

From: [REDACTED]
To: [REDACTED]
Subject: 20 11 989
Date: 22 August 2022 14:53:52

From: [REDACTED]
Sent: 22 August 2022 13:23
To: [REDACTED]
Subject: Short Term Lets (Case Ref: GD1282)

Dear [REDACTED]

RE: Short Term Lets

I am writing with regard to the recently launched consultation on short term lets legislation in Angus.

Constituents have been in touch with me to voice their concerns over the consultation as, in their view, it does not reflect the rural letting market that Angus has.

The main concerns that have been brought to my attention are the implementation of a "one size fits all" approach. This includes the installation of carpets, check-in times and a 9pm curfew.

I would therefore be grateful if you could provide an understanding of how Angus Council might engage with those in the rural letting sector, particularly the agri tourism sector, to fashion a workable and appropriate policy which recognises the distinction between urban short term lets and those in remoter settings.

Thank you for your attention in this matter.

Regards,

[REDACTED]

Please note that all personal data provided has been processed in line with the General Data Protection Regulation. This matter has been undertaken on the basis of public interest-democratic engagement.

The office's privacy notice can be found at [this link](#). Please refer in particular to the relevant section, headed Casework.



21st August 2022

Response to Consultation on Licensing of Short Term Lets to Angus Council.

To Whom It May Concern,

I am writing in response to the above consultation and would like to highlight my main concerns. The Licensing seems not to take into consideration the huge variety in self catering properties in Scotland, their location and also the variety of guests we cater to. Some of the rules will also impact other businesses in the area who benefit from the custom of our guests.

Background to Our Business

- We are an agritourism business based at the foot of the Angus Glens. The farm the self-catering accommodation is on is 100 acres of upland ground.
- We have two semi-detached, converted cattle courts, one sleeps 8 people and one sleeps 4. We also have 8 Glamping pods which sleep 2 people. They are situated in a stand alone area with only the next pod as a neighbour.
- The farm has no near neighbouring houses, I live in the farmhouse onsite.
- We are rated Visit Scotland 4*.
- We have very high occupation rates, bringing over 1000 people into the area every year, most of which will spend out with our business.

Main Concerns

The cost of the license is unknown and a big concern in the current economic climate. COVID had a hugely negative impact on our business by way of lost revenue. We benefitted from the 5% VAT rate for hospitality but unfortunately, we are now back to paying 20% VAT. The costs of heat and light are soaring uncontrollably and unsustainably, staff costs are increasing, and all inputs are also rising, some of them weekly! Therefore, any additional costs to our business, both to meet the conditions of the license and to pay for the license itself, are coming at the worst time possible.

Reference Appendix G – Possible Additional License

No. 12 Facilities in the garden such as hot tubs, swimming pools, bars or BBQs cannot be used after 9pm

- We have no neighbouring properties aside from the other holiday let and my own house so being in the hot tub after 9pm has no consequence to any neighbours.

- How would this rule be policed? If the guests choose to use the hot tub after 9pm are we liable or are they? Are we responsible for doing spot checks throughout the night?
- Many people use the BBQ after 9pm also, when you are on holiday you are meant to be relaxing and not rushing around. Also, how can this rule be policed? Do we have to go out and remove BBQs at 9pm?
- Our glamping pod guests are generally couples and enjoy using the hot tubs late into the night, and often again in the morning before they leave, again they have no neighbours and using the tubs after 9pm is not affecting anyone else in the area.
- Many of our guests will likely but put off booking if this rule is enforced, this in turn will have a knock-on effect for not only my business, but for many of the businesses in the area who benefit from the extra people brought to the area.
- We employ 3 part time cleaners, a part time hot tub maintenance person and a part time groundsman for the holiday accommodation and if we have a downfall in visitors due to the 9pm curfew, jobs will likely be lost.

No. 5 Carpets

- The ground floor of our property is tiled in living areas, kitchen, bathrooms. It has underfloor heating. Carpeting the living area would have no benefit whatsoever to anyone.
- Again, we have no neighbours, other than other holiday properties.
- We are dog friendly; carpets are not and would likely require shampooing after each dog staying – neither environmentally friendly or cost effective.
- When people come indoors after being in the hot tub, carpets will get wet and spoiled.
- Tiles are far more hygienic and easily cleaned than carpets.
- We are wheelchair friendly, tiled flooring makes wheelchair use much easier.

No. 6 Times Guests Can Arrive or Depart

- In general guests check in at 4pm and checkout by 10am.
- Understandably when people are on holiday, they will go out for dinner etc, supporting local businesses, and may not be back at the residence for 11pm.
- Again, I don't know how this rule could be policed.
- Some people travel a long way to get here, may be held up in traffic etc and arrive after 11pm – we leave the key in the door for them so they can arrive when suits.
- Others may want to embark on their journey home early if they have a long distance to travel. I'm sure it's not in anyone's best interests, our business or those surrounding who benefit, to specify when someone must arrive by and when they can leave, they may well be put off visiting.
- Again, we have no neighbours which are houses so no one is impacted by arrivals or departures.

No. 11 Amplified Music

- Music playing has no impact on neighbours as we have none.
- Again, when on holiday, we are meant to enjoy ourselves and relax, music is often involved for many people.
- It may again put some people off coming, again impacting not only our business but those in the area also.

In summary, the cost and added work involved in obtaining the license is likely to put off a lot of accommodation providers and guests alike. Angus is and should be a top tourist destination and the tourists all need places to stay!!

The Scottish Strategy launched by Cabinet Secretary Mairi Gougeon last year set out plans for Scotland to double the size of the Agritourism Sector creating 10,000 jobs and more than doubling the economic impact of the sector. This seems very unlikely going forward as many businesses will be put off diversifying if costs and bureaucracy are put in their way. Many guests will also likely be put off visiting if they have to abide by the rules outlined, when they can simply stay at home and enjoy listening to music outside and BBQing after 9pm!

[Agi Tourism Strategy \(visitscotland.org\)](https://visitscotland.org)

Yours faithfully,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: Consultation document
Date: 18 August 2022 09:34:20

Hi

I have had limited time to read and digest the document properly but things I noted from a quick read were-

1) prior to being asked to complete such a vast amount of paperwork I think people need to know how much the license will cost. I will not be embarking on such a huge amount of admin unless I know the cost is not prohibitive.

2) requirements around advertising the application to neighbours could be clearer-do we need to attach signs to lampposts ourselves or do the council do this?

3) PAT testing certs-as far as I'm aware these aren't legally required and since everything in my let is brand new, it has not been PAT tested yet. I'd expect guidance as to when this is required and how frequently it should be renewed.

4) provision of floor plans-this is no issue for me since my property was renovated only last year and do I have these from planning application but it might prove costly and burdensome to those who have owned their property a long time. Im not sure the benefits to the council are worth the extra hassle and potential cost created by this requirement?

5) it's unclear what is meant by a 'house' for properties not requiring planning permission. Does this include flats, semi detached, etc?

6) in general the extra cost and administrative burden caused by this process (it looks like an awful lot of requirements!) are making me consider the future of my holiday let. It would be easier and probably more lucrative for my property to simply be a rental. This is a shame since it employs a local business to clean, I've had feedback from local businesses that my guests have been spending money with them etc and I have had a very high occupancy rate (with nice guests) since I opened in may. However, the rates I would need to charge to cover the ever increasing power costs, aswell as the licensing costs would make it difficult to attract guests.

Along with this I've to be wary of not having less than 70 nights' occupancy to avoid ending up paying double council tax instead of just water and waste collection. It could reach a point where I'm having to let it at a loss to make the 70 nights to avoid a huge council tax bill next year, when it looks like people are not going to have the money to pay the rates needed to cover my ever increasing costs.

I can't imagine I am alone in this thinking and feel that holiday let's bring a lot of tourism benefit to Angus.

Thanks

[REDACTED]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: Draft short term let consultation response
Date: 17 August 2022 15:10:26

Dear Sir/Madam,

Please consider my comments on your wording of clauses

1. Requirements for application.

I do not agree we ought to be asked to produce an annual flue/chimney clean report, this is something we do ourselves and don't see the need to pay for yet another tradesman to attend each year

Can you reconsider the requirement for new electronic plans to be prepared, the expense will be significant to engage architects to draw these and the mounting costs of the licensing is very concerning

Can you clarify what an emergency plan is please.

Regards AppendixG

I resist the suggested inclusion of point 5 re carpeting as our floors are wood or tiled which is not going to change as being pet friendly and wheelchair accessible is aided by hard floor areas.

I resist precluding guests from using gardens after 9pm, this is just not reasonable as often guests in summer enjoy spending evenings outdoors and cause no issues so doing, if noise were a problem it would be covered elsewhere in your guidance adequately.

We take our responsibilities to be responsible and respectful and safe on board but it must sit alongside the need to be financially viable and not offputting to our guests.

Thank you

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Subject: Draft short term let feedback
Date: 19 August 2022 13:32:44

To Whom it may concern,

I own and run a small business in rural area in the Angus glens. I have two small pods that are my main income. The business was granted planning permission in 2019, and the business opened in October 2019.

People come here to enjoy the peace and tranquility, and the outdoors.

My main objections are fitting carpets into the pods. They are dog friendly , and guest come here for the outdoor pursuits. Carpets would not be practical on any level, and would not be hygenic at all for the type of accommodation I provide. The hard floor, means it is easily cleaned and sanitised between each guest.

Secondly the rule about not allowing anyone outside after 9pm. Most of my guests enjoy sitting outdoors and enjoy having a camp fire in the fire pit provided. They are quiet and disturb no one. I can't hear them, and I've no issues with them sitting out at night. I request that noise be kept to a minimum after 10pm.

I feel that some of the requests in this draft are suited for people that let flats in the city. It is irrelevant to the likes of my small pod business.

I await costings for this licensing , as well as all the other costs to meet your requirements. Given this business was part funded by leader, I feel it would be a shame to close it doors due to escalating costs incurred by the Scottish Govenment, and it's requirements and legislation, after what was already a very hard couple of years during COVID. The business makes a modest income for 6 months of the year, and it would struggle to continue and would not be worth keeping it running.

Regards

[REDACTED]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: draft STL consultation
Date: 21 August 2022 17:57:22
Attachments: [image004.jpg](#)

I am writing as requested with regards to the above.

I have a number of concerns in relation to the consultation. As an award winning tourism business in Angus I do believe that meeting standards which keeps guests safe is very important. My hospitality business prides itself on offering guests an amazing visitor experience to promote what Angus has to offer and our rural location is key to this. We meet our guests and live in close proximity to our accommodation (including within it) so we do not have any issues with guests which could affect our neighbours. Our B&B does not take housing away from others as it is our family home and our single holiday cottage provides an income to the farm business to help us remain viable having faced many economic challenges over the last few years. The cottage is also used as holiday accommodation until such time as one of our children will need a home and is part of our farming tenancy so would not have been available as housing in the normal sense of the word.

Firstly, there is no mention of the likely cost of the license and I would have thought a consultation on the possible cost to the accommodation providers would be useful and necessary to comment on.

Secondly, a distinction should be made between rural and urban properties for some of the proposed conditions in Appendix G. For example, I operate one self catering cottage and 1 ensuite bedroom within our farmhouse as a B&B. Neither of these properties has neighbours within half a mile. To say that (11) music cannot be played in the garden should not be a consideration with this type of accommodation. Nor should the (12) use of barbecues and hot tubs etc after 9pm be prohibited as any use of this type has no impact on anyone in the surrounding locality. How would you propose that this be governed? If I had a guest hot tub I would not be approaching any guests to ask them to get out of a hot tub if it was after 9pm.

Lastly, (5) all bedrooms, living room and hallways to be carpeted? Our properties as VisitScotland 4 star graded. One of my properties has a lounge where we have laid real oak flooring and the other we have the real oak flooring in the hall. Both these properties are ground floor guest accommodation and having carpets would have no benefit to anyone. In fact it would have a detrimental affect on any guests with mobility issues or allergies and this should be considered. We are also pet friendly which having carpets is not. The wooden floors are easily cleaned and disinfected and we have had problems in the past with damage to carpets which I would not like to return to. The location of these properties with no neighbours means these suggestions are not relevant.

I have further noted that in 7.1 it is mentioned that all applicants must have planning permission in place. I have operated our self catering cottage and B&B for over 10 years and dont have planning permission but am registered as a self catering property (not sure I need it for the B&B either as I only have 1 guest room currently in a domestic farmhouse which I am sure exempts me?)

Regards

[REDACTED]



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] mail unless you really need to.

From: [REDACTED] on behalf of [LEGDEM](#)
To: [LAWlicensing](#)
Subject: FW: Short Term Lets Policy Consultation : KIWCC (Response I)
Date: 18 August 2022 10:57:54

Please see email response to letter sent by [REDACTED] re Short Term Lets Policy.
Responses to be sent to LAWlicensing@angus.gov.uk

Thank you very much.

Kind regards.

[REDACTED]

Sent: 18 August 2022 10:21

To: LEGDEM <LEGDEM@angus.gov.uk>

Cc: [REDACTED]

Subject: Short Term Lets Policy Consultation : KIWCC (Response I)

Good morning,

Thank you for inviting KIWCC to contribute to this draft policy. However, the deadline for contributions seems unreasonably tight given that most contributors will be at peak holiday season - and in the midst of school holidays - which is particularly unhelpful.

That said, I have received one response from an local resident and operator of holiday properties, which is shared below. It is important to say that other verbal comments I have received suggest these concerns are common amongst others who operate short term lets. I will forward any others which are shared with me as soon I receive them but other respondents may submit direct to Angus Council.

From [REDACTED]:

Personally the whole STL policy is a nightmare for us in costs and effort. There are many self catering lets in the glens and the amount of tourism trade that could be potentially lost would have a knock on effect to all our rural outlets and villages, should this new license become too onerous/expensive.

I hope the council are aware of how many holiday let properties there are in their remit, and that this license is very likely to force closures due to onerous extra costs, leaving empty properties etc that cannot be put back into the housing market. Our property would fall into that bracket and it is a serious issue, other properties could be flats/small cottages within grounds or attached to main residences that cannot be sold separately leaving more empty properties.

Angus Council have not given any indication of the cost of this license which could be the end of trading for many, the threat generally has been these licenses will run into over £1000 per property on top of other extra costs to get the license. I of course recognise that we must all trade safely and within law.

One of my very real personal concerns is the vulnerability I felt on reading the document and looking at the templates for advertising the property applying for the license. In the past I have held a HMO license in Edinburgh and had to stick an application on a lamppost with my name, home address etc on it for all to see. However doing that in a rural area with an application that is telling all it is for a STL property i.e. a Holiday property makes me feel vulnerable for my property. Advertising the fact it may not always be occupied and alerting possibly an undesirable situation arising. I would be interested to hear the views of Tayside Police who I see are to put their comments forward, on rural areas which will all be applying at the same time this year for these licenses and therefore some areas will possibly have numerous notices advertising properties that will be in their quietist trading period!. How they would anticipate dealing with a rise in possible break ins/property damage etc.

I also attache couple of other points below as they relate to specifics on the consultation document:

Appendix C (Required Information) section 2 (page 19) – Layout Plan.

The draft policy advises that a digital (pdf.) Layout Plan at scale 1:100 (or more detailed) would be information required for a Short-Term Lets Licence application in Angus. There are already costs associated with obtaining the documentation legally required for a holiday let (EPC, EICR, PAT Report etc.) Producing an accurate, to scale Layout Plan with measurements will likely, for most owners/operators, require professional input which would mean a further cost on top of that of obtaining legally required documents and the, as yet unknown, cost of a STL licence. Could less costly methods which are easier for owners/operators to produce (such as photos or videos) be utilised to demonstrate compliance of things such as the width of escape routes? Although it is acknowledged that the layout plans are the easiest way of showing the layout of the rooms in a property, the need for them to be to scale does mean that most owners/operators will need a professional to produce a document specific only for STL licencing.

Appendix E – Application Form – Document Checklist (page 28) –“I have installed smoke detection (wired in)”

The use of “wired in” when confirming that an owner/operator has appropriate smoke detection installed is of concern. The current legislation in respect of Self-catering Premises in Scotland (if occupied by not more 10 persons) states that “Alarms should be installed in accordance with the manufacturer’s instructions. Alarms should be powered by either: a long-life tamper-proof lithium battery or equivalent; or mains electricity (with an additional stand-by supply in the form of a battery or capacitor).” It is excepted that smoke detection should be interlinked within a short term let however this can be achieved wire-free using radio-linking and it is also accepted that if there is opportunity (when repair or redecoration is being undertaken) consideration should be given to installing mains-powered alarms. However, by requiring an owner/operator to confirm smoke detection is “wired in” when apply for an STL licence, is Angus Council going over and above the required legal standard and expecting all short term lets in its area to have mains powered (wired in) smoke alarms at the time of application?

Best,

██████████
██████████
██████████

----- Forwarded Message -----

Subject: [REDACTED]

Date: Mon, 8 Aug 2022 16:22:55 +0000

From: LEGDEM <LEGDEM@angus.gov.uk>

To: [REDACTED]

Please see attached letter and Draft Short Term Lets Policy for the attention of The Chair of your Community Council.

Thank you very much.

Kind regards.

Sent on behalf of [REDACTED]

Team Leader – Legal Services

[REDACTED]

[REDACTED] N |Tel

[REDACTED] | LEGDEM@angus.gov.uk

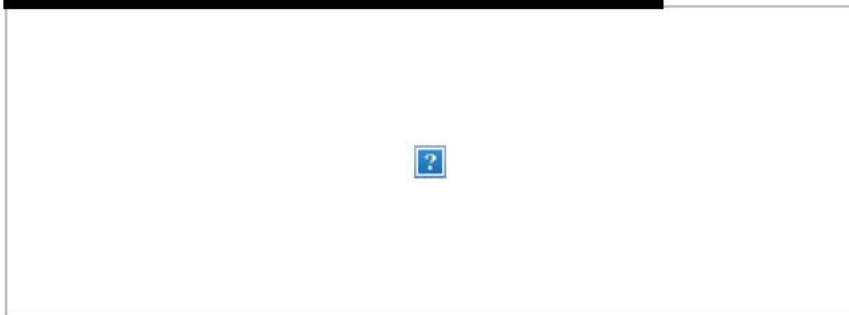
[REDACTED]

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Subject: Fwd: STL licencing scheme
Date: 02 July 2022 20:55:11
Attachments: [blocked.gif](#)

Best Regards

[REDACTED]
[REDACTED]



----- Original Message -----

Subject: STL licencing scheme
Date: 2022-07-02 20:53
From: [REDACTED]
To: [REDACTED]@
Reply-To: [REDACTED]

Good Afternoon,

I am writting on behalf of some of our members of the Scottish Guest House and Bed and Breakfast Alliance.

I am seeking some clarification on the STL licencing scheme that is to be introduced later this year.

I refer to the legislation passed and the details on - <https://www.legislation.gov.uk/ssi/2022/32/made>

Specifically to the types of accommodation listed to be excluded:

Schedule 1(c) a hotel which has planning permission granted for use as a hotel,
We have refered to Town and County Planning (use class) order 1987 document which states that permission within class 7 (operating as a hotel or guest house) would not need to seek further planning permission unless for a change or use to an other business type.

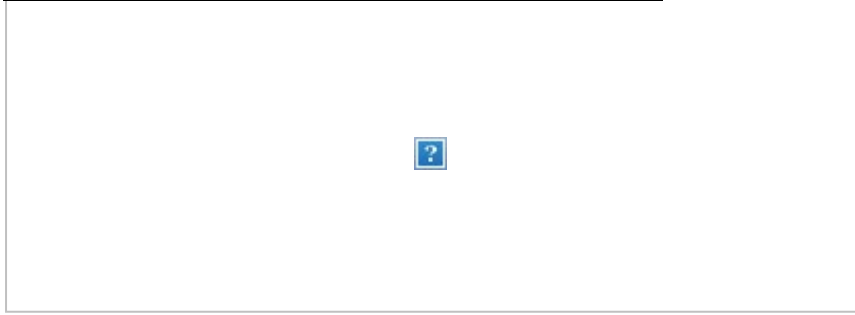
I also note that in the guidance notes for operators that - use class 7 properties are excluded 8.6 (37) - <https://www.gov.scot/publications/short-term-lets-scotland/licensing-scheme-part-1-guidance-hosts-operators-2/pages/8/>

Can you please confirm that all class 7 properties within your area will not be required to apply for a licence?

We look forward to hearing from you at your earliest convenience.

Best Regards

[REDACTED]
[REDACTED]



From: [REDACTED]
To: [LAWLicensing](#); [REDACTED]
Subject: Licensing of Short Term Lets 2022 - Comments
Date: 22 August 2022 08:44:34

This consultation document was forwarded to me five days before the consultation period expired. The short window of consultation is insufficient to enable effective detailed consultation by the majority of those impacted by the proposed policy.

Communication

As a long term owner of a small holiday let within rural Angus I note that consultation and communication refers to specific items being submitted in electronic format PDF and others documentation being submitted in paper form.

Unfortunately there are areas within Angus (Quharity Glen to name one) which despite best efforts do not benefit from reliable internet service. Whilst this is not part of this consultation, effective communication access should be addressed by Angus Council with the appropriate providers - primarily Openreach (who incidentally recently have quoted £1.2 M to provide reliable cabling to our holiday Let at [REDACTED]).

Impact

Short term letting has in some areas caused problems with antisocial behaviour, restricting local housing stock. It also provides a not insignificant service and is not only used for holidays but is used by people who may have been temporarily displaced due to planning conditions (11 month holiday park occupancy restrictions), alternative accommodation during property repairs, temporary staff working locally, as an interim accommodation during house move. The majority of visitors contribute significantly to the local economy.

Cost Impact

In the event licensing requirements and cost associated with the application make the property, as a let, unviable, it is likely that a significant number locally will be withdrawn from the short term let market and will be returned to being incorporated back into private homes (or largely unused private second homes).

Flexibility

I am particularly encouraged to note in section 3.4 the statement regarding not following the policy inflexibly and that individual licences will be determined on its merits. I believe this is essential to assist the maintenance of effective short term letting stock.

Application

Appendix G - Possible Additional Licence Conditions

I would request these are not normally applied and only applied in the event there is a specific need.

Administration Impact

I do understand the need to ensure safety and legislative compliance within the Short Term Let market, but am concerned about the cost of the additional administration and resources for the both the owners and council, particularly at a time when cost are rising so fast. This will inevitably result in increased cost which will have to be passed on.

Feedback

Please ensure I am communicated with directly relating to further consultation and implementation of this policy.

Regards



From: [REDACTED]
To: [LAWLicensing](#)
Cc: [REDACTED]
Subject: Licensing of Short Term lets consultation
Date: 09 August 2022 16:08:09

I am currently an Airbnb host and having read the consultation I have some comments.

My type of property is not listed. It is a double upper flat in a detached house, so neither in a block of flats, or mixed residence flats.

The list of certificates to be produced is quite mind boggling. I have no idea where, or from whom I would obtain some of these, and the cost is likely to be horrendous.

Why do you require wired in connected smoke detectors? I have already invested in battery ones to meet new Scottish legislation and these are legal for residential properties.

Is a Legionella certificate required for properties using a combi boiler, as I have.

Is a chimney certificate required in cases where the woodburner is not used?

I have successfully run my Airbnb for 4 years, helping me to pay for the upkeep of my flat whilst living elsewhere but still enabling me to use the property myself on a regular basis. I will now have to consider selling the property if I can't afford the cost of the certification.

I find the amount of documentation proposed to be vastly excessive. Recently i offered, at my own expense, to provide my Airbnb property for the use of Ukrainian refugees . When an officer from Angus council visited they certified my property as meeting the requirements for Ukrainians to stay (inc. battery operated smoke detectors) without the need for most of the documentation you are proposing. How can all the documents you require be considered reasonable and proportionate?

I would need to get planning permission before knowing the cost of the certification or the license so may end up getting it for nothing when I discover the costs of the latter. Could you not provide a guide to costs?

When Angus Council is trying to promote Angus as a tourist destination it seems contrary to put so many obstacles in the way of holiday letters. The situation in Edinburgh is well known, but this is not the case in Angus and I fear this will lead to a lack of accommodation for tourists and massive price rises for those who manage to comply, to cover the additional costs.

I am extremely worried about your proposals.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: Licensing short term let's draft feedback
Date: 19 August 2022 17:09:03

To whom it may concern,

I have read through the draft document in regard to the licensing of short term lets and have a number of queries.

My current position is that I have run a bed and breakfast for 18 years, the house I own has been used for this purpose for at least 30 years. As far as I am aware it has never caused any problem in my area in fact has probably been of benefit to the rural economy as a whole.

In regard to an application for a license will I have to display a sign for 21 days? It would appear odd as the house has been a B&B for so many years without incident.

My house is registered for council tax purposes as residential and possibly falls under use of class 9, although I am not sure if this is the case. There were no legal details when we purchased the property in 2005.

The new legislation seems to be mainly geared up to premises which are not owner occupied, from reading the draft document I presume I come under the category of home sharing.

I spent £600 last November installing wifi interlinked smoke and carbon monoxide detectors in compliance to the new Scottish Legislation, however it appears from your document that this now needs to be hard wired. My house was built in 1907, it has many period features which include oak panelling on my main rooms, it would be unsightly and very difficult to instal a hard wired system, why is it the case that I have to put in a hard wired system? It is shown in brackets on the check list. I am compliant with the current domestic legislation in place with the new system I have.

Summer season for me ends mid September, due to the massive increase in energy and food I will only be providing accommodation for medical students over the winter. The students I accommodate are individuals who are completing their medical placement in the local GP practise, this is organised by the University of Dundee. I have been taking these students for at least 14 years, is it the case that if I only have student guests staying I am exempt from the new legislation?

In regard to carpeting, is a owner occupied B&B exempt from having to be fully carpeted in the front hall area? I understand if you have a flat that you rent out with others below but fail to understand why this is a specific requirement for a B&B.

Why do I have to provide an energy certificate? I pay all my bills and not my guests, I do not understand why this is needed. Is the council going to take any action should my home nit be energy efficient? I can understand if guests have to pay for their own use energy in the accommodation such as a self catering apartment or holiday cottage, can B&Bs not be excluded from this?

There has been no details of what the actual cost of a license will be, when will this be announced? From a business planning point of view it is important to know the cost implication.

Every single test certificate that has been asked for has a cost implication to the owner of the business, as a rough estimate on my home the approximate costs will be an additional £500 for various reports requested.

When I first started trading in the village there were eight bed and breakfasts, there are now only two of us left, it is a market which is needing support to survive and not more costs. Profitability is already severely challenged, could some of the legislation be reviewed from a B&B point of view?

I appreciate that clean, safe premises are essential but feel that owner occupied property is being categorised as being the same as self catering non owner occupied property.

Communication of the changes of legislation has been poor, I only received an email yesterday advising me that this draft document was available for review. I have been registered with environmental health since 2005 and was surprised that we had not received an email before yesterday advising that this legislation would be coming into force. I have spoken to a number of people I know who own holiday accommodation, none were aware of the new legislation.

Hospitality has suffered immensely through the Covid pandemic and has not fully recovered, the timing of this legislation could not be much worse, it would not surprise me if a number of B&Bs decide just to stop trading, I am certainly of the opinion that I may close my home at the end of the season.

I will be interested in receiving some feedback and to see if any changes will be made to the draft document to perhaps separate the B&B owner occupied properties.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Subject: [REDACTED] - Feedback
Date: 09 August 2022 15:30:58
Attachments: [REDACTED]

Good afternoon

I am updating our info on what is required for STLL. Thank you for the opportunity to give some feedback on the proposal in what is going to be an extremely busy and stressful time for all of us, property managers and council staff.

I have a few observations.

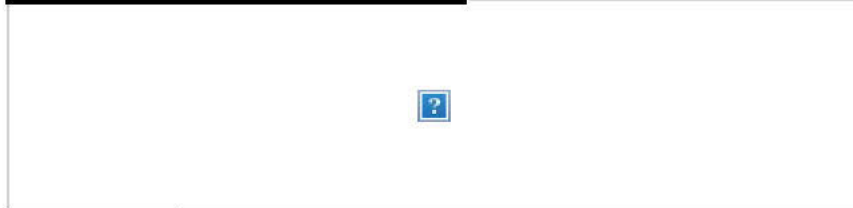
We are a charity so I presume we fill in the initial Application form as a business, do we need to list trustees or the dept head responsible for the holiday cottages.

Layout Plans – I have not seen any mention of Layout plans in the past year until I viewed your draft proposals yesterday. At the moment NTS are not sure if we have floor plans for our holiday cottages (over 50 cottages across 13 local authorities) , if we don't then this would mean added expenditure for us to produce the plans. We do not have the manpower to do them in house. It is not clear at the moment if other authorities are asking for floor plans.

Smoke detectors – this mentions wired in smoke detectors, I am sure there are many properties across the selfcatering sector who have installed wireless smoke detectors as this was

Allowed under the recent legislation that was brought in.

[REDACTED]



[REDACTED]



[REDACTED]

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From: [REDACTED]
To: [LAWlicensing](#)
Subject: proposed holiday let licensing
Date: 20 August 2022 11:13:50

This is of great concern to us as we are in a 2 year plan to

renovate a large country house for holiday lets
develop a farm steading as a wedding venue - planning permission granted in Feb 2022

The house is almost complete and timing is critical re the licensing

can you give a proposed date for the licensing to take effect

can you give us details of requirements for curtain material as we are having curtains made
now

Many thanks

[REDACTED]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: Public Consultation: Draft Short-term Lets Policy for Angus
Date: 17 August 2022 22:52:11

To whom it may concern,

I have the following comments on the draft short-term lets policy.

It would be helpful to have annexes included as a property type as there is a lack of clarity about the handling of such accommodation. Do annexes to a person's principal dwelling count as secondary letting or home sharing? Annexes may be directly attached to a house (albeit with some shared services) so it is also difficult to describe them as either a detached or semi-detached house. Similarly questions such as "Is anyone in Section 1 to reside in the property whilst it is let" are difficult to interpret in relation to rooms which are attached to the dwelling-house and shared electricity/water supply/heating but have their own kitchen/bathroom and separate entrance.

As regards 10.9 of the draft policy, my view is that a 3-year duration for licenses is inappropriately short and creates an excessive financial burden for licensees having to pay the council's fee on a recurring basis. In my view Angus Council requires to justify why a 3-year renewal period is required to meet the statutory duty and the 3 core aims of the policy. I believe that a longer licence of 5 years would be more appropriate and still perfectly able to maintain the 3 core aims of the policy and meet the Council's statutory obligations. Any comparison with other types of hospitality licence in the case of short term lets in Angus is not really appropriate – given that ours is not an area with a high concentration of such lets, with the majority of such lets being run by local families rather than full-time businesses who might be more able to afford the recurring cost of a more frequent licence renewal. I am concerned that an excessive renewal frequency will cause many such people to simply leave the sector, damaging the Angus tourism sector which already suffers from a limited range of accommodation.

In respect of the requirement to supply a layout plan, I am again concerned that this is an excessive burden on individuals and I am not clear what benefit it provides to the local authority in terms of licensing enforcement. For some with older or atypical properties this will require a survey if it is required to be to an architectural standard and then paying for professional drafting of plans. A simple description of the property covering the information required would surely be sufficient? Failing this, it should be accepted that such layout plans need only be sufficient for illustrative purposes rather than held to the same standard as those required for full planning applications.

Yours faithfully,

[REDACTED]

[REDACTED]



From: [REDACTED]
To: [LAWlicensing](#)
Subject: RE: Public consultation - Angus Council draft Short-term Lets Policy
Date: 12 August 2022 08:01:44

Hi there

There is no Community Safety Team within Angus. The Community Investigations and Resolutions Team currently sits within the Housing service and deals with anti-social behaviour and landlord registration.

I note that the wording around when a planning application is not required is incorrect and understand that [REDACTED] has fed back on this previously.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 08 August 2022 08:43
Subject: Public consultation - Angus Council draft Short-term Lets Policy

Dear Sir/Madam,

Short-term Lets

I refer to the new Short-term Let's licensing regime. Please find attached Angus Council's draft Short-term Let Policy. The document will be consulted upon publicly between 8th August and 21st August 2022. Please direct any observations or comments on the draft Policy to LAWlicensing@angus.gov.uk before 21st August 2022.

Thank you and kind regards,

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Cc: [REDACTED]
Subject: Response to consultation of Short Term Let Legislation in Angus
Date: 21 August 2022 09:54:57
Attachments: [REDACTED]

Good morning

Please find attached our response to the Short Term Lets legislation for Angus Council area from our business, [REDACTED].

Please could you acknowledge safe receipt?

Regards

[REDACTED]




21st August 2022



Response to consultation on licensing of short term lets to Angus Council.

General comments

- Our business has been running as a professional tourism business since 2005
- We are quality assured by Visit Scotland and have a 5-star accreditation which we have had since 2011
- Our  are bespoke tourism offerings with many additional facilities for a unique tourism experience. They do not reflect a “normal home” and therefore are not in competition with local housing stock – they have a section 75 on them which means they can only be used for self-catering
- Our business is an agritourism business located on a farm, sitting within 650 acres of farmland
- Each property sits alone from each other – between 300 metres and 500 metres
- We have no near neighbours. One of our properties has a neighbour 300 metres to the north of it and accessed via the main road
- We have 4 properties which are almost identical in design, these being new build eco-houses. One cottage style building which is a converted farm bothy.
- We have a new farm 7 miles from our existing farm with one cottage which we bought in 2021. It was used by previous owners as 5-star holiday lets until 2015, then used as a private house until 2021. We are about to open this as a holiday let
- We have occupancy averaging over the past 5 year of in excess of 90% each year, brining between 1500 and 2000 high end visitors to Angus and Dundee each year
- We have the highest scores for trip advisor reviews in Angus and Dundee and much of this positive feedback is connected to our service and the facilities and experience we provide to guests which could be impacted by this short term let legislation

Responses to specific areas of the consultation

- Our main concerns by far are some of the areas in “possible additional licence conditions” in the Appendix

No. 12 Facilities in the garden such as hot tubs, swimming pools, bars or BBQs cannot be used after 9pm

- This is the biggest issue for our business with any part of the short term let licensing

- Our guests are coming to our agritourism business as a couple for the chance to completely relax on their own in the countryside
- Having no neighbours and having complete privacy from both neighbours and ourselves is a key part of our business
- Relaxing as a couple and being able to use the facilities 24/7 at a time that suits them is the core part of our offering
- For example being out for a meal in Dundee, returning back to their [REDACTED] at 9pm then getting in the hot tub and watching the stars overhead, listening to the owls – this is a key part of our business
- We might also have guests who want to sleep most of the day and use the BBQ after 9pm at night if they are eating late
- Being an agritourism business with no neighbours we cannot see how use of a hot tub or BBQ would impact anyone
- If this were enforced on our business, and we had by law to drive around and make sure people were not in their hot tub or using a BBQ after 9pm, it would ruin our guest experience – currently we only access the properties to test hot tubs each day, our guests enjoy knowing no one will come near them. This enforcement would cause tension and also we would need to employ a member of staff at extra cost to do this or spend each evening at 9pm doing this ourselves
- Overall this “possible additional licence condition” would impact our business significantly financially, threaten job losses for our staff and impair our ability to re-pay loans
- We are currently turning over just under over £400k and employing one full-time Manager and 5 part-time housekeepers

No. 5 CARPETS

- No. 5 – the licence holder must ensure that bedrooms, living room and hallways are carpeted. We are accredited 5 star from Visit Scotland. We have high quality Porcelanosa tiles throughout our properties with underfloor heating and not carpets
- We have several guests each year who use a wheel chair, having a tiled floor makes it easy to navigate the whole property
- Carpets are not as hygienic as tiles and do not lend themselves to thorough cleaning e.g. tiled floors are washed after each stay with anti bacterial cleaner.
- They also can easily be damaged by a guest e.g. spilling red wine and the whole carpet then needing replaced
- Carpets are not suitable for pets and 3 out of our current 5 properties are pet friendly. Being open plan we cannot prevent pets from being in any part of our properties
- The other use of tiles is that we have spa facilities in the properties, saunas, large bath, access to a hot tub and previously when we had carpets, the carpet was ruined by people walking with wet feet from the spa or outside area

- We are assuming that the suggestion for carpets is to stop noise in flats etc. We hope that common sense would prevail looking at a property sitting on its own with no neighbours and no people upstairs or downstairs

No. 6 TIMES GUEST CAN ARRIVE OR DEPART

- Most of our guests arrive at 4pm or by 6pm at the latest and most leave at 11am in the morning
- We support the local economy with 5-star high spending guests – we have many couples who spend money in the City of Dundee by going on a night out to restaurants and bars before returning to their [REDACTED]. A strict enforcement of 11pm for returning from a night out would impact on many guests and impact the local economy
- We do have an important mini moon market for brides and grooms leaving their local wedding and coming to a [REDACTED] between midnight and 1am
- Being on isolated farm with no neighbours this is never an issue for us
- Enforcing that all guests had to arrive between 11pm and 7am would have an impact on this wedding night market

No. 11 AMPLIFIED MUSIC

- At present our guests can play music via SONOS speakers throughout the properties and enjoy that same music on the deck in the garden
- This is one of the key experiences that guests enjoy, relaxing on a hammock with some background music
- The music cannot be heard by other guests 300 to 500 metres from each property.
- It is never an issue that one set of guests disturb another set of guests, let alone non farming neighbours several fields away
- If the barring of music in our [REDACTED] gardens i.e. on the deck was enforced, it would significantly impact our guest experience and in turn impact one of the key things that people come for. It would impact our ability to maintain our existing occupancy rates of over 90% per annum and our income
- We would strongly request that this is not deemed relevant to isolated agritourism businesses

Additional concerns

1. Cost of the licence. During Covid we could not draw down essential support funding per property as our properties were all lumped together under one rateable value. The application form reads as it is for each property not for one site. Can the application be for all properties rated in one rateable value or similar properties on the same site.

From: [REDACTED]
To: [LAWlicensing](#)
Subject: Self catering accommodation licensing
Date: 10 August 2022 14:20:45

Hello!

I am writing to you today to register a note of interest in the development of this new policy.

I have had a self catering unit in Angus since 2009 when we became owners of a cottage which was on the land that came with the house we bought. Our house is in Perthshire and the cottage is in Angus - about 10 metres away but over the county border.

We have run it as a successful business for more than 13 years and I am keen to keep abreast of any changes and comply with any legislation.

The address of our cottage, which qualifies for business rates in Angus Council is [REDACTED] and is [REDACTED] at the same address.

I would be much obliged if you could let me know my next steps in this process.

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Subject: short term lets
Date: 10 August 2022 12:26:06

Hi [REDACTED]

I don't have many comments, just:

1.2 (a) making application – what workaround is there for making payment for those not digitally enabled?

1.3.2 objections – only an email address is given – should also include postal address

Appendix D 1.3 (c) (iii) – the kind of persons likely to be in the premises etc. This seems vague about what it means/who it's referring to. Poss give examples? Would want to avoid discriminating on p c grounds

Best wishes,

[REDACTED]

From: [REDACTED]
To: [LAWlicensing](#)
Cc: [REDACTED]
Subject: Short-Term Let Consultation
Date: 12 August 2022 17:29:54
Attachments: [REDACTED]

Good afternoon,

Please find attached submission to Angus Council's Short-Term Let Licensing consultation. Could you please confirm receipt?

All the very best,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Submission to Angus Council Short-Term Let Licencing Consultation

Founded in 1978, the [REDACTED] are the leading source of knowledge on short-term letting and holiday homes in Scotland and are the only trade body representing the interests of the traditional self-catering sector. We represent over 1,400 members, operating tens of thousands of self-catering properties throughout Scotland, from city centre apartments to rural cottages, to lodges and chalets, to castles. The [REDACTED] commits its members to maintaining the principles of “quality, integrity, cleanliness, comfort, courtesy and efficiency” and to offering visitors to Scotland consistently high standards within their self-catering properties.

Introduction

[REDACTED] welcomes the opportunity to respond to the Angus Council’s consultation on short-term let licencing. As the main trade association for the self-catering sector in Scotland, the [REDACTED] hopes that our expertise and insight can help inform the approach taken by Angus Council. We have always strived to work collaboratively and proactively with both local and national government stakeholders to ensure a balanced and proportionate outcome for all. We wish to make clear that the [REDACTED] is not averse to regulation; but we do challenge policies that are pursued while lacking a firm evidence base which will damage the livelihoods of our members.

Self-catering properties have been a longstanding presence in communities for generations, especially in rural communities, and provide an economic boost for local areas and enhance Scotland’s tourist accommodation offering. Such self-catering properties are legitimate, bona fide businesses whose owners depend on the money generated for their livelihood – it is not a hobby or a way to supplement their income. This is entirely separate from the ‘homesharing’ concept, or those amateur operators who utilise online marketing platforms but are not subject to the same levels of existing regulation.

With the competition to maintain standards, holiday let owners often spend money more frequently on additional property maintenance than they would on their own property. Their guests spend money in local food shops, cafes, gift shops, restaurants, tourist attractions etc – many of which would simply be unviable without visitor spending. Self-catering currently boosts the Scottish economy by more than £867m per annum according to Frontline Consultants. Given the importance of ensuring a sustainable recovery, and the significance of this measure for the livelihoods of our members in this region, we would respectfully encourage Angus Council to work as closely as possible with the sector and to minimise the regulatory burden on small business.

Comments on Draft Short-Term Let Policy

In regard to Angus Council’s *Draft Short-Term Let Policy for Angus*, the [REDACTED] wish to make comments on the following areas:

- Renewal of Licences
- Appendix C – Required Information (Layout Plan)
- Fees
- Appendix G – Possible Additional Licence Conditions

Renewal of Licences

We would highlight that Glasgow City Council and North Ayrshire Councils are proposing ten-year and five-year renewals respectively.

Fees

At Appendix B – Application Procedure and List of Application Consultees, the document notes: *“The Application should be accompanied by the prescribed fee. The Council is permitted to set reasonable fees. The total amount of fees received by the Council must be sufficient to meet the expenses of the Council in exercising their function.”* However, Angus Council has not outlined its proposed licence fees or structures in this consultation. Other local authorities, as part of their consultation process, have included estimated fees for stakeholders to comment on and the [REDACTED] would argue that such figures, as well as an explanation behind the criteria used, are absolutely integral to this exercise. Our industry cannot be expected to have any confidence in the new system in their absence – how can we be expected to properly engage with the consultation if we do not know the expected costs imposed on business and how they are measured against cost recovery?

Overall, the fees attached to short-term let licencing are meant to be based on the principle of cost recovery – therefore, the [REDACTED] believes that fees should not be set at a level greater than the amount necessary to recover establishment and running costs. If a fee structure with costly, disproportionately high fees was introduced, this will reduce accommodation capacity in the region and will damage the industry at a time when we need to work towards a sustainable recovery.

We would refer Angus Council to Scottish Government guidance which highlights ways to keep costs down, including: (a) economies of scale; (b) integrating service delivery with other housing and licencing functions; (c) using online and digital verification where possible, for example through photo and video evidence instead of a visit; and (d) taking a proportionate, risk-based approach to checks and verification, for example in considering whether, when and how often visits to premises are needed, especially in more remote and rural areas where the costs of such visits could be higher.

It is imperative that any fees are kept as low as possible given the environment many small businesses find themselves in. In this regard, we wish to highlight our proposal which we believe could assist with an efficient and cost-effective way of securing compliance with the Licencing Order. The [REDACTED] have worked in partnership with Quality in Tourism to promote a self-declaration model with risk-based inspections by the licencing authority.

Overall, this approach has four main advantages:

- It minimises the work required by the licencing authority to set the system up and renew licences;
- Allows the licencing authority to focus its inspection resources on a risk-based basis;
- Requires responsible behaviour and compliance by the operators; and
- Minimises the additional costs to operators (which will have to be absorbed as an additional business cost and/or passed on to the very visitors we want to visit your area to boost our economic recovery).

We understand that local authorities across the country are facing severe pressure on their resources and we believe this system can go some way to help with the administrative challenges associated with the licencing regulations. We would be delighted to meet with officials to discuss this in further detail to see whether it would be appropriate for Angus Council.

Appendix C – Required Information (Layout Plan)

Appendix C point 2 notes that a short term let licencing application include a layout plan at scale 1:100 which should include a legend explaining the scale used and the symbols used, as well as a description of the premises as described at 2 (a), (b), (c), (d), and (e).

Such a technical layout plan will necessitate an expensive piece of work by a contractor which will be another cost on legitimate small businesses operating without issue for decades. This will be in addition to the cost of a licence fee (currently unknown), compliance with existing regulations, the mandatory and additional conditions, not to mention other factors such as rising energy costs.

Appendix G – Possible Additional Licence Conditions

Angus Council have set out a list of additional conditions which could *“be added on a case-by-case basis, as necessary”* or *“may be added in response to local challenges and concerns specific to certain models of short-term letting.”* The [REDACTED] would argue that many of the additional conditions listed are unnecessary. This is either due to a replication of mandatory conditions; that they do not relate to the provision of accommodation through short-term letting; or are not within the control of the individual operator. We explain this below.

“1. The licence holder must take reasonable steps to manage the premises in such a way as to seek and prevent and deal effectively with any anti-social behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.”

Incidents of anti-social behaviour in self-catering premises are rare. Last year, the [REDACTED] submitted Freedom of Information requests to all thirty-two local authorities in Scotland and the results of this show that there is a mismatch between perception and reality: the number of ASB complaints against holiday lets in Scotland over the past five years is minimal.

Professionally run self-catering businesses already do this as part of the basic management of the property. Operators want harmonious relationships with neighbours and the local community – it is not in their interest to allow any anti-social behaviour in their business. This is part of the basic management of their property and there already is existing anti-social behaviour legislation that can be utilised by councils to respond when complaints arise. For instance, the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011 granted local authorities the power to deal specifically with the problem of antisocial behaviour in properties let for holiday use. However, this needs to be enforced, as the Cabinet Secretary for Housing Shona Robison MSP stated: “We expect all relevant authorities to use the powers available to them to deal with antisocial behaviour” (Shona Robison MSP, in answer to Parliamentary Question S6W-03022, 01/10/21. Url:

<https://archive2021.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S6W-03022&ResultsPerPage=10>).

“2. The licence holder must take reasonable steps to:

- ***ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests;***
- ***deal effectively with any disturbance or nuisance arising within or from the premises, as soon as practicable after the licence holder is made aware of it; and***
- ***ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules.”***

The language attached to the additional conditions that the licence holder must *“ensure”* that no disturbance or nuisance arises within or from the premises, or indeed ensure vehicles belonging to

guests are parked lawfully, is unreasonable. First, many operators will not always be on site at their property. Second, while operators can reasonably *ask* that their guests comply with the two aforementioned examples but they cannot *compel* them to do so. In addition, we are very concerned at the cost implications for Angus Council to enforce this – will the Council have officers patrolling near self-catering units to check that guest vehicles are parked in an appropriate fashion? Third, that “*deal effectively with any disturbance or nuisance arising within or from the premises*”, this should be dealt with by existing anti-social behaviour legislation. This is a duplication of regulatory regimes.

Licensing authorities cannot be allowed to set restrictions on premises where there is a perception there may be an issue. Restrictions should not be put in place where there is potential or existing issues in the vicinity of the premises unless it can be shown the issues occurring in the vicinity originated specifically from the short term let premises.

The [REDACTED] believe that Angus Council *could* adopt additional conditions in relation to: (a) noise monitoring; and (b) community accreditation and mediation. However, on any additional conditions applying to noise, there has to be a causal link to issues from those premises. One example where such conditions have been shown to work is Barcelona, where this was introduced by local government, and further information is available in the [REDACTED] Forward Together paper (see [REDACTED], Forward Together: A Collaborative Approach to Short-Term Letting, Url: [REDACTED])

“3. The licence holder must manage the premises in such a way as to respect and protect the privacy and security of neighbours.”

As stated, this is part of the basic management of a property that many legitimate businesses will already be doing. We refer you to the [REDACTED] Code of Conduct which could be utilised instead of an additional condition. For more details, see: [REDACTED]

“4. The licence holder must ensure:

- *guests know and understand any particular rules applying to shared areas and entrances;*
- *guests understand that shared doors should be properly and securely closed after use; and*
- *the provision of access codes or keys to guests cannot be used by guests to gain access to shared areas after they have finally departed.”*

Of course, operators should *ask* their guests to comply with rules relating to shared entrances, areas and doors but cannot *compel* them to do so. In terms of the provision of access codes or keys to guests, this is part of the basic management of a property and should not be an additional condition.

“5. The licence holder must ensure that the bedrooms, living room and hallway in the premises are carpeted.”

Applying a condition that the licence holder must ensure that bedrooms, living room and hallway are carpeted is disproportionate and is yet another cost levied on businesses. This would not be asked of a private landlord renting out a property where noise complaints had been levelled by neighbours, so short-term lets operators should not be discriminated against in this manner. Furthermore, from both a commercial and equalities perspective, operators need to make their premises as accessible and inclusive for all of their guests. For instance, carpeting can trigger conditions such as asthma and other adverse effects.

“6. The licence holder must take reasonable steps to ensure that guests do not 35 first arrive or finally depart from the property between the hours of 11pm to 7am. The licence holder must advise guests of this as part of their booking terms and conditions. (“Reasonable steps” allows for exceptions, such as significantly delayed transport).”

While we note that Angus Council state that “reasonable steps” would apply to ensuring that guests arrive or leave during specific hours, it is again unfair to place the onus on operators on factors that are completely outwith their control, such as delayed transportation. At the present time, due to difficulties faced by airport operators, as well as ongoing industrial action on the railway network, many guests will arrive at their destination late due to no fault of their own. Angus Council should not use the language of “ensure” on factors that are not the preserve of operators.

“7. The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.”

“8. The licence holder must advise guests of:

- ***their responsibilities;***
- ***the use of the bins/sacks provided for the premises; and***
- ***the location of the nearest recycling centre or recycling point.***

“9. The licence holder must:

- ***clearly label bins as belonging to the premises;***
- ***ensure that guests manage their waste in compliance with (8) including when they depart; and***
- ***maintain the bin storage area and the exterior of the premises in a clean and tidy condition.”***

The Council state the licence holder “must” in respect of the above points – while operators can advise guests of refuse collection day, they cannot compel them to comply. On a more practical point, we are dealing with individuals in Angus for a holiday and who will not wish to spend a large amount of time familiarising themselves with waste management and recycling issues. Furthermore, operators should of course provide the necessary materials and advice regarding waste disposal but expecting every holidaymaker to follow this to the letter, especially when many may reside in areas with different policies for recycling etc, is unreasonable.

Once again, there is a presumption of bad practice by short-term let operators implicit in the possible additional conditions. There is no business incentive for self-caterers to rent out properties sprawling with rubbish. Self-caterers have provided well-maintained and clean environments for guests for decades and we would like to see what evidence the Council holds to show that littering and waste disposal is a specific problem of the self-catering industry compared to any other type of property. Finally, this additional condition also raises the question of enforceability: how will Angus Council monitor compliance?

“10. The Licence holder must not affix a key box, or other device to facilitate guest entry to the property, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owner(s). The licence holder must be able to produce the permission to the licensing authority on request.”

Prohibiting the use of keyboxes or other related devices is arbitrary. First, it should be recognised that keyboxes are used for a variety of different purposes, not just to facilitate entry to a short-term let – for example, they are readily utilised by carers. We would presume that Angus Council have no issue with keyboxes for this purpose but why should it be any different for short-term lets? It is the same device affixed to a door used to enable entry.

Securing the agreement of all owners within a property will be near impossible to achieve. Unanimity of agreement for any change to a property (e.g., repairs) is difficult to secure in other contexts but would be especially so for keyboxes used by short-term let operators. We therefore ask the following: will this become a general policy for all keyboxes within the local authority area, or do Angus Council intend to solely discriminate against their use by short-term let operators?

Furthermore, Angus Council need to take cognisance of how the pandemic has changed the way operators interact with guests. There has been shift in consumer behaviour away from traditional meet and greets between operator/guest towards information being shared electronically and via apps. Indeed, due to specific Covid-19 legislation, it wasn't always possible for the two parties from different households to meet in-person – this is why many therefore chose to use keyboxes to ensure guests could gain access to properties. Generally, the [REDACTED] would encourage its members to affix any keybox in a manner that is aesthetically appropriate as possible.

“11. Amplified music shall not be played in the garden area or in any part of the property such that it can be heard in the garden area at any time.”

If such an additional condition was taken forward, Angus Council will need to define what amplified music means as what is 'loud' to one individual compared to another is relative, as well as how this will be assessed. We would raise the issue of enforceability of this and would also like to see what evidence the Council holds that this is a problem within self-catering units in of itself and compared to other types of property.

“12. The external garden area including any facilities located in the garden such as hot tubs, swimming pools, bars or barbeques shall not be used after 2100hrs.”

Hot Tubs / Swimming Pools / Barbeques

Operators can ask guests not to use hot tubs, swimming pools or barbeques after a certain timeframe but cannot compel them to do so. What evidence does Angus Council possess to suggest that these facilities are a particular problem when part of short-term lets? What criteria did the Council use to determine 2100hrs?

Furthermore, if the hot tub is located within a self-contained self-catering unit, why do Angus Council consider it necessary to apply what amounts to a hot tub curfew? Moreover, this raises the matter of enforceability: will the Council employ someone to ensure that guests are using hot tubs / swimming pools / barbeques at appropriate hours? This appears to be another instance of short-term let businesses being discriminated against compared to other accommodation providers or types of property.

Bars

Any short-term letting business with a bar, which is highly unlikely, would be a licenced premises under the Licencing (Scotland) Act 2005 and would be subject to that legislation. This is a duplication of existing regulation and should not form part of additional conditions.

Overall, many of the possible additional conditions are unenforceable and will merely burden the licencing authority. If Angus Council cannot enforce these, it is incompetent and leaves the Council open to judicial review. Many of the additional conditions are part of the basic management of a property and could instead be delivered by a clear and robust Code of Conduct, such as that devised by the [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [LAWLicensing](#)
Subject: Short-term Lets Policy Feedback
Date: 21 August 2022 14:10:30
Attachments: [REDACTED]

Thank you for providing the ability to feedback on the Short-term Lets Policy.

I would advise that this feedback is submitted on behalf of the following residents of [REDACTED]

[REDACTED]:

This feedback is based on having had a "secondary letting" operating in our small residential cul-de-sac for the last year. I am also attaching a document which provides examples of the experiences that the residents have encountered which we are providing to give background to the feedback.

We are pleased to see that there is a move to legislate for short term lets and having reviewed the policy we would like to comment below:

1. ALL applicants for a licence should have to apply for planning permission
2. Existing let's should not be given a further time to submit their application as has been indicated, ALL applicants should have to submit on the 1st of October 2022 as by not doing so you are allowing them to continue without a licence for a substantial period of time over and above when the policy commences
3. The onus on the posting of Notice of application should not be the responsibility of the person letting the property and if that remains then they should have to provide evidence of the posting in a suitably highly visible way
4. When a person applies for a licence then all surrounding neighbours within the vicinity should be notified in the same manner as they would if someone had submitted a planning application i.e. a notification being posted to the neighbouring residents by way of a letter
5. The number of 'changeovers' should be limited and controlled
6. The number of occupants should be detailed within the legislation
7. Arrangements should be in place for the let owners to deal with refuse collections when they do not live in the immediate vicinity of the let

Although we have detailed our feedback above, this is based on the DRAFT legislation, however we would like to state that we feel very strongly that short term lets should **NOT** be permitted within small rural residential areas at all.

The disruption to the lives of the residents is not acceptable as our experiences in the attached document details.

The behaviour changes that some residents have had to adopt, locking their doors when they are home which was not something they felt they had to do previously.

Some of the changes have also had financial implications, to accommodate circumstances that bring no advantages to the residents, only disadvantages and this is not acceptable.

Having to install more secure and privacy fencing given the constant change of strangers next to their homes, installing video doorbells to make their homes feel safer when mothers whose husband's work shifts feel vulnerable when alone in their own homes with their children, not knowing who is in the house next door to them on any given day.

We trust that our feedback and experiences will provide you with the reality of what happens when short term lets are operating in unsuitable residential areas.

These cause unacceptable disruption to the lives of small rural communities for what is an individual persons own financial gain irrespective of the impact to the residents.

Kindest Regards

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Anti-Social Behaviour

- Guests BBQ'ing in the garden at 3:30 in the morning
- Guests sitting outside making noise till the early hours mid week – not acceptable in a small residential area when children have to go to school and parents to work
- Guests trespassing in residents garden in the early hours of the morning (4am)
- Noise and disturbance as garage has been changed to a games room with no insulation, resulting in screaming and shouting at unacceptable hours in terraced housing
- Illegal activity by renters resulting in police investigation

Parking

- Small Cul-de-sac of 9 houses with limited visitor parking
- Multiple cars arriving, parked on pavements leaving no spaces for residents family etc. visiting
- Dangerous parking, blocking pavements
- Multiple workmen vans

Multiple Changeovers

- Sometimes 3 changeovers in a week
- No knowledge of who is next door to you at any given time
- No knowledge of who is turning up, very unsettling for the residents

Safety

- 6 of the 9 houses have young children
- Residents can't let their children experience 'camping' out in the garden as the parents have no idea who the people are next door, it's not like having a permanent neighbour there who you know and have a relationship with
- People renting who police are investigating for theft across Tayside and the house being used as a drop off point for the stolen property

Burdens – does not allow 'secondary letting' on the deeds of the property

- Each dwelling house shall be used and occupied as a private family dwelling house and shall not be sub divided or occupied by more than one family or group of individuals living together as a family at a time.
- Nothing contained will be deemed to be a prohibition upon the leasing of such dwelling house provided that the use of such dwellinghouse by the occupiers thereof is as a private dwellinghouse



Subject:
Date:

[LAWLicensing](#)

Draft short term lets policy for Angus
18 August 2022 20:40:17

Having read the draft I felt compelled to write some feedback.

The strategy for Angus is to increase tourism to the county, to gain more visitors who will spend time and money in the area. And so they should, it is absolutely beautiful, the individual shops and cafes within towns, the beautiful views, walks and varied wildlife is a major draw to the area.

In order to encourage visitors Angus needs businesses to increase hospitality. It is absolutely essential that these businesses are supportive of the intent of Angus Council; increasing footfall is one thing but greeting the same tourists time and time again is proof of a job well done.

In ensuring visitors are appropriately catered for, Angus council should team up with businesses to provide an excellent service. This I think is the ultimate goal of the short-term lets policy. Unfortunately on reading the draft I believe Angus Council are over stretching their own internal systems.

At the moment, the council building is under staffed, falling behind on responses to the community enquiry line, unable to meet people in person for planning advice, advice for benefits is lacking also due to limited staff numbers.

The proposed draft will only weigh heavily on already over subsidised departments.

In any case, making a policy to limit holiday makers on times they can enjoy themselves is preposterous. Sensibility should prevail; we in Angus want to welcome tourists but not to the disadvantage of the residents.

Complaints from short term let tenants, holiday makers, should complain solely to the business owner, if that business refuses to accept the complaint; the business failing will be imminent.

Online reviews are a powerful source of illustration for any further visitors to that business.

Why does Angus Council feel the need to involve themselves in businesses who have probably perfected their hospitality over time and following customer feedback.

Funding and employees would be far better used helping departments of the council which are time poor.

Maybe consider a draft of partnership with businesses; make Angus Council the first council to encourage businesses to advertise the whole county, not just their accommodation.

The idea of the draft is a good one but I feel the method of policing will work against the strategy of Angus and rather than build good relationships with tourists and business owners; I fear this draft will drive a wedge between everyone and act negatively on the county. Lowering footfall, visitors and more importantly spend which encourages growth.

A good strategy works when everyone understands the goal and everyone strives to make it happen.

Kind regards



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