

APPENDIX 1

BARBICAN RESIDENTS' CONSULTATION COMMITTEE

WORKSHOP FOR DEALING WITH SHORT TERM HOLIDAY LETS

Tuesday 7 July 2015

PART 1 – DEFINING THE PROBLEM

A WHAT ARE YOUR WORRIES OR CONCERNS AROUND SHORT TERM SUB LETTING?

1. How frequently is this happening / likely to happen?
2. Risk of hotel-style operations; i.e. engaging laundry and cleaning services.
3. Increased insurance premiums for change of use.
4. Potential damage and increased wear-and-tear to common areas including the lifts and the impact on service charge payers for increased repairs. Would service charge payers be subsidising business use?
5. Likely to be more use in some blocks than others - if 2 or 3 were to be very active, it could would cause a concentration of the above problems and impact on service charge payers.
6. Increased anti-social behaviour; drunkenness, noise and health and safety/fire risks resulting from intoxication or drug use.
7. Use of the flats for immoral purposes.
8. Erosion of community spirit.
9. Letting sites are removed from the Estate Office and unlikely to raise awareness of bye-laws and expected standards of behaviour.
10. Increased expectations on porters and car park attendants.

In discussion it was acknowledged that many of these problems already exist when standard sublets are badly managed or problematic, but that short-term lets could intensify these kinds of issues

B HAVE YOU SEEN OR HEARD OF ANY PROBLEMS?

1. A 'stag party' in Frobisher Crescent.
2. Flats in Seddon and Andrewes have been advertised on short-term holiday letting websites and there have been alleged problems with garden use.
3. Balcony parties at Bunyan Court.
4. Increased rubbish.
5. Washing hung on balconies.
6. Car park doors jammed open and increased frequency of access.
7. Increased key access and risk of loss and security implications.

Subsequent discussion revealed there were very few specific examples that residents were aware of where short term letting had caused problems or that short-term letting was taking place.

C WHAT MAKES THIS KIND OF LETING DIFFERENT FROM:

1. **Normal Sublets on a typical 6-month tenancy agreement,**

- a) Potentially, no single standard of expected behaviours or buy-in; no relationship with neighbours or the BEO or respect for the local environment and amenity.
- b) Lack of knowledge as to who to contact in the event of difficulties or queries.
- c) Unlikely to report faults, with could impact on other residents' i.e. leaks.
- d) No registration, identification or traceability of guests.
- e) Different requirements re car parking and portering services.
- f) Difficulties for the BEO if holiday lets operate to disparate standards and expectations.
- g) Would there be fewer potential concerns if rooms were let out and the owner/tenant remained on the premises?
- h) Would there be similar problems with corporate lets?

2. **Residents lending their flats to friends/relatives or flat sitters while they are away?**

- a) Likely to have more respect for the property and environment and likely to engage with neighbours and preserve relationships.
- b) Difficult to take action against a friend or relative without it involving the lessee/tenant directly.

In discussion it was acknowledged that in practice it would be difficult for any resident to differentiate between a normal sub-letting and a short-term holiday let, or even residents lending their flats, and short-term holiday lets. It was felt that any interventions must respect resident's rights to sub-let normally, or to allow friends and relatives to borrow their flats.

It was also noted that some of the concerns raised over short-term lets, such as unintended disturbance to residents through lack of familiarity, security (especially tailgating) could also arise from both standard sublets and friends borrowing flats.

PART 2 – RESOLVING THE ISSUES

A. WHAT COULD RESIDENTS DO TO REDUCE THE RISKS FROM SHORT TERM SUB LETTING?

1. Talk to each other and to the guests in a helpful and non-confrontational manner; politely offering advice. If appropriate, ask if they are a friend or relative.
2. Talk to the Barbican Estate Office, gather evidence if possible – obviously easier if it's a direct neighbour. Try to engage the assistance of other neighbours who might be affected.
3. If very serious, make a formal complaint to the BEO or call Environmental Health (noise disturbance) or the Police (antisocial behaviour, criminal activity), if necessary.

In discussion it was considered that talking to visitors could promote two useful objectives – it could ensure visitors were familiar with the Barbican, block security etc. and less likely to cause disturbance or annoyance inadvertently, and second, it could provide evidence that a flat was being sublet repeatedly.

B. WHAT COULD THE BEO DO TO REDUCE THE RISKS FROM SHORT TERM SUB LETTING?

1. Offer 'light touch' assistance and guidance but be prepared to enforce if necessary.
2. Write to all Leaseholders (being mindful that some may not be aware, if tenants are sub-letting to short term holiday let sites)
3. Email broadcasts to encourage residents to share any concerns and collate information from house groups. Encourage the provision of evidence rather than anecdotal and prompt reporting.
4. Note the good relationships and sharing information with car park attendants but with realistic expectations.
5. Use an intern or work experience student to actively monitor the letting sites but accepting that this could be quite resource intensive
6. Routine, planned maintenance inspections could provide intelligence.

In subsequent discussion there were differing views on whether the policy and guidance the BEO should be zero tolerance on all short term lets, or to focus on avoiding nuisance from problems arising from excess – either flats given over to continual year-round short-term lets, or where there was a poor record of problems from a particular flat.

Landlords who decide to let their flats year-round on short term lets were considered the most serious problem, and it may also be easier to enforce against them as continuous short-term letting was not allowed in the recent legislative change either.

A concern was noted that a long-leaseholder who has sublet flat their flat may not be aware that their tenants are subletting for weekends etc. through holiday websites – the BEO could make landlords aware of this and suggest landlords specifically prohibit this.

C. WHAT COULD HOUSE GROUPS, THE BA OR THE RCC DO TO REDUCE THE RISKS FROM SHORT TERM SUB LETTING?

1. Reinforce messages from the BEO over encouraging good behaviour and not subletting your flat to
2. Could further protection be offered via House Groups' RTA status?

In subsequent discussion, it was noted House groups could provide a useful point of contact for House Officers to approach if problems had been reported, but there was not enough information to act.

NEXT STEPS

1. Circulate notes from the flip charts
2. Target resources to what might be a minority
3. Establish the definition of business use and whether this might breach the lease (noting that breaches might not actually be illegal).
4. If permitted, encourage hosts to let to couples, rather than all male/female parties
5. Report to the RCC Chair/RCC Members – including recommendation as to which of the resolutions could be reasonably actioned by the end of July.
6. Report to RCC/BRC - September 2015