

ASSC Response to Glasgow City Council STL Licencing Consultation

2. Do you agree or disagree with the Committee's proposed position on temporary exemptions within section 10 of the draft Policy?

Given the reasoning for STL legislation being introduced is to ensure basic safety standards are in place across all STL, the Committee may agree no temporary exemptions will be granted. The Committee may however, grant temporary exemptions for national events within Glasgow.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

3. Do you agree or disagree with the Committee's proposed position on temporary STL licences, within section 11 of the draft Policy?

This is that the Committee may agree not to accept temporary STL licence and instead require a full STL licence to be applied for which would be subject to a full consultation process.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

4. Do you agree or disagree with the proposed consultees detailed within section 12.4 of the draft Policy?

These are Elected Members for the area of the proposed/STL premises; and the Community Council for the area of the proposed/STL premises. Please note Police Scotland and Scottish Fire and Rescue Service are statutory consultees.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree

- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

We do not believe it is necessary to include an additional layer to community objections through the involvement of community councils. Licencing deals with the safety of an activity, hence why it is important for the police and fire service to be statutory consultees.

5. Do you agree with the proposed circumstances, detailed in section 12.8 of the draft Policy, in which a STL licence may be granted for a period of five years on renewal?

The proposed circumstances are that no objections and/or adverse representations are received to the application from the consultees and there has been no enforcement action taken against the licence holder during the period of the grant application or last renewal.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

6. Do you think anyone else should be named as a consultee to an application?

No.

7. Do you agree or disagree with the proposed additional conditions detailed in Appendix 2 of the draft Policy?

- ***The licence holder shall provide guests, no later than two days from the booking date, with an information leaflet on how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.***
- ***The licence holder shall take all reasonable steps to ensure that the appropriate refuse facilities (for both general and recyclable refuse) in line with Glasgow City Council's current policy on the storage and collection of refuse, are available at all times either in the communal areas surrounding the premises or within the premises boundary where there are no communal areas, for the disposal of refuse by guests.***
- ***The licence holder shall ensure that the refuse facilities at the premises and in the communal surrounding areas of the premises are used appropriately at all times by the guests.***
- ***The licence holder shall act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in all dealings with any other owners and relevant factor.***
- ***The licence holder shall ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of***

common areas relative to the premises is paid in full in adherence to the payment terms stipulated.

- *The licence holder shall ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant factor, with the licence holder making payment of the appropriate share of any costs to rectify such defects.*
- *The licence holder must act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises.*
- *The licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises.*
- *The licence holder must not affix a key box or other device to facilitate the entry for guests to the licensed premises, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owners. The licence holder must be able to produce the relevant permissions to the Licensing Authority on request.*
- *The licence holder must take reasonable steps to ensure that guests do not first arrive or finally depart from the licensed premises between the hours of 11pm and 7am. The licence holder must advise guests of this as part of their booking conditions.*

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

The ASSC believe many of the additional conditions set out by Glasgow City Council are wholly unnecessary. This is either due to a replication of mandatory conditions; that they do not relate to the provision of accommodation through short-term letting; or are not within the control of the individual operator. Throughout the Draft Policy statement and additional conditions, there is a presumption of bad practice against the short-term let industry, from issues such as anti-social behaviour to waste management, which we find incredibly disheartening and disappointing given the immense economic opportunities the sector provides to Glasgow, as well as the fact that many businesses in the area have been a welcome part of the community for decades.

Further information is provided below.

“The licence holder shall provide guests, no later than two days from the booking date, with an information leaflet on how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.”

We believe this additional condition is unenforceable. Furthermore, it shows a lack of understanding of the tourism market – a tourist visiting Glasgow will probably not wish to read about refuse collection prior, or during, their holiday in the city.

“The licence holder shall take all reasonable steps to ensure that the appropriate refuse facilities (for both general and recyclable refuse) in line with Glasgow City Council’s current policy on the storage and collection of refuse, are available at all times either in the communal areas surrounding the premises of within the premises boundary where there are no communal areas, for the disposal of refuse by guests.”

“The licence holder shall ensure that the refuse facilities at the premises and in the communal surrounding areas of the premises are used appropriately at all times by the guests.”

In relation to those two proposed additional conditions, we are aware of the problems with the current provision of waste management services within the council area. In order for short-term letting operators to fulfil their obligations in terms of general and recyclable refuse, it is necessary for this statutory service within the city to be improved.

While operators can advise guests of refuse collection day, they cannot compel them to comply. On a more practical point, we are dealing with individuals in the Glasgow for a holiday and who will not wish to spend a large amount of time familiarising themselves with waste management and recycling issues. Indeed, operators should of course provide the necessary materials and advice in regard to waste disposal but expecting every holidaymaker to follow this to the letter, especially when many may reside in areas with different policies for recycling etc, is unreasonable.

Once again, there is a presumption of bad practice by short-term let operators implicit in this document. There is no business incentive for self-caterers to rent out properties sprawling with rubbish. Self-caterers have provided well-maintained and clean environments for guests for decades and we would like to see what evidence the Council holds to show that littering and waste disposal is a specific problem of the self-catering industry compared to any other type of property. Finally, this additional condition also raises the question of enforceability: how will the Council monitor compliance?

“The licence holder shall act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in all dealings with any other owners and relevant factor.”

“The licence holder shall ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the premises is paid in full in adherence to the payment terms stipulated.”

These two proposed conditions show another misunderstanding about the sector. Legitimate professional businesses like self-catering have a commercial incentive to ensure common areas are in good order as they wish to encourage guests to stay within their property. Therefore, they are far more likely to ensure the swift payment of maintenance/insurance/repair costs.

“The licence holder shall ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant factor, with the licence holder making payment of the appropriate share of any costs to rectify such defects.”

This would be part of the basic management of a short-term let property and is likely to happen already. Similar to the points raised above, it is in the interest of the licence holder to ensure that any defects are rectified as quickly as possible. Also, with a factored stair, it is the responsibility of the factor, not owners or licence holders, to deal with inspections and related issues.

“The licence holder must act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises.”

We believe that this can be self-regulatory, through the use of the [ASSC’s Code of Conduct](#), rather than this being applied as an additional condition.

“The licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises.”

Incidents of anti-social behaviour in self-catering premises are rare. Last year, the ASSC submitted Freedom of Information requests to all thirty-two local authorities in Scotland and the results of this show that there is a mismatch between perception and reality: the number of ASB complaints against holiday lets in Scotland over the past five years is minimal.

Operators want harmonious relationships with neighbours and the local community – it is not in their interest to allow any anti-social behaviour in their business. This is part of the basic management of their property and there already is existing anti-social behaviour legislation that can be utilised by councils to respond when complaints arise. For instance, the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011 granted local authorities the power to deal specifically with the problem of antisocial behaviour in properties let for holiday use. However, this needs to be enforced, as the Cabinet Secretary for Housing Shona Robison MSP stated: “We expect all relevant authorities to use the powers available to them to deal with antisocial behaviour” (Shona Robison MSP, in answer to Parliamentary Question S6W-03022, 01/10/21. Url: <https://archive2021.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S6W-03022&ResultsPerPage=10>).

Licensing authorities cannot be allowed to set restrictions on premises where there is a perception there may be an issue. Restrictions should not be put in place where there is potential or existing issues in the vicinity of the premises unless it can be shown the issues occurring in the vicinity originated specifically from the short term let premises.

“The licence holder must not affix a key box or other device to facilitate the entry for guests to the licensed premises, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owners. The licence holder must be able to produce the relevant permissions to the Licensing Authority on request.”

Prohibiting the use of keyboxes or other related devices is arbitrary. First, it should be recognised that keyboxes are used for a variety of different purposes, not just to facilitate entry to a short-term let – for example, they are readily utilised by carers. We would presume that Glasgow City Council have no issue with keyboxes for this purpose but why should it be any different for short-term lets? It is the same device affixed to a door used to enable entry.

Securing the agreement of all owners within a property will be near impossible to achieve. Unanimity of agreement for any change to a property (e.g., repairs) is difficult to secure in other contexts but would be especially so for keyboxes used by short-term let operators. We therefore ask the following: will this become a general policy for all keyboxes within the local authority area, or do the Council intend to solely discriminate against their use by short-term let operators?

Furthermore, Glasgow City Council need to take cognisance of how the pandemic has changed the way operators interact with guests. There has been shift in consumer behaviour away from

traditional meet and greets between operator/guest towards information being shared electronically and via apps. Indeed, due to specific Covid-19 legislation, it wasn't always possible for the two parties from different households to meet in-person – this is why many therefore chose to use keyboxes to ensure guests could gain access to properties. Generally, the ASSC would encourage its members to affix any keybox in a manner that is aesthetically appropriate as possible.

“The licence holder must take reasonable steps to ensure that guests do not first arrive or finally depart from the licensed premises between the hours of 11pm and 7am. The licence holder must advise guests of this as part of their booking conditions.”

It is incredibly unfair to place the onus on operators on factors that are completely outwith their control, such as delayed transportation. At the present time, due to difficulties faced by airport operators, as well as industrial action on the railway network, many guests will arrive at their destination late due to no fault of their own. Why are Glasgow City Council again using the language of “ensure” on factors that are not the preserve of operators?

8. Are there any other additional conditions you think should be attached to a STL licence?

The ASSC believe that Glasgow City Council should adopt additional conditions in relation to: (a) noise monitoring; and (b) community accreditation and mediation. However, on any additional conditions applying to noise, **there has to be a causal link to issues from those premises**. One example where such 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 (see 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/>).

Noise monitoring devices can be a useful tool in evidencing any repeat offences and can underpin existing anti-social behaviour legislation.

9. Do you agree or disagree with the Committee's method in calculating a maximum occupancy for a STL licence? (Section 14.3)

One of the mandatory conditions that is attached to all STL licences is that the licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

All grant applications will ask the applicant to confirm the number of guests they would like to accommodate in the premises. The Licensing Authority do however have to provide a maximum number of guests who can stay on the premises at any one time on the STL licence when it is issued. This is known as the “maximum capacity”. The Licensing Authority, taking into account the information provided on the application form and layout plan, will calculate the maximum capacity in the following way:

The maximum number of persons in relation to a premises is whichever is the less of:

- (a) The number specified in Table 1 below in relation to the number of rooms in the house available as sleeping accommodation for guests, and***
- (b) The aggregate for all such rooms in the premises of the numbers specified in column 2 of Table 2 in relation to each room of the floor area specified in column 1.***

It should be noted that no account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

It should be noted that a room is available as sleeping accommodation if it is of a type normally used in the premises as a living room or as a bedroom. The Licensing Authority will not include children under 2 years of age when calculating the maximum capacity.

Table 1

Number of Rooms	Number of Persons
1	2
2	3
3	5
4	7
5+	2 for each room

Table 2

Floor area of each bedroom	Number of Persons
90 sq. ft. (8.36 sq. m.) or more	2
50 sq. ft. (4.65 sq. m.) or more but less than 90 sq. ft (8.36 sq. m.)	1

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strong disagree
- Don't Know/No opinion

If disagree, please provide more details

This is overly complex and makes little sense. It appears to have been influenced by practice in relation to HMOs, an activity that is completely different to short-term letting. It also appears to be unimplementable by 1st October 2022 when councils are required to have their system established.

10. Do you have any other comments on the draft policy? If so, please provide details

The ASSC would like to provide further comments in relation to Questions 2 and 5, but also provide some information in regard to floor/layout plans and fees, as well as general observations about short-term let licencing.

2. Do you agree or disagree with the Committee's proposed position on temporary exemptions within section 10 of the draft Policy?

All types of short-term let should be subject to the same mandatory and additional conditions.

5. Do you agree with the proposed circumstances, detailed in section 12.8 of the draft Policy, in which a STL licence may be granted for a period of five years on renewal?

We support the decision of Glasgow City Council on five-year renewal – this is more pragmatic compared to three-year renewals – but note that North Ayrshire are proposing ten years. Glasgow City Council may wish to consider whether ten years may be more appropriate.

Documentation Required with An Application – (b) Floor/Layout Plan

Scaled floor plans are costly but especially so for small, micro businesses like self-catering. Such businesses will already be burdened by existing regulation, mandatory and additional conditions, not to mention other factors such as rising energy costs. Unless pertaining to maximum occupancy, there is absolutely no need for a floor plan.

Fees

The ASSC are broadly content with the fees proposed by Glasgow City Council. However, we require an explanation in terms of the fee differentiation with secondary letting and home letting given that the same checks will be undertaken on the properties and how this relates to cost recovery. We would also be keen to understand what figures the Council hold on the number of secondary lets and homesharing properties there are within the area,

It is imperative that any fees are kept as low as possible given the environment many small businesses find themselves in. In this regard, we wish to highlight our proposal which we believe could assist with an efficient and cost-effective way of securing compliance with the Licencing Order. The ASSC have worked in partnership with Quality in Tourism to promote a self-declaration model with risk-based inspections by the licencing authority.

Overall, this approach has four main advantages:

- It minimises the work required by the licencing authority to set the system up and renew licences;
- Allows the licencing authority to focus its inspection resources on a risk-based basis;
- Requires responsible behaviour and compliance by the operators; and
- Minimises the additional costs to operators (which will have to be absorbed as an additional business cost and/or passed on to the very visitors we want to visit your area to boost our economic recovery).

We understand that local authorities across the country are facing severe pressure on their resources and we believe this system can go some way to help with the administrative challenges associated with the licencing regulations. We would be delighted to meet with officials to discuss this in further detail to see whether it would be appropriate for Glasgow City Council.

The Importance of Short-Term Letting to Glasgow

Self-catering currently boosts Glasgow's economy by £8m per annum according to Frontline Consultants and this is likely to grow. Moreover, short-term lets are an important source of alternative accommodation whose value was demonstrated during the recent hosting of COP26 in Glasgow. They were integral to accommodating delegates and visitors to such a large international event as existing hotel capacity could not cope.

Given that Glasgow is currently shortlisted as a potential host city for Eurovision, another event of international significance, we would caution that a licencing scheme that is disproportionate, onerous and costly to operators will simply reduce the level of accommodation available, and would mean that Glasgow would be unable to fulfil its requirements.

General Comments

As the main trade association for the self-catering sector in Scotland, the Association of Scotland's Self-Caterers hopes that our expertise and insight can help inform the approach taken by Glasgow City Council. We have always strived to work collaboratively and proactively with both local and national government stakeholders to ensure a balanced and proportionate outcome for all. We wish

to make clear that 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.

Self-catering properties have been a longstanding presence in communities for generations and provide an economic boost for local areas and enhance Scotland's tourist accommodation offering. Such self-catering properties are legitimate, bona fide businesses whose owners depend on the money generated for their livelihood – it is not a hobby or a way to supplement their income. This is entirely separate from the 'homesharing' concept, or those amateur operators who utilise online marketing platforms but are not subject to the same levels of existing regulation.

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, restaurants, tourist attractions etc – many of which would simply be unviable without visitor spending. With the importance of ensuring a sustainable recovery, and the significance of this measure for the livelihoods of our members in this region, we would respectfully encourage Glasgow City Council to work as closely as possible with the sector and to minimise the regulatory burden on small business.

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