



5th July 2020

Dear First Minister,
Cabinet Secretary for Rural Economy & Tourism,
Cabinet Secretary for Health and Sport, and
Lothian MSPs

Keep short-term lets with shared facilities closed after 15th July to protect the most at risk residents in tenements and protect the right to adequate housing.

Thank you for the additional guidance on opening short-term lets in tenements with communal facilities. This has been received with substantial relief from the two-thirds of Edinburgh residents who live in this property type.

We ask that these short-term lets remain closed for the duration of the pandemic to protect people in their homes. Furthermore, when these are allowed to re-open, they are only allowed to do so if they can achieve planning authorisation.

Our reasons are as follows:

- **Residents are isolating and shielding** - The most at risk residents use common areas to receive essential deliveries, use their garden and leave their flat for exercise. Tenement gardens are of immense value to residents, especially those who are unable to use public spaces. Permanent residents are aware of the needs and concerns of those living in their building and give special consideration to them. Introducing a higher turnover of transient, unfamiliar customers, in a holiday mindset, with a potentially higher appetite for risk, from an unknown number of households, and their visitors, into this environment, is fundamentally unfair and a health risk. [Recent incidents](#) at beaches, parks and re-opened pubs highlight how people have acted astonishingly irresponsibly when they feel they are on holiday.
- **Increased contact with a high number of households** - The average Edinburgh short-term let has a stay length of two or three days. Every month it is not uncommon that each short-term let brings ten or more groups (often not from the same household), plus the same number of cleaners, laundry staff and “hosts” to the shared tenement. The support staff are often from a company and will not be the same people every time. One holiday let will easily bring 20+ households, and their visitors, to the tenement per month.

It is common that six, seven or more short-term lets operate inside the same tenement, bringing literally 100+ households to a tenement per month rather than one permanent household per flat.

- **Physical and mental health is affected** - When a home feels unsafe and unpredictable it affects residents' ability to maintain their mental and physical health in the property. Safe housing is a fundamental right. Inclusion Scotland describes the impact on many disabled Scots in lockdown as '[a mental health emergency](#)'. Adding in another layer of stress is inappropriate for our most at risk residents.
- **Even lower levels of risk are acceptable in residential properties compared to commercial settings** - People have a degree of choice about going to a supermarket, retail outlet or holiday house. They can choose to accept or avoid that risk. But residents are given no choice about the disturbances and risks when an unlawful short-term let opens inside their building. **Furthermore, our buildings come with title deeds that restrict them to residential use. By accepting those title deeds we accept the benefits and risks of living with other permanent residents. We are not bound to accept the risks associated with a high turnover commercial business.**
- **Infection can easily spread in the tenement environment** - There are multiple examples of hotel customers infecting other guests during pandemics due to contaminated corridors or stairs. During the SARS outbreak, one customer [infected a whole floor](#) at the Hong Kong Metropole Hotel after he coughed or vomited in the corridor. It is difficult to see how the tenement environment differs greatly. Tenements are not well ventilated, and daily cleaning is likely to fall to the residents given the unsupervised nature and general experience of these short-term lets.
- **Lack of trust in short-term let operators** - If operators are willing to run thousands of unlawful businesses inside Edinburgh tenements despite well advertised planning restrictions prohibiting this, there is absolutely no reason for anyone to have any confidence in the idea that they will give sufficient consideration to the "Coronavirus (COVID-19): tourism and hospitality sector" guidance. The risks will be unattended and residents will suffer.
- **The Coronavirus (COVID-19): tourism and hospitality sector guidance includes no actual requirement to consider risks to neighbours in any case** - We quote "*As a minimum it is expected that: a risk-based approach should be followed to protect the health and safety of employees and customers, and ensure the longer-term economic viability of the business*". "Employees and customers" only. No mention of residents.
- **The Coronavirus (COVID-19): tourism and hospitality sector guidance is fundamentally incompatible with a residential tenement** - If these guidelines are applied in a tenement setting, it would be hugely intrusive and disturbing to residents: e.g., markers for social distancing, signage, installation of hand sanitiser stations, face masks, risk management training, one way systems. If they are not applied to the business, it leaves serious risks unattended. Is it appropriate to impose the intrusive

operational risk procedures applied in hotels, bed and breakfast and retailers in our tenements simply to facilitate the unlawful ongoing trading of these businesses?

- **Residents are home more often** - Residents are still working from home, families have fewer areas to enjoy themselves and relax. Residents need peace and familiarity, rather than the increased noise and disturbance associated with holiday lets.
- **It is already the law** - Full-time entire home short-term lets are an unlawful change of use in shared tenements. Despite [35+ legal challenges](#), appeals have upheld the decisions of Local Authority Planning Departments which find that short-term lets in tenements have unacceptable impacts on residential amenity, noise, disturbance and security. Despite this, thousands of short-term lets continue to operate in our shared tenements and our local authority enforcement teams are completely overwhelmed.
- **Covid-19 has paused enforcement** - Planning departments are currently unable to carry out the site visits needed for planning evaluation and enforcement. Alternative action is needed to address the immediate impact of thousands of unlawful lets.
- **We can support lawful tourism businesses - Lawful and safe businesses, who follow the rules to keep visitors, residents and their employees safe; need our support and visitor footfall. Let's support them!**

We congratulate the Scottish Government for taking difficult public health decisions to suppress the virus and break the chains of transmission. The strategy is working. We hope the Scottish Government will use the lived expertise of residents living in tenements with short-term lets, so we can work together to keep the virus at bay and protect our most at risk residents.

We look forward to your response on this important issue.

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PLACEEdinburgh is a grassroots network finding the balance between short-term lets and protecting liveable, affordable communities in Edinburgh.