

“Settled will” on short term lets

In light of ongoing campaigning against short term lets legislation by industry representatives such as the Association of Scotland’s Self-Caterers (ASSC), The Cockburn Association, PLACE Edinburgh, New Town & Broughton Community Council, Old Town Association, Grassmarket Residents’ Association (GRASS) and Living Rent have issued the following joint statement:

“The regulation of short-term lets follows years of discussion and debate after the expansion of Airbnb-style accommodation occurred with no regulation or checks.

“The question of whether the STL industry needs to be regulated, and how, has been settled. There has been substantial consultation over a 4-year period beginning in April 2019 giving communities and STL operators and lobbyists plenty of scope to put their views forward. From the outset, there was majority support for regulation and enforcement and little support for a market-based mechanism of control.

“The initiation date for the new regulations to come into effect was delayed from 1 April 2023 to 1 October 2023,

following concerns raised by local authorities and industry alike. Separately, the City of Edinburgh Council consulted widely on establishing a Short-Term Let Control Area (STLCA) noting that Planning Guidance on STLs has been in existence in Edinburgh since 2011. The establishment of a STLCA was recommended by approval by the Council and approved by the Scottish Government. The STL sector participated in all these consultations.

“It is the settled will of the Scottish Parliament and the City of Edinburgh Council that short-term lets must be regulated. The failure of STL operators in the City of Edinburgh to make suitable planning and licencing applications rests with them. There can be no claim of lack of engagement or lack of awareness of the new and existing regulations.

“Local community, housing and amenity organisations all support the regulations, and the need to apply for planning permission to operate what are essentially commercial businesses. Operators of STLs, whether they be individuals or large letting agencies, seldom think about the impact their businesses have on neighbours and even fewer might engage with them, in say a common stair, before they operate.

“We ask that the City of Edinburgh Council and Scottish Government give little weight to the pressures posed by a well-funded industry lobby group. Local communities have been placed under huge pressures by the untrammelled expansion of STLs across the city. It is time to restore some balance and ensure that Edinburgh remains a place for people to live.”

Council leader

The latest statement which the Council Leader, Cammy Day, made to The Edinburgh Reporter is as follows: “The council’s position is to proceed with the October date as the legislation instructs us to do. My point is that if the industry are going to lobby the government then they need to

do that because we have no power to change the date nor the legislation. So if that is something they want to do they should get on with that, but in the meantime they need to apply for licences as 1st of October is getting closer and closer.”

The new licensing regime demands that short term let operators apply to the local council for a licence by 1 October. Anyone who does not have such a licence can face a fine of up to £2,500. In March the ASSC estimated that an average licence fee in Scotland would be £514 per property for three years. Other requirements include issuing information about energy ratings in adverts and having gas and electricity safety reports.

The licences will affect home sharing, letting of the whole house while on holiday, letting of a second home and a mix of home letting and home sharing. Aparthotels, B&Bs, caravans for holidays, self-catering lets and managed apartments are exempt from the scheme.

The Scottish Bed and Breakfast Association has written to the First Minister asking for another delay in implementing the scheme saying it will have a counter effect on tourism and jobs.

Judicial Review

Four letting operators and landlords raised an action for judicial review at the Court of Session in May 2023 after raising £300,000 to fund the legal costs. It is believed to be the highest ever crowdfunded legal challenge. They claimed a victory when [Lord Braid issued a decision](#) that “parts of the new policy designed to regulate Airbnb-style accommodation in the city by introducing a licensing regime was not within the law”.

One of the parties to an application for Judicial Review,

Louise Dickins, runs a holiday letting company called Dickins Edinburgh. She said on social media this week: "I have faced a barrage of harassment, abuse and vitriol that has, I'm not ashamed to say, really affected me."

She continued: "I'm a 55 year old woman. I have lived in Edinburgh for close to 30 years. It's where I'm raising my family and worked so hard to establish my business. It's where I call home. But I'm not welcome, according to some. I believed Scotland was better than this."