

Freedom of Information request reference number: FOIA1925.1

Date of response: 12 August 2014

Request and response:

We are the UK trade association for the B&B and guest house sector. We are concerned that the public trust in our sector as a whole might be undermined as a result of the massive growth in premises offered to paying guests directly by homeowners (and businesses) via "accommodation marketplace" websites such as Airbnb, Wimdu, One Fine Stay and others. These websites do not (it seems) properly inform the premises owners of their responsibilities under the Fire Safety Order, or give them copies of the applicable official guidance (eg ["Do You Have Paying Guests?"](#)).

Our current understanding is that consequentially, these premises are mostly non-compliant with the Fire Safety Order.

I gather that Airbnb alone now has over 7,500 premises offered to paying guests in London - though you might have a more accurate figure. Many are in multiple-occupancy and/or high-rise buildings.

I am writing to ask how the London Fire Brigade covers these website-listed premises in its inspection, checking and enforcement procedures as part of its duty to ensure the public is protected in London.

Can you please tell me:

- (a) how much of a risk to the public the LFB has assessed these premises as,*
- (b) what level of co-operation the website operators are giving LFB to allow you to carry out your duties, for example in identifying premises owners and enabling access to the premises for inspections, and*
- (c) how many inspections have taken place of premises listed on these websites in 2013 (or the last 12 month period for which you have records)?*

Deregulation Bill - clause 34

Currently in London, the law (Greater London Powers Act 1973) requires any owner of residential premises in London to apply for planning permission if he or she wishes to let it to paying guests for short stays (under 90 days). This gives a mechanism whereby regulators such as LFB can identify those offering their premises to paying guests via their planning applications. The Government is seeking to abolish that requirement by means of Clause 34 of the Deregulation Bill, currently going through Parliament. Lady Donaghy spoke in the House of Lords on 7th July against clause 34, as follows:

"I will deal with the short lets in London first. If this measure is passed, and I profoundly hope that it is not, the unintended consequences will be detrimental to rich and poor alike. This is a strange gloss on the Prime Minister's slogan that "We're all in this together". Take a settled residential block north of the river. All the residents are comfortably off, with security provided 24 hours a day. If this legislation is enacted, the sub-letters and online letting companies will march in. The premiums are such that you can make three times as much income as you can from ordinary longer-term lettings. Even if we disregard the diminution in housing stock in London, which is already at crisis point, the health tourists would move in and out with their families,

treating the place like a hotel and an A&E department combined.

*If you are really unlucky, the prostitutes and housing benefit fraudsters will move in, while at best it will become a temporary residence for overseas businessmen and their families, who are often no respecters of other people's property or peace of mind. The residents will experience an increase in unauthorised rubbish dumping—and flooding, if they live in flats below the temporary residence. **By the way, it will be virtually impossible for the fire authorities to keep track of this.** The nature of the residential block will change and there will be nothing that the majority of residents can do about it. They in turn will be tempted to move in order to escape the disruption when temporary letting becomes the norm in that block of flats. To my knowledge, this is already happening at the margins.*

*As the noble Lord, Lord Tope, said, the British Hospitality Association, the Bed and Breakfast Association and many others have sent submissions about this clause. Westminster City Council has provided an excellent briefing as well. That council has done a sterling job in fending off the marauders. Yes, I am praising a Conservative council. All those bodies are saying the same thing: **the proposed change will pave the way for largely unregulated short-term online rental companies to operate more freely in London and remove the main mechanism by which regulators currently have the chance to ensure the safety of the public. The largest of these online companies, Airbnb, has over 23,000 premises in the UK for paying guests—premises which do not comply with government guidelines on fire safety.***

Other cities in the world are striving to adopt the same controls that we are about to throw away. Paris, New York and Singapore have experienced housing inflation and anti-social behaviour in residential neighbourhoods. Westminster City Council has dealt with 7,362 enforcement cases in the past 15 years, equating to nearly seven years' housing supply."

My final question is: what is the LFB's view on Clause 34 of the Deregulation Bill, and its consequences for the LFB's ability to perform its duties in ensuring the fire safety of premises in London let to paying guests, and their compliance with regulations?

Your request was considered under the provisions of the Freedom of Information Act 2000 (FOIA) and I have set out my response in turn below:

"(a) how much of a risk to the public the LFB has assessed these premises as,"

LFB has a risk based inspection programme where we target those premises that are deemed as high risk based on various factors. We follow the risk matrix issued by DCLG that help plan our inspections under the national Framework. We have strategic targets which this year are residential care homes and sheltered housings. We have no evidence of these premises having increased fires, injuries or deaths for which our limited resources are used for. Where we do come across this premises we will use our powers appropriately and apply the guidance produced by DCLG proportionately.

"(b) what level of co-operation the website operators are giving LFB to allow you to carry out your duties, for example in identifying premises owners and enabling access to the premises for inspections, and"

Some of the websites and companies are not based in the UK. Those that have been contacted have assured us that they request the premises comply with the country's safety legislation although they do no physical checks but do respond to complaints. We are considering send them a letter about England & Wales duties.

"(c) how many inspections have taken place of premises listed on these websites in 2013 (or the last 12 month period for which you have records)?"

We cannot do this because we would not record this information based on the answer to question a) it is likely that we would only come across them (which we have in the past) by complaint.

"My final question is: what is the LFB's view on Clause 34 of the Deregulation Bill, and its consequences for the LFB's ability to perform its duties in ensuring the fire safety of premises in London let to paying guests, and their compliance with regulations?"

LFB view which we gave to DCLG some time ago was we supported retention so the LA has the ability to avoid changes to premises that would increase risk (e.g. conversion into mini hotels within blocks) however LFB have never been a statutory consultee on these planning applications so it has no impact on us. If we were to be consulted we would treat each application on a risk based approach and this would then influence the action, if any, we would take.

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