

Subject:	Report of the Scrutiny Panel on Short Term Holiday Lets (Party Houses)		
Date of Meeting:	25 November 2015 Previous meetings Environment, Transport, & Sustainability Committee 13 October 2015 Full Council 22 October 2015		
Report of:	Director of Public Health		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 At Overview & Scrutiny Committee on 20 October 2014 Councillor Bowden, as the Chair of the scrutiny panel, introduced the report of a scrutiny panel which had been established to look at issues relating to 'party houses' – short term holiday lets targeting large groups such as stag and hen parties.
- 1.2 The panel had researched complaints concerning party houses and the lack of regulatory controls. The recommendations listed in the Scrutiny report are principally, advisory, good practice matters for Brighton and Hove Holiday Rental Association (BHRA) so that the rental businesses mitigate residents' concerns. Local authority officers would have no legal authority to intervene. No formal enforcement action is requested of any department or agency: Sussex police; ESFRS; community safety, EH, planning, housing, economic development, tourism, VisitBrighton, or City Clean.
- 1.3 This is the formal response to those recommendations. While it would have been usual to have issued a formal response earlier in the municipal year, due to the end of the administrative term, it was decided that it would be more effective to postpone the response until the potential change in administration. This decision has had the benefit of allowing Environmental Health more time to assess the situation with regard to short term holiday lets. The revised timescale has not affected any actions taken by the Environmental Health team. It should be noted that since the scrutiny panel work was completed, some ward councillors and residents have reported community concerns about short term let properties.

- 1.4 This report has recently been to the 13th October 2015 Environment, Transport, and Sustainability Committee, and Full Council on 22nd October 2015. Both Committees noted the reports.

2. RECOMMENDATIONS

- 2.1 That the Committee endorses the officer response on Short Term Holiday Lets as set out at Appendix One.

3. CONTEXT/BACKGROUND INFORMATION

- 3.1 The scrutiny panel was established to address concerns raised by residents who lived near to short term holiday accommodation about anti social behaviour. The cross-party councillors on the panel sought to balance the benefits brought by responsible short-term accommodation operators against the genuine concerns expressed by residents.
- 3.2 The panel felt it was important to find a mutually agreeable position that respects residents' views, but also supported responsible short-term holiday let operators catering for this market. They were also mindful of the impact on other local businesses, in particular small hoteliers.
- 3.3 It became clear that since a local authority's powers are limited, aiming for an operational 'gold standard' that responsible operators could sign up to might be the most realisable objective for the panel.

As a direct result of the establishment of the scrutiny panel, a number of local businesses came together to promote a 'gold standard' of best practice and offer some self-regulation of the market under the Brighton and Hove Holiday Rental Association (BHRA) umbrella.

- 3.4 The panel made a number of recommendations for BHRA. Brighton and Hove Holiday Rental Association (BHRA), is asked to ensure that operators act as good neighbours. Concerns included that they were locating in inappropriate areas and these properties were no longer available for family use. Some residents and panel members felt that if they were a business, then they should be subject to business constraints and regulation: trade refuse collection, planning and land use constraints, private rented sector housing standards, fire safety. The emerging sector may have an effect on housing demands and the local economy, contribution to business rate/council tax and local communities.
- 3.5 The scrutiny panel welcomed the establishment of the BHRA trade body, which had been one of the aims of the panel as self-regulation will be essential to achieve improvements. The association told the panel that they were committed to promoting the best service for visitors, and to contributing to the tourism sector in the city.

- 3.6 Responses to their recommendations can be found in Appendix 1.
- 3.7 Scrutiny officers worked with BHRA members during the panel and liaised with them when the recommendations were agreed. The recommendations have largely been in the gold standards that are available on the BHRA website. <http://www.brightonholidayrentals.org/BHRA-Guidelines.pdf>
- 3.8 The report recommendations also included two items for Brighton & Hove City Council:

Monitoring and overseeing

- 4a) *As a way of monitoring the situation, in the instance of any complaints being received by statutory agencies, eg noise, refuse, fire safety, the statutory agencies call BHRA into the regular Joint Intelligence Meetings straight away and consider investigating the properties to take any action necessary. In this way, we can encourage the operators to be self-monitoring but retain an oversight and step in as soon as a problem arises.*
- 4b) *The panel recommends that the council reserves the right to review the arrangements and bring the monitoring in-house if it is not deemed satisfactory. The first monitoring should take place after six months and the second should not take longer than 12 months after the report is agreed. It will be for council officers including Environmental Health and Planning Enforcement, and East Sussex Fire and Rescue Service and the Police to determine together with BHRA whether this is necessary.*
- 3.9 Unfortunately we can not agree with recommendation 4a in that the Joint Intelligence meetings are a multi agency including representatives from a number of Council Departments inc Housing, Planning Enforcement, Community Safety, Environmental Health, Licensing and Trading Standards. External partners who attend include the Police Fire Safety, Department of Work and Pensions and Immigration Services. The group meet every three weeks to share intelligence and resources on common cases, and target effective efficient responses to concerns and problems raised. This often includes sensitive, confidential information and is not the appropriate forum for the BHRA to attend.
- 3.10 However, agencies and partners are aware to bring current party house cases to the meeting where information is shared, and a joined up approach to the case is adopted. Any case is always shared with Fire Safety and Planning Enforcement and Environmental, and any appropriate action taken in accordance with enforcement policies. Managing agents and owners of premises are also made aware of cases and complaints.

- 3.11 One of the concerns was noise from 'party houses'. Analysis of noise complaints cannot separate party houses or short term lets from other noise sources as officers may not be aware of tenure. However, over the past few years noise complaints have stayed reasonably static:

2011/12	3331
2012/13	3381
2013/14	2779
2014/15	2706

- 3.12 Noise cases are coded in accordance with the requirements of the Chartered Institute of Environmental Health. Each year a statistical return is submitted to this professional body breaking down the types of noise cases received, in accordance with their codes. There is no specific code for party houses/short term lets.
- 3.13 On average we receive perhaps 1 to 2 cases a month in relation to Party House/Short term lets. This information is gathered from routine case reviews of the work undertaken by the Environmental Protection Team. In relation to noise this has to have regard to the provisions of the Environmental Protection Act 1990 and statutory noise nuisance is assessed having regard to the character, duration and frequency of the noise and how it affects a person in their home

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Members could choose not to endorse the officer response appended although the recommendations were made by a cross-party panel of councillors.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Please refer to the scrutiny panel report.

6. CONCLUSION

- 6.1 Members are asked to endorse the officer response.

7. FINANCIAL & OTHER IMPLICATIONS. Consultation undertaken when this identical report went to Environment, Transport and Sustainability Committee and Full Council October 2015

Financial Implications:

- 7.1 'The recommendations listed in the Scrutiny report are advisory, good practice matters for BHRA, so that the rental businesses mitigate residents' concerns; rather than requiring formal enforcement. There are no direct

financial implications for the Council. There has been a reduction in investigator capacity from 11 to 10 FTE to help support the 2015-16 budget strategy savings requirement within the Environmental Protection team that investigates all pollution complaints like noise, and in addition the night-time noise investigation service funding halved from the previous £0.110m. Therefore, self regulation of these matters becomes more critical.'

Finance Officer Consulted Michael Bentley

Date: 30 September 2015

Legal Implications

- 7.2 The Regulators' Code made under section 23 of the Legislative and Regulatory Reform Act 2006 requires local authority regulators to carry out their activities in a way that supports those they regulate to comply and grow. Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

Lawyer: Elizabeth Culbert

Date: 2nd September 2015

Equalities Implications:

- 7.3 Equalities issues are addressed in the scrutiny panel report.

Sustainability Implications

- 7.4 None identified. The emerging sector could potentially impact on housing demand.

Any Other Significant Implications

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of the Short Term Holiday Lets Scrutiny Panel including Officer Response.

Documents in Members' Rooms:

1. None