

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Neighbourhoods & Community Services Scrutiny Panel

**DATE:** 14<sup>th</sup> January 2020

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**WARD(S):** All

### **PART I**

#### **FOR COMMENT & CONSIDERATION**

#### **AIRBNB LICENSING**

1. **Purpose of Report**

To inform the Panel of the issue and what remedial action can be taken.

2. **Recommendation(s)/Proposed Action**

- The Panel is requested to note the information contained in the report and recommend that the issue of short term lets be monitored for a year and to report back to this Panel in February 2021.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Joint Wellbeing Strategy Priorities**

- Housing

3b. **Five Year Plan Outcomes**

- Slough will be an attractive place where people choose to live, work and stay
- Our residents will live in good quality homes
- Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Risk Management**

Category	Negligible	Marginal	Critical	Catastrophic
Economic/Financial	Existing resources to be used to	n/a	n/a	n/a

	investigate reported alleged breaches. However, if the Council were to adopt a more proactive approach to investigating short term lets, this will require additional resource. Leading to marginal impact.			
Political	The current number of investigations is negligible.	If future investigations discover the issue is having an impact on housing supply, then a marginal risk is considered at this time.	n/a	n/a
Health & Safety	n/a	n/a	n/a	n/a
Environment	Current number of reported breaches of planning control indicate short-term/temporary environmental damage	Should number of reported breaches increase, the impact on housing stock and supply could result in Borough-wide environmental damage	n/a	n/a
Legal/Regulatory	Current number of reported breaches and investigations have negligible impact. However, if a proactive approach and further detailed consideration is given to the issue, this			

	could escalate to marginal risk due to additional resources being needed.			
Management inc Contractual	Current reported breaches managed within existing resources.	Should number of reported breaches increase, or Council decides to investigate a range of options then additional resource required which may require specialist expert advice to be resourced.	n/a	n/a

**The Table below must be completed fully for each recommendation from Section 2**

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
The Committee is requested to note the information contained in the report and recommend that the issue of short term lets be monitored for a year and to report back to this Committee in February 2021	The number of reported breaches is negligible. However, should number of reported breaches significantly increase, this could lead to a marginal impact to the Council.	Current controls under the Town and Country Planning Act 1990 enable proportionate investigations to take place with regard to reported alleged breaches of planning control.	Negligible.	Ensure appropriate information is given to property owners. To monitor the use of short term lets in Slough for the next year.

(c) Human Rights Act and Other Legal Implications

Any action taken by the Council with regard to reported breaches must be proportionate taking account of the provisions of the Town and Country Planning Act 1990 and other associated planning legislation balanced against the provisions of the Human Rights Act. Furthermore, when the Council considers if formal enforcement action is to be taken under the Town and Country Planning Act, it must demonstrate it is expedient in the public interest to do so.

(d) Equalities Impact Assessment

Due to the relatively small number of alleged breaches of planning control, this report does not propose a new or substantially revised policy, procedure of function at this time.

(e) Workforce

Due to the relatively small number of alleged breaches, existing workforce is able to investigate accordingly.

5. **Supporting Information**

5.1 In 2008, Airbnb was founded. Airbnb, Inc. is an online marketplace for arranging or offering lodging, primarily homestays, or tourism experiences. The company does not own any of the real estate listings, nor does it host events; it acts as a broker, receiving commissions from each booking. The company is based in San Francisco, California, United States.

5.2 This has led to property owners, employees and tourists using the broker arrangement provided by Airbnb to enable property owners to let out rooms or whole properties for people seeking short term stays in an area, either for employment or tourist purposes. Whilst Airbnb suggests it may include bed and breakfast provided by the property owner being present to provide breakfast, which would lead to the operation being similar to a bed and breakfast guest house, the typical Airbnb operation involves guests 'renting' the property on a short term basis and usually self catering for their needs.

5.3 Website searches on 'Airbnb UK' undertaken on 19 December 2019 with search criteria for 2 adults and 2 children in Slough between Monday 27 January and Thursday 30 January 2020 revealed 168 places to stay. When this was filtered to 'entire place', it produced 61 results.

A further search also undertaken on 19 December 2019 with search criteria for 2 adults and 2 children in Slough between Friday 31 January and Sunday 2 February 2020 revealed 61 places to stay. When this was filtered to 'entire place', it produced 53 results.

Whilst the search entry was for Slough, some of the results produced were for properties outside the boundary of Slough Borough Council.

5.4 The Council's planning enforcement service, however, has only received 2 requests in 2018-2019, and 6 requests in the current 2019-2020 year to investigate alleged uses of properties for short-term lets provided by the third party agencies such as Airbnb.

- 5.5 The general issues to be considered with regard to short-term lets are:
- Short term lets booked through the website Airbnb can boost tourism and provide homeowners with an additional source of income.
  - They can also cause harm, however, including loss of housing stock, “tourist behaviour” and noise disruption, and a loss of community.
  - Changes to the law that have dis-incentivised buy-to-let rentals have led to some landlords to market HMO’s as large ‘party houses’ which can return a high yield over a short period of time.
  - For planners and enforcement, it can be difficult to define the length of a ‘short term’ let, and when a material change of use has occurred.
  - Most Local Authorities apply a rule of thumb that if a property is let either for more than 90 days, or on more than 10 separate occasions in a calendar year, a change of use has occurred.
  - Enforcement action against these unauthorised changes of use tends to require a cessation of the use and the removal of online advertising, although the compliance period is generally set to allow existing bookings to be honoured.
  - Aside from planning enforcement, against a change of use, there are other methods councils can use to challenge problematic short-term lets, including checking HMO licences, and charging business rates instead of Council Tax.
- 5.6 In Slough, planning enforcement investigations into the 8 cases referred to them has, at this time, led to evidence being collected to serve 1 enforcement notice. The other cases are still subject to ongoing investigations.
- 5.7 To proactively investigate all the properties advertised on the Airbnb website will take significant resource. In the meantime, planning enforcement will work with other internal departments to respond to complaints received from residents.
- 5.8 The Council’s website will include further information on the planning and building control website page to draw residents’ attention that letting out of homes for short term lets may require planning permission or licensing approval under the Housing Act 2004. Planning will also consult with corporate communications team on other suitable methods in getting the message out.

## 6. **Comments of Other Committees**

The matter has not been considered by any other Committee’s.

## 7. **Conclusion**

The relatively small number of reported alleged breaches of planning control are currently negligible. It is recommended that appropriate information be displayed on the Council website to inform property owners that short term lets may require planning permission and whilst there may be some benefits in terms of local economic benefits, this has been considered against whether the impact of short term lets has a detrimental impact on neighbouring residents amenities, the Council’s housing land supply and sustainable communities.

## 8. **Background Papers**

None.