

Appendix 1

Scottish Borders Council

Licensing Short Term Lets 2022

<https://scotborders.citizenspace.com/regulatory-services/short-term-lets-licensing>

This report was created on Monday 31 October 2022 at 16:31

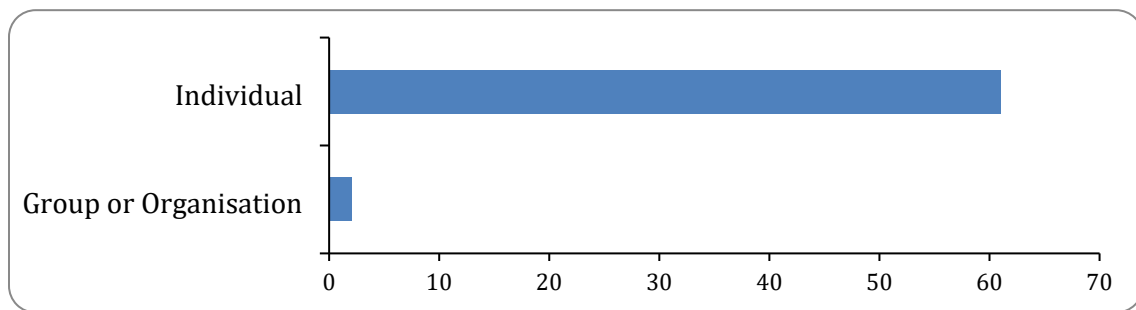
The activity ran from 05/10/2022 to 30/10/2022

Responses to this survey: **63**

1: How are you responding to this consultation?

Who

There were 63 responses to this part of the question.



Option	Total	Percent
Individual	61	96.83%
Group or Organisation	2	3.17%
Not Answered	0	0.00%

Org Name

There was 1 response to this part of the question.

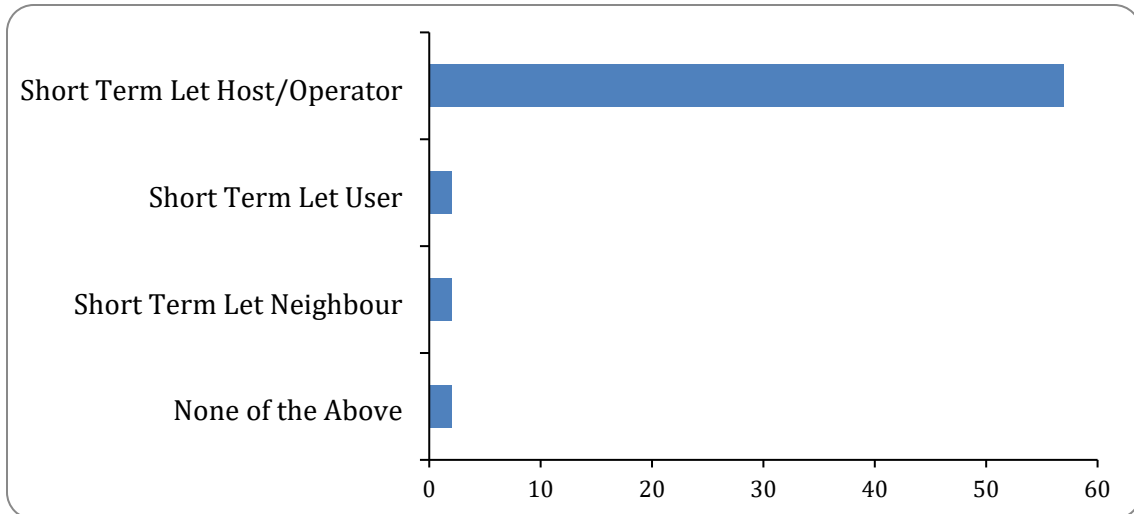
2: Which of the following best describes your short term let situation?

Type

There were 63 responses to this part of the question.

Appendix 1

Scottish Borders Council

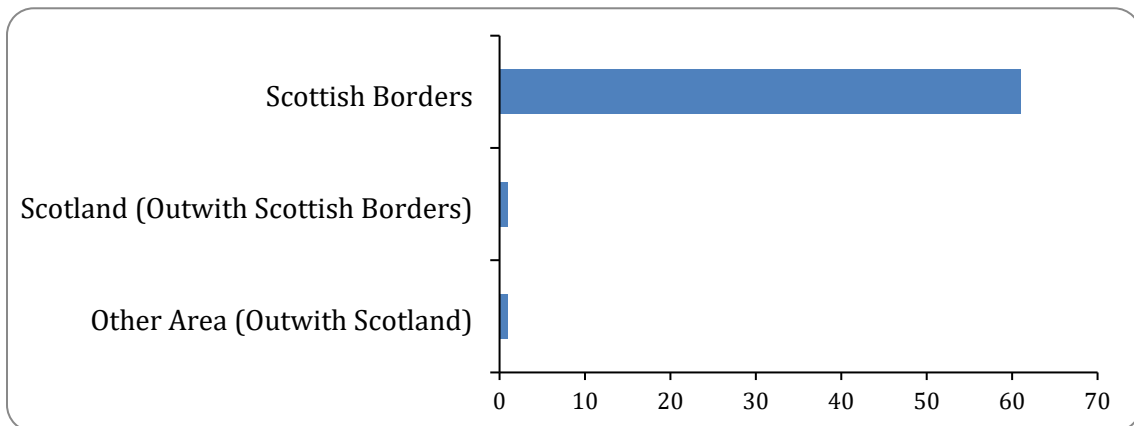


Option	Total	Percent
Short Term Let Host/Operator	57	90.48%
Short Term Let User	2	3.17%
Short Term Let Neighbour	2	3.17%
None of the Above	2	3.17%
Not Answered	0	0.00%

3: Where are you based?

Where

There were 63 responses to this part of the question.



Option	Total	Percent
Scottish Borders	61	96.83%
Scotland (Outwith Scottish Borders)	1	1.59%
Other Area (Outwith Scotland)	1	1.59%
Not Answered	0	0.00%

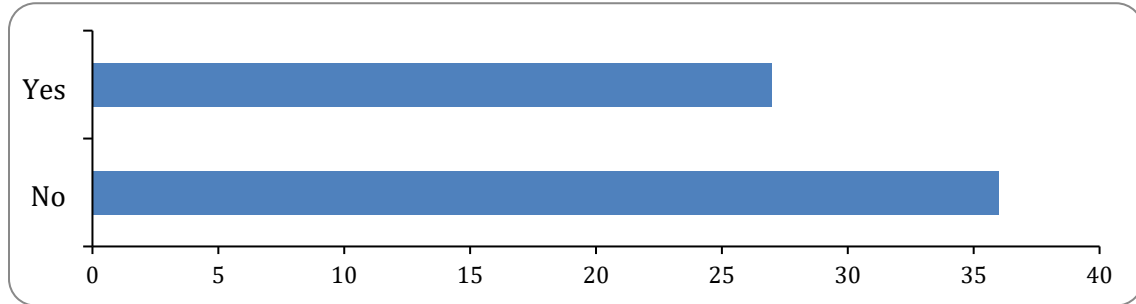
Appendix 1

Scottish Borders Council

1: Are there any parts of the draft policy statement that you wish to make comment on?

Any comment

There were 63 responses to this part of the question.



Option	Total	Percent
Yes	27	42.86%
No	36	57.14%
Not Answered	0	0.00%

If Yes, please provide details (including section number)

There were 28 responses to this part of the question.

The responses received were as follows:

Paragraph 1.4 – I feel that you already have means in place to deal with this without bringing in more legislation. It feels like you are tarring us all with the same brush.

Paragraph 17- The fees table is labelled “Home Sharing and “Home Letting”. It is not clear if the fee is for each licence or both.

Paragraph 17.3, Fees - I agree with the fee structure proposed, it seems reasonable and sensible as it must not be too expensive given all the other regulations operators have to comply with which come at a cost, the good thing about this scheme is that it will catch out or shut down those operators who fail to comply with all the safety costs which cost a lot of money but which most good operators comply with and stop unfair competition from people who fail to pay these costs.

Existing hosts and operators or New hosts and operators - Does not take account of projects already under construction prior to this legislation being proposed. In many cases considerable has been made with delays and extra costs due to Covid and other events incurred. To put such projects to the bottom of the queue for a licence because they might not have reached completion prior to 1 October is unjust. No account has been made for new projects where planning consent was granted on the condition that

Appendix 1

Scottish Borders Council

the dwelling could ONLY be used for holiday accommodation. No consideration for business or property owners wishing to invest in holiday accommodation whether by renovation or new build.

Paragraph 3.3- Exclusions- Self Catering property in the grounds of a licensed hotel- Why are hotels excluded? This disadvantages independent self-catering providers who provide a unique experience for tourists.

Paragraph 4.1- Any idea of what documents required to support the application? When will application form be available?

Paragraph 5.7- Will publication of objectors name and address prevent some objections from being raised for fear of reprisals?

Paragraph 16- Planning Permission- Is it correct that if you have been operating over 10 years, planning permission will not be required if a short term control area is introduced in the future?

Paragraph 17- Fees- As stated fees are to cover administrative costs. How are the costs therefore derived? Why does the guest capacity influence charge. Administration costs will appear to be property based not capacity based.

Appendix 2-6 – Frequency of PAT testing not stated. Please advise.

Appendix 2- Mandatory Licence conditions Fire Safety (4). Having to provide proof that furnishings (mattresses in particular) meet the 1988 regulations. Nothing in my B&B was purchased before 2002 and most has since been replaced so I am certain that these items do comply but how do I prove this. If I had to replace all the mattresses this could run in £thousands. Also, we are a totally nonsmoking establishment and have been for 20 plus years we have been trading so I cannot see the point of suddenly having to give this proof.

Appendix iii- All conditions are unduly burdensome and unnecessary.

Can we still use a letting agency if we are not local? As it looks from the draft as the person named on the licence has to manage it.

Condition 13 gives the licensing authority an unrestricted right to vary a licence. Any variation should be subject to consultation and require the licensing authority to provide reasons. Often, the operator and/or neighbours may have legitimate points to make about a proposed variation, Also, a variation could have a cost implication for operators (and therefore indirectly for guests) and it is fairer that operators can make their case or, potentially, suggest other means of achieving the same objective.

Costs of electrical testing/PAT/EPC/EICR and licence fees are prohibitive to part time home sharing.

Doesn't make it clear if we need an EPC. Not very clear about planning permission.

Appendix 1

Scottish Borders Council

Section 18- Energy Performance Certificate- What has this got to do with a holiday let?

I think that a separate type of licence should have been made for hosted accommodation. I rent only 1 room through Airbnb and it seems a complicated method to apply for a licence for 1 room. The Scottish Borders needs these rooms as a majority of my guests are students and staff from the hospital.

Noise Control in Flatted Premises and maintenance of carpets (with appropriate underlay) to the floors of bedrooms, living room and any hallway. Property with carpets is so unhygienic and difficult to clean if you have a respiratory condition such as asthma you would always choose a property with laminate flooring.

Section 16- Particularly subsections 3 and 7. I am not clear whether an existing holiday let property is counted as change of use. I assume that if it is already running as a holiday let that this isn't a change of use but I am not sure.

I understand that there won't be a short term control area in the Borders but I am not sure what 16.7 means re hosts must comply with both planning and licensing law. I assume that this links to 16.3 and change of use. Essentially I am unclear what that section means for me.

Paragraph 16.3- How will this be carried out on a case by case basis? I was of the understanding that when we applied to operate as a self-catering business in 2016 we were granted a change of use then and as such the cottage became a commercial property. We were advised at the time by the Council that we are under the non-domestic rating system as a small business due to change of use. Planning Permission appears to be applying for something that we already have and have been operating under since the business started. I hope that common sense will prevail for those who have been operating as short term lets that we do not need to apply for planning permission. Aberdeenshire Council have gone down this route.

Section 3.2 HMO licensing is both more expensive and more onerous in terms of licensing conditions than the proposed short term licensing, so for HMO holders it should either be an exemption or a special category with a very reduced fee since they will already have all relevant certifications and checks in place.

Short Term lettings need a landlord registration already. This seems like a duplicate process.

The legislation as a whole is entirely unnecessary and excessive. Previous legislation has sufficed except for the case of Central Edinburgh which could and should have been dealt with by a local byelaw. The new legislation will put an unnecessary burden on public bodies and private operators and doubtless lead to a diminution in tourism accommodation in rural areas where it has made an important contribution to the local economy.

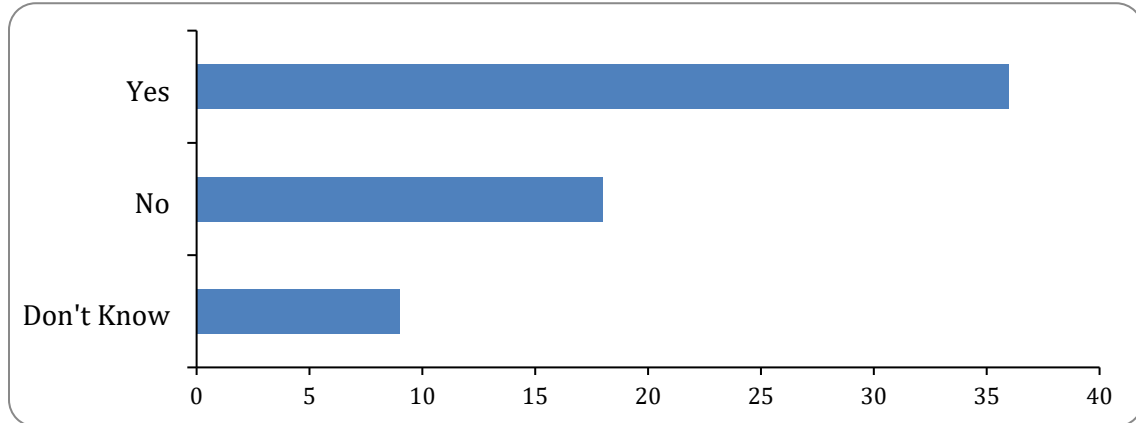
Appendix 1

Scottish Borders Council

2: Do you agree with the proposed additional conditions set out by Scottish Borders Council?

Additional conditions

There were 63 responses to this part of the question.



Option	Total	Percent
Yes	36	57.14%
No	18	28.57%
Don't Know	9	14.29%
Not Answered	0	0.00%

If No, please detail reasons.

There were 18 responses to this part of the question.

The responses received were as follows:

They are unduly burdensome and unnecessary. Operators have a duty of care towards their guests and the Council need not get itself involved with their regulation. In fact, the Council will not have the resource to monitor them.

If we own the premises and no neighbours have objections we should be allowed to have a key safe.

Seems overly careful on not disturbing neighbours- we have no neighbours- perhaps not so appropriate to rural areas.

Another way to hit small businesses.

Most of the additional conditions do not happen in hosted accommodation.

Appendix 1

Scottish Borders Council

Unreasonable. Guests could be attending a function in an alternative venue which doesn't finish until later than 2300 hours. Working guests frequently have to leave before 0700 hours. Surely hosts can have wooden floors in their homes? It should be remembered that many of the small B&B's providing tourist accommodation of one or two guest rooms provide this service in properties that are first and foremost their homes.

It is so difficult to make a living now local government and Scottish government have lost touch with the ordinary person trying to make a living.

A duplicate process. SBC already test my private water supply annually. We are now in Alice in Wonderland where I must furnish proof to one department of SBC that another department of SBC has done its job. The previous legislation for small holiday lets was put in place to provide appropriate safeguards in small properties without the undue burden of requirements suitable for large hotels. This worked well. Why change it?

Document language is a challenge- not clear.

Requirement to fit carpets in a flat seems onerous and unnecessary. Consider other floor surfaces/ modern floor construction that limit noise transference too. Having run a business for a number of years comprising laminate floors with rugs there has never been an issue with noise transference to the flat below. Also consider hygiene and allergies that could be an issue with a carpet surface.

The high level of rules and signs/notices will affect the comfort and feel of a place for guests to stay. Perhaps electronic provision to guests of the additional conditions could be agreed.

We have had an apartment as our second home and also as a holiday let since 2016 which has worked well for all parties. No pets are allowed and the flat has laminate floors in most rooms and linoleum in the small kitchen and bathroom making it suitable for allergy sufferers and is spotlessly clean for each guest arriving. All floors are steam cleaned between changeovers. Our guests are mainly middle aged or elderly and a few families with older children as it is on the second floor. We have never had any complaints.

Nearly all of these are the same as you need with a company like cottages.com. Also, will you send somebody to check all properties?

I have concerns that my neighbour will be vexatious with no good reason but to cause trouble.

I have concerns about the requirement to provide fitted carpets in flatted premises. The Five Turrets isn't a flat itself but there is a flat underneath. It is an unusual building with a very large triple height living space which used to be a billiard hall. The flooring is the original narrow polished boards and I am very concerned that we will be forced to carpet the entire area under these conditions and very much hope that provision can be made for reasonable exemptions.

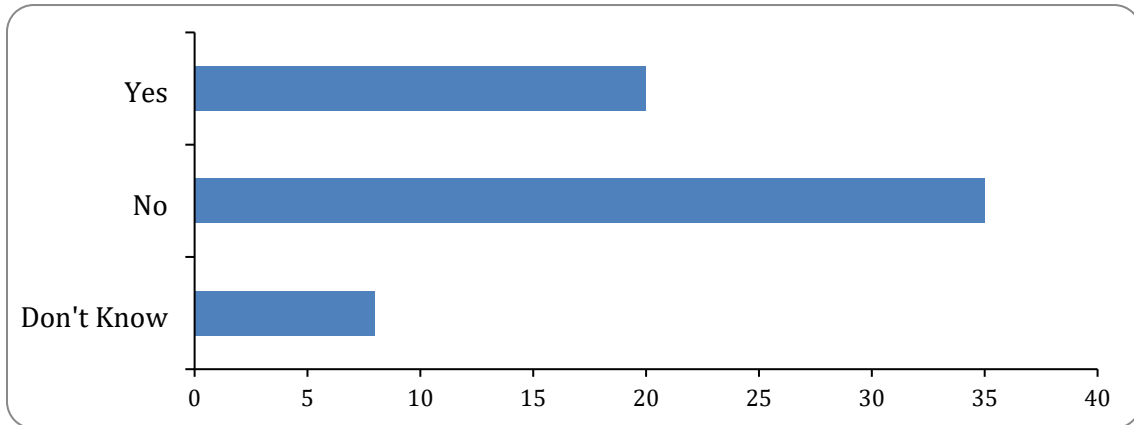
Appendix 1

Scottish Borders Council

3: Do you think the fee structure is fair?

Fee OK

There were 63 responses to this part of the question.



Option	Total	Percent
Yes	20	31.75%
No	35	55.56%
Don't Know	8	12.70%
Not Answered	0	0.00%

Any comments about the Fee structure?

There were 41 responses to this part of the question.

These responses were as follows:

Can I ask how you come about these figures?

Don't know what's fair and what's not fair because I haven't had to do this before so have no benchmarks.

Every requirement for a licence is the same as for insurance. No one in their right mind would hire out their house for B&B without full insurance cover so why the duplication and extra cost?

I don't think it is clear enough. Is the fee per property and varies on the number of occupants per property?

Appendix 1

Scottish Borders Council

I see the fees are based on guest capacity but it is not clear if the fees are chargeable per property or per licence. I understand that where an operator has multiple properties at the same address then only one licence is required. If it is one fee based on the guest capacity of all properties at the same address then it is fair.

It depends how often renewal has to happen. For people with more than one property if renewals were annual that would be a heavy cost.

If fees are to cover administration costs how are they derived?

Why does the guest capacity influence the charge? Administration costs appear to be property based not capacity based.

The fees table has a column headed " home sharing and home letting" .If the fee payable is for each licence I believe that it is unreasonable to be charged twice especially if both licences are applied for at the same time.

Compared to Landlord Registration the costs seem high.

Consider average annual occupancy for fee levels rather than the maximum. Most of our bookings are for two guests but we occasionally take bookings for 3/4 guests. Our average annual would be 3 guests per week when the flat is let out

Fees are high on top of other associated costs of safety certification.

For two small lodges it is going to be £335 each- there should be a discounted fee for the second one on the same land. There is a huge difference between a cottage let and our two small wooden lodges.

Given that the burden of all tests, equipment and checks is on the host the fees are excessive. The Council could be mindful that the hosts are providing essential services to tourists and visiting workers and the fees will be passed on to them. To keep employment and services contributing to the local economy the extra tax should be minimal. The statute is clear, the fees must reflect the cost of the process.

Having open ended fees in the event of a complaint is unfair. There should be no fee for investigating a complaint. The cost of doing so should be covered by the licence fee.

Fee structure is unfair. No consideration has been given to seasonal letting. Some B&B hosts only open April/May to October each year.

This seems like a lot of paper work with the Council charging us for bringing people into the region to spend money. What exactly do we get in return? I would seriously consider long term lets to avoid this complicated upheaval.

It is a bit steep for one room hosted accommodation.

It is another unwelcome expense.

Appendix 1

Scottish Borders Council

It is more expensive than I expected. I thought that it would be £200-£300.

Many letting businesses already pay significant fees to letting agencies who often insist on a high standard of health and safety environment. There should be a reduced fee for lets who use a recognized and accredited agent which will reduce SBC workload and recognise that there is already a high standard for many SBC rural lets.

Most of the checks have previously been completed through the planning application process for designed tourist accommodation. The additional cost should be discounted or waived for establishments who have already been granted planning permission for tourist accommodation.

In light of the current economic climate this is another cost that is going to be detrimental to our business.

No doubt it will double within years.

Perhaps a fee each time a property is not occupied for the whole year.

Seems fairly steep when fuel prices etc. are all rising.

The hospitality industry is already on its knees, the additional licensing costs will have to be passed on to guests thereby increasing the weekly costs which will cause further issues within the hospitality industry.

This is just another cost added along with the extra costs involved for gas/ electrical certificates. Our gas boiler is serviced annually and our electrics are in very good condition but we will now be subjected to additional costs to have reports raised to comply with regulations.

This licence could have been given for free bearing in mind the costs involved in complying and that we are still recovering from the loss of income brought about by Covid and the subsequent restrictions.

Too expensive. The whole process is completely unnecessary and burdensome. We now appear to be living in a Soviet state.

Too high and will put off those who rent out their rooms in their homes- as well as the costs associated with having to get all the other documentation. It isn't worth it for home owners to rent out occasional rooms.

Unfair when holiday lets used as a business and bring in a large income to the local economy. This is yet another expense to an already stretched economy with more people going abroad rather than staying at home for staycations.

We already pay Corporation tax on the limited company profits and personal taxes at a time when we are already being hammered on heating and energy costs introducing what

Appendix 1

Scottish Borders Council

amounts to an additional tax for operating a specific type of business is unfair and discriminatory.

We have already paid significant fees towards a full planning application with SBC which covers many of the points in the application.

We were originally told at the ASSC roadshow that it would be £250 for up to 4 guests.

The cost for a renewal every three years should be lower.

Fees must not be increased in the future without consultation.

I think that the fees are fair.

SBC are to be commended on the proportionate level of their fees.

1: Do you have any final thoughts about Short Term Lets in the Scottish Borders.

Final thoughts

There were 48 responses to this part of the question.

These responses were as follows:

I do not think this is the time to be bringing in this legislation. It is not necessary in the Scottish Borders. It seems that the reason it has been brought in is to deal with problems in Edinburgh.

They are vital to the economy of the Scottish Borders. Do not do anything to discourage them.

It will reduce the number of holiday lets available and encourage visitors to this lovely part of Scotland to stay in large hotels or not visit Scotland thereby reducing tourism and the income which this brings into the area.

I don't think it is fair. Accommodation businesses have been so badly affected by Covid then by the increase in utility bills and now to hit us with extra work and expense which is totally unnecessary for a rural B&B which has been operating for in excess of 20 years without any complaints. If this licensing is really necessary then it should be free or determined by length of trading.

Short term lets have operated very successfully for decades without this type of regulation. The sector has supported tourism in the Scottish Borders and in doing so has been an important contributor to the local economy. The Council should therefore adopt a light touch approach to support operators and avoid becoming an overbearing regulator.

Appendix 1

Scottish Borders Council

SBC has taken a sensible and pragmatic approach to the implementation of this legislation.

When using part of your home for short term letting there should be no need for energy performance certification. Also, difficult to obtain fire safety documentation for furniture that has been in place for a few years if the labels have been removed at the time of purchase.

Bad idea. What are the Council going to use the money for?

I agree to licensing for non-hosted accommodation to protect the neighbours from noise and disruption but do not think that it is necessary for hosted accommodation.

Very good at the moment. Do not impose any more rules or you will kill the small businesses and local tourism will suffer. Will just go somewhere else other than Scotland.

It seems like a pragmatic approach. However, I will have more of an opinion when I see how the actual application process works and also how quickly the Council is able to process applications.

Our small villages and towns are very reliant on tourism and I think that this sector is a vital part of the region's economy.

The aims of safety and a curb on over short term provision are fair, yet to expect first time applicants to get every detail right on application is maybe not fair as they should be able to get advice and time after applications to get it right without being threatened with licence refusal.

Another money making scheme.

Kelso currently has four B&B's but soon there will only be two. These new rules and regulations are not likely to bring in new businesses any time soon. Having said that, I appreciate you are compelled to bring in this licensing regime by the Scottish Government.

I understand why these licences are being put into place but small businesses like ourselves in the Scottish Borders are being grouped together under the same umbrella as city centre short lets.

The potential extra cost of applying for a licence and meeting all the mandatory conditions is very scary. As a professional operator I appreciate everything that SBC is doing to keep licence application costs to a minimum. The ASSC was complimentary about the SBC proposals.

Tourism needs support and the Scottish Borders needs tourism.

Provided there is a practical and sensible approach to all of this the draft policy circulated is relatively fair and reasonable.

I think we are important to for the tourist industry in the Borders.

Appendix 1

Scottish Borders Council

Yet another barrier to small businesses at a time when the Scottish Government and Councils should be removing barriers to assist small companies. This policy should only be applied in areas where there are problems.

Many will close their businesses due to increased utility costs coupled with this new licensing requirement.

Hopefully the application will be easy. Do not make it too complicated please.

We have run a small B&B for 7 years and have had no problems. We now find that due to events in the inner cities we are being subjected to extra cost and we find that unnecessary.

The licence system will add to business costs and adding further onerous conditions also adds to costs. This may impact the viability of businesses.

I think from a safety aspect it is a good thing but maybe a more approachable way of doing it is required.

The principle of licensing is good however it should have been implemented differently. For example, all short term lets should be via an agency where it would be easier to enforce and monitor.

We would be very sorry to cease trading but will do if the carpet ruling is unfairly imposed.

Yet more bureaucracy, uncertainty and expense to deal with. There is a danger that this will result in people just selling their properties meaning there will be less accommodation for tourists.

Do not scare people away from providing this opportunity by making everything so costly and complicated.

I am glad that this is out now. Seems fair and reasonable. I don't think that any good hosts will have any difficulty complying.

The Government's short term letting licensing legislation is both punitive and ill advised. If not implemented carefully and sympathetically it will create a situation where the Borders will lose out and find that local provision disappears fast.

I think it would be better if this was targeted at people who have a second home to let as an Airbnb, as this results in there being less homes for people to live in, however I think it is good that a step is being made.