

SHORT TERM LETS
RESIDENTS WORKSHOP
NOTE OF MEETING ON 11 MARCH 2021

Attendees

Nineteen attendees representing a mixture of urban and rural locations, including Applecross, Ayr, Edinburgh, Isle of Harris, North Berwick, St Andrew's and West Linton.

Scottish Government officials:

- David Manderson, More Homes (chair)
- Andrew Mott, More Homes
- David Reekie, Planning and Architecture

Summary

Update from Scottish Government

1. The Minister for Local Government, Housing and Planning had withdrawn the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021. The Scottish Government's intention, subject to the outcome of the election, was to re-lay the Order in June and keep to the timetable for implementation already set out.
2. More information could be found in the Minister's letter to the Local Government and Communities Committee of 18 February 2021: [Short-term lets: letter from Housing Minister to Committee - gov.scot \(www.gov.scot\)](https://www.gov.scot/Short-term-lets-letter-from-Housing-Minister-to-Committee)
3. This new approach would allow the Scottish Government to provide the draft guidance on the licensing scheme alongside the re-laid Order. It would also provide further time to make any other adjustments needed to the Order following further stakeholder engagement through the working group and in discussion with residents and communities.

Stakeholder Working Group

4. The working group was principally comprised of industry and local authority representatives to get the guidance aimed at hosts and operators and local authorities right. There were many aspects of the process that would be important to work through in detail with industry and local authority representatives that were not directly relevant to resident and community groups.
5. The working group papers were published on the [Scottish Government website](https://www.gov.scot/Scottish-Government-website). The work of the group would be open and transparent.

6. The Scottish Government understood that certain parts of the process would be important to residents and communities. The Scottish Government wanted to engage with residents in parallel with the working group to ensure resident and community interests were taken into account.
7. Comments and questions were invited from participants.

Points made by attendees

Working group

8. A number of attendees were concerned about the lack of community representation on the working group. Several people suggested that PLACE represented residents on the working group, perhaps supplemented with a rural representative.
9. One person raised a concern about the City of Edinburgh Council being the only local authority represented on the working group. (Scottish Government clarified that other local authorities were represented through environmental health, housing, planning and licensing groups and undertook to make this clearer on the working group website.)

PLACE recommendations

10. A representative of PLACE requested that their recommendations¹ were shared with the stakeholder working group.

Planning issues

11. Several people noted that local authorities could be reluctant and slow to enforce planning rules. One person noted that planning enforcement notices were rare compared to the number of complaints made and expressed concern about enforcement of the licensing scheme. Another person noted that City of Edinburgh Council had a six-month target time for taking enforcement action but this had recently slipped to 16 months.
12. With regard to control areas, one person did not like planning authorities having discretion over whether to designate them, preferring that communities could require them to do so. One person wanted the requirement for planning permission to apply across Scotland, not just in control areas.
13. Another person was anxious that they helped to control existing short-term lets as well as limiting numbers of new ones.
14. One person noted local authorities being asked for letters of comfort from operators, once it became clear that regulation was coming.

¹ PLACE's DRAFT Recommendations to the Scottish Government Working Group on Short-Term Lets can be found here: placeedinburgh.org/place-news/

15. One person asked whether the legislation would recognise and reflect the fact that it was unlikely for tenement flats to be granted planning permission and cited a number of DPEA decisions to this effect. One person wanted short-term lets banned from tenement flats.

Lack of benefit to local communities

16. One person noted that many guests arrived with carloads of pre-bought shopping for their stay and considered that the economic benefit for local communities was minimal. Some people considered a distinction should be made between local owners, versus outsiders, on the basis of whether the rent benefited local people and the local economy or left the area.

Concentrations

17. One person noted that numbers of short-term lets exceeded numbers of homes for permanent residents in some villages. There was concern that short-term lets were irrevocably damaging communities, as they were displaced by high house prices and adversely affected by noise and nuisance.
18. One person noted that popular visitor destinations could feel like a theme park rather than having a real sense of community.

Noise and nuisance

19. One person noted the problem from wooden floors in the short-term let flat above theirs. This meant they heard every footstep and move of furniture, which was miserable.
20. Another person noted the issue that arose when larger, older properties were subdivided into homes, intended for residential use, but some of these homes were operated as short-term lets. This could be a particular problem where, for example, there were kitchens over bedrooms (noise), and with strangers in communal areas.
21. Another person noted long-standing issues with a party mansion in West Linton; the operator had been taken to court for planning violations but this had been a slow process and largely ignored by the operator. It was suggested that the revenue from the short-term lets exceeded any financial penalties.
22. Another person noted their experience of multiple flats on the same stairwell operating a short-term lets. Although they were owned by different people, they were operated by the same agency who sometimes let all the flats out to the same large party. This meant that there could be a lot of noise on the stair from guests running from one flat to another (e.g. hen parties having had a drink).

COVID-19

23. One person noted that COVID-19 was driving up property prices in some areas as people wanted second homes in rural locations; this compounded the problems from short-term lets.
24. Several people were concerned about breaches of the COVID-19 regulations and guidance and a lack of enforcement when self-catering reopened in summer 2020.

Link to NDR

25. One person noted several instances of self-catering accommodation registered for Non-Domestic Rates but without planning permission; the connections were not made by the local authority.

Platform compliance

26. One person was concerned that platforms be made to comply with the licensing scheme provisions.

Safety

27. One person told how a relative had almost died in an Airbnb rental due to gas inhalation from a leak. This person advised that there had been issues with gas safety in the premises and had found it challenging to raise this problem with the owner or Airbnb.
28. Several people were concerned about safety on communal stairwells, where strangers (guests) were always coming and going.
29. One person noted cameras in communal stairwells installed by short-term let owners without consultation with the community; this felt like an invasion of privacy.
30. One person highlighted that a number of DPEA appeal decisions flagged concerns about residents' safety and asked whether this would be recognised, given the focus of the licensing scheme on safety.

Trust deeds

31. One person raised the issue of trust deeds and the possibility of framing short-term lets as a commercial purpose which would be prohibited by trust deeds for blocks of flats. This would give residents greater control of what happened in their block, compared with a licensing scheme operated by a local authority.

Conclusion

32. Scottish Government thanked participants for their time. Officials would consider the points made, including around stakeholder working group membership. However, officials noted that there was value in hearing from a

wide range of community and resident interests, reflecting people's diverse circumstances and experience, which would be difficult to represent at the working group.

33. The current plan was for a subsequent community and residents' workshop to be held in May.

Scottish Government
19 March 2021