

City of Edinburgh Council Licensing Consultation – Briefing for ASSC Members – May 2022

City of Edinburgh Council have launched a consultation into their prospective short-term let licensing regime. This will be the first of two consultations: this one focuses on the principles of the licensing scheme where the council will seek to hear from a wide range of stakeholders – from residents, community councils and trade groups. The results from this will then help inform the second consultation on the draft policy and conditions, which is expected in June.

Given the demands on your time, the ASSC have provided a briefing and suggested answers to help inform your submission.

We kindly ask you that you respond to the consultation by **10th June 2022** and circulate it to any family or friends who live in the Edinburgh area so we can maximise the positive response for those who work in, value and enjoy our capital's self-catering industry.

The consultation can be accessed here: <https://consultationhub.edinburgh.gov.uk/sfc/short-term-lets-2022/>

Thank you once again for your time and support.

Fiona Campbell, CEO, Association of Scotland's Self-Caterers.

Suggested Answers to CEC STL Licensing Consultation

NB: first two questions relate to personal information.

3. Please tell us whether you think that these types of properties would be suitable or not suitable as short term lets, and give us your reasons why.

	Suitable	Not suitable
Tenements or other properties with main door	<input checked="" type="radio"/>	<input type="radio"/>
Detached	<input checked="" type="radio"/>	<input type="radio"/>
Semi-detached	<input checked="" type="radio"/>	<input type="radio"/>
Bungalow	<input checked="" type="radio"/>	<input type="radio"/>
Terraced	<input checked="" type="radio"/>	<input type="radio"/>
New build	<input checked="" type="radio"/>	<input type="radio"/>

Reasons

- Self-catering properties have been a longstanding and welcome presence in the capital for decades, including in tenement buildings, enhancing the tourist offering and boosting the local economy.
- The ASSC maintains that all types of property listed are suitable for short-term lets if professionally operated while following a nationally recognised code of conduct – for example, the ASSC’s Code of Conduct.
- The commercial element of self-catering use is broadly similar to a residential property being used by a tenant – the nature/impacts are not that different. Users of self-catering will not exhibit characteristics that are markedly different to more permanent residents. Instances of anti-social behaviour in self-catering properties are minimal.

4. Please tell us whether you think that these types of properties would be suitable or not suitable as short term lets, and give us your reasons why.

	Suitable	Not suitable
Basement	<input checked="" type="radio"/>	<input type="radio"/>
Ground floor	<input checked="" type="radio"/>	<input type="radio"/>
Top floor	<input checked="" type="radio"/>	<input type="radio"/>
Other floor	<input checked="" type="radio"/>	<input type="radio"/>

Reasons

- As stated in Question 3, all types of properties are suitable for short-term lets if professionally operated and where the owner or host adheres to a code of conduct. Well-managed professional businesses have existed harmoniously within communities for decades.

5. Please tell us whether you think that these types of properties would be suitable or not suitable as short term lets, and give us your reasons why.

	Suitable	Not suitable
Licensed House in Multiple Occupation (HMO)	<input type="radio"/>	<input checked="" type="radio"/>
Private rented property which is not a HMO	<input type="radio"/>	<input checked="" type="radio"/>

Reasons

- Neither would be suitable for short-term letting as they are completely different to a short-term let, each with different legal arrangements around their use.

6. Is there any other type of property that you think would not be suitable as a short term let? Please tell us why you think this.

- There are no instances which the ASSC wish to highlight.

Conditions

The Council has the power to set additional conditions for short term let properties.

All short term lets which are granted a licence will be required to comply with a set of mandatory licence conditions which will apply across Scotland. Licence conditions set out a number of rules which the licence holder must comply with during the period for which the licence is in effect. For example, conditions can be used to set out the maximum occupancy of a property used as a short term let.

7. Should the Council adopt additional conditions?

Yes No

NB: If you answer no, there is no Q8.

- While additional conditions will be a burden for operators, the ASSC have taken the decision to answer 'yes' to Q7 in a few select, targeted instances to underline our responsible and proactive approach to regulation. You may, however, wish to answer 'no'.
- The ASSC believes that City of Edinburgh Council should adopt additional conditions in relation to: (a) noise monitoring; and (b) community accreditation and mediation.
- One example where such additional conditions have been shown to work is Barcelona, where this was introduced by local government, and further information is available in the ASSC's Forward Together paper.

Maximum Occupancy

It will be a mandatory condition of a short term let licence that hosts and operators ensure that they do not exceed the maximum number of guests for their premises.

The Council may choose to specify on a licence that guests may bring children under a specified age limit, and that these children would not count towards the occupancy of the premises. Scottish Government guidance states that licensing authorities may wish to set the age limit as 'under 10 years', which is in line with the reference to children in the context of housing within the Housing Act (Scotland) 1987.

9. Should children under the age of 10 count towards the occupancy of a premises?

Yes No

Temporary licences

The Council can issue temporary short term let licences.

A temporary licence may be granted for a continuous period of up to six weeks, or longer if a host or operator has also made an application for a full licence.

10. Should temporary licences be introduced?

Yes No

11. Should there be additional conditions for temporary licences?

Yes No

NB: If you answer no, there is no Q12

Temporary Exemptions

The Council can issue temporary exemptions from the requirement to have a licence.

An exemption could be issued for a property for certain occasions where there is a large number of visitors to the city over a short period, e.g. to support sports championships or art festivals.

A temporary exemption would last for a single continuous period of up to six weeks in any period of 12 months.

13. Should temporary exemptions be introduced? If you answer 'yes', the next question will ask you about the event types for which you think an exemption would be appropriate.

Yes No

14. What reasons do you think would justify an exemption?

Major sporting events (e.g. Six Nations, Commonwealth Games, European Finals etc) Major international events (e.g. CoP26 or similar) For home sharing or home letting to give first time operators the chance to try out Short Term Letting before making a full application Other (please give details below)

Other reason justifying temporary exemption

- If introducing a temporary exemption, City of Edinburgh Council will require a clear and unambiguous policy on the type and style of event that would be eligible.
- In relation to “for homesharing or home letting to give first time operators the chance to try out Short Term Letting before making a full application”, we believe that this could provide a loophole for individuals to circumvent the regulations and poses problems for enforcement.

- The overriding policy objective of licensing, through its mandatory component, is to ensure the health and safety of all properties used as a short-term let – it is difficult to see how granting an exemption in this instance would deliver this.

15. Should temporary exemptions have additional conditions?

Yes No

NB: If you answer no, there is no Q16.

17. Please tell us whether you think that these types of properties would be suitable or not suitable for temporary exemption, and give us your reasons why.

	Suitable	Not suitable
Tenements or other properties with main door	<input checked="" type="radio"/>	<input type="radio"/>
Detached	<input checked="" type="radio"/>	<input type="radio"/>
Semi-detached	<input checked="" type="radio"/>	<input type="radio"/>
Bungalow	<input checked="" type="radio"/>	<input type="radio"/>
Terraced	<input checked="" type="radio"/>	<input type="radio"/>
New build	<input checked="" type="radio"/>	<input type="radio"/>

Reasons

- There should be one policy covering the entire short-term letting sector where all such properties are treated in the same manner to ensure a level-playing field. All properties should also adhere to a nationally recognised code of conduct.

18. Please tell us whether you think that these types of properties would be suitable or not suitable for temporary exemption, and give us your reasons why.

	Suitable	Not suitable
Basement	<input checked="" type="radio"/>	<input type="radio"/>
Ground floor	<input checked="" type="radio"/>	<input type="radio"/>
Top floor	<input checked="" type="radio"/>	<input type="radio"/>

	Suitable	Not suitable
Other floor	<input checked="" type="radio"/>	<input type="radio"/>

Reasons

- We refer you to our previous answer.

19. Please tell us whether you think that these types of properties would be suitable or not suitable for temporary exemption, and give us your reasons why.

	Suitable	Not suitable
Licensed House in Multiple Occupation (HMO)	<input type="radio"/>	<input checked="" type="radio"/>
Private rented property which is not an HMO	<input type="radio"/>	<input checked="" type="radio"/>

Reasons

- As per the answer to Question 5, neither of these properties are suitable.

20. Is there any other type of property that you think would be unsuitable for a temporary exemption? Please tell us why you think this.

Reasons why unsuitable for temporary exemption

- The ASSC have chosen not to comment on this question.

Your opinion about Short Term Lets

We would like to know more about the impact that you think short term letting has on Edinburgh.

You may wish to consider issues such as impact on residents and amenities; impact on housing costs and housing supply; economic impact/benefits; or encouraging tourism in the city.

21. What are the positives of short term letting?

- For this answer, please include any personal examples of how your self-catering business has positively impacted the community and local economy.
- In terms of other positives brought by short-term letting, you may wish to refer:

- The economic impact: data from Frontline Consultants shows that self-catering provides a £867m per annum boost to the Scottish economy, benefiting local communities the length and breadth of Scotland, supporting 23,979 FTE jobs.
- The importance of an appropriate regulatory balance to enable the recovery of the Scottish tourism sector given the impact of Covid-19.
- The localised impact of self-catering: for Edinburgh alone, Frontline Consultants have estimated that the traditional self-catering industry provides a £70m annual boost to the city.
- That short-term letting also adds to the diverse range of accommodation available within the capital and responds to consumer trends towards more authentic local experiences.
- Self-catering provides knock-on benefits for related industries in tourism and hospitality, and in the wider supply chain.
- That self-catering provides much needed space to guests beyond holidaymakers, such as those relocating to the city, for businesspersons, academics, as well as local families needing temporary accommodation during renovations/insurance claims/those visiting family, or hosting performers during the Fringe/Festival and film companies.
- Self-catering is sustainable and environmentally friendly.

22. What are the negatives of short term letting?

- Tourism is a mainstay of the Scottish economy; and self-catering is hugely important to Scottish tourism in terms of jobs, revenue, and world-class experiences offered to guests. Professional self-caterers are diligent and considerate business owners who are too often unfairly maligned. They do not, for example, 'hollow out communities', as some have claimed, but rather are part of local communities across Scotland and have been for many, many years.
- The 'negatives' concerning short-term letting are often based on hearsay. Sadly, in recent years, due to the rise of the collaborative economy and online accommodation platforms, negative attitudes have increased with a hostile media and political climate which has been detrimental to hard-working professional self-catering operators who have operated in Edinburgh for decades with minimal complaints or issues. This climate has, in turn, impacted upon community cohesion and led to bad policy decisions where short-term lets are used as a convenient scapegoat for long-term failures to address housing challenges within Edinburgh.

Any other comments?

23. Are there any further comments that you would like to make on any aspect of the licensing of short term lets?

- Please use this section to elaborate on any of the earlier questions in which it was not possible to insert comments, or to highlight any issues you believe were not adequately covered by the consultation.