**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 |  |  |
| Detached |  |  |
| Semi-detached |  |  |
| Bungalow |  |  |
| Terraced |  |  |
| New build |  |  |

**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. For a city that is renowned for its hospitality, it is very disappointing that local policymakers are looking to solve multifaceted housing challenges in Edinburgh by concentrating on tourist accommodation and damaging small businesses in the process.

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. [1]

The only instances where short-term lets would not be suitable would be where it is inappropriate, for example, where there is a material change of use, or where the title deeds of the property prohibit its use as a short-term let. In relation to the former, we refer you to the legal advice provided to the ASSC from Brodies LLP on the requirement for planning permission for self-catering properties. Some of the main points from the legal advice include the statement that: “…the commercial element (in self-catering use] is broadly similar to a residential property being occupied by a tenant paying rent…The question is therefore whether short stay occupation necessarily has different planning considerations/impacts. Short stay occupation involves people living in the property, just for shorter periods. However, that does not necessarily mean the nature/impacts of the occupation are different.”

The advice goes on to discuss how permanent residents can have different movements depending on a variety of issues, including employment, leisure interests, family circumstances, health. For instance, a family with teenage children might enter and leave the property many times during the day and night. Therefore, the advice maintains that: “Users of a self-catering property are therefore unlikely to exhibit markedly different characteristics to more permanent residents. Disruptive or anti-social behaviour is just as likely in residential use as self-catering use.” The advice concludes with the following: “…reasonable arguments can be made that self-catering use does not involve a material change of use from residential use. That has been the outcome in individual cases decided by appeal reporters/inspectors and upheld by the courts. It is also impliedly supported by the statements in the Scottish Government Circular 4/1998.” [2]

It should be noted that some consumers, for reasons of accessibility, prefer use of self-catering properties as other types of accommodation, such as hotels, may not be accessible.

[1] ASSC, Code of Conduct for Short-Term Letting Operators and/or their Agents, Url: <https://www.assc.co.uk/wp-content/uploads/2017/04/ASSC-Code-of-Conduct.docx>

[2] Legal opinion provided by Brodies LLP to the Association of Scotland’s Self-Caterers, March 2018. A copy of this is available on request.

**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 |  |  |
| Ground floor |  |  |
| Top floor |  |  |
| Other floor |  |  |

**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. Again, we would refer you to the legal opinion provided by Brodies LLP.

**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) |  |  |
| Private rented property which is not a HMO |  |  |

**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.**

No.

**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.

**Top of Form**

**7. Should the Council adopt additional conditions?**

 **Yes** No

Bottom of Form

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 [3].

[3] ASSC, Forward Together: A Collaborative Approach to Short-Term Letting, Url: <https://www.assc.co.uk/policy/forward-together-a-collaborative-approach-to-short-term-letting/>

**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.

**Top of Form**

**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.

**Top of Form**

**10. Should temporary licences be introduced?**

 Yes No

**Top of Form**

**11. Should there be additional conditions for temporary licences?**

 Yes No

**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.

**Top of Form**

**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

**Top of Form**

**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**

First and foremost, 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. Furthermore, it is not clear how this would be enforced by City of Edinburgh Council. 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

Bottom of Form

Bottom of Form

**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 |  |  |
| Detached |  |  |
| Semi-detached |  |  |
| Bungalow |  |  |
| Terraced |  |  |
| New build |  |  |

**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 |  |  |
| Ground floor |  |  |
| Top floor |  |  |
| Other floor |  |  |

**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) |  |  |
| Private rented property which is not a HMO |  |  |

**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**

No comment.

**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?**

Bottom of Form

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. Given the importance of this sector to the Scottish tourism industry, which has experienced such a challenging time due to the impact of Covid-19, an appropriate regulatory balance is a necessity, as is a supportive environment to help businesses recover and flourish. The recovery of Scottish tourism will benefit small businesses, while responsible and sustainable tourism can help communities to recover too.

For Edinburgh alone, Frontline Consultants have estimated that the traditional self-catering industry provides a £70m annual boost to the city. [4] 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**.**The fact that consumer trends are shifting towards short-term lets and self-catering is illustrated by the fact that hotel chains are moving into this market and why they list rooms on popular booking platforms like Airbnb and Booking.com.

Traditional short-term letting activity, such as self-catering, is a small business like any other, with dedicated full-time professionals striving to provide positive experiences for guests and visitors. Given the competition to maintain standards, holiday let owners often spend money more frequently on additional property maintenance than they would on their own property. Their guests spend money in local food shops, cafes, gift shops, galleries, restaurants, tourist attractions etc – many of which would simply be unviable without visitor spending. Therefore, the impact of licensing (in tandem with a city-wide Control Area) with the aim of reducing the number of properties, will not be limited to self-catering and short-term letting overall as there will be a significant negative impact to businesses in the wider supply chain. This emphasises the value that short-term letting provides to the wider economy (especially within the context of Covid recovery) from the operators themselves, with negative knock-on effects on hospitality, local activity providers and local attractions. There will also be a negative impact on laundry providers and cleaning services and guests, not to mention property managers, and the onward tech supply chain.

Short-term letting also adds to the economic vibrancy and success of Edinburgh in other ways – guests in short-term lets are not just holidaymakers. The following comment comes from one of our leading members in the capital, Dickins Edinburgh Limited (who have been operating for nearly 25 years), who explain exactly the sort of offering they provide and how it benefits Edinburgh beyond simply providing tourist accommodation: “We let to blue chip companies bringing staff here – Baillie Gifford, Rockstar, Cirrus Logic etc. We work with a number of consulates. We are recommended by Edinburgh University for visiting academics and when they have special projects here and need to provide accommodation. We house Fullbright scholars. We provide temporary accommodation for people relocating to the city, whilst they try to buy or to rent long term (and as we discussed, the realities of renting a long-term flat are not at all straightforward). We look after local families whilst they have renovations done or need alternative accommodation during an insurance claim. We house Edinburgh people who now live abroad and are visiting family in Edinburgh. We’re currently housing a lot of people connected to the new film studio in Leith. None of these people would be able to stay in a hotel.”

Furthermore, we would also highlight the recent letter from Edinburgh Chamber of Commerce and the Edinburgh Tourism Action Group to City of Edinburgh Council on short-term let regulations from April 2022. [4] In this letter, they note the following:

* Responsible short term let providers don’t only make a significant contribution to our critical visitor economy, but our culture and festival sectors by providing affordable and flexible accommodation for artists and performers who take part in the city’s 11 festivals annually.
* They also provide much needed short term accommodation to people relocating to the city to work or study here, as they transition to more permanent situations.
* They are used by large corporate businesses who are placing staff in the city on a short term basis, as a cost effective alternative to hotel accommodation.
* Film companies who need to accommodate their staff whilst working from the new film studios in the city use short term lets.
* They are also used by local families who need temporary accommodation whilst they carry out insurance or renovation work, families who wish to holiday affordably in the city and would not stay in a hotel, and visiting academics who often travel with their families.

Finally, for Scotland – and indeed Edinburgh – to remain competitive as a leading tourism destination, it needs to be responsive and adaptive to consumer trends, both in respect of the range of accommodation available, as well as for more environmentally conscious options. Holidaying within Scotland, rather than jumping on a plane to a resort overseas, should not only be encouraged during a global pandemic – but as an environmental, social and economic positive going forward. Self-catering properties can, therefore, be viewed as a solution to sustainability, not the problem.

Indeed, as one of our members – Louise Dickins (owner of Dickins Edinburgh Ltd) – so ably put it: *“*Quite often in our rural locations [self-catering units) are the main choice of where to stay. And they’re an opportunity to stay in the heart of nature. They’re affordable to families too. Scotland is one of the most beautiful countries in the world and so we’re so lucky across the UK to be able to holiday here and not damage the planet in the process.” [6]

We believe that traditional self-catering provides both economic and environmental benefits for communities and the country as a whole. However, in order to ensure benefits are realised, self-catering needs to be actively encouraged as a sustainable option for travellers and an enabling regulatory landscape, not a draconian one, is critical.

[4] Edinburgh Chamber of Commerce / ETAG, Joint Letter on Behalf of the Edinburgh Chamber of Commerce (ECC) and the Edinburgh Tourism Action Group (ETAG) re Proposed Short Term Let Legislation, Url: <https://www.assc.co.uk/wp-content/uploads/2022/04/ECC-ETAG-Short-Term-Let-Letter-April-22.pdf>

[5]Frontline Consultants, Economic impact of Self-Catering Sector to the Scottish Economy, Url: <https://www.assc.co.uk/policy/economic-impact-study-self-catering-worth-867m-to-scottish-economy/>

[6] ASSC, ‘Short-Term Lets Vital for Sustainable Tourism in Scotland’, Jan 2021. Url: <https://www.assc.co.uk/short-term-lets-vital-for-sustainable-tourism-in-scotland/>

**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. To be such an essential part of Scotland’s tourism mix is even more remarkable for our sector when most self-caterers operate small or micro businesses. Our 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. We would respectfully encourage an evidence-based approach to short-term letting – as well as a holistic approach to tackling housing challenges – and not one that relies on perception or anecdote.

The ASSC challenged many of the supposed ‘negatives’ associated with short-term lets in our submission to City of Edinburgh Council’s consultation on introducing a short-term let control area and we would refer you to our comments on (i) the scale of short-term letting in Edinburgh; (ii) the housing market; and (iii) impact on communities and residents. [7]

[7] ASSC, ASSC Submission to Edinburgh City Council Short-Term Let Control Area Consultation Response, Url: <https://www.assc.co.uk/assc-submission-to-edinburgh-city-council-short-term-let-control-area-consultation-response/>

**Any other comments?**

**Top of Form**

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

The Association of Scotland’s Self-Caterers (ASSC) welcomes the opportunity to respond to the City of Edinburgh Council’s consultation on short-term let licensing. Founded in 1978, the ASSC are the leading source of knowledge on short-term letting and holiday homes in Scotland and are the only trade body representing the interests of the traditional self-catering sector. We represent over 1300 Members, operating tens of thousands of self-catering properties throughout Scotland, from city centre apartments to rural cottages, to lodges and chalets, to castles. The ASSC commits its members to maintaining the principles of “quality, integrity, cleanliness, comfort, courtesy and efficiency” and to offering visitors to Scotland consistently high standards within their self-catering properties.

The ASSC is not averse to regulation; but we do challenge policies that are pursued while lacking a firm evidence base which will damage the livelihoods of our members and Scotland’s vital tourism industry. Overall, we want to ensure a balanced and proportionate approach for business, tourism and local communities and get a regulatory framework in place that works for all. We will work constructively with all stakeholders, including City of Edinburgh Council, to achieve this crucial objective.

We have a few specific points we wish to raise in response to two of the questions in this consultation exercise.

Q10 & Q11 on temporary licenses: temporary licenses should be granted to allow individuals who have applied on the basis they have the mandatory conditions in place and while their planning application is being considered. The regime for temporary licences should mirror that for permanent licensing to ensure a level playing field on health and safety issues.