

SHORT TERM LETS
RESIDENTS' WORKSHOP

NOTE OF MEETING ON 20 MAY 2021

Stakeholders present:

Ten attendees representing a mixture of urban and rural locations, including Edinburgh, Glasgow, Ayr and the Highlands and Islands.

Scottish Government officials:

- Andrew Mott (AM) – More Homes
- David Manderson (DM) – More Homes
- Rachael Gearie (RG) – More Homes
- David Reekie (DR) – Planning and Architecture

Summary

Scottish Government update

1. The Scottish Government was currently preparing guidance on both the licensing scheme and control areas under planning legislation for hosts and operators, platforms and local authorities. Some changes to the Licensing Order were also being considered to resolve some stakeholder concerns but without diluting the policy objectives. The intention was to publish the guidance in June with the revised Licensing Order when it was laid at the Scottish Parliament. The licensing guidance would assist local authorities in providing information for residents and neighbours about engaging with the licensing process, including how to make a complaint.
2. New Ministers were in the process of being appointed to portfolios following the Scottish elections. Officials would be advising them of the progress made and would make sure that the residents' views, and the views of the stakeholder working group, were communicated to them.

Stakeholder working group

3. There was a consensus at the meetings with residents' on 9 and 11 March 2021 that urban and rural residents should be represented on the stakeholder working group. This change had been made: PLACE Edinburgh and Community Land Scotland had joined the stakeholder working group to represent urban and rural interests respectively and had attended the stakeholder working group meeting held on 13 May. A note of that meeting would be published in due course.

Points made by attendees

Planning issues and control areas

4. One person noted that, in their block, around 1 in 3 properties were being rented out by absentee landlords on Airbnb without planning permission having been sought. Although residents had objected, their local authority had not deemed the changes to be a material change of use and was unwilling to take planning enforcement action.
5. One person was concerned about a recent DPEA decision to overturn a decision to refuse planning permission to use a property for short-term let accommodation. They were concerned that people might try to cite the DPEA decision in future appeals.
6. One person sought clarification of the powers of local authorities to refuse planning permission for use of tenement flats as short-term lets.
7. One person was concerned that, after conducting a report on the number of short-term lets operating in their area, many were operating in tenement buildings without planning permission. There was also a concern that the local authority did not enforce their ban on short-term lets in tenements and that the local authority did not publicise this planning policy adequately.
8. One person asked whether anyone could appeal a local authority's decision to designate a control area.
9. One person was concerned that local authorities might not use their power to designate control areas fully or effectively.

Licensing applications

10. One person wanted assurance that the requirement to apply for a licence would be enforced.

Renewals

11. One person asked whether neighbours would be notified of, and able to object to, a short-term let licence renewal application, particularly where neighbours had been experiencing problems.

Neighbour notification

12. One person asked about neighbour notification under the licensing scheme. They noted that neighbours within 20 metres of the short-term let property would be notified of the licence application and asked how that would be applied in rural communities.

Noise and antisocial behaviour

13. Several people were concerned about the noise and antisocial behaviour they experienced living next to a short-term let, particularly in tenements or flats. One person explained that they were aware of problems with short-term lets being used for drug-dealing and prostitution in their building.

14. One person was concerned that the fit and proper person test was not sufficient to protect neighbours from noise and nuisance. They had experience where the owner was reputable but they had experienced noise, threats and antisocial behaviour.

Overprovision

15. Some people were concerned about the lack of affordable housing in rural communities, particularly for younger people. They noted that many properties in their areas were operating as short-term lets but there were very few affordable homes to rent or buy. There were also concerns about the loss of culture and language if more people had to move from rural or island communities for affordable housing and to find work. One person asked whether overprovision policies could give preferential treatment to locally-owned businesses.

Review of taxation

16. One person asked for an update on the review of taxation in respect of short-term lets.

Accessibility of guidance documents

17. One person asked whether the guidance produced by the Scottish Government would be accessible to all (e.g. for people with hearing or sight impairments) and offered to advise on best practice for doing so.

Conclusion

18. The current plan was for another residents' meeting to take place after the guidance had been published.

SCOTTISH GOVERNMENT

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