



North Devon Council

Report Date: Monday, 4 September 2023

Topic: Proposed amendments to the Council's existing Amenity Standards with respect of short term holiday letting of licensed HMOs

1. Report by: Katy Nicholls, Public Protection Manager & Tanisha Rowswell, Environmental Health Officer

2. INTRODUCTION

2.1. Consideration is sought in respect of proposed amendments to the Council's Amenity Standards, and in particular in respect of the short term holiday letting of rooms within licensed HMOs. The proposed revised Amenity Standards document with highlighted changes is found within **Appendix A**.

2.2. There are an estimated 1,100 HMOs in North Devon, of which approximately 290 fall under the Part 2 mandatory licensing scheme¹.

2.3. At 30 June 2023, there were 1867 business rated properties with a description containing 'self-catering holiday units'.

2.4. The purpose of this report is to recommend the approval of a six week consultation exercise on the short term holiday letting of rooms within licensed HMOs.

3. RECOMMENDATIONS

3.1. It is recommended that the Strategy and Resources Committee:

3.1.1. Consider the proposed variation to the Council's Amenity Standards document in **Appendix A**.

3.1.2. Instruct the Environmental Health Officer to undertake a six week period of public consultation on the proposed amendment, and seek that consultation responses be reported to a future committee meeting prior to making any approval.

¹ BRE Dwelling Level Housing Stock Modelling and Database for North Devon Council Report, May 2019

4. REASONS FOR RECOMMENDATIONS

- 4.1. The popularity of short term letting for holiday purposes of domestic properties has increased, particularly in the area of North Devon which has access to popular tourist locations and some landlords are looking to diversify their current portfolio of properties.
- 4.2. An enquiry was received from an agent, whereby they approached the Council to ask if there were any restrictions in relation to landlords renting out rooms within licensed HMOs on a holiday let basis, as a landlord had proposed to rent out their property in this way.
- 4.3. Moreover, it increases the robustness of the Council's approach and procedures in respect of HMO licensing standards, as this is a matter which is not expressed in the current Amenity Standards.

5. REPORT

- 5.1. North Devon Council (NDC) approved the existing Amenity Standards for licensed HMOs on the 5 September 2022. This document has been generally well received since its original introduction on the 5 July 2021 and thereafter a variation, both of which were subject of consultation.
- 5.2. It appears that the legislation does not specifically cover mixed use short term holiday let/Airbnb and HMOs.
- 5.3. Albeit, under the Housing Act 2004 Section 65(2) the authority may decide that the house is not reasonably suitable for occupation by a particular maximum number of households or persons even if it does meet prescribed standards for occupation by that number of households or persons.
- 5.4. The proposed revised Amenity Standards document is found in **Appendix A**, and the change is highlighted in the document. Other changes to the layout have also been made to reduce the numbers of complex tables in the document, albeit these are simply layout changes to make the document more accessible and they do not impact the main content.
- 5.5. The single amendment to the document is proposed following a query received by a managing agent, whereby they approached the Council to ask if there were any restrictions in relation to landlords renting out rooms within licensed HMOs on a holiday let basis.

5.6. In light of this request, it is proposed that we do not permit rooms within licensed properties to be rented out on a holiday let basis (e.g. via Airbnb, Vrbo etc.). All living accommodation must be occupied by persons as their only or main residence or by persons who are to be treated as so occupying it (e.g. on a permanent basis or in line with Section 259 of the Housing Act 2004).

5.7. Having reviewed the request, we perceive there to be a number of risks with mixed use short term holiday lets and HMOs as follows:

5.7.1. Safeguarding and security risk due to the transient nature of Airbnb guests (e.g. potential for key cutting or unknown persons and their visitors sharing facilities with HMO residents).

5.7.2. The potential for violence against women and girls, as Airbnb guests may not be as stringently vetted as permanent residents.

5.7.3. Elevated fire risk.

5.7.4. PAT testing of appliances cannot be enforced with Airbnb guests.

5.7.5. Potential for increased anti-social behaviour.

5.7.6. Reduction in the availability of private rented properties/rooms for local residents.

Consultation

5.8. In light of the above, it is proposed that a consultation is undertaken with key stakeholders including estate agents, management companies and current HMO landlords and applicants.

5.9. A period of six weeks has been elected for the consultation in line with the Cabinet Office guidance, as six weeks provides a proportionate and realistic time period in order for stakeholders to provide a considered response.

5.10. Emails will be sent out where possible, but letters will be distributed where email addresses are not held. An external news release will also be organised so the consultation reaches a larger audience.

5.11. Feedback to committee will be undertaken following the receipt of the consultation responses.

6. RESOURCE IMPLICATIONS



6.1. Any financial costs which are incurred through the implementation of the Amenity Standards will be met by individual licence holders through the licence fee.

7. EQUALITIES ASSESSMENT

7.1. There are no perceived equality implications anticipated as a result of this report.

8. ENVIRONMENTAL ASSESSMENT

8.1. There are no perceived environmental implications anticipated as a result of this report.

9. CORPORATE PRIORITIES

9.1. What impact, positive or negative, does the subject of this report have on:

9.1.1. The commercialisation agenda: neutral.

9.1.2. Improving customer focus: neutral.

9.1.3. Regeneration or economic development: neutral.

10. CONSTITUTIONAL CONTEXT

10.1. Article of Part 3 Annex 1 paragraph: 1

10.2. Referred or delegated power? Delegated

11. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

12. BACKGROUND PAPERS



The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

- BRE, May 2019, BRE Dwelling Level Housing Stock Modelling and Database for North Devon Council Report
- Housing Act 2004
- Cabinet Office, July 2012, Consultation Principles: Guidance

13. STATEMENT OF INTERNAL ADVICE

The authors (below) confirm that advice has been taken from all appropriate Councillors and Officers:

Katy Nicholls, Public Protection Manager & Tanisha Rowswell, Environmental Health Officer

Date: 24.07.2023