

Nightly Lets

Building Management Protocol



Nightly Lets (legally known as short term lets), are a great way for home owners to benefit from connecting with holidaymakers looking for the perfect accommodation. We know that most homeowners who let on this basis do so within the law and maintain excellent standards. However, there is a risk that when this type of let is not managed responsibly, it can cause problems with neighbouring properties including poor waste management, noise, anti-social behaviour, as well as security and health and safety concerns. This building management protocol therefore seeks to ensure a balance between home-owners being able to take advantage of the benefits of short term letting, whilst ensuring they are compliant with the law and respecting the building and comfort of neighbours.

When the protocol applies

This protocol applies if you own, rent, or manage a property in a communal building, and wish to let out your home on a short-term basis. Your lease or tenancy must not have covenants that forbid this activity, and you must be eligible to be the council tax payer. If you are not the council tax payer, you must apply for planning permission. If you are the council tax payer but not the property owner, you must get the property owners permission do so.

Host Responsibilities

- Every year you must notify your Freeholder or Building Manager if you will be engaging in short term rental activity. You should advise who your provider is and which site(s) the property is listed on.
- You must provide the Freeholder or Building Manager with contact details of someone who can respond to any issues or concerns whilst you are away, and who is available to be contacted 24/7.
- The law states that you can only let your home on this basis for no longer than 90 nights each year. If you wish to let your home for longer than the 90-night limit, you must apply to the local authority for planning permission.
- It is illegal to sublet a council property, and doing so could result in eviction and/or a fine.
- You must have 3rd party liability insurance to cover any damages incurred via the actions of guests.
- You must follow all health and safety regulations including: having a gas safety certificate, fire extinguisher, carbon monoxide detector, smoke alarms and first aid kit in the home.
- It is best practice not to take bookings of less than 3 nights to ensure your neighbours are not disrupted by a high turnover of guests.
- You should have ID verification and relevant details for each person staying for health and safety purposes.
- Porters should not be asked to manage any guests, from meeting them, to handing over keys, or providing support to your guests in any way. This is solely your responsibility, or your nominated managing agent.
- Building management must be notified of any keys/fobs not returned, or lost by a guest, so they can be deactivated. You must bear the costs for a replacement.
- You must provide a suitable means of waste disposal and ensure any guests are advised on appropriate disposal.

Freeholder/Building Manager Responsibilities

- You should maintain a register of properties that are being nightly let, and contact information.
- You should provide oversight to ensure this protocol is complied with.
- You should escalate serious issues of breach of lease agreements through legal channels
- You should notify the homeowner where unlawful Short Term letting is suspected, and if not met with an appropriate response you must notify the local authority.
- You must ensure fire safety within the communal parts of the building.

Enforcement

Where a clear breach of the lease agreement is evidenced, Building Managers or Freeholders may pursue legal action and/or share this information with the local authority where appropriate. Where unlawful Short Term Letting is identified, the local authority will take enforcement action under the relevant legislation and may decide to prosecute in respect of serious or recurrent breaches, or where other enforcement action, such as statutory notices have failed to secure compliance.

Best Practice Guidance

For further information on the laws that surround Nightly Lets and best practice guidance for letting your home on a short term basis please visit <https://www.westminster.gov.uk/nightly-letting>

