

# Response ID ANON-FUKT-92S4-C

Submitted to **Short-Term Lets: Consultation**

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## Questions

**1 Are you aware of any additional data on the impacts of short-term lets (over and above that set out in Annex A – The Short-Term Rental Sector, Housing and Tourism in Scotland and briefly summarised above) which the Scottish Government should take into account when considering proposals for regulation?**

**Are you aware of any additional data on the impacts of short-term lets (over and above that set out in Annex A – The Short-Term Rental Sector, Housing and Tourism in Scotland and briefly summarised above) which the Scottish Government will take into account when considering proposals for regulation?:**

The Association of Scotland's Self-Caterers welcomes the opportunity to share data about the holiday and short-term let sector which we believe will contribute to a more informed conversation about the appropriate regulatory framework. We are committed to creating an environment for the responsible growth of the short-term letting sector in Scotland.

Indeed, the ASSC has worked hard to engage with those concerned about the impact of short-term lets across Scotland and we commissioned an evidence-based report, *Far More Than Just Houses*, to assess some of the frequently cited concerns about short-term lets in Scotland. It concluded that there was no evidence to suggest that short-term lets are causing or exacerbating housing shortages or rental increases. *Far More Than Just Houses* is so far the only piece of research into the effect short-term letting has on housing in Scotland.

As a matter of principle and sound policy, when considering proposals for regulation, the ASSC believes that determinations must be based on reliable evidence, such as the evidence-led approach we have taken to the issue. Use of so-called data scraping of popular accommodation platforms – and examples were provided in the consultation paper (e.g. AirDNA) – can lead to inaccurate and misleading conclusions about the scale and nature of the short-term rental market. As far back as the June 2017 meeting of the Scottish Government's Expert Advisory Panel focusing on peer-to-peer accommodation, concerns were raised about the validity of scraped data. The Discussion Paper resulting from this meeting also recognised that some of the data from third-party websites was "open to dispute."

We firmly assert that it not acceptable to base policy on AirDNA figures or its equivalents. As the Annexes to this consultation paper note, "caution is needed when drawing conclusions from scraped data analysis." Relying on this type of data does not lead to sound policymaking and robust empirical data must always be prioritised.

**2 Should a regulatory framework distinguish between sharing, swapping and secondary letting?**

Yes

**Please explain your answer.:**

A regulatory framework should distinguish between commercial lets and professional operators, who let out whole properties for over 140 nights a year, and amateur homesharers, who let out whole properties for less than 140 nights a year or let out a room in their primary residence.

Moreover, clearly defining what is a holiday home, second home, or short-term let requires detailed consideration, including in relation to: the duration of stay and the frequency of the let; and in what circumstances a property needs to be used in order to fall into those categories.

**3 Should the rules be capable of being different depending on the type of accommodation? For example, to distinguish between tenement flats and detached houses.**

No

**Please explain your answer.:**

The ASSC affirms that any regulations or legislation taken forward must be kept as simple as possible. Any rules should not distinguish between tenement flats and detached houses. Distinguishing between property types could lead to confusion and instil a lack of clarity, thereby undermining a regulatory framework.

**4 Do you have any comments on any other aspect of the definition of short term lets?**

**Do you have any comments on any other aspect of the definition of short term lets?:**

Overall, we argue that there are four different models of short-term rental (STR) operation, running alongside each other:

1. Traditional self-catering STR (non-serviced accommodation)
2. Collaborative Economy STR via online platforms (Airbnb, Booking.com, HomeAway, House Trip etc) (largely non-serviced accommodation)
3. Serviced apartments (a type of furnished apartment available for short-term or long-term stays, which provide amenities along the same lines as a traditional hotel) (serviced accommodation)
4. Aparthotels (serviced accommodation)

Note that there is a crossover, in models 1 and 2, as an increasing number of traditional self-catering businesses are also using online platforms as a route to market.

It is also critical to understand the difference between professional/full time operators of short-term rental and the amateur or peer-to-peer/part-time players when

looking at this as a sector overall.

We also believe that self-catering accommodation offered by hotel chains should be included in the definition of short-term lets, as should student halls of residence if offering short-term lets outwith term-time.

The ASSC agrees that there is already a well-established and comprehensive regulatory framework for the private rented sector including: landlord registration, repairing standard requirements, licensing of Houses in Multiple Occupation, and regulation of letting agents. A regulatory framework for short-term lets should complement, not duplicate, this framework as the self-catering sector does not need the complications of the private rented sector, and is exempt from it for good reason. Short-term lets are not a main place of residence, the occupants are not tenants, and there is no tenancy.

It should be noted that many self-catering properties cannot be used as private rented accommodation as they may be subject to planning restrictions which preclude all year round occupancy.

## **5 Do you have any comments on the positive or negative impacts of short-term lets?**

### **Do you have any comments on the positive or negative impacts of short-term lets?:**

Holiday lets and short-term lets are an important part of Scotland's flourishing tourist sector and provide a significant economic boost to the country, as highlighted in study by Frontline Consultants, 'Economic Impact Assessment of Short-Term Lettings on the Scottish Economy', which was commissioned by the ASSC. Overall, it demonstrated that there are 16,949 self-catering holiday and short-term let properties in Scotland. The self-catering sector represented 3.4million visitor nights per year where 1.8million are non-Scottish visitors. The annual direct visitor spend is equal to £723.3 million (£470.1 million from non-Scottish visitors). Traditional self-catering in Scotland supports 10,725 direct FTE jobs and self-catering/short-term rental provides £205.8 million in direct GVA contribution.

Moreover, many of our members utilise Airbnb and other online platforms as a route to market. According to the company's latest data released in July 2019, Airbnb generated approximately £700m to the Scottish economy last year. Guest spending in Scottish neighbourhoods and communities accounted for more than three quarters (£531m) of the total figure of £693m generated for the country. Guests spent around £100 per day on activities such as cultural experiences, sightseeing, shopping, travel and food and drink.

The ASSC maintains that the impact of short-term lets must be proven quantitatively by empirical evidence and not qualitatively driven as this often relies on anecdote. Many of the perceived "potential problems" highlighted in the consultation paper relating to short-term lets are not unique to visitors in such accommodation. For instance, long-term tenants in the private rented sector, or those who actually own property, could also engage in anti-social behaviour. All of those "potential problems" need robust scrutiny of the evidence to ascertain the extent of the problem and to check for genuine cause and effect.

If we look at "loss of amenity to neighbourhood" through instances of anti-social behaviour, for instance, the number of recorded complaints is negligible in comparison to the number of self-catering units.

As part of the Far More Than Just Houses report, Frontline consultants reviewed the prevalence of anti-social behaviour complaints related to short-term lets through Freedom of Information requests in local authorities across key tourism destinations in Scotland. To take two examples:

- According to City of Edinburgh Council, there was a total of 39 complaints reported between 2015 and 2018. The number of complaints made over that three-year period is minute compared to the number of self-catering units and bed nights available (2,045 self-catering units).
- Glasgow City Council received 14 complaints between 2007 and 2018.

While the levels of complaints are low, local authorities, the ASSC and platforms like Airbnb have the necessary procedures in place and the willingness to manage and resolve issues as they arise.

## **6 Do you have any examples of other positive or negative impacts of short-term lets?**

### **Do you have any examples of other positive or negative impacts of short-term lets?:**

The 'Economic Impact Assessment of Short-Term Lettings on the Scottish Economy', illustrated that the short-term rental sector in Scotland supports 15,000 FTE jobs and generates £723m of economic activity. For the most part, short-term lets are a success story for Scotland, with properties being maintained to a high standard, and occupancy levels not only making a satisfactory return for operators but also providing employment (direct and indirect), as well as visitor spend which benefits local economies and communities. Many traditional self-catering businesses – some of whom are not on online accommodation platforms – have been welcoming visitors to Scotland for years without any issues.

It is therefore important to recognise that self-caterers are legitimate and important members of communities and their businesses contribute to local and national prosperity. Estimates from VisitScotland's 'Scotland's Visitor Survey 2015' show that approximately 23% of all tourist visitors to Scotland stay in self-catering and short-term let accommodation. In addition, tourism plays a vital role in sustaining rural and island communities where as many as 15% of the population work in the sector. A study carried out by Visit Scotland in 2017 revealed that in some communities of Scotland tourism employment accounts for nearly double the national average of 9%:

- Tourism has the biggest impact on employment in Argyll and Bute with 17% of the population employed in the sector.
- Other areas that lead the way in tourism employment include Highlands (14%), South Ayrshire (13%) and Orkney (12%);
- The Highlands was the second highest visited region in Scotland for overnight visitors (1,770,000 trips), while Argyll was the fourth highest (891,000 trips); and
- Local authorities that include the most tourism businesses relative to their population are Argyll and Bute (13.5%) and the Highlands (11.0%).

The industry is therefore providing a lifeline to many areas that were, until recently, facing economic decline and depopulation. Much of the focus on holiday let and self-catering properties has concentrated on areas like Edinburgh due to debates about the impact of short-term lets on local communities. The role of self-catering properties in rural Scotland is often overlooked.

Over the past few decades, many buildings have been renovated and regenerated as holiday-lets in order to provide a first-class visitor experience and such private investment stimulates economic activity elsewhere. The provision of quality self-catering accommodation not only benefits existing local businesses through economic footfall, but additional entrepreneurial opportunities are also incentivised by additional tourist numbers, with rural self-catering users normally staying for a week and wanting multiple authentic experiences (e.g. food, outdoor and heritage experiences) during their visit. Local communities can now generate income on the back of increased tourism.

The 'Economic Impact Assessment of Short-Term Lettings on the Scottish Economy' also revealed the economic impact of all visits made to self-catering providers in Scotland, and also provides an area-by-area breakdown of this expenditure. This independent evidence-based report demonstrates that self-catering is a crucial underlying component of the tourism sector, with the research covering around 17,000 premises. The data clearly shows that the self-catering industry is a significant employer in Scotland, particularly in rural areas, with 76% of self-catering properties located in rural areas.

## **7 Do you have any comments about the impact of short-term lets on the housing market?**

### **Do you have any comments about the impact of short-term lets on the housing market?:**

There is a lack of quantitative evidence demonstrating that short-term lets are a significant or primary driver of increased rents, are affecting housing supply, or are pushing up house prices. When housing demand and the level of empty housing is set against the 16,692 self-catering units, it suggests self-catering activity is not of a scale sufficient to affect housing supply issues in Scotland.

Unlike others in the industry, the ASSC has been proactive in terms of responding to concerns about the impact of short-term lets on the housing market and we believe that there needs to be a balance in areas that are high in demand for short-term and holiday lets, as outlined in our policy proposal, 'The Long-Term Solution to Short-Term Letting', which we discuss later in this consultation.

There are a multitude of factors contributing to the rise in rental costs in Edinburgh – and elsewhere in Scotland – including increasing population figures and net-migration.

However, it has become incredibly convenient to use our industry as a scapegoat for longstanding failures in housing policy in Scotland as opposed to engaging in a proper evidence-based discussion. For instance, traditional self-catering properties account for a tiny proportion of Edinburgh's housing stock. In addition, entire home listings on Airbnb represent less than 0.6% of the available housing stock in Scotland.

At 79,000 empty homes set against 16,692 self-catering units in Scotland, essentially, there are almost five times as many empty homes in Scotland as there are self-catering units, suggesting more should be done around occupying vacant homes than suggesting self-catering units are adversely affecting local housing markets. Building too few homes remains the core cause of the country's housing crisis.

Ultimately, building too few homes remains the core cause of Scotland's housing problems, not the holiday let sector. Bringing back empty properties into use should be considered more of a priority. Empty properties contribute nothing to the economy and bringing them back into use will increase the supply of houses. As recorded in the IPPR report on 'Homesharing and London's Housing Market', the prime concern and focus of politicians, policymakers and the public should be the longstanding drivers of the crisis: the undersupply of land, the complexity of the planning process, lack of investment and capacity challenges in construction.

It is clear from the evidence that the difficulties being faced by the housing market are related to the population and household growth being witnessed across Scotland and not short-term rentals. Although SDPs and LDPs establish housing targets, in many cases these are not being met and this is resulting in housing short-falls and increased house values – in terms of affordable housing. Although short-term rentals may affect areas which are already facing this situation, the scale of short-term rentals is small in comparison to the wider issues affecting the housing market, including the level of empty homes across Scotland. There are almost five times as many empty homes as there are self-catering units, suggesting more should be done around occupying vacant homes than suggesting holiday lets are adversely affecting local housing markets.

There has also been media coverage of claims that holiday lets have resulted in a decrease in the availability of long-term homes in rural areas. Holiday homes have been a longstanding presence in remote and rural communities in Scotland and it would be just as simplistic to assert that holiday lets are the primary driver of housing shortages in these areas. In any case, we welcome Scottish Government initiatives like the £25m Rural Housing Fund, which aims to build 500 new homes by 2021, and hope that any barriers to housing delivery can be overcome.

## **8 Do you have any comments on the restrictions imposed on short-term lets by planning law?**

### **Do you have any comments on the restrictions imposed on short-term lets by planning law?:**

The ASSC supported the recent outcome of the Scottish Government's Planning (Scotland) Bill in relation to short-term lets. We look forward to working with policymakers to help ensure that we get the details of future laws right and to provide clarity for all those connected with, and impacted by, short-term lets in Scotland.

A requirement for planning permission does not translate into being able to refuse permission if there are no material planning considerations involved. ASSC sought legal opinion from Brodies LLP in 2018, which affirms that in the vast majority of cases, short-term letting is not a material change of use.

## **9 Do you have any comments on powers to tackle antisocial behaviour caused by short-term lets?**

### **Do you have any comments on powers to tackle antisocial behaviour caused by short-term lets?:**

The powers already exist to tackle anti-social behaviour – the Antisocial Behaviour Notices (Houses, Used for Holiday Purposes) (Scotland) Order 2011 – however, local councils do not appear to be exercising those powers. Existing laws need to be enforced by local authorities, a point made by the Scottish Government's Minister for Housing and Local Government during the Members' Business Debate in the Scottish Parliament on 8th November 2017:

"Local authorities have quite comprehensive powers to deal with antisocial behaviour and noise nuisance; I expect them to use those powers effectively. As recently as 2011, Parliament agreed to the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011....I challenge local authorities to consider using it and other antisocial behaviour powers, as well as the powers in relation to noise and environmental health that are currently at their disposal. I urge local authorities to use those powers to deal with some of the difficulties that folk are facing."

Furthermore, in response to one MSP highlighting that the "problem with short-term lets is that often by the time a resident has phoned the council and a council officer has visited, the visitor has gone, or will go the next day", the Minister replied:

"The powers may not be being applied properly, which might be the difficulty in all this. I will certainly discuss the matter with the City of Edinburgh Council, because under the order that I mentioned, the antisocial behaviour notice is served not on the people in the property who are causing the problem but on the landlord. That is extremely important. Folk having left a property should not affect in any way, shape or form the serving of a notice on the landlord."

We also argue that industry self-regulation is also another way of dealing with anti-social behaviour. The ASSC has been proactive in dealing with antisocial behaviour and had a Code of Conduct which was first presented to City of Edinburgh Council in 2016. This has been further developed and also adopted by the Short-Term Accommodation Association (STAA) which represents the numerous digital platforms.

Our businesses depend on operators and guests having positive experiences, and it is critical that local communities are not negatively impacted. ASSC and STAA both support the creation of local forums, or other lines of communication, that bring together all parties to tackle any local concerns.

Our Code of Conduct is designed to:

- Support accommodation providers (traditional and peer-to-peer) to enable them to operate professionally
- Offer comfort to guests that where they are staying is fit for purpose and safe
- Reassure residents that the operation will not negatively impact on residential amenity
- Offer local authorities the opportunity to terminate an operation if the Code of Conduct is not complied with.

## **10 Do you have any comments about complaint systems for short-term lets?**

### **Do you have any comments about complaint systems for short-term lets?:**

The ASSC believes that the aforementioned existing powers and ASSC Code of Conduct is sufficient for dealing with complaints. The Scottish Government and local authorities should signpost and support the ASSC Code of Conduct to encourage and promote best practice for operators and hosts and good behaviour of guests.

## **11 Do you have any comments on safety issues related to short-term lets?**

### **Do you have any comments on safety issues related to short-term lets?:**

There is misconception that the holiday let sector is 'unregulated'. The ASSC provides comprehensive advice on regulations and best practice. This ensures the safety of consumers, as well as the long-term sustainability of operators. This is the only way to safeguard the security of consumers, operators and local authorities.

Moreover, the ASSC has published a Code of Conduct, aimed at improving standards in the industry and encouraging best practice. The ASSC believes that all operators, whether professional or peer-to-peer, should comply with the Code of Conduct to ensure quality, safety and best practice. It is self-regulatory, in the same sense that the Highway Code is: signposting operators to legal compliance as well as best practice.

In order to contribute pro-actively to the ongoing protection of consumers, the industry has incorporated the following pledges into its Code of Conduct:

- ensure that contact information is clearly visible on their websites;
- provide guests with dedicated contact details to register complaints or report any issues during their stay;
- ensure that terms and conditions are easily available on their websites, including cancellation policy and security door housekeeping deposits
- protect the personal data of guests in accordance with data protection and privacy law;
- undertake regular Fire Risk Assessments and show due diligence with regards to fire safety;
- comply with all health and safety standards which apply to short-term letting in the relevant jurisdiction, and to show a duty of care;
- provide guests with information on how to exit the building safely in case of emergency and emergency services numbers;
- delist guests who have been proven to be in serious breach of their terms and conditions, for example committing fraud or causing major damage;
- have in place relevant insurance protection including public liability;
- ensure that the booking process covers terms of rental, to include:
  - o Maximum number of occupants
  - o Minimum age for lead guest
  - o The lead guest to be responsible for any nuisance or damage
  - o The apartment rental is for holiday (or business) purposes only and any other use, including parties, is by prior permission only
  - o Visitors are not permitted to the apartment without prior permission.

The ASSC recommends a wider adoption of the Code of Conduct by short-term letting agencies, owners, managers and platforms. The Scottish Government and local authorities should signpost and support the ASSC Code of Conduct to encourage and promote best practice for operators and hosts and good behaviour of guests.

Policymakers should ensure compliance across the spectrum of operators without creating additional barriers and costs for traditional self-catering businesses who already comply with a robust regulatory framework.

## **12 Do you have any comments on eligibility for non-domestic rates?**

**Do you have any comments on eligibility for non-domestic rates? :**

The ASSC is content with the existing system, whereby once a short-term let property is let out over 140 nights, the owner is required to pay non-domestic rates. We would encourage a regulatory system to follow existing guidelines.

The 140-day rule works adequately and divides 'lifestyle' operators from traditional businesses. The ASSC has a good working relationship with the Scottish Assessors, as calculating rateable values for short-term let properties is not straightforward. Presently, there is a workable transparent scheme for everyone to understand, although Edinburgh is emerging as a special case due to demand and higher occupancy rates.

**13 Do you have any comments on the additional eligibility requirements recommended by the Barclay Review?**

**Do you have any comments on the additional eligibility requirements recommended by the Barclay Review? :**

The ASSC supported the threshold of 140 available days and 70 actual nights of lets in order for a small self-catering business to qualify for the Small Business Bonus Scheme (SBBS). This will ensure that owners of second homes but do not contribute to the local economy do not benefit from SBBS.

**14 Do you have any comments on the eligibility of self-catering accommodation for the Small Business Bonus Scheme?**

**Do you have any comments on the eligibility of self-catering accommodation for the Small Business Bonus Scheme? :**

ASSC has expressed concerns that other aspects of SBBS reform proposed by the review will place an unfair burden on smaller businesses. The ASSC feels that action needs to be taken to avoid an unfair impact on such an important element of Scotland's economy.

Our membership survey showed that a majority (60%) of ASSC members said they benefited from the SBBS and their business would be severely negatively impacted if it was modified or withdrawn. The ASSC believe that it is important to remember why the SBBS was set up: rates bills were considered a disproportionate burden on the smallest businesses, and SBBS was introduced, with the relief set at 100%, paid for by the Large Business Supplement by the largest businesses. Holiday lets are small businesses like any other and it would be a dangerous precedent to introduce different rules simply because such businesses are not seen positively by some.

**15 Do you have any other comments on taxation relating to short-term lets?**

**Do you have any other comments on taxation relating to short-term lets?':**

Short-term lets, providing they meet HMRC's thresholds of 105 nights actually let and 210 nights available, are classed as Furnished Holiday Lets (FHLs) and are taxed as normal businesses. Short-term lets operating under the threshold have their income treated as investment income, coming under a similar regime as the private rented sector. Most traditional short-term letting businesses will meet the threshold.

It should be noted that sideways relief is not allowed for FHLs. This criteria needs to be borne in mind should a number of days let restriction be considered, because there will be business implications over and above the nights let. Although there have been several test cases, as things stand, short-term lets are not generally eligible for Business Property Relief.

Holiday letting property is classed as Domestic by HMRC in relation to VAT on fuel and electricity. (VAT Notice 701/19 Fuel and Power, Section 3.22).

The ASSC note with interest the ongoing debate about the introduction of a tourist tax or levy, particularly with City of Edinburgh Council, but also within a number of other local authorities in Scotland. However, there are no existing powers for local authorities to introduce a tourism tax which would instead require primary legislation from the Scottish Parliament. The Scottish Government intend to launch a consultation on a locally determined tourist tax later this year and the ASSC welcomes the opportunity to respond.

Our sector has traditionally been cautious on the introduction of a tourist tax but it is our intention to continue our productive work in engaging with all stakeholders, especially in local government, to come to a mature and reasoned conclusion that works for everyone. However, we maintain that a tourist tax would be highly detrimental to Scotland's traditional short-term rental sector and jeopardise the £723m we generate for the Scottish economy each year.

While we recognise the financial difficulties at local authority level, our members pay business rates (or council tax) and visitors to Scotland make a huge economic contribution to the economy. Proponents of a tourist tax frequently assert that they successfully operate in a number of European cities, while simultaneously failing to acknowledge the high rate of VAT applied to our sector. Any moves to introduce a tourist tax or levy in Scotland should be subject to extensive, genuine and meaningful consultation with stakeholders. In addition, the ASSC believes that an independent economic impact assessment should accompany any proposals.

**16 Do you have any additions or amendments to the proposed design principles?**

**Do you have any additions or amendments to the proposed design principles?:**

No.

**17 Do you have any comments on the proposed scope of a regulatory framework?**

**Do you have any comments on the proposed scope of a regulatory framework?:**

The ASSC accepts that there is a need for some targeted and proportionate regulation of the short-term letting sector in Scotland to enable local authorities to successfully manage its growth. The ASSC's policy paper, 'The Long-Term Solution to Short-Term Letting', proposes that all short-term lets must be registered with the local authority in which they are situated. This would go some way to providing the necessary data with which policy could be based on and would give councils a full picture of what is happening in their area and would enable the Scottish Government and other stakeholders to assess the value of short-term letting much more accurately. This knowledge is vital when setting tourism policy nationally, or at local authority level.

**18 Do you have any comments on the controls or conditions which councils should be able to set through a registration or licensing regime?**

**Do you have any comments on the controls or conditions which councils should be able to set through a registration or licensing regime?:**

The ASSC believes (as set out in our policy paper, 'The Long-Term Solution to Short-Term Letting'), that all short-term rental accommodation must be registered with the local authority, and whole properties that are available for over 140 nights a year must apply for a licence from the local authority in which they are situated if a demonstrated link between the number of short-term rental properties and loss of housing stock can be proved.

For registration, the ASSC proposes a simple, online registration scheme whereby short-term lets are registered with the local authority to create a transparent network in order to allow the council in question to assess the prevalence and distribution of short-term lets.

In areas of demonstrated housing pressure and where the local authority has designated it a Rent Pressure Zone (RPZ), whole properties available for over 140 nights of the year may be limited by the council and would need a licence to operate. The ASSC believes that where an area has been designated as RPZ, this provides sufficient evidence that there is a demonstrable housing shortage and local authorities may restrict their number. 140 nights is used to run concurrently with the current business rates threshold and signifies that the property has been removed from long-term housing.

Licensing may not be required given the outcome of the Planning (Scotland) Bill, which offers local authorities the ability to set designated short-term let control areas within which planning permission is required.

**19 Do you have any comments on whether a licensing scheme and/or market-based approach, and any associated charges, should apply to all types of short-term lets and whether conditions and/or charges should vary according to the type of property, its location or the number of rooms?**

**Do you have any comments on whether a licensing scheme and/or market-based approach, and any associated charges, should apply to all types of short-term lets and whether conditions and/or charges should vary according to the type of property, its location or the number of rooms?:**

A licensing scheme should only be applied to whole homes, let out more than 140 nights of the year in areas of demonstrable housing shortage (i.e. if it has been designated as a RPZ).

A level playing field should be established across the sector. Specific localities / property types / number of rooms or properties let should not be negatively disadvantaged.

Any charge should be limited to covering the cost of the scheme and enforcement, not as a way for a local authority to raise revenue.

**20 Do you have any comments on the effectiveness of a days per year limit in meeting the Scottish Government's objectives?**

**Do you have any comments on the effectiveness of a days per year limit in meeting the Scottish Government's objectives?:**

Since the greater part of most local authorities have no issue with short-term lets, they should be delineated between areas where short-term lets should be capped, rather than a blanket arbitrary limit across the whole city, or indeed an entire local authority area.

Outside of Rent Pressure Zones, applying a days per year limit would be unfair, unnecessary, and would damage the tourist industry.

A person who shares their home periodically, or a room in their home, and the home is therefore not removed from housing stock, should not be limited by number of days per year.

**21 Do you have any comments on how regulations should deal with commercial hosts?**

**Do you have any comments on how regulations should deal with commercial hosts?:**

The ASSC believes that our policy paper, 'The Long-Term Solution to Short-Term Letting', effectively deals with regulating both amateur and commercial short-term let providers, using existing powers to differentiate between the two and effectively regulate commercial providers.

In our proposal, all short-term rentals must be registered with the local authority, whole properties that are available for over 140 nights a year must apply for a licence from the local authority in which they are situated in areas of demonstrated housing pressure and where the local authority has designated it a RPZ. In RPZs, whole properties available for over 140 nights of the year may be limited by the council and would need a licence to operate. 140 nights is where an owner of a short-term let becomes liable to pay business rates; this sets a clear demarcation where it has become a commercial short-term let as opposed to homesharing.

Commercial operators (who do not consider themselves 'hosts') are already regulated in terms of legal compliance, health & safety, fire and anti-social behaviour legislation.

**22 Do you have any comments on who should be subject to enforcement and sanctions?**

**Do you have any comments on who should be subject to enforcement and sanctions?:**

We believe that local councils should run registration and licensing schemes, as per the terms in our previously mentioned policy paper. Those that fail to comply with such a scheme should be subject to sanctions.

**23 Do you have any other comments on short-term lets not covered in your answers to the above?**

**Do you have any other comments on short-term lets not covered in your answers to the above?:**

Short-term letting is a major component of Scotland's growing tourism offering, making a substantial contribution to the tourist economy. Any regulations pursued by the Scottish Government should be arrived at through negotiation and dialogue with platforms and traditional operators, learning from best practice elsewhere in Europe.

The ASSC supports sustainable tourism and the managed growth of the short-term letting sector in Scotland. Short term rentals are not new and have a long

history in Scotland but recent political and media scrutiny has been almost exclusively negative in tone and does not provide an accurate picture of our sector and the role it plays in the tourist economy.

There must be a balanced approach in terms of the results of this consultation process – taking into account the needs of local communities as well as the experience of our responsible professional holiday let operators – to ensure that we maximise the benefits of our tourist sector for all in Scotland.

## About you (optional)

**1 Which of the following best describes you. Please choose all that apply:**

Other

**If other, please specify.:**

Trade Association

**2 How did you hear about the consultation? Please choose all that apply.**

Referred by Local Authority/Government/MSP/Councillor

**If other, please specify.:**

**If you are a host, please answer the following questions.**

**3 Which of the following describes your short-term letting listing(s)? Please choose all that apply.**

**4 Do you list your room/property/properties on more than one platform?**

Not Answered

**5 How many properties did you have available for short-term letting in 2018?**

How many properties did you have available for short-term letting in 2018? :

**6 Approximately how many nights was/were your listing(s) occupied in 2018?**

proximately how many nights was/were your listing(s) occupied in 2018? :

**7 For hosts with more than one property, do you have properties in more than one local authority area in Scotland?**

Not Answered

## About you

**What is your name?**

**Name:**

Fiona Campbell

**What is your email address?**

**Email:**

fiona@assc.co.uk

**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

Association of Scotland's Self-Caterers

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response with name

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

## Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

**Matrix 1 - How satisfied were you with this consultation?:**

Neither satisfied nor dissatisfied

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Neither satisfied nor dissatisfied

**Please enter comments here.:**