

## **202300389896**

Please could you provide me with all correspondence between Scottish Government Officials and Ministers and Edinburgh Festival Fringe Society, Festivals Edinburgh and other Edinburgh Festival stakeholders since October 2022 regarding Short-Term Let Licensing and Planning.

### **Document Numbers:**

- 1. 202300383933 - Correspondence from Edinburgh Festival Fringe Society, 30 October 2023**
- 2. Response to 202300383933**
- 3. 202300388477 - Correspondence from Edinburgh Festival Fringe Society, 7 December 2023**
- 4. Response to 202300388477**
- 5. Attachment in response to 202300388477**
- 6. 202200335363 – Correspondence from Edinburgh Festival Fringe Society, 14 December 2022**
- 7. Attachment to correspondence 202200335363 – extract**
- 8. Response to 202200335363**
- 9. 202200336001 – Correspondence from Festivals Edinburgh, 19 December 2022**
- 10. Response to 202200336001**
- 11. 202200329802 – Correspondence**
- 12. Attachment to correspondence 202200329802 (document attached separately)**
- 13. Response to 202200329802**
- 14. Correspondence from Festivals Edinburgh, 27 October 2022**
- 15. Attachment one to correspondence 14**
- 16. Attachment two to correspondence 14 (document attached separately)**
- 17. Paper attached to correspondence**
- 18. Correspondence – e-mail exchange – January 2023**
- 19. Attachment to correspondence above of January 2023 – extract**
- 20. E-mail, 17 February 2023 (Agenda and papers for meeting)**
- 21. Attachment 1 to above correspondence**
- 22. Attachment 2 to above correspondence**
- 23. Attachment in an e-mail**
- 24. E-mail, 7 December 2022**
- 25. Attachment in above correspondence**
- 26. Attachment in above correspondence**
- 27. E-mail exchange - December 2022**
- 28. E-mail 4 April 2023 – related to 202300351426**
- 29. Attachment to e-mail in document 28**
- 30. Attachment to e-mail in document 28**
- 31. Reply to 202300351426**

## Document 1

**From:** [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>

**Sent:** Monday, October 30, 2023 10:45 AM

**To:** Minister for Culture, Europe & International Development <[MinisterforCEID@gov.scot](mailto:MinisterforCEID@gov.scot)>

**Cc:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>

**Subject:** Meeting request from Festivals Edinburgh and Fringe Society on accommodation

Dear Paul, I reference back to your letter in May to [redacted], where you offered the opportunity to meet. We would like to take this opportunity to discuss with you how the STL legislation is bedding in now that the 1<sup>st</sup> October deadline has past, and to understand your steps for monitoring the situation and undertaking the planned review.

As you know through our previous meetings with you, we are always looking for ways to support positive and fruitful opportunities and outcomes. Following this August, whilst artists reported a steep rise in the cost of accommodation, we managed to unlock enough stock to support many during this year. The welcome postponement of the registration deadline helped buy time for discussions about activating more partnerships with university-owned properties, for which we were grateful, but there is still insufficient supply from these sources to counteract a sharp decline in availability of short-term lets. The reported steep decrease in those registering their homes, particularly for home-sharing and home-letting is giving us room for concern as we move into 2024. Fringe artists start registering their shows in January and we are strongly recommending they secure accommodation before they register.

There are a number of areas where solutions can still be found regarding a secondary legislation intervention to ensure that the 6-week exemptions to the mandatory conditions for home-sharing, home-letting are crystal clear to local authorities. There still seems to be a mismatch in what the City of Edinburgh Council and the Scottish Government interpretation of this means. So if this can be set out specifically and clearly, that would help enormously. [redacted]

You will no doubt be aware that Berlin banned short-term rentals entirely in 2014 but the law was overturned in 2018. But there is now a more practical restriction on how long people can rent their properties out for in the German capital. This is the area of balance that we think can be looked at and a practical resolution found.

[redacted] and I look forward to meeting you shortly.

Kind regards

[redacted]

**[redacted]**

[redacted]

Edinburgh Festival Fringe Society

[redacted]

[redacted]

[redacted]

Tel: [redacted]

Mobile: [redacted]

**Edinburgh Festival Fringe**

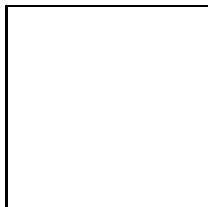
02 – 26 August 2024

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The Edinburgh Festival Fringe Society is a registered charity in Scotland (SC002995). For information on the Edinburgh Festival Fringe and the Society go to [edfringe.com](http://edfringe.com).

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Edinburgh Festival Fringe Society Ltd  
180 High Street  
Edinburgh  
EH1 1QS  
United Kingdom

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**Important notice:**

[redacted].

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**Edinburgh Festival Fringe**

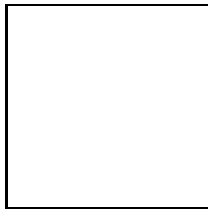
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Edinburgh Festival Fringe Society Ltd  
180 High Street  
Edinburgh  
EH1 1QS  
United Kingdom

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**Important notice:**  
[redacted]

**Document 2**

Minister for Housing  
Ministear airson Taigheadas  
Paul McLennan MSP/BPA

T: 0300 244 4000

E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

[redacted]

[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)

Our Reference: 202300383933

6 December 2023

Dear [redacted],

Thank you for your e-mail of 30 October 2023 to Paul McLennan, the Minister for Housing regarding short term lets licensing.

The Minister wishes to thank you for providing an update about the availability of accommodation for the Fringe in 2023. In terms of the Scottish Government making changes to the legislation to exclude home-sharing and home-letting from the requirement to obtain a licence for 6 weeks every year, Mr McLennan has asked me to share a copy of his letter to the Local Government, Housing and Planning Committee that sets out the scope and timing of an update to Parliament in 2024 about licensing implementation. This sets out that the purpose of the update is to report on progress with licence applications and to consider operational improvements to the existing scheme. The intention is not to alter the fundamental principles and requirements, which are in place to ensure the safety of guests and suitability of hosts/operators and their accommodation.

We are in the process of engaging with stakeholders about the implementation update and Mr McLennan is keen for you to meet with his policy officials to share information and explore improvements within the scope he has set out.

Please contact [shorttermlets@gov.scot](mailto:shorttermlets@gov.scot) to arrange a meeting with them.

Yours sincerely,

[redacted]

[redacted]

**Document 3**

**From:** [redacted] <[redacted]@edfringe.com>

**Sent:** Thursday, December 7, 2023 12:24 PM

**To:** Central Correspondence Unit <CentralCorrespondenceUnit@gov.scot>

**Subject:** Fw: Your recent enquiry with Scottish Government and partner agencies - 202300383933

Thank you for this response [redacted]. The letter also indicates that "Mr McLennan has asked me to share a copy of his letter to the Local Government, Housing and Planning Committee that sets out the scope and timing of an update to Parliament in 2024 about licensing implementation."

This wasn't attached to the response, so can you please forward that to me as well please.

Regards

[redacted]

**[redacted]**

[redacted]

Edinburgh Festival Fringe Society

[redacted]

[redacted]

[redacted]

Tel: [redacted]

Mobile: [redacted]

---

**From:** [casehandling.service@gov.scot](mailto:casehandling.service@gov.scot) <[casehandling.service@gov.scot](mailto:casehandling.service@gov.scot)>

**Sent:** 06 December 2023 17:41

**To:** [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>

**Subject:** Your recent enquiry with Scottish Government and partner agencies - 202300383933

Please find attached a response to your correspondence.



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02 – 26 August 2024

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Edinburgh Festival Fringe Society Ltd  
[redacted]  
[redacted]  
[redacted]  
United Kingdom

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**Important notice:**  
[redacted]

**Document 4**

DIRECTORATE FOR LOCAL GOVERNMENT AND HOUSING  
DLGH : More Homes

[redacted]  
[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)

Our Reference: 202300388477

19 December 2023

Dear [redacted],

Thank you for your e-mail of 7 December 2023. I have been asked to respond on behalf of the Minister for Housing's private office as I work in the short term lets policy team.

Apologies that you didn't receive the attached letter that was being referred to in the response letter dated 6 December 2023.

Please see the following link to the letter, which was published on the Scottish Parliament's website [shorttermlets27oct.pdf \(parliament.scot\)](#). I have also attached the letter for ease.

Yours sincerely,

[redacted]  
**MHD : Housing Markets: Planning, Home Ownership and Taxation**

## Document 5

This is an attachment to the correspondence in document 4 and is publicly available and can be found using the following link: <https://www.parliament.scot/-/media/files/committees/local-gov/correspondence/2023/shorttermlets27oct.pdf>

## Document 6

**From:** [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>

**Sent:** 14 December 2022 13:50

**To:** [redacted] <[\[redacted\]@edinburgh.gov.uk](mailto:[redacted]@edinburgh.gov.uk)>; [\[redacted\]@creativescotland.com](mailto:[redacted]@creativescotland.com); Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine <[MinisterCEID@gov.scot](mailto:MinisterCEID@gov.scot)>; [\[redacted\]@scotent.co.uk](mailto:[redacted]@scotent.co.uk); [\[redacted\]@eventscotland.or](mailto:[redacted]@eventscotland.or)

**Cc:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>; [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>

**Subject:** update on the Fringe Society

Good afternoon, on behalf of [redacted] I attached a document which sets out the challenges faced by the Fringe Society and wider Fringe in the year ahead. [redacted – out of scope]

Please let me me, or [redacted], know if you wish to discuss any of the items in the paper in more detail.

Best wishes

[redacted]

**[redacted]**

[redacted]

Edinburgh Festival Fringe Society

[redacted]

[redacted]

[redacted]

Tel: [redacted]

Mobile: [redacted]

**Edinburgh Festival Fringe**

04 – 28 August 2023

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Edinburgh Festival Fringe Society Ltd

[redacted]

[redacted]

[redacted]

[redacted]

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**Important notice:**

[redacted]

## **Document 7**

The following text is an extract of an attachment that is in scope of your FOI request.

### **EDINBURGH FESTIVAL FRINGE SOCIETY CURRENT POSITION**

#### **Short Term Lets**

We are pleased that Scottish Government has paused the introduction of Short Term Lets licensing. This will hopefully ensure that implementation of the legislation by the City of Edinburgh Council does not lead to unintended consequences to the Fringe and our sister festivals, particularly at a time when the art has been severely impacted by Covid and struggling to return after the pandemic. The 3 things we have lobbied for is that CEC adopts the 6-week exemption flexibility for home-sharing/home-letting STL licenses; there is a wider economic impact study carried out to fully understand and mitigate against unintended consequences; there is lighter touch regulations for home-sharing/home-letting.

**Document 8**

DIRECTORATE FOR CULTURE AND MAJOR EVENTS DCME: Culture and Historic Environment  
[redacted] [\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)

Our Reference: 202200335363

19 January 2023

Dear [redacted] and [redacted],

[redacted – out of scope]

With regards to Short Term Lets, we are pleased to see that you have welcomed Ms Robison, the Cabinet Secretary for Social Justice, Housing and Local Government, writing on the 7th December to the Local Government Housing and Planning Committee to advise we intend to lay an amendment to the short-term let regulations in January 2023. This amendment proposes a one-off six month extension to the deadline by which existing hosts must apply for a short-term let licence from 1 April 2023 to 1 October 2023. This is not a pause, we encourage hosts to continue to apply throughout this period. It does provide additional time though for those needing to undertake work to comply with requirements. We trust you found the position being adopted by Scottish Government and the Council to be helpful with regards to this amendment, as well as the role of Scottish Government in clarifying to the Council what may be possible with regards to a 'light touch' adoption of the Short Term Lets legislation. We look forward to seeing how this develops.

[redacted – out of scope]

[redacted]

Yours sincerely

[redacted]

**[redacted]**

## Document 9

**From:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>

**Sent:** 19 December 2022 11:13

**To:** Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>

**Cc:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>

**Subject:** SSI on short-term lets licensing

Dear Cabinet Secretary

I am writing to thank you for the announcement of your intention to lay an affirmative SSI to amend the date by which existing hosts must apply for a short-term let licence from 31 March 2023 to 30 September 2023.

This extension is a great assistance in giving short-term let hosts time to seek clarity on complying with the still-emerging detail of local authority licensing schemes. In Edinburgh, in particular, it can help avoid a sudden drop in temporary supply during the summer of 2023 which is critical to the recovery of the leisure and tourism economy, with nationwide impacts.

Edinburgh's Festivals have long been supportive of short-term lets regulation, with the main focus on secondary lets which can exacerbate housing supply issues and damage the character of neighbourhoods in high concentration. However, as you will be aware, we have been concerned about unintended consequences from the way that temporary licensing exemptions are proposed to apply to home-sharing and home-letting in Edinburgh.

In regard to this area of policy, we would like to commend and support the suggestions of Tommy Sheppard MP - who we know has asked if you would consider addressing the following two additional points when drafting a new SSI to amend the 2022 regulations:

- giving local authorities the discretion to simply waive the requirement for a licence in circumstances where the letting activity operates for less than six weeks in any calendar year: this would mean that anyone who wished only to let a property for the Edinburgh peak season festivals – and who was not running a year-round business – would not be covered by the scope of the statute; and
- excluding home-sharing for less than six weeks per year from the scope of the regulations: as reducing home sharing does nothing to increase supply of accommodation for rent - it merely maintains under-occupation in the owner-occupied sector.

We would be pleased to provide additional information and discuss the issues further with your civil servants, if helpful.

With best wishes,

[redacted]

**[redacted]**

**[redacted], Festivals Edinburgh**

Mobile: [redacted]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

## Document 10

Cabinet Secretary for Social Justice, Housing and Local Government  
Rùnaire a' Chaibineit airson Ceartas Sòisealta, Taigheadas, agus Riaghladh Ionadail  
Shona Robison BPA/MSP  
T : 0300 244 4000  
E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

[redacted]  
[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)

Our Reference: 202200336001  
Your Reference: SSI on short-term lets licensing

20 January 2023

Dear [redacted],

Thank you for your email of 19 December 2022 asking that we waive the requirement for a licence for short-term let activity under six weeks in any calendar year and exclude home sharing for less than six weeks per year from the scope of licensing.

The primary purpose of licensing is to ensure short-term lets are safe and the people providing them are suitable. This is why all types of short-term lets, home sharing as well as home letting and secondary letting, require a licence. While we did consult in 2019 on whether short-term let accommodation used for fewer than 28 days per year should be excluded, we decided against this approach based on feedback that it would be confusing to understand, difficult to enforce and dilute the overall objective to protect the safety of guests in all circumstances.

Instead local authorities have powers to issue temporary licences and temporary exemptions for short periods each year. It is important these are applied for and granted, rather than waived, to enable local authorities to appropriately consider the circumstances of each application. This is similar to arrangements at section 42 of the 1982 Act for late hours catering licences. Our guidance does set out, however, that authorities have discretion to make the temporary exemptions process more light touch, for example by:

- asking for the application to be made on a different (shorter) form;
- charging a different (lower) fee;
- asking for less information than on a licence application; and
- not applying some of the mandatory conditions.

It is Edinburgh Council's decision to apply mandatory and additional conditions to temporary exemption and temporary licensing arrangements; I understand this is based on a build-up of evidence about issues affecting the safety and amenity of guests and residents. I am aware the Council is keen to reassure people this will not be onerous to undertake and it is currently developing materials, including a frequently asked question document, to better convey how hosts can easily comply with these requirements. There is also a fast track system that will process temporary exemption applications within four weeks. I trust all of this together will alleviate your concerns relating to regulation, which above all is about improving the safety for guests.

Yours sincerely,

[redacted] SHONA ROBISON

## Document 11

**From:** [redacted] <[redacted]@festivalsedinburgh.com>

**Sent:** 10 November 2022 10:24

**To:** Robertson A (Angus), MSP <[Angus.Robertson.MSP@Parliament.scot](mailto:Angus.Robertson.MSP@Parliament.scot)>; Macpherson B (Ben), MSP <[Ben.Macpherson.msp@parliament.scot](mailto:Ben.Macpherson.msp@parliament.scot)>; MacDonald G (Gordon), MSP <[Gordon.MacDonald.msp@parliament.scot](mailto:Gordon.MacDonald.msp@parliament.scot)>

**Subject:** FW: Short term lets regulation: data and recommendations from Edinburgh Festivals

**CAUTION:** *This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.*

Dear Angus, Ben and Gordon

I wanted to share an email that Festivals Edinburgh has sent today to the Minister for Culture and Minister for Tourism, about the potential for damaging consequences from the detailed implementation of Scotland's new statutory short-term lets regulation policies.

Given your longstanding support for Edinburgh's Festivals as a key local and national asset, I know you would want to see the latest data we have pulled together – which I am sharing with stakeholders but not putting in the public domain at the moment as I have asked officials to review it – though I'm aware that you will need to take account of different constituency and governmental responsibilities in considering it.

As far as those responsibilities permit, I would be very grateful for any advice about how best to take this issue forward to a more positive conclusion.

With thanks and best wishes,

[redacted]

[redacted]

[redacted], Festivals Edinburgh

Mobile: [redacted]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

Postal address: [redacted]

[redacted]

**From:** [redacted]

**Sent:** 10 November 2022 10:10

**To:** [MinisterCEID@gov.scot](mailto:MinisterCEID@gov.scot); [MinisterBTTE@gov.scot](mailto:MinisterBTTE@gov.scot)

**Cc:** [redacted] <[DirectorofCultureMajorEventsandCovidCoordination@gov.scot](mailto:DirectorofCultureMajorEventsandCovidCoordination@gov.scot)>; 'dgsea@gov.scot' <[dgsea@gov.scot](mailto:dgsea@gov.scot)>; 'DGEconomy@gov.scot' <[DGEconomy@gov.scot](mailto:DGEconomy@gov.scot)>; [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>; [redacted] <[\[redacted\]@edfringe.com](mailto:[redacted]@edfringe.com)>; [redacted] <[\[redacted\]@scifest.co.uk](mailto:[redacted]@scifest.co.uk)>

**Subject:** Short term lets regulation: data and recommendations from Edinburgh Festivals

Dear Minister Gray and Minister McKee

I know that you will have been receiving various representations about the risk of damaging unintended consequences from the detailed implementation of Scotland's new short-term lets regulations. This is to provide new overview data about specific temporary surge supply and demand issues for Edinburgh's Festivals. Given the serious collateral damage that could be caused to

this key national asset for Scotland, we ask for your support at national level in extending the lead time needed for robust and targeted implementation of these policies.

[redacted – out of scope] but uniquely on the issue of changes to short-term lets regulation, there is an opportunity to manage negative impacts through careful and consistent implementation of the new national policies.

As the collective body representing the capital's 11 major international festivals, we fully understand the strength of local concerns about commercial short-term let properties given the housing crisis, agree with the need for regulation and planning permission where there has been a change of use, and are not making recommendations about treatment of secondary short-term lets.

However we have been urgently warning City of Edinburgh Council that the detail of the scheme they have agreed in the very temporary instances of six-week exemptions and six-week licences for home-letting and home-sharing is likely to cause substantial collateral damage. We have argued that these categories need to be reviewed as a matter of priority, and highlight that it is still within the Council's power to moderate these effects with a longer lead time.

We were relieved to see in last week's emergency budget review that Scottish Government intends to work with local authorities and business stakeholders to encourage, where possible, consistency in the application of short-term lets, regulations and associated fees – and we see the temporary issues for Edinburgh's summer season as a prime example of where this is needed.

The three collective recommendations from our festivals are:

1. Scottish Government to extend the deadline for existing short-term lets to apply for a licence from 1 April 2023 for a minimum of six months to at least 1 October 2023
2. City of Edinburgh Council to use the authority delegated by Scottish Government to local authorities to make the conditions as light-touch as possible for CEC six-week exemptions and six-week temporary licences
3. Economic impact assessment to be undertaken of potential reductions in short-term accommodation resulting from new regulations to inform due diligence on licensing and planning decisions

I attach our latest estimate of the scale of the risk to Edinburgh's peak festivals season – with a summary bar chart shown below - and the spiralling damage the situation could cause to the 4000+ additional jobs directly created by them; the 44,000 jobs supported in the capital's wider arts, hospitality and recreation sectors; and the world-class brands of the Edinburgh Festivals that benefit the whole of Scotland in tourism, business and diplomacy across the globe.

Festivals Edinburgh are asking the Scottish Government to make an extension to the deadline for licensing applications, ideally for 12 months but at minimum for six months to 1 October 2023. This would provide time to create more stability and predictability for the local householders offering home-letting and home-sharing who by our best estimates make up over 25% of the provision needed in Edinburgh's peak season. If the deadline remains at 1 April 2023 and there is uncertainty in the first three months of the new year about what accommodation is available for visiting artists and crews, this will have a devastating effect on the fragile recovery of the Fringe offer in particular as shows start to register from January.

These local owner occupiers are only making their properties available for just over 10% of the year, so the issues of neighbourhood amenity and housing supply that concern residents are small compared to commercial short-term lets. However, the longstanding city tradition of welcoming cultural visitors into people's own homes would be the first area to be damaged by overly onerous

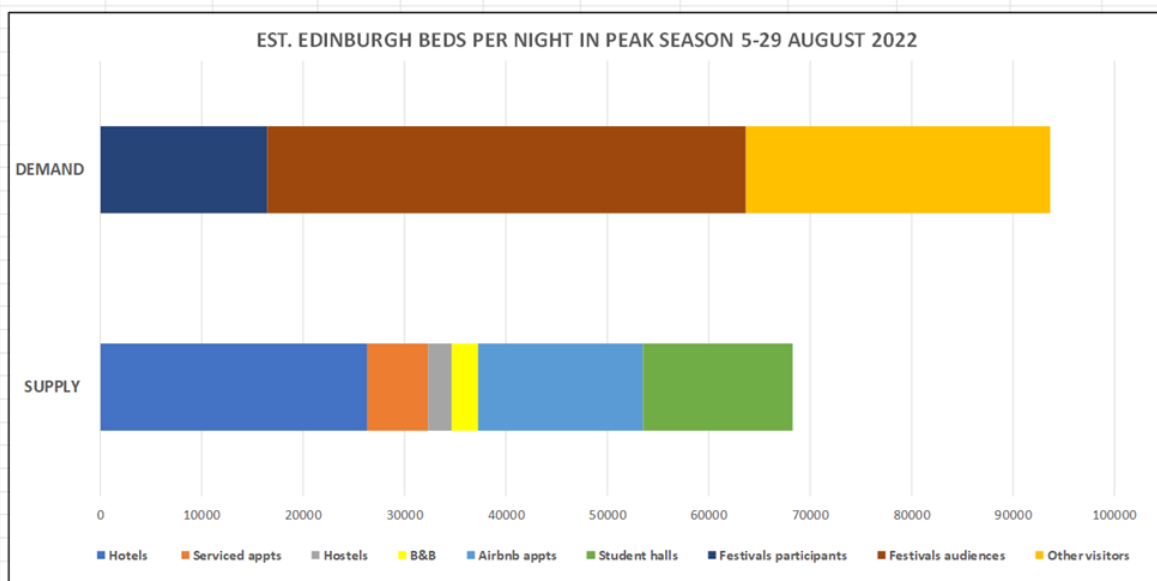
licensing requirements that the city scheme is currently requiring of them for six-week lets - such as PAT testing, submitting floor layout plans and public liability insurance.

We have used publicly available sources to produce these supply and demand estimates, and we are also keen to see city and national government officials review and improve on these estimates as part of an economic impact assessment of the policies.

Thank you for considering these points. I would be keen to discuss the issues and potential solutions, and will ask my colleagues to be in touch with your officials to see if there is a good time for a meeting later this month.

All best wishes, [redacted]

**Summary of short-term let supply and demand issues in peak festivals season (detail attached)**



*For summary of numbers see foot of worksheet*

1. In August 2022, the Fringe and the other major festivals resulted in demand for 64,000 beds per night = 1.6 million bed nights across the 25-day peak season.
2. This is worth at minimum £64 million income to Edinburgh, with very modest assumption of £40 average per bed night/£80 per double room (for comparison, Edinburgh Hotel Association average revenue per room in Aug 2022 was £180).
3. The analysis above implies that secondary letting could account for 17.4% of the total supply needed to meet this demand - with home-sharing and home-letting accounting for an even bigger element of 27% of supply.
4. Letting agents surveyed predict that new regulation could result in a loss of up to 90% of accommodation in the private rental sector, and even if only 50% were lost it would affect a third of the Fringe's cultural programme.
5. The potential lost direct income pales against the impact of the Fringe contracting by one third - which due to economies of scale for producers puts at risk their whole £100M+ additional economic impact and 2000 city jobs created, before considering damage to other festivals accounting for a further c £100M and 2000 jobs.

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**Document 12**

Attached separately

## Document 13

Cabinet Secretary for Constitution, External Affairs and Culture  
Angus Robertson MSP

T: 0300 244 4000

E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

[redacted]

[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)

Your Ref: Short term lets regulation

Our Ref: 202200329802 21 December 2022

Dear [redacted],

Thank you for your email on the 10 November raising the potential damaging consequences the detailed implementation of new statutory regulations on short term lets could have on Edinburgh's Festivals.

While the ability to change the deadline on Short Term Lets applications is in the power of Scottish Government, planning and licensing matters are for the City of Edinburgh Council to resolve.

On 7 December, the Cabinet Secretary for Social Justice, Housing and Local Government wrote to the Local Government Housing and Planning Committee to advise we intend to lay an amendment to the short-term let regulations in January 2023. This amendment proposes a one-off six month extension to the deadline by which existing hosts must apply for a shortterm let licence from 1 April 2023 to 1 October 2023.

This recognises the wider economic circumstances of the cost crisis that is placing pressure on existing short-term let hosts and businesses, without unduly delaying the primary aim of ensuring consistent safety standards.

As well as the mandatory conditions that put in place safety standards for all short-term lets in Scotland, authorities also have discretion to apply additional conditions to address specific issues locally. It is not the intention for these to be onerous and we are speaking with relevant authorities where concerns have been raised about unnecessary burdens on businesses.

A roundtable with Edinburgh's Festivals took place on 14 December, hosted by City of Edinburgh

Council and chaired by Mr Gray, Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine, where the accommodation matters were discussed further, as well as wider Cost of Living concerns facing the City's arts sector. Dialogue will remain open, and we look forward to continuing to work with you and the Festivals over this challenging period.

Yours sincerely,

[redacted]

**Angus Robertson**

**Cabinet Secretary for Constitution, External Affairs and Culture**

**Document 14**

**From:** [redacted] <[redacted]@festivalsedinburgh.com>

**Sent:** Thursday, October 27, 2022 5:02 PM

**To:** [redacted] <[redacted]@festivalsedinburgh.com>

**Subject:** [redacted – out of scope]

Dear colleagues

[redacted – out of scope] I have attached a summary of Festivals Edinburgh's response to the recent CEC consultation on short term lets licensing. Since this was written, there has been further concerning evidence about the likely supply impact of CEC decisions in applying the new regulations. Discussions are now beginning with Council officials about potential solutions needed urgently given decisions points for the Fringe and other festivals in January 2023.

[redacted – out of scope]

We hope this background information is helpful and look forward to seeing you next week.

All best wishes,

[redacted]

[redacted]

**Document 15**

The following text is an extract of an attachment in the e-mail in document 14 that is in scope of your FOI request.

accommodation supply crisis (up to 300% price increase in 2022 and prospect of supply crisis in 2023 due to unintended consequences of new STL regulation)

**Document 16**

**Attached separately**

## **Document 17**

The following text is an extract of an attachment in the e-mail in document 14 that is in scope of your FOI request.

The new Short Term Lets Legislation will, as it stands, remove accommodation for 1,000 companies who want to attend the Fringe; this will significantly impact the viability of many venue business models who rely on economies of scale to meet rising costs and will have the greatest impact on those with the least income and/or from working class backgrounds.

## Document 18

**From:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Sent:** 27 January 2023 17:18  
**To:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Subject:** RE: Festivals' evidence on short-term lets to Scottish Parliament and query on education exclusion

Hi [redacted] – thanks for coming back to me, much appreciated. I can do Monday at 3pm, and have sent through a Teams invite if that works for you? Best wishes, [redacted]

**[redacted]**  
[redacted]  
Festivals Edinburgh  
Mobile: [redacted]  
Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)  
Postal address: [redacted]  
[redacted]

**From:** [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Sent:** Friday, January 27, 2023 9:37 AM  
**To:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Cc:** [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot); [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)  
**Subject:** RE: Festivals' evidence on short-term lets to Scottish Parliament and query on education exclusion

Hi [redacted],

Thanks for getting in touch.

We're free to discuss your below query next week – do any of the below dates / times suit?

- Mon 30 Jan from 3pm
- Tue 31 Jan from 2.30pm

Many thanks,

**From:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Sent:** Wednesday, January 25, 2023 9:37 AM  
**To:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Cc:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Subject:** Festivals' evidence on short-term lets to Scottish Parliament and query on education exclusion

Hello [redacted] and [redacted]

Hope all's well with you. I'm sure you are aware that Festivals Edinburgh is among the witnesses invited to make a written submission and give oral evidence (on 7 Feb) to the Local Government, Housing and Planning Committee as part of their consideration of the proposed amendment of The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.

This is to share a copy of the written submission we sent in on Monday – going public on their webpages next Monday – and to ask for your help please with a query about the rationale for the exclusion in the 2022 Order of ‘accommodation shared with the host for the principal purpose of advancing the guest’s education’ as per the screenshot below.

<https://www.legislation.gov.uk/sdsi/2022/9780111052396/article/3>

**Definition of short-term let and short-term let licence**

3. In this Order—

“short-term let” means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met—

- (a) the guest does not use the accommodation as their only or principal home,
- (b) the short-term let is entered into for commercial consideration,
- (c) the guest is not—
  - (i) an immediate family member of the host,
  - (ii) sharing the accommodation with the host for the principal purpose of advancing the guest’s education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
  - (iii) an owner or part-owner of the accommodation,
- (d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host’s household,
- (e) the accommodation is not excluded accommodation (see schedule 1), and
- (f) the short-term let does not constitute an excluded tenancy (see schedule 1),

“short-term let licence” means a licence granted for the activity designated in article 4.

The Cabinet Secretary’s letter to us of 20 January stressed that the primary purpose of licensing is to ensure short-term lets are safe and the people providing them are suitable, and that this is why all types of short-term lets, home sharing as well as home letting and secondary letting, require a licence. However the exclusion of accommodation shared with the host for educational purposes – including under arrangements made with schools for children – strikes us as an anomaly in this regard. That is why, in our evidence, we ask the Committee to consider the point that if national policymakers are content for temporary use of homestays for school age children to be unlicensed, the same type of national exclusion should be applied in excluding temporary use of homestays for adults working on major festivals and events. We argue that this is necessary given the demonstrated issues with the local exemption power, as the City of Edinburgh Council has confirmed to us that they had asked for a discretionary licensing system and that it was ministers who decided it should be mandatory and apply to all types of licence.

It would be very useful to know the background to this decision to exclude homestays for educational purposes in the Order before 7 February when we will be discussing this with the Committee. Would it be possible to schedule a call before then to discuss this?

Many thanks and best wishes,

[redacted]

[redacted]

[redacted]

Festivals Edinburgh

Mobile: [redacted]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

Postal address: [redacted]

[redacted]

## Document 19

This is an attachment to the correspondence in document 18 and is publicly available and can be found using the following link: <https://www.parliament.scot/-/media/files/committees/local-gov/correspondence/2023/festivalsedinburghshorttermlets.pdf>

## Document 20

### This is an extract of text that is in scope from an e-mail

Hi all - I attach [redacted – not in scope] papers for [redacted – not in scope].

There are also [redacted – not in scope] docs enclosed:

- one is the summary action plan [redacted – not in scope]
- [redacted – not in scope]

[redacted – not in scope].

All the best, [redacted – not in scope]

[redacted – not in scope]

[redacted – not in scope], **Festivals Edinburgh**

Mobile: [redacted – not in scope]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

Postal address: [redacted – not in scope]

[redacted – not in scope]

## Document 21

These are extracts of text in attachment in e-mail in document 20.

### Short term lets regulation

- FE efforts alongside those of others achieved a welcome respite in early December when Scottish Government announced they plan to delay the registration deadline for existing hosts (but NB not new hosts) - this pushes most of the fallout beyond the coming peak festivals season, but still leaves the outlook for 2024 supply seriously reduced if nothing else changes.
- The Scottish Parliament Local Government & Housing Committee reviewed an amendment to enact this delay which gave Festivals Edinburgh the opportunity to submit the evidence attached at **Annex A** which asks the Committee to recommend that SG update the legislation to waive the requirement for licensing where home-sharing or home-letting activity operates for less than six weeks a year, and ideally exclude these categories from the scope of the regulations.

The Festivals Edinburgh Director also gave oral evidence to the Committee on 7 February. The Committee is then expected to produce a report or letter to the Cabinet Secretary with key conclusions on or before 7 March.

Annex A is publicly available and can be found using the following link:

<https://www.parliament.scot/-/media/files/committees/local-gov/correspondence/2023/festivalsedinburghshorttermlets.pdf>

## Document 22

**These are extracts of text that are in scope that are in an attachment in an e-mail from Festivals Edinburgh to Festival Forum and alternate members that was sent on 24 February 2023**

### **Accommodation supply and affordability risk**

[redacted] Festivals Edinburgh highlighted that one of the most urgent issues affecting the festivals going into 2023 would be the supply of short-term let (STL) accommodation in the city considering the surge demand in the summer peak season – since the detail of new CEC licensing and planning regulations for STLs was causing concern about reducing the temporary availability of suitable accommodation, without which artists could not bring their work to the city.

Only when the City of Edinburgh Council's draft short-term lets licensing policy was published on 26 July 2022 did the detail become clear of how comprehensively CEC planned to regulate the sector, in a consultation exercise with a deadline of 5 September. It was noted that a further CEC consultation exercise was underway until December 2022 about planning policy for short term lets.

Festivals Edinburgh stated that the festivals understood the need for STL regulation in the city, but were deeply concerned about the impact on STL supply in the peak season given that demand cannot be met with the current level of offer. The collective festivals position is to make the case for lighter-touch requirements for home-sharing and home-letting in householders' primary residences for up to six weeks. The issues of neighbourhood amenity and housing supply that concern residents are limited compared to commercial secondary letting where properties are bought to let out. Forum members were invited to share comments on the accommodation supply and affordability risk where it was commented that:

- There is an estimated substantial loss of accommodation capacity at a time where the tourism sector is trying to recover – this is not the right moment to implement these regulations
- There's a planning presumption against flats dwellings, quiet areas or buildings with shared gardens being used as STLs – so it was unclear where STLs would be allowed
- Major concern is the lack of an economic impact study for what will happen when the regulation is implemented.

**Two further actions were agreed on this item:**

- **University of Edinburgh offered to help investigate possibility of unlocking more student accommodation to increase supply**
- **Edinburgh Chamber of Commerce and FE to discuss possibility of subgroup of Forum stakeholders meeting to discuss STL**

## Document 23

These are extracts of text that are in scope in an attachment in an e-mail from Festivals Edinburgh to Festival Forum and alternate members that was sent on 24 February 2023

### ITEM 2: 2030 VISION – PROGRESS ON IMMEDIATE PRIORITY ACTIONS

Alongside this work being taken forward by Festivals Forum members, the Festivals Edinburgh Board has also separately agreed immediate priority actions to take forward through Festivals Edinburgh – see the summary grid at **Annex A**.

#### Updates on progress

#### **ACTION 30: MAXIMISE SUITABLE TEMPORARY ACCOMMODATION SUPPLY**

- On 7 December Scottish Government announced that they intended to delay the application deadline for existing short-term let operators by six months, moving it from 31 March to 30 September, in line with the ask from Edinburgh's Festivals and others to allow more time for implementation.
- At local authority level, City of Edinburgh Council has been in discussions with Festivals Edinburgh and Edinburgh Festival Fringe Society about how the application requirements for six-week exemptions can be made as light-touch as possible. CEC has confirmed they will endeavour to turn round temporary exemption applications in four weeks, rather than the previously indicated three months.
- Council Leader Cammy Day [commented on local short-term lets licensing](#) requirements at the Edinburgh Tourism Action Group conference on 8 February, saying: "I'd accept there are some unintended consequences in the legislation we argued for [...] The six-month delay buys us time to get it right. We're trying to re-manage the city better by putting commercial properties back into residential communities, where they belong. But we also accept the need for affordable accommodation, not just for performers, but also for people who want to come here for the festivals. We do need to re-look at the six-week exemption and give people clarity on what we're asking them to do [...] I'd like us to be as light touch as we possibly can, while ensuring these properties are as safe as possible for people to stay in."
- At national level, the Festivals Edinburgh Director gave evidence on 7 February to the Scottish Parliament Committee on Local Government, Housing and Planning about the impacts of the legislation, and made the case for a national exclusion for home-sharing in primary residences for up to six weeks, rather than the complexity of implementing the temporary exemption provision at local level. It seems like an anomaly compared to the exclusion of short-term educational homestays, and the fact that householders do not require to be regulated for sharing with long-term lodgers. A report from the Committee is expected by 7 March.
- Fringe Society are leading discussions with private developers of Purpose Built Student Accommodation in the city, to make the case for a percentage of affordable accommodation being made available through an industry platform, and supported by University of Edinburgh providing initial introductions and contacts.

#### Action 30: MAXIMISE SUITABLE TEMPORARY ACCOMMODATION SUPPLY

- It was noted that since the last Festivals Forum, Scottish Government had postponed the Short Term Lets licensing deadline for existing hosts by six months which had been a helpful

development. At CEC level, FE had met with [redacted] (CEC) to discuss short term lets regulations (STL), in particular impacts on temporary home sharing and home-letting relating to the festivals and scope for local implementation to be streamlined. At a national level, Culture Scottish Government (SG) colleagues had helped FE connect with Housing colleagues and FE had asked for a meeting with Shona Robison, Cabinet Secretary for Social Justice, Housing and Local Government. FE took as an action to meet VisitScotland colleagues and discuss with the national Events Industry Advisory Group the potential wider national impacts coming out of the STL regulation across the country.

**Document 24**

**From:** [redacted]@gov.scot <[redacted]@gov.scot> **On Behalf Of** CabSecSJHLG@gov.scot  
**Sent:** 07 December 2022 18:07  
**To:** Macpherson B (Ben), MSP <[Ben.Macpherson.msp@parliament.scot](mailto:Ben.Macpherson.msp@parliament.scot)>  
**Cc:** [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)  
**Subject:** FW: Letter from Cab Sec SJHLG to Ben Macpherson MSP regarding short term let licensing

Good evening,

Please find attached a response from Ms Robison on short-term let licensing. Also attached is a copy of her letter to the Local Government, Housing and Planning Committee which is referenced in her letter.

Kind regards,

[redacted] | **Office of Cabinet Secretary for Social Justice, Housing and Local Government**  
St Andrews House, Regent Road, Edinburgh, EH1 3DG  
Email: CabSecSJHLG@gov.scot

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\*\*\*\*\*

## Document 25

**This is an attachment to e-mail sent on 7 December 2022 to Festival Forum members in document 24**

Cabinet Secretary for Social Justice, Housing and Local  
Government  
Shona Robison MSP

T: 0300 244 4000

E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Ben Macpherson MSP

[ben.macpherson.msp@parliament.scot](mailto:ben.macpherson.msp@parliament.scot)

7 December 2022

Dear Ben,

I understand that organisations involved in Edinburgh Festivals have recently written to you outlining concerns about the availability of short-term let accommodation, during the festival period (particularly for performers and artists), following the introduction of licensing earlier this year. The same concerns have been put to Ministers, and the Culture Minister has therefore agreed to chair a roundtable meeting on 14 December between elected members/officials from the Council and the Edinburgh Festivals community to discuss these matters.

Short-term let licensing legislation<sup>1</sup> gives licensing authorities powers to strike a balance between the needs and concerns of local communities and the wider economic and tourism benefits of short-term lets. With particular regard to the concerns raised by the Festivals Edinburgh, these powers include the discretion for licensing authorities to grant temporary exemptions on application for a specified single continuous period not exceeding 6 weeks in any period of 12 months and/or temporary licences of up to six weeks. The inclusion of these powers is in recognition of the fact that large scale events – be they one-off major events, or annual events like the Edinburgh Festivals – can result in a significant demand for accommodation over a short period of time. Further details on temporary licences and temporary exemptions can be found in [our guidance for licensing authorities](#).

<sup>1</sup> The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

I understand Edinburgh Festivals is concerned about the City of Edinburgh Council's decision to make compliance with mandatory (Scotland wide) and additional (local) licence conditions a requirement of temporary exemption applications. The legislation does not dictate this requirement, and my officials recently contacted the Council to provide it with the following information to clarify this matter (para's 70 – 81 of the policy note: [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 - Policy Note \(legislation.gov.uk\)](#)).

You may also wish to be aware that I have written to the Local Government, Housing and Planning (LGHP) Committee to confirm the Scottish Government intends to lay legislation early next year to extend the transitional period for existing short-term let hosts. At present, existing hosts must apply for a short-term lets licence before 1 April 2023, and they can continue operating whilst their application is being determined. Recognising the current cost of living crisis is placing significant pressures on businesses, the Scottish Government considers a 6 month extension to the transition period will help existing hosts by allowing them more time to organise and budget for work needed to ensure compliance with licensing requirements. Further detail is included in my letter to the Convener of the LGHP Committee, which I have attached.

I trust this information is helpful.

Yours sincerely,

[redacted]

**SHONA ROBISON**

## Document 26

### This is an attachment to e-mail in document 24

Cabinet Secretary for Social Justice,  
Housing and Local Government  
Shona Robison MSP  
T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Ariane Burgess MSP Convener,  
Local Government, Housing and Planning Committee  
By email: [localgov.committee@parliament.scot](mailto:localgov.committee@parliament.scot)

7 December 2022

Dear Convener,

I am writing to advise you that we intend to lay an affirmative Scottish Statutory Instrument in January 2023 that will seek to amend The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.

This is in order to amend the date by which existing hosts<sup>1</sup> must apply for a short-term let licence from 31 March 2023 to 30 September 2023. This is a one-off 6 month extension recognising the wider economic circumstances of the cost of living crisis that is placing pressure on existing short-term let hosts and businesses at a time when they are organising and budgeting for work to comply with the new licensing requirements.

We do not intend to propose a change to arrangements for new hosts, who will still be required to obtain a licence before they can accept bookings and receive guests. This upholds the purpose of introducing licensing, which is to ensure all new short-term lets across Scotland meet mandatory conditions (including safety standards) and are provided by fit and proper people. I am content that the current legislation still allows the sector to expand, with authorities having discretion to consider licence applications from prospective buyers of short-term let businesses with the current owner/s consent.

In light of this proposed amendment to extend the deadline for applications from existing hosts, I am re-considering the scope and timing of the licensing review we intended to undertake in Summer 2023. I will update the Committee on this in due course.

Yours sincerely,

[redacted]

SHONA ROBISON

1 Hosts that have received guests in their short-term let accommodation prior to 1 October 2022



**To:** [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>  
**Cc:** [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>  
**Subject:** Query re licensing authority flexibility over STL temporary exemptions

Hi [redacted] – thank you for the clarification and further information, that’s helpful. [redacted]

Hello [redacted], it’s good to be in touch. As I mentioned to [redacted] in the email trail below, I am keen to have clarification directly from you of the position of national guidance with respect to what flexibility licensing authorities have in making temporary exemptions. I should stress that this is in the interests of maximising the temporary surge supply of accommodation needed for Edinburgh’s peak festival season through home sharing and home letting which do not taking housing out of residential stock.

CEC elected members have confirmed to Festivals Edinburgh that they interpreted the ‘exemption’ provision in the national framework as being an exemption from the standard process of licensing application, and not an exemption from the mandatory licence conditions. Please can you confirm:

- If there is anything in the national framework that prevents a licensing authority from excluding those granted a temporary exemption from the mandatory conditions?
- Does this differ depending on whether the activity is home sharing, home letting or secondary letting?
- What would be Scottish Government’s view if a licensing authority chose to exclude those granted temporary exemptions from the mandatory conditions?

Although CEC have said that they intend to make the process for exemptions lighter touch by enabling self-certification for some of the mandatory conditions, our online research highlights that it will still require substantial work and up-front initial costs of around £950 to apply for an exemption, without knowing whether the application is likely to succeed.

We have shared our calculations below. For a householder sharing their home with one festival worker at the Fringe Society’s recommended affordable rate of £40/night for six weeks surrounding the peak season, this would leave them with net income of £730 or £120 per week. Surveys of current providers confirm that this is an unattractive return and would not make it worth their while. We estimate that more than 20,000 bed nights are being provided by home sharing or home letting during Edinburgh’s peak festival season, 27% of the total short term accommodation needed in Edinburgh at this time of year.

The risk to this important component of supply that is essential to delivering the nationally significant benefits of Edinburgh’s peak festivals season is therefore substantial. This is why we believe that it is critical for CEC to be clear on whether they have the power to exempt home sharers and home letters from the mandatory conditions, if they so choose.

Thank you for your help.

Best wishes, [redacted]

\*\*\*\*\*

Up-front costs of applying for exemption for a 2-bed property would typically total around £950:

- CEC fee for applying for an annual exemption is £250 for up to 5 occupants/£350 for up to 10 occupants
- Public liability insurance for hosting two guests is typically £400 for an annual policy (no short-term cover was offered when FE tested the online market)
- Annual PAT testing up to 10 items typically £45
- Cost of Energy Performance Certificate typically £100 (valid for five years)
- Cost of Electrical Condition Report for 2-bed property typically £150 (valid for 5 years)

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**From:** [redacted]@gov.scot <[redacted]@gov.scot>  
**Sent:** Thursday, December 1, 2022 1:40:53 PM  
**To:** [redacted] <[redacted]@festivalsedinburgh.com>  
**Cc:** [redacted]@gov.scot <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]@gov.scot <[redacted]@gov.scot>  
**Subject:** RE: Seeking quick advice re contacting [redacted] in SG Housing team?

Hi [redacted] ,

Good to hear you're feeling better!

I should have clarified that when I said that it's resolved, I just meant this exemption element – we are still looking into the option of extending the deadline and will get back to you and [redacted] when we have a clearer position on that.

The email I refer to below was sent on Tuesday, so that would not have been yet by the elected members.

I have copied in [redacted] who is happy to pick up on your follow-up queries on STL below, noting pressures on accommodation in Edinburgh extend beyond the impact of STL regulation.

Best wishes,

[redacted]

[redacted]

**From:** [redacted] <[redacted]@festivalsedinburgh.com>  
**Sent:** 01 December 2022 11:56  
**To:** [redacted] <[redacted]@gov.scot>  
**Cc:** [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>  
**Subject:** RE: Seeking quick advice re contacting [redacted] in SG Housing team?

Hi [redacted], thanks for the speedy response and support with securing clarification, much appreciated. I am due to reply to an email from CEC officials later today so it is immensely helpful to know that there has been new information from Scottish Government to CEC on this topic. Are you able to say when that email was sent? There was no indication at our meeting on Monday that the elected members were aware of this clarification.

It sounds important in the clarification and resolution of this matter of temporary exemptions, appearing to confirm that CEC has the power to decide whether or not to apply conditions, and has the power but not the duty to consult the chief constable and Scottish Fire and Rescue Service to allow for flexibility in the range of circumstances and durations for which temporary exemptions may be granted. I need to confirm CEC's understanding of these paragraphs 70 to 81 and identify what they now accept they have discretion over, and whether they are willing to moderate their policy on those matters given the likelihood of significant loss of supply of temporary home-letting and home-sharing.

So that Festivals Edinburgh is also party to the information, I am minded to write to [redacted] now to ask him to share clarification of the position with us too. Of course I will let the Fringe Society know about this development as well.

It will take time to establish whether CEC do have an appetite to moderate their policy on temporary exemptions, so we are still keen to make the case for Scottish Government to extend the deadline for existing short-term lets to apply for a licence from 1 April 2023 for a minimum of six months to at least 1 October 2023, and to encourage economic impact assessments to be carried out as part of the national policy to encourage consistency across local authorities in implementation. Thank you for everyone's support so far and grateful to know how you can assist us in bringing these points to the attention of those with influence and decision making authority.

[redacted]

All the best, [redacted]

**From:** [redacted]@gov.scot <[redacted]@gov.scot>

**Sent:** 01 December 2022 11:21

**To:** [redacted] <[redacted]@festivalsedinburgh.com>

**Cc:** [redacted]@gov.scot; [redacted] <[redacted]@gov.scot>

**Subject:** RE: Seeking quick advice re contacting [redacted] in SG Housing team?

Hi [redacted] ,

Hope you're feeling better?

Thanks for checking in - [redacted], who you rightly identified as a good contact in that team, has emailed officials in the Council ([redacted] and [redacted]) to advise them that the legislation does not dictate the position being adopted by City of Edinburgh Council. Further information is provided in para's 70 – 81 of the policy note: [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 - Policy Note \(legislation.gov.uk\)](#)

I have not seen anything come back from that as yet, so I am assuming this has been accepted by CEC, and that the matter has been clarified and resolved.

I hope that settles this element of the STL concerns, and please pass this on to [redacted] and [redacted] so they know where we are on this too.

Best wishes,

[redacted]  
[redacted]

**From:** [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Sent:** 01 December 2022 10:40  
**To:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Cc:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Subject:** RE: Seeking quick advice re contacting [redacted] in SG Housing team?

Hi [redacted] – [redacted] In the margins I'm hoping you could give me a quick steer about us making a direct approach to SG Housing colleagues, or whether we should wait to hear what conversations you are having across Govt and what local/national discussions we understand you are setting up.

We have been passed the [redacted] as the [redacted] in Housing dealing with short-term lets. If this is the best senior contact for the policy area, the Fringe Society has asked if I would get in touch with [redacted], or if they should get in touch with [redacted], to seek clarity around the key question of what 'exemption' means. But they have agreed to hold fire until I check in with you about whether we should go ahead and contact [redacted] now, or whether there is an impending update from you about discussions being had across civil service departments.

I realise this is a big ask but if you have a chance to let me know what you think by the end of this week, that would be super helpful in keeping these discussions moving. Many of us in the festivals world are not around after 16 December as this is our main holiday season so I'm keen to make as much progress as possible in the next two weeks.

Thanks for any advice you can provide and good luck with the roundtable meetings!

[redacted]

**From:** [redacted]  
**Sent:** 28 November 2022 17:22  
**To:** [redacted] [@gov.scot](mailto:[redacted]@gov.scot)  
**Cc:** [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] [@gov.scot](mailto:[redacted]@gov.scot); [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>  
**Subject:** Urgent questions for Housing colleagues re short-term lets licensing and Edinburgh Festivals impact

Hi all

[redacted], thanks very much for the info you were able to share on the Creative Scotland/sector bodies call this afternoon, about how you and your colleagues are looking into the impacts of short-term lets licensing on Edinburgh's peak festivals season. That was very helpful.

I'm copying in [redacted] and [redacted] as [redacted] is in the process of setting up a meeting for us in [redacted] absence, and this issue of short-term lets licensing is among the most urgent bits of business that I wonder if we can make progress on swiftly.

Together with the Fringe Society, I had a meeting this afternoon with the City of Edinburgh Council Convener of the Regulatory Committee and Convener of the Licensing Sub-Committee. They have stated that in earlier consultations with SG, CEC asked for home letting and home sharing to be out of scope of the licensing scheme: however this was not the national framework that was put into place, which they are now obliged to implement. They confirmed that CEC have interpreted the 'exemption' provision in the national framework as being an exemption from the standard process of licensing application, and not an exemption from the mandatory licence conditions.

We took away as an action point that both CEC and Edinburgh's Festivals must seek clarity on the position from the responsible civil servants.

From our perspective, the official [online Scottish Government guidance](#) explicitly says that a 'licensing authority can grant temporary exemptions to the **requirement to have a licence**'. I have cut and pasted the relevant paragraphs at the foot of this message.

There is an urgent need for clarification from the responsible civil servant about what are the minimum exemption requirements the framework empowers a licensing authority to put in place. Are you able to identify who this is and help broker discussions with CEC and with the festivals? That would be extremely helpful. [redacted], but if we could at least establish whether this specific point is able to be resolved that would make a significant positive contribution.

Many thanks, [redacted]

[Scottish Government guidance for hosts and operators:](#)

## (e) Temporary exemptions

1.17. Your licensing authority can grant temporary exemptions to the requirement to have a licence<sup>[5]</sup>. They can do this for a specified single continuous period not exceeding 6 weeks in any period of 12 months.

1.18. They might do this to accommodate a large influx of visitors over a short period to support sports championship competitions and arts festivals, for example. To get a temporary exemption, you need to apply for one.

1.19. There are some important differences between applying for, and operating with, a temporary exemption and having a licence. Your licensing authority might:

- ask for the application to be made on a different (shorter) form;
- charge a different (lower) fee;
- ask for less information than on a licence application; and
- not apply some of the mandatory conditions.

---

**From:** [redacted] <[redacted] [@festivalsedinburgh.com](mailto:@festivalsedinburgh.com)>

**Sent:** 21 November 2022 14:11

**To:** [Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot) <[Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot)>; [redacted] <[\[redacted\]@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>

**Cc:** [redacted] <[redacted].com>; [redacted] <[redacted]@gov.scot>; [redacted] <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>

**Subject:** Re: Meeting up/seeking advice re Edinburgh Festivals issues

Hi [redacted],

[redacted] is off today but [redacted] and I chatted about this last week and [redacted] if of course happy to take the meeting forward with [redacted] and [redacted]. Once you've had a chance to speak with them do let me know next steps and we can look at diaries together.

Best,

[redacted]

[redacted]

[redacted]

Festivals Edinburgh

Mobile: [redacted]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

[redacted]

[redacted]

**Please consider the environment before printing this email**



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**From:** [redacted] [@gov.scot](mailto:[redacted]@gov.scot) <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)> on behalf of [Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot) <[Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot)>  
**Sent:** 21 November 2022 09:59  
**To:** [redacted] <[redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>; [Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot) <[Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot)>  
**Cc:** [redacted] <[redacted].com>; [redacted] <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] [@gov.scot](mailto:[redacted]@gov.scot) <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Subject:** RE: Meeting up/seeking advice re Edinburgh Festivals issues

Good Morning [redacted] ,

[redacted – not in scope] and I don't yet have a date [redacted] will be back. However in the meantime you could still go ahead by means of a meeting with [redacted] and [redacted].

Grateful if you could advise and I can speak to them about how best to proceed.

Regards,

[redacted]

[redacted]

[redacted] to Director for Culture and Major Events, [redacted]

Email: [DirectorofCultureandMajorEvents@gov.scot](mailto:DirectorofCultureandMajorEvents@gov.scot)

Tel: [redacted] | Mob: [redacted]

**From:** [redacted] <[redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Sent:** 14 November 2022 10:36  
**To:** Director of Culture and Major Events <[Directorofcultureandmajorevents@gov.scot](mailto:Directorofcultureandmajorevents@gov.scot)>  
**Cc:** [redacted] <[redacted].com>; [redacted] <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>  
**Subject:** Meeting up/seeking advice re Edinburgh Festivals issues

Hi [redacted] and colleagues - hope you are keeping well in these challenging times.

I'm writing to ask if we could schedule a meeting to check in on the key issues raised at the Festivals Forum at the start of the month. This would cover both:

- specific difficulties being faced by individual festivals that threaten the world-class cluster of cultural festival offers in Edinburgh in 2023, and
- to seek your advice and help on how best to make headway across Scottish Government with the system issues we flagged up below around implementing new short-term lets regulation.

[redacted] and I are working together to identify the range of issues that the festivals can make progress on collectively and those where separate stakeholder conversations are needed, so if there's a good time it would be ideal to be able to have a meeting with you, [redacted] and [redacted] together.

[redacted] will be in touch with Jessica to see what might work.

Many thanks for your help and all best wishes, [redacted]

## Document 28

**From:** [redacted] <[redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)>

**Sent:** 04 April 2023 10:45

**To:** Minister for Housing <[MinisterHousing@gov.scot](mailto:MinisterHousing@gov.scot)>

**Cc:** [redacted] <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[redacted] [@gov.scot](mailto:[redacted]@gov.scot)>; [redacted] <[redacted] [@edfringe.com](mailto:[redacted]@edfringe.com)>

**Subject:** FW: Short-term lets regulation: follow up to meeting with Cabinet Secretary Shona Robison

Dear Minister

Many congratulations on your recent appointment – we know from our conversations with you as a member of the Parliament’s Local Government, Planning and Housing Committee that Scotland is lucky to have as our new Minister someone who well understands the serious housing challenges our country is facing.

With [redacted] and [redacted] from the Fringe Society, I recently met the previous Cabinet Secretary to discuss the unintended consequences of short-term lets regulations on the temporary supply of primary residences - i.e. home-sharing and home-letting - for major events.

The Cabinet Secretary was particularly interested in two areas of concern we raised – early indicators that temporary supply is already being affected, and concerns from the events industry that there are widespread impacts not just in one local authority area. We agreed to send further information on these two topics.

1. I attach a briefing prepared by the Fringe Society on how rates of new room registrations are already being seriously affected for the 2023 season: their partner Theatre Digs Booker reports only 18% of the new room registrations in Scotland for the most recent four months compared with the four months preceding the 2023 festival, whereas new registrations in England are well up on last year.
2. I spoke last week at the national Events Industry Advisory Group, of which I am a member, and the secretariat is preparing a letter for relevant Ministers on this topic setting out concerns about the unintended consequences for recurring major events such as Golf Opens and the Edinburgh Festivals, and for future major events that Scotland may wish to bid for in any area of the country where temporary surge accommodation capacity would be required.

Although we know you come into office with an extremely full Ministerial inbox, we feel it is important to consider the growing evidence of unintended consequences in this area and what actions could reduce risk. The country’s renowned major events sector is achieving substantial but fragile regrowth and we want to do all we can not to be derailed from making our full contribution to Scotland’s wellbeing economy. I hope there will be an opportunity to discuss these matters further once you have had a chance to consider the points made by the Events Industry Advisory Group.

With best wishes,

[redacted]

[redacted]

[redacted], **Festivals Edinburgh**

Mobile: [redacted]

Website: [www.edinburghfestivalcity.com](http://www.edinburghfestivalcity.com)

Office: [redacted]

## SHORT TERM LETS – IMPACT FOR 2023 FRINGE

### Theatre Digs Booker (TDB)

We work in partnership with Theatredigsbooker.com an ethical accommodation platform that is only accessed by artists. The company was set up by artists to support finding accommodation for large touring companies. We negotiated a price cap for rooms we promote to artists during August, to ensure that affordable and appropriate rooms were made available for our participants.

Each year we support them to attract new hosts to offer rooms for artists during August and at this point in the year, they usually see a healthy monthly influx of new rooms registering. However, since last season and the notice to new hosts that they have to apply for a licence to operate a short term let by 31 Mar 2023, if you haven't hosted before 1 Oct 22, new room registrations have dropped dramatically.

**In the four months April-July leading up to 2022 peak Edinburgh Festivals season, 512 new rooms were registered across Scotland and England combined - 30% of rooms in Scotland (155) and 70% (357) in England. In the four most recent months recorded, Nov 22-Feb 23, 714 new rooms were registered - 2.5% in Scotland (18) compared to 97.5% in England (696).**

As for predicting the effect on supply when all digs need licences from Oct 23, it is hard to say as we are advised the current practice is likely to be to carry on and leave applications until the last minute. However, from the reports given to theatre digs booker from hosts who have started the application process, most are saying that it will simply not be worth the administrative burden or that they would unlikely be able to meet the requirements.

**Therefore, if legislation continues to be implemented in the current vein, it could be a realistic assumption for Theatre Digs Booker to lose more than 50% of their existing hosts in Scotland.**

### Venues and Performers

The number of shows that are registered with the Fringe Society before the discount deadline usually accounts for 56% of the overall number of shows in the programme. Using this assumption in 2023, we would project around 2,900 shows in the printed programme this year – **a reduction of 11% against the numbers registered by the programme launch date last year.**

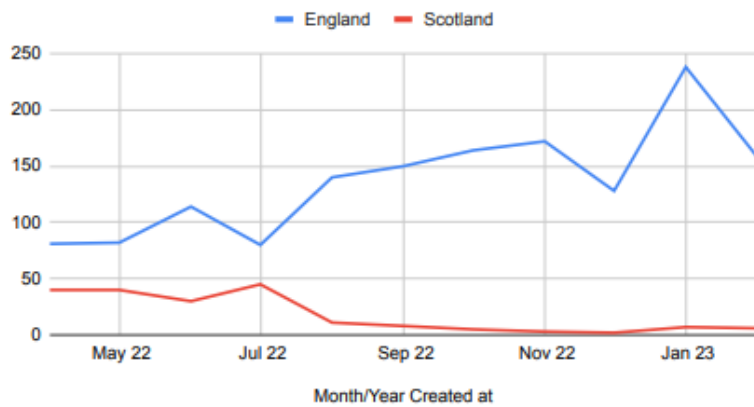
This is set in the context that the Fringe was operating at 78% of pre-Covid show numbers in 2022 - which means that **30% of the programme will have been lost since 2019** due to rising costs and barriers to participation, with accommodation rated as the single highest barrier in participant surveys.

Reductions may be higher than this as venues are regularly reporting this year that lots of artists are initially confirming and then dropping out due to accommodation affordability. Programmes are taking shape later than usual, with some venues still having gaps in large/prominent slots. More artists are considering short-runs to keep their costs down, and some venues are finding that the faster turnaround of shows is putting additional administrative burden on them.

**Number of rooms being registered with TDB in Scotland for 6 months leading up to legislation for new Hosts (vs registrations in England).**

Number of rooms Registered in month	nation	
	England	Scotland
Apr 22	81	40
May 22	82	40
Jun 22	114	30
Jul 22	80	45
Aug 22	140	11
Sep 22	150	8
Oct 22	164	5
Nov 22	172	3
Dec 22	128	2
Jan 23	238	7
Feb 23	158	6

England and Scotland



**Document 31**

Minister for Housing

Ministear airson Taigheadas

Paul McLennan MSP/BPA

T : 0300 244 4000

E : [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

[redacted] [redacted] [@festivalsedinburgh.com](mailto:[redacted]@festivalsedinburgh.com)

Our Reference: 202300351426

Your Reference: - 5 May 2023

Dear [redacted] ,

Thank you for your email dated 4 April regarding short-term lets, and for your kind words of congratulation on my appointment as Minister for Housing. I am aware you met with the then Cabinet Secretary for Social Justice, Housing and Local Government on 16 March, during which you expressed support for the 6 month extension for existing hosts and recognised the need for local authorities to have powers to control the number of secondary short-term lets. I also understand you expressed concern about the impact of the regulations and local application of temporary exemption powers, and the potential impact this may have on the availability of accommodation for festival workers. I would like to thank you for providing information on new room registrations from the Fringe Society, and highlighting that the National Events Industry Group is preparing a letter on unintended consequences for recurring major events such as The Open Championship and Edinburgh Festivals.

I will consider your letter and information carefully, and would be happy to meet to discuss its contents and the new rooms registrations briefing, subject to parliamentary business and diary availability. I would be grateful if you would contact my Diary Secretary, via email at [MinisterHousing@gov.scot](mailto:MinisterHousing@gov.scot) to make the necessary arrangements. I hope this reply is helpful.

Yours sincerely,

[redacted]

**PAUL MCLENNAN**

**Minister for Housing**