

Short term lets – regulation made more difficult for council

The City Edinburgh Council has told residents who are negatively impacted by short-term lets that it “will not give up” on them, despite its crack-down on Airbnb-style accommodation being made “more difficult” by a recent court ruling.

A judicial review found certain parts of the city’s new licensing scheme to be unlawful and an amended policy has now been passed by councillors.

Regulations designed to reduce the number of tenement flats being used as holiday lets have had to be removed following the judgement, which was published in June following a two-day hearing at the Court of Session.

The October 1 deadline for hosts to seek a licence by still stands despite the Scottish Government coming under pressure to reconsider again, a council meeting heard on Monday.

Members of the Regulatory Committee were told only 279 short-term let (STL) applications had been received so far, with concerns raised that many operators “won’t apply until they get caught”.

Convener Cllr Neil Ross said he was “disappointed with the outcome of the court case, but not disheartened”.

He said the loss of the rebuttable presumption against granting licences for tenement or shared access properties “will make it more difficult for the department to regulate short-term lets”.

He added “almost all” of the policy as originally proposed remained in place.

“Despite this setback – while recognising many landlords take care in choosing tenants and look after them properly, and have respect for their neighbours – this council will not give up on residents negatively impacted by the anti-social behaviour, noise and disturbance of some tenants and the inadequate and ineffective management of some landlords,” he said.

Cllr Ross assured members the scheme was not only lawful, but also “robust” having been tested in court.

“This licensing policy is designed to raise standards of public safety for visitors and to give the council the power to respect effectively to valid complaints from neighbours.

“I urge existing short-term let landlords to apply for a licence before 1 October if you intend to continue short-term letting.”

Eilidh Keay, who spoke at the meeting on behalf of tenants’ union Living Rent Edinburgh, said it was “unfortunate the council have only chosen to delete the parts of the policy which were unlawful, rather than strengthening it further”.

Ms Keay said the low number of STL licence applications made with just two months until the deadline showed it was likely that “many won’t apply until they get caught”.

She called for “a clear enforcement plan” against any hosts

choosing to ignore the new rules.

"Residents and guests need assurances from the council that it will take enforcement seriously," she said.

"The council simply cannot rely on neighbour's objections and reporting to be the only mechanism of active enforcement. Particularly as there's areas of high densities of short-term lets where entire buildings have been hollowed out, meaning there's no neighbours to report and object."

Meanwhile the landlords who took the council to court said there were still "major fundamental issues and concerns with the way City of Edinburgh Council is using a combination of planning and licensing policies to shut down the sector".

A statement issued after the revised policy was published last week said confusion over the need for those with secondary lets – any entire property used for holiday letting – to seek planning permission was "the main reason why so few responsible and well run operators have applied".

It added: "It is inevitable that many more legal challenges will take place if CEC continues to grant only a handful of secondary let licences through a combination of planning and licensing measures, particularly for businesses that commenced operations before the control area was designated."

by Donald Turvill, Local Democracy Reporter.

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