FAIRER HOUSING

City of Westminster

LICENSING PRIVATE RENTED PROPERTIES in WESTMINSTER



Consultation Evidence Pack

FAIRER HOUSING

City of Westminster

Creating a fairer private rented sector

A Fairer Westminster is one where our residents are at the centre of decision-making and help shape the future of our city. With one of the largest private rented sectors in London, Westminster's housing landscape is unique; some of our wards have private renting levels as high as 54%, among the highest in the country. Private renting is our predominant tenure, and as a council we are committed to ensuring all residents have access to safe, secure, and good-quality homes.

However, we are aware of persistent issues with poor conditions and management within parts of Westminster's private rented sector. Tenants can feel uncertain about where to seek help, and with rising rents and the increasing cost of living, many feel compelled to endure substandard living conditions.

These issues are not confined to the private rented sector and can have a wider impact on other residents. Neighbours often face problems stemming from poorly managed properties, such as persistent water leaks, waste management issues, or disturbances from antisocial behaviour.

In 2021, the council introduced an additional licensing scheme for small houses in multiple occupation (HMOs), which has proven the effectiveness of licensing in improving housing standards. So far, we have inspected over 1,400 properties, with more than 570 HMOs undergoing improvement works to enhance safety. Our use of technology has streamlined processes and enabled us to target rogue landlords who exploit vulnerable tenants.

Building on this success, we are now addressing a broader challenge. It is estimated that over 6,700 privately rented properties in Westminster may contain serious hazards, all of which currently fall outside the scope of existing licensing schemes.

We recognise that many privately rented properties are well-maintained and responsibly managed, and we are committed to supporting compliant landlords while eliminating poor practices.

As we launch the consultation on selective licensing, we invite all stakeholders, including tenants, landlords, letting agents, property managers, local businesses, community groups and residents to share their views. Your feedback is essential in helping us improve housing standards, and we encourage everyone to take part in shaping a fairer future for the private rented sector in Westminster.

Councillor Matt Noble
Cabinet Member for Regeneration and Renters

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Glossary

Term	Meaning
Private rented sector (PRS)	The portion of housing in the borough that is rented from private landlords.
Privately rented	Homes rented from a private landlord.
Socially rented	Homes rented from the council or a Housing Association.
Selective licensing	A discretionary licensing scheme which requires landlords to have a licence to legally let their property to a family or no more than two unrelated sharers.
Additional houses in multiple occupation (HMO) licensing	A discretionary licensing scheme which requires landlords to have a licence to legally let eligible HMOs occupied by three or four unrelated persons living in two or more separate households sharing one or more basic amenity, which fall outside the scope of Mandatory HMO licensing.
Mandatory houses in multiple occupation (HMO) licensing	A national scheme which requires landlords to have a licence to legally let eligible HMOs occupied by five or more unrelated persons living in two or more separate households sharing one or more basic amenity.
Designation	A geographical area chosen for licensing that meets relevant legal tests.
Housing Health and Safety Rating System (HHSRS)	A government prescribed system that rates housing hazards based on their risk to occupiers' health, safety, and welfare.
Category 1 hazard (Category 1)	The most serious hazards under the HHSRS, which include immediate risk to a person's health, safety and welfare.
Category 2 hazard (Category 2)	Less serious hazards under the HHSRS. Whilst considered less serious they can still be regarded as placing the occupiers' health, safety and welfare at risk.
Serious hazard	Defined in the Housing Stock Condition and Stressors Report as Category 1 and/or high scoring Category 2 hazards, HHSRS.
Housing Stock Condition and Stressors Report (HSCR)	An independent assessment that evaluates the condition of housing stock in Westminster and identifies various factors impacting housing conditions.
Statutory notice	A legal document issued by the council that requires the recipient to complete specified actions within a specified timeframe.
Anti-social behaviour (ASB)	Behaviour related to the occupiers of, and/or visitors to, a rented property that causes nuisance, annoyance and irritation to neighbours and the community. Most commonly noise, litter and

	waste.
Deprivation	Living on low income and not having the money to pay for some basic requirements.
Indices of Multiple Deprivation	A dataset produced by the government to give a relative value to how deprived an area is, compared to the rest of the country.
Barriers to housing and services	One of the government's measures of deprivation. It combines measures relating to housing affordability, overcrowding and homelessness.
Minimum Energy Efficiency Standard (MEES)	Regulations that set a minimum energy efficiency standard (EPC rating of E) that applies to privately 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.

1 Executive Summary

Westminster City Council is committed to creating a fairer private rented housing sector by improving property conditions and management standards. To achieve this, we are consulting on new licensing proposals for the private rented sector (PRS) in the borough. Property licensing is a way of ensuring safer and better standards in private rented homes.

Westminster 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. The demand for social housing far outstrips the supply. As a result, private rented property is increasingly becoming the only viable option for many Westminster residents, including those who are vulnerable and on low incomes. Currently, 43 per cent of Westminster's housing stock is in the PRS, and this is expected to continue to rise in the future.

While the majority of properties in the PRS are well maintained and safe, there is a growing number of properties that are substandard and potentially dangerous. Even landlords with good intentions may not always be aware of the latest legal and safety requirements. These properties pose a risk to the health, safety, and wellbeing of tenants, cause issues with neighbours, and require numerous interventions from council teams that are already under pressure. It is crucial for the council to utilise all available tools to improve the situation for tenants renting properties in this sector. Licensing plays a key role in this effort.

In 2021, we implemented a borough-wide additional HMO licensing scheme to ensure safety standards for tenants living in small houses in multiple occupation (HMO). However, poor housing conditions are not limited to HMOs and are prevalent across the PRS. It is predicted that 14 per cent of Westminster's PRS properties have serious housing hazards, many of which are not currently licensable.

We are now proposing, subject to consultation that all types of privately rented homes (not just HMOs) should be licensed within 15 wards to address the prevalence of poor housing conditions and anti-social behaviour. The proposed scheme would consist of two designations.

Designation 1 includes eight wards experiencing high levels of poor housing conditions. Designation 2 includes a further seven wards experiencing both high levels of poor housing conditions and significant and persistent problems caused by anti-social behaviour (ASB).

Both designations together bring the total size of the scheme above 20% of both the geographical area and PRS within the borough and therefore would need confirmation by the Ministry of Housing, Communities and Local Government (MHCLG). If approved, the scheme could be introduced by early 2026, however this will be dependent upon MHCLG confirmation.

Whether you are a private tenant, landlord, managing or letting agent, resident or business in the City of Westminster or a surrounding area, we want to hear your views on the council's proposals for private property licensing in Westminster.

2 Introduction

This consultation document provides information about the scale of problems relating to poor housing conditions and ASB in Westminster's PRS and the evidence to support the council's proposal to introduce a selective licensing scheme. It also provides a detailed description of the proposed licensing scheme, licence conditions, fees, and scheme objectives.

We want to know your views on our proposals before any final decision is made about the future of property licensing in Westminster. We are keen to hear from all those who are likely to be affected by the proposals, including local tenants, landlords, managing agents and members of the community who live, operate businesses or provide services in the proposed designated areas and/or the surrounding areas. This will help us in our plans to create a fairer private rented sector.

We would encourage you to complete our online questionnaire by visiting: http://www.westminster.gov.uk/PRS

We shall also be holding a number of forums during the consultation period. If you are interested in sharing your experiences and views, please email: propertylicensing@westminster.gov.uk

The consultation will run for 12 weeks from Monday 28 October until Sunday 19 January.

For further information about the proposed new licensing scheme, assistance with completing the questionnaire or to request a paper copy of the consultation please contact:

- **Email**: propertylicensing@westminster.gov.uk
- **Telephone:** 020 7641 6161
- **Post:** Private Sector Housing, 15th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Once the consultation has closed, the council will review the responses. A full consultation report, including the council's response to any alternatives suggested, will be published on the property licensing pages of the web site.

3 The private rented sector in Westminster

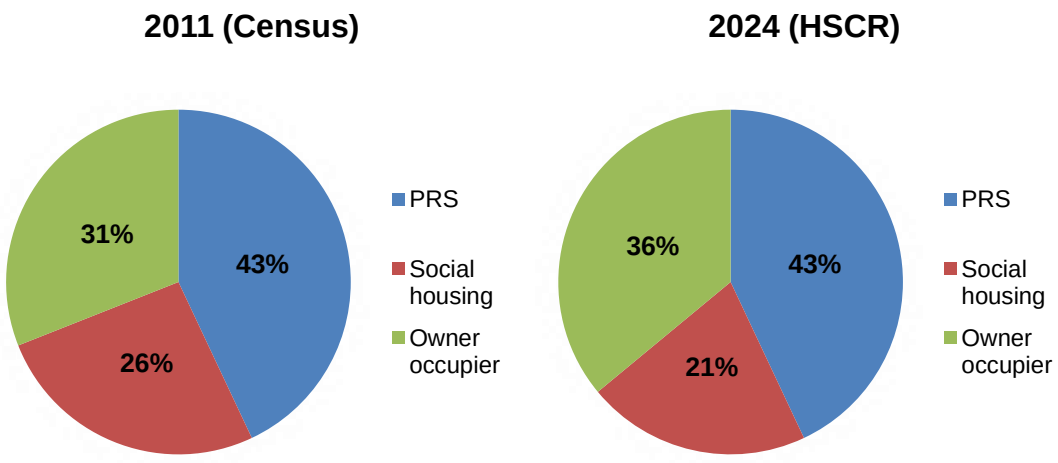
To obtain a greater understanding of the private rented sector in Westminster, the council worked with internal and external agencies to review multiple intelligence sources relating to the housing stock in the borough, undertaking analysis to provide estimates of:

- Current levels and breakdown of PRS properties and tenure change over time
- Levels of serious hazards that might amount to a category 1 and/or high category 2 hazard
- Other housing related stressors, including ASB, service demand, population and deprivation linked to the PRS.

The full results are presented within the Housing Stock Condition and Stressors Report (HSCR), which is attached as **Appendix 1,** however, some key findings from the report are detailed below.

3.1 Housing tenure

Consistent with the long term nationwide and regional trend, the PRS in Westminster has grown steadily from 45,252 in 2011 to 55,274 in 2024. This represents a 22% increase over the last 13 years. There are a total of 129,130 residential dwellings in Westminster, 43% of which are privately rented.

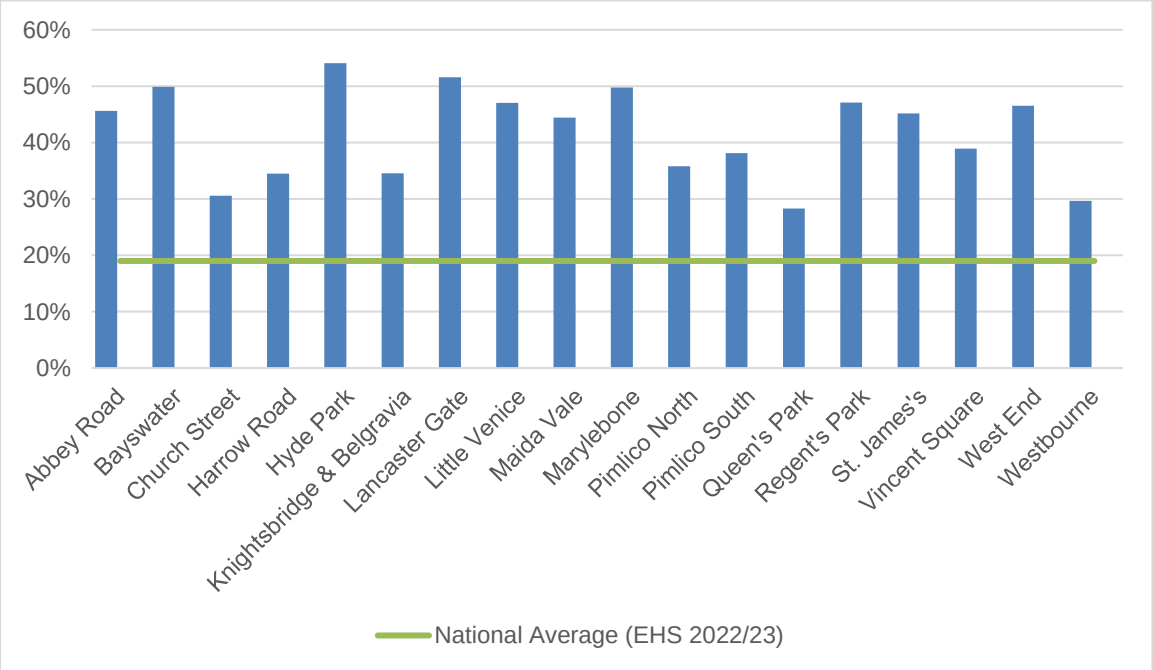


Housing tenure in Westminster 2011 & 2024

	2011 (ONS Census) (Households)	2021 (ONS Census) (Households)	2024 (HSCR) (Dwellings)
PRS	45,252	41,349	55,274
Social housing	27,348	26,810	27,271
Owner occupier	33,172	26,652	46,585
Total	**105,772**	**94,811**	**129,130**

Number of households/dwellings by tenure 2011, 2021 and 2024

The PRS in Westminster is distributed across all 18 wards. The number of PRS properties per ward ranges from 5,153 (West End) to 1,509 (Queen's Park). The percentage of PRS properties in each ward ranges between a maximum of 54.1% (Hyde Park) and a minimum of 28.3% (Queen's Park). Therefore, all 18 wards in the borough have a higher percentage PRS than the national average in 2022 (19%). The average rate of PRS across all wards is 42.8%.

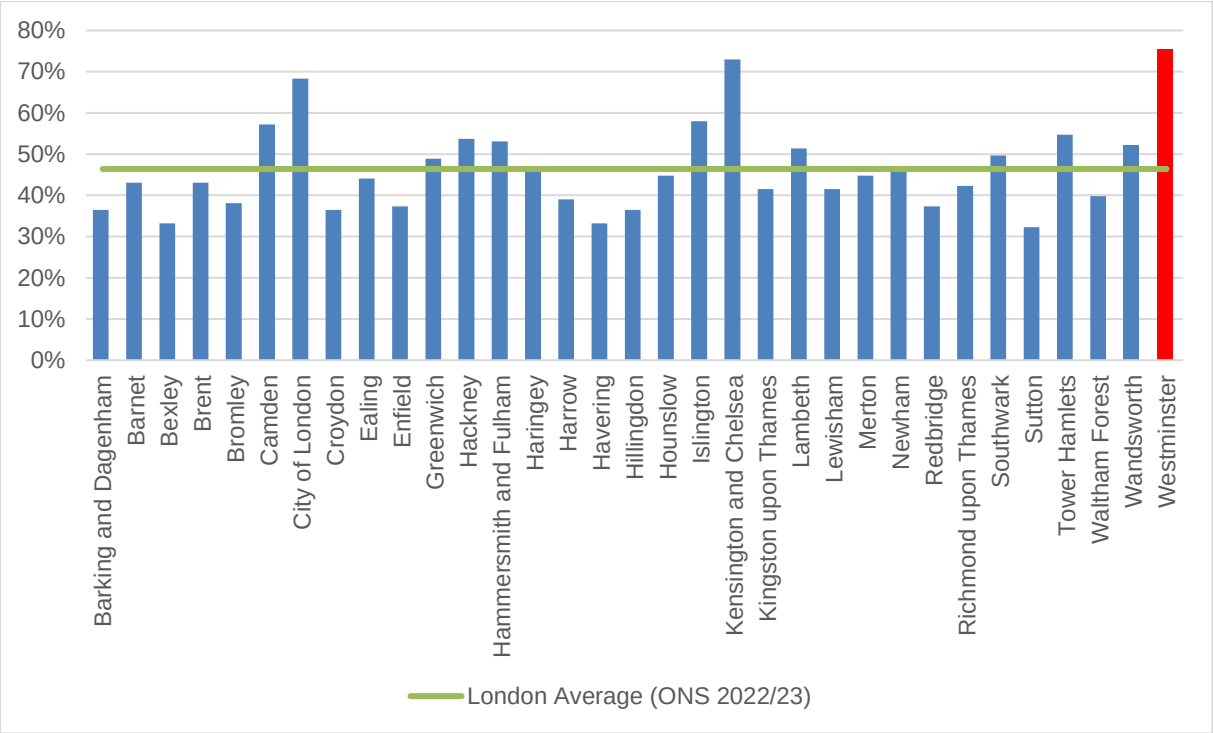


Percentage of PRS dwellings by ward in Westminster (HSCR 2024)

3.2 Rent and affordability

One of the major changes to the PRS across London over the last 20 years has been the increase in rents. This has resulted in residents not being able to access decent, affordable housing. Westminster has above average rents for London, with 75.40% of median earnings used to pay rent. The London average is 46%[1].

[1] London rent as a percentage of gross pay | Trust for London
Private rental market summary statistics in England - Office for National Statistics (ons.gov.uk)



Median rent as a percentage of London median pay by London borough (ONS 2022/23)

3.3 Deprivation

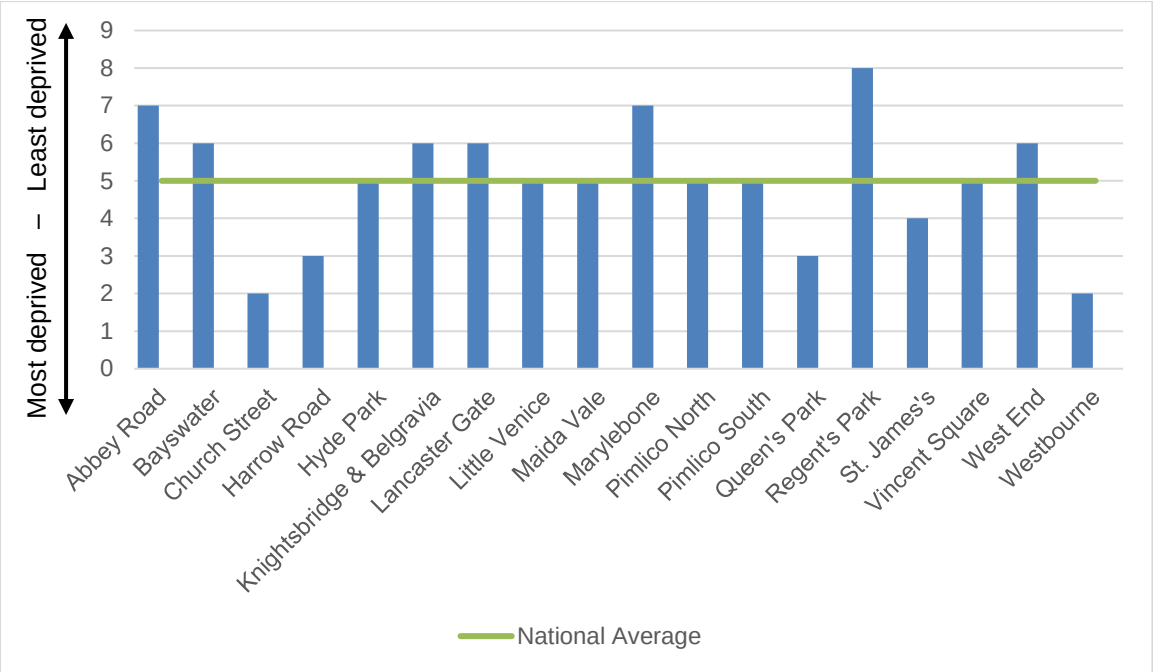
The Indices of Multiple Deprivation (IMD) is a measure of relative deprivation for small areas (Lower Super Output Areas (LSOAs), based on seven domains of deprivation:

- Income
- Employment
- Education
- Health
- Crime
- Living environment
- Barriers to housing and services.

Westminster ranks as the 134th most deprived borough in England out of 317[2].

Westminster has a mixture of high and low deprivation wards with five of 18 wards having an aggregated IMD ranking below the national average (decile 5). On this scale, 1 represents the most deprived and 10 represents the least deprived.

[2] English indices of deprivation



Average IMD decile by ward (IMD 2019)

3.4 Fuel poverty

Fuel poverty in England is measured using the Low-Income Low Energy Efficiency (LILEE) indicator. Under this indicator, a household is considered to be fuel poor if they are living in a property with a fuel poverty energy efficiency rating of band D or below and when they spend the required amount to heat their home, their disposable income is below the official poverty line.[3]

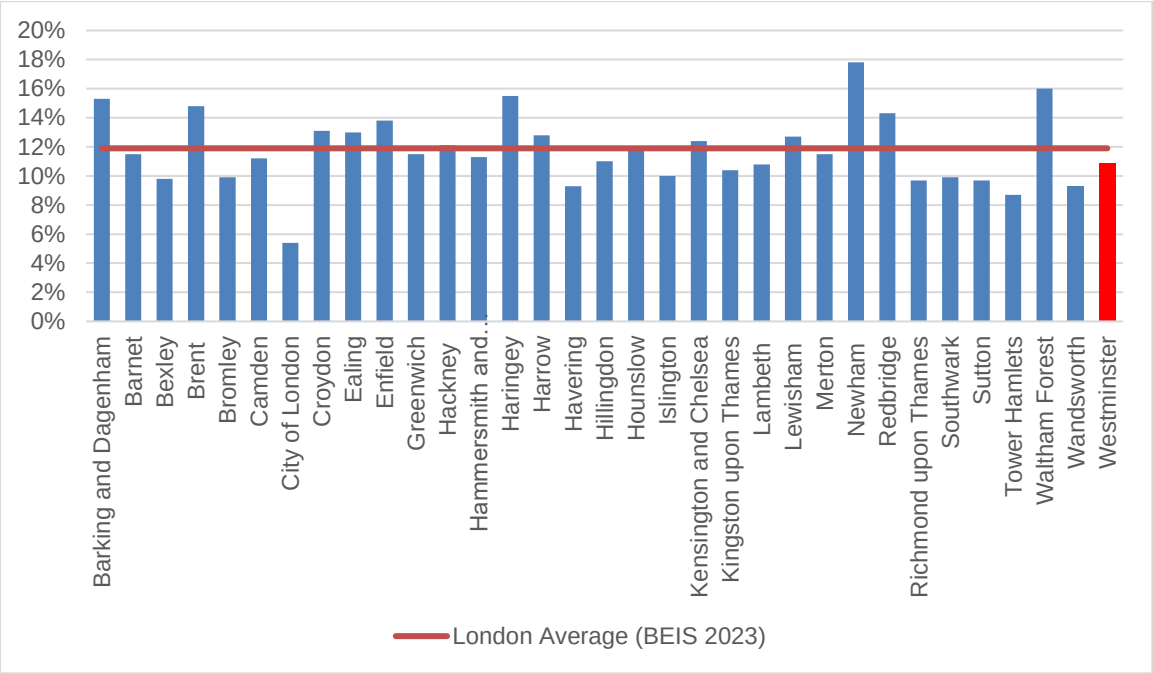
In general, fuel poverty relates to households that must spend a high proportion of their household income to keep their home at a reasonable temperature.

Fuel poverty is affected by three key factors:

- a household's income
- fuel costs
- energy consumption (which in turn is affected by the energy efficiency of the property).

The fuel poverty score produced by the Department for Energy Security and Net Zero using 2021 data and published in 2023 shows that currently, Westminster has a slightly lower proportion of households in fuel poverty (10.9%) than the London average (11.9%).[4] These figures are likely to significantly change at the next point of publishing as a result of the 2022 acute fuel price increases.

[3] Department for Energy Security and Net Zero https://www.gov.uk/government/collections/fuel-poverty-statistics#2022-statistics
[4] Department for Energy Security and Net Zero Sub-regional fuel poverty data 2023 (2021 data) - GOV.UK (www.gov.uk)



Percentage of households in fuel poverty by London borough (BEIS 2023)

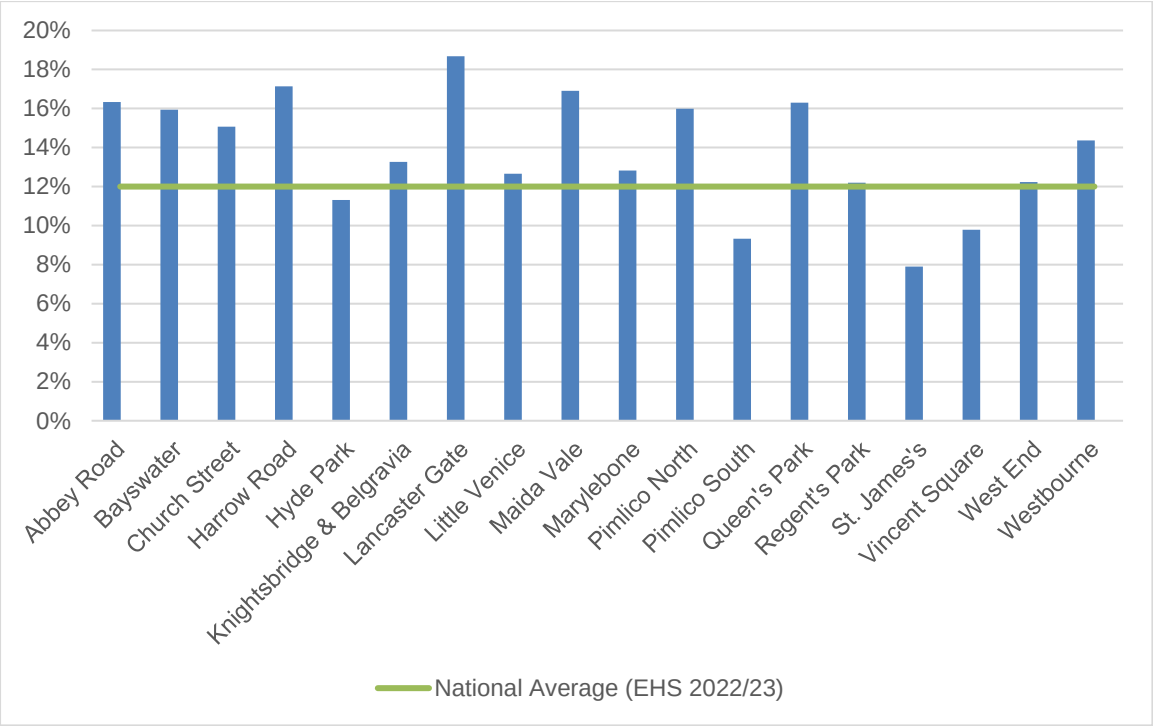
3.5 Housing conditions

To obtain a greater understanding of the PRS in Westminster, Metastreet Ltd, an independent company, were commissioned to undertake a review of Westminster's housing stock and provide insights about the presence and distribution of a range of housing factors in the borough[5]. A stock-modelling approach based on metadata and machine learning was developed to provide insights about the prevalence and distribution of a range of housing factors.

The main finding was that poor property conditions and persistent ASB are likely to be widespread in the PRS. Under the HHSRS, category 1 hazards are the most serious housing hazards and may result in the immediate risk to a person's health and safety. A significant category 2 hazard, although less serious or less urgent, can still be regarded as placing the occupiers' health, safety and welfare at risk.

The evidence shows that serious hazards (category 1 and high scoring category 2 hazards, HHSRS), in Westminster's PRS are likely to be distributed across the whole borough, with 7,444 PRS properties (including HMOs) predicted to have at least one serious hazard representing 13.5% of Westminster's PRS. Excluding HMOs, there are 6,764 private rented properties across the borough predicted to have at least one serious hazard (12.8%). PRS properties in 14 of 18 wards have predicted rates of serious hazards similar to or above the national average (12%)[6].

[5] Housing Stock Condition and Stressors Report, Metastreet, 2024
[6] English Housing Survey 2022 – 23 Chapter 4: Dwelling condition - GOV.UK (www.gov.uk)

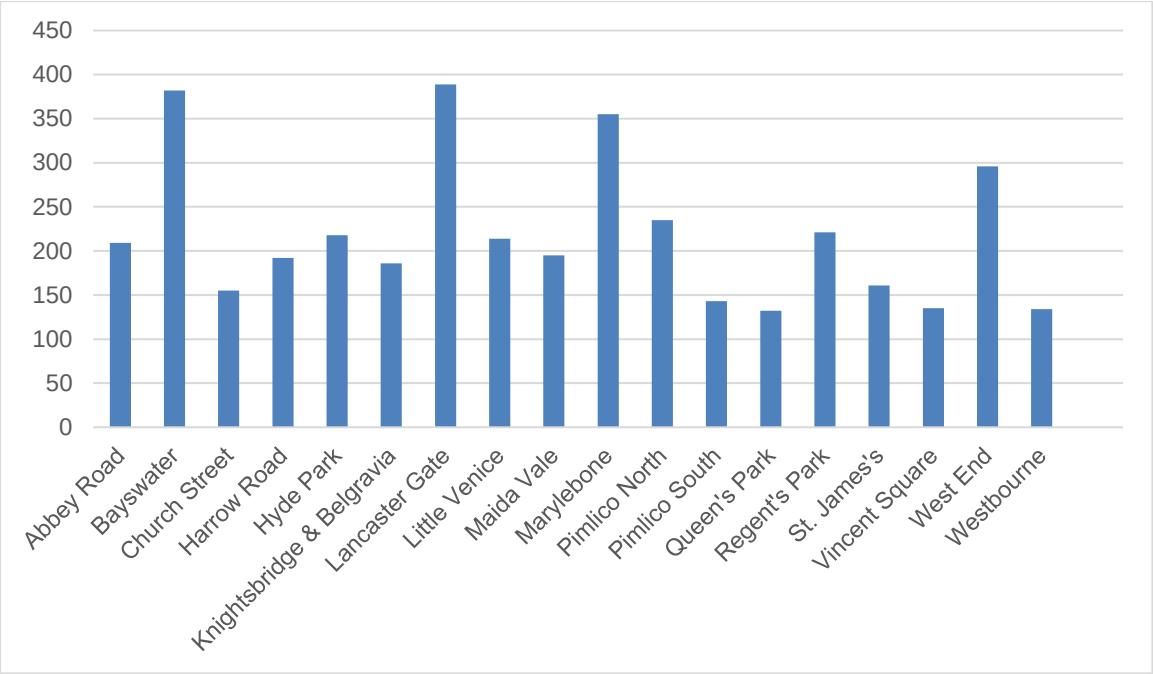


Predicted percentage of PRS properties with serious hazards by ward (HSCR 2024)

3.6 Anti-social behaviour

ASB incidents are divided into two main categories, noise (all types of noise) and other ASB. Noise ASB incidents linked to the PRS include loud music, parties, shouting, barking dogs and other property-connected noise. Other ASB incidents include all other types of ASB, including waste, smoke, odours and fly tipping.

Repeat ASB (two or more incidents relating to one property) is linked to private rented properties across all wards in Westminster. Over a five-year period (2018-2023), 3,956 PRS properties in the borough had repeat ASB incidents. Lancaster Gate (389) had the highest levels of PRS properties with repeat ASB (noise and other ASB).



Repeat ASB (noise and other) incidents linked to PRS properties by ward (HSCR 2024)

4 Types of property licensing scheme

4.1 What is property licensing?

Where the relevant legal test is met, property licensing allows the council to regulate private rented properties in their area by issuing a licence to the person responsible for the property, usually the landlord. The aim of such schemes is to improve the private rented market by ensuring that the licence holder is a 'fit and proper' person to hold the licence and that the property is of a decent standard for a landlord to rent out.

Licences come with conditions that relate to the use and management of the property. Some of these conditions are mandated by Government, however the council has scope to add its own conditions that are tailored to dealing with specific problems in the designation relating to the PRS.

The Housing Act 2004 sets out three types of property licensing schemes and prescribes how the council can implement them.

4.2 Mandatory HMO licensing

The Housing Act 2004 introduced mandatory licensing for certain privately rented houses in multiple occupation (HMOs). Generally, these are larger HMO properties occupied by five or more persons living in two or more households, and where those persons share facilities, such as kitchens/bathrooms/WCs. All local authorities in England must operate a mandatory HMO licensing scheme.

For the purpose of this consultation, mandatory HMO licensing is not being considered.

4.3 Additional HMO licensing (discretionary)

The Housing Act 2004 allows local authorities to designate areas as being subject to an additional licensing scheme, in relation to some or all of the houses in multiple occupation (HMO) in that area which are not already subject to mandatory HMO licensing, for a period of up to five years. Generally, these are smaller HMO properties occupied by three or four unrelated persons living in two or more households, and where those persons share facilities, such as kitchens/bathrooms/WCs.

Additional licensing can also include properties converted into flats known as Section 257 HMOs. These are buildings which have been converted into and consist entirely of self-contained flats where less than two thirds of the flats are owner-occupied, and the conversion into flats did not comply with the appropriate building regulations.

For the purpose of this consultation, additional HMO licensing is not being considered.

4.4 Selective licensing (discretionary)

A selective licensing scheme for all other privately rented properties and not just HMOs can be implemented in selected or 'designated' areas for a period of up to five years. This

includes, but is not necessarily limited to, properties rented to either an individual, a single family or two unrelated sharers.

In order to designate an area as a selective licensing area, the local authority must be satisfied that certain, prescribed conditions are met.

In summary, the designated area must be experiencing one or more of the following:

a) low housing demand
b) a significant and persistent problem caused by ASB
c) high levels of crime
d) poor housing conditions
e) high levels of migration and/or
f) high levels of deprivation

In addition, with regard to criteria c) to f) above, the designated area must have a high proportion of property in the PRS.

If a proposed designation covers more than 20% of an authority's geographical area or would affect more than 20% of the privately rented homes in the area, the local authority must apply to the Ministry of Housing, Communities and Local Government (MHCLG) for confirmation of the scheme.

A proposed selective licensing scheme forms part of this consultation and the council welcomes feedback regarding the proposals.

5 What are the benefits of property licensing schemes?

Property licensing schemes offer benefits to landlords, tenants, the wider community and the council. These include the following:

Benefits to tenants

- Licensing will help ensure any problems experienced by tenants are dealt with in a timely manner
- The scheme offers tenants a one-stop shop with a point of contact for concerns where licence holders fail to act
- Under the conditions that accompany any granted licence, licence holders are required to proactively manage and maintain their rented homes
- 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
- The council will ensure licence holders are fit and proper persons before granting a licence
- 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
- Through increased communication about licensing, tenants not only become more aware of their rights and responsibilities, but also gain an improved understanding and greater access to council services that can support them.

Benefits 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, build their professionalism and provide advice and support around standards and regulatory changes
- 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

- Providing transparent and consistent regulation within the PRS market to ensure rogue or non-compliant landlords cannot undercut responsible ones
- The council will provide a regulatory approach that will support property owners if they experience the unscrupulous practices of a minority of letting agents to ensure properties are maintained and well managed.

Benefits to the 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
- Reducing ASB will make areas safer, more desirable and healthier places to live
- Licensing will improve the council's ability to deal with persistent problems caused by nuisance anti-social behaviour, such as noise, ensuring matters can be resolved in a timely manner
- Licensing increases the council's ability to uncover empty properties and those being used for short lets beyond 90 days and encourage their use back into the housing market.

Benefits to the council

- Licensing enables the council to target support and information for both tenants and landlords more effectively
- Licensing provides opportunity for easier engagement with landlords, managing agents, lettings agents, and others involved in the sector
- Licensing facilitates improved data, enabling an intelligence-led approach to enforcement. Improved data on the PRS will help the council identify the use of approximately 30,000 properties that were unaccounted for in the 2021 census.

6 Existing property licensing schemes in Westminster

6.1 Additional HMO licensing

In addition to the national mandatory HMO licensing scheme, in August 2021 Westminster implemented a borough-wide additional HMO licensing scheme to ensure safety standards for tenants living in small houses in multiple occupation (HMOs).

The designation applies to most HMOs that do not fall within the scope of mandatory HMO licensing, including all properties shared by three or four people who are not all related and share facilities. This includes flats within purpose-built blocks that were previously exempt from licensing under mandatory licensing.

At the time of implementation, the scheme included all section 257 HMOs. These are houses converted into self-contained flats that are more than a third tenanted and do not meet modern building standards. Subsequently in October 2021, the designation was partly revoked removing the requirement for section 257 HMOs to be licenced. The Private Sector Housing Team have recently set up a proactive taskforce to improve safety standards within section 257 HMOs.

Since the introduction of the licensing scheme more than 2,500 licences have been granted.

Licence type	Applications received	Licences granted
Mandatory	272	226
Additional	2491	2315
TOTAL	2658	2541

6.2 Improvements in poor property conditions

Over a five-year period between 2019 and 2024, Westminster's Private Sector Housing Team served approximately 1,369 statutory notices, encompassing the full scope of Housing and Environmental Health legislation. This has resulted in much-needed improvements and in raising housing standards across the borough for the benefit of many tenants.

HMOs across the country are known to contain higher elements of risk, linked to key elements such as inadequate fire detection and protection. Fire risks are found to rise with increased occupancy, multiple ignition sources, vulnerable occupants, poor construction and lack of fire prevention measures. HMO licensing helps to ensure that properties are not

overcrowded and are free of serious hazards, including increased fire safety measures.

Through the mandatory and additional licensing schemes, the council has been able to improve basic standards, often in the most dangerous housing at the bottom end of the housing market, where some of the most vulnerable people in society live. All licences have conditions attached which must be complied with, allowing the council to regulate the PRS, improve housing conditions and foster better management standards.

In particular, we have been able to impose a level of 'self-regulation' in the PRS, as landlords will not be granted a licence unless they are able to demonstrate at the time of application that they are a 'fit and proper' person to be the licence holder and also that the property complies with fire, gas and electrical safety conditions.

Licensing requires landlords to proactively manage their properties and take reasonable action to rectify any identified problems to ensure compliance with licence conditions.

The council has however seen a marked decrease in the number of service requests made by private sector housing tenants reporting disrepair issues, with around 50% fewer complaints in 23/24 compared to 19/20. It is thought that the predominant reason for this is security of tenure and tenants' fear of complaining. Feedback from officers indicates an increase of complaints about poor standards after tenants have vacated PRS properties. Current high rent levels and costs associated with moving and building a deposit could mean that tenants are more likely to put up with poor standards. This trend is detailed in the table below:

Financial year	Number of private rented housing conditions complaints received
2017/18	1,319
2018/19	1,170
2019/20	1,466
2020/21	1,478
2021/22	1,341
2022/23	830
2023/24	819

Complaints received about private rented housing conditions by year

With a predicted 6,764 properties expected to have significant hazards present, it is clear that the current model of relying on tenant complaints alone is unlikely to play a significant role in improving standards in rental accommodation.

Since the introduction of the additional HMO licensing scheme, 278 severe hazards have been identified in HMOs as detailed in the table below.

Licence type	No. of category 1 hazards	No. of high category 2 hazards	No. of lower category 2 hazards
Additional HMO	258	1527	132
Mandatory HMO	20	149	20
Total	**278**	**1676**	**152**

No. Hazards identified in lettings since the additional scheme was introduced

The scheme has however afforded the council additional resource to enforce standards within the PRS. Since the introduction of additional HMO licensing in 2021, HMO enforcement officers have issued 49 financial penalties to landlords for breach of licence conditions, electrical safety standards (for example failing to undertake or provide an electrical installation condition report (EICR), breach of HMO management regulations or failing to hold a licence).

As a result of action taken by enforcement officers 570 HMOs have been improved since the start of the additional HMO licensing scheme.

Financial Year	HMOs Improved
2021/22	4
2022/23	121
2023/24	334
2024/25	111
Total	**570**

HMOs improved by year

6.2.1 Category 1 hazards identified on inspection in purpose built blocks

Prior to the implementation of the additional HMO licensing scheme, a review of Westminster's HMO stock and predictive HMO modelling was conducted. However, actual inspections reveal a higher number of hazards in HMOs than predicted. The council's experience indicates that the HSCR's hazard predictions were conservative.

Comprehensive onsite inspections and collaboration with the London Fire Brigade uncovered more than 1,000 further category 1 hazards in the PRS across Westminster. These hazards have been mainly found in older, purpose-built blocks, where significant fire safety issues have been identified such as inadequate means of escape and unsafe layouts within individual flats.

These figures represent the estimated number of PRS properties within these buildings, excluding those already predicted to contain category 1 hazards (in the HSCR) and known HMOs.

The distribution of these hazards across the borough, as detailed in the table below, highlights that this is not a localised issue confined to a single neighbourhood or ward. This also suggests that the predicted rate of hazards in the selective model is likely lower than the actual prevalence.

Ward	Category 1 hazards identified on inspection (excluding HSCR predicted & known HMOs)
Bayswater	71
Church Street	149
Hyde Park	400
Maida Vale	209
Marylebone	191
Pimlico North	21
Regent`s Park	54
Grand Total	**1,095**

Category 1 hazards identified on inspection (excluding HSCR predicted & known HMOs)

6.3 Reduction in anti-social behaviour

Poorly managed privately rented properties have a negative impact on many neighbourhoods. In particular, high levels of noise complaints and accumulations of rubbish can be linked to the failure of private landlords to manage their properties and tenancies effectively.

Poor waste management and fly tipping are linked to the PRS, particularly within HMOs. All HMO licences contain a condition that the licence holder must provide adequately sized bins and sufficient recycling containers for the occupiers. They must also display a notice for the occupiers of the property indicating the day of the week that rubbish and recycling is collected. Through partnership working and sharing of intelligence, we continue to educate both landlords and tenants on their responsibilities in terms of waste disposal.

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

We have seen, through licensing, a notable increase in landlords managing their properties more effectively in order to ensure they do not breach licence conditions. This includes the enforcement of tenancy rules to prevent ASB by tenants or their visitors.

6.4 Working with and supporting good landlords and agents

We recognise that the majority of landlords in the borough are both responsible and cooperative. We have taken a more educational approach seeking to work with landlords and agents about compliance through informal means.

We have particularly encouraged landlords to become accredited to increase their professionalism in managing their properties. Through accreditation, landlords are able to achieve a level of knowledge and competence before letting a home, which is key to raising standards in the PRS. As of July 2024, Westminster had 1,418 landlords accredited to the London Landlords Accreditation Scheme (LLAS).

Detailed guidance for landlords on their legal obligations and responsibilities has been produced and made available online.

Through the licensing schemes, a database of more than 4,500 landlords and agents operating in Westminster has been compiled, supporting better communication and engagement with the sector.

6.5 Supporting PRS tenants

In promoting tenants' rights and responsibilities, tenants' awareness of the minimum standards to be expected in rented accommodation can dramatically be increased. Tenants have been encouraged to report landlords who have not licensed their properties or who do not comply with licensing conditions. Since the introduction of the current HMO schemes, the council has carried out inspections of 1,632 HMO properties in the PRS (including unlicensed properties), resulting in significant interventions and property improvements.

It is clear from running the mandatory and additional licensing schemes that licensing allows the council to work proactively with landlords and tenants. Licensing provides clear conditions for landlords to comply with, promotes an improvement in property conditions and enables ASB to be minimalised through better, more effective management. Licence conditions can be enforced against much more effectively and quickly than using other powers available to the council, such as Part 1 of the Housing Act (2004). Formal action under Part 1 is generally a slow process, with appeals allowed for most types of notices, which can significantly delay the time period for compliance. Whilst the mandatory and additional HMO schemes have enabled the council to begin to make some progress in

raising standards in the PRS, there is still much more to do.

6.6 Partnership/joint working

The Private Sector Housing team works collaboratively with partner organisations and neighbouring local authorities to support vulnerable tenants, combat rogue and criminal operators and to create a safer and better community for its residents. Key partners include the London Fire Brigade, with whom the team take a coordinated approach to tackling problematic properties, and the Metropolitan Police, where criminal activities such as modern-day slavery are identified. Officers also work closely with resident associations, providing support in cases where building managers are neglecting repair responsibilities.

The council has been working in partnership with Safer Renting, an organisation that helps to prevent homelessness, by intervening in tenant harassment and illegal evictions. Over the past four years, we have also referred more than 98 tenants to our partner organisation, Justice For Tenants, to help Westminster renters navigate the complex legal process of obtaining Rent Repayment Orders (RROs) against their landlords. The Private Housing Team has subsequently provided evidence in support of several cases, resulting in successful RRO settlements.

The council convenes a quarterly Private Rented Sector Strategy Group meeting, bringing together representatives from public and private sector organisations, landlord and tenant bodies, and charities. This forum serves to address emerging concerns and policy developments regarding the regulation of the PRS.

Case study 1: One bedroomed first floor flat with serious housing hazards

Background

The tenant contacted Private Sector Housing with a concern regarding his housing conditions, which included no toilet or cooking facilities. There was also an absence of electricity and lighting. These had been reported to the landlord, however, no action was taken. The flat was occupied by the tenant and his cousin.

Hazards identified

On inspection, under part 1 of the Housing Act 2004 Housing Health and Safety Rating System, a council officer found a number of serious issues, including category one hazards for electrical safety, fire safety including an inner room and no fire alarm, personal hygiene, sanitation and drainage due to no working toilet and no water supply.



Licensing status

The property was not an HMO and therefore did not meet any legislative licensing criteria. The property was not licensable.

Council action

An emergency prohibition order was served on the property owners, because the flat was not safe to reside in and posed an imminent risk to health and safety. The landlord was also served with a remedial notice under the Electrical Safety Regulations, due to the absence of an electrical installation condition report (EICR) a subsequent civil penalty was issued, with registration on the Rogue Landlord Database.

Working with partners in the borough

The Housing team worked with Tenancy Relations Officers to provide tenants with advice and explain the implications of an emergency prohibition order. The council also partnered with the fire brigade on specified works and the homeless charity, The Passage, to help find and support alternative accommodation.

As the property was not licensable the poor management issues could not be tackled. As the 'fit and proper person' criteria do not apply, there is nothing in law preventing the landlord from continuing to manage such properties in this way, and profiting from the rental income received.

Selective licensing enables the council to offer greater protection to tenants. We will continue to support tenants and collaborate with partners to help tenants to find long term sustainable housing solutions within the PRS.

7 Proposals for a selective licensing scheme

The PRS in Westminster is affected by various housing issues. 14 out of 18 wards have predicted poor housing conditions similar to or above the national average while persistent ASB is spread across all wards, these are worsened by other issues such as poverty, high rents, fuel poverty and homelessness.

The council has been truly selective in proposing the areas for this licensing scheme.

Thorough evidence gathering and research has been carefully carried out to ensure that the most severe problems in each ward can be dealt with. All properties in the designated areas that are rented to a single household (e.g., a family) or two unrelated sharers (e.g., two friends living together) would need to have a licence to be legally let.

We are therefore proposing, subject to consultation, to introduce a selective licensing scheme consisting of two designations, for five years.

Designation 1 includes the eight wards of:

- Abbey Road
- Church Street
- Harrow Road
- Knightsbridge and Belgravia
- Little Venice
- Maida Vale
- Queen's Park
- Westbourne.

These eight wards are experiencing high levels of poor property conditions.

Designation 2 includes the seven wards of:

- Bayswater
- Hyde Park
- Lancaster Gate
- Marylebone
- Pimlico North
- Regent's Park
- West End.

These seven wards are experiencing both high levels of poor property conditions and significant and persistent problems caused by ASB.

The total size of the selective licensing scheme would affect more than 20% of the geographical area of Westminster and more than 20% of its privately rented housing. This means that, subject to consideration of the consultation responses, if agreed by Westminster City Council, the scheme would need confirmation by the Ministry of Housing, Communities and Local Government (MHCLG). If approved, the proposed scheme could be introduced in early 2026.

Proposed wards in selective licensing scheme

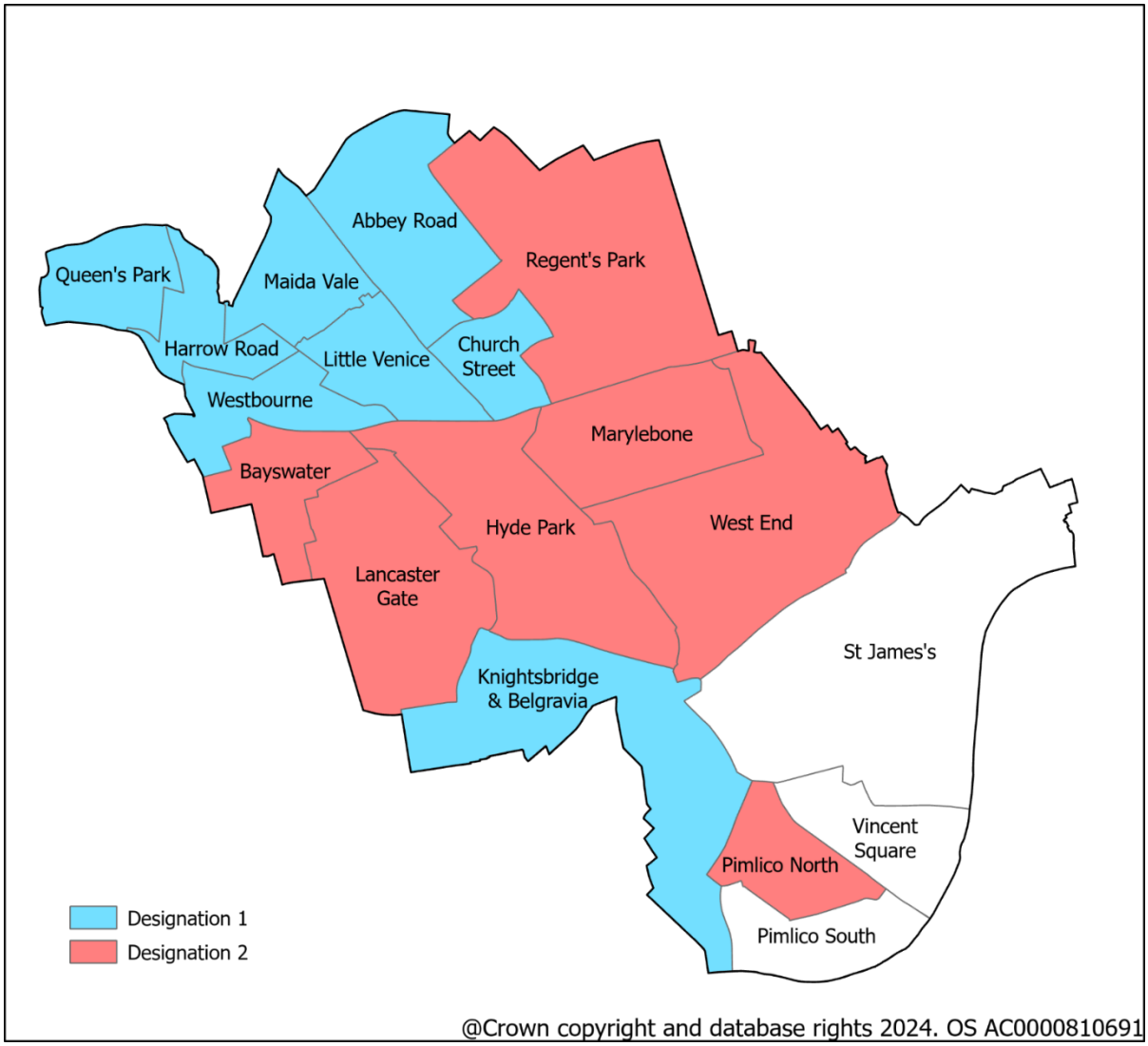
Designation 1	Designation 2
Abbey Road	Bayswater
Church Street	Hyde Park
Harrow Road	Lancaster Gate
Knightsbridge and Belgravia	Marylebone
Little Venice	Pimlico North
Maida Vale	Regent's Park
Queen's Park	West End
Westbourne	

Selective licensing designation criteria

Designation	Designation Criteria
1	Poor housing conditions,
2	Poor housing conditions, and ASB

These proposed designations are subject to change as a result of this consultation and the council welcomes input into the scheme.

7.1 Map of the proposed selective licensing scheme



Map of all selective designations

7.2 Designation 1: Poor housing conditions

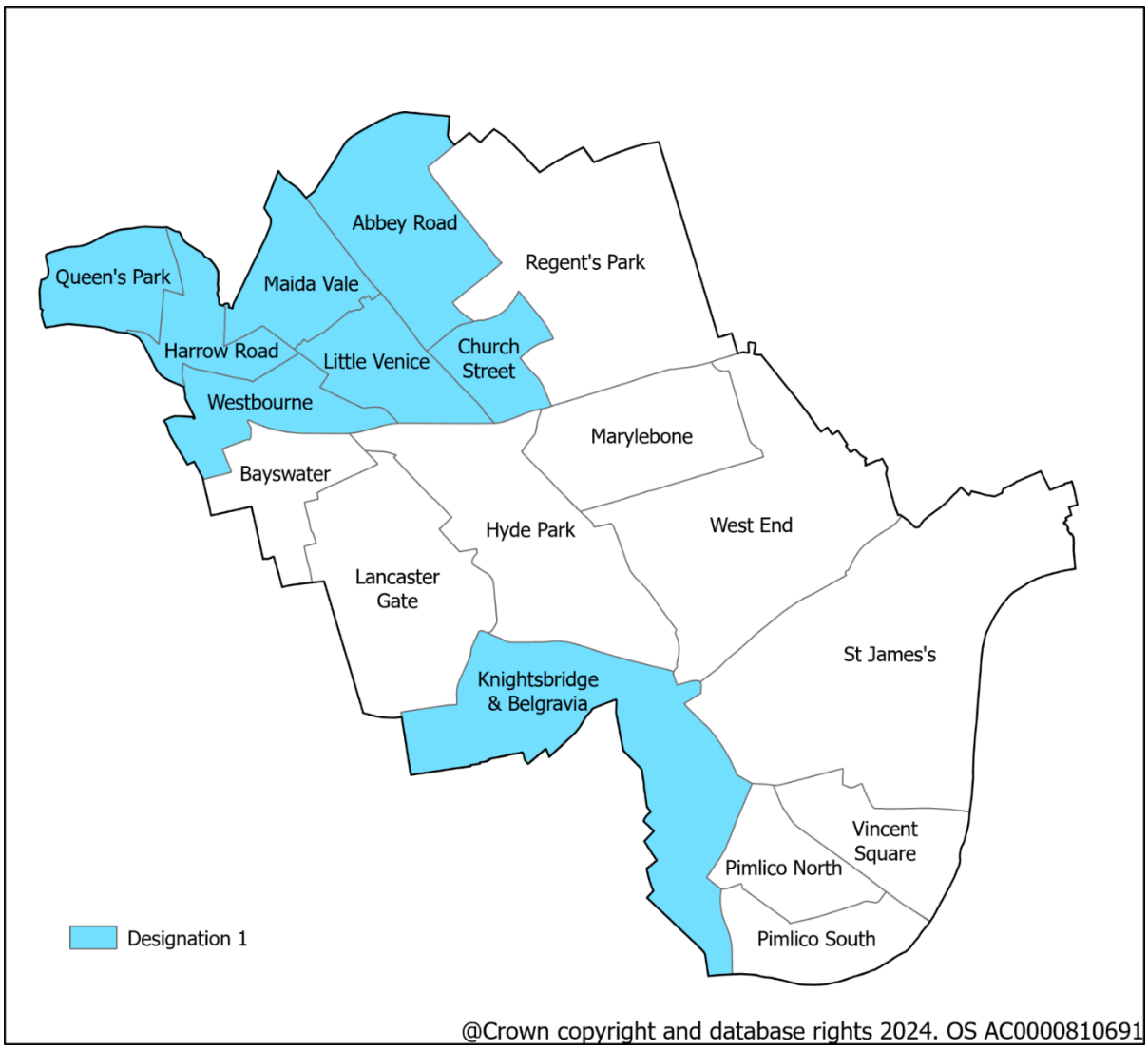
7.2.1 Which wards are included in this designation?

The following eight wards proposed for this designation are:

Abbey Road	Church Street
Harrow Road	Knightsbridge & Belgravia
Little Venice	Maida Vale
Queen's Park	Westbourne

These wards have high levels of properties within the PRS above the national average of

rented properties as well as representing a geographically coherent area, predominantly within the northwest part of the borough.



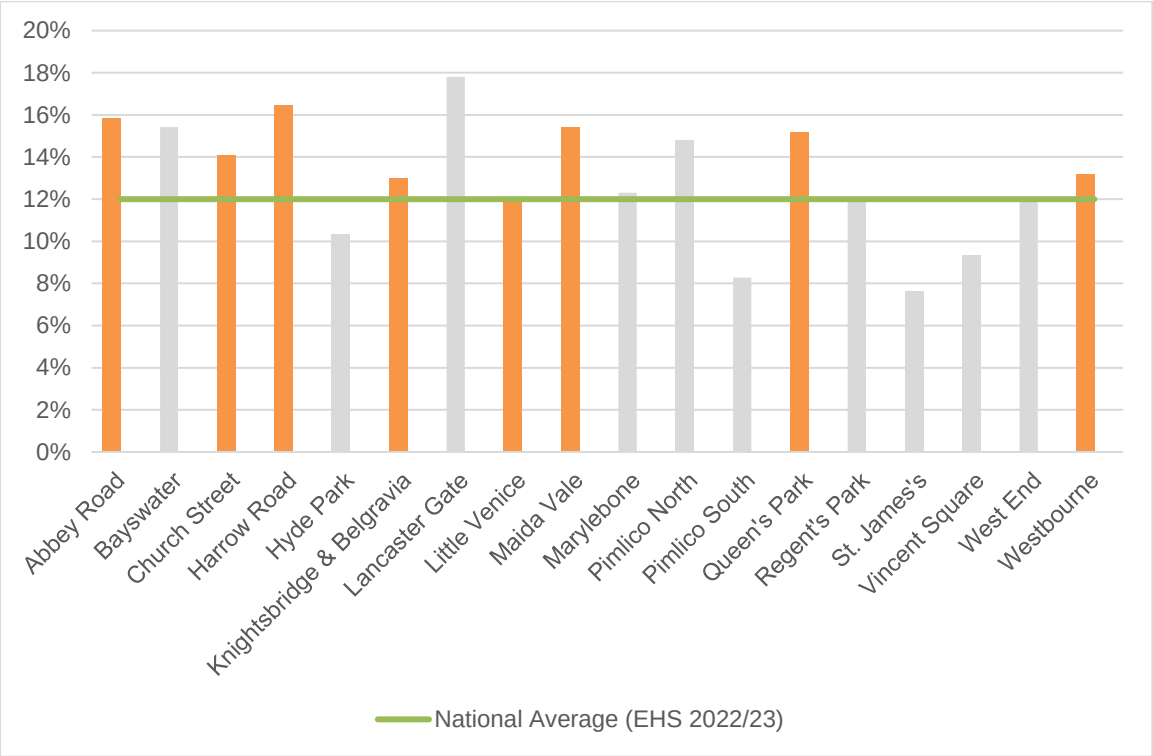
Map of designation 1

7.2.2 What is the evidence of poor housing conditions in this designation?

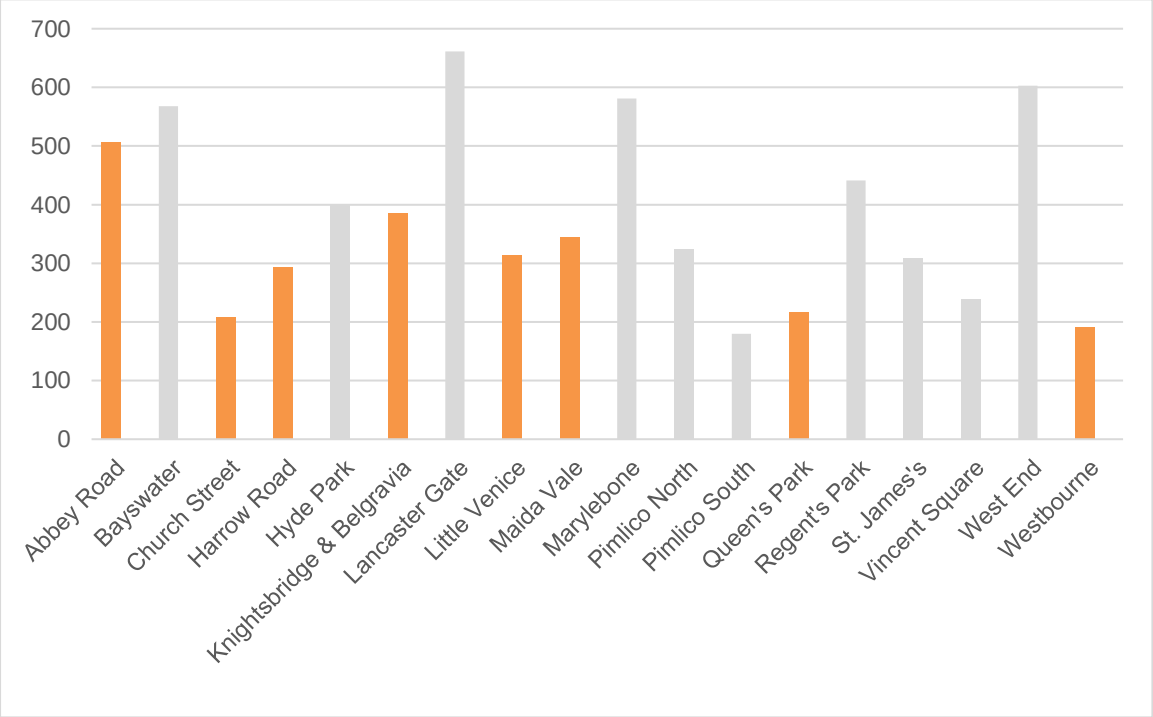
Our evidence shows that in the eight wards within this designation, the proportion of PRS properties (excluding HMOs) with serious hazards is predicted to be higher than or equal to the national average of 12%: Abbey Road (16%), Church Street (14%), Harrow Road (16%), Knightsbridge & Belgravia (13%), Little Venice (12%), Maida Vale (15%), Queen's Park (15%) and Westbourne (13%).

Overall, in these eight wards, 2,459 PRS properties (excluding HMOs) are predicted to have at least one serious hazard, representing over 14%.

A significant number of these properties would need to be inspected to accurately identify and assess the presence of category 1 or 2 hazards and ensure tenant safety.



Designation 1: Predicted percentage of PRS properties (excl. HMOs) with serious hazards by ward (HSCR 2024)



Designation 1: Predicted number of PRS properties (excl. HMOs) with serious hazards by ward (HSCR 2024)

Complaints made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of the poor quality within the PRS. Westminster received 1,639 complaints from tenants in these eight wards over the last five years. The properties in these wards have required a significant number of council interventions, including serving 303 housing and public health statutory notices, representing a drain on council resources.

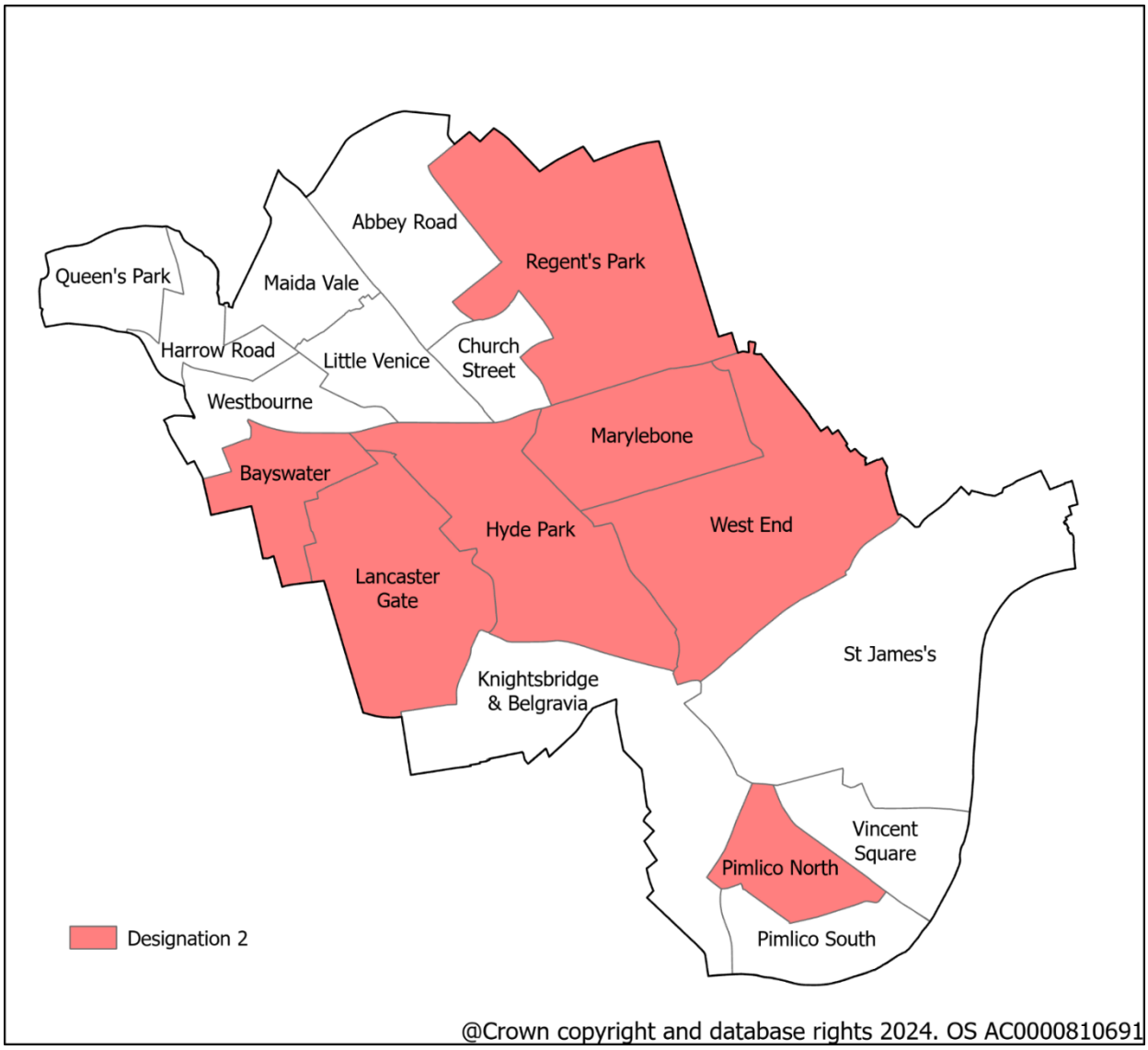
7.3 Designation 2: Poor housing conditions and ASB

7.3.1 Which wards are included in this designation?

The following seven wards proposed for this designation are:

Bayswater	Hyde Park
Lancaster Gate	Marylebone
Pimlico North	Regent's Park
West End	

These wards have a high proportion of properties in the PRS above the national average of rented properties.



Map of designation 2

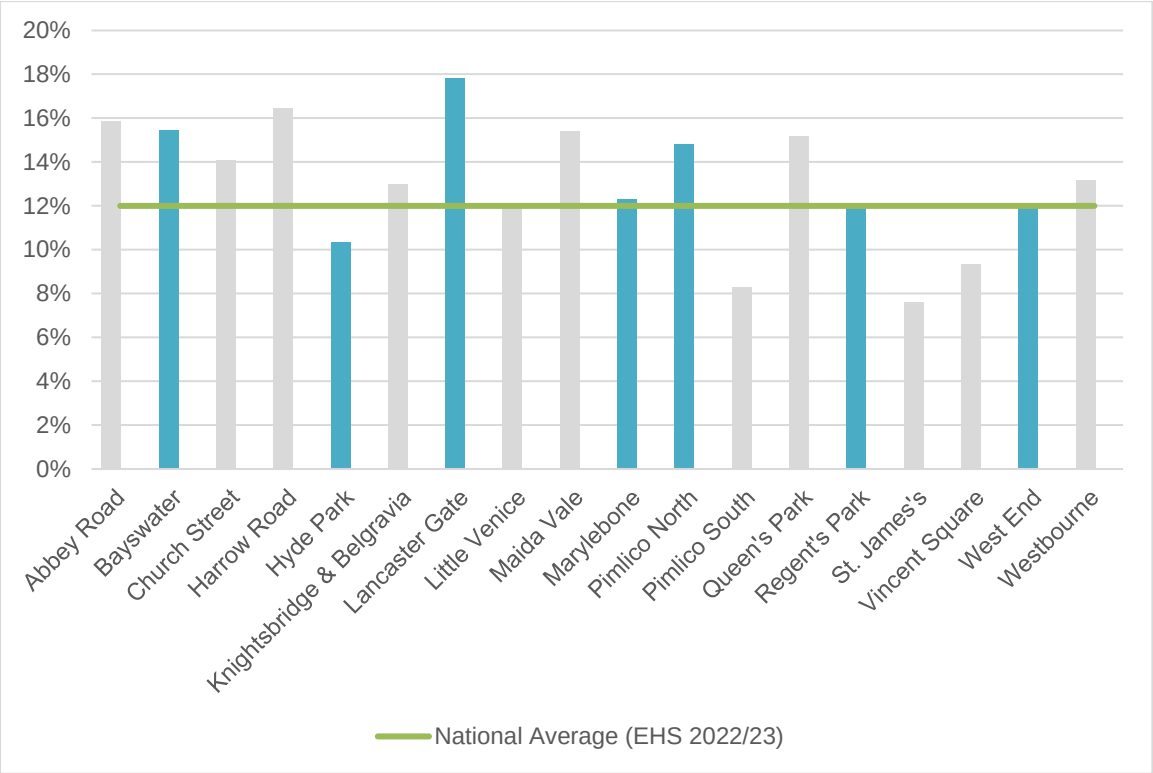
7.3.2 What is the evidence of poor housing conditions in this designation?

Our evidence shows that in the seven wards within this designation, the proportion of PRS properties (excluding HMOs) with serious hazards is predicted to be similar or higher than the national average of 12%: Bayswater (15%), Hyde Park (10%), Lancaster Gate (18%), Marylebone (12%), Pimlico North (15%), Regent's Park (12%) and West End (12%).

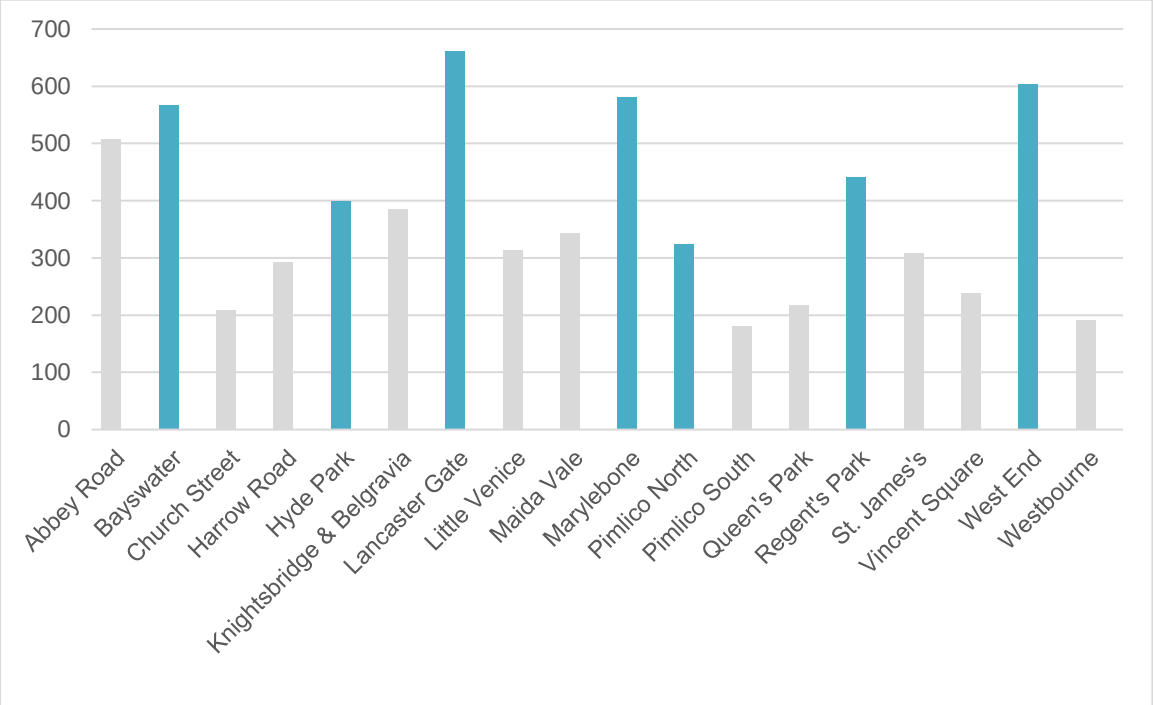
Although the proportion of properties predicted to have serious hazards in Hyde Park is below the national average of 12%, this ward contains a significant number of properties predicted to have serious hazards. When looking at all 18 wards in the borough, Hyde Park has the 7th highest number of properties predicted to have serious hazards.

Overall, in these seven wards, 3,577 PRS properties (excluding HMOs) are predicted to have at least one serious hazard, representing over 13%.

A significant number of these properties would need to be inspected to accurately identify and assess the presence of category 1 or 2 hazards and ensure tenant safety.



Designation 2: Predicted percentage of PRS properties (excl. HMOs) with serious hazards by ward (HSCR 2024)



Designation 2: Predicted number of PRS properties (excl. HMOs) with serious hazards by ward (HSCR 2024)

Complaints made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of the poor quality within the PRS. Westminster received 1,792 complaints from tenants in these seven wards over the last five years. The properties in these wards have required a significant number of council interventions, including serving 234 housing and public health protection statutory notices, representing a drain on council resources.

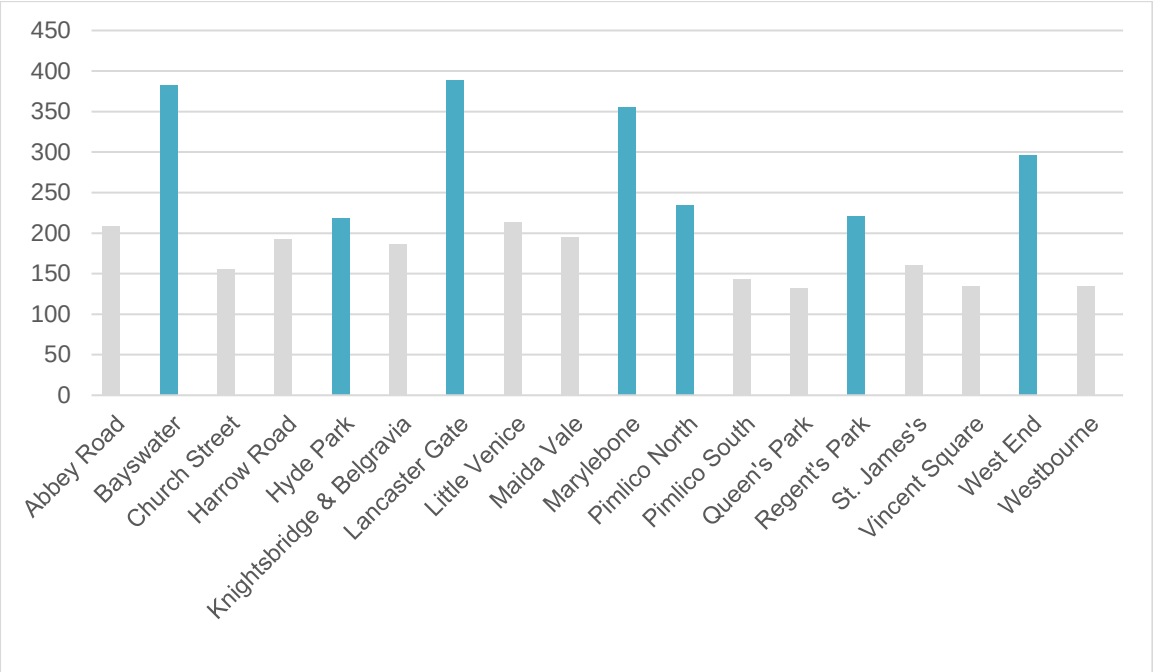
7.3.3 What is the evidence of ASB in this designation?

In deciding whether an area suffers from ASB, it is recommended that the council consider whether private sector landlords in the designated area are effectively managing their properties or not. This would aid in combatting incidences of ASB caused by their tenants or people visiting their properties. In particular, the council should consider whether the area suffers from ASB as a result of this failure or because that failure significantly contributes to this problem.

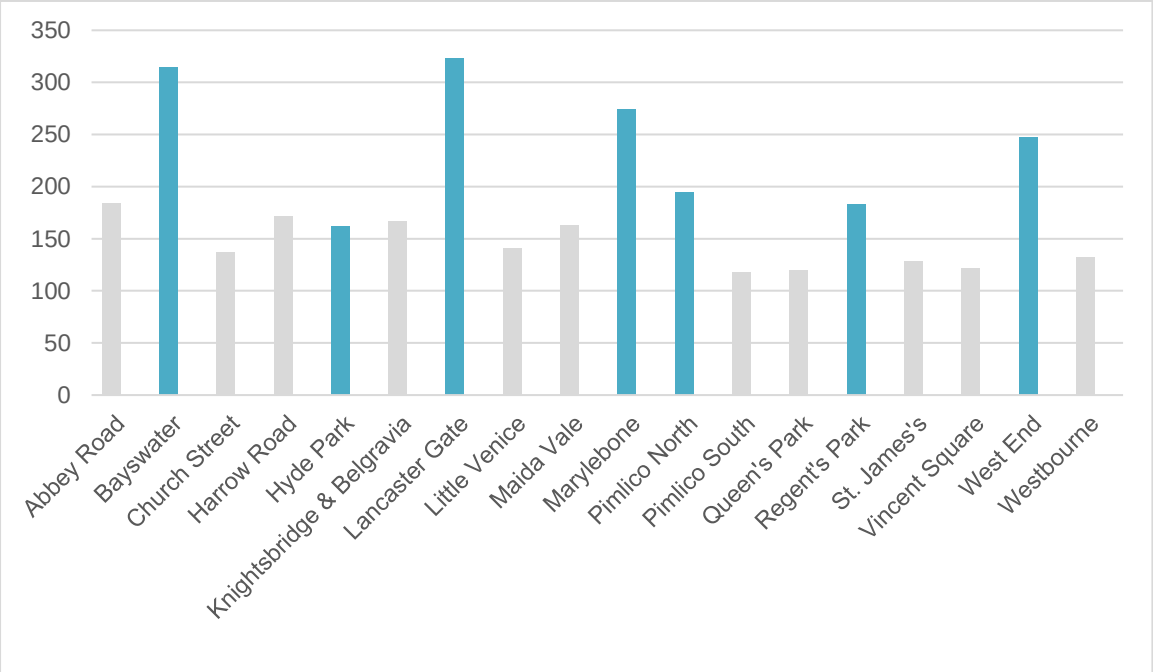
For the purpose of the following analysis, ASB is categorised as persistent when a property has two or more incidents of ASB. Persistent ASB data shows that some landlords are failing to take the appropriate action to deal with ASB in their properties when it first occurs.

Our evidence shows that there is a significant issue with persistent ASB linked to PRS properties within the seven wards in this designation. Over a five-year period (2019-2024), 2,152 PRS properties (excluding HMOs) in these seven wards were recorded as having persistent ASB.

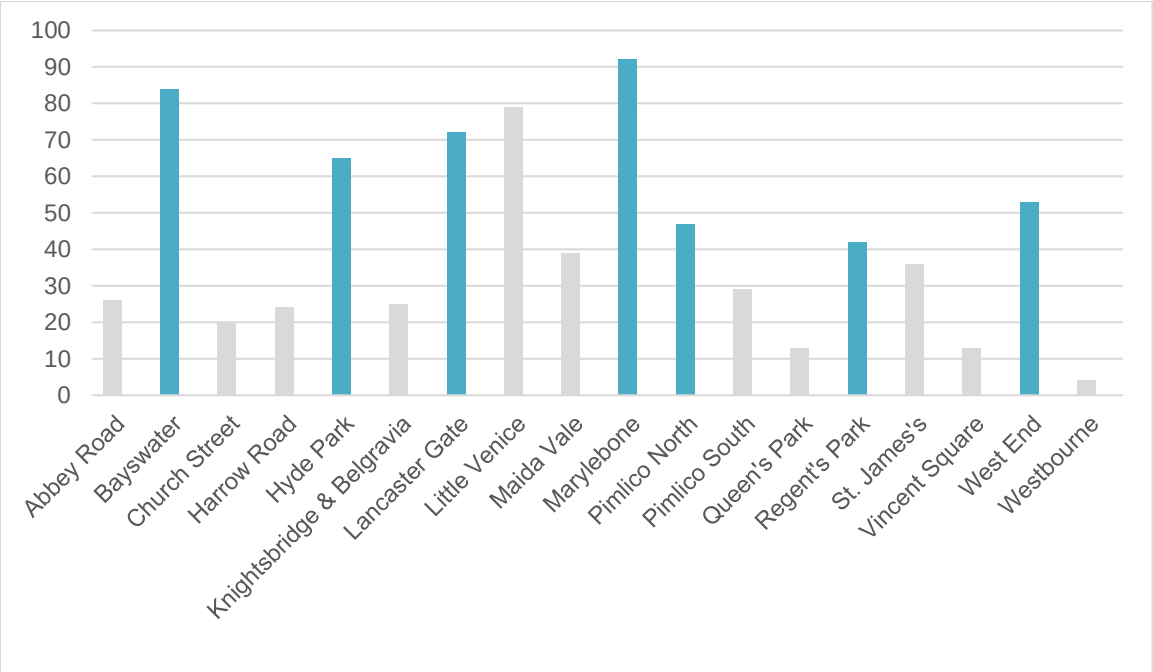
Within non-HMO PRS properties in this designation, Lancaster Gate (389 properties) had the highest levels of repeat ASB overall, Lancaster Gate (323 properties) had the highest levels of repeat noise complaints and Marylebone (92 properties) had the highest levels of other types of repeat ASB (excluding noise) as recorded by Westminster's City Inspectors.



Number of PRS properties (excl. HMOs) with repeat ASB overall (HSCR 2024)



Number of PRS properties (excl. HMOs) with repeat noise incidents (HSCR 2024)



Number of PRS properties (excl. HMOs) with other types of repeat ASB (excluding noise) as recorded by Westminster's City Inspectors. (HSCR 2024)

Case study 2: One bedroom flat first floor with serious housing hazards

Background

Concerns about the property were referred to the Private Sector Housing team by a third-party organisation. Concerns included significant damp and mould and electrical issues. The tenant explained that the hazards had been reported to the landlord however, nothing had been resolved. The tenant had been living in severely mouldy conditions for four years.







Hazards identified

When the property was inspected, an officer identified a number of hazards. This included category 1 hazards for damp and mould and fire safety, including a defective kitchen door, inadequate fire detection, electrical hazards and there was only one plug socket working. There was an excess cold hazard due to faulty windows, inadequate electric heaters as well as a food safety hazard as there was no fridge and no hot water in the kitchen. The risk of harm to the tenant was significant and the officer that inspected the property was concerned about the welfare of the tenant.

Licensing status

The property was not an HMO and therefore did not meet any legislative licensing criteria. The property was not licensable.

Council action

This is a recent case; the landlord had been served with a remedial notice under the Electrical Safety Regulations due to the absence of an Electrical Installations Conditions Report (EICR) and was issued with an improvement notice.

The proposed selective licensing scheme would bring this type of property within licensing controls (in the designated area).

7.4 Other factors impacting poor housing conditions and ASB

7.4.1 Damp and mould

Damp and mould is one of 29 hazards assessed under the Housing Health and Safety Rating System (HHSRS). The HHSRS is a tool used to assess risks in residential properties. Hazards assessed at the most dangerous level using issued Government guidance are classified as category 1. All other assessable hazards that are judged to be significantly worse than average are category 2 hazards. Local authorities have a duty under the Act to take enforcement action on category 1 hazards and a power to take enforcement action on category 2 hazards.

Westminster residents are particularly prone to problems caused by damp and water leaks and are the most common complaints received by the council with over 600 investigations since April 2021. 61.7% of properties were built pre-World War II and 88% of properties in the borough are flats, therefore it is highly likely that a significant number of these properties suffer from category 1 hazards, such as excess cold, poor fire prevention, mould and damp. There is a gradient of risk with the age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980.[7] Complex ownership arrangements and a failure to address long standing issues often exacerbates the problem.

Damp and mould primarily affect the airways and lungs, but they can also affect the eyes and skin. The respiratory effects of damp and mould can cause serious illness and, in the most severe cases, death. The presence of damp and mould can also affect tenants' mental health. This could be due to worries about the health impacts of damp and mould, unpleasant living conditions and destruction of property and belongings, among other concerns.

Everyone is vulnerable to the health impacts of damp and mould, but people with certain health conditions, children and older adults are at greater risk of more severe health impacts. In 2022, the media reported widely on poor conditions caused by damp and mould in social and private rented housing. This was primarily prompted by highlighting the tragic case of two-year-old Awaab Ishak who died in 2020 due to prolonged exposure to mould in his home.

Certain groups are more likely than others to live in homes with damp and mould[8]. This includes:

- people with a long-term illness
- people who struggle to heat their homes and/or are experiencing fuel poverty

[7] Housing Health and Safety Rating System, Operating Guidance, 2006
[8] Understanding and addressing the health risks of damp and mould in the home _ GOV.UK (www.gov.uk)

- people on low incomes
- people with disabilities
- people from ethnic minority backgrounds
- people living in temporary accommodation.

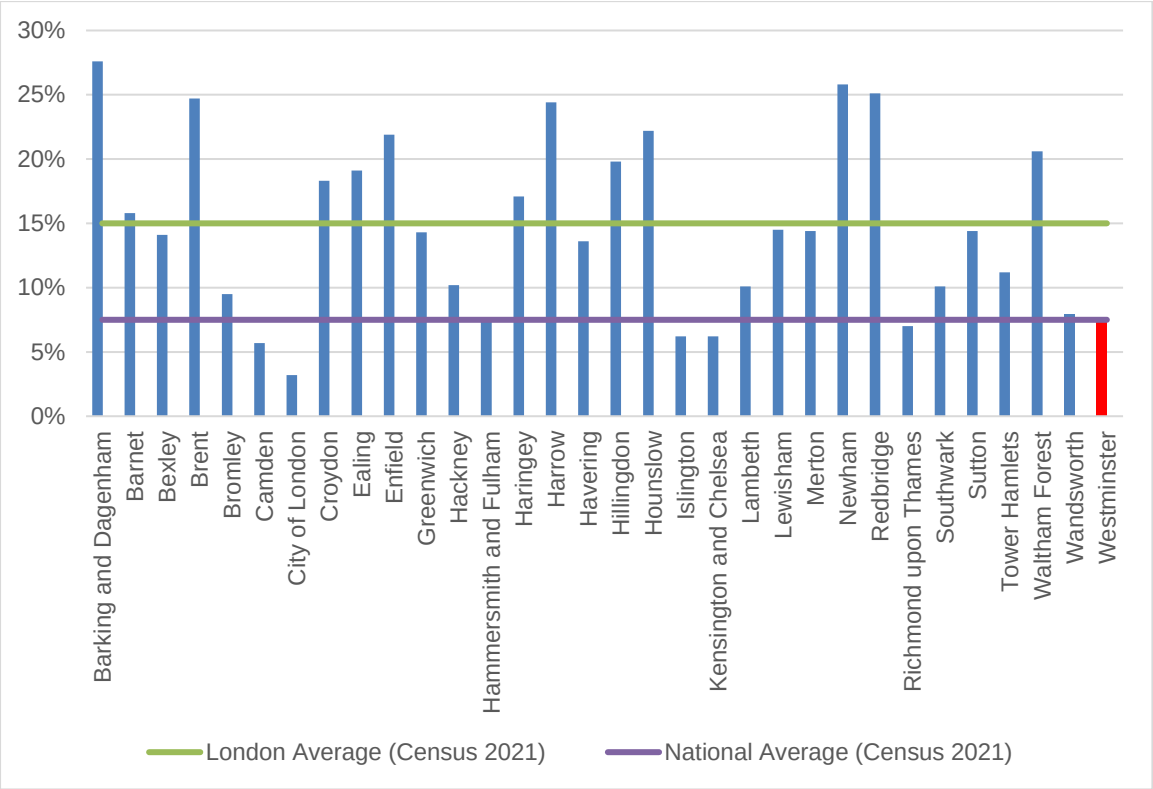
7.4.2 Overcrowding

Overcrowding is a secondary impact of housing unaffordability. A household is classified as overcrowded if it has fewer bedrooms than it needs to avoid undesirable sharing, based on the age, sex and relationship of household members. According to the last census, 7.4% of privately rented households within Westminster are overcrowded, which is lower than the London average of 15% and in-line with the national average (7.5%)[9]. However, this data should be considered in the following context; there are more than 30,000 properties where the last census does not assign a use and the census was taken at a time when many residents left Westminster due to the pandemic but have since returned (especially in the service sector). Overcrowding and space hazards are prevalent in Westminster due to undersized rooms and a lack of space.

Overcrowding exacerbates hazards such as damp and mould due to the increased laundry and cooking activities required to cater to more people in a confined space. Insulation and ventilation cannot generally cope with the extra demand. The HHSRS states that crowded conditions can result in a moisture burden above that which the dwelling is designed to safely deal with, and this can be a cause of condensation and high humidities, giving rise to associated health risk[10].

Evidence indicates that poor housing conditions and overcrowding negatively affect physical and mental health and can also have a major impact on educational achievement. For example, children's education may be affected by overcrowding directly, through a lack of space for homework, as well as indirectly because of school absences caused by illness[11].

[9] Census 2021
[10] HHSRS Guidance
[11] The impact of bad housing on children's lives (Shelter)



Percentage of overcrowded PRS properties by London borough (Census 2021)

7.4.3 Fuel poverty

Whilst energy prices in the UK are no longer near the extreme highs seen in late 2022 and early 2023, energy prices still remain high and unaffordable for many. With growing pressure on household finances because of increasing energy costs and wider concerns about the cost of living, there are reports that households are choosing between "heating or eating" over the winter months.

7.4.4 Minimum Energy Efficiency Standard (MEES)

An EPC rating is an assessment of a property's energy efficiency. It is primarily used by buyers or renters of residential properties to assess the energy costs associated with heating a house or flat. The rating is from A to G. A indicates a highly efficient property; G indicates low efficiency.

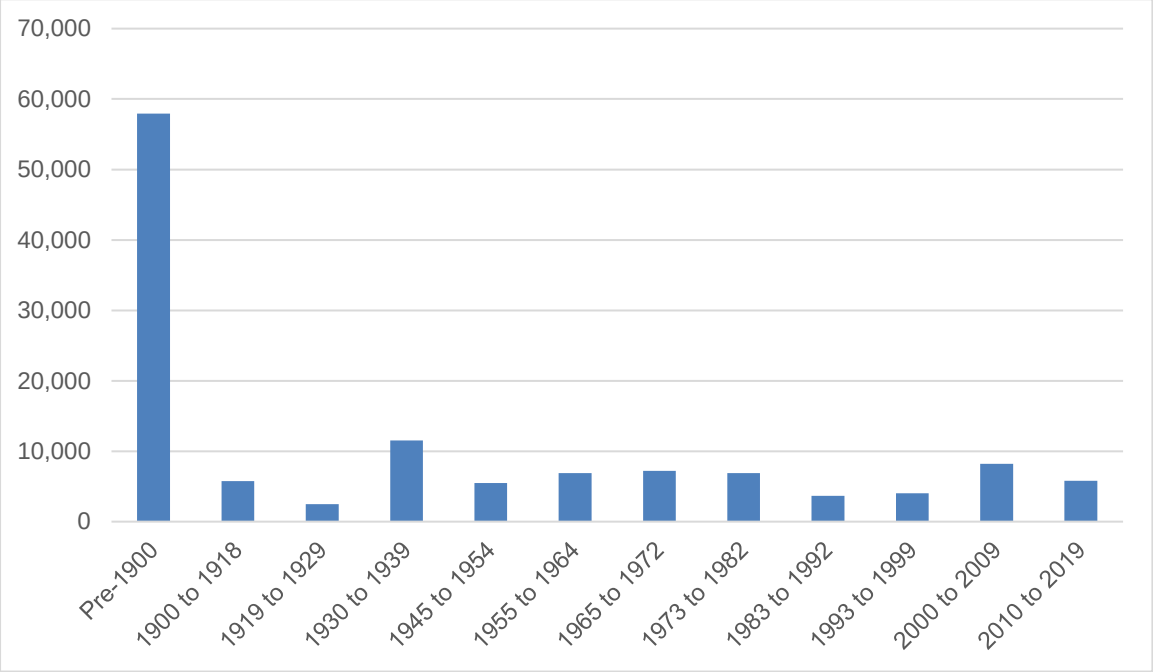
Under the current Minimum Energy Efficiency Standard (MEES), properties must have an Energy Performance Certificate (EPC) rating of E and above before they can be let out. Currently in Westminster, 1% of the PRS have an F and G rating, which means approximately 550 PRS properties are likely to fail the MEES statutory requirement[12]. Furthermore, 47,221 EPCs were matched to predicted PRS properties from 55,274 properties modelled in the HSCR. It is reasonable to assume therefore, that approximately 5,000 properties do not have

[12] Housing Stock Condition and Stressors Report (Metastreet 2024)

an EPC in place. An EPC check will form part of the selective licensing application process.

The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related deaths[13]. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. Therefore, the F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980. Westminster has a high level (nearly 50%) of residential properties built pre-1900. Wards with many older properties tend to have more hazards such as excess cold, fire & electrical issues, damp and mould[14].



Age profile of housing stock for all tenures (VOA 2019)

7.5 Wards not included in the selective licensing scheme proposals

The three wards of Pimlico South, St. James's and Vincent Square are currently not included in the selective licensing scheme proposal. Although these wards have high levels of PRS properties, they do not have the high levels of housing hazards or significant and persistent ASB linked to the PRS to the same degree that we see in other parts of the borough.

[13] Housing Health and Safety Rating System
[14] Dwellings by Property Build Period and Type (VOA 2019)

The council considers it more appropriate to be selective in its approach and focus resources on the worst affected areas. However, these wards will be kept under review and a third designation could be considered should the evidence change.

8 Addressing poor housing conditions and ASB through licensing

The selective licensing scheme would allow the council to bring about a significant improvement to property conditions and property management in the area during the lifetime of the scheme, reducing incidences of serious housing hazards and ASB within the designations.

8.1 Property conditions

As demonstrated, our evidence shows that a high proportion of PRS properties in the proposed selective licensing designation areas are predicted to have unacceptably high levels of poor property conditions and, in the case of the second designation, persistent ASB. The council believes it is necessary to inspect a large number of these properties to accurately identify the type and severity of hazards present. If any hazards are found, the council will take the required enforcement actions to rectify them.

Through the licensing regime and the granting of licences, standard licence conditions would be imposed that require licence holders to manage their properties proactively and to take reasonable action to address any identified problems.

We will ensure that properties identified as 'high risk' are prioritised for inspection by officers to check for hazards and compliance with the licence conditions. This will allow the council to take enforcement action (under Part 1 of the Housing Act), where necessary, to improve conditions.

Westminster has the 3rd highest rate of residential burglary in London (5.1 per 1,000) based on the 12 months ending August 2024.[15] Although the licensing isn't targeting crime reduction specifically, the improvement in housing standards and removal of hazards will help ensure renters feel safer and more secure. Westminster have run burglary projects and initiatives in the past (e.g. safe and secure scheme to protect vulnerable private sector tenants) and selective licensing will allow for large scale improvements to be made.

8.2 Energy efficiency

The licensing inspection regime will also enable us to identify tenants on low incomes who are living in homes with a sub-standard EPC rating and those who may be affected by fuel poverty. Tenants will be referred to the appropriate services to ensure they receive the available support, and landlords will be advised accordingly. For those whose properties fall below the legal requirement and who ignore the advice and support of the council, the

15 https://public.tableau.com/app/profile/metropolitan.police.service/viz/MonthlyCrimeDataNewCats/Coversheet

Private Sector Housing team will be responsible for enforcement of The Domestic Minimum Energy Efficiency Standard (MEES) Regulations, to bring them into compliance and ensure licenced properties are up to standard.

8.3 ASB

A selective licensing scheme will give the council greater information and powers to deal with ASB in the PRS. Without licensing the council are only able to take action against tenants for ASB, as opposed to licensing, which places a duty on landlords to manage ASB in their properties as well.

Through licensing the council will be able to work proactively with landlords to prevent ASB and, where necessary, deal with ASB in their properties. This will be done through a combined effort as a local authority working in partnership with other agencies and internal departments.

Through the granting of licences under the selective licensing scheme, standard licence conditions will be imposed that require licence holders to meet obligations relating to the letting and effective proactive management of their rented homes.

These conditions include several requirements relating to the prevention of ASB and the early resolution of any ASB that might arise, including:

- Taking all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house
- Making clear to the tenant with verbal and written warnings as appropriate that further instances of ASB will not be tolerated
- Working in partnership with the Authority and Police where appropriate to prevent or reduce ASB. This includes all persons occupying or visiting the house and where necessary follow guidance provided by the Authority or Police
- Requiring licence holders to ensure that tenants are aware of, and comply with, the relevant rules relating to waste disposal and recycling and providing tenants with adequate facilities for the disposal of refuse and recycling
- Carrying out inspections of the rented property at least every 6 months.

A failure to comply with a licence condition without reasonable excuse is a criminal offence. Under the existing licensing schemes, 12 licence-holders have received financial penalties for non-compliance with discretionary licence conditions, and enforcement teams have taken appropriate action to bring about compliance. This enforcement of licensing requirements has yielded positive results, with the majority of cases being resolved quickly through prompt and effective action taken by the council and landlords.

Landlords will receive guidance and advice on managing tenants involved in ASB, particularly in cases of serious ASB requiring formal court action.

8.4 Property management

Westminster has the highest number of offshore owned properties in the country (over 16,000), which means day to day rental and property management is often conducted by agents, or not at all. Complex ownership structures often make it difficult to enforce against offshore owners under existing Housing Act 2004 provisions. Action under Part 1 of the Act is sometimes unenforceable when it is not possible to locate a landlord. Agents often disappear or dissolve if operating as a company during council investigations. Property licensing will ensure that a UK based agent is legally responsible for repair, upkeep, management and fair treatment of tenants.

The council will expect property management issues identified during an inspection to be resolved within a reasonable period, depending on the severity of the issue. Improvement notices, overcrowding notices and prohibition orders are formal notices that may be issued to bring about improvements in properties. Landlords who fail to licence their properties could also receive a civil penalty or may be prosecuted.

We will also continue to collaborate with the local Police, the London Fire Brigade, UK Border Agency and other council departments to identify properties that need improvement.

The council will proactively work with landlords to address poor housing conditions, ASB and poor property management and help them to comply with the licence conditions in the borough. We will provide information and guidance on managing properties via the council's web site and through forums (either in person or online).

We will use licensing to empower tenants by educating them on the standards that they should expect from their rented accommodation, their rights and how to access council services that can support them if needed.

Case study 3: ASB

Background

The Private Sector Housing Team received a referral alleging that a flat was a suspected house in multiple occupation (HMO), located within a converted house.

Issues identified

An Environmental Health Officer attempted to access. However, after further investigation, it was established that the flat was not an HMO and there were issues regarding ASB. In particular, a director of the freehold advised that there was a frequent turnover of people entering and exiting the flat, with alleged drugs activity and a concern for the safety of everyone in the building, including his children. The Environmental Health Officer referred the case to the local Police and ASB Team, who in collaboration, pursued the matter further.

Licensing status

The property was not an HMO and therefore did not meet any legislative licensing criteria. The property was not licensable.

Council action

The ASB Team applied for a closing order, which was granted and expired in May 2024. This will prevent the property from being used for illegal activities.

We shall continue to work collaboratively with multidisciplinary teams alongside internal and external stakeholders including the Police to identify properties of concern in all licensing designated areas in order to improve property conditions and reduce ASB.

9 Proposed licensing scheme conditions

The conditions that the council proposes to include in licences granted under the selective licensing scheme can be seen in **Appendix 2** and the documents downloadable from the consultation web page.

Each set of proposed licence conditions includes, for ease of reference, both mandatory conditions that the council is obliged to include under statute, and discretionary conditions that we propose to include in licences granted in Westminster.

As part of the consultation process, respondents are able to give us their views about the proposed discretionary conditions for the selective licensing scheme.

Please note, the proposed licence conditions represent the conditions that the council would normally impose in respect of a licence granted on application for a selective licence. However, the council may impose alternative (bespoke) conditions, where necessary and appropriate, on an individual case basis.

10 Proposed licensing scheme fees

10.1 Fee proposal

Licence applicants will be required to pay a fee for each property that needs a licence. The proposed selective licence fee is £995 per property. We are also proposing a number of discounts outlined below.

Further information is available in the proposed schedule of fees, charges and discounts, attached as **Appendix 3.** These fees form part of the consultation, and the council welcomes any views on them.

10.2 Fee split

By law, the fee must be levied in two parts.

Part A will be payable on submission of the application and will cover the cost of processing and the administration in determining the eligibility of the application. Should the application be refused or rejected by the council or withdrawn by the applicant this first Part A payment will not be refunded.

Part B will be payable once the application has been assessed and the decision is made to grant the licence. This will cover the administration, management, and enforcement of the licensing functions for the scheme.

In the event that we decide to refuse a licence application, only the Part A fee will be payable.

10.3 Fee amounts

Total fee	Part A fee	Part B fee
£995	£543	£452

10.4 Fee discounts

Nature of discount	Amount
Accredited landlord	10% of total fee off Part B (£99.50)
Charities	100% of total fee
EPC rating B+	20% off Part B (£90.40)

EPC rating C	10% off Part B (£45.20)
Multiple leaseholds within the same freehold	£125 off Part A

10.5 How we calculated the fees

The proposed fees have been calculated on the basis that the schemes will be cost-neutral to the council and will not generate a profit. Licence fees cover our costs of administering the schemes and meeting the scheme objectives that are set out below. A significant proportion of the licence fee income will meet the necessary staffing costs to deliver the scheme outcomes, but the fees will also meet other running costs, such as IT expenditure, with appropriate allowances made for inflationary increases during the life of the scheme.

The proposed fees are underpinned by assumptions about the level of income the fees will generate, based upon the number of properties that we expect to be licensed during the lifetime of the schemes and the numbers of those properties that we expect to be eligible for discounts.

10.6 Fee comparisons

The table below show how the proposed fees and discounts compare with the advertised fee structures for other London boroughs with similar schemes.

Local Authority	Selective fee
Newham	£750
Wandsworth*	£850
Redbridge	£860
Barking and Dagenham	£900
Southwark	£900
Lambeth	£923
Westminster	£995

* Proposed fee

Westminster's selective licensing fee is relatively in proportion to its additional HMO licence fee when compared with other London boroughs running both schemes and this is reflective of the higher costs within the borough. It is also important to note that newer schemes will tend to have a higher fee to account for inflationary cost increases.

11 Selective licensing exemptions

Selective Licensing applies to all privately rented properties within the designations 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 for Selective Licensing can be found at The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (legislation.gov.uk)

12 Alternatives to licensing

We have considered other courses of action, or alternatives to the licensing proposals, however, we do not believe that they provide as effective means of tackling poor housing conditions and repeat ASB in the borough.

Alternative measure	Strengths	Weaknesses
Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers	Following an investigation, formal statutory notices can be served that require improvements to be carried out to a property. Councils can carry out work in default if a notice is not complied with. Landlords risk being prosecuted if they do not comply with the notice, or the council can impose a civil penalty on the person responsible.	The powers do not place any obligation on landlords to be proactive in improving conditions. Formal action is generally slow, with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. Work in default can be effective but it is expensive and time-consuming to the council, with the risk that not all costs are recovered. Successful prosecutions and civil penalties do not in themselves secure improvements in property conditions and the council's costs in pursuing legal action are often not met in full.
Rely on prosecutions and civil penalties for housing offences	Provides landlords with a disincentive to keep properties in poor conditions.	These powers do not place any obligation on landlords to be proactive in improving conditions. Successful prosecutions, or the imposition of civil penalties, do not in themselves secure improvements in property conditions. The absence of licensing significantly reduces the scope of the council to impose civil penalties in respect of identified housing breaches.
Wider promotion of voluntary accreditation schemes to facilitate improvement in management practices and standards	For those landlords who take part, accreditation can increase their knowledge and competence and their ability to effectively manage a property.	This requires voluntary landlord engagement, and rogue operators are unlikely to attend/engage in such schemes.

Improvement grants to improve sub-standard properties	Grants subsidise improvement works, improving standards and giving benefits for landlords and tenants.	Generally, there are few grants available, and the council has very limited scope to offer grants through successful external funding bids. In the most part, grant awards would fund improvements that the landlord should be carrying out to meet their legal obligations. Any grant scheme would be discretionary and would rely on voluntary landlord engagement.
ASB powers	Formal notices can be served at addresses identified as having ASB issues. This can resolve ASB at the particular address.	Action would generally be taken against the tenant in occupation. The powers do not place any obligations on landlords to be proactive in managing their properties to prevent or reduce the likelihood of ASB occurring.

13 Proposed scheme objectives

Licensing is part of a broader, coordinated approach to help improve privately rented properties in Westminster. In general terms, we propose to use selective and additional licensing to continue to improve property conditions within the borough, tackle ASB and keep our residents safe. We are committed to improving safety, property conditions and management standards in the PRS, so that it contains good quality accommodation, helps us to achieve sustainable communities and continues to contribute positively to the local economy.

The objectives of our proposed schemes are outlined below:

	Objective	Outcomes
1.	**Improve housing conditions** in the PRS by eliminating poor property standards	• A reduction in category 1 and category 2 hazards, prioritising housing containing the most serious hazards • Licensed properties are monitored, and licence conditions enforced • Improvement in the health, safety and welfare of tenants • Tenants will see financial benefits such as reduced heating costs, helping to reduce fuel poverty • Responsible landlords at risk of being undercut by non-compliant or rogue landlords are supported.
2.	**Improve management standards** in PRS properties	• Licensed properties are monitored, and licence conditions enforced • Absentee or unfit landlords required to employ an agent to actively manage their properties to ensure compliance • Irresponsible landlords will be forced to improve their properties or risk enforcement action • Greater number of landlords become accredited improving the professionalism of landlords in the PRS • Landlords are kept informed of latest legislation and good practice • The council will gain increased knowledge of the PRS in the borough. This will enable targeted enforcement and support for landlords.

3.	**Reduce ASB and repeat ASB incidents** in licenced properties	• A reduction in ASB linked to PRS properties, particularly significant and persistent incidents • Working with partners, proactively target nuisance areas to reduce poor management in the PRS • Increased support for landlords to more effectively manage ASB in their properties, including provision of a model ASB policy • Reduced ASB will improve problem areas, making these areas safer and more desirable places to live in.
4.	**Increased awareness for tenants of the minimum standards** to be expected in rented accommodation and other rights when renting in the PRS	• Renters know their rights and responsibilities and have greater awareness of and access to council services that can support them • Officers to provide tenants with information and sign posting to support their housing and wider needs • Information for tenants on the local licensing scheme advertised and third-party support for tenants made available • Improved protection for vulnerable groups and communities, and improved communication between landlords and tenants.

14 Licensing and wider council strategies

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

14.1 Fairer Westminster Delivery Plan

Fairer housing is one of five key ambitions set out by Westminster City Council. The council have opened four new Housing Service Centres across the borough bringing the total to eight across the City, meaning residents can drop in and speak face-to-face with the Housing team about issues that matter to you.

Improvement in housing is a priority for the council and a tenant's panel has been introduced so that residents can express their opinions on the projects we undertake and the decisions we make.

'A Fairer Westminster' details the council's intentions in relation to the PRS, including:

- Launch of a Private Rented Charter, ensuring that tenants and private rented sector are aware of their rights and what support is available to them
- Consulting with residents, landlords and other stakeholders on improving standards and management in the private rented sector
- Increasing enforcement on non-compliant landlords to protect residents, particularly the most vulnerable renters.

14.2 Private Rented Sector Strategy

The Private Rented Sector Strategy aims to improve conditions for tenants and help make sure the sector is well run and managed. Private rented sector licensing is one of many ways to help deliver Westminster's strategic aims in the PRS which are:

- **Aim one**: Improve conditions in the PRS and ensure lawful practices
- **Aim two**: Support and engage with tenants, landlords and lettings agents
- **Aim three**: Improve knowledge and intelligence about the sector and work with other organisations that give advice and support to tenants, landlords and lettings agents
- **Aim four**: Help to improve the energy efficiency of the PRS
- **Aim five**: Help to shape the sector.

The proposed scheme objectives support and underpin these aims.

14.3 Homelessness Strategy

The Homelessness Strategy sets out a plan for:

- Preventing homelessness in Westminster
- Securing that sufficient accommodation is and will be available for people in Westminster who are or may become homeless
- Securing the satisfactory provision of support for people in Westminster who are or may become homeless or who have been homeless and need support to prevent them becoming homeless again

Although the PRS presents a challenge, it also offers an opportunity in preventing and resolving homelessness. Dedicated housing officers work with residents' partner agencies and landlords to maintain and support residents into long term settled accommodation in the PRS, for example offering homeless households private rented housing.

Private rented property licensing schemes will provide an opportunity to work with local landlords to improve standards and drive-up conditions in the PRS and increase the supply of much needed stable family homes. Licensing schemes will also enable us to offer greater protection to tenants in the PRS by reducing the prospect of unlawful evictions, which in turn helps to both avoid and reduce homelessness in the borough.

14.4 Empty properties

Westminster's Long Term Empty Residential Properties (Private Sector) Interim Strategy Statement sets out the council's approach to proactively tackling long term empty residential properties (LTEP). This forms part of the wider Fairer Westminster Strategy, key goals of which are to make housing more affordable and to make our communities a better, more vibrant place to live.

The council recognises that empty properties are a wasted resource for both the community and the owner and can cause a variety of issues such as reducing the supply of housing and attracting ASB. Bringing empty properties back into use is a priority for the council and clamping down on those landlords that keep homes empty for years on end is a key step to increasing the supply and availability of affordable homes in the borough.

Bringing empty properties up to standard and back into use as decent liveable homes is complementary to the objectives of the proposed selective licensing scheme.

14.5 Climate Action Plan

The Climate Emergency Action Plan for Westminster sets out a framework for collective action on climate change to achieve the ambitious target of achieving net zero emissions across the borough by 2040.

The plan is focused across five themes:

- Efficient buildings
- Clean and affordable energy
- Sustainable travel and transport
- Reduced consumption and waste
- Green and resilient city

The Climate Emergency Action Plan recognises the link between fuel poverty and energy-consumption and emissions, and that better insulating homes and making them more energy efficient are key actions in combatting both. Licensing will contribute to achieving Westminster's climate change vision by enforcing energy efficient standards in the PRS, helping to reduce the overall energy consumption and carbon emissions of the borough.

14.6 Anti-Social Behaviour Strategy

The Fairer Westminster Strategy contains within it a commitment to ensure our communities can live in a safe place. Tackling ASB is vital to making sure this ambition becomes a reality. The Anti-Social Behaviour Strategy 2023-2028 commits to ensuring that all victims are guaranteed the same level of response and support, regardless of tenure or type of ASB. The strategy outlines how we will work with partner agencies, utilising all available powers to bring perpetrators to justice, ensuring that measures are fair and effective and provide the most appropriate form of support to victims.

To tackle ASB problems, we have made it conditional on all private landlords who hold property licences to prevent and combat ASB associated with properties they manage. Selective licensing will enable the council to encourage landlords to work with their tenants to reduce ASB. Information and support will be available both online and through forums.

15 Further information

The Public Sector Equality Duty (PSED), Section 149 of the Equality Act 2010 requires the council to have “due regard” to its equality aims when exercising its public functions. Westminster City Council believe that an Equality Impact Assessment (EqIA) is the best method to demonstrate compliance with the PSED. An Equality Impact Assessment was carried out as part of these proposals. The results of the EINA are attached as **Appendix 4**.

16 Appendices

Appendix 1	Housing Stock Condition and Stressors Report (Metastreet, 2024)
Appendix 2	Selective Licence Conditions
Appendix 3	Schedule of Proposed Fees, Charges and Discounts
Appendix 4	Equality Impact Assessment