

PERTH AND KINROSS COUNCIL

Licensing Committee - 3 August 2022

LICENSING OF SHORT TERM LETS

**Report by Head of Legal and Governance Services
(Report No 22/173)**

1. PURPOSE

- 1.1 To advise the Licensing Committee of the recent legislation introduced by the Scottish Government to licence Short Term Lets and to seek the Licensing Committee's agreement to carrying out a public consultation on a draft Short Term Lets policy.

2. RECOMMENDATIONS
2.1 It is recommended that the Committee: <ul style="list-style-type: none">• Requests that the Head of Legal and Governance Services carries out a public consultation on the draft Short Term Let Policy Statement and schedule of fees as detailed in Appendix 1 of this report.• Requests that the Head of Legal and Governance Services brings back a report with a final draft of the Policy Statement and schedule of fees to a future meeting of the Licensing Committee, prior to the Scheme coming into force on 1 October 2022.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Proposals
- Section 6: Conclusion

4. BACKGROUND / MAIN ISSUES

- 4.1. Under the Civic Government (Scotland) Act 1982, a range of activities are licensed. There is scope within the legislation for new activities to be brought within the licensing system. A licensing scheme for Short Term Lets is now being introduced nationally, which requires all Short Term Lets to be licensed by 1 July 2024. A Short Term Let is defined by legislation and the definition is detailed with the attached draft policy statement but broadly speaking it encompasses:

- Secondary letting, which is letting out a self-catering property not also used as the host's home.

- Home letting, which is letting out a property for self-catering when that property is also at other times used by the host as their home.
- Home sharing, which is bed and breakfast or let of a room within someone's home.

4.2 The overall purpose of the licensing of short term lets is to allow Councils to balance the needs and concerns of communities with wider tourism and economic interests. Scottish Government Guidance states that the aims of the licensing scheme are:

- To ensure short-term lets are safe and address issues faced by neighbours;
- To facilitate licensing authorities in knowing and understanding what is happening in their area; and
- To assist with handling complaints effectively.

4.3 The Council is also required to set fees for licence applications. Under the 1982 Act the Council must ensure that the costs of operating the licensing scheme are covered by fees charged to applicants, so that the Council is not subsidising the licensing system.

4.4 In addition to the legislation, the Scottish Government has issued guidance to licensing authorities. It has also issued guidance to letting agents and platforms, hosts and operators in relation to the new licence. All licensing authorities must be able to accept licensing applications on or after 1 October 2022 and must also have policies in place on certain matters.

5. PROPOSALS

5.1 A draft Short Terms Lets Licensing Policy has been prepared, taking account of the legislation and the Scottish Government guidance. This is set out in Appendix 1. It is proposed that a short period of public consultation on the draft policy should take place prior to a final version being submitted to a future meeting of the Licensing Committee for approval. As well as public consultation, views would also be specifically invited from various interested parties including all Elected Members, Community Councils, Police Scotland, Scottish Fire and Rescue Service, Perth Chamber of Commerce and the Scottish Association of Self-Caterers.

5.2 Within the policy, a draft schedule of licensing fees is also proposed. This has been prepared taking account of the 1982 Act requirement that the costs of operating the system should be met from fees. In particular, it ensures that the Council will have sufficient staff to operate the licensing system and also ensures that the costs to the Council are fully covered. In accordance with Scottish Government guidance, the proposed schedule of fees ensures that:

- a) fees charged for home letting and home sharing are lower than those charged for secondary letting;
- b) there is a scale of fees which reflects the differing sizes of properties.

6. CONCLUSION

- 6.1 This report summarises the next steps to be taken in regard to the introduction of the licensing of short-term lets commencing 1 October 2022.

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Approved

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APPENDICES

- Draft Policy Statement for Short-term Lets

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan	N
Corporate Plan	Y
Resource Implications	
Financial	Y
Workforce	Y
Asset Management (land, property, IST)	N
Assessments	
Equality Impact Assessment	N
Strategic Environmental Assessment	N
Sustainability (community, economic, environmental)	N
Legal and Governance	Y
Risk	N
Consultation	
Internal	Y
External	N
Communication	
Communications Plan	N

1. Strategic Implications

Community Plan

Corporate Plan

- 1.2 The Council's Corporate Plan 2018 – 2022 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The licensing of short term lets is relevant to the following objectives:-

- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 The fees proposed within the draft Policy have been considered taking into account the Scottish Government's guidance. These will ensure that the costs of running the licensing scheme are met from fees and not subsidised by the Council.

Workforce

- 2.2 Additional staff will be required to deal with short term let licensing but the cost of this is met from fee income.

3. Assessments

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 A full EFIA is not required at this stage and will be carried out in a further report to the Licensing Committee following the consultation process.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

Internal

- 4.1 The Head of Planning and Development has been consulted in the preparation of this report.

External

- 4.2 None

5. BACKGROUND PAPERS

- 5.1 None