

Westminster City Council

Selective Licensing Scheme Implementation Evidence Report

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CADENCE INNOVA

Contents

Executive Summary 3
1. Introduction 4
2. Proposals for a selective licensing scheme 7
3. Proposed scheme designation area 8
4. Overview of proposed scheme designations 11
5. The legislative framework 15
6. Demonstrating compliance with legislative criteria: Poor Housing Conditions 17
7. Demonstrating compliance with legislative criteria: Anti-Social Behaviour 37
8. Selective licensing and wider council strategies 44
9. Licensing and other measures and initiatives 48
10. Alternatives to licensing that have been considered 51
11. Selective Licensing Objectives 53
12. Compliance and Enforcement 56
13. Consultation 61
14. Fees 73
15. Conclusion 79
16. Appendices 79

Executive Summary

This report presents a comprehensive analysis and evidence to support Westminster City Council's proposal to introduce a selective licensing scheme for all privately rented homes (excluding HMOs) within 15 out of 18 wards to address the prevalence of poor housing conditions and anti-social behaviour.

The proposed scheme is a proactive measure designed to raise housing standards within the private rented sector, ensure tenant safety, and foster safer, more cohesive communities. Landlords in the designated areas will be required to obtain a licence, meeting specific conditions that guarantee the quality and safety of rental properties. By instituting clear accountability, the scheme is expected to drive improvements in property maintenance, reduce anti-social behaviour, and safeguard vulnerable tenants from exploitation and unsafe living conditions.

Aligned with Westminster Council's broader strategic objectives and consistent with national and local housing policies, the selective licensing scheme contributes to the regeneration of key neighbourhoods and supports the Council's long-term vision for sustainable, resilient communities. The introduction of this scheme will directly support the delivery of improved housing quality, greater tenant protection, and the creation of safer, more vibrant neighbourhoods.

This report outlines the rationale behind the proposal, including the evidence of current challenges in the private rented sector and the legislative framework that enables the scheme. It also highlights the expected outcomes and benefits, including enhanced housing standards, improved tenant welfare, and the promotion of community regeneration. The selective licensing scheme represents a critical step towards addressing the challenges faced by both tenants and landlords in the most affected areas of Westminster, while also contributing to the council's long-term vision of a better quality of life for all its residents.

1. Introduction

The City of Westminster is a central London borough, containing many famous landmarks, government institutions and commercial districts. It covers an area of 21.48km^2 and is one of the most densely populated areas in the UK. It borders the City of London to the east, the boroughs of Kensington & Chelsea and Brent to the west, Camden to the north and the River Thames to the south with Lambeth and Wandsworth on the opposite bank.

Between the last two censuses (held in 2011 and 2021), the population of Westminster decreased by 6.9%, from around 219,400 in 2011 to around 204,300 in 2021.
GLA projections suggest that Westminster's population is set to slowly grow from the 2021 census figure - by 2031 it is expected to reach 207,700 and then stay relatively consistent with 208,000 forecast by 2041[1], and is among the top 4% most densely populated English local authority areas as per the last census.[2]

Since the 2011 census, the distribution of residential properties in the borough has been relatively balanced among owner-occupied, social housing and the private rented sector (PRS). However, the PRS has seen small growth over the years, with its share estimated to have increased from 40% in 2011 to 43% in 2021 (Figure 1).

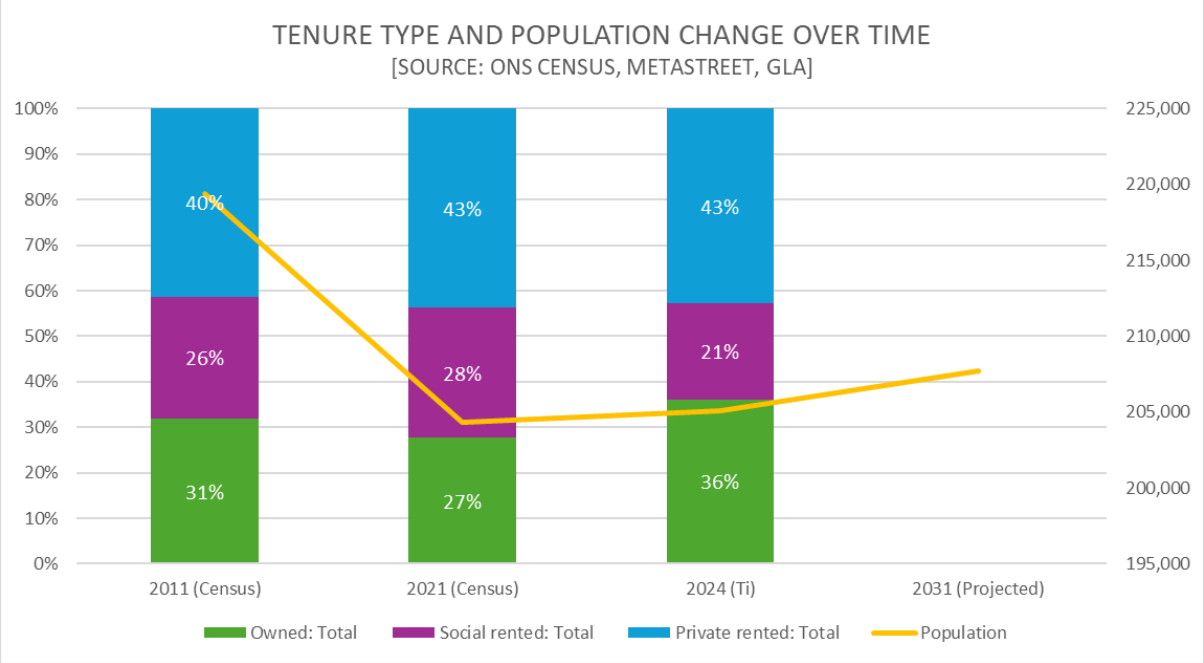


Figure 1: The change in housing stock in Westminster from 2011 to 2024

Tenure modelling carried out in 2024 predicts Westminster's PRS to have remained consistent as a proportion of all housing stock at 43% (Figure 1). 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) (Figure 2). Therefore, all 18 wards in the borough have a higher percentage PRS than the national average in 2024 (19%). The average rate of PRS across all wards is 42.8%.

[1] GLA Population Projections (london.gov.uk)
[2] Population density - Office for National Statistics

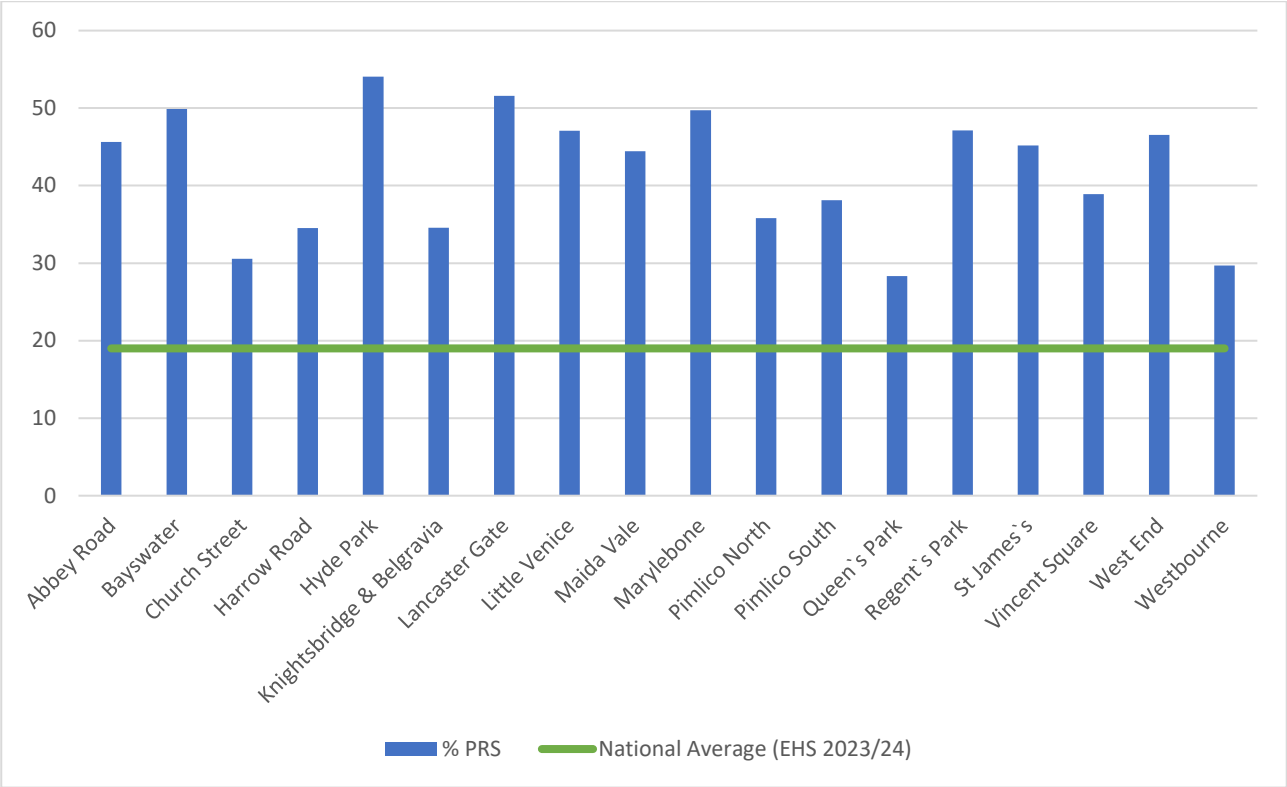


Figure 2: Percentage of PRS in all wards [Source: Metastreet 2024]

The growth of the private rented sector has gone hand in hand with huge increases in rent across London over the last 20 years. This has resulted in residents not being able to afford and access decent, affordable housing. Westminster has the most expensive rents for London[3], with 75.4% of average earnings being used to pay rent[4]. The London average is 46.4% and the average for England is 24.9%.

With 16,667, Westminster has the highest number of properties with overseas ownership titles[5], the highest of any local authority in England. Absentee landlords make property management more challenging and can sometimes lead to neglect, tenants often struggle to get timely repairs or responses from landlords based overseas and regulating overseas landlords can be complex, particularly when trying to enforce housing standards and tenancy protections.

Westminster has the 11th highest number of private landlord possession claims in London (of 33 boroughs), with 367 in 2023.[6]

Homelessness returns to government in April-March 2024 for Westminster show high rates of households accepted as being homeless (5.1 per 1000), significantly above the London average (2.83 per 1000) and the average for England (1.86 per 1000)[7]. It is notable that 83.6% of households in Westminster who were owed a prevention duty cited the loss of a private housing tenancy as the cause of their most recent homelessness, in contrast to the national average of 44.0%.[8]

[3] Average rent in London for all 32 boroughs - HomeViews
[4] London rent as a percentage of gross pay | Trust for London
[5] London Property Market - Foreign Homebuyer Hotspots
[6] Mortgage and Landlord Possession statistics: January to March 2024 - GOV.UK
[7] Tables on homelessness - GOV.UK (www.gov.uk)
[8] Tables on homelessness - GOV.UK

Westminster Council is on a journey dedicated to tackling some of the most serious issues facing its vulnerable residents in the PRS. In addition to the national mandatory HMO licensing scheme, in August 2021 Westminster implemented a boroughwide additional HMO licensing scheme to ensure safety standards for tenants living in small houses in multiple occupation (HMOs). The Council's current licensing schemes have made some progress in improving property standards for residents living in the PRS and reducing ASB and demonstrate the Council's commitment to robust enforcement of standards. However, many properties in the PRS do not meet the necessary criteria to be licensed under HMO licensing schemes.

2. Proposals for a selective licensing scheme

A proposed selective licensing scheme is the next phase of a strategic plan to make targeted improvements to the PRS where poor property conditions remain prevalent. As this sector is the largest housing tenure, the Council is using the legislative tools available to ensure that those living in the PRS are not left behind with its plan to improve all housing in the borough. To achieve this, the Council is adopting a strategic approach to private sector licensing across the borough, and is proposing to introduce a selective licensing scheme consisting of two designations, covering 15 of the 18 wards in the borough.

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.

3. Proposed scheme designation area

3.1 Metastreet and ONS Census 2021 data

In order to understand the current state of Westminster'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. A stock-modelling approach based on metadata and machine learning was used to provide predictive insights about the:

- Current levels of PRS properties in Westminster and tenure change over time
- Levels of serious housing hazards in the PRS (Category 1 / high category 2 hazards)
- Other housing related stressors including anti-social behaviour (ASB), service demand, population and deprivation linked to the PRS.

The detailed methodology used to create tenure intelligence is outlined on pages 52-55 of the Housing stock and stressors report, **Appendix 1,**

The data from this review has been used as the foundation for all designations and was the data which Westminster used for its scheme consultation.

On the 28 June 2022, the Office for National Statistics (ONS) released Census 2021 population and household estimates, and on 5th January 2023, housing datasets (incl. accommodation type, tenure, rooms and bedrooms, central heating). Therefore, where available, Census 2021 data sets have been provided as a useful comparator to the Metastreet data.

It should however be noted that the data will not be identical as there is a range of error (as is the case with all mathematical models). Also, the census was taken in March 2021, during the third national Covid lockdown. This is likely to have had a significant impact on London's PRS student population, young people on furlough, and migrant workers who may have temporarily relocated to family homes outside of London, resulting in these populations not being properly recorded by the census. The cross-party group, London Councils warns that the number of Londoners is likely to have been significantly undercounted with the census data suggesting that London's total population in March 2021 was almost 300,000 (3%) lower than the ONS previous population projection for 2021, with Westminster in particular being called out as one of the most undercounted, having figures almost a quarter (24%) lower than projected[9]. Whilst some of the Metastreet and Census data differs, both datasets demonstrate that Westminster's proposals are robust.

3.2 Options Appraisal

To ensure the decision-making process regarding the inclusion and exclusion of specific wards in the selective licensing scheme was both robust and evidence-based, several datasets and methodologies were employed. The proposed scheme is therefore based on a combination of quantitative data from the Housing Stock and Stressors Report and qualitative insights from officers with localised knowledge.

[9] London Councils response to Census 2021 Figures

The primary dataset used to assess housing conditions across the borough was the Housing Stock and Stressors Report. This report is essential for identifying areas where the conditions of rented properties may pose significant risks to tenants. The Council paid particular attention to the severity and frequency of predicted hazards within each ward. Wards predicted to have higher levels of serious hazards (those that exceed national averages) and those with repeat incidences of ASB - were prioritised for inclusion in the selective licensing scheme. Conversely, wards that did not exhibit high levels of housing hazards or ASB, even with substantial numbers of private rented properties, were considered for exclusion.

Qualitative insights from officers with localised knowledge who are familiar with the local area and the conditions within individual wards, provided valuable context that allowed for a more nuanced interpretation of the data. This insight was crucial in refining the scope of the selective licensing scheme.

Having carefully considered the evidence the Council proposing to introduce a selective licensing scheme consisting of two designations, covering 15 of the 18 wards in the borough. The proposed designations equate to 78.2% of the borough's geographical area with designation 1 accounting for 30.7% and designation 2 accounting for 47.5%. Refer to Table 1 below.

	Ward	Area km2 [WCC Ward Data 2024]	No. of PRS properties including HMOs [Census 2021]	No. of PRS properties excluding known HMOs [Metastreet 2024]
Designation 1	Abbey Road	1.21	3,021	3,198
	Church Street	0.44	1,180	1,479
	Harrow Road	0.49	1,658	1,783
	Knightsbridge & Belgravia	2.08	2,060	2,976
	Little Venice	0.64	1,924	2,602
	Maida Vale	0.69	2,122	2,232
	Queen's Park	0.58	1,201	1,432
	Westbourne	0.64	1,128	1,452
Designation 2	Bayswater	0.66	3,186	3,683
	Hyde Park	1.78	2,568	3,870
	Lancaster Gate	1.62	3,240	3,711
	Marylebone	1.10	3,693	4,722
	Pimlico North	0.60	1,919	2,191
	Regent's Park	2.44	2,877	3,709
	West End	2.28	3,276	5,051
Wards excluded from scheme	Pimlico South	0.65	1,706	2,174
	St James's	3.43	2,582	4,061
	Vincent Square	0.72	1,722	2,556
	Totals	**22.04**	**41,063**	**52,882**
	Total Designation 1	6.77	14,294	17,154
	Total Designation 2	10.47	20,759	26,937
	Total in whole scheme	**17.24**	**35,053**	**44,091**
	% in Designation 1	30.7%	34.8%	32.4%
	% in Designation 2	47.5%	50.6%	50.9%

	Ward	Area km2 [WCC Ward Data 2024]	No. of PRS properties including HMOs [Census 2021]	No. of PRS properties excluding known HMOs [Metastreet 2024]
	Total % in whole scheme	**78.2%**	**85.4%**	**83.4*%**

**Figures are correct to 1 d.p.*

Table 1: Geographical area and percentage (%) PRS by ward

According to Metastreet data, the designation in this application will cover 83.4% of private rented properties in the local authority area (Table 1). Census data shows it to be higher at 85.4%, however this figure includes HMOs.

3.3 The exclusion of Pimlico South, St James's and Vincent Square wards

The three wards of Pimlico South, St James's and Vincent Square are currently not being included in the selective licensing scheme proposals. Although these wards have high levels of PRS properties, they do not have the high levels of housing hazards that are observed in other parts of the borough and are notably better than the national average for serious hazard rates.
All three wards also have considerably lower than average incidents of repeat ASB linked to PRS properties and deprivation scores in line with the national average.
Westminster 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.

3.4 General Approval 2024

With effect from 23 December 2024 a new General Approval came into force and local housing authorities in England are no longer required to obtain confirmation from the Secretary of State before implementing a selective licensing scheme of any size. The local housing authority must, however, still satisfy all statutory requirements contained in Part 3 of the Housing Act 2004.

4. Overview of proposed scheme designations

4.1 Number of properties affected

The proposed scheme designations cover 15 out of 18 wards in the borough. Metastreet tenure modelling data (2024) predicts there are a total of 52,882 PRS properties in the borough of which 44,091 properties (excluding known HMOs) would fall within the scheme designations (Table 1).

Census 2021 shows the total number of privately rented properties in the borough to be lower at 41,063 of which an estimated 35,053 would fall within the selective licensing scheme. Excluding known HMOs (2,392) this equates to an estimated 32,661 properties which will be affected by the scheme.

Westminster's PRS inevitably includes a proportion of temporary accommodation procured by other Councils and charities; the number of properties is often difficult to measure due to the varied procurement pathways and nature of accommodation e.g., houses for victims of domestic abuse. This has been mitigated against as Westminster is signed up to the pan-London temporary accommodation inspection service, 'Setting the Standard', which separately inspects properties used by local authorities as temporary accommodation to ensure that this accommodation is safe and in good condition. The Private Sector Enforcement and Regulation Service is informed of any temporary accommodation properties that have category 1 hazards, and PHS officers work closely with colleagues in the Temporary Accommodation team, regularly discussing issues or properties that require joint action.

4.2 Types of properties affected

Westminster has a high number of residential properties (60.1%) built pre-Second World War (see Figure 3 below). 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[10]. Nearly half of properties in Westminster were built before 1900 (44.9%) compared to just over a fifth in London (21.4%).

[10] Housing Health and Safety Rating System, Operating Guidance, 2006



Figure 3: The age profile of Westminster's housing stock

The most common private rented property type in the borough is flats (Figure 4) which make up 89% of the housing stock, whilst caravans / houseboats / mobile homes are the least common type of properties at 0.01%. This aligns with the types of properties that are also rented out in the area and therefore likely to be affected by the designation.

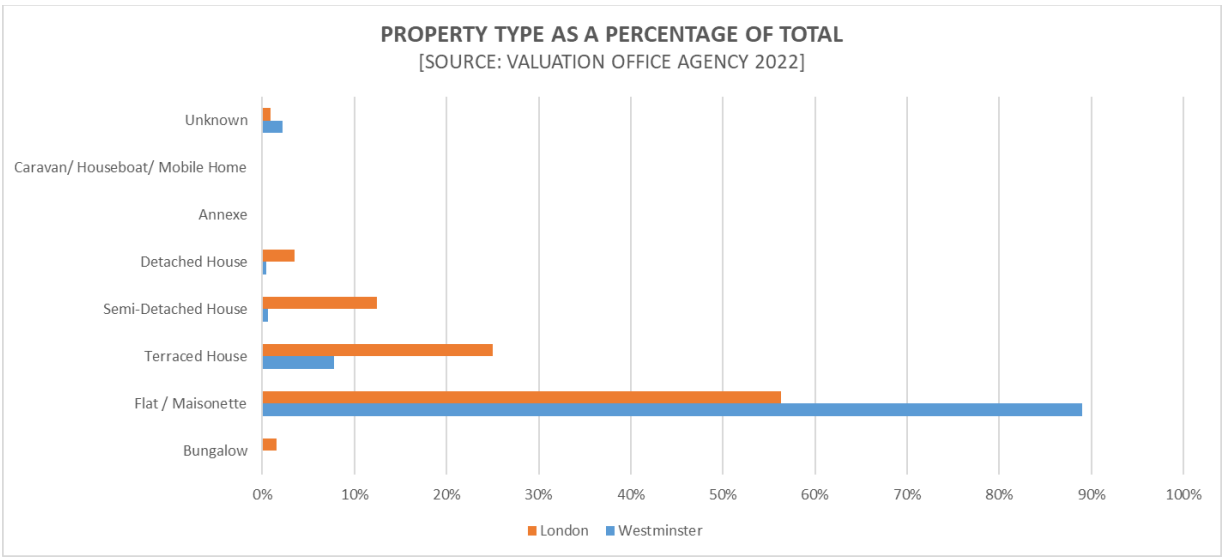


Figure 4: Types of property in Westminster

4.3 Designation map

The proposed area will cover the 15 wards highlighted in the map below. The 8 wards covered by designation 1 are shown in light blue and the 7 wards covered by designation 2 are shown in coral / pale red.

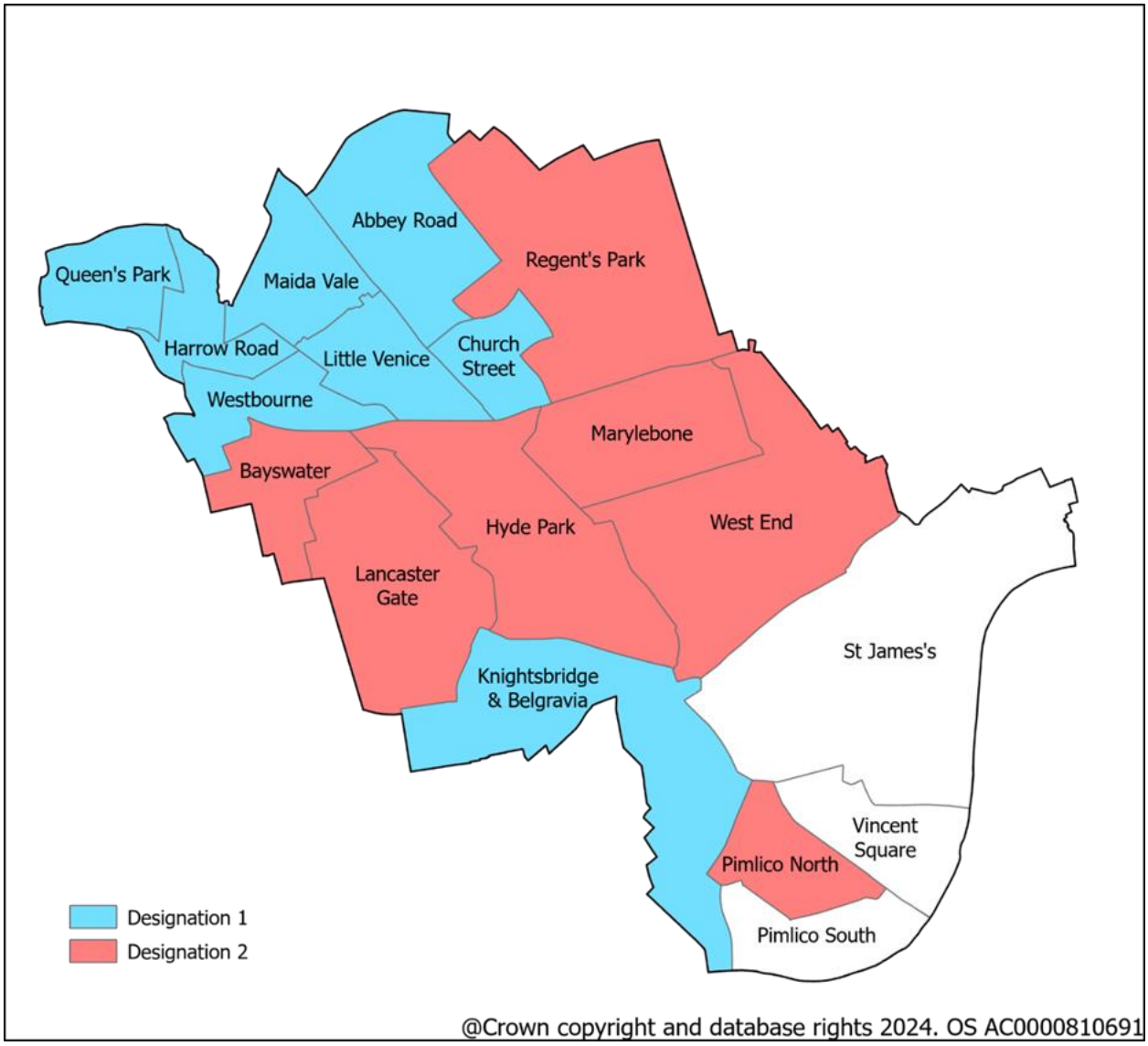


Figure 5: Ward map of Westminster with Designations

4.4 Other licensing schemes currently operating in the borough

Mandatory HMO licensing scheme

Westminster currently operates the national mandatory HMO licensing scheme. There are currently 280 licensed mandatory HMOs operating in the borough and 34 applications in progress. The Council works proactively through communication, publicity, and enforcement so that all mandatory HMOs are licensed.

Additional HMO licensing scheme

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

A licence is required for all privately rented properties occupied by three or four people making up two or more households that do not fall within the remit of the mandatory HMO licensing scheme. 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 2,600 licences have been granted.

Licence type	Applications received	Licences granted
Mandatory	308	280
Additional	2583	2440
TOTAL	2778	2686

5. The legislative framework

5.1 Conditions for introducing selective licensing

Part 3 of the Housing Act 2004 (the Act) sets out the framework for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made, it applies to privately rented housing in the area.
A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

- low housing demand (or is likely to become such an area)
- a significant and persistent problem caused by anti-social behaviour
- poor housing conditions
- high levels of migration
- high level of deprivation
- high levels of crime

Should a local authority be considering designating an area on the following grounds:

- poor housing conditions and/or
- migration
- deprivation
- crime

then the local housing authority may only make a designation if the area has a high proportion of housing in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England. The actual number of privately rented properties in a given area may be more or less than this, and if it is more than 19%, the area can be considered as having a high proportion of privately rented properties.

It is also a statutory requirement that the properties referred to are occupied either under assured tenancies or licences to occupy.

Before designating a selecting licensing scheme, the Council must also be satisfied that:

- the proposed designations are consistent with the overall housing strategy,
- a co-ordinated approach is adopted in dealing with homelessness, empty properties, regeneration and ASB associated with privately renting tenants
- there are no alternative courses of action available that would achieve the objectives that the designation is intending to achieve, and
- can demonstrate how licensing will work in conjunction with existing initiatives (such as landlord accreditation) and partnerships.

5.2 Consultation requirements

Section 80(9) of the Housing Act 2004 requires that that when considering designating a selective licensing area the local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation, for a period of at least 10 weeks and consider any representations made in accordance with the consultation and not withdrawn.

5.3 Duration and notification of a licensing scheme

If a designation is confirmed, it cannot come into force until three months after it is made. The introduction of the scheme may be delayed up to an additional 3 months, if need be, to prepare for the scheme's implementation. This is to avoid an excessive delay between the consultation and the scheme's introduction, to ensure consultation requirements are met and persons who are likely to be affected by the designation have been consulted

Section 59 of the Act requires local housing authorities to publish a notice of the designation once it has been confirmed. A local housing authority must:

- publish a notice within the designated area within seven days of the designation being confirmed.
- notify all those consulted on the proposed designation within two weeks of the designation being confirmed.

A designation ceases to have effect no later than 5 years after the date on which it comes into force.

5.4 Providing data to MHCLG

Local authorities must provide data to MHCLG at the start and end of selective licensing schemes. At the commencement, they need to report the scheme's dates, location, type (new/renewal), number of PRS properties, proportion of PRS stock covered, designation criteria, and licensing fees. At the end, they must report the total number of licenses issued, value of fees, costs, and how the scheme addressed its objectives, including performance against KPIs, case studies, or review outcomes.

5.5 Local authority review of a selective licensing scheme

Section 84 (3) of the Act requires local housing authorities to review the operation of a designation made by them from time to time. As part of the best practice guidance included in the General Approval, local authorities are requested to publish the outcome of any reviews that they undertake in respect of the selective licensing scheme(s) in a timely manner on their website. If following a review, they consider it appropriate to do so, they may revoke the designation.

5.6 Proposed Scheme Criteria

The Council is proposing to designate its selective licensing scheme under the following criteria:

Designation	Designation Criteria
1	Poor housing conditions
2	Poor housing conditions **and** Significant and persistent anti-social behaviour

6. Demonstrating compliance with legislative criteria: Poor Housing Conditions

6.1 Criterion: Poor Housing Conditions

A selective licensing scheme being proposed under the poor housing conditions criteria must provide evidence of the following:

(a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;
(b) that the properties referred to in sub-paragraph (a) are occupied either under assured tenancies or licences to occupy;
(c) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises
(d) that the local housing authority intends to carry out such inspections as referred to in sub-paragraph (a), with a view to carrying out any necessary enforcement action; and
(e) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

Poor housing conditions is a criterion for both designations

The proposed designations have high levels of poor housing conditions and meet the statutory requirements for this criterion in the legislation and guidance cited above. To satisfy the requirements for designating an area for selective licensing on the grounds of poor housing conditions, the Council must show that:

The area contains a high proportion of properties in the PRS, in relation to the total number of properties in the area.

All wards in the proposed designation have a high proportion of properties in the PRS when compared with the average in England of 19%[11]. Overall, 42.8% of the housing stock in the borough is privately rented (including known HMOs). This is higher than other comparable London boroughs as shown in Table 2 below.

London Borough	% PRS
Westminster	**43**
Kensington & Chelsea	40
Newham	39
Tower Hamlets	38
Hammersmith & Fulham	36
Wandsworth	36

[11] English Housing Survey - 2023/24 - Intro and Key Findings

London Borough	% PRS
Brent	36
Camden	36
Waltham Forest	28
Lewisham	27

Table 2: Comparison of PRS with comparable boroughs [Source: ONS Census 2021]

In accordance with Metastreet tenure modelling, the wards in the designation have a predicted PRS in the range of 54.1% (Hyde Park) to 28.3 (Queen's Park); which is higher than the English Housing Survey national average (England) of 19% and the Census 2021 national average (England and Wales) which is 20.3% (see Figure 6 below).

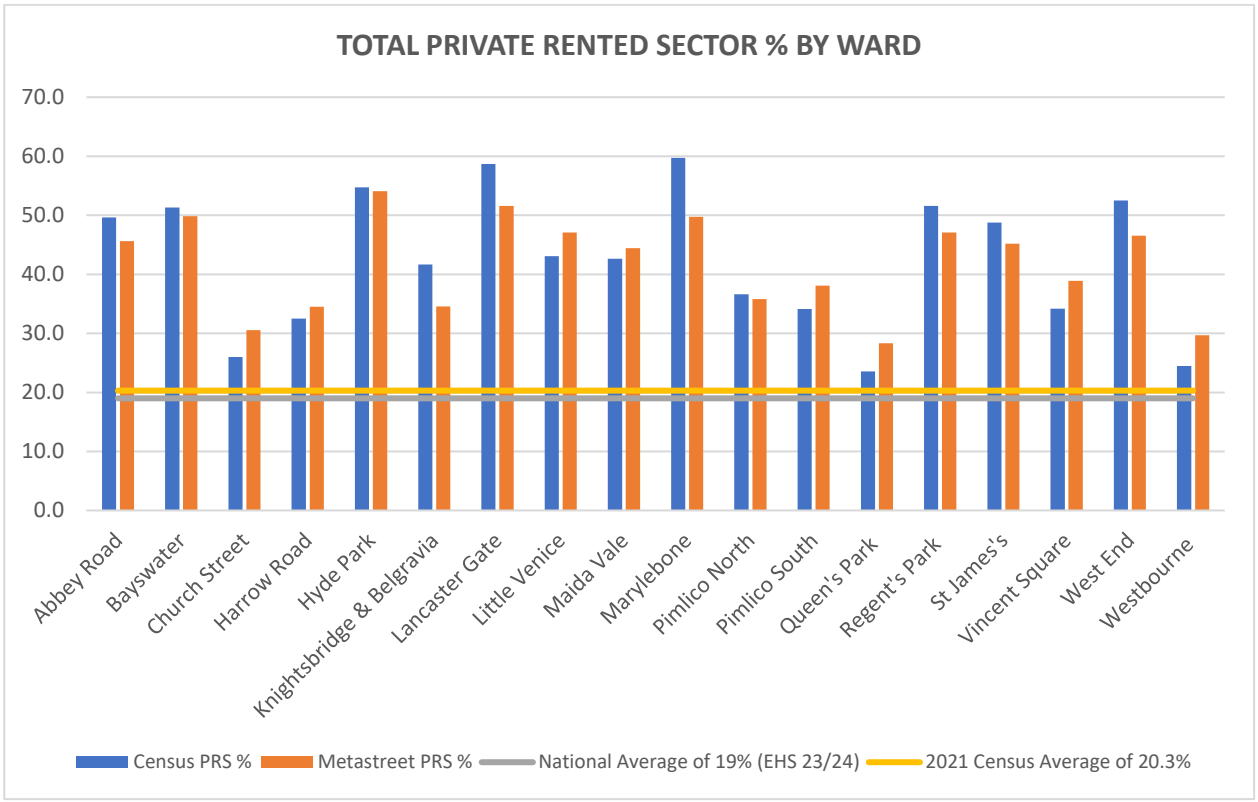


Figure 6: PRS percentage of total housing stock by ward

	Metastreet [2024]		Census [2021]	
Ward	**No. of PRS properties excluding known HMOs**	**% PRS properties excluding known HMOs**	**No. of PRS properties including HMOs**	**% PRS properties including HMOs**
Abbey Road	3,198	45.6	3,021	49.6
Bayswater	1,479	49.9	1,180	51.3
Church Street	1,783	30.6	1,658	26.0
Harrow Road	2,976	34.5	2,060	32.5
Hyde Park	2,602	54.1	1,924	54.8
Knightsbridge & Belgravia	2,232	34.6	2,122	41.7
Lancaster Gate	1,432	51.6	1,201	58.7
Little Venice	1,452	47.1	1,128	43.1
Maida Vale	3,683	44.4	3,186	42.6
Marylebone	3,870	49.7	2,568	59.7
Pimlico North	3,711	35.8	3,240	36.6
Pimlico South	4,722	38.1	3,693	34.1
Queen's Park	2,191	28.3	1,919	23.6
Regent's Park	3,709	47.1	2,877	51.6
St James's	5,051	45.2	3,276	48.7
Vincent Square	2,174	38.9	1,706	34.2
West End	4,061	46.6	2,582	52.5
Westbourne	2,556	29.7	1,722	24.5
Total	**52,882**	**42.8**	**41,063**	**43.3**

Table 3: Total Percentage (%) of PRS properties by ward – Metastreet and Census data

Have homes which are let on assured tenancies or licences

Although no formal data is available, since the Housing Act 1988, assured shorthold tenancies are the most common type of tenancy in the private rented sector. The Council's Housing Needs Service and Private Sector Enforcement and Regulation Service's day-to-day on the ground experience, supports this finding as the majority of tenants they deal with are assured shorthold tenants. Based on the professional experience of officers, the council are satisfied that a high proportion of private rented properties in the borough are rented out as assured tenancies or licences.

That having carried out a review of housing conditions under section 3(1) of the Act, the local housing authority considers it would be appropriate for a significant number of the properties in the private rented sector to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises, with a view to taking any necessary enforcement action

By reviewing the housing conditions under section 3(1) of the Act, it was found that the 15 wards across the City of Westminster have high levels of poor housing conditions. The Housing Stock and Stressors report demonstrates that 6,036 (14%) private rented properties (excluding known HMOs) in these 15 wards are predicted to have a serious category 1 hazard, compared to the national average of 10%. This is impacted further by a lack of affordable housing and very high rents as a proportion of median earnings, meaning tenants often don't have a choice when it comes to living in sub-standard accommodation.

Westminster considers it appropriate to inspect a significant number of these properties to determine whether category 1 or 2 hazards exist and then take the necessary enforcement action to remediate the hazards identified. The Council's existing powers rely on tenant complaints and therefore cannot proactively inspect properties and work with landlords to improve property standards in the borough at the scale the Council believes is needed. This licensing scheme would allow the Council to prioritise enforcement action under Part 1 of the Act and use licence conditions under Part 3 to ensure that the properties are properly managed to prevent further deterioration of the PRS.

The Council will improve properties in the designation using a combination of informal and formal actions, including the service of statutory housing and public health notices, civil penalties and prosecutions for the worst and most severe cases, alongside other Council strategies.

That making the designations will, when combined with other measures taken in the area by the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

Making these designations, combined with enforcement, licence conditions, other Council strategies and joint working with partners, will contribute to an improvement in general housing conditions in the area. (See sections 6, 8, 9, 11 and 12).

6.2 Review of housing conditions

An independent Housing Stock Report was commissioned by the Council in exercise of its duty to review housing conditions in its area under section 3(1) of the Act (Appendix 1). A stock-modelling approach based on metadata and machine learning was used to provide predictive insights about the prevalence and distribution of serious hazards (category 1 and high scoring category 2 hazards) in the borough's private rented sector. The model used data including previous housing complaints and enforcement activity, energy performance data, and other property-related data indicating poor property conditions[12].

The housing stock review found that in these proposed 15 wards, 6,036 properties (excluding HMOs) are likely to have at least one serious hazard. Due to the nature of these types of hazards, they will be endangering the health and safety of the properties' occupants. According to the English Housing Survey Headline Report 2023-24, 10% of privately rented dwellings have at least one serious category 1 hazard, assessed using the Housing Health and Safety Rating system (HHSRS) under Part 1 of the 2004 Housing Act. All of the 15 wards in the two designations have

[12] Housing Stock and Stressors Report, Metastreet, 2024

levels of category 1 housing hazards that are above the national average of 10%[13]. This is shown in Figure 7 and Table 4 below. From the experience of council officers, these properties are also highly likely to also have at least one category 2 hazard.

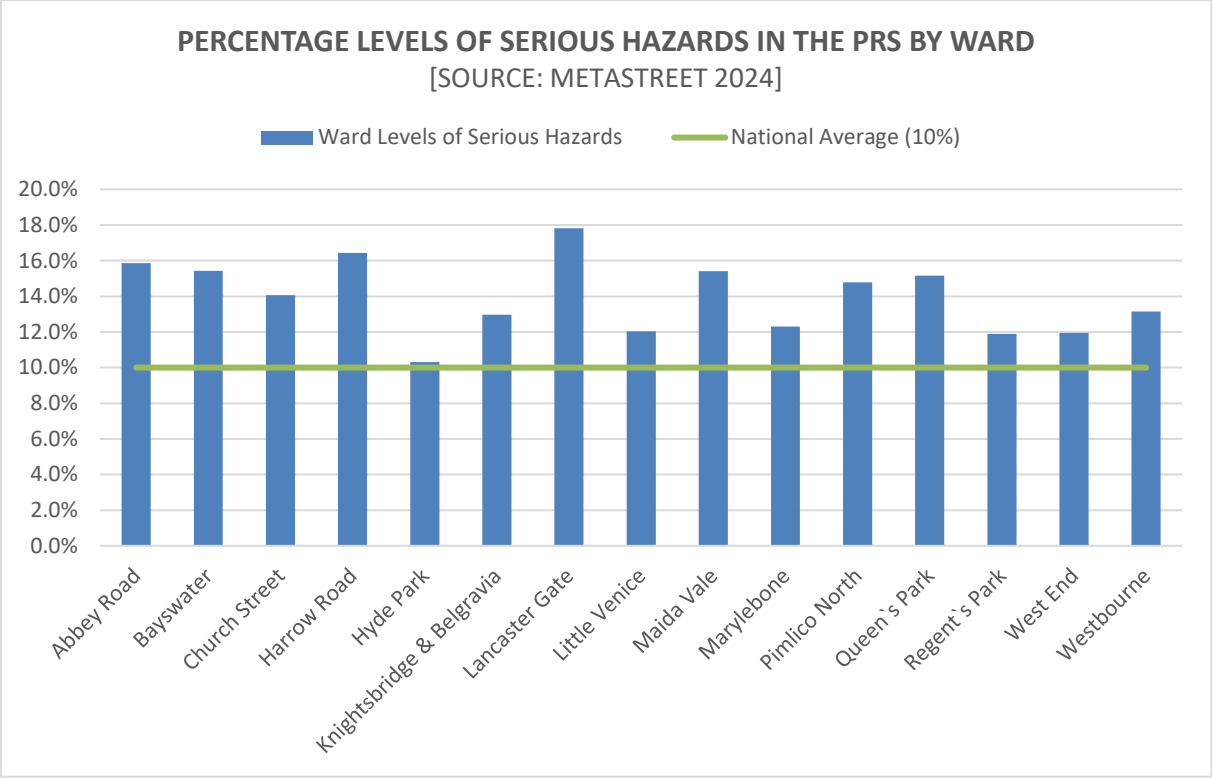


Figure 7: Predicted levels of serious hazards in the PRS by wards proposed in the scheme (excluding HMOs)

Levels of predicted PRS and serious hazards by ward [Source: Metastreet 2024]				
Ward	% PRS	No. of PRS excluding HMOs	% of PRS with at least 1 serious hazard	No. of PRS with at least 1 serious hazards
National average	19%[14]		10%[15]	
Abbey Road	46%	3,198	15.9%	507
Bayswater	50%	3,683	15.4%	568
Church Street	31%	1,479	14.1%	208
Harrow Road	35%	1,783	16.4%	293
Hyde Park	54%	3,870	10.3%	399

[13] English Housing Survey 2023 to 2024 - Headline Findings
[14] English Housing Survey 2023 to 2024: headline findings on demographics
[15] English Housing Survey 2023 to 2024 - Headline Findings

Levels of predicted PRS and serious hazards by ward [Source: Metastreet 2024]				
Ward	% PRS	No. of PRS excluding HMOs	% of PRS with at least 1 serious hazard	No. of PRS with at least 1 serious hazards
National average	19%[14]		10%[15]	
Knightsbridge & Belgravia	35%	2,976	13.0%	386
Lancaster Gate	52%	3,711	17.8%	661
Little Venice	47%	2,602	12.0%	313
Maida Vale	44%	2,232	15.4%	344
Marylebone	50%	4,722	12.3%	581
Pimlico North	36%	2,191	14.8%	324
Pimlico South	38%	2,174	8.3%	180
Queen`s Park	28%	1,432	15.2%	217
Regent`s Park	47%	3,709	11.9%	441
St James`s	45%	4,061	7.6%	309
Vincent Square	39%	2,556	9.4%	239
West End	47%	5,051	11.9%	603
Westbourne	30%	1,452	13.2%	191
Total	**43%**	**52,882**	**12.8%**	**6,764**

Table 4: Levels of predicted PRS (%) and category 1 hazards by ward

6.3 Poverty

Westminster has the second highest rate of poverty of all London boroughs with 42% of people living in poverty in the borough. This is much higher than the London average of 26% and the rate of England average of 21% (see Fig. 8 below). This high poverty rate is closely linked to poor housing conditions as many low-income families struggle with inadequate housing that fails to meet basic living standards. This figure also highlights the significant economic disparities within the borough, where wealth and poverty exist side by side in stark contrast.

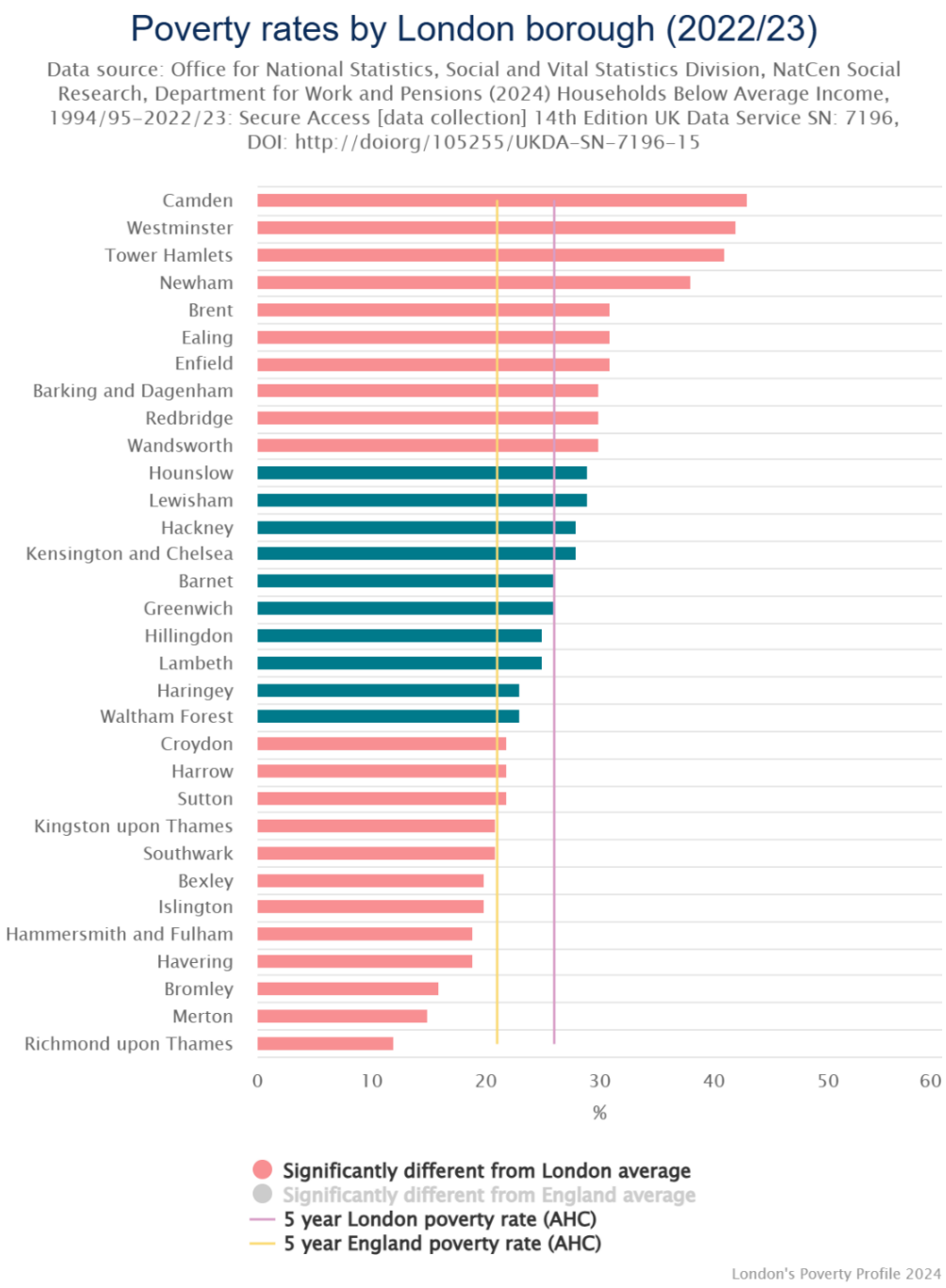


Figure 8: Poverty rates by London borough

6.4 Inequality

Westminster has the second highest rate of poverty of all London boroughs with 42% of people living in poverty in the borough. This is much higher than the London average of 26% and the rate of England average of 21% (see Fig. 8 below). This high poverty rate is closely linked to poor housing conditions as many low-income families struggle with inadequate housing that fails to meet basic living standards. This figure also highlights the significant economic disparities within the borough, where wealth and poverty exist side by side in stark contrast.

Westminster is often seen as a prosperous borough, but it also has one of the highest levels of pay inequality in London. This means that the difference in earnings between the highest and lowest

paid workers is very large. Specifically, people at the top 20% of earners in Westminster make nearly three times (2.78 times) as much per hour as those at the bottom 20%. By comparison the pay difference across London is 2.48 times, and across England it is 1.59 times. This shows that while some people in Westminster earn very high wages, many others earn far less, creating a significant inequality in pay.

This pay inequality in conjunction with the fact that Westminster is the most unaffordable London borough[16] (75.4% of median gross pay required to rent a one bedroom dwelling), means for those on lower incomes can often find their options very limited when it comes to securing affordable and decent housing and are therefore sometimes forced to live in substandard accommodation through lack of viable alternatives.

With growing pressure on household finances because of increasing energy costs and wider concerns about the cost of living, there are concerns that households are choosing between "heating or eating" over the winter months. In 2022, the media reported widely on poor conditions caused by damp and mould in social and private rented housing. This was preceded by reporting on the case of two-year old Awaab Ishak who died in 2020 due to prolonged exposure to mould in his home. Cold or damp housing creates an additional burden on the NHS which is already struggling to keep up with demand [17].

Fire, electrical and gas hazards, excessive cold, damp and mould are all considered 'category 1' hazards. The Council considers it would be appropriate to inspect a significant number of these properties in order to determine the exact nature and level of category 1 or 2 hazards which exist on the premises and take any necessary enforcement action to ensure the remediation of any hazards identified.

6.5 Overcrowding

Overcrowding is a secondary impact of housing unaffordability. A household is overcrowded if it has fewer bedrooms than it needs to avoid undesirable sharing, based on the age, sex and relationship of household members. 7.4% of private rented households within Westminster are overcrowded. This is lower than the London average of 15% but slightly higher than the average for England and Wales of 7.3% [18]. 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 for example, because of the amount of laundry and cooking activity required to feed more people in a small space. Insulation and ventilation can't generally cope with the extra demand. The Housing Health and Safety Rating System 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' [19].

[16] https://trustforlondon.org.uk/data/rent-affordability-borough/
[17] House of Commons Research Briefing: Health inequalities: Cold or damp homes, February 2023
[18] Overcrowding and under-occupancy by household characteristics, England and Wales - Office for National Statistics (ons.gov.uk)
[19] Housing Health and Safety Rating System (HHSRS)

Evidence also indicates that poor housing conditions and overcrowding will not only have a detrimental effect on household members' physical and mental health but can also have a major impact on educational attainment[20]. 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, which may be related to overcrowding. This in turn impacts on an individual's ability to reach their full potential in life.

6.6 Age and type of properties

As described at section 4.2 above, the majority of properties in Westminster were built pre-Second World War (60.1%) and as such are at a greater risk of being in disrepair and having both category 1 and 2 hazards.
The majority of properties in Westminster are flats (89%) which is an indication of housing density in the borough and also reflects many of the common issues being brought to the attention of officers including overcrowding, poor conversions and planning enforcement issues.

6.7 Levels of housing complaints in the designated wards

Whilst the Housing Stock and Stressors report is an estimate of the number of housing hazards that are likely to be present in these wards, the number of actual housing complaints and the resulting statutory notices are additional evidence of the level of severe issues in the designations. Complaints and service requests made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of low quality PRS. Westminster recorded 3,805 complaints and service requests from private tenants and others linked to PRS properties over a 5-year period and 3,431 of those were in the 15 wards of the proposed scheme. (Figure 9).

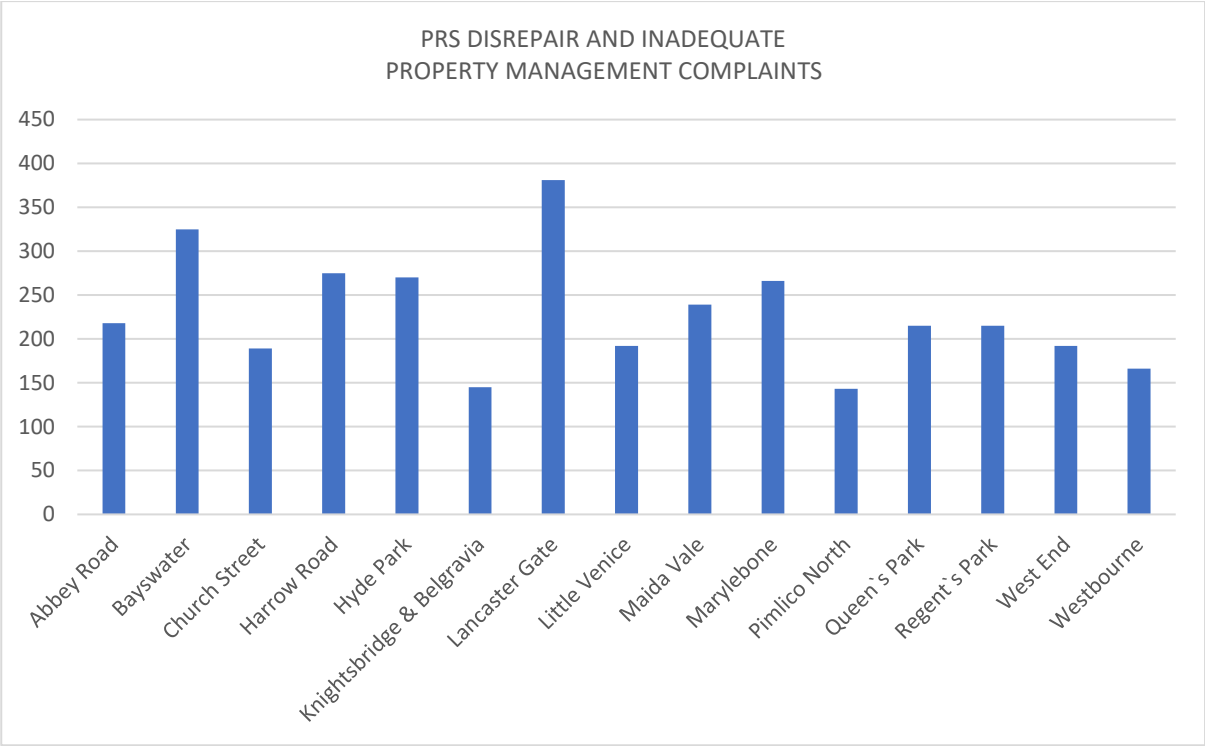


Figure 9: PRS disrepair complaints made by private tenants to the Council (2018 – 2023)

[20] The impact of bad housing on children's lives

6.8 Statutory notices served in the designated wards

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. As per the Metastreet Housing Stock Condition and Stressors Report in May 2024, boroughwide, 583 statutory notices had been served, with a 537 of those notices within the proposed designations, representing a huge drain on Council resources.

6.9 Public perception of poor housing conditions

During the consultation on selective licensing, Westminster Council asked respondents for their views on problems related to the borough as a whole and also in particular within the private rented sector.

Respondents were asked to what extent they believed that poor property conditions were a problem in the borough. Almost 1 in 3 respondents, 29%, stated that they thought that poor property conditions were a very big or a fairly big problem, 35% thought poor property conditions were not a very big problem and 21% thought they were not a problem at all. (Figure 10).

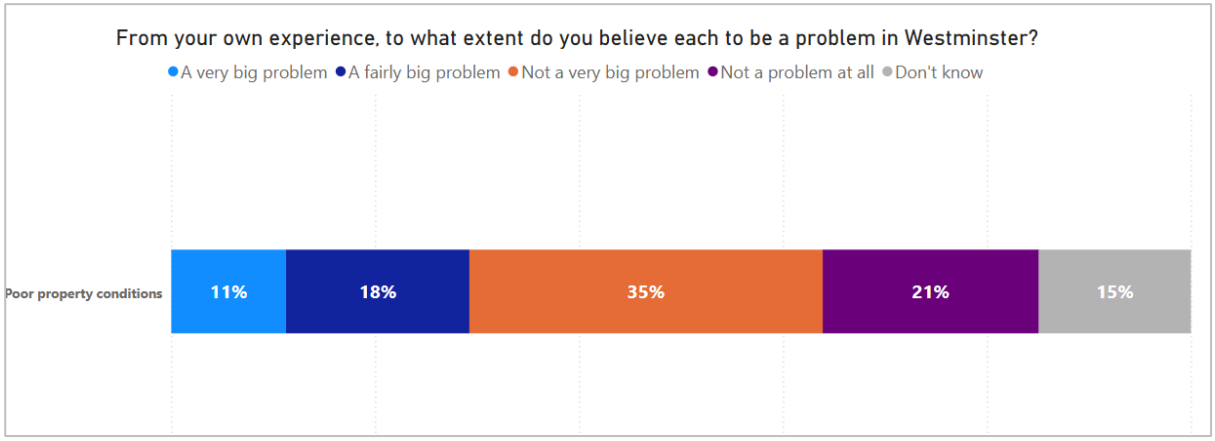


Figure 10: Respondents views on poor property conditions in Westminster

Looking at responses by stakeholder group, private tenants and owner occupiers consider poor property conditions to be a much greater problem, with 58% and 36% respectively saying it is a very big problem or a fairly big problem. This is compared to landlords where only 13% consider poor property conditions a very or fairly big problem. 30% of “Other/multiple”[21] stakeholders thought it was a very or fairly big problem (Figure 11).

[21] “Other / Multiple” stakeholders denotes where respondents selected more than one stakeholder group, for example they said they were both a landlord and an owner occupier, or were responding as a local business owner and a landlord.

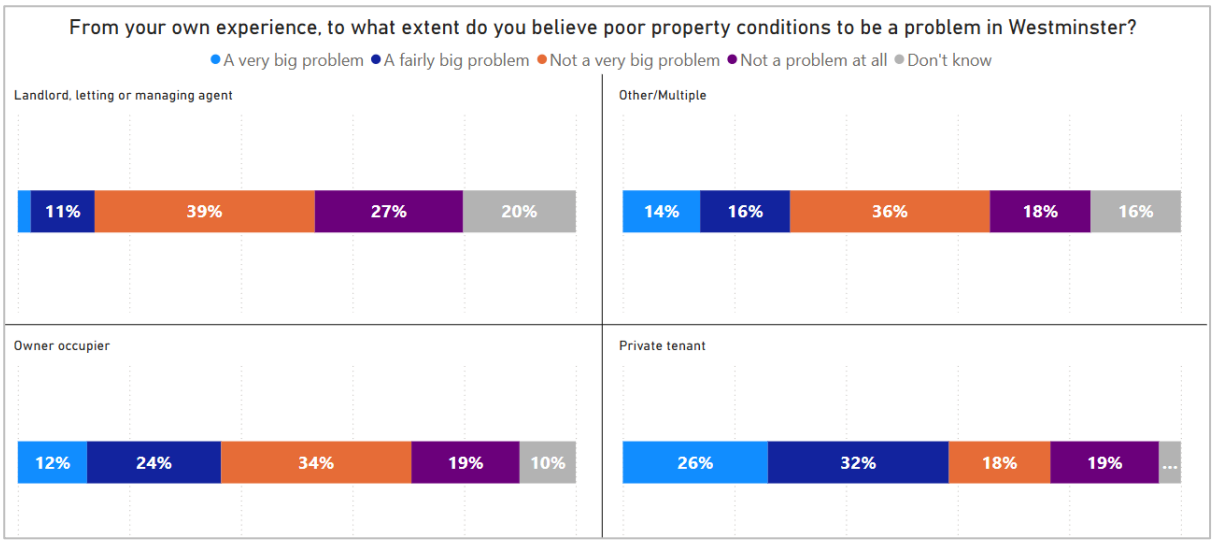


Figure 11: Respondents views on poor property conditions in Westminster by stakeholder type

Respondents were also asked their views on issues related particularly to the private rented sector. Respondents were asked to what extent they believed that the physical condition of private rented properties were a problem in the borough. 25% of respondents either agreed or strongly agreed, while 49% of respondents disagreed or strongly disagreed (Figure 12).

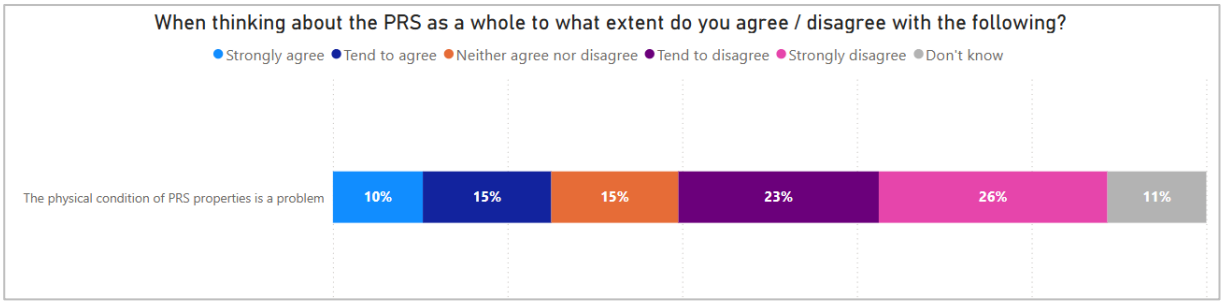


Figure 12: Respondents views on the physical condition of PRS in Westminster

When looking at the respondent type, 60% of private tenants and 34% of owner occupiers either agreed or strongly agreed that the physical condition of private rented properties is a problem in Westminster. In contrast only 7% of landlords/agents and 24% of “Other / Multiple” stakeholders agreed or strongly agreed that the physical condition of private rented properties is a problem in Westminster (Figure 13).

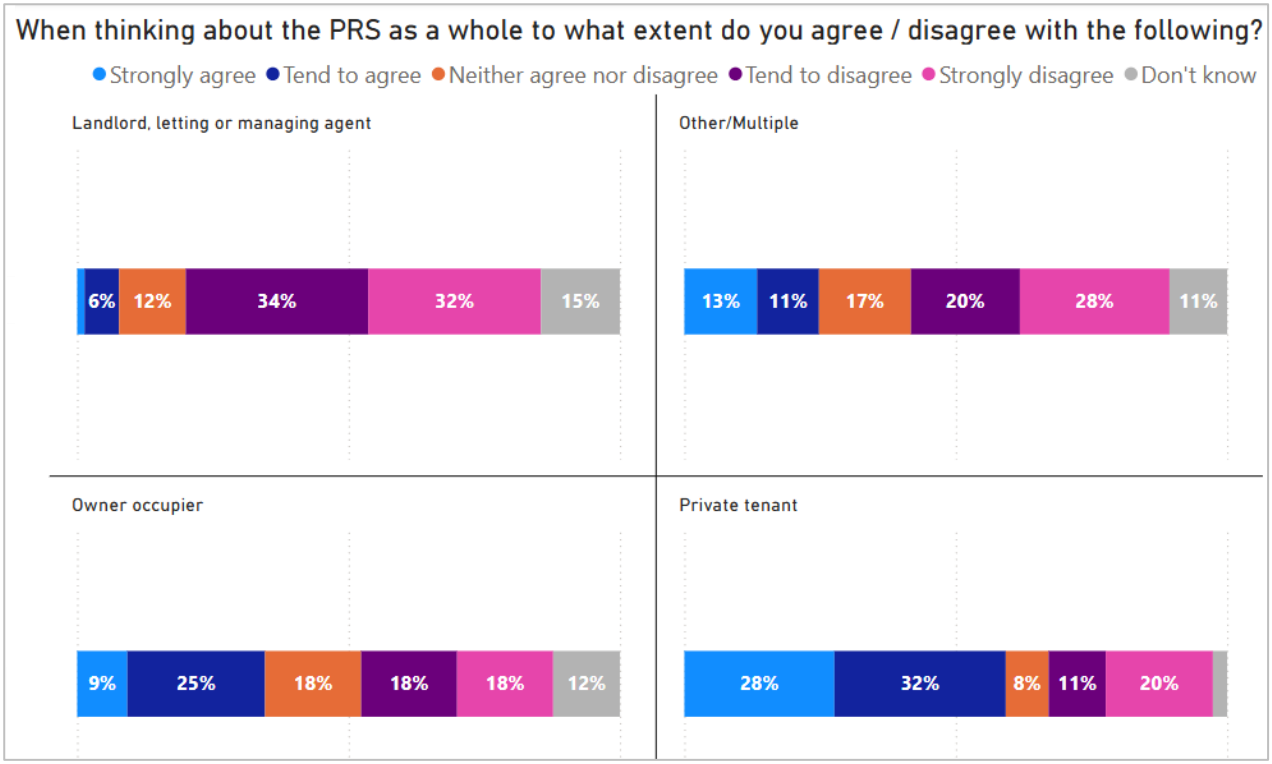


Figure 13: Views on physical conditions of PRS properties being a problem in Westminster by respondent type

Respondents were asked to what extent they agreed that poorly maintained properties were contributing to the decline in some areas in Westminster. 41% of respondents either agreed or strongly agreed, while 38% of respondents disagreed or strongly disagreed (Figure 14).

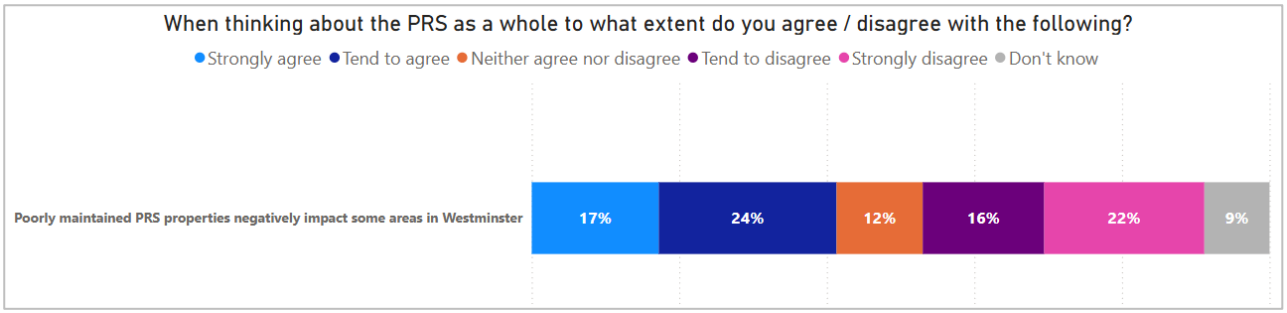


Figure 14: Views on poorly maintained PRS properties in Westminster

When looking at the respondent type, 58% of private tenants, 56% of owner occupiers and 43% of "other / multiple" stakeholders either agreed or strongly agreed that poorly maintained properties were negatively impacting some areas in Westminster. In contrast only 25% of landlords/agents agreed or strongly agreed that the physical condition of private rented properties is a problem in Westminster (Figure 15).

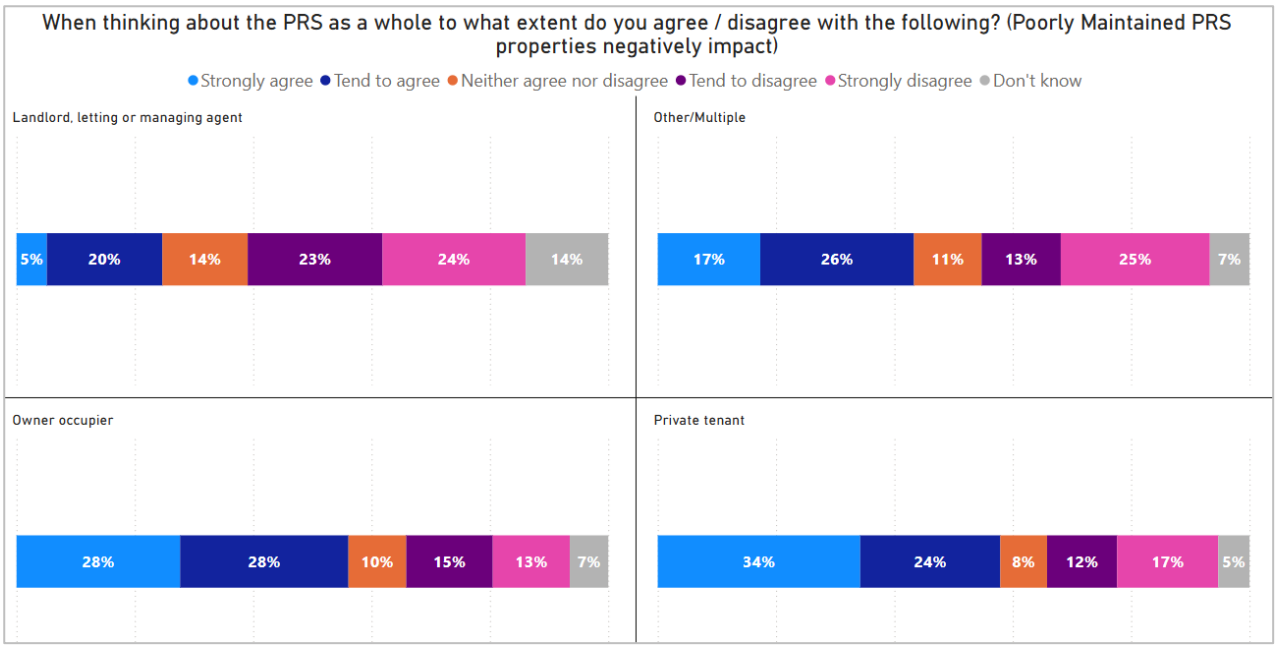


Figure 15: Respondents views on property maintenance in the PRS

When asked whether poorly managed private rented properties were negatively impacting some areas in Westminster, 41% either agreed or strongly agreed (Figure 16).

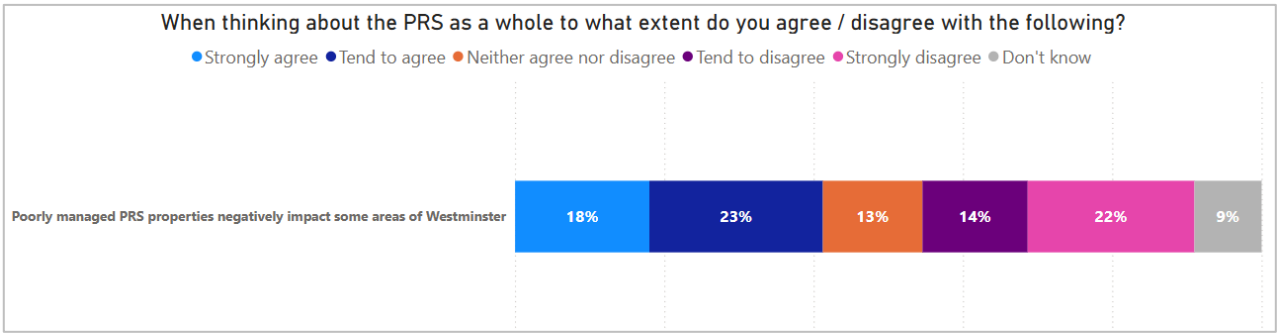


Figure 16: Respondents views on poorly managed PRS properties in Westminster

When looking at the respondent type, 62% of private tenants, 57% of owner occupiers and 41% of "other / multiple" stakeholders either agreed or strongly agreed that poorly managed properties were negatively impacting some areas in Westminster. In contrast only 24% of landlords/agents agreed or strongly agreed that the poor management of private rented properties is a problem in Westminster (Figure 17).

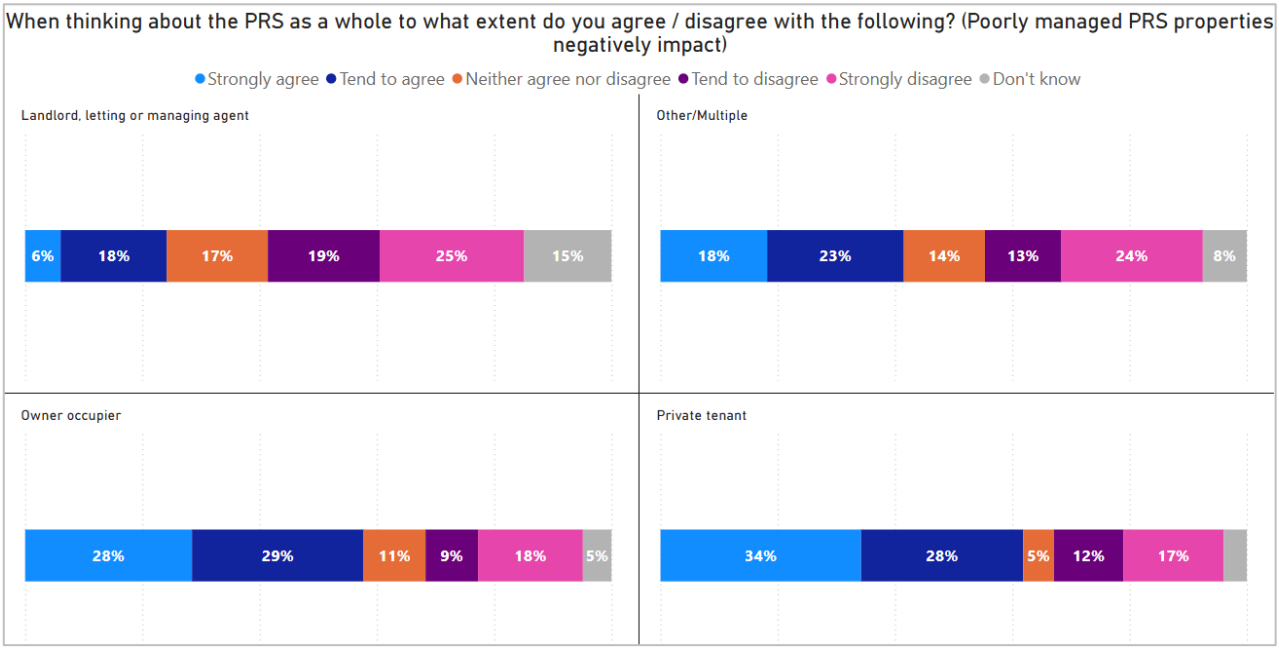


Figure 17: Respondents views on the management of PRS properties

The consultation results indicate a general consensus among respondents that there are significant issues with private rented properties in the borough, including poor physical condition, inadequate maintenance and poor management. The results also highlight the difference between landlord's perception of property conditions and the management of private rented homes and the lived experience of all other stakeholders. It is likely that this stems from their differing perspectives on licensing schemes. Tenants see licensing schemes as beneficial, providing an added layer of protection that can lead to improved living conditions, while landlords often perceive them as an extra regulatory burden. Despite these opposing views, the licensing scheme aims to balance the interests of both tenants and landlords. The scheme seeks to protect tenants from substandard living conditions while also providing clear guidelines for landlords to follow in managing their properties.

6.10 Inspections to be carried out with a view to carrying out any necessary enforcement

The review of housing conditions under section 3(1) of the Act, identified a significant number of properties in the PRS that need to be inspected with a view to determining whether any category 1 or 2 hazards exist on the premises and taking any necessary enforcement action for remediation. Within the designated areas, it is predicted that 6,036 private rented properties (excluding known HMOs) have at least one serious hazard.

The designation of these wards will allow Westminster Council to deal with some of the worst property conditions in the borough at scale. The licensing team would have targets to inspect, intervene and improve sub-standard dwellings.

The intelligence created in the review of housing conditions (carried out by Metastreet) has been used to inform an inspection regime for the scheme as part of the Council's enforcement plan. This intelligence will also allow the Council to risk assess any applications. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with licence conditions.

The Council will take the full range of necessary enforcement actions, including the additional regulatory controls afforded by property licensing, to improve poor property conditions.

The objectives for the scheme state that the Council will improve housing conditions in the PRS and improve management standards in PRS properties. All private rented property licence applications will receive a desk-based risk assessment. Compliance inspections will be undertaken in at least 60% of licensed properties equating to approximately 20,000 compliance inspections undertaken over the life of the scheme. It is anticipated that this will lead to at least 10,000 properties being improved via compliance inspections alone and subsequent enforcement action where required.

It is also the Council's intention to inspect all properties when a complaint of poor conditions and disrepair is received and to take any necessary enforcement action to remediate any hazards identified. Through this inspection regime the Council will ensure that any Category 1 and 2 hazards identified are remediated and licence conditions complied with. This will achieve a general improvement of property conditions in the designated area within the lifetime of the designation. See case study 1 below.

Case study 1: 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

The landlord was 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).

6.11 How the Council will use selective licensing to improve general housing conditions in the area

The confirmation of the scheme will allow the Council to have a robust enforcement framework and will enable the Council to provide the enforcement capability necessary to achieve the scheme objectives, improving general housing conditions in the area and tackling ASB linked to the PRS. The selective licensing scheme will form part of a wider strategy for the Council in improving the PRS in the area and ensuring that safe and decent housing is accessible to people on a range of incomes in a market that is well regulated and offers appropriate protection to tenants. The scheme would form part of a coordinated approach in connection with dealing with homelessness, empty properties, regeneration and anti-social behaviour associated with privately renting tenants.

The legal framework of the licensing scheme enables property issues to be dealt with more effectively:

- The licence application process requires the management arrangements for each licensable home to be confirmed, a nominated Licence Holder to be identified and for key parties involved in the letting/management of the licensed property to pass a 'fit and proper person' test.

- A granted licence is accompanied by a set of conditions which place obligations on the Licence Holder (or another nominated party) in relation to the management, use or occupation. These conditions, for example, currently include requirements to carry out 6-monthly inspections of the rented home to identify any problems relating to its condition and management and to take prompt action to investigate complaints relating to disrepair or pest infestation.

- The Council's Private Sector Housing & Licensing service receives approximately 1,100 service requests each year, many of which relate to reported poor housing conditions in privately rented homes. In the significant majority of cases the rented home is licensed, and through licensing, the Council has a 'go to' party in the form of the nominated Licence Holder to which most complaints are immediately referred to as part of a triage process.

- Licensing data also enables the ready identification of interested parties should it be necessary to take formal enforcement action although, in the significant majority of cases, the effective operation of the licensing regime means that property-related defects are remedied informally. In this regard, whilst the Council recognises that there are limitations on what a landlord can be required to do as a condition of a selective licence, it is the case that the evidenced failure of a landlord/Licence Holder to maintain their rented property such that formal action (such as the service of a Notice under Part 1 of the Housing Act – HHSRS) is needed will adversely impact on their ability to be regarded as a fit and proper person able to hold a licence or a full term licence.

The Council will work with, advise and support landlords to address poor property conditions and ASB, and achieve compliance with the licence conditions. This will be done through a combined effort as a local authority working in partnership with external partners such as the London Fire Brigade and Police as well as other Council departments, to identify properties that need improvement.

Poor property conditions can exacerbate factors that make deprivation worse. The licensing inspection regime will enable us to identify tenants on low incomes who are living in homes with an

E, F or G EPC rating and those who may be affected by fuel poverty. The Council aims to bring at least 50% of identified properties up from F and G rated EPCs to a minimum of an E rating. 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 Private Sector Enforcement and Regulation Service will work with Trading Standards (currently responsible for enforcement of The Domestic Minimum Energy Efficiency Standard (MEES) Regulations) to bring them into compliance.

Where empty properties are found to have a category 1 hazard, the council shall support landlords to remedy the hazards by referring them to our Empty Properties team. Landlords may also benefit from a reduced rate of VAT if a property that has been vacant for more than 2 years is brought back into use, reduced to 5% instead of the usual 20%. Renovation work to properties empty for over 10 years will be zero-rated if the owner intends to live in the property. The council can support landlords by providing relevant documentation to provide to HMRC. A reduced VAT rate also applies to the installation of certain specified energy-saving materials and measures in residential accommodation.

As outlined in section 6.5 above, overcrowding is another element that makes poor property conditions worse. Selective licensing not only helps the council to identify properties at risk of becoming overcrowded, but sets maximum household occupancy rates, where the property would not be suitable for occupation by multiple households. Where Westminster Council find properties are overcrowded, they will work with landlords to reduce occupancy to safe levels, referring tenants to the Council's Housing Solutions Service, or to Citizens Advice for further guidance on their legal rights, their eligibility for housing support and around how to find alternative accommodation, where appropriate.

Communicating the availability of advice and support to landlords is paramount, and the Council has committed to holding two landlord forums per year as well as sending a quarterly newsletter to all licensed landlords on changes in legislation, Council policy and other general information and guidance.

The council recognise that having accredited landlords is also key to raising standards in the private rented sector and have actively encouraged all landlords to become accredited to achieve a level of housing knowledge and competence before letting a home. The Council will continue to work with the London Landlord Accreditation Scheme (LLAS) to provide training for landlords. As of March 2025, Westminster had 1,486 landlords accredited to LLAS, and the Council is expecting to see this number rise following the introduction of a selective licensing scheme.

Where needed and when landlords do not comply with the Council's licensing conditions, fail to license or whose properties present serious housing hazards, the Council will intervene and improve a significant number of these properties, and ensure compliance with licence conditions in properties through a combination of informal and formal enforcement action.
A key objective of the scheme is to increase awareness in tenants on the minimum standards to be expected in rented accommodation. The Council will deliver an education campaign to make renters aware of licensing, tenancy rights and responsibilities and services available. By educating tenants on how to deal with issues that arise in their properties this will also lead to general improvements in the PRS. See case study 2.

Licence conditions:

The conditions that the Council proposes to include in licences granted under the selective licensing scheme are listed in Appendix 4. These will be used to improve the management of properties, support the proactive maintenance of properties, ensure compliance with property standards, and prevent a further deterioration in rented properties in the area.

All licences will contain the mandatory licence conditions in accordance with the Housing Act 2004, Schedule 4. In addition to the mandatory conditions, the Council will include discretionary licence conditions related to the standard and management of properties. Examples of these discretionary conditions include the following:

> *Condition 13*
> *The Licence Holder must ensure that prompt action is taken to investigate and effectively address reports about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such report within 21 days of receipt, stating the action that has been or will be taken.*
>
> *Condition 22*
> *The Licence Holder must ensure that regular checks at intervals of no longer than 6 months are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 21 days on demand.*
>
> *Condition 31*
> *The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Authority within 21 days on demand.*

The Council will use selective licensing, including specific licence conditions imposed under Section 90 of the Act, to bring about an improvement in general housing conditions in the area using a combination of informal and formal actions, including the service of statutory housing and public health notices, civil penalties and prosecutions for the worst and most severe cases, alongside other Council strategies.

Making this designation will, when combined with other measures taken in the area, such as working as a multidisciplinary team alongside internal and external stakeholders including the London Fire Brigade, Home Office, Police, HMRC, Justice for Tenants, Planning Enforcement, Community Safety, Empty Properties Team, Social Services, Housing Needs and Council Tax, will allow the Council to identify areas and properties of concern and continue to improve property conditions in the designated area within the lifetime of the scheme and to prevent further deterioration in the area.

Case study 2: Collaborating with partners to support and protect tenants

Background

The tenant contacted Private Sector Housing and Environmental Health with a concern regarding his housing conditions, which included no toilet or cooking facilities. There was the 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. The council will continue to support tenants and collaborate with partners to help tenants to find long term sustainable housing solutions within the PRS.

7. Demonstrating compliance with legislative criteria: Anti-Social Behaviour

7.1 Criterion: Anti-Social Behaviour

A selective licensing scheme being proposed under the Anti-Social Behaviour criteria must provide evidence of the following:

(a) *that the area is experiencing a significant and persistent problem caused by anti-social behaviour;*

(b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and

(c) *that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.*

The proposed designation 2, has significant and persistent **anti-social behaviour** as well as poor housing conditions

That the area is experiencing a significant and persistent problem caused by anti-social behaviour;

In deciding whether an area suffers from anti-social behaviour, it is recommended that local housing authorities consider whether private sector landlords in the designated area are not effectively managing their properties so as to combat incidences of anti-social behaviour caused by their tenants or people visiting their properties and in particular that the area suffers from anti-social behaviour as a result of this failure or because that failure significantly contributes to this problem. In considering whether the area is suffering from anti-social behaviour, which a landlord should address, the council should consider acts of (but not limited to):

- intimidation and harassment of tenants or neighbours;
- noise, rowdy and nuisance behaviour affecting persons living in or visiting the vicinity;
- animal related problems;
- vehicle related nuisance;
- anti-social drinking or prostitution;
- illegal drug taking or dealing;
- graffiti and fly posting;
- and litter and waste within the curtilage of the property.

The 7 wards in designation 2 are all experiencing significant and persistent levels of anti-social behaviour (ASB) specifically related to private rented properties and its occupants, or its immediate vicinity. When this type of ASB is carried out by tenants, the council expect a landlord to help address the issues with them.

7.2 ASB by tenure type

ASB in the private rented sector is significant compared with other tenures. Westminster's private rented sector has the highest proportion of properties with persistent ASB with 8% of PRS properties affected by persistent ASB. This compares to 1% of owner occupier properties and 7.5% of social housing properties. See figure 18.

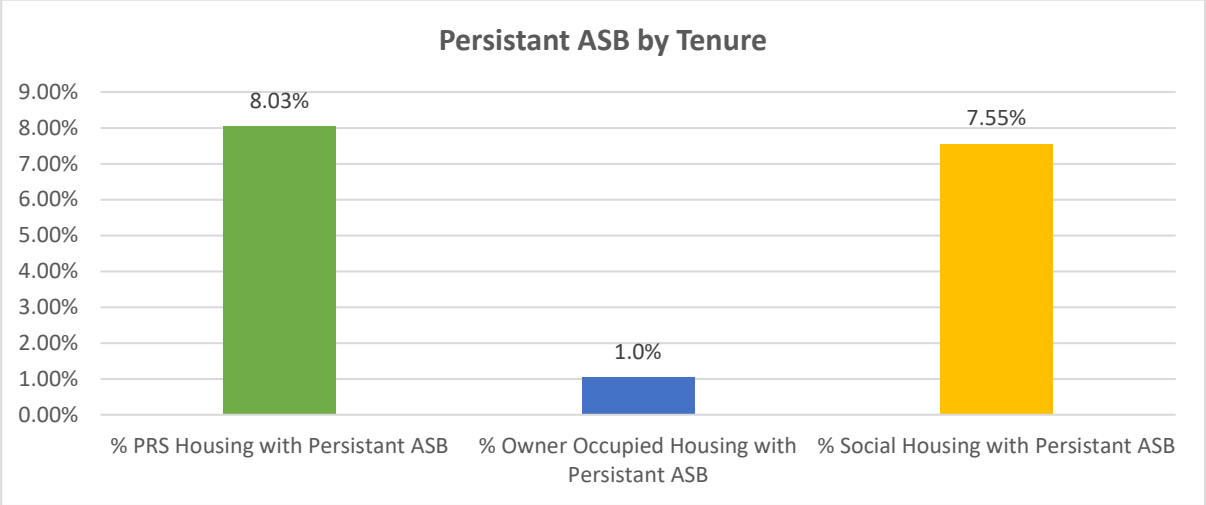


Figure 18: Persistent ASB linked to properties in Westminster by tenure type [Source: Metastreet Ti data 2024]

7.3 Persistent ASB in designation 2

It is important to clarify that the assessment of levels of persistent ASB in the PRS, involves analysing evidence where a property has two or more incidents of ASB over a five-year period.

The evidence shows that there is a significant issue with persistent ASB linked to PRS properties within the seven wards in this designation.

These seven wards are:

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

That some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take

7.4 ASB incidents by ward

Over a five-year period (2019-2024), 2,152 PRS properties[22] (excluding HMOs) in these seven wards were recorded as having persistent ASB, totalling 8,712 repeat incidents.

- 1,697 properties with repeat noise incidents
- 7,495 repeat noise incidents across these 1,697 properties
- 455 properties with other types of repeat ASB incidents (excluding noise)
- 1,217 repeat other ASB incidents across these 455 properties

Understanding the number of repeat ASB incidents at a dwelling can help identify properties in need of additional management to help reduce the impact on surrounding households. Persistent ASB incidences shows that some landlords are failing to take the appropriate action to deal with ASB in their properties when it first occurs.

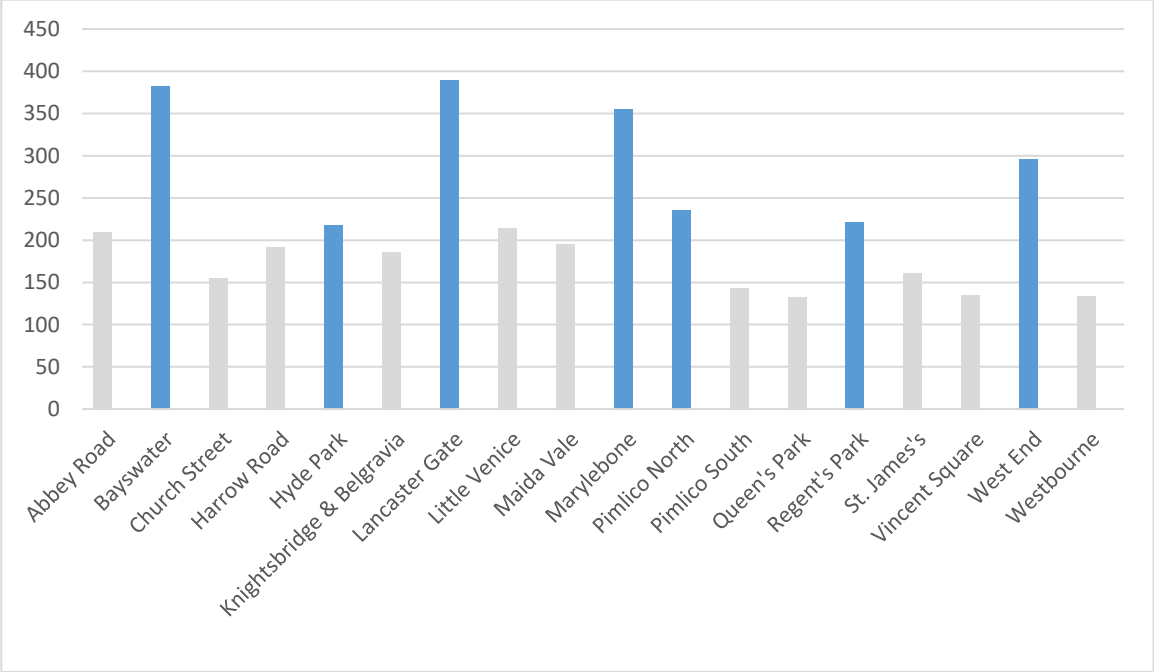


Figure 19: Number of PRS properties (excluding HMOs) with repeat ASB by ward [Source: WCC 2024]

The evidence shows that across the proposed designation 2 there is a high rate of persistent ASB linked to PRS properties.

7.5 Public perception of ASB

During the consultation on selective licensing, the council asked respondents for their views on ASB. Almost half of respondents (47%) said that ASB was either a very big problem or a fairly big problem in Westminster, while 44% said it was not a very big problem or not a problem at all.

[22] Metastreet Ti data, 2024

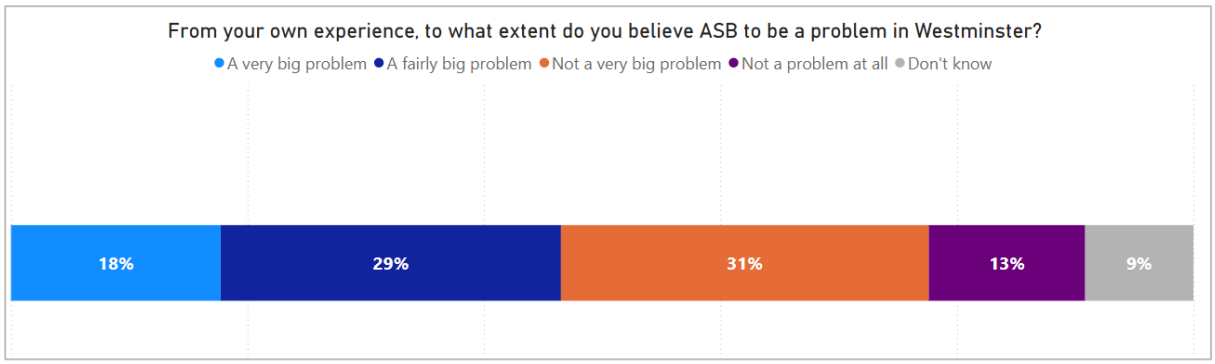


Figure 20: Respondents views on ASB in Westminster

When looking at respondent type, a considerable majority of owner occupiers (70%), 54% of private tenants and 51% of "other/multiple" stakeholders, said ASB was a very or fairly big problem in Westminster. This compares to only 24% of landlords and letting agents saying the same.

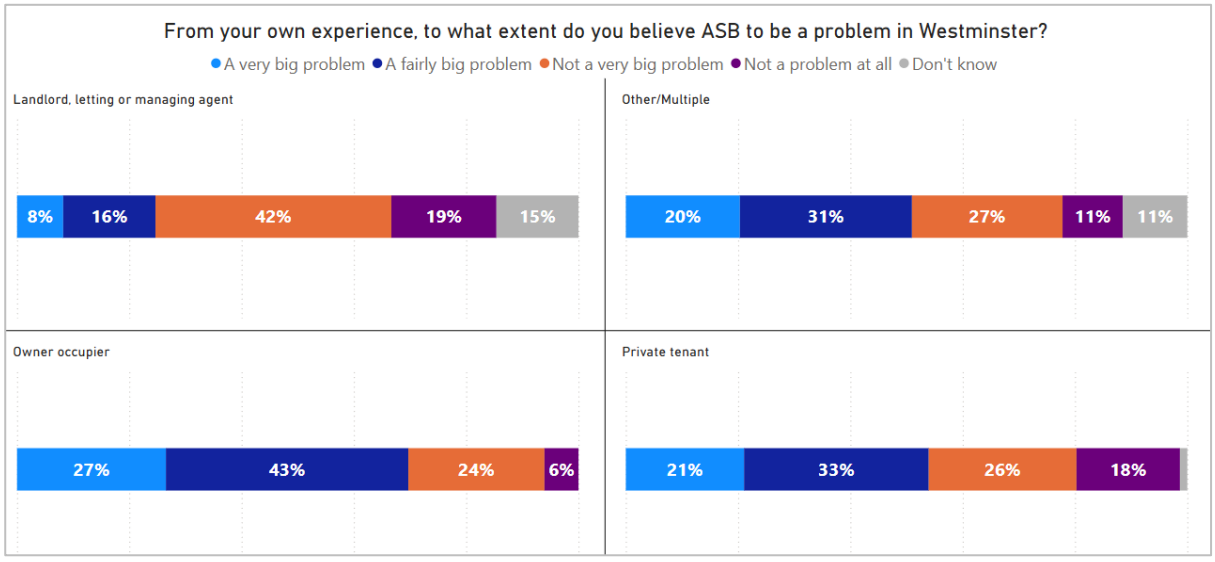


Figure 21: Respondents views on ASB in Westminster by stakeholder group

Respondents were also asked when thinking about the PRS as a whole, to what extent they agreed or disagreed that the PRS causes neighbourhood problems such as noise, nuisance, rubbish and other ASB. 23% of respondents agreed or strongly agreed, versus 57% disagreed or strongly disagreed (Fig. 22).

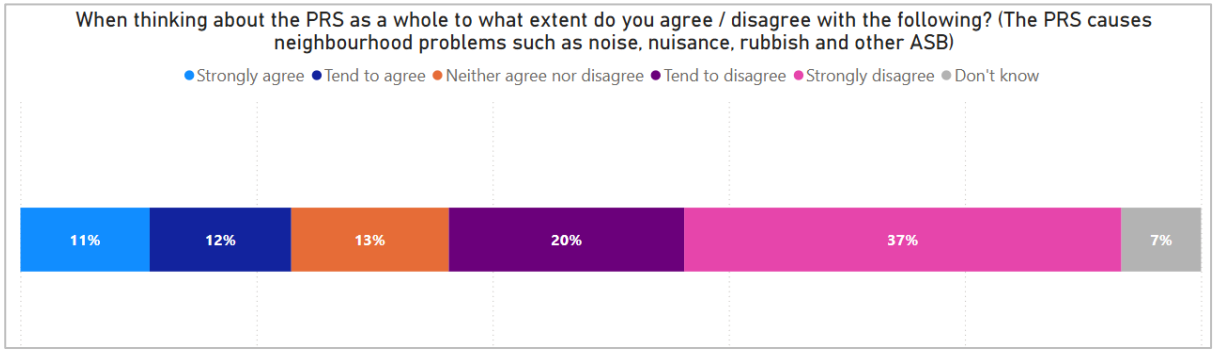


Figure 22: Respondents views on neighbourhood problems caused by the PRS

When considering respondent type, owner occupiers were the only stakeholder group where more respondents agreed or strongly agreed with the statement than disagreed or strongly disagreed (42% versus 40%). A considerable majority of landlords and letting agents disagreed or strongly disagreed with the statement (73%) (Fig. 23).

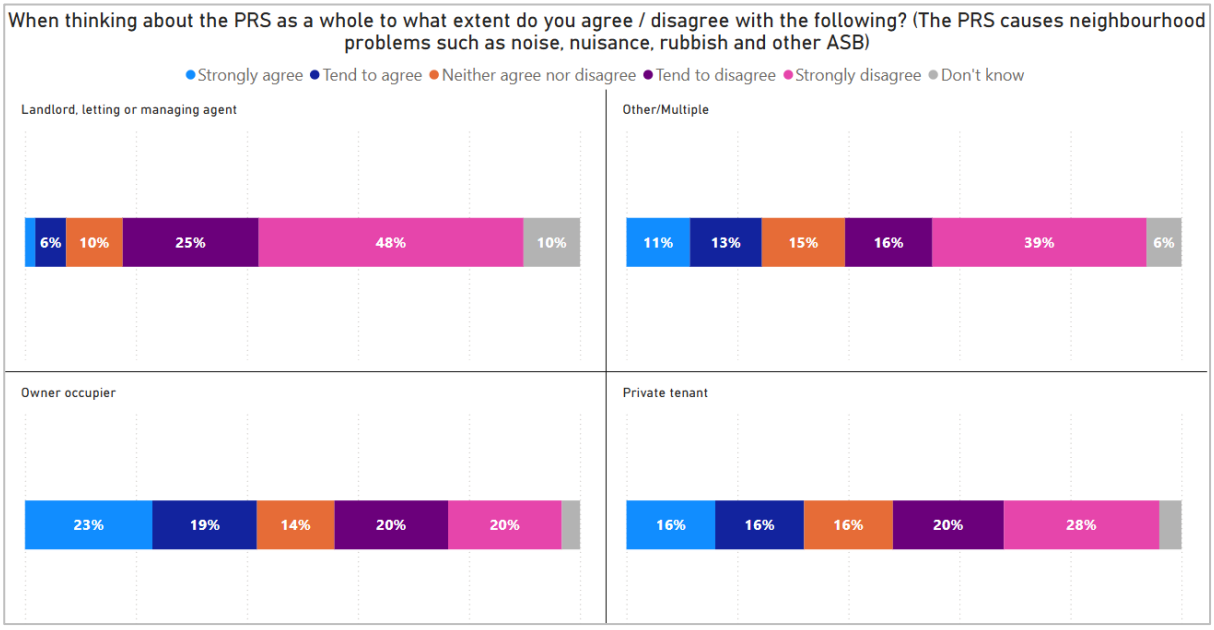


Figure 23: Respondents views on neighbourhood problems caused by the PRS by stakeholder group

The results of this question when compared to the broader question on ASB in Westminster suggests that there is a perception that although a significant proportion of respondents believe there are ASB issues in Westminster, they do not believe these are necessarily attributable to PRS properties. This is at odds with the data (as shown in Fig. 19) which shows the PRS is the tenure where ASB is most prevalent.

All 7 wards within the proposed designation 2 are experiencing a significant and persistent problem caused by ASB. Repeated reports of ASB suggests that some PRS landlords letting premises in the area are failing to adopt a proactive approach to tenancy management to effectively address the ASB. The Council considers that making the proposed designation would lead to a reduction in the problem.

That making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

7.6 How the council will use selective licensing to reduce persistent ASB in the area

The council will tackle ASB in the private rented sector by reducing the instances of repeat ASB linked to licensed properties over the lifetime of the scheme. A recent study by the British Medical Journal into the public health impacts of selective licensing found that complaints about ASB

reduced by 15% in areas covered by selective licensing schemes, compared to control areas[23].

A selective licensing scheme in these wards would give the Council additional powers to deal with the properties that cause such a problem for neighbours and the community. The council will deliver a reduction in ASB by working proactively with landlords and owners of the properties to prevent ASB and, where necessary, dealing 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 such as Safer Communities, Social Services, Community Mental Health, and the London Fire Brigade. Westminster Council will continue to build on the stong partnership with our local police teams to ensure cases are handled in a joined-up manner.

The operation of a selective licensing scheme will ensure that landlords are required to have a more hands on approach to tenancy management in their privately rented homes. 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:

a) Generally, taking all reasonable and practicable steps to prevent and deal effectively with ASB resulting from the conduct of occupiers of, or visitors to, the house, including the investigation of complaints, notifying the occupants as to the consequences of any ongoing evidenced ASB and keeping written records of any ASB-related documentation for a minimum 5-year period;

b) 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;

c) Carrying out inspections of the rented property at least every 6 months.

Specifically, Condition 35 (a) to (h) sets out the measures to be undertaken to address ASB.
In accordance with Westminster's enforcement policy, non-compliance of licence conditions will be robustly enforced. Enforcement may include refusing licence applications, issuing one-year licences, revoking licences, issuing civil penalty notices and/or prosecution in serious cases.

Under the existing licensing schemes, enforcement teams send ASB warning letters to licence holders/landlords to bring instances of alleged ASB to their attention and require them to investigate in line with the obligations placed on them through the relevant licence conditions and report their findings and any necessary actions to the Council. This enforcement of licensing requirements has yielded positive results, through the prompt and effective action taken by the landlord.

Guidance and advice will be provided to landlords on managing tenants who are involved in ASB, particularly where there is evidenced serious ASB which necessitates formal action in the Courts. The following Case Study shows how licensing inspections can help address issues with ASB.

[23] Impact of selective licensing schemes for private rental housing on mental health and social outcomes in Greater London, England: a natural experiment study Petersen J, et al. BMJ Open 2022

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. This will prevent the property from being used for illegal activities.

Westminster 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.

Making this designation will, when combined with other measures taken in the area, such as working alongside internal partners and external agencies bring about a reduction in ASB in the private rented sector in designation 2.

8. Selective 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.

Selective licensing is part of the overall housing strategy

8.1 Fairer Westminster Delivery Plan

Fairer housing is one of five key ambitions set out by Westminster City Council in the Fairer Westminster Delivery Plan. 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 them.

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 the council undertake and the decisions the council 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.

8.2 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.

The local authority has sought to adopt a co-ordinated approach with existing policies in connection with dealing with homelessness, empty properties, regeneration and anti-social behaviour associated with PRS tenants, regarding both:

- ***combining selective licensing with other courses of action available to them, and***
- ***combining selective licensing with measures taken by others i.e., other organisations working in the area.***

8.3 Preventing and resolving homelessness

Selective licensing is vital to preventing and resolving homelessness. Like many Councils, Westminster has a growing homelessness challenge and is under increasing pressure to find suitable temporary accommodation for families. There is also an inequity challenge, with a disproportionate rate of homeless families in temporary accommodation being from a Black and Multi Ethnic background[24]. In order to address the scale of the challenge surrounding homelessness the council will continue to deliver its Homelessness Strategy which comprehensively sets out the Council's plan for:

- Preventing homelessness in Westminster
- Securing sufficient accommodation that 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.

The Council recognises the vital role of the private rented sector in providing a wider housing offer for Westminster's residents. Through the implementation of a selective licensing scheme the council will be able to ensure improved conditions in private rented housing. Licensing schemes will also enable us to offer greater protection to tenants in the private rented sector. In collaboration with partner agencies, we shall work to reduce the prospect of unlawful evictions, which in turn will help to both avoid and reduce homelessness in the borough.

Through property licensing, vulnerable residents who may be at risk of homelessness may be identified and referred to the Housing Advice Team, who will work with tenants to keep them in their current accommodation or help them find alternative housing. Tenants at risk will also be signposted to the Councils webpages which provides comprehensive guidance for those facing the threat of homelessness.

In addition, by working with landlords to improve their professionalism and understanding of their legal obligations, and by educating tenants about their rights and responsibilities, the Council is able to support the sustainment of tenancies in the private rented sector and contribute to reducing homelessness in the borough.

[24] Inside Housing

8.4 Identifying and tackling 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.

The Council has a dedicated Empty Property Officer who works in cooperation with owners of empty properties in the private rented sector and provides solutions to assist with bringing their properties back into use. An intelligence-led approach is used, which incorporates using internal council data received on empty properties and also information received from the public.

The Empty Property Officer sits within the Private Sector Housing team, allowing sharing of information and intelligence around the housing market, ownership, complaints etc. All empty properties identified are inspected and officers will work with property owners and landlords to encourage them to engage with the Council.

Empty properties attract nuisance and ASB, so work done to bring empty properties up to standard and back into use as liveable homes is complimentary to the objectives of property licensing and other Council strategies such as homelessness and ASB reduction.

8.5 Supporting regeneration goals

The council has set out a new policy, as part of a review of the council's City Plan which requires developers to consider retrofitting before demolishing buildings, promoting sustainable growth, energy efficiency, and preservation of heritage. A selective licensing scheme will ensure the private rented sector supports regeneration goals, aligning with sustainability, affordable housing, and community-focused urban development. Additionally, selective licensing will act as a regulatory tool to ensure that landlords in regenerating areas maintain high property standards, supporting the broader vision of creating a more sustainable, inclusive, and well-maintained urban environments.

8.6 Reducing anti-social behaviour in the PRS

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 Westminster Council 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.

The property licensing designations are vital in supporting the Council's multi-agency approach to tackling and reducing ASB by obliging landlords and property managers to be proactive in dealing with any ASB arising in their properties.

To tackle ASB problems, the council 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.

9. Licensing and other measures and initiatives

Combining licensing with other courses of action available to them

The Council will continue to use a multi-agency approach and will continue to use Part 1 of the Act, and all other public health and housing legislative powers available in conjunction with selective licensing.

9.1 Working with and supporting good landlords and agents

The Council understands the vital role that private landlords play and provide a number of services to support landlords in meeting their obligation to provide good quality rental accommodation for their tenants. This includes the following:

- Dedicated Private Sector Housing Landlords Webpage – This provides information and advice on;
    - Private sector housing enforcement
    - Houses in multiple occupation (HMO's)
    - Standards in rental accommodation
    - Minimum energy efficiency standards
    - Landlord energy grant scheme
    - Electrical safety standards
    - Landlord forums and accreditation
    - Fire safety

- Landlord Forum – Landlord forums are free to attend and held periodically. They provide an opportunity for landlords, agents and property professionals to keep ahead with the latest developments in local and national updates relating to private rental standards.

9.2 Supporting private rented sector tenants

The Council provides help and support to tenants living in private rented accommodation as detailed in section 6. Additional support includes the following:

- Tenants' Charter
- Rent Repayment Orders - To support Westminster renters to secure rent repayment orders (RROs) against their landlords' Westminster council will provide supporting information to the organisation Justice for Tenants.

- Online support - Comprehensive information is also available to tenants on the Council's webpages, which provides information on:
    - Housing standards
    - Private tenant's rights
    - How to report poor housing conditions
    - Houses in multiple occupation (HMOs)
    - Private housing adaptations, grants and assistance

- Taking private action against landlords
- Warmer homes and energy efficiency
- Private rented sector strategy
- Property guardians

9.3 Combining licensing with measures taken by others local organisations in the area

Selective Licensing is not a solution, but a key tool to be used with other initiatives and partnerships to tackle issues affecting the PRS. There are a range of partnerships and collaborations that need to be working effectively to support these designations of selective licencing in the applicable areas.

Westminster Council will continue to build on the good working relationship with their internal and external partners that has been established as part of the HMO licensing schemes and business as usual private sector enforcement.

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, the council 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.

With the aim of seeking to assist landlords and improve the PRS, the council will also continue to actively promote Landlord Accreditation Schemes including the London Landlord Accreditation Scheme (LLAS) and provide discounts to accredited landlords.

<u>Working in partnership to help identify and disrupt modern slavery and human trafficking</u>

The implementation of a selective licensing scheme in an area, complemented by routine monitoring of properties and proactive campaigns to uncover unlicensed properties not only ensures property standards are improved but also aids in identifying and addressing other potential issues in the designated area.

There is an intrinsic link between slavery and housing; not all rogue housing will involve slavery, but virtually all cases of slavery will involve some form of substandard housing. Cases of slavery have

been discovered when councils have investigated noise complaints or reports of ‘beds in sheds’; therefore, regulation of private rented sector housing, including licensing schemes, can and has been used effectively to disrupt slavery[25].

In recent years, officers from Westminster’s Private Sector Housing team have worked in close partnership with the Council’s Community Safety team, the Metropolitan Police’s Modern Slavery and Exploitation Unit, and Tamar, a charity supporting individuals affected by sexual exploitation, modern slavery, and human trafficking. Together, these teams have been involved in a number of joint investigations where individuals at risk were found to be residing in privately rented accommodation.

In a recent case Westminster Private Sector Housing Officers found a tenant to be subletting a property, which was subsequently being used for sex work. The property was also in poor condition. Through coordinated intelligence checks, officers were able to identify the property owner and take appropriate action. Colleagues from the Community Safety team and Tamar ensured the welfare and safeguarding of the individuals involved.

However, many such properties fall outside the scope of the existing HMO licensing schemes, often due to being occupied by fewer than three individuals. This gap in regulation has limited the Council’s ability to monitor and intervene effectively in certain cases.

Expanding property licensing to cover a wider section of the private rented sector would strengthen the Council’s ability to proactively gather intelligence, monitor housing conditions, and respond more swiftly to concerns around exploitation, safety, and wellbeing. Selective licensing will provide the Council with an essential tool for improving housing standards and supporting vulnerable residents across the borough.

[25] Councillor guide to tackling modern slavery

10. Alternatives to licensing that have been considered

Before pursuing a selective licensing scheme proposal, Westminster council gave consideration to a wide range of actions that may have been effective in tackling poor housing conditions and ASB linked to the PRS. The Private Sector Housing team have considered other courses of action, or alternatives, to the selective licensing proposals, but do not believe that, individually or collectively, they provide an effective, or as effective means of tackling poor housing conditions in the borough. Table 5 shows the alternatives that the council have considered and explains why they are not sufficient to meet our objectives.

Alternative measure	Strengths	Weaknesses
Do nothing	N/A	Evidence has shown that the area is subject to conditions that require intervention, for the purpose of helping the community. In line with the Council Plan commitments, and the need to ensure the PRS is properly managed and regulated, the option of doing nothing is not an option. If no action is taken the problems experienced in the ward are likely to continue.
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.

Alternative measure	Strengths	Weaknesses
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.
Renters Rights Bill	Aims to make fundamental changes to the PRS, to benefit tenants. These measures will provide local authorities more enforcement and investigation powers.	Although local authorities will have more powers to help address standards in the private sector, the Renters Rights Bill does not put in place a proactive approach to housing standards and still relies on tenants complaining and landlords being upfront about issues. In areas like Westminster where affordable accommodation is scarce, tenants are less likely to complain for fear of jeopardising their housing situation.

Table 5: The alternatives to licensing that have been considered by the Council

Each of the above powers or measures support the Council in achieving the objectives of selective licensing, but none of them, either individually or collectively, is capable of achieving the objectives that Westminster intends to deliver through the proposed licensing schemes.

11. Selective Licensing Objectives

Licensing is a crucial part of the council's comprehensive strategy to improve the PRS and deliver better standards for private renters. The council has implemented a range of initiatives and methods to achieve this goal, and licensing is one of them. A selective licensing scheme would place the responsibility on landlords to inform the council that their property is licensable and to ensure that they meet the required standards with the council's support. The council can then prioritise its resources effectively to deal with the properties of most concern and target enforcement actions to those landlords who fail to license their properties and/or breach licence conditions.

Property licensing gives the Council the capability, through significantly increased staffing resources, to undertake a large programme of proactive audit inspections and greater opportunities to work with both internal and external partners to bring about the improvements that are necessary. Westminster Council has seen through their existing HMO licensing scheme that such interventions enable them to detect and tackle hazards much more effectively. However, further work needs to be done in educating those landlords outside of existing licensing regimes in improving the management of their properties.

The council propose to use selective licensing to improve the standard of property management in the PRS, to ensure that PRS properties meet minimum health and safety standards and to keep their residents safe. Westminster are committed to improving the factors that make poor housing conditions worse, such as fuel poverty, absentee landlords and a lack of affordable housing which also exacerbates poverty.

The council have identified a number of key scheme objectives (Table 6), which they are committed to meeting over the life of an approved scheme. Outcomes will be reviewed and details published on the council's website, in line with the best practice guidance included in the General Approval.

	Objective	Performance Indicator	Outcome
1.	Improve housing conditions in the PRS by eliminating poor property standards	• Improve 2,000 properties annually • 100% of all licence applications desk-based risk assessed • 60% of all licensed properties inspected at least once during the duration of the licence, informed by a data-led risk assessment • Bring at least 50% of identified properties up from F and G rated EPCs to a minimum of an E rating	• 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.

	Objective	Performance Indicator	Outcome
		• At least 75% of licensable properties licensed over 5 years.	
2.	Improve management standards in PRS properties	• 60% of all licensed properties inspected at least once during the duration of the licence, informed by a data-led risk assessment • Take appropriate enforcement action against those landlords who fail to license or breach licence conditions • 2 landlord forums per annum • 4 newsletters per year (quarterly) sent to licensed landlords.	• 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	• Reduce repeat ASB incidents in licensed properties by 20% over the life of the scheme • Decrease resolution time of ASB complaints • Guidance information and training provided to landlords on dealing with tenant-related ASB issued	• 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	• Deliver an education campaign to make renters	• Renters know their rights and responsibilities and have

	Objective	Performance Indicator	Outcome
	for tenants of the minimum standards to be expected in rented accommodation and other rights when renting in the PRS	aware of licensing, tenancy rights and responsibilities and services available • Work with third parties to provide additional advice and support with tenancy rights • Council's Tenant Charter to be updated • Tenant Forums to be set up, learning from experience of other Councils • Create and promote a new tenant pack available both on and offline and in at least [three] different languages to inform PRS residents of their rights, services available to them, and steps to take in case of issues.	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.

Table 6: Council objectives, expected outcomes and targets in relation to PRS licensing

The Council is committed to meeting all objectives and outcomes throughout the life of the scheme and as part of scheme governance a Housing Programme Board has been established. This board is chaired by the Head of Environmental Health and includes representatives from internal partners, including finance, policy and the climate emergency team.

The scope of the Programme Board is as follows:

a. Ensure that the objectives, performance indicators and outcomes are being met and that mitigations are put in place in a timely manner when they are not

b. To oversee the equality impact of selective licensing to ensure it does not detrimentally affect any protected characteristic;

c. To take data and intelligence from the scheme to help influence and inform other Council activities as appropriate

12. Compliance and Enforcement

To achieve the council's objectives, the selective scheme will need robust enforcement plans to ensure compliance, and therefore realising the positive outcomes detailed above.

12.1 Compliance with existing schemes

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.

The Council implemented a robust inspection and enforcement regime, that has ensured that licences are applied for, valid applications processed and there is compliance with the conditions of licences issued.

Since the introduction of the licensing scheme more than 2,600 licences have been granted.

Licence type	Applications received	Licences granted
Mandatory	308	280
Additional	2583	2440
TOTAL	2778	2686

Table 7: Licence figures for Mandatory and Additional HMO Schemes in Westminster

Through the 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. Licences have conditions attached which must be complied with, allowing the council to regulate the PRS, improve housing conditions, and foster better management standards.

All licence applications receive a desk based risk assessment. This has enabled the council 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. As part of the licensing process properties are risk assessed and prioritised for compliance inspections. Properties identified as high risk will be inspected before a licence is granted, ensuring

that potential issues are addressed promptly. Additionally, the council leverages intelligence gathered from the licensing database to identify applications that have been initiated but remain incomplete. This strategic approach forms the basis for weekly door knocking exercises or tasking days, during which these properties are visited to verify their licensing status and action taken to ensure where appropriate licence applications are completed and submitted.

Since the start of the current HMO licensing schemes, over 1,800 inspections have been undertaken using an intelligence-driven approach. Licensing requires landlords to proactively manage their properties and take reasonable action to rectify any identified problems to ensure compliance with licence conditions. The Private Sector Housing team has issued more than 800 statutory notices, encompassing the full scope of Housing and Environmental Health legislation. This has resulted in much-needed improvements and raised the standards of poor accommodation across the borough, benefiting many tenants.

12.2 Measures to ensure compliance with the new scheme

Administration of licences

Since the introduction of its Additional HMO licensing scheme, Westminster has had a team of officers engaged in assessing, processing, and issuing licences in the borough. This has enabled Westminster to build an experienced licensing team and streamlined processes for the administration of licences and the inspection of properties. Westminster has a fully integrated online application form with online payment system that is fully integrated with its case management system.

The Council recognises the importance of ensuring that all applications are processed and decisions on whether to grant or refuse a licence are made within a reasonable period of time. Management processes are in place, including the use of IT dashboards and performance reports enabling progress to be effectively monitored and managed. Since August 2021 and the start of the Additional HMO scheme, Westminster has processed in the region of 2,400 licence applications. On receipt of a complete application and appropriate fee, the applicant and all interested parties are notified whether they propose to grant or refuse a licence. This is followed by a 21 day consultation period which gives the applicant and all interested parties the chance to make representations. At the end of the consultation period the licence will be granted, ensuring that part B payments are collected without significant delay. The median average time taken from receiving an application to issuing a full licence is approximately 2-3 months.

The Council will ensure that it is adequately resourced to maintain this level of service. In order to manage the influx of applications generated by the introduction of Selective Licensing, it is the Council's intention to recruit additional processing officers, should the scheme be approved at Cabinet.

Monitoring compliance

Lessons learnt from existing licensing schemes will be used to shape the Council's overall approach to ensuring compliance is achieved in any new designation. A number of robust methods are already in place and Westminster Council will continue to use these methods to ensure that

landlords comply both in terms of becoming licensed and complying with their licence conditions in accordance with the Council's enforcement plan.

Measures that are in place to monitor compliance include:

- Dashboards have been set up to monitor all applications received, at a ward and street level providing detailed, real-time insights into application trends and statuses. This allows for efficient tracking and management of applications, ensuring that any issues or non-compliance can be quickly identified and addressed.
- Using data and tenure intelligence (Ti) to predict and target unlicensed properties in the designated areas. Applications received will be monitored against this database to detect streets/areas with low application rates.
- Utilising data from our Enforcement Plan to undertake intelligence-led 'compliance days' (street surveys) involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions.
- On receipt of application, properties/applications are risk assessed. Those properties with the highest risk factors are prioritised for inspection.
- Undertaking desktop inspections or audits of licensed properties, using IT database functionality. Licence holders are requested to produce safety certificates in accordance with their licence conditions. For example, the database is programmed to request yearly production of gas safety certificates, which is an ongoing condition of the licence. Any issues raised during this audit would identify the need for a physical inspection of the property.
- The reporting of unlicensed properties by members of the public, visiting professionals and tenants is actively encouraged via various communication methods. This is complemented with an online tool that allows for the easy recognition of unlicensed properties and online reporting for those that are found not to be licensed.

Steps to encourage compliance

To encourage compliance with the new scheme, Westminster will also implement the following measures:

- Regular Messaging Reviews - collaborating with corporate communications to continuously review and update messaging.
- Public Posters - displaying posters in public buildings to inform landlords and tenants about the scheme and encourage applications.
- Mail Shots to Agents - sending targeted mail shots to managing and letting agents to inform their client base.
- Information Postcards - providing postcards with key information that can be handed out.
- Targeted Letters - sending letters to designated areas, especially high-risk streets, urging tenants to check if their property is licensed and to inform their landlord or the council.
- Digital Communications - using digital channels to reach both in-borough and out-of-borough landlords. This was particularly successful at reaching both types of landlords during the consultation and will be used again to highlight the scheme requirements and promote successful enforcement outcomes such as prosecutions and civil penalties.
- Street-by-Street Campaigns - conducting targeted communication campaigns followed by door-to-door visits in unlicensed hotspots to ensure tenants are aware of the scheme and landlords understand their licensing obligations.

12.3 Measures that will be in place where there is non-compliance

The Council will use intelligence gathered via licence applications and service requests, to target enforcement action towards the minority of landlords who fail to invest in their properties or meet their legal obligations.

The Private Sector Housing and Lettings Enforcement Policy, provides details on how the enforcement tools provided by the Housing Act 2004 and the Housing and Planning Act 2016, will be used fairly and consistently to achieve improvements in housing, health and the environment in the Borough. In accordance with the enforcement policy an opportunity will be given to landlords to be self-regulating, wherever possible and to put things right when things go wrong. The Council will therefore focus its enforcement activity where this self-regulation fails.

Once an audit or inspection has led to the identification of non-compliance with licence conditions, the Council offer advice or a warning in the first instance, but only if the breach is not so serious as to require immediate enforcement action to address high risk or very harmful situations. However, if there is a history of non-compliance, a persistent breach, or low confidence of compliance, the Council will not hesitate in taking robust enforcement action using all enforcement powers available, including notices, prohibition orders, emergency remedial action (ERA), financial penalties, legal action (such as banning orders), and prosecution.

Where the Council is unable to grant or revoke a licence, the Council may use its powers to make an Interim Management Order to take over the management of the property. Additionally, for any period where an unlicensed property is found to be rented, the Council may use its powers to make an application for a Rent Repayment Order limited for up to 12 months while the offence is being committed. The details of all landlords who have been prosecuted shall be publicised on the London Rogue Landlord and Agent database.

Whilst the current licensing schemes have enabled the Council to begin to make real progress in raising standards in the private rented sector, the evidence is that there is still much more to do. Table 8 below summarises the Councils' enforcement outcomes that have been achieved through its existing licensing schemes and the measures in place to tackle non-compliance.

Activity	August 2021-April 2025
Statutory Notices served	813
Prosecutions	5
Civil Penalties Intentions	78

Table 8: Enforcement action for non-compliance (2021 – 2025)

Through the administration and enforcement of the licensing schemes, the Council has also been able to place greater onus and responsibility on licence holders to prevent ASB in their rented homes, to investigate any reported ASB incidents and to take appropriate action to address any evidenced issues.

In recent research published in BMJ Open, researchers from the School for Public Health Research have found that the licensing of private rented housing in London is associated with less ASB and with less calls being made regarding ASB concerns[26].

The council has collaborated with multi-agency partners, including the fire service, police, Community Safety team, and Planning Enforcement teams to address various issues. As demonstrated by case study 2 earlier in the report, the Environmental Health Officer from the council worked with the local police and ASB team, who were then able to successfully apply for a closing order. This collaborative approach has proven effective in enhancing community safety and improving property conditions.

As demonstrated above, the licensing schemes have enabled the Council to make a real and notable difference in driving up improvements for Westminster's most vulnerable. The tragic death of Awaab Ishak demonstrates the need to focus our attention on relentlessly addressing standards through robust enforcement measures.

[26] Impact of selective licensing schemes for private rental housing on mental health and social outcomes in Greater London, England: a natural experiment study Petersen J, et al. BMJ Open 2022

13. Consultation

Section 80(9) of the Housing Act 2004 requires that that when considering designating a selective licensing area the local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation, and consider any representations made in accordance with the consultation and not withdrawn.

Westminster Council undertook an extensive public consultation, widely publicised using various channels of communication, for 12-weeks between 28th October 2024 and 19th January 2025. The consultation sought views from all those that are likely to be affected by the proposed scheme both within and outside of the borough, including residents, private tenants, private landlords, letting agents, managing agents, businesses, and other stakeholders.

13.1 Consultation methods

The consultation used the following methods and was promoted through the council's communications channels and local and regional media:

Consultation Method	Response
Online survey	An open access online survey (incorporating both a quantitative approach and qualitative responses through free text boxes) which received a total of 715 responses.
Public forums	Two virtual public forums were held for landlords, residents and other stakeholders and attended by 146 people (183 registered to attend).
Other written feedback	The council accepted feedback on the proposed licensing schemes by email or written response. Responses were received from five stakeholder organisations.

Table 9: Summary of methods used for consultation on selective licensing

A dedicated phone and e-mail address were also available to residents, landlords and other stakeholders to ask questions about the proposals and consultation or receive help to respond to the consultation. 54 emails were received and responded to during the consultation period.

13.2 Communication channels

The council used a wide range of communication channels to promote the consultation and make stakeholders aware of the proposals. Various activities were undertaken to engage all stakeholder groups, both within and outside the borough. Key activities included:

- Updating the council website homepage with a news article and a link to the consultation on 28 October 2024 and then again on 7 January 2025
- A link to the consultation was placed on the Private Sector Housing landing web page
- A press release to announce the start of the consultation was published on 28 October 2024 and disseminated via the Westminster City Council press office

- A press release to announce the consultation would soon close was published on 7 January 2025 via the PA Media platform and Westminster City Council's press office
- A direct email was sent to 24 minority ethnic support organisations
- A direct email was sent to eight older persons support networks
- A direct email was sent to five young person's support networks
- A direct email was sent to seven educational providers
- A direct email was sent to 37 community support organisations
- A direct email was sent to six faith groups
- A direct email was sent to nine medical support organisations
- A direct email was sent to 20 housing support organisations, homelessness charities and tenants/residents associations
- A direct email was sent to two LGBTQIA+ support organisations
- A direct email was sent to six food banks and baby banks
- Direct emails were sent to recipients who subscribe to hear about consultations on Commonplace, the platform used to host the online questionnaire. The details are:
    - 2252 on 28 October 2024
    - 258 on 14 November 2024
    - 515 on 16 December 2024
    - 591 on 6 January 2025
- A direct email was sent to all London councils, landlord accreditation and membership organisations and housing charities on 20 December 2024
- A direct email was sent to emergency service commanders on 3 January 2025.
- A direct email to 95 tenants with open service requests on 25 November 2024
- A direct email to 146 tenants with open service requests on 27 November 2024

13.3 Reaching the digitally excluded

In addition to the above, to ensure all residents were reached, particularly those who may be digitally excluded, the following communication activities were also undertaken:

- Paper copies of the consultation were available in 15 libraries across the borough
- Posters and leaflets were provided to all Westminster Housing Service Centres, all Westminster Family hubs, all Westminster mental health supported housing hubs and 22 other local community centres and outreach groups
- Posters were sent to partners including baby banks and foodbanks
- Press releases included organisations such as Age UK Westminster, Reform, Crisis, Shelter and Refugee Council
- An outdoor campaign ran with adverts added to JC Decaux print and digital sites across Westminster, Camden, Kensington & Chelsea, Lambeth, Brent and Wandsworth

- Information about the consultation was included within the YourWestminster magazine, directly mailed to 120,000 residents
- Information about the consultation was included within the YourHome magazine, directly mailed to 19,500 residents
- News about the consultation was included in the City of Westminster Schools Bulletin on 11 November 2024 to 377 people on the mailing list consisting of school staff and local authority officers.
- A boroughwide leaflet drop to all 139,000 Westminster households

13.4 Reaching out-of-borough landlords

Additional effort, was also made to ensure that landlords who are resident outside the borough were also advised of the consultation exercise, activities included:

- An out of home campaign with adverts added to JC Decaux displayed in the neighbouring boroughs of Camden, Kensington & Chelsea, Lambeth, Brent and Wandsworth
- Details of the consultation was sent via direct emails to all Leader's offices, Chief Executives, Regulatory and Housing services at all London borough Councils
- A thorough digital marketing campaign was also undertaken which targeted landlords living outside the borough.



Figure 24: Examples of promotional material used during Westminster's consultation

13.5 Consultation results

The consultation reached a good representative section of those who may be affected by the designation, with a total of 715 responses to the consultation survey being received.

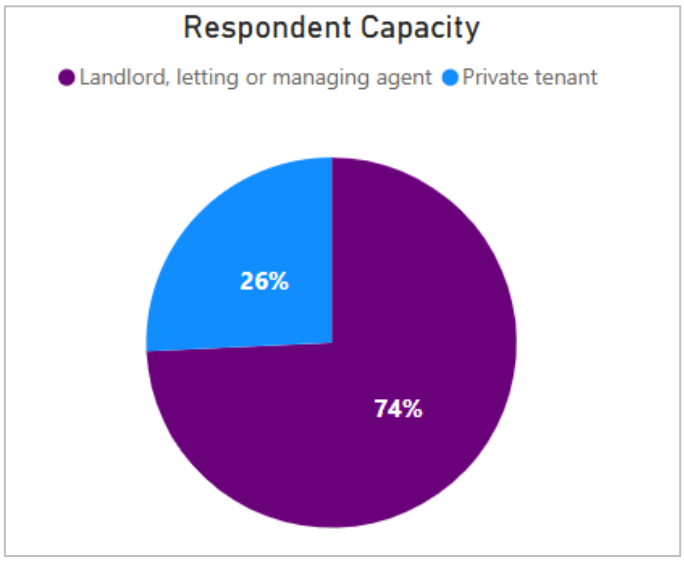


Figure 25: Level of engagement of landlords and agents versus private tenants

Landlords, letting or managing agents who responded to the consultation were asked if they lived in the Westminster. Of the 210 landlords, letting or managing agents who responded, 54 (26%) said they lived in Westminster, and 156 (74%) said they lived outside of Westminster. The survey responses confirm that the consultation reached landlords living outside the borough as well as those resident in Westminster.

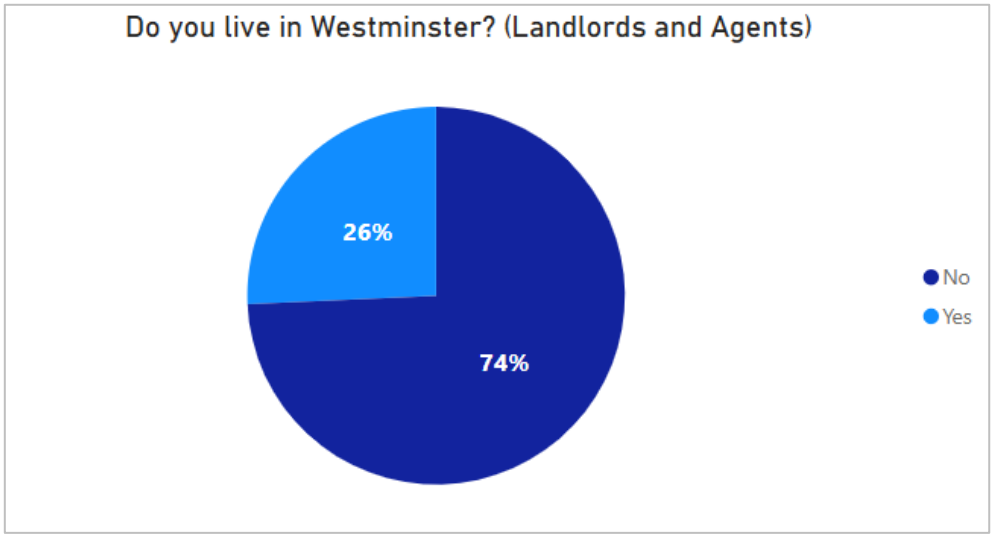


Figure 26: Location of landlords/agents (in or out of the borough)

Key consultation findings

The consultation looked at the level of support for introducing selective licensing and also sought views on the proposed licence conditions, fees, and the respondents' perceptions of the issues of poor property conditions and anti-social behaviour in the borough. The results are summarised in Table 10 below. The table does not show the 'don't know/neither agree nor disagree' categories, therefore the percentages do not total 100%.

Selective Overall		Landlords, letting or managing agents	Private tenants	Owner-occupiers	Other / Multiple stakeholder groups*
Total consultation survey responses	**715 responses**	225 responses	78 responses	137 responses	275 responses

Responses to the question	**688 responses**	217 responses	76 responses	132 responses	263 responses
Agree with selective licensing proposal for designation 1	**30%**	12%	57%	46%	29%
Disagree with selective licensing proposal for designation 1	**52%**	67%	25%	38%	45%

Responses to the question	**688 responses**	217 responses	76 responses	132 responses	263 responses
Agree with selective licensing proposal for designation 2	**30%**	12%	52%	47%	30%
Disagree with selective licensing proposal for designation 2	**54%**	70%	32%	41%	56%

Responses to the question	**689 responses**	214 responses	77 responses	133 responses	265 responses
Agree with proposed selective licensing conditions	**34%**	18%	62%	56%	29%
Disagree with proposed selective licensing conditions	**57%**	76%	31%	37%	58%

Responses to the question	**633 responses**	202 responses	74 responses	124 responses	233 responses
Selective licensing fee is about right	**16%**	4%	26%	30%	15%
Selective licensing fee is too high	**75%**	93%	57%	57%	74%

Selective Overall		Landlords, letting or managing agents	Private tenants	Owner-occupiers	Other / Multiple stakeholder groups*
Selective licensing fee is too low	**4%**	0%	4%	8%	6%

Scheme Objectives		Landlords, letting or managing agents	Private tenants	Owner-occupiers	Other / Multiple stakeholder groups
Responses to the question	**681 responses**	212 responses	75 responses	128 responses	266 responses
Agree with scheme objectives	**37%**	22%	64%	55%	31%
Disagree with scheme objectives	**49%**	60%	32%	32%	52%

Table 10: Summary of key consultation findings

* *"Multiple stakeholder groups" denotes where respondents selected more than one stakeholder group, for example they said they were both a landlord and an owner occupier, or were responding as a local business owner and a landlord.*

13.6 Views on the proposed designation 1

The results of the consultation show that 30% of respondents agree with the proposal for selective licensing in designation 1 and 52% disagree, with views strongly polarised between stakeholder groups. Private tenants and owner occupiers are more in favour of the proposals with 57% and 46% respectively agreeing. Landlords are opposed to the proposals with 67% disagreeing. The "Other / multiple" stakeholders views are also generally more opposed, with the overall majority, 55% disagreeing, and 29% agreeing.

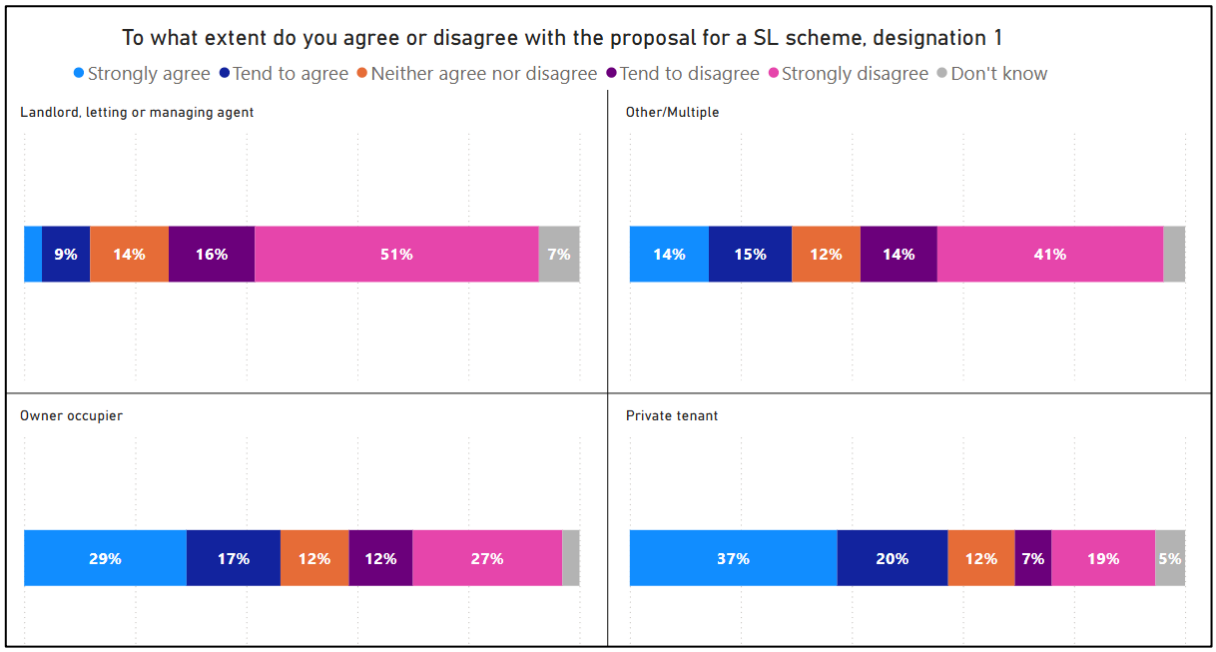


Figure 27: Respondents views on designation 1 by stakeholder group

13.7 Views on the proposed designation 2

The consultation results show 30% of respondents agree with the proposal for selective licensing in designation 2 and 55% disagree, and again, views were polarised between stakeholder groups. Private tenants and owner occupiers are more in favour of the proposals with 52% and 47% respectively agreeing. Landlords are strongly opposed to the proposals with 70% disagreeing. The "Other / multiple" stakeholders views are also generally more opposed, with the overall majority, 56% disagreeing, and 30% agreeing.

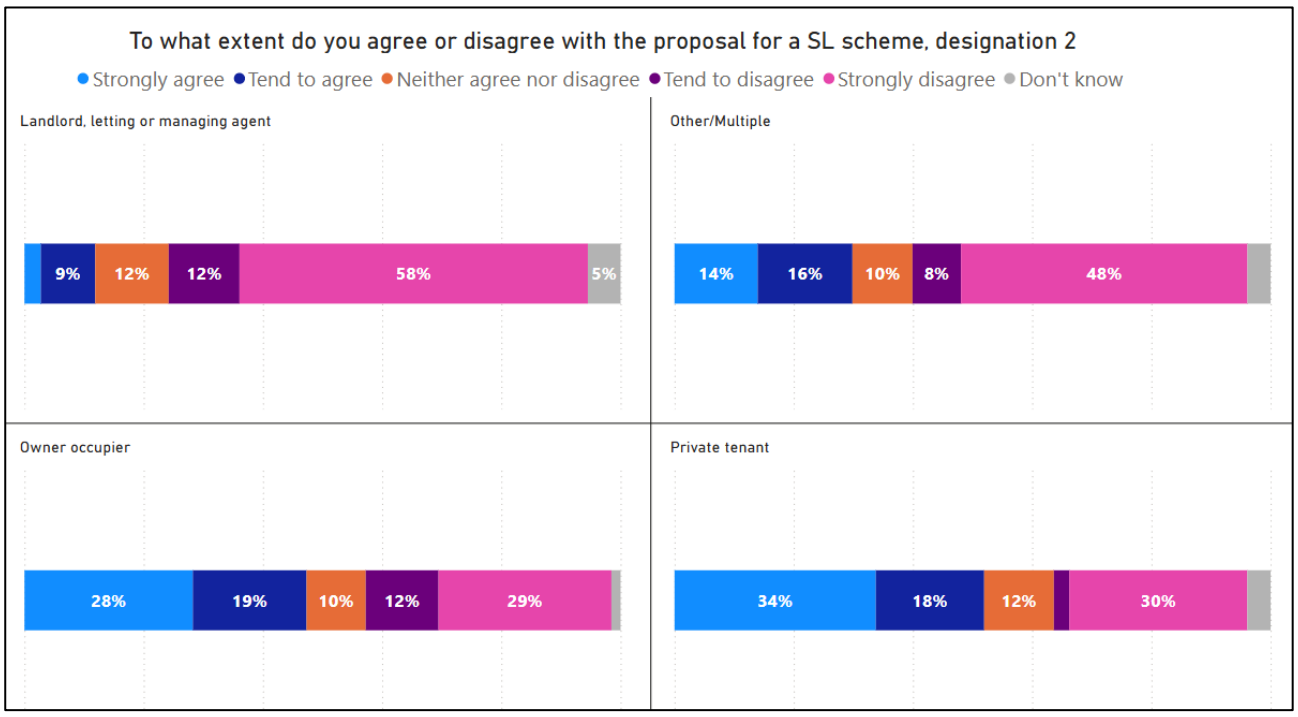


Figure 28: Respondents views on designation 2 by stakeholder group

13.8 Views on the proposed licence conditions

The consultation asked respondents for their views on the proposed set of licence conditions. The overall majority of respondents, 56% disagreed with the proposed licence conditions, while 34% of respondents agreed.

Looking at the responses by group, landlords, letting and managing agents and “other / multiple” stakeholders are largely opposed, with 76% and 57% respectively disagreeing with the selective licensing conditions. Private tenants 62% and owner-occupiers 55% are both majority in favour of the selective licensing conditions.



Figure 29: Respondent’s views on licensing conditions by stakeholder group

13.9 Views on the proposed licence fee

Respondents were asked how reasonable they felt the proposed selective licence fee was (£995 for a five-year licence). Overall, 75% of respondents said that they thought that the fee was too high and 16% thought that it was about the right level.

All stakeholder groups had a majority that thought the fee was too high, but the majority varied considerably by group. Landlords, letting and managing agents were the most consistent in responding that the fee is too high, with 93% selecting this option; the “Other/Multiple” stakeholder group had 74% thinking the fee was too high, while private tenants and owner occupiers both had 57% of respondents responding that the fee was too high.

30% of owner occupiers and 26% of private tenants thought the fee is at about the right level. Only a small percentage from each stakeholder group responded that the fee is too low.

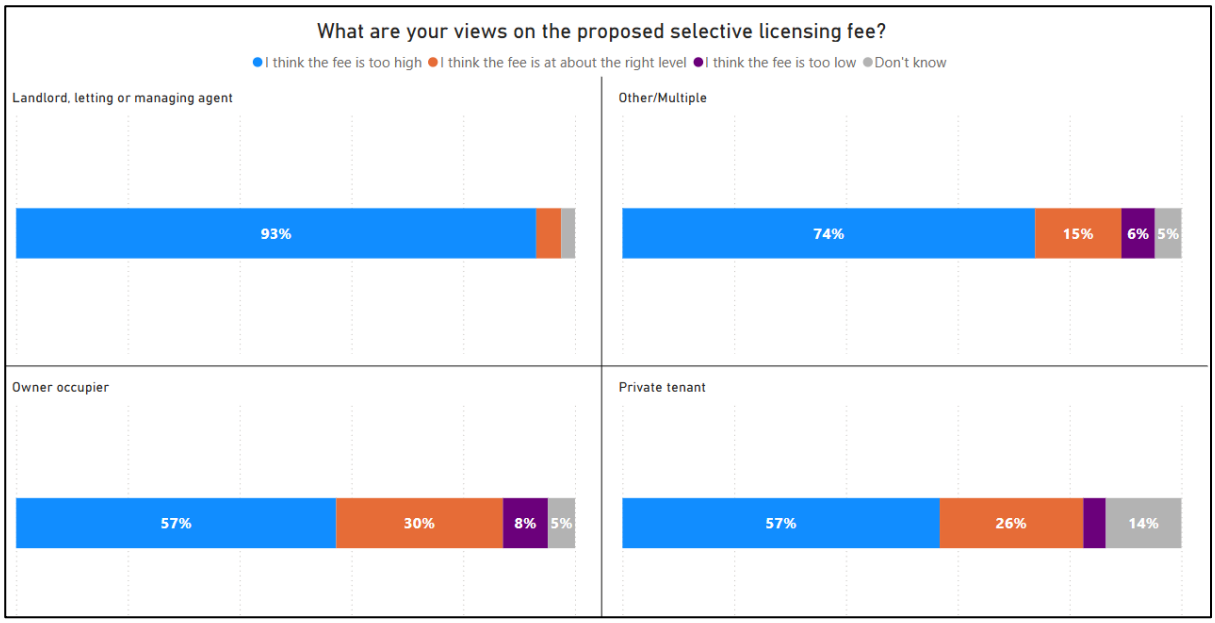


Figure 30: Respondent's views on licensing fees by stakeholder group

13.10 Views on the proposed discount

Nature of discount	Amount (Selective)
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

Table 11: Proposed scheme discounts consulted on

Respondents were asked how reasonable they felt the proposed selective licence fee discounts (shown in the table above) were.

Looking at the results by stakeholder group, around 70% of landlords, letting and managing agents generally viewed the accredited landlord and EPC discounts as too low. When considering the multi-dwelling discount, a lower proportion, 50%, viewed the discount as too low. 31% viewed thought the charities discount was too low.

Within the "other/multiple" stakeholder group, roughly 50% thought the discounts were too low except for the charities discount where 25% thought it was too low, and the same proportion stated they didn't know.

Responses from private tenants and owner occupiers were quite similar, with a more even distribution across the options although "discount too low" was still slightly ahead in most cases. Excluding charities, responses were broadly between 30% and 40% for the discount being too low, and between 20% and 35% for "about the right level". For the charities discount, "about the right level" was the most popular answer followed by "don't know".

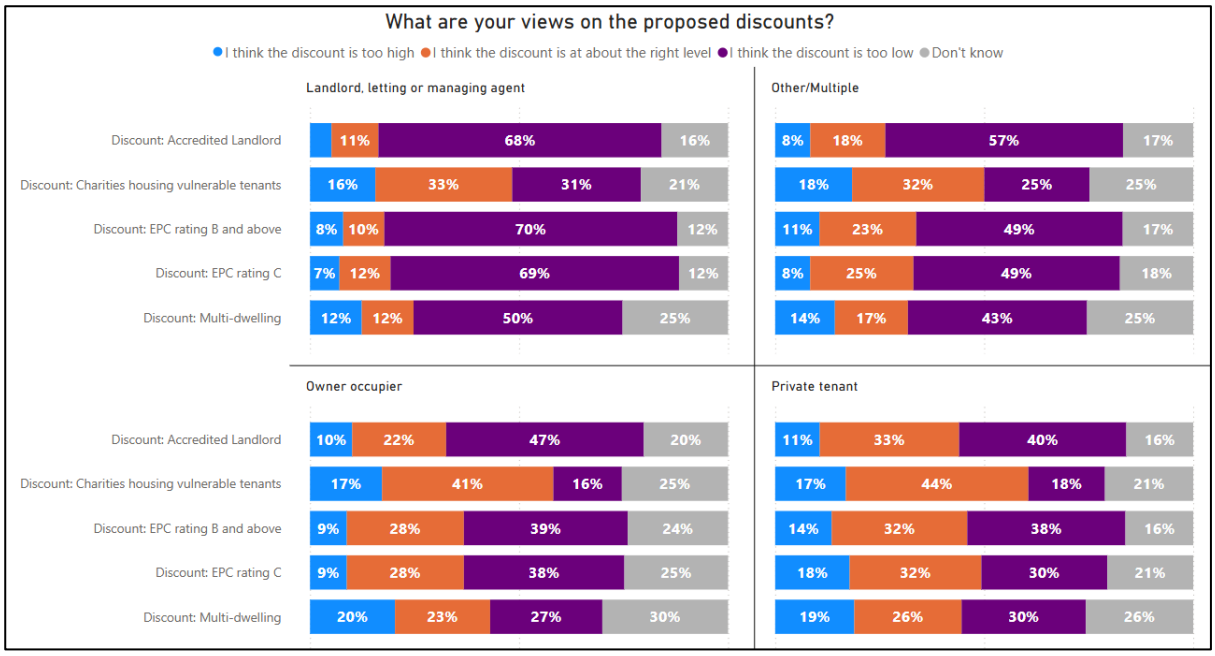


Figure 31: Respondent's views on fee discount by stakeholder group

The evidence shows that Westminster Council has gone above and beyond the reasonable steps required to ensure they have consulted with those that are likely to be affected by the designations, and the consultation exceeded the statutory 10-week consultation period in accordance with the legislation and guidance.

As a result of the feedback and representations received during the public consultation a number of changes have been made to the scheme, as detailed below.

13.11. Amendments to the licensing proposals

The Council has carefully all responses, feedback and representations made during the consultation and changes made as appropriate. The consultation report and the response to the consultation will be published on the Council website and are also attached as Appendices 2 and 3.

Licence conditions

There was mixed support for the proposed licence conditions therefore having carefully considered representations received, the Council has removed one licence condition and has amended a further nine licence conditions. A summary of these is outlined in Tables 12 and 13 below:

Licence condition removed	Licence condition subject
31	Tenancy management

Table 12: Licence conditions removed following consultation representations

Licence condition amended	Licence condition subject
3	References
6	Gas safety certificate
10 d.)	Smoke alarms
13	Addressing complaints
14	Addressing complaints
15	Repairs and improvement works
16	Waste disposal
18	Maintenance checks
27 d.)	Property management

Table 13: Licence conditions amended following consultation representations

14. Fees

The proposed fee structure is as follows:

14.1 Fee structure

The proposed fee is £995 and would be payable in two parts. The first part (Part A) would be payable upon submission of the application for the costs of processing and the administration in determining the application (£543). The second part (Part B) would 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 (£452).

The Councils approach to the payment of licence fees is consistent with the judgment in the *Gaskin vs Richmond* case.

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

Table 14: Licence fee structure

14.2 Discounts

The Council has considered a range of measures to ease any financial burden on good landlords in the borough. The reasons for proposing these discounts and the effect of the discount on total selective licence fee payable is detailed in Table 15 below.

Category	Discount	Description	Justification	Total Licence fee after discount
Accredited Landlord	10% of total fee (£99.50)	Licence holder or managing agent is accredited under one of the following schemes: • London Landlord Accreditation Scheme • National Residential Landlords Association • UK Association of Letting Agents • Association of Residential Letting Agents • Royal Institution of Chartered Surveyors	Accreditation schemes require landlords and agents to demonstrate their expertise, ability and commitment to managing properties according to the highest standards. The discount recognises those landlords and agents who have taken a proactive approach to the management of	**£895.50**

Category	Discount	Description	Justification	Total Licence fee after discount
		• Safeagent • Propertymark	their properties and tenancies.	
EPC rating B or above	20% of Part B (£90.40)	Properties must have an EPC rating of B or above	Properties with a C and above rated Energy Performance Certificate (EPC), including new builds, are less likely to encounter significant disrepair issues. Consequently, they require fewer inspections and enforcement actions to maintain property standards. Properties with an EPC rating of C or above are generally in better condition and less likely to have hazards such as damp, mould, and excess cold. As a result, these properties require fewer inspections and less enforcement action to ensure that property standards are met. This reduction in required resources is reflected in the discount provided to properties with a C or above EPC rating. The aim is to encourage property owners to improve the energy efficiency and overall condition of their properties, which in turn leads to a safer and healthier living environment for tenants. This also aligns to the Council's strategic commitment to climate change.	**£904.60**
EPC rating C	10% of Part B (£45.20)	Properties must have an EPC rating of C		**£949.80**

Category	Discount	Description	Justification	Total Licence fee after discount
Charities	100% of total fee	Applicable to registered charities that provide accommodation solely for vulnerable persons (e.g. night shelters & people fleeing domestic violence). A licence application still needs to be made.	The proposed discount aligns with the Council's strategic priority support vulnerable residents and ensures that all housing options meet established standards, thereby promoting the well-being and safety of vulnerable individuals within the community	**£0.00**
Multiple leaseholds within the same freehold	Part A fee reduced by £125 .	Applicable where multiple properties are: a. In common ownership and management control. b. Contiguous with each other in the same block or building c. All applications made at the same time.	There will be efficiencies in processing applications that relate to multiple units under the same ownership and control within the same building, which will result in cost savings.	**£870.00* (for second, third etc eligible flat in a block)**

**Discount will be applied in respect of applications relating to the 2nd, 3rd properties etc.*

Table 15: Summary of fee discounts offered for selective licensing

Discounts will be determined on receipt of full application and all supporting documents.

Discounts **will not** be applicable where the council has:

- made two requests for additional supporting documents, or
- served a warning letter for failure to license the property
- unlicensed properties brought to their attention

Discounts Applied - Practical Examples

The following examples below illustrate the calculation of the total amount payable after discounts are applied, using a selective licence fee of **£995 (£543 for Part A; £452 for Part B)**.

Scenario A

Scenario A	Property	Discount	Part A	Part B	Total Fee
Landlord has one property with an EPC rating of C	1	Part B reduced by £45.20	£543.00	£406.80	**£949.80**
		Total	£543.00	£406.80	**£949.80**

Scenario B

Applicants may qualify for more than one discount concurrently, see example in scenario B:

Scenario B	Property	Discount	Part A	Part B	Total Fee
Landlord is accredited and has three properties. Each property is in a different part of the designated area. Properties 1 and 2 have and EPC rating of D. Property 3 has an EPC rating of A.	1	Part B reduced by £99.50 (£99.50 ACLL)	£543.00	£352.50	**£895.50**
	2	Part B reduced by £99.50 (£99.50 ACLL)	£543.00	£352.50	**£895.50**
	3	Part B reduced by £189.90 (£99.50 ACLL) + (£90.40 EPC)	£543.00	£262.10	**£805.10**
		Total	**£1,629.00**	**£967.10**	**£2,596.10**

Scenario C

Applicants may also apply for a multi-dwelling discount where multiple properties in the same building are owned and under the control of the same person. A multi dwelling discount will be applied in respect of applications relating to the 2nd, 3rd properties etc.

Scenario C	Property	Discount	Part A	Part B	Total Fee
Landlord is accredited and has four properties, 3 of which are in the same building, which has been converted into self-contained flats.	1	Part B reduced by £189.90 (£99.50 ACLL) + (£90.40 EPC)	£543.00	£262.10	**£805.10**
	2	Part A reduced by £125 (£125 Mult. L) Part B reduced by £189.90 (£99.50 ACLL) + (£90.40 EPC)	£418.00	£262.10	**£680.10**
	3	Part A reduced by £125 (£125 Mult. L)	£418.00	£262.10	**£680.10**

Properties 1, 2 and 3 have and EPC rating of B. Property 4 has an EPC rating of C.		Part B reduced by £189.90 (£99.50 ACLL) + (£90.40 EPC)			
	4	Part B reduced by £144.70 (£99.50 ACLL) + (£45.20 EPC)	£543.00	£307.30	**£850.30**
		Total	**£1,922.00**	**£1,093.60**	**£3,015.60**

Table 16: Examples of scenarios where discounts are applied

14.3 Instalment payments

The licence fee is payable in two instalments. The first instalment payable when the application is submitted and the second instalment payable once the application has been assessed and the decision to grant the licence made.

In circumstances where there is evidence that a landlord cannot pay the fee, they are advised to contact the Council's finance team and an appropriate payment plan can be set up.

14.4 How the fee has been calculated

In setting the fee the Council has had regard to the Provision of Service Regulations 2009 and sections 87(7) of the Housing Act 2004 which confirms that when fixing fees the local authority may take into account all costs incurred by the authority in carrying out their functions.

The calculation of fees takes account of the cost of setting up the licensing scheme, processing the applications, of administering any licences subsequently granted and, more generally, exercising its functions under Part 3 of the 2004 Act. As such, the cost includes (but are not exhaustive):

(a) Scheme set up cost – costs associated with the initial development of the licensing regime, including the cost of consultation and publishing policies, promotional material, publicity, development of application forms, web material, staff recruitment and training.

(b) Administration costs - staff time taken to process the application, data inputting, assessment of application, consulting with interested parties and other stakeholders, considering representations, determining licence conditions, printing, postage, stationary, telephones, computers, IT licensing software, maintenance of public register, provision of advice and guidance.

(c) On Costs – recharges for payroll, accommodation including heating and supplies and services connected with the licensing function such as Finance, Legal and HR. Staff training.

(d) Compliance and Enforcement costs - costs associated with initial licensing inspection, responding to complaints, compliance revisits, travel, equipment, stationary, data inputting and on-costs.

The administration of the scheme is such that it is intended to be self-financing over the life of the scheme. The fees that are being applied are set at a level where the revenue from the fee will cover the cost incurred and will not generate a profit.

The proposed fees are underpinned by assumptions about the level of income the fees will generate, based upon the number of properties that the council expect to be licensed during the lifetime of the schemes and the numbers of those properties that are expected to be eligible for discounts. The fee will be reviewed annually as part of the Council's fees and charges process.

14.5 Benchmarking against other Councils

The Council recognises that the licence fee is higher than the current London average of £720 (Source: London Property Licensing, 2024). However, it is important to note that the fees for many of these current schemes are based on historical financial modelling conducted 2 or 3 years ago. These models do not account for the rising costs incurred by the council in recent years. As such, Westminster's proposed fee reflects an adjustment to accommodate these increased costs.

It is also noted that a number of London Boroughs have recently commenced consultation for new schemes with proposed fees £900 and above. This suggests that the costs of operating a selective licensing scheme in London are significantly rising. Outside of London, licence fees have also risen.

Table 17 below provides a benchmark of Westminster's proposed licence fee against a sample of Council's both within and outside of London.

Local Authority	Selective licensing fee
Newham	£750
Wandsworth*	£850
Redbridge	£860
Southwark	£900
Lambeth	£923
Barking & Dagenham	£950
Westminster	£995
Middlesborough Council	£998
Leicester Council	£1,290

* Proposed fee

Table 17: Benchmarking of selective licence fees against other Councils

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.

The proposed fee structure for licence applications is attached at Appendix 5.

15. Conclusion

Westminster City Council's proposed selective licensing scheme represents a carefully considered and well-supported strategic approach designed to address persistent challenges within the private rented sector. With a strong foundation based on robust evidence and clear objectives, the scheme aims to tackle poor housing conditions, ineffective property management, and anti-social behaviour, ultimately improving the lives of tenants and supporting community safety.

The council has adhered to statutory requirements, including undertaking a thorough and comprehensive consultation in line with the Housing Act 2004. This process involved engaging with a wide range of stakeholders, including landlords, tenants, community groups, and other relevant parties, to gather feedback and ensure that the scheme addresses local needs and concerns. The consultation process not only demonstrates compliance with legal obligations but also provided the opportunity for the council to consider representations received and make changes to its proposals, ensuring it is both fair and responsive to the community's needs.

The legal justification for the scheme is robust, with the proposal firmly grounded in national and local housing legislation. This provides a solid legal framework for the licensing process, ensuring that the council's actions will withstand scrutiny and deliver meaningful benefits for local communities. The clear legislative backing enhances confidence in the scheme, offering clarity for landlords, tenants, and the wider community about the standards and expectations set.

By requiring landlords in designated areas to obtain a licence, the scheme will create a clear framework of accountability for property maintenance and tenant welfare. This will directly contribute to improved housing standards, reduce the risk of tenant exploitation, and foster safer, more cohesive communities.

In conclusion, the evidence shows that the proposed selective licensing scheme is a well-justified measure that will provide significant benefits for the residents of Westminster City. The scheme forms a vital part of the council's strategic approach to deliver long-term improvements in housing quality, social cohesion, and regeneration, ensuring that the borough's future is marked by an improved quality of life for all.

16. Appendices

Appendices	Document
Appendix 1	Housing stock and stressors report (Metastreet, 2024)
Appendix 2	Consultation Report, 2025
Appendix 3	Council response to comments received during public consultation
Appendix 4	Selective Licence Conditions
Appendix 5	Schedule of Fees, Charges and Discounts