



**Licensing Policy Statement**  
**The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022**

**DRAFT**

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## 1. Policy – Comment and Review

- 1.1. Consultation on this document took place between **5 August 2022** and **25 August 2022**. This Policy Statement was published on \*\*\*\* 2022. The Policy will be kept under review and revised, if appropriate, by Supplementary Policy Statements. The Policy will be applied unless or until so revised. It may also be subject to legislative change. In preparing this Short-term Lets Policy Statement, the Council has fulfilled its duties under the Licensing Order.
- 1.2. In addition to a draft of this document being placed on the Council's Consultation Hub, notice of the consultation leading to the adoption of this Short-term Lets Policy Statement was sent to the following:
  - All Community Councils within Perth and Kinross
  - Perth and Kinross Council – Planning
  - Loch Lomond and Trossachs - Planning
  - Perth and Kinross Council – Environment Services
  - Perth and Kinross Council – Housing
  - Perth and Kinross Council – Safer Communities
  - Police Scotland
  - Scottish Fire and Rescue Service
  - Perthshire Tourism Partnership
  - Elected Members
  - Perth Chamber of Commerce
  - Scottish Association of Self-Caterers
- 1.3. Perth and Kinross adopted the Policy at the meeting of its Licensing Committee on \*\*\*\*\*
- 1.4. How to make comments on this document: -  
Any comments you may wish to make on the Policy can be submitted as follows:  
  
In writing to: Licensing Department  
Perth and Kinross Council  
2 High Street  
Perth  
PH1 5PH  
  
By e-mail to: [civlicensing@pkc.gov.uk](mailto:civlicensing@pkc.gov.uk)
- 1.5. Copies of this Policy Statement will be available for public inspection, during normal office hours, free of charge at 2 High Street, Perth, PH1 5PH.
- 1.6. Copies of this Policy Statement will also be available in pdf format on Perth and Kinross Council's website. ~~Any personal information collected will be held in accordance with the requirements of data protection legislation. There is a~~

~~detailed Privacy Notice which provides further information about how information you provide in response to this consultation will be handled on our website [Perth & Kinross Council - Detailed Privacy Notices \(pkc.gov.uk\)](http://perth.gov.uk/kinross-council/detailed-privacy-notice)~~

~~1.7 [All personal data will be processed in line with detailed privacy notices which will be displayed on our short-term lets web page.](#)~~

## **2. Overview**

- 2.1. The Short-Term lets Licensing Order was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022 – The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.
- 2.2. Section 44 of the Civic Government (Scotland) Act 1982 (“the 1982 Act” permits the Scottish Ministers to designate an activity as an activity for which a licence shall be required. The effect of the Order is that with effect from 1 October 2022, the use of accommodation for a short-term let is an activity for which a licence is required under the 1982 Act.
- 2.3. The purpose of the short-term lets licensing scheme – Short-term lets can offer people a flexible and cheaper travel option, and have contributed positively to Scotland’s tourism industry and local economies across the country. However, we know that in certain areas, particularly tourist hot spots, high numbers of short-term lets can cause problems for neighbours and make it harder for people to find homes to live in.
- 2.4. The aims of the licensing scheme are:
  - to ensure all short-term lets are safe;
  - to facilitate licensing authorities in knowing and understanding what is happening in their area; and
  - to assist with handling complaints and address issues faced by neighbours effectively.
- 2.5. The Council’s Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council’s local area and supports applicants who wish to obtain a short-term let licence. The policy outlines how the Council will administer applications, collect fees and monitor short term lets.
- 2.6. This document deals with the licensing of short-term lets. The legislation is within the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022. This is available on the Internet:  
<http://www.legislation.gov.uk/ukpga/1982/45/contents>

### 3. Implementation of new law in Perth and Kinross

3.1. In Perth and Kinross, the new system will be implemented as follows:

- **1 March 2022** – the Short-Term Lets Licensing Order came into force in Scotland.

3.2. The table below summaries the key dates for potential applicants to consider:

Date	Hosts operating a short-term let before October 2022	Never operated a short-term let before 1 October 2022
1 October 2022	<ul style="list-style-type: none"> <li>• You can continue to operate your premises as a short-term let complying with existing laws and regulations;</li> <li>• You must apply to the Licensing Authority where your premises is situated for a short-term let licence;</li> <li>• If your short-term let licence application is refused by the Licensing Authority, you must stop using your premises as a short-term let within 28 days of decision <u>unless an appeal has been lodged and has not yet been determined.</u></li> </ul> <p>Existing Hosts and Operators – If you were using your premises as a short-term let before 1 October 2022 then you have until <b>1 April 2023</b> to apply for a short-term let licence. During the period from 1 October 2022 to submitting your licence application (if lodged prior to 1 April 2023) and it being determined, you can continue to operate your premises as a short-term let. Please note that you must submit a licence application by 1 April 2023 to continue operating as a short-term let until your application is determined. <b>You will require to provide evidence of your premises being used as a short-term let for example details of payments received for bookings prior to the 1 October 2022 with your</b></p>	<ul style="list-style-type: none"> <li>• If you wish to operate a short-term let you must apply to the Licensing Authority in which your premises is situated; and</li> <li>• Must not operate a short-term let without a licence being granted by the Council where your premises is situated.</li> </ul> <p>New Hosts – if you were <b>not</b> using your premises to provide a short-term let before 1 October 2022 you can advertise the premises as a short-term let but you <b>cannot</b> take bookings or have guests stay until have been granted a short-term let licence by this Council. Subject to meeting the requirements detailed at section 7.14 below, you can submit a short-term let application on or after <b>1 October 2022</b> to the Licensing Authority.</p>

	<b>application.</b> If your grant application is refused you cannot continue to operate your premises as a short-term let, <del>subject to appeal unless an appeal has been lodged and has not yet been determined.</del>	
1 April 2023	<ul style="list-style-type: none"> <li>• Can only operate without a licence if a short-term let licence application has been submitted to the Licensing Authority where your premises is situated, and it has not been refused;</li> <li>• You must stop operating as a short-term let if your application is refused by the Licensing Authority, subject to appeal.</li> </ul>	<ul style="list-style-type: none"> <li>• As per above.</li> </ul>
1 July 2024	<ul style="list-style-type: none"> <li>• All hosts must have a short-term let licence.</li> </ul>	<ul style="list-style-type: none"> <li>• As per above.</li> </ul>

3.3. It is a criminal offence to operate without a licence. Section 7 of the 1982 Act sets out four offences, as set out below. These currently attract fines on the standard scale. Depending on The Civic Government (Scotland) Act 1982 activity, different punishments apply. The default is a fine not exceeding level 4 on the standard scale. (See section 13.7 of this policy).

- Operating without a licence
- Failing to comply with a licence condition
- Failing to notify a change
- Making a false statement

#### 4. What needs a Licence?

- 4.1. "Short-term let" means the use of residential accommodation provided by a host in the course of business to a guest where there is a charge made. An arrangement in the course of business will normally involve setting out some terms and conditions in a contract which the guest has accepted. An arrangement in the course of business includes taking a booking on-line or over the phone.
- 4.2. There are four types of licence for Short-term let accommodation. The licence granted must be for either:
- (a) secondary letting which means –

- The letting of property where you do not normally live, for example a second home;
- (b) home letting which means –
- using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday;
- (c) home sharing which means –
- using all or part of your own home for short-term lets whilst you are there; and
- (d) home letting and home sharing which means –
- you operate short-term lets from your own home while you are living there and also for periods when you are absent.

The application form will ask you to confirm what type of short-term let licence you are applying for when submitting your application. You must select one of the above types of licence.

4.3. It will not be a short-term let if it falls into the below criteria –

- (a) if the guest (a person occupying property for the purposes of a short-term let) uses the accommodation as their only or principal home
- (b) the guest is –
- (i) an immediate family member of the host if they are:

- Your partner (spouse, civil partner or someone you live with as if you were married to them)
- You or your partner's parent or grandparent, child or grandchild or brother or sister
- The partner of one of your parents or grandparents, children or grandchildren, or brothers or sisters

~~an immediate family member of the host (the Order provides that a person ("A") is an immediate family member of another person ("B") if A is :-  
in a qualifying relationship with B;  
a qualifying relative of B;  
a qualifying relative of a person who is in a qualifying relationship with B or  
in a qualifying relationship with a qualifying relative of B.~~

~~Two people are in a qualifying relationship with one another if they are:-  
married to each other;~~

~~in a civil partnership with each other;  
living together as though they were married.~~

~~A “qualifying relative” means a parent, grandparent, child,  
grandchild or sibling (two people are to be regarded as siblings if  
they share at least one parent in common).~~

~~A person’s stepchild is to be regarded as the person’s child.~~

~~A person (“C”) is to be regarded as the child of another person  
(“D”), if C is being or has been treated by D as D’s child~~

- (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.
- (c) the accommodation is 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
- (d) the accommodation is excluded accommodation (see section 6 of this policy – Exclusions)
- (e) the short-term let does constitute an excluded tenancy (see section 6 of this policy – Excluded Tenancies)

## 5. Planning Considerations before Applying for a Short-term Let Licence

### 5.1. Planning Permission

Under the 1982 Act, a preliminary ground for refusing to consider a short-term let licence is that the use of the premises for a short-term let would constitute a breach of planning control under the Town and Country Planning (Scotland) Act 1997 by virtue of section 123 (1)(a) or (b) of that Act.

Currently, planning permission is required by Perth and Kinross Council (the Planning Authority) if the use of a residential property as a short-term let is deemed to be material change of use. ~~(e.g., it has become the principal use of the property, or the use may impact on the amenity of neighbouring properties)~~In determining if there is a material change of use or not, the Planning Authority have introduced a checklist for when planning permission is required for the use of a property as a short-term let. If the answer is ‘yes’ to any of the below questions, then planning permission is deemed to be required. The questions are as follows:

1. Is your property a flat?

2. Do any of your guests have to access the property via any communal areas? (i.e. shared gardens, stairwells, etc.)
3. Does your property share a communal parking area? (i.e. it does not have its own designated space)
4. Will any of your guests be regularly checking in or out at unsociable hours? (Between 9pm and before 7am)
5. Does your property have an external hot tub, an external living area (or similar), for use by guests in a predominately residential area?
6. Do you allow parties to be held in the property by guests? (Including accepting stag and hen bookings etc.)
7. Will the use of your property as a short-term let impact security for neighbours? (i.e. the use of key boxes for access and shared areas, such as entranceways or gardens)
8. Have you changed any public rooms into additional accommodation? (i.e. changing a living room to a bedroom)
9. Do you consider that the use of the property might detract from the character or amenity of the area in any way?

A dedicated web page has also been created to assist in determining if planning permission is required:

<https://www.pkc.gov.uk/shorttermletsandplanning>

Should you ~~remain be~~ unsure as to whether planning permission is required for a short term let, please contact [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) , providing as much information as possible.

Should in the future, Perth and Kinross Council introduce a Short-Term Let Control Area, then the use of a residential property for short-term letting within the designated Control Area would be deemed a material change of use and would require planning permission. Guidance for hosts and operators can be found here: - [2. Guidance for Hosts and Operators - Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](#)

**Please note that all short-term let licence applications received where the premises is within the Loch Lomond and Trossachs National Park will be sent for determination to their Planning Department as they have full planning authority for that area.**

## 5.2. Short-term Let Control Areas

Under the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021, the Planning Authority can introduce Short-term Let Control Zones which would require any change of use for a premises to obtain planning permission. In addition, Short-term Let Control Areas would

require all short-term let licence applications, for any of the four types of licences to have planning permission (where required) before applying for a licence. Presently, there are no Short-term Let Control Areas in place within Perth and Kinross.

If any Short-term Let Control Areas are introduced in Perth and Kinross in the future, then applicants and licence holders should note that where planning permission may not be required at present for a short-term let licence this position would change. These licence holders should note that it is a mandatory condition of a short-term let licence, that if the premises falls within a Short-term Let Control Area, the licence holder must ensure that an application for planning permission under the Town and Country Planning (Scotland) Act 1997 has been made or is in force. This means that if a Short-term Let Control Area is introduced during the period of your short-term let licence, where planning permission was not initially required at the time of applying and being granted a short-term let licence, you would have to apply for planning permission or a certificate of lawfulness as applicable, or if you continued to operate your short-term let once planning permission or a certificate has been refused you would be in breach of a licence condition and enforcement action may be necessary.

The Council recognises the current position within Perth and Kinross regarding Short-term Let Control Areas could change and will ensure this Policy is reviewed to take account of any Short-term Control Areas that may be introduced within Perth and Kinross in the future.

Please note that the introduction of any Short-term Let Control Area would fall under the Council as Planning Authority to implement and not the Council as Licensing Authority.

## 6. **Exclusions** – The following are not short-term lets, these are:

- (a) **Licensed premises**, under the Licensing (Scotland) Act 2005 (Alcohol Licensing) where the provision of accommodation is an activity listed in the operating plan, or which otherwise requires a licence for use for hire for overnight stays. For example:
- If you operate a restaurant with rooms or an inn which is already licensed specifically to offer accommodation then you are not providing short-term lets.
  - If you provide licensed caravans, you are not providing short-term lets.
  - **However, if you have an HMO (Houses in Multiple Occupancy Licence) for your property, you will still need a short-term lets licence if it is also used for short-term lets. This is the case whether or not you live at the premises covered by your HMO licence.**

(b) **Accommodation provided by guests**, for example:

- Where they bring their own tent (as opposed to glamping where the tent is normally fixed and provided by the host).

(c) **Mobile accommodation**, mobile accommodation which is capable of transporting your guests at the time of their stay for example:

- Where you hire out canal boats or yachts or motor homes.

However, a previously mobile unit that had been immobilised, such as an old tractor or a caravan in a tree would not be excluded.

(d) **Hotels, with planning consent to operate as a hotel.**

- The majority of hotels are excluded through being licensed to provide accommodation under the Licensing (Scotland) Act 2005 (see **(a)** above).

The following types of more specialist types of accommodation are also excluded -

(a) **Aparthotels**

An Aparthotel is accommodation comprising of five or more serviced apartments in a residential building where:

- The whole building is owned by the same person
- A minimum number of five serviced apartments are managed and operated as a single business
- The building has a shared entrance for the serviced apartments
- The serviced apartments do not share an entrance with any other flat or residential unit within the building.

(b) **Health and Care Accommodation** such as:

- Residential care homes, hospitals and nursing homes.

(c) **Educational Accommodation** such as:

- Residential schools, colleges, training centres and purpose-built student accommodation. Student halls of residence, for

example, are excluded but houses and flats which are normally let to students (perhaps during a summer period when student tenants have moved back home for the summer and are being used as short-term lets) are not excluded.

(d) **Secure Residential Accommodation** including:

- Prisons, young offenders institutions, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation or military barracks.

(e) **Hostels and Refuges**

- A hostel provides residential accommodation and food, or shared facilities to prepare it, other than in a house.
- Refuges include accommodation for women escaping domestic violence for example.

(f) **Shift Accommodation**

- Accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties. This includes accommodation provided by companies and other bodies to employees as part of a contract or to help them perform their duties. For example, caretakers or workers on an oil rig (insofar as the accommodation is within Scottish territorial waters), where shifts extend into multiple days.

(g) **Bothy**

- "bothy" means a building of no more than two storeys which;
  - (a) does not have any form of:
    - a. mains electricity,
    - b. piped fuel supply, and
    - c. piped mains water supply.
  - (b) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984), and
  - (c) is 100 metres or more from the nearest habitable Building.

**The Council would always recommend that people take their own independent legal advice on whether or not their accommodation would require a short-term let licence. The Licensing Authority cannot provide legal advice on whether or not a premises is excluded from requiring a licence.**

#### **6.1 Excluded Tenancies**

An excluded tenancy means a tenancy which falls within any of the following definitions:

- a) a protected tenancy (within the meaning of Section 1 of the Rent (Scotland) Act 1984),
- b) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988),
- c) a short assured tenancy (within the meaning of section 32 of the Housing (Scotland) Act 1988),
- d) a tenancy of a croft (within the meaning of section 3 of the Crofters (Scotland) Act 1993),
- e) a tenancy of a holding situated out with the crofting counties (within the meaning of Section 61 of the Crofters (Scotland) Act 1993 Act to which any provisions of the Small Landholders (Scotland) Acts, 1886 to 1931 applies,
- f) a Scottish secure tenancy (within the meaning of section 11 of the Housing (Scotland) Act 2001),
- g) a short Scottish secure tenancy (within the meaning of section 34 of The Housing (Scotland) Act 2001),
- h) a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003),
- i) a limited duration tenancy (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 2003),
- j) a modern limited duration tenancy (within the meaning of section 5A of the Agricultural Holdings (Scotland) Act 2003),
- k) a short limited duration tenancy (within the meaning of section 4 of the Agricultural Holdings (Scotland) Act 2003),
- l) a tenancy under a lease under which agricultural land is let for the purpose of being used only for grazing or mowing during some specified period of the year (as described in section 3 of the Agricultural Holdings (Scotland) Act 2003),
- m) a private residential tenancy (within the meaning of section 1 of the Private (Tenancies) (Scotland) Act 2016) or;
- n) (n) a student residential tenancy.

Excluded property extends to property which is part of any of the above. E.g. self-catering property in the grounds of a licensed hotel would also be excluded if that property is part of the licensed area.

**The Council would always recommend that people take their own independent legal advice on whether or not their accommodation would require a Short-term let licence. The Licensing Authority cannot provide legal advice on whether or not a premises is excluded from requiring a short-term let licence.**

## **7. Making an Application for a Licence**

- 7.1. All applicants for the grant, variation and renewal of a short-term let licence, irrespective of the type of short-term let licence applied for, must complete the short-term let licence application form available online at <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme> together with the appropriate documentation and fee.
- 7.2. An application for a short-term let licence, under the legislation, can be made by a person other than the owner of the premises. Where this is the case, the applicant must ensure they provide the relevant consents from the owner(s) as detailed in section 7.14 below.
- 7.3. Part of the application form will require the applicant to provide a declaration to the Licensing Authority that they can comply with the mandatory conditions attached to a short-term let licence, including all the documentation detailed within these conditions. Further information on the mandatory conditions can be found at section 9 below. Applicants should be mindful that the Council and Council Officers, can request any documentation referred to in the mandatory conditions at any time during the consideration of an application or the period of the licence, if granted. Applicants should note that a breach of a condition is a criminal offence under the 1982 Act.
- 7.4. Applications for the grant or renewal of short-term lets licences will be dealt with by Council Officers unless Objections or Representations are received.
- 7.5. A unique licence number will be given to existing hosts and operators who apply for a licence before 1 April 2023. This is known as a provisional licence number and will allow existing hosts to continue operating until their application has been determined. Anyone applying after 1 April 2023 cannot operate whilst their application is being determined.
- 7.6. Licence numbers will be issued in a consistent format to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings. The format of the licence number, alongside information contained in the public register, will allow anybody to identify:
  - the Council that issued the licence (and therefore the area to which the licence relates);
  - the type of short-term let to which the licence relates (public register); and

- the type of licence issued.

7.7. If there are Objections or Representations received, the Objector and the Applicant will be invited to attend the Licensing Committee. The Licensing Committee will make a decision about whether to grant the application. It should be noted that if an application is refused, then the applicant cannot apply for a short-term let licence within one year of the date of refusal unless there has been a material change in circumstances. An applicant who has been refused must contact the Licensing Department by email to [civildicensing@pkc.gov.uk](mailto:civildicensing@pkc.gov.uk) if they wish to apply within one year of the date of refusal. The Council determines if the change is material, not the applicant.

7.8. In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:

- Any Objections or Representations
- This Licensing Policy Statement
- Scottish Government Guidance
- Any other relevant considerations

7.9. Licences will generally be issued for three years but can be for a shorter period if the Council deems this appropriate (Schedule 1, Paragraph 8 of the 1982 Act as modified by the Licensing Order). Each licence will have a reference number and confirm the expiry date. The duration applies from the date on which the licence comes into force.

7.10. Be aware that in assessing an application for a short-term lets Licence, the Council will consider:

- the suitability of the person applying and that of the other people named on the application form (whether they are “fit and proper”);
- compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland);
- compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to the accommodation, or specific to short-term lets in Perth and Kinross); and
- the suitability of the premises in the context of Perth and Kinross Council's policies.

#### 7.11 **Renewal**

Under the 1982 Act, if an application for a short-term let licence renewal application has been made to the Council before the expiry date of the current

licence, the licence will stay in effect until a final decision has been made on the renewal application. If a renewal application has been refused by the Licensing Committee, the existing licence will remain in effect for a period of 28 days from the date of the decision, the appeal period, and where an appeal has been lodged, until such time as the appeal has been determined by the Court.

- 7.12 The process for applying for a renewal is the same as when applying for a new short-term let licence. Guidance for applicants can be found on the Council's [Short term lets licensing scheme - Perth & Kinross Council \(pkc.gov.uk\)](https://perth.gov.uk/short-term-lets-licensing-scheme). The Council will take into account the operation of the short-term let during the period of the licence, any allegations of offences and/or breaches of licence conditions and any Objections or Representations in deciding whether to renew the licence. In relation to the required documentation that should be submitted with a renewal application, please see 7.14 below.
- 7.13 The Council **may** issue reminder letters to hosts and operators to remind them to renew their licence prior to the expiry date of the licence, however it is ultimately the responsibility of the licence holder to ensure that the licence is renewed prior to the expiry date. If the expiry date passes and the licence holder then applies for a licence, this will be treated as a new application (as opposed to an application for the renewal of an existing licence) and it would be a criminal offence to continue to let the property without a licence being in place.
- 7.14 **Documentation Required when Submitting an Application**

Applicants should be aware that an application will not be accepted and processed without the following documentation (where applicable):

(a) **Planning Permission**

The Council may refuse to consider an application for a short-term let if the host or operator of a dwelling house within a short-term let control area needs planning permission but does not have it. The high-level policy purpose behind control areas is as follows:

“To help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood);

to restrict or prevent short-term lets in places or types of building where it is not appropriate; and

to help local authorities ensure that homes are used to best effect in their areas”.

It is a mandatory condition that a host or operator has planning permission, or has made an application for planning permission, where all of the following conditions apply:

- the premises are in a control area;
- they are using it for secondary letting; and
- it is a dwelling house.

In these circumstances, the host or operator must have made an application for planning permission or already have planning permission before they apply for a licence. In most cases, planning applications are determined within two months.

**(b) Floor/Layout Plan**

~~The Application must be accompanied with a Layout Plan at scale 1:50 showing at least the following: -~~

- ~~(a) the location and width of any escape routes from the premises;~~
- ~~(b) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;~~
- ~~(c) the location of the presence of equipment installed for detecting the presence of carbon monoxide;~~
- ~~(d) the location of any steps, stairs, elevators or lifts on the premises;~~
- ~~(e) the position of any ramps, lifts or other facilities for the benefit of disabled people;~~
- ~~(f) the layout of rooms;~~
- ~~\_\_\_\_\_ (g) the occupancy for each bedroom;~~
- ~~\_\_\_\_\_ (h) the number of beds in each room;~~
- ~~\_\_\_\_\_ (i) room sizes;~~
- ~~\_\_\_\_\_ (j) rooms available for guests.~~

**~~For renewal applications, where there has been no change to the layout of the premises a floor plan would not be required with the application.~~**

**~~For variation applications, where the variation relates to a change to the layout of the premises, a floor plan would be required with the application~~**

**(eb) Evidence of Operation as a Short-term Let before 1 October 2022**

Where an applicant has been operating a short-term let before 1 October 2022, the applicant will be required to certify and provide

evidence of this when submitting a short-term let licence application. Checks to establish this may be made by Council Officers.

(d) **Consent from owner(s)**

Owner is not the applicant

As detailed in section 7.2., an application for a short-term let licence does not have to be made by the owner of the premises. However, where an applicant other than the owner of the premises applies to the Council for a short-term let licence, the applicant **must** provide consent from the owner, or if the title to the premises is held by more than one owner, all owners or a person authorised to act on behalf of the owner(s).

One or more owners

Where the premises is owned by more than one person (shared ownership), all owners will have to declare that they consent to the application, if one owner is submitting the application. These declarations would be required with the application.

~~(e) Code of Conduct/House Rules~~

~~A copy of Code of Conduct or House Rules document should be submitted with the application which should include the following:-~~

~~check-in-check-out times;  
noise mitigation for example -- music, congregating in an outdoor space late at night with loud conversations, arrivals and departures at unreasonable hours, external equipment noise, loud drunken behaviour, disposal of glass at unreasonable hours;  
waste disposal to avoid accumulation of waste, (inappropriate storage, attracting pests);  
contact details of responsible person for premises;  
instructions for~~

Further guidance will be provided on our website at

<https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

Field Code Changed

7.15. **Notice of Application**

Under the 1982 Act, the applicant must display a notice at or near the premises for which the short-term let licence application relates, in a place where it can conveniently be read by the passing public for a period of 21 consecutive days from the date when the short-term let licence application was lodged with the Council. The notice **should not** be displayed in the window of the premise but in a prominent position for example, on a gate outside the premise or a lamp post outside the premise. Council Officers may request that you submit photographic evidence to ensure that the notice has been displayed correctly and may request that another notice is displayed for

a further 21 days if not satisfied that the procedure has been carried out correctly.

The notice will include the following information, as required by the 1982 Act: -

- the type of licence applied for (Secondary Letting, Home Letting, Home Sharing, Home Letting and Home Sharing);
- applicant's full name and address if an individual. If not an individual, then the full name of the organisation together with the registered or principal office address, names of directors or persons responsible for the management of the premises;
- person responsible for the day to day activity (a mandatory condition is that this can only be the licence holder);
- address of the premises relating to the short-term let licence application;
- the number of bedrooms in the premises;
- details of any other short-term let licence that has been granted to the applicant;
- the name and address of the owner(s) where the application is not the owner of the premises or the land on which the premises is located;
- confirmation that the owners consent to the application (this would be included within the application form); and
- where objections are representations in relation the application can be made to, the 28 day timescale for submitting an objection or representation and the statutory requirements of an objection or representation (for example - in writing, providing name and address). [further information regarding objections and representations can be found at section 7.16 below].

The notice can be found on the Council's webpage at

<https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

Field Code Changed

Applicants are required to certify compliance that they have displayed the Notice of Application as soon as possible after the 21 days has expired. A template will be available on the Council's webpage at

<https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

The Council will also provide information regarding short-term let applications (processing/granting) on its website that shall be updated regularly.

In terms of the consultees, the Council will send a copy of all applications received to the following consultees: -

- Police Scotland (statutory consultee);
- Scottish Fire and Rescue Service (statutory consultee);
- Perth and Kinross Planning Department;
- Perth and Kinross Environment Services; and
- Any other appropriate enforcing authority.

#### 7.16. **Objections and Representations**

The Civic Government (Scotland) Act 1982 permits anyone wishing to state an objection or representation to an application (excluding temporary applications) and must do so within 28 days of public notice of the application being given. The objection or representation must be:

- in writing by letter or e-mail;
- specifying the grounds of objection or as the case may be, the nature of the representation;
- specifying the name and address of the person making it;
- is signed by the objector, or on their behalf.

It is important that an objection or representation should be specific. It is not enough to say, "I object" or "I complain".

A petition of signatures is unlikely to be accepted as a valid objection or representation. If 100 people sign a petition, they are unlikely to all have the same complaints. The Licensing Committee has to determine the weight to be placed on individual comments. In the common example of an objection or complaint based on nuisance or anti-social behaviour, the Council is likely to be more influenced by comments from immediate neighbours of the short-term let than from residents further away. If a person signs a petition without specifying his/her address, his/her comment is likely to be disregarded.

The Licence Applicant is entitled to fair notice of complaints. If the objection is based on alleged incidents, then for each alleged incident, the objector should answer questions such as:

- what happened?
- what was the day, date and time?
- was there any official complaint (e.g., to Police, Council)?
- if so, what action was taken?

It is not possible to raise issues with the Licensing Committee which relate to legislation other than the Civic Government (Scotland) Act 1982. For example, issues regarding parking and planning permission are dealt with by the Roads (Scotland) Act 1984 or the Town and Country Planning (Scotland) Act 1997, and the Licensing Committee cannot deal with these. However, the Licensing Committee may accept that the issues raised are also relevant to the statutory Grounds for Refusal (for example, the ground in Paragraph 9(5)(d), where the Grant or Renewal of the Licence is said to be inappropriate, having regard to specified factors).

The Council will provide the applicant with copies of any objections or representations received however, will redact any personal information.

The person objecting will be invited to the meeting of the Licensing Committee

which decides the application. The applicant will also be invited to attend on notice of 14 days.

The letter must be sent to:

Perth and Kinross Council  
Licensing Department  
2 High Street  
Perth  
PH1 5PH

E-mails must be sent to:

[civildicensing@pkc.gov.uk](mailto:civildicensing@pkc.gov.uk)

Objectors can include individual residents or businesses, customers, public bodies such as those listed below and community Councils.

#### **7.17 Consideration of Late Objections/Representations**

The Council is entitled (but not obliged) to accept a late objection or representation if there is a sufficient reason why it was not made in time, so if the person sends a late letter, it should explain what the sufficient reason is. There is no guarantee that the Licensing Committee will accept a late letter.

#### **7.18 Determination of an Application**

Applications where no objections or representations have been received from any of the consultees or members of the public will be granted under delegated powers by Council Officers. Where applications have received a valid objection from any of the consultees and/or public, these will be considered by the Licensing Committee at a hearing to consider and determine the application. Applicants and objectors will be given an equal opportunity to be heard at the Licensing Committee to determine the application. Late objectors will be invited to attend any hearing of the Licensing Committee to determine the application and their objection may be brought into proceedings if the Licensing Committee is satisfied with the reasons for lateness. The Civic Government (Scotland) Act 1982 provides grounds for refusal of a short-term let licence. Any decision to refuse a short-term let licence must be relevant to one or more of the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982 and Section 8 below.

Where an application is granted, the applicant/licence holder will be provided with a unique short-term licence number. This number must be used in accordance with Mandatory Condition 14.

Applicants should note that where their short-term let licence application has been refused by the Licensing Committee, they do have the right of appeal under the Civic Government (Scotland) Act 1982. An appeal should be made to the Sheriff Court within 28 days from the date of the refusal. Where an appeal has been lodged, the short-term licence will continue to have effect until such time as the appeal has been determined.

Applicants have the right to request a Statement of Reasons from the Council if their application is refused.

**Applicants should note the Council is unable to give any legal advice in relation to appealing a decision and as such it is recommended that independent legal advice is sought.**

The Council will determine each application on its own merits.

#### 7.19 **Duration of Licences**

Grants and Renewals – Licences will generally be issued for three years but can be for a shorter period if the Council deems this appropriate (Schedule 1, Paragraph 8 of the 1982 Act as modified by the Licensing Order). Each licence will have a reference number and confirm the expiry date. The duration applies from the date on which the licence comes into force.

In the event of a death of a short-term let licence holder, the short-term let licence will be deemed to have been granted to the executor and will remain in force for a period of three months from the date of the expiry of the licence holder's death, unless previously suspended or revoked. Where the Council is satisfied that it is necessary for the purpose of winding up the estate, on request, in writing, by the executor, the Council may extend the period further.

#### 7.20 **Variation**

The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate. A fee will be charged to the applicant should they wish to vary their short-term let licence. The Council may require the applicant to display a Notice of Application as per section 7.15 above.

A variation application cannot, however, be used to substitute a new holder of the licence for the existing one i.e., effectively to transfer a licence.

#### 7.21 **Material Change in Circumstances**

A licence holder must notify the Licensing Department in writing as soon as possible where there is a material change in circumstances affecting the licence holder of the short-term let.

#### 7.22 **Suspension or Revocation of a Short-term Let Licence**

The Council can suspend a short-term let licence immediately if it is of the opinion that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety. This action would generally be taken on receipt of a complaint made by Police Scotland or Scottish Fire and Rescue Service.

After an immediate suspension has taken place, the licence holder will be given an opportunity to attend a hearing before the Licensing Committee in relation to the matter which prompted the suspension. The Licensing Committee after hearing from the licence holder and a representative from Police Scotland and or Scottish Fire and Rescue Service, would determine whether to suspend for a further period, revoke the licence or take no further action. This hearing would be within six weeks of the immediate suspension.

The grounds for further suspending or revoking a short-term let licence are detailed within Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982. These are:

- (a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have refused the grant or renewal of the licence under paragraph 5(3);
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
- (d) a condition of the licence has been contravened.

#### **7.23 Timescale for Determining Applications**

Under the Civic Government (Scotland) Act 1982, the Council will have nine months to determine the short-term let licence application from the date it was received with all required documentation.

**It should however be noted that for applications received prior to April 2023 where the short-term let was in existence before 1 October 2022, the Council will have 12 months to determine the application.**

### **8. Grounds of Refusal**

- 8.1 The grounds for refusing a short-term let licence are detailed in Paragraph 5 (3) of Schedule 1 of the Civic Government (Scotland) Act 1982 and are as follows:

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion –

- a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either:
  - i. for the time being disqualified under section 7(6) of this Act, or

- ii. not a fit and proper person to be the holder of a licence;
- b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:
  - i. the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - ii. the nature and extent of the proposed activity;
  - iii. the kind of persons likely to be in the premises, vehicle or vessel;
  - iv. the possibility of undue public nuisance; or
  - v. public order or public safety; or
- a. the applicant would not be able to secure compliance with:
  - i. the mandatory licence conditions;
  - ii. the standard conditions and any further conditions under sub-paragraph (1A) (b) to which the licence is to be subject,
- b. the application does not contain the information required under 7.14(d) (the consent of the owners of the premises); or
- d) there is other good reason for refusing the application;
- e) and otherwise shall grant the application.

## 9. Conditions attached to a Short-term Let Licence

### 9.1 Mandatory Conditions

Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attached to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as “mandatory conditions” and are detailed at Annex A.

**Please note that the Council has no power to amend these mandatory conditions.**

All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached

to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

#### 9.2 **Additional Conditions**

The Council have set out additional conditions which may be imposed as required over and above the mandatory conditions in order to further assist compliance with the licensing purposes and aims of short-term lets. **(See Annex B – “Additional Conditions”)**. The Council have discretion to apply further conditions to a short-term let licence if deemed high risk or deemed necessary **and will be on a case by case basis**.

**It should be noted that the Council cannot impose an additional condition to a licence which limits the number of nights a premises may be used for Secondary Letting.**

#### 9.3 **Maximum Capacity**

One of the mandatory conditions that is attached to all short-term let licences is that the licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

All grant applications will ask the applicant to confirm the number of guests residing in the premises. The Council do however have to provide a maximum number of guests who can stay on the premises at any one time on the short-term let licence when it is issued. This is known as “maximum capacity”. Children **under the age of two years old who occupy a cot** will not be included in the number of guests for the purposes of calculating the fee or the maximum capacity. Children above the age limit specified above and any additional children of any age would count towards the occupancy.

#### 9.4 **Public Register**

It is a statutory requirement that the Council maintains a public register of all short-term let licenses. The public register will be available on the Council's webpage at <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>.

### **4.10. Fees**

The fee for a short-term let licence depends on the type of short-term let licence being applied for. Applications should be accompanied by the prescribed fee. The Licensing Order permits the Council to set reasonable fees. The total amount of fees receivable by the Council are sufficient to meet the expenses of the Council in exercising their functions under the Order. The fee will be reviewed annually in line with a review of licensing fees and will be incorporated within the list of Civic Licensing Fees. The fee will not be

reduced or refunded if the application is refused, or the licence is granted for a shorter period than was requested. The fees are detailed below:

Number of Guests	Home sharing and home letting licence	Cost £	Secondary letting licence	Cost £
1-2	3 year Licence New/Renewal	175.00	3 year Licence New/Renewal	350.00
3-6	3 year Licence New/Renewal	265.00	3 year Licence New/Renewal	530.00
7-10	3 year Licence New/Renewal	450.00	3 year Licence New/Renewal	900.00
11+	3 year Licence New/Renewal	800.00	3 year Licence New/Renewal	1600.00
<b>Temporary licence</b>				
1-2		90.00		175.00
3-6		135.00		270.00
7-10		225.00		450.00
11+		400.00		800.00
<b>Temporary exemption application</b>				
1-2		45.00		90.00
3-6		70.00		135.00
7-10		115.00		225.00
11+		200.00		400.00
<b>Variation of licence</b>		75.00		75.00
<b>Material change of circumstances - premises</b>				
1-2		90.00		175.00
3-6		135.00		270.00
7-10		225.00		450.00
11+		400.00		800.00
<b>Material change of circumstance – licence holder</b>		75.00		75.00
<b>Duplicate licences</b>		20.00		20.00
<b>Certified true copy of any entry on the public register</b>		20.00		20.00

## 11. Temporary Licence

- 11.1 A temporary licence may be granted for a duration of up to six weeks in exceptional circumstances.
- 11.2 A temporary licence number will be given, and conditions attached to the licence must be complied with.

- 11.3 The Council must consult the Chief Constable and Scottish Fire and Rescue in respect of an application for a temporary licence.
- 11.4 The Council considers that a temporary licence might be applied for in the following circumstances:
- by someone who wishes to try short-term letting for a short period before deciding whether or not they wish to do this permanently, requiring a full licence application.

## **12. Temporary Exemptions**

- 12.1 A temporary exemption to the requirement to have a licence may be granted for a period of up to six weeks in any period of 12 months. The six week limit is a maximum, and not a default.
- 12.2 A temporary exemption application may take approximately six weeks to determine.
- 12.3 The Council has the authority to grant temporary exemptions to the requirement to have a licence. This can be for a specified single continuous period not exceeding six weeks in any period of 12 months. To get a temporary exemption, you need to apply for one.
- 12.4 Due to the purpose of short-term let safety requirements and to minimise the impact on communities and neighbours, the Council will only consider granting a temporary exemption in exceptional circumstance for example:
- to accommodate a large influx of visitors over a short period to support exceptional events such as sports championship competitions and arts festivals, for example the Ryder Cup.
- 12.5 A temporary exemption from the requirement to have a licence does not affect the way planning rules apply. If any temporary changes to planning rules have been made (for example to handle a major international event), the Council will publicise these.
- 12.6 Licensing authorities may also attach conditions to an exemption. Conditions attached to a temporary exemption will include all Mandatory Conditions and if deemed high risk or deemed necessary, further additional conditions may be added.
- 12.7 The Chief Constable and the Scottish Fire and Rescue Service will be consulted in respect of applications for temporary exemptions.

## 13. Compliance and Enforcement

13.1 This Policy sets out the Council's approach to monitoring compliance and enforcement of those person/s undertaking being a Host/Operator of a short-term let. It makes clear the steps that the Council will take to monitor the compliance:

- of those required to apply for a short-term lets licence;
- when determining an application for a short-term lets licence; and
- of licensed short-term let hosts and operators.

It also sets out in The Civic Government (Scotland) Act 1982 steps the Council may take if further action to enforce the requirements are necessary.

13.2 Effective monitoring of compliance and enforcement is an important aspect of this policy and will help to achieve improved standards of practice and ensure that all hosts and operators comply with their responsibilities. This will enable hosts and operators to compete on a fair basis, improve standards within the industry and instil greater consumer confidence when using a short-term let.

### 13.3 Principles and objectives

#### *Principles*

Our approach to monitoring compliance and enforcement is founded upon the Scottish Government's five principles of Better Regulation. The principles state that any regulation should be:

- **Transparent** – be open and keep regulations (and how they are implemented) simple and user-friendly.
- **Accountable** – be able to justify decisions and be subject to public scrutiny.
- **Proportionate** – only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- **Consistent** – rules and standards must be joined up and implemented fairly.
- **Targeted** – regulation should be focused on the problem and minimise the side effects.

#### *Objectives*

This policy sets out a framework for monitoring the compliance of those hosts and operators providing short-term lets. Our objectives are to:

- encourage and support compliance amongst those providing short-term lets;
- provide clear information to those undertaking short term letting about how the Council will assess their fit and proper status, monitor compliance and support the enforcement of regulation; and

- reduce duplication and minimise unnecessary burden upon short-term let licence holders by targeting compliance activity on those assessed as being at greater risk of non-compliance.

### **Monitoring Compliance**

- 13.4 In order to monitor compliance, Council Officers can undertake an inspection of the premises.
- 13.5 Scottish Government Guidance enables a person authorised by the Council to inspect premises which appear to be being used for the purpose of short-term let accommodation. This gives the authorised person the ability to visit your premises and inspect both the premises and any records associated with the conditions attached to the licence. In keeping with the principals of proper and targeted compliance, the Council may visit when considered necessary and will consider a range of factors when carrying out an inspection. This may include for example:
- as part of considering your application;
  - part of a routine inspection;
  - as a result of a complaint from a guest or neighbour;
  - follow-up on a previous visit to confirm that an issue has been resolved;
  - other accreditation obtained by the host or operator;
  - feedback from Police Scotland and the Scottish Fire and Rescue Service;
  - peculiarities of the operation (unconventional accommodation);
  - pattern of complaints associated with the host, operator or premises;
  - reputational evidence from guest reviews and internet profile.
- 13.6 Monitoring the compliance of hosts and operators cannot be the responsibility of any one person or the Council. To be effective it requires collaboration between service users, letting agencies, and platforms not only to monitor compliance but in addition identifying and eliminating unlicensed short-term lets.

### **Enforcement and sanctions**

- 13.7 Our primary aim is to ensure compliance through means of encouragement and support however, there are several ways to enforce the requirements in the Licensing Order these are:
- additional licence conditions on application
  - Enforcement Notices
  - variation, suspension or revocation of the licence
  - pursuance of prosecution in respect of offences under the 1982 Act – see below

Where compliance cannot be achieved through alternative means and there is evidence indicating that a criminal offence has been committed, cases may be referred to Police Scotland, to consider criminal proceedings.

Level on the scale	Maximum fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

## 14. Complaints

Perth and Kinross Council aims to ensure that hosts and operators provide the necessary standards for members of the public with regard to the licensing of short-term lets. All complaints and concerns received will be taken seriously as they provide an opportunity to improve and maintain the high standards, we aim to achieve by means of the licensing regime. The Council will:

- ensure that all complaints are investigated fairly and in a timely way with those involved;
- ensure that complaints are, wherever possible, resolved and that relationships are repaired; and
- gather information which improves standards in relation to the licence.

Complaints received by the Council in relation to short-term lets will be acknowledged within five working days where possible. Complaints must be, where possible, submitted through the Council's online short-term let complaints portal. Complainants will be kept up-to-date in relation to the progress made by Council Officers in relation to their complaint by email.

Complaints about hosts and operators can be received from various sources for example:

**Guests** – In the first instance guests should raise any concerns with their host or operator, letting agency or platform. If remain unsatisfied or the issue is sufficiently grave then a complaint should be made to the Council to investigate.

**Neighbours** – In the first instance guests should raise any concerns with their host or operator, letting agency or platform. If you remain unsatisfied then a complaint should be made to the Council to investigate.

Neighbours might complain about the following for example:-

- the number of people staying at the premises;
- noise, disturbance or instances of antisocial behaviour;
- issues around maintenance, guests in common areas and accumulation of refuse (especially in flats or tenements); or
- suspected unlicensed short-term lets.

Complaints about suspected unlicensed operators should be directed to Police Scotland.

### **Assessing Complaints**

Some complaints will require enforcement action by the Council (see Section 14 Enforcement) and some complaints will not require enforcement action by the Council, for example:

- where the Council determines that the complaint is frivolous or vexatious;
- action has already been taken or is in progress; or
- the complaint relates to a matter which is outside the scope of the licensing scheme, for example around the quality of the stay.

The Council aim to resolve most complaints by means of engagement and discussion with the host/operator and if necessary, adding additional conditions to a licence if deemed appropriate. Enforcement action will only be taken as a last resort.

## **Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of short-term let licences (as specified in Schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

### **Type of Licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### **Fire Safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of:
  - a. fire or suspected fire, and
  - b. the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988<sup>(1)</sup>.

### **Gas Safety**

5. Where the premises has a gas supply:
  - a. the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - b. if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical Safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must:
  - a. ensure that any electrical fittings and items are in:
    - i. a reasonable state of repair, and
    - ii. proper and safe working order.
  - b. arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,

c. ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,

d. arrange for a competent person to—

- i. produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
- ii. date label and sign all moveable appliances which have been inspected.

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

**Water safety: Private Water Supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

**Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

**Safety & repair standards**

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

**Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

**Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
- a. a certified copy of the licence and the licence conditions,
  - b. fire, gas and electrical safety information,
  - c. details of how to summon the assistance of emergency services,
  - d. a copy of the gas safety report,
  - e. a copy of the Electrical Installation Condition Report, and

- f. a copy of the Portable Appliance Testing Report.

#### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 (**4**) ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either:
- a. an application has been made for planning permission under the 1997 Act and has not yet been determined, or
  - b. planning permission under the 1997 Act is in force.

#### **Listings**

- 14.1 The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes:
- a. the licence number, and
  - b. a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008 (**5**).
- 14.2 The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

#### **Insurance**

15. The holder of the licence must ensure that there is in place for the premises:
- a. valid buildings insurance for the duration of the licence, and
  - b. valid public liability insurance for the duration of each short-term let agreement.

#### **Payment of fees**

15. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

#### **False or misleading information**

16. The holder of the licence must not provide any false or misleading information to the licensing authority.

#### **Interpretation**

17. In this schedule:

**"Electrical Installation Condition Report"** means a report containing

the following information:

- a. the date on which the inspection was carried out,
- b. the address of the premises inspected,
- c. the name, address and relevant qualifications of the person who carried out the inspection,
- d. a description, and the location, of each installation, fixture, fitting and appliance inspected,
- e. any defect identified,
- f. any action taken to remedy a defect.

**“Energy Performance Certificate”** means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

**“Gas safety report”** means a report containing the following information:

- a. the date on which the appliance or flue was checked,
- b. the address of the premises at which the appliance or flue is installed,
- c. a description of and the location of each appliance or flue checked,
- d. any safety defect identified,
- e. any remedial action taken,
- f. confirmation that the check undertaken complies with the requirements of an examination of:
  - i. the effectiveness of any flue,
  - ii. the supply of combustion air,
  - iii. subject to head
  - iv. its operating pressure or heat
  - v. input or, where necessary,
  - vi. if it is not reasonably practicable to examine its combustion performance
  - vii. its operation so as to ensure its safe functioning,
- g. the name and signature of the individual carrying out the check, and
- h. the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7).

**“Holder of the licence”** means any person to whom a short-term let licence has been granted or jointly granted,

**“Home letting”** means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

**“Home sharing”** means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

**“Premises”** means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

**“Repairing standard”** means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

**“Secondary letting”** means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

**“Short-term let”** has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

**“Short-term let licence”** means a licence for a short-term let, and “type of short-term let” means one of the following purposes:

- a. secondary letting,
- b. home letting
- c. home sharing, or
- d. home letting and home sharing.

## **Annex B – Suggested Additional Conditions**

1. The licence holder must take reasonable steps to manage the premises in such a way as to seek and prevent and deal effectively with any anti-social behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.
2. The licence holder must take reasonable steps to:
  - ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests;
  - deal effectively with any disturbance or nuisance arising within or from the premises, as soon as practicable after the licence holder is made aware of it; and
  - ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules.
3. The licence holder must manage the premises in such a way as to respect and protect the privacy and security of neighbours.
4. The licence holder must ensure:
  - guests know and understand any particular rules applying to shared areas and entrances;
  - guests understand that shared doors should be properly and securely closed after use; and
  - the provision of access codes or keys to guests cannot be used by guests to gain access to shared areas after they have finally departed.
5. The licence holder must ensure that the bedrooms, living room and hallway in the premises are carpeted.
6. The licence holder must take reasonable steps to ensure that guests do not first arrive or finally depart from the property between the hours of 11pm to 7am. The licence holder must advise guests of this as part of their booking terms and conditions. ("Reasonable steps" allows for exceptions, such as significantly delayed transport).
7. The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.
8. The licence holder must provide written documentation to guests, advising them of:
  - their responsibilities;
  - the use of the bins/sacks provided for the premises; and
  - the location of the nearest recycling centre or recycling point.

9. The licence holder must:
- clearly label bins as belonging to the premises;
  - ensure that guests manage their waste in compliance with (8) including when they depart; and
  - maintain the bin storage area and the exterior of the premises in a clean and tidy condition.
10. The Licence holder must not affix a key box, or other device to facilitate guest entry to the property, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owner(s). The licence holder must be able to produce the permission to the licensing authority on request.