

MANCHESTER CITY COUNCIL
REPORT FOR INFORMATION

COMMITTEE Communities and Neighbourhoods Overview and Scrutiny Committee

DATE 20 May 2008

SUBJECT Short Term Lets

REPORT OF Head of Planning

PURPOSE OF REPORT

Following a request from a member of the public to the Communities and Neighbourhoods Overview & Scrutiny Committee concerning 'party lets', this report sets out the current position on the issue of short term lets of residential accommodation, the approaches that can be taken within the current regulatory regimes and the potential for gaining more extensive powers in the future.

RECOMMENDATIONS

It is recommended that Members:

1. Note the contents of the report
2. Note that subject to the views of Members, a further report will be prepared on the outcome of the steps outlined in this report including the possibility of promoting local legislation.

Financial Consequences for the Revenue Budget

None

Financial Consequences for the Capital Budget

None

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Wards Affected

City Centre; Ancoats & Clayton

Implications for:

Anti-Poverty Equal Opportunities Environment Employment

No	No	Yes	No
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1. INTRODUCTION

- 1.1 The issue of short term lets has been highlighted by recent media coverage of nuisance from 'party lets', and the request being made from a member of the public for the matter to be the subject to a report to a future meeting of the Communities & Neighbourhoods Overview and Scrutiny Committee.
- 1.2 Short term lets are essentially serviced apartments used for short stays and temporary office accommodation the latest manifestation of which appears to be "party lets". Such uses can impact on residential amenity and there is a need to review development control issues in relation to them. It is understood that the number of units used as short term lets within residential blocks in the City Centre and the Ancoats area varies from a small number up to (in one instance) 50% and that the practice might be spreading. However, the number of formal complaints made to date is 9 to Planning Enforcement across 6 sites and 2 to Environmental Services .
- 1.3 Following a number of complaints being received around 12-18 months ago, consideration was given to the evidence available. Initial investigations over the potentially serious nature of the matter led to the conclusion that the issue appeared to be more complex than first thought. It was therefore decided to seek legal advice from leading Counsel as to whether short term lets constituted a breach of planning control and if so whether enforcement action might be appropriate. Counsel also advised on other steps the City Council might take. This is summarised in a report on Part B of the agenda.
- 1.4 Short term let activity does not appear to create problems in each and every instance and they may make a contribution to the range of opportunities that tourists and visitors can choose from. The evidence we have in the form of complaints, at the current time is not overwhelming but this is not to say that where short term lets do cause a problem they are not of some significance.

2. PLANNING ENFORCEMENT

- 2.1 At the current time there is insufficient evidence to commence enforcement action. (Whilst much is being talked about there is too little hard evidence and it is understood that in some cases residents are understandably more concerned about the potential for short term lets to proliferate in the future rather than much actual nuisance being caused at present).

2.2 The report on Part B of the agenda has outlined the relevant law relating to the control of short-term letting as it currently applies to the City Council and this report now sets out the initial methods proposed for investigating cases of alleged short term letting and considering whether enforcement action under the Town and Country Planning Act 1990 is appropriate.

2.3 The Council needs to obtain detailed evidence to prove, that a flat is being used for short term lets and that the nature and extent of the short term letting in any one building causes such a significant alteration that it is material in a planning context, for example that the number of people coming and going from the premises far exceeds what may be expected in a residential setting and disamenity associated with such increased use .The level of detail needed will require the direct co-operation of occupants and neighbouring residents and residents' groups who will play a vital role in identifying short term lets and focussing enquiries.

2.4 Evidence of this quality will be required in every case if formal planning enforcement action is to be progressed and upheld on appeal.

2.5 Obtaining evidence of the standard required to secure the issue of an enforcement notice will require resource intensive activity by officers together with active participation by residents gathering evidence. The issue is being taken seriously and the following actions are being taken.

- Residents who complain are being asked to make a formal complaint and provide detailed evidence. This will involve keeping a complete and thorough diary of events with evidence of: the loss of amenity of the apartments used as dwelling houses; provide information of how many premises are used for short term lets in their blocks; how close their apartments are to the short term let; any other noise, parking, safety and other issues;
- Management companies are being contacted to try and establish the number of 'normal' occupiers as opposed to those apartments used for short term lets; the relationship between these within blocks; and any complaints about noise, loss of amenity, increased crime and disorder they may have received.
- Owners (or occupiers and any other interested parties) of short term let properties which feature in complaints will be contacted to provide information as to what the current use of the premises is; when such a use began; the names and addresses of any persons known to them to use or have used the property for any purpose
- Websites will be checked for short term lets and evidence taken of booking arrangements, advertisement of premises and description of location of apartments.

2.6 After receiving the legal advice outlined in the report on Part B of the agenda, Members for the City Centre and Ancoats & Clayton were provided with information about the action that needed to be taken. This was because of concerns that

had been raised and it was possible that some residents had not yet made direct contact with the Planning Enforcement Team. The City Centre Residents Forum is also being contacted to try and establish the extent of concerns and set out the process for making complaints and the evidence required.

3. ENVIRONMENTAL SERVICES ENFORCEMENT

3.1 Environmental Health has powers under the Environmental Protection Act 1990 to deal with cases of noise nuisance. Action to deal with noise nuisance should, where possible, be taken against the person causing the nuisance but if, in the case of the short term lets, it is difficult to obtain details of the person directly responsible for the nuisance, or as is more likely, it is a different person every weekend, then action may be taken against the owner of the property if, when warned, they fail to take action to prevent the individuals leasing the property causing a nuisance to other residents.

Other regulatory functions

3.2 Consideration has been given to other regulatory powers by the Fire and Rescue Service or the Council under Building regulations but these powers are not relevant in the current circumstances.

Further Measures

3.3 Apart from immediate action to deal with individual cases, the Head of Planning is also considering other measures in relation to problems arising from short term lets.

- A planning condition to restrict the use of new apartments to private dwelling only will continue to be used to prevent future proliferation of short term lets.
- As part of ongoing work on the core strategy a review is being undertaken of policies in relation to residential provision.
- The Head of Planning and the City Solicitor are investigating the appropriateness and steps necessary to promote local legislation as has been done in London, possibly in collaboration with other major cities. Consideration will be given to the potential benefit of such legislation if it has no retrospective effect.

4. CONCLUSIONS

4.1 There is not a single and immediate solution to the issue of short term lets. A number of actions can be considered. These provide a framework within which the Council can attempt to tackle those cases that do cause harm.