



Cllr Jane Meagher  
Leader, City of Edinburgh Council  
City Chambers  
253 High Street  
Edinburgh EH1 1YJ

10<sup>th</sup> February 2025

### **Concerns Over Maladministration, Enforcement Actions, and STL Licensing Policies**

Dear Cllr Meagher,

I am writing to formally raise concerns regarding the City of Edinburgh Council's approach to short-term let (STL) licensing and planning requirements, which have resulted in three successful legal challenges and now an increasing number of complaints of maladministration.

#### **Maladministration and Legal Challenges**

The Council's implementation of STL licensing has led to widespread grievances among self-catering operators, many of whom have now lodged formal complaints of maladministration. The primary issue stems from the Council's continued demand for planning permission or a certificate of lawfulness, despite the Court of Session ruling that such requirements were not mandatory for businesses operating before 5 September 2022.

This unlawful approach has led to self-catering operators being charged thousands of pounds in unnecessary planning fees, amounting to a projected cost to the Council in excess of £300,000, potentially rising to over £1 million should further complaints be upheld.

The repeated legal defeats, including two Court of Session rulings and a third instance where the Council conceded its policy was unlawful pre-Judicial Review, highlight serious concerns about the fairness, legality, and financial burden of these policies.

#### **Unjust Enforcement Action**

It has come to our attention that the Council has taken enforcement action against a legitimate operator who holds an STL licence and has a pending Certificate of Lawfulness appeal. This case has now been referred to the Procurator Fiscal, potentially unlawfully, raising questions about the Council's approach to enforcement. Such actions create further uncertainty and financial distress for responsible operators who have already made significant investments to comply with licensing requirements.

#### **A De Facto Ban and Human Rights Concerns**

The policies adopted by the Council amount to a de facto ban on STL operations, as noted by Lord Braid in his rulings, which described them as "oppressive and disproportionate." These policies have significantly restricted lawful business operations and appear to be in direct conflict with Article 1,

Protocol 1 of the Human Rights Act, which guarantees the right to peaceful enjoyment of one's own property.

This failure to balance regulatory oversight with fair and proportionate governance is harming small businesses and tourism in Edinburgh, which depends on a well-regulated but viable STL sector.

### **Health and Safety Concerns in Temporary Exemptions**

We are particularly concerned about the Council's recent decision to abandon health and safety requirements for Temporary Exemptions during the Festival period. These exemptions will allow certain hosts to bypass essential safety checks, including gas, electrical, fire safety, and legionella testing, undermining the very justification for the STL licensing scheme. It is also notable that there are legal requirements for these matters which lie outwith STL Licensing. To suggest that operators do not need to comply with existing legislation places them at legal risk.

This decision raises significant risks:

- **Public Safety:** Exempting temporary operators from safety standards creates a two-tier system where visitor safety is compromised. If health and safety measures are necessary for year-round operators, why should they not apply equally to temporary exemptions?
- **Council Liability:** If a tragedy were to occur in an exempted property, the Council may bear responsibility for failing to uphold public safety.
- **Black Market Growth:** This inconsistency will further incentivize unregulated STLs, as operators may conclude that if exemptions do not require safety compliance, neither should long-term lets.

### **A Call for a Fair and Sustainable Approach**

Edinburgh's economy and cultural reputation depend on a fair, well-regulated STL sector. The Council's current policies are damaging the city's ability to host major events, including the Edinburgh Festivals, which have relied on self-catering accommodation for decades.

The Association of Scotland's Self-Caterers (ASSC) has warned that these regulations are harming both operators and visitors while failing to deliver meaningful oversight. Rather than a punitive approach, we urge the Council to engage with industry representatives to develop fair, sustainable policies that uphold safety and economic viability.

I would welcome the opportunity to discuss these concerns further and look forward to your response on how the Council intends to address these pressing issues.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Fiona Campbell', with a long, sweeping underline.

**Fiona Campbell**

**Chief Executive, Association of Scotland's Self-Caterers**