

**ASSC Comments on Stirling Council’s Short-Term Let Policy**

Founded in 1978, the Association of Scotland’s Self-Caterers (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.

**Introduction**

The Association of Scotland’s Self-Caterers (ASSC) welcomes the opportunity to provide comments on Stirling Council’s short-term let licencing policy. 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 the 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.

With 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 more than £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 Stirling Council to work as closely as possible with the sector and to minimise the regulatory burden on small business.

**ASSC Comments**

**8.0 Temporary Exemptions**

We note that Stirling Council will only consider granting a temporary exemption “in exceptional circumstances”. If these are granted, the ASSC believes that any additional conditions should apply to all types of short-term let, including those with a temporary exemption, in order to secure a level playing field and ensure the…

**9.0 Temporary Licences**

Similarly, for temporary licences, we believe that any additional conditions should also apply in this instance.

**10.3 Duration of Licences**

Stirling Council intend to grant short-term let licences for a period of three years. We would point out that other local councils, such as North Ayrshire (10 years), are proposing a longer timeframe and we would encourage the Council to follow suit in order to reduce the regulatory burden on businesses.

**Fees**

We understand that the level of fees has been agreed to by councillors. However, we wish to set out our topline principles. First and foremost, the same level of fee should be applied to all types of short-term let – be it homesharing or secondary letting – since the same checks with be undertaken by the Council. If not, we would request an explanation as to why a distinction has been made between the two and the reasons for this.

We would encourage the Council to assess Scottish Government guidance which highlights ways to keep costs down, including: (a) economies of scale; (b) integrating service delivery with other housing and licencing functions; (c) using online and digital verification where possible, for example through photo and video evidence instead of a visit; and (d) taking a proportionate, risk-based approach to checks and verification, for example in considering whether, when and how often visits to premises are needed, especially in more remote and rural areas where the costs of such visits could be higher.

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 Stirling Council.

**Appendix 2 – Additional Conditions**

In terms of the additional conditions proposed by Stirling Council, we would argue that they form 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/>).

**Disposing of Refuse**

While operators can advise guests of matters including refuse collection day, they cannot compel them to comply. On a more practical point, we are dealing with individuals in the area for a holiday and who will not wish to spend a large amount of time familiarising themselves with waste management and recycling issues. Similarly, 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.

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?

**Communal Responsibilities of Ownership**

Professional self-caterers already honour legal obligations in terms of common parts of tenements. There is a business incentive to do so. In fact, holiday let owners are likely to spend more money on property maintenance than they would on their own property given the competition to maintain standards.

**Neighbour Engagement**

With points 3 (a) and (b), it is important to remember that 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](https://archive2021.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S6W-03022&ResultsPerPage=10), 01/10/21).

**Access for Guests**

In respect of point 4 (a),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 Scottish Borders 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, the 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.

Regarding point 4 (b) on applying a condition on businesses to ensure that guests arrive or leave during specific hours – it is again 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.

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