

Seven things Edinburgh City Council can do right now to tackle the burden of unlawful short-term lets

1. **#MakeTheShift** – Edinburgh should join the forty other European cities and Leilani Farha, UN Special Rapporteur on the right to housing to become a signatory to [Cities for Adequate Housing](#): Municipalist Declaration for the Right to Housing and the Right to the City.
2. **Protect the Housing Stock** - A strategy is needed to protect the housing stock until the Local Development Plan 2030 can be updated:
 - a. **City Plan 2030** - Edinburgh City Council should reinstate HOU 6 which was lost in the previous Local Development Plan which recognized the housing crisis and resisted the change of use of residential properties to other uses.
 - b. **Designate Edinburgh a short-term lets control area** - The planning authority should designate the whole of Edinburgh a short-term lets control area as permitted by the new Planning (Scotland) Act 2019
 - c. **Refer to Scottish Government Housing policy on “more homes” as a material planning consideration** - Scottish Government Policy is listed as a material [planning consideration](#). We suggest that Edinburgh City Council passes a motion which states the extent of unlawful short-term letting in parts of Edinburgh is compromising the ability of the city to meet the policy “everyone has a good quality home that they can afford and that meets their needs.” This would allow planning officers to consider the impact of unlawful lets on housing availability, as well as neighbouring living conditions.
3. **Take action on all planning breaches** – We are disappointed that City of Edinburgh Council has identified several unauthorised short-term lets but chosen not to take enforcement action due to a threshold of complaints not being met. This discriminates against those who are least able to assert their complaints and makes neighbors a target for intimidation.

Not taking action against such breaches is contrary to planning circular 10/2009 which states: “Public respect for the development management system is undermined if unauthorised development, which is unacceptable on its planning

merits, is allowed to proceed without any apparent attempt by the planning authority to intervene before serious harm to amenity results from the breach.”

4. **Speed up enforcement action** - The current 6 month investigation target is entirely unacceptable given the everyday impacts for neighbours' amenity.
 - a. **Give short-term lets a maximum 3 months investigation time like every other breach of planning control.** This can be achieved by issuing Planning Contravention Notices to obtain the necessary information rather than expensive and time consuming investigations by officers.
 - b. **Make decisions based on “fact and degree” not neighbour evidence** - Not one of the adjudicators on planning [appeal decisions](#) have made reference to neighbour complaints as a material consideration in their decision. Rather their decision is made based on the “fact and degree” of each individual case. The planning department should take the same approach and obtain such information from Planning Contravention Notices.
5. **Seek prosecutions, penalty notices and expenses**
– Sanctions must be used against those who ignore enforcement notices and/or planning contravention notices. This would incentive compliance and increase public confidence in the development management system. Expenses should be requested for those appealing against enforcements in flatted properties.
6. **Clear guidance to industry** – Issue a public letter reminding estate agents, short-term letting management companies and the short-term letting trade associations of the planning guidance relating to short-term visitor accommodation, and the planning appeals which have upheld the enforcement of this. This should remind such organisations of their responsibility to be lawful, the cost burden to the taxpayer of enforcement and the impacts of unauthorised and unlawful short-term letting on the wellbeing of our communities. This information could be communicated with council tax and business rates letters. Too many business owners are willing to feign ignorance of the law but may reconsider their position if formally warned about the legal position.
7. **Shorten grace periods** - Enforcement notices on short-term lets should be given the minimum compliance time of 4 weeks, not 2 months. 4 weeks is standard at Glasgow City Council and has been upheld by the Department for Planning and Environmental Appeals. Again this would incentivise compliance.