

# Response ID ANON-RA1J-6KJ8-H

Submitted to **Short Term Lets: Consultation on a licensing scheme and planning control areas in Scotland**

Submitted on **2020-10-16 12:00:28**

## Questions

### 1 Please identify any issues with the proposed definition as set out in chapter 4, and how to resolve them.

#### Question 1:

Our members broadly agree with the definition of short-term lets. However, some of our members are of the view that it should be clear that this definition also includes a property which is let once in a 365-day period, for a single let greater than 28 days, which is not a Private Residential Tenancy (PRT). For example, a property which is let for the full duration of the Edinburgh Festivals period which may run for 30-40 days, but out with this period remains the principle home of the host. This property should be subject to the same regulations as any other short-term let, with specific thought towards the health and safety of visiting guests and neighbouring occupiers.

### 2 Please identify any issues with the proposed control area regulations as set out in chapter 5, and how to resolve them.

#### Question 2:

For Edinburgh specifically, the availability of short-term lets over the festivals period is crucial to enable industry professionals to relocate to the city for this period; therefore, the entire economic benefit of the Edinburgh Festival is directly linked to the availability of sufficient residential properties in the short-term lets market. While there is significant scope for regulation in terms of property standards and management practice, any regulation that creates a reduction in the number of available short-term let properties would have a significant negative impact on the Edinburgh Festival and the city as a whole.

### 3 Please identify any issues with the proposed licensing order as set out in chapter 6, and how to resolve them.

#### Question 3:

Implementing a robust licensing framework, which applies to all short-term let properties and creates parity in the taxation framework for short-term let hosts, compared to PRT landlords, should effectively address the safety, security, and antisocial behaviour issues. This would also allow market forces to control the growth in the number of short-term lets properties at the expense of other tenures.

Our members agree that all hosts should ultimately be subject to enforcement and sanctions where there has been a clear breach of the regulations, and insufficient changes in practice have been undertaken to resolve genuine issues. This should apply across all short-term letting types and provide relative parity between short-term let hosts and those operating as landlords within the PRT framework.

The proposal to create a registration/license process will mean local authorities will store owner details for short-term let accommodation, likewise with the current PRT framework, which should assist local authorities in tackling anti-social behaviour. Our members have suggested that as guests tend to be more transient, the regulations should provide for the owner to make guest details available to local authorities in line with GDPR.

While the current HMO legislation can provide a useful blueprint for a licensing regime in terms of the controls and enforcement actions available to local authorities, this should not extend to the setting of quotas for postcode areas or denying owners a license. This would require evidence of past mismanagement, or failure to pass a fit and proper person test etc. The ultimate sanction should allow for the removal of a licence where significant or persistent non-compliance has occurred.

It will be necessary to consider specific requirements for larger properties with multiple bedrooms, which as result of being let on a short-term lets basis, are not subject to the HMO regulations that would otherwise be applicable. Consideration should also be given as to how this interacts with the HMO legislation currently in place.

The current health and safety compliance across the short-term lets industry is relatively poor when compared to PRTs. Both the level of applicable standards and the compliance with those which are in place are currently poor. Safety standards in PRTs have improved significantly as a result of the regulatory framework, unfortunately some view the lack of regulation in the short-term lets sector as a route to evade the requirements imposed on the PRTs, which can put guests and neighbouring occupiers at significant risk.

Our members agree that there should be parity in terms of the health and safety standards (fire detection systems, gas, and electrical safety certification etc.) between the private rental sector and the short-term lets sector. This should ensure that all guests can expect the same safety standards.

## About you

### Which of the following best describes you. Please choose all that apply:

Trade association

If you answered 'Other', please state:

### How did you hear about the consultation? Please choose all that apply:

Referred by local authority / government / MSP / councillor

Other (please state):

**What is your name?**

**Name:**

Scottish Property Federation

**What is your email address?**

**Email:**

mcatterall@bpf.org.uk

**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

Scottish Property Federation

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response with name

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

**I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.**

I consent

**Evaluation**

**Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

Very dissatisfied

**Please enter comments here.:**

The Scottish Property Federation (SPF) is a voice for the real estate industry in Scotland. We include among our members: property investors, including major institutional pension and life funds; developers; landlords of commercial and residential property; and professional property consultants and advisers.

The format of the consultation makes it very challenging to gather the views of our members and offer an industry view. An editable template would make it easier to consult and offer a collective response from our membership.

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Very dissatisfied

**Please enter comments here.:**

Please see the comments above.