



## **ASSC Submission to North Lanarkshire Council STL Licensing Consultation**

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 1,400 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.

**2. Below are the licence costs for a short-term let licence in North Lanarkshire. The licence will be renewable after 3 years.**

### **Secondary Letting**

(the letting of property where you do not normally live, for example a second home that is let to guests)

**£300 (up to 4 guests)**

**£450 (5+ guests)**

### **Home Letting**

(using all or part of your own home for short-term letting purposes while you are absent from your home, for example whilst you are away on holiday)

**£300 (up to 4 guests)**

**£450 (5+ guests)**

### **Home Sharing**

(using all or part of your own home for short-term letting purposes while you are living there)

**£300 (up to 4 guests)**

**£450 (5+ guests)**

### **Home Letting and Home Sharing**

(using your property for short-term letting purposes while you are living there and when you are absent)

**£300 (up to 4 guests)**

**£450 (5+ guests)**

**Are these definitions clear and understandable?**

**Yes**

No

**3. Do you agree with the proposed licence cost?**

Yes

**No**

If you answered "No" please provide a reason below.

While the definitions are clear and we support the same fee being charged to each type of short-term let, we believe that the cost could be slightly lower, akin to what Glasgow City Council have

proposed (£250 for a maximum occupancy of up to four guests, and £400 for five or more). Furthermore, we would also note that Glasgow City Council and North Ayrshire Council have proposed five and ten-year licence renewals respectively.

#### 4. 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 apply across Scotland. Licence conditions set out a number of rules which the licence holder must comply with during the period in which the licence has effect. For example, conditions can be used to set out the maximum occupancy used as a short term let.

#### Should the Council adopt additional conditions?

Yes

No

Local authorities have the option to include additional conditions alongside the mandatory conditions in terms of their proposed short-term let licencing regime. If North Lanarkshire Council seeks to attach any additional conditions to short-term letting properties, care should be taken not to duplicate the mandatory conditions. What the ASSC have witnessed in some other local authorities is not only unnecessary duplication, but conditions which are completely unenforceable and which will merely burden the licencing authority. If the Council cannot enforce these, it is incompetent and leaves the Council open to judicial review. Many of the additional conditions are part of the basic management of a property and could be instead be delivered by a clear and robust Code of Conduct, such as that devised by the ASSC (see: <https://www.assc.co.uk/policy/code-of-conduct/>).

Many of the draft policy statements from other local authorities exhibit a presumption of bad practice against the short-term let industry, from issues such as anti-social behaviour to littering, which we find incredibly disheartening and disappointing given the immense economic opportunities the sector provides to Scotland, as well as the fact that many businesses in the area have been a welcome part of the community for decades.

In terms of North Lanarkshire Council's short-term let licensing regime, the ASSC would therefore advise following these basic four principles:

- Take care not to duplicate the mandatory conditions if choosing to apply additional conditions;
- Ensure that any additional condition(s) taken forward is evidenced, enforceable and cost-effective for the Council;
- Implement a clear, proportionate and fair fee structure which will not inhibit the recovery of the tourist sector in the area; and
- Work closely with the self-catering sector throughout the implementation phase and beyond to protect the valuable economic contribution the industry makes to the area.

#### 5. Which issues should the conditions cover?

- Noise
- Antisocial behaviour
- Waste management
- Failure to maintain property

- Damage or alteration to property
- Unlawful activity
- Maximum occupancy
- Other (please specify)

The ASSC believe that North Lanarkshire could 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/>).

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.

#### **6. Temporary Licences**

The Council can issue temporary short term let licences. A temporary licence may be granted for a continuous period of up to 6 weeks, or longer if a host or operator has also made an application for a full licence.

#### **Should temporary licences be introduced?**

**Yes**

No

#### **7. Should there be additional conditions for temporary licences (if they are introduced?)**

**Yes**

No

#### **8. What additional conditions should be included?**

- Noise
- Antisocial behaviour
- Waste management
- Failure to maintain property
- Damage or alteration to property
- Unlawful activity
- Maximum occupancy
- Other (please specify)

Any additional conditions applied by North Lanarkshire Council should apply to all types of short-term let, including for those with a temporary licence.

## 9. Temporary Exemptions

The Council can also issue temporary exemptions from the requirement to have a licence. The Council require to adopt a policy as to whether these will be allowed. A temporary exemption could be issued for a property for certain occasions where there is a large number of visitors to North Lanarkshire over a short period e.g., to support events or festivals. A Temporary Exemption would last for a single continuous period of up to six weeks in any period of 12 months.

### Should Temporary Exemptions be introduced?

Yes

No

### 10. Should similar conditions be attached to Temporary Exemptions? (if they are introduced)

Yes

No

### 11. What additional conditions should be attached?

- Noise
- Antisocial behaviour
- Waste management
- Failure to maintain property
- Damage or alteration to property
- Unlawful activity
- Maximum occupancy
- Other (please specify)

Any additional conditions applied by North Lanarkshire Council should apply to all types of short-term let, including those who have received a temporary exemption.

**12.** \*North Lanarkshire Council will be working in Partnership with Quality in Tourism to deliver a straightforward process for licensing your property. We are currently in the process of developing an online digital licensing option that will allow short term let operators to register, update and manage their licence details with minimum inconvenience. North Lanarkshire Council will be looking for a small number of volunteers to take part in our digital licensing model to ensure a smooth transition to the live system on 1 October 2022.

If you would like to take part in this pilot scheme, then please email our mailbox at: [PrivateSector@northlan.gov.uk](mailto:PrivateSector@northlan.gov.uk) The pilot scheme will run from 5 September 2022, so please send any expressions of interest before this date\*.

### Do you have any other comments you would like to make regarding short-term lets?

The Association of Scotland's Self-Caterers (ASSC) welcomes the opportunity to respond to North Lanarkshire Council's consultation on short-term let licencing. As the main trade association for the self-catering sector in Scotland, the ASSC hopes that our expertise and insight can help inform the

approach taken by North Lanarkshire 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, especially in rural communities, 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. Self-catering currently boosts the Scottish economy by approximately £867m per annum according to Frontline Consultants. 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 North Lanarkshire Council to work as closely as possible with the sector and to minimise the regulatory burden on small business.

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