

ASSC Hustings: Short-Term Let Question

The Association of Scotland's Self-Caterers (ASSC) held its first ever hustings ahead of the 2021 Holyrood elections, on 7th April.

The event followed the publication of the ASSC's election manifesto, *Recovering, Reopening, and Revitalising: Building a Scottish Self-Catering Sector for the Future*¹.

ASSC Chief Executive, Fiona Campbell, chaired the discussion which brought together representatives of all of Scotland's major political parties to discuss their policies on self-catering and tourism.

Cabinet Secretary for Rural Economy and Tourism, Fergus Ewing, represented the SNP, Jamie Halco Johnston was there for the Scottish Conservatives, Rhoda Grant and Liam McArthur were in attendance on behalf of Scottish Labour and the Scottish Liberal Democrats, while Laura Moodie debated for the Scottish Green Party.

The discussion covered a broad range of subjects including short-term let regulation, the prospect of a tourist tax, the re-opening of the Scottish tourism sector in the aftermath of COVID-19, Scottish independence and its possible consequences for the sector, as well as rural broadband and infrastructure.

One of the questions centred on short-term letting:

"How can the negative impact of Licensing on the short-term let sector be mitigated or avoided?"

Cabinet Secretary for Rural Economy and Tourism, Fergus Ewing, representing the SNP:

"I do think they need to be mitigated. This has caused a lot of concern. The regulations were intended largely to deal with problems that exist regarding anti-social behaviour of party flats in Edinburgh, and there is a feeling that the knock-on unintended consequences are affecting self-catering, B&B and guest houses throughout the country. I believe that we were right to withdraw the regulations from Parliament and that Kevin Stewart was correct to say that there needs to be a reappraisal. I am determined that if I continue to be a Minister, that I will make sure that these regulations are not imposed in a way that is overly burdensome and disproportionate and I also do think that there is a case for looking at your proposal of a registrations scheme which could be an alternative. I think much more talking needs to be done, in an open and straightforward way and I do think that the Working Group which is set up contains an awful lot of the right people. But I think we need to make sure that self-catering, B&B and guest houses which quite frankly have not caused any anti-social behaviour to anybody. As an MSP for 22 years, I have not received a single complaint against a B&B or guest house. The only self-catering issues that arrive, I think, are from party flats for groups of 20 – 30 people. There is a lot of discussion to be done across party to make sure that we do not create something that causes financial burden and regulatory burden and also uncertainties with regard to things such as future planning permission. We need to eliminate all of these negatives and focus on positives, which is imply ensuring that guests are properly and safely protected and I think frankly, in respect of self-catering, they already are."

Rhoda Grant, Scottish Labour:

"I understand why regulations were brought into place. I think there are concerns about party flats, there are concerns in some urban areas that whole buildings are self-catering and I think there is a concern about the balance between what is a home and what is self-catering. In some communities, even rural

¹ <https://www.assc.co.uk/assc-launch-2021-election-manifesto/>

communities, it's not just an urban issue where more than 50% of the houses become self-catering accommodation and I think there's a concern about that as well as the party flats. When I saw the regulations coming forwards, I would have to say that I was reasonably horrified. I don't think that what was going to happen was what anybody had proposed. It seemed overly bureaucratic, it seemed expensive, it pulled in B&Bs, or if someone has one room that they are letting out for a couple of months a year, making a little extra to have that licence. I don't think B&Bs were ever supposed to be caught up in this and other accommodation, pods and the like and I suppose this shows what goes wrong if you don't consult properly. If you don't actually know what you are talking about, sometimes that happens. It's not the people that are living the experience and nobody actually speaks to them when making those decisions and we need to have a lot more discussion. We need know people in the roles that understand what the problems are and indeed have lived the experience of the people that run those businesses. So I am glad that the instrument was withdrawn and that this is going to be consulted on further and hopefully reasonable and proportionate steps can be taken that don't damage the industry but also look after people who live and work in communities as well."

Jamie Halcro-Johnston, Scottish Conservatives:

"I'd agree with everything that's been said so far. The problem is that until it was withdrawn, there was a really cloth-eared approach from the Scottish Government, because they were told by a lot of people including yourself and your members that there was going to be a problem here, that it was unnecessary. It was looking at a problem that is in perhaps some of the cities and central belt but wasn't really an issue within lots of rural parts of Scotland and that was going to impact and add costs on the sector just when they don't need it. Eventually, my party, I'm delighted to say, voted against the regulations when they were in committee and they've been withdrawn. They are coming back, or there will be discussions but there is no discussion that they won't be coming back. There's been promise of discussion, but discussion should have happened before and this consultation should have been happening before, rather than putting them before Parliament, before the committee, trying to push them forward and causing general concern, I think, amongst people in the sector that were struggling already and then before extra regulations coming up. So, I am glad that we've got to where we are. They are still not off the table. I think they are unnecessary for the sector. I will continue to oppose them as will my party, but hopefully others from this panel and others in Parliament will continue to do as well because they are finding a problem that really isn't there for the sector and impacting on the sector when we really need to be investing and making more money available, not more regulations coming in."

Liam McArthur, Scottish Liberal Democrats:

"I broadly agree with the points that have been made. Let me add that there is a tendency for legislators to legislate. It's what we do. That's what makes us feel good, that, that's what reassures us that we are attempting to address the problems that are brought to us by constituents, by businesses and others. Sometimes we legislate with the best of intentions but as soon as you start putting down in black letter law what it is that you are looking to legislate or regulate, that is when the problems inadvertently tend to arise and this is a classic example of regulation that suffered catastrophic mission creep and ended up having consequences far beyond those originally intended. It wasn't just about party flats we were told, it was about the availability of accommodation to rent and the private rental sector and the areas that were suffering as a result of the transfer of properties to STL and away from long-term rental. If that's the case, and it may well be for different areas, it will need a very different approach from the issue of party flats which, as others have said, are probably more an issue for urban areas. But we can't apply a regulation across the board in the hope of trying to address various different issues in such a blunderbuss fashion. I think it was wholly misdirected, I think the proposals that the Association have put forward give us some basis to take forward the discussions that Fergus has referred to. I would hope that there is not a desire of whoever comes in and informs the next government to press ahead with these regulations before the summer recess, for example. I think this is an issue that bears further sober reflection so that we can actually target whatever these issues are and I don't doubt that in certain parts of the country

there are elected members from different parties who raise concern about the availability of housing or about the use that some flats are put in these areas. But what was put forward really was not fit for purpose. The decision to withdraw was belated but it was nonetheless welcome. But we cannot rush ahead with regulation as soon as the election has passed because we will find ourselves very much in the same position unless these concerns are properly addressed.”

Laura Moodie, Scottish Green Party:

“We support proportional, evidence-based regulations for the STL sector and have done for a while and yet a lot of this was prompted by what was happening in cities in terms of anti-social behaviour but I take issue with the notion that this is purely an urban issue. We know that a high number of STLs can lead to hollowing out of rural communities. Currently on the Isle of Arran, 1 out of 4 properties are STLs or second homes and it does lead to problems for local communities and long-term infrastructure stability. Even where I live in Galloway, there are a number of small schools that are currently looking at going down to one class and that’s because people aren’t moving to the area: they aren’t living in the villages and a lot of the homes are going to be sold as second homes or STLs and it’s not sustainable for those communities to have that situation. Of course, there is a lot of good about the industry. There are fantastic self-catering owners and fantastic STL owners and what we want to do with this regulation is harness the good and tackle some of the bad and the problematic set ups that we have. The Scottish Greens have always looked at this as part of our wider agenda to really reform local government and we’d like to see regulations like this dealt with at a local level so we can have perhaps local caps on the number of properties so it is proportionate to the issues in different areas and look at licensing schemes in particular communities to reflect their needs and to consider the needs of the local tourism industry as well as STL owners. The push for licensing creates more accountability for landlords and security for consumers. If I am going to rent a flat somewhere, I want to know that that isn’t problematic for the local community. So we support the regulations created but we agree that there should have been a lot more consultation at an earlier stage. It was badly timed. It wasn’t all thought out and there had to have been a lot more consultation with business but with local residents in the local communities as well.”