

# Holiday letting operators seek judicial review at Court of Session

**A court action concerning new rules for short-term lets in Edinburgh will begin on Thursday as operators claim the council has overreached itself.**

Holiday let hosts have crowd-funded £300,000 (said by the letting operators to be a record sum raised in this way for any court action) to bring a judicial review against The City of Edinburgh Council's new licensing scheme which they say could 'wipe out' Airbnb-style accommodation in the capital.

The hearing will be heard at the Court of Session in Edinburgh on Thursday.

Anyone who operates a short-term let (STL) must apply to the local authority for a licence by October under the policy, after new powers were devolved by The Scottish Government last year.

It also requires the owner of a second home being used for holiday letting for less than 10 years to obtain planning permission. Any properties in tenements or which have a shared main door will not be granted a licence unless the applicant can demonstrate why they should be exempt from the policy.

The legal challenge has been lodged by four operators: Ralph Averbuch, Glenn Ford, Craig Douglas and Louise Dickins, who

have been supported by the Association of Scotland's Self-Caterers (ASSC). Each of the four petitioners have pledged £4,000 of their own money and a total of £300,000 has been raised online to meet legal costs.

Mr Averbuch said: "Together with many others in our sector, we face the real threat of extermination under onerous new rules being applied retrospectively across the whole of Edinburgh.

"We understand the purpose of that legislation was originally to ensure that holiday properties across Scotland meet health and safety standards. We support that."

He said the final policy agreed by the council's regulatory committee in September "goes far beyond the spirit of the Scottish Government's legislation".

Mr Averbuch said in its current form short-term letting in Edinburgh will be "wiped out," threatening the city's major events such as the Fringe.

The ultimate goal of the judicial review is to force the council to u-turn on the scheme and "acknowledge their overreach and to work collaboratively on a better outcome for all parties".

The key issues, fellow petitioner Glenn Ford said, include the cost of an application – at least £1,000 in most cases – as well as the requirement for secondary let operators to renew their licence annually and ensure bedrooms, living room and hallway "are covered by a suitable floor covering such as a carpet or similar floor covering".

Mr Ford, a holiday let host in Edinburgh for more than 20 years, said: "For us, the vast majority of short-term letting is well-run by responsible operators who do follow all the requirements.

"So I was really happy, because obviously you always get

outliers. It doesn't matter what industry be it taxis, restaurants, bars – you're always going to get a small element who are not run properly and they need to be properly regulated."

But he said he was "absolutely gobsmacked" to read the final policy drawn up by the council.

He described the rebuttable presumption as "unethical" and having "no regard for responsible operators".

"You don't just blanket ban the whole industry to start spending, let's face it, millions of pounds on unnecessary carpeting," Mr Ford added.

"It's over the top, there's no need for this. If they'd just got stakeholders properly engaged they could have come up with a really good scheme that would get rid of these rogues that do put in the six beds to one bedroom kind of stuff."

A council spokesperson said: "The hearing for the Judicial Review is this week and we will not be commenting further at this stage on this live legal action.

"We'll be in a position to say more on the issue when the Court makes its judgement."

