



North Devon Council

Report Date: Monday, 4 December 2023

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

Report by: Tanisha Rowswell, Environmental Health Officer

1. INTRODUCTION

1.1. 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 final revised Amenity Standards, Minimum Room Sizing and Management Standards Document (Amenity Standards document) is found within **Appendix A**. In addition to the main amendment, a number of small changes have also been made to the introductory text and the layout of the document.

1.2. A six week consultation exercise was undertaken to gather feedback in relation to the proposed amendment to the Amenity Standards document.

1.3. The main purpose of this report is to provide feedback on the results of the six week consultation exercise.

2. RECOMMENDATIONS

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

2.1.1. Consider the feedback of the public consultation exercise, contained within **Appendix B**.

2.1.2. Adopt the newly amended Amenity Standards, Minimum Room Sizing and Management Standards Document in **Appendix A**.

3. REASONS FOR RECOMMENDATIONS

3.1. To review the results of the consultation exercise.

3.2. To ensure the Council's policies are regularly reviewed and kept up to date.

3.3. To increase the robustness of the Council's approach and procedures in respect of HMO licensing standards.

3.4. To enable the adoption of the updated Amenity Standards, Minimum Room Sizing and Management Standards Document.

4. REPORT

4.1. North Devon Council (NDC) approved the existing Amenity Standards document 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.

4.2. A query was previously received from 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.

4.3. The current 2022 Amenity Standards document does not cover this matter, and the legislation also does not specifically cover mixed use short term holiday lettings/Airbnb and HMOs.

4.4. Therefore, a draft copy of the amended Amenity Standards document was presented at the Strategy and Resources committee meeting on 4th September 2023, which encompassed the Council's proposed position on the matter, and a consultation on the amendment was subsequently recommended and approved.

4.5. The six week consultation ran between Tuesday 19th September 2023 and Tuesday 31st October 2023.

4.6. Correspondence with details of the consultation was sent to all estate agents, licence holders and applicants who own or manage licensed HMOs in North Devon. Moreover, correspondence was also sent to a number of housing related charities and organisations within North Devon and the surrounding areas. A press release was also published.

4.7. We asked consultees to provide their feedback on whether they agreed with the proposals and why. We also asked for feedback on whether consultees felt that the proposed new insert provided suitable clarity.

4.8. A number of key themes existed in terms of the consultation feedback. The main points provided in the feedback have been addressed below.

4.9. 147 responses were received in total. The full results are attached in **Appendix B**, and a number of responses and key themes are highlighted below.

- 4.10. 126 respondents agreed with the update to the policy as proposed, 19 respondents disagreed and 2 did not leave an answer.
- 4.11. 124 respondents left a response highlighting why they agreed with the updated proposals. The main key themes observed for reasons why respondents agreed with the proposals were as follows:
- 4.11.1. The housing shortage in North Devon and the lack of affordable housing. This was highlighted as the most popular reason for agreeing with the proposals.
 - 4.11.2. A number of respondents thought that HMOs should be used for permanent residence only, and allowing the mixed use of short term holiday lets and HMOs would be inappropriate and problematic for the individuals residing there.
 - 4.11.3. A number of respondents advised that they believe there to be enough holiday lets within North Devon at present, and as such housing should be reserved for those working and living in North Devon.
 - 4.11.4. Concerns relating to tenant security were also raised within the feedback.
- 4.12. 22 people left a response highlighting why they disagreed with the updated proposals. 19 people initially disagreed with the proposals, albeit 22 people provided a reason why they disagreed. The main reasons for respondents disagreeing with the proposed amendment were as follows:
- 4.12.1. Respondents highlighted that it could encourage owners to remove their HMOs from the system.
 - 4.12.2. There were concerns regarding how it will be enforced.
 - 4.12.3. Respondents thought that landlords should be able to choose how they utilise their homes.
 - 4.12.4. A number of people noted that mixed use properties would regulate the standards in current holiday lets.
- 4.13. However, we believe that there was some confusion in respect of this question, as a few respondents who provided a reason for why they disagreed with the proposals actually provided reasons in favour of the proposals. This may have caused the discrepancy with the number of responses received for this question.
- 4.14. 119 respondents agreed that the proposed new wording provided suitable clarity, 23 disagreed and 5 did not answer.

- 4.15. 23 people believed that the new wording did not provide suitable clarity, so we asked respondents to advise how we could improve this. 26 individuals left feedback relating to this question. A number of the responses have been outlined below:

“The policy statement could ostensibly also suggest that properties which are 'licensed' (eg hotels, pubs with accommodation etc) are also restricted.”

“I am concerned that this may cause confusion where existing guesthouses/B&B's are used as short term HMOs. I also do not think that listing holiday letting firms is necessary and could lead to a potential loophole where hmo rooms are let privately.”

“Some properties with multiple rooms are not licensed so there needs to be consideration of that aspect. For instance a bungalow in a residential street has been split into 4 apartments in Air BnB but only has parking for 2 vehicles which causes lots of problems for the mostly elderly residents.”

“If should be changed to include temporary accommodation for asylum seekers or those seeking refuge and not only accommodation on a permanent basis. Unless this is included in "Section 259 of the Housing Act 2004".”

“Spell out section 259 definition”

“It would help to insert 'within licensed properties' again after 'All living accommodation’”

- 4.16. The focus of the consultation was solely directed on an insert of text that proposes to prevent landlords renting out individual bedrooms within mandatory licensable HMOs on a mixed use short term holiday let basis. As such, the proposed wording has been amended as follows to provide further clarity, taking into consideration the comments raised above:

‘We do not permit rooms within licensed HMOs to be rented out on a holiday let basis (e.g. via Airbnb, Vrbo etc.)*. All living accommodation within licensed HMOs 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, which includes students and those seeking refuge).

****This list is non exhaustive.****

4.17. The wording has been amended so the text now reads licensed HMOs rather than licensed properties so there is no ambiguity. Moreover, the wording outlines the main contents under Section 259 of the Housing Act 2004 for ease of reference.

4.18. A number of respondents also advised that listing rental agencies could lead to loopholes. Although this is an example list, this has been further strengthened, as it is now indicated within the document that this list is non exhaustive.

5. RESOURCE IMPLICATIONS

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

6. EQUALITIES ASSESSMENT

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

7. ENVIRONMENTAL ASSESSMENT

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

8. CORPORATE PRIORITIES

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

8.1.1. The commercialisation agenda: neutral.

8.1.2. Improving customer focus: neutral

8.1.3. Regeneration or economic development: neutral

9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annexe 1 Paragraph 1



10. STATEMENT OF CONFIDENTIALITY

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

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

- BRE, May 2019, BRE Dwelling Level Housing Stock Modelling and Database for North Devon Council Report
- Housing Act 2004

12. STATEMENT OF INTERNAL ADVICE

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

Tanisha Rowswell, Environmental Health Officer

Date: 02.11.2023