

## Council Meeting: 13<sup>th</sup> November 2019

### Briefing Note

#### Subject: Short Term Letting – Background Paper

### Background

Westminster has experienced unprecedented growth in short-term lettings (STL) since the introduction of the Deregulation Act 2015. Recent online data shows us that there are over **11,000** Westminster properties advertised on Airbnb, and further evidence suggests that **8,000** of these are entire homes.

### Legality and Council Powers

#### Private Homeowners within Westminster

Prior the Deregulation Act 2015, anyone planning to STL their property was required to obtain planning permission from their Local Authority. Following the implementation of the 2015 Act, homeowners can STL their property for up to 90 nights per calendar year. STL for more than 90 nights requires planning permission, otherwise it is deemed unlawful. However, the limit is effectively unenforceable as there is no way of knowing when a property has exceeded 90 night.

#### Leaseholders and Tenants of Westminster City Council

Leaseholders of Westminster City Council are **not** permitted to short-let their property as per the terms of the lease. While the Deregulation Act (2015) allows short letting for a period up to 90 days in a calendar year, the terms of the Westminster City Council lease prohibit this. Subletting a tenanted Westminster property is illegal under the Prevention of Social Housing Fraud Act 2014. Westminster Housing tenants found unlawfully STL their property will be face possession proceedings resulting in eviction.

### Issues

While a large number of people let their homes responsibly within the 90-day limit, a large number do not. The council has extensive evidence that illegal and irresponsible short term letting is associated with crime and ant-social behaviour. The council receives regular complaints of noise, disruption, and a sense of chronic unease due to the loss of neighbourliness created by a transient population.

When asked in the City Survey whether residents thought STL was a problem in their area, **one in ten** residents agreed. This rose to almost **one in four** residents in the West End. The council currently has **1,363** enforcement cases open as of November 2019.

The council is also concerned about the impact of short term letting is having on the supply of private rented accommodation.

The nature of short-letting means that investigations can require considerable resources to conduct enquiries and without notice visits before there is sufficient evidence to be likely to succeed at court.

## **What we are doing**

Tackling STL in our housing stock: The council a dedicated team within leasehold operations who work very closely with housing management to pro-actively identify and to react to reported cases of STL. The team is investigating data on websites where council-owned properties are advertised for STL and contact the leaseholders and tenants to investigate the matter. In the cases where STL does not cease, the council will take the appropriate enforcement action.

Housing Standards Taskforce: the council set up the Housing Standards Taskforce as part of a deliberate effort to integrate enforcement functions and create a multi-agency taskforce.

Considerate Landlords Charter: the council worked with the Short-Term Accommodation Association (STAA) to publish a Considerate Landlords Charter to encourage responsible letting and best practice.

Information Sharing Protocol: The council attempted to work with the STAA to develop a data-sharing framework to improve enforcement. The STAA does not wish to pursue this.

Industry Accreditation: the council encouraged the STAA to improve self-regulation and an accreditation scheme was subsequently set-up in partnership with Quality in Tourism under which providers of holiday accommodation can become accredited as 'Safe, Clean and Legal' should their application and inspection be successful.

Airbnb imposed 90-night limit: the council has worked directly with Airbnb to improve self-regulation – they have introduced a 90-night limit on bookings.

International and national best practice: The council is continually looking at international and national best practice and how this can best be applied to Westminster.

Lobbying the government: the council has been lobbying the government to alert ministers to the challenges create by persistent and unlawful STL in Westminster.