



10th December 2020

Dear First Minister,

ASSOCIATION OF SCOTLAND'S SELF-CATERERS RESPONSE TO SCOTTISH GOVERNMENT PLANS FOR SHORT-TERM LET LICENSING AND PLANNING CONTROLS

Back in October 2020, 38 leading business and tourism representatives wrote to the Scottish Government to urge a pause in plans for the introduction of short-term let regulations at the current time due to the impact of the Covid-19 pandemic. The letter also drew attention to concerns regarding the truncated consultation process which contradicted the Scottish Government's own best practice guidance, including the lack of Business Regulatory Impact Assessment (BRIA) or partial BRIA.

During the Association of Scotland's Self-Caterers (ASSC) call with you and the Scottish Tourism Alliance on 11th November 2020, you mentioned your awareness of this letter and that the Scottish Government would carefully reflect on its contents, and that a reply would be issued in due course. The Scottish Tourism Alliance, who were one of the original signatories to the initial stakeholder letter, sent you a follow-up letter on 31st November 2020, maintaining the need for a postponement, restating the impact of Covid-19 and the imperative of allowing the tourism industry to recover.

It was therefore with considerable surprise and astonishment that the Scottish Government have now published their consultation response today without a reply to either letter, despite your aforesaid commitment, and that your administration will proceed with these regulations. The SSIs will be laid in the week commencing 14th December, which will also finally see the publication of a BRIA.

We affirm that the proposals are inopportune during the current crisis, ill-judged and not fit for purpose, and will entail huge consequences not only for Scottish tourism but already resource-stretched local authorities. Despite widespread stakeholder unease, these concerns have been disregarded in the rush to stick to an artificial timeline. To take one example from the consultation document: "*...some local authorities raised the impact of Covid-19 on their ability to process current licensing scheme applications, never mind an additional scheme.*"

Furthermore, on the question of timing, the Scottish Government's response to the consultation acknowledges the volume of concern about the timing of the regulations – but this has been brushed aside. To quote the Minister for Local Government, Housing and Planning Kevin Stewart MSP from the consultation foreword: "*Perhaps the*

greatest number comments centred on whether to proceed with regulation at this time or to delay it.”

The ASSC seriously questions the prioritisation of this issue during a global pandemic, when related pieces of legislation such as the transient visitor levy have been dropped, and when many in the tourism industry are struggling for survival. Indeed, this week Frontline Consultants, a leading economics consultancy, highlighted that Covid-19 restrictions have cost the self-catering industry £265m since September 2020 alone – and this figure does not even consider the footfall generated by self-catering visitors in local businesses, hospitality venues and visitor attractions. Bookings have plummeted and travel restrictions for those areas in Levels 3 and 4, as well as from the rest of the UK, have effectively wiped out a crucial part of the domestic market for those businesses that remain open.

Throughout the entire regulatory discussion, the ASSC has constructively engaged with the Scottish Government on their proposals, and has offered less costly and onerous alternatives that would meet your policy objectives. In addition, self-catering has also acted responsibly throughout the pandemic, closing businesses where necessary – often at great personal and financial cost to operators and their families – and led the way with the safe reopening of the tourism accommodation sector back in the summer with government backed industry cleaning protocols. However, the constructive and responsible approach offered by our sector has not been reciprocated. Engagement needs to be a meaningful two-way process and while we may disagree on certain aspects of your proposals, we believe that industry needs to be treated fairly and for concerns to be properly considered. We deeply regret that this has not been the case during this consultation process and the manner in which the regulations will be taken forward.

A *pause* on the regulations – not abandoning the commitment to regulate altogether – would have enabled a more developed understanding of the likely consequences for all affected stakeholders and allowed the tourism sector to recover from the devastating impact of Covid-19. Instead, we are deeply disappointed by the Scottish Government’s decision to proceed at the present time, further compounding the difficulties faced by businesses the length and breadth of this country.

Yours sincerely,

Fiona Campbell
Chief Executive