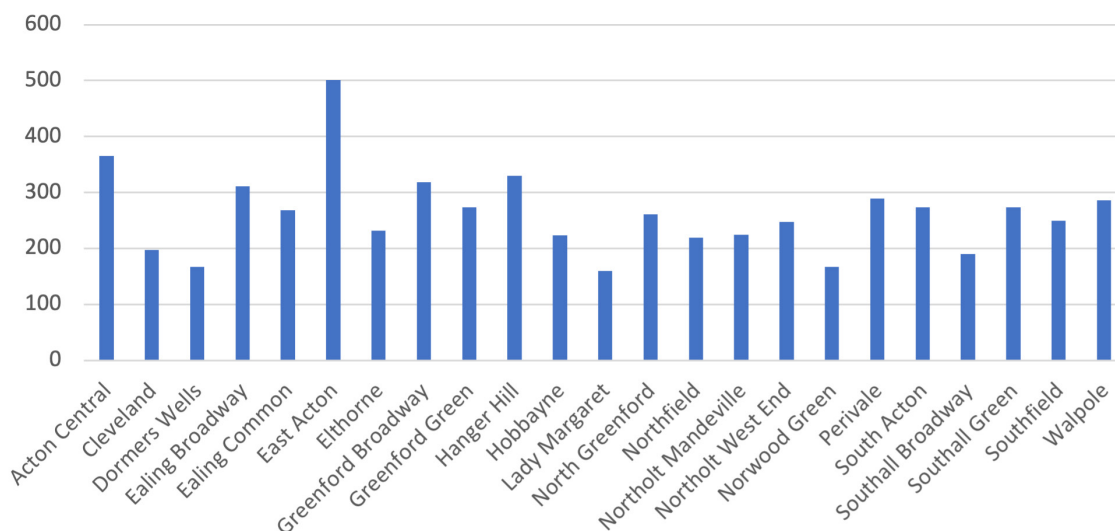
Number of statutory notices served on HMOs [Source: Metastreet Ltd, 2021].



Antisocial behaviour associated with the PRS

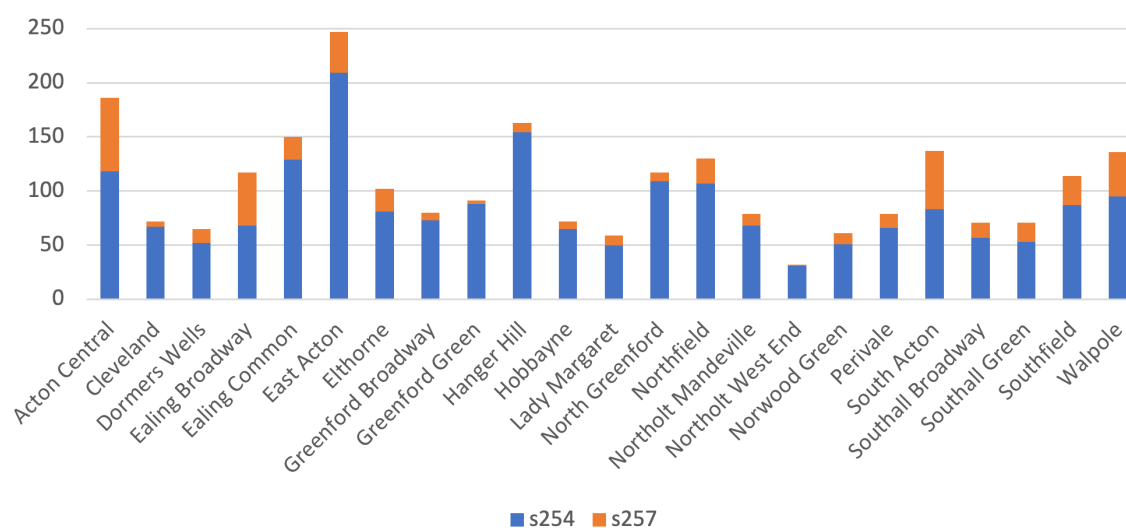
Over a five-year period up to 2020, 6,025 ASB incidents directly linked to PRS properties across the borough have been recorded. They consist of noise, verbal abuse, harassment, intimidation, nuisance animals, nuisance vehicles, substance misuse, prostitution, rubbish and fly tipping. East Acton (501) 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/3b93l61>.

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

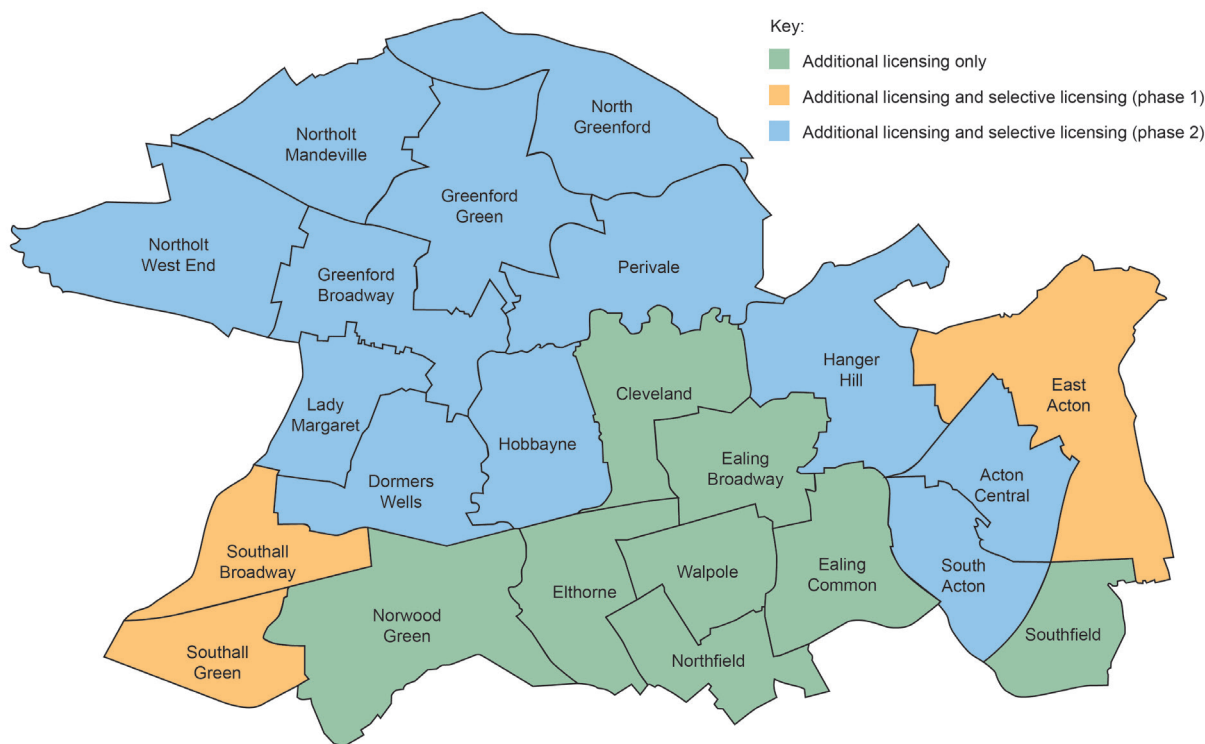
Our evidence suggests that the PRS is continuing to grow and that poor housing conditions remain prevalent

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>.

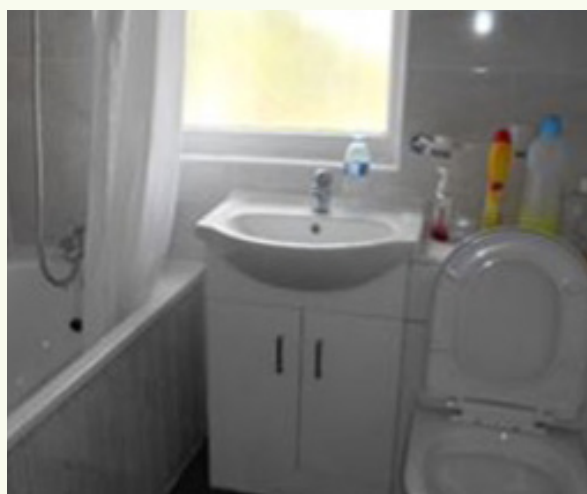
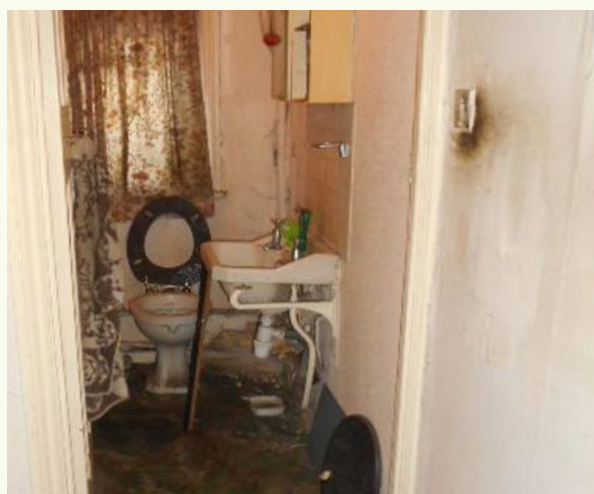
Case Study 2: Selective Licensing Scheme: An unlicensed flat above commercial premises

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.

