

Scottish Government Short Term Lets Licensing Scheme Consultation: Southside Community Council Response

CHAPTER 4. DEFINITION

Issues and how to resolve them:

No comment

CHAPTER 5. CONTROL AREA REGULATIONS

Issues and how to resolve them:

1. While we recognise and welcome that through Control Area Regulation, local authorities will have the powers to determine areas within which planning permission will be required for change of use to short term let, we believe that these national regulations should go further and should state that short term lets of whole properties in certain property types are inappropriate and are therefore not permitted. Such a ban would relate primarily to flatted-properties where a main door and stair is shared and particularly to traditional tenemental properties.

The reasons for this ban are referenced throughout this document:

- i) the noise disturbance caused to permanent residents of flatted blocks by groups of holiday-makers daily dragging their luggage in and out the stair;
- ii) the noise disturbance of holiday-makers not unreasonably wanting to enjoy themselves, drinking, talking, returning to their let at late hours, staying up late, etc, while the permanent neighbours through the shared walls, floors and ceilings are trying to sleep and prepare for the next day's work and school This problem is exacerbated by the present circumstances when, not only are permanent residents attempting to recharge their batteries for the next day's work, they are actually working permanently at home, whilst the holidaying neighbours live it up;
- iii) the inability of short-term residents to appropriately dispose of and to recycle their rubbish which is exacerbated in a flatted and/or tenemental setting, as opposed to a single self-contained property with a dedicated bin/recycling facility.

No measure to deal with antisocial behaviour by short-term residents in a flatted setting is sufficient. Evidencing, reporting and acting on antisocial behaviour takes time while in most cases the vast majority of short term residents will have moved out long since, only to be replaced by another set of residents who may be equally antisocial but for whom the evidencing, reporting and responding must start all over again. As one tortured permanent resident put it, 'it's like having five hundred antisocial neighbours', as opposed to just the one that is usually sufficient to disrupt, disturb and upset.

We would exclude from this ban *home sharing* arrangements in which the property owner would at all times be available to monitor and manage his/her guests' behaviour, advise them appropriately and to respond to complaints from neighbours.

CHAPTER 6. LICENSING ORDER

Issues and how to resolve them:

1. Conditions on the licence which the consultation suggests should be discretionary, i.e., at the discretion of the local authority to apply or not, we would recommend should be mandatory,

for example, a requirement on the owner to manage the short-term let in order to prevent antisocial behaviour (6.40). What are the circumstances in which it would not be appropriate to require the owner to prevent antisocial behaviour?

Similarly, the requirement to provide adequate facilities for the disposal of rubbish and recycling (6.49), conditions to minimise noise impact (6.50), to require owners to ensure short-term tenants are met on arrival and provided with information, etc (6.52), the requirement for tenants to arrive and vacate the property within certain hours (6.54). It is challenging to imagine those circumstances in which one wouldn't want owners to work to prevent antisocial behaviour, minimise noise disturbance or provide refuse disposal and recycling facilities, and the proposals that tenants be met on arrival and be required to arrive and depart within reasonable hours certainly seem like good practice, so why wouldn't the Scottish Government wish to take the opportunity to standardise these practices rather than leaving them to discretion?

2. We would suggest that parameters are not set by Scottish Government on the levels of fees chargeable by local authorities for short term let licences and associated services (6.62). We are wholly supportive of the introduction of a short term let licencing scheme and welcome this long-awaited development but our major outstanding concern is that it is enforceable. An unenforceable scheme will benefit nobody. As enforcement must be funded from the profits of short-term lets, please leave it to the individual local authority to determine their approach to enforcement, in consultation with their communities, and the appropriate costings. It makes no sense for fees to be set centrally. If the local authority wishes to appropriately support the long-harassed neighbours of short-term lets, please trust them with the full discretion and powers to do so.
3. One of the grounds for refusing a short term let licence is proposed to be 'availability of residential housing' (6.74d). We completely agree with this but how would this be evidenced, and on whom would the requirement to evidence it fall? We believe that in applying for a short term let, the owner should be required to evidence that there is plentiful residential housing in the area and that removing a residential home from residential use would not have a negative impact on that availability, rather than that this onus be laid at the local authority's door.

The Scottish Government recently attempted to introduce a system of rent control through requiring local authorities to evidence 'rent pressure zones'. The process of evidencing the requirement of a 'rent pressure zone' takes up to five years, we understand, and is extremely complicated. We understand that consequently no local authority has been able to apply for rent pressure zone despite there being little doubt that residential housing in some parts of Scotland is under extreme pressure. This legislation, good-looking on paper, has therefore benefitted no one and made no practical difference. We would not want the same fate to befall the short term let licencing scheme legislation.

In Edinburgh, where our Community Council is located, there is immense pressure on residential housing. Prices are utterly unaffordable. Social landlords have thousands on housing waiting lists with not a chance of being rehoused, and hundreds of families live semi-permanently in temporary accommodation. Meanwhile, thousands of perfectly good residential homes are occupied by short-term holidaymakers. This situation must be remedied to the benefit of the communities of Edinburgh and creating overly complicated, longwinded means by which housing pressure must be evidenced will not help. Simple, straightforward

methodologies for the identification of areas of housing pressure must be agreed with local authorities and then applicants for a short term licence in an agreed area of housing pressure should be required to demonstrate as part of their application that this is not the case.

4. Community councils are statutory consultees in relation to planning applications. In relation to the terms and implementation of any short term let licencing scheme, we would propose that local authorities should have a duty to consult with community councils, not a power (6.81).
5. The grace periods for local authorities to implement the licencing scheme and for short term let landlords to apply for a licence (6.87/6.89) are too long. Licencing schemes should be implemented by local authorities as quickly as possible.

Permanent residents have suffered as neighbours of short-term lets for years ever since this phenomenon entered our lives facilitated by the internet. Authorities locally and nationally have continued to drag their feet over this issue for further years. To think that short-term lets will not have to be licenced until 2024 is not acceptable

Quite apart from permanent residents being assured once again of their quiet enjoyment of their homes, especially in flatted and tenemental developments, it is also hoped that licencing will lead to the establishment of appropriate safety standards in short-term lets and it is hoped that the statutory ability to effectively ban short-term lets in large parts of Edinburgh will lead to a more accessible housing market for local communities and others. To think that in order to realise all these gains, communities are going to have to wait a further four years until 2024 is not acceptable.

6. We very strongly object to the proposal that there should be temporary short term let licences available for a period of up to 28 days with reduced requirements (6.135-8). Representing the communities of Edinburgh Southside, the home of the Edinburgh Fringe, we know only too well the disturbance that is caused to local residents every year for the month of August by Festival visitors occupying short terms lets in our tenements, creating noise disturbance and antisocial behaviour misery for our residents. Visitors to the Festival should not be staying in tenemental flats that are not designed or appropriate for such use. As we recommended earlier, short-term lets in tenemental flats should be statutorily outlawed, but if that is not to be the case, there certainly should not be a lower level of scrutiny and management required on a temporary basis for the duration of the Festival when arguably, a higher standard of management is required to cope with the excesses of behaviour that accompany visits to the Festival for some.

We are also aware that the income that can be generated through a 28 day temporary Festival let is sufficient to economically justify maintaining the property in a vacant state for the other eleven months of the year, thereby completely removing a domestic property from any residential use while maintaining lower safety and management standards for the duration of an annual 28 day Festival let.

Tim Pogson
Chair, Southside Community Council