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<b>Report To:</b>	<b>General Purposes Board</b>	<b>Date:</b>	<b>28 September 2022</b>
<b>Report By:</b>	<b>Head of Legal and Democratic Services</b>	<b>Report No:</b>	<b>LS/88/22</b>
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<b>Subject:</b>	<b>Licensing of Short Term Lets/Consideration of Draft STL Policy Statement</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to update the General Purposes Board on the outcome of the public consultation exercise in relation to the licensing of Short Term Lets (STLs) in Inverclyde and to request that the Board considers the responses received to the consultation and the draft STL Policy Statement set out at **Appendix 2**.

1.3 The report requests that the Board approves the draft STL Policy Statement and adopts the STL Policy Statement with effect from 1 October 2022.

1.4 The report also requests that the Board considers the fee structure for STL licensing.

## 2.0 RECOMMENDATIONS

2.1 The Board is asked to:

- (1) note the terms of this report and note the views expressed in response to the public consultation exercise on the licensing of Short Term Lets (STLs ) and the terms of the draft STL Policy Statement set out at **Appendix 2** of this report.
- (2) consider in light of the responses received if any changes are required to the draft STL Policy Statement set out in **Appendix 2** in order to determine a final Policy Statement.
- (3) approve and adopt the STL Policy Statement set out in **Appendix 2**, with such changes as the Board may consider are required, with effect from 1 October 2022.
- (4) agree that there will be no temporary exemptions for the licensing of STLs as set out in section 5.2 of this report.
- (5) agree that there will be no temporary STL licences granted as set out in section 5.3 of this report.
- (6) **Agree whether Additional Conditions will be approved as part of the STL Policy Statement as set out in section 4.3 of the report.**
- (7) agree the fee structure for STL licenses as set out in section 6.4 of this report.
- (8) agree to grant delegated authority to the Head of Legal and Democratic Services, in consultation with the Chair of the General Purposes Board, to make such further changes to the STL Policy Statement as are deemed necessary further to the Board's decision today, and thereafter finalise and publish the STL Policy Statement.

- (9) agree that a review of the STL Policy Statement shall be undertaken within 12 months of implementation of the Policy Statement on 1 October 2022.

### 3.0 BACKGROUND AND CONTEXT

- 3.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the Order”) was enacted on 1 March 2022 and has inserted new legislative provisions into the Civic Government (Scotland) Act 1982 (“the Act”). The Order introduces a new mandatory licensing scheme for STLs which local authorities are required to establish by 1 October 2022. **Compliance with the Order is not optional. Not adopting a STL policy will expose the Council to significant reputational damage and risk of legal challenge from new hosts/operators who will be unable to operate from 1 October 2022 without a licence, and from existing hosts/operators who will be unable to continue operating after 1 April 2023 without making an application for a STL licence.**
- 3.2 Prior to the introduction of the Order there was no requirement to licence STLs and, therefore, local authorities did not have the ability to regulate these types of premises.
- 3.3 The new licensing scheme has been introduced by the Scottish Government with the aim of ensuring STLs are safe, address issues faced by neighbours, and to facilitate local authorities in knowing and understanding what is happening in their area in relation to STLs. The Order also aims to make sure that the economic and tourism benefits of STLs are balanced with the needs and concerns of local communities.
- 3.4 Under the new licensing scheme a local authority can grant one of four types of licence for STL accommodation. The licence granted must be for either:
- a) secondary letting;
  - b) home letting;
  - c) home sharing; or
  - d) home letting and home sharing.

Home sharing and home letting concern the use of the host or operator’s only or principal home whereas secondary letting makes use of a separate premises.

- 3.5 The General Purposes Board at its meeting on 13 April 2022 noted the commencement of the Order requiring local authorities to open a licensing scheme for STLs by 1 October 2022 and authorised officers to carry out a consultation on a draft policy and conditions framework for STLs.
- 3.6 Following the Board's decision on 13 April 2022, a two stage public consultation exercise was undertaken seeking views on the proposed licensing of STLs. The aim of the initial consultation was to gather a broader understanding of the community and business views in relation to what a STL Policy Statement should include, and whether the Council should adopt any discretionary conditions.
- 3.7 **Following the Board's discussion on 21 September 2022 regarding the draft STL Policy Statement officers have taken on board the concerns expressed by Members and have amended the draft STL Policy Statement accordingly. In particular, following Members' feedback the tables referred to in section 6.2 of the draft Policy Statement to determine the “maximum capacity” have been deleted.**

## 4.0 DRAFT POLICY CONSULTATION

- 4.1 A copy of the initial consultation survey is set out at **Appendix 1** of this report.
- 4.2 Members should note the very low level of response in relation to the initial consultation and accordingly it is uncertain to what extent the responses received are indicative of the overall views of the local Inverclyde community which has a population of approximately 78,000 (rounded to the nearest 1,000). A total of 54 responses were received in relation to the survey, including 3 surveys completed by Council officers as tests which require to be discounted.
- 4.3 Whilst it is uncertain what weight requires to be attached to the relatively low number of responses to the survey, having scrutinised the content of the responses received, there does appear to be some consensus that the Council should adopt discretionary conditions in addition to the mandatory conditions imposed by the Scottish Government (46 respondees are in favour of additional conditions). Accordingly, additional conditions have been drafted by Council officers aimed at responding to local challenges and specific concerns. **Whereas mandatory conditions are compulsory and must be attached to STL licences, the Council has discretion to decide whether or not to impose the additional conditions set out in Appendix 4 to the draft STL Policy Statement. The intention of the additional conditions is to provide additional protection and safeguards in relation to the management of the licensed premises, particularly with regard to neighbours and common areas. In light of Members' feedback at the Board on 21 September 2022, it should be highlighted that approval of these additional conditions is optional. It is open to the Board to approve the STL Policy Statement without the additional conditions.**
- 4.4 It should be noted, in relation to the initial consultation, that the majority of respondees (36) live in Inverclyde, 2 respondees are STL operators, whilst 9 are neighbours of a STL. From the responses received there appears to be a range of views in relation to the positives and benefits of STLs.
- 4.5 In response to question 4 in the survey about what types of properties would be suitable or not suitable as STLs, 70 % of responders indicated that tenements or other properties with a shared or communal main door were unsuitable. It should, however, be noted that Scottish Fire & Rescue Service responded to the initial consultation that if the correct fire safety features are in place then all types of properties are suitable as STLs. Given this, and in the absence of clear justifiable reasons to do so, Officers do not propose to exclude tenements or any other type of property from the STL licensing scheme at this time. Officers will, though, monitor the situation closely following the commencement of the scheme on 1 October 2022.
- 4.6 The second consultation in relation to the draft STL Policy Statement commenced on 23 August 2022 and concluded on 20 September 2022. Members should be aware of the very tight time scale afforded to local authorities to draft a STL Policy Statement and consult following the introduction of the 2022 Order in March 2022, despite pressure and representations from local authorities that it would be very challenging, in a year with Local Government elections and other operational pressures, to comply with the 2022 Order with a view to opening a scheme on 1 October 2022. **Only one response has been received following the second consultation. This response, from Scottish Fire & Rescue Service, was received on the last day of the consultation. Copies of the response were circulated to Board Members in advance of the Board meeting on 21 September 2022. In light of the response from Scottish Fire & Rescue Service it is proposed that two additional conditions have been inserted to reflect the request that the Licence Holder shall require to undertake and review a Fire Safety Risk Assessment (FSRA) and display the FSRA together with evacuation plans and fire action plan in a place where they are accessible to all guests.**

## 5.0 PROPOSED DRAFT STL POLICY

- 5.1 A draft STL Policy Statement has been prepared by officers, based upon the responses received to the initial consultation and in line with the Scottish Government guidance on the STLs in Scotland Licensing Scheme. The draft Policy Statement is set out in full in **Appendix 2. Failing to adopt a policy will expose the Council to risk of reputational damage, and potentially legal and financial risk. From 1 October 2022 it will be a criminal offence for a new host/operator to operate without a licence and hence if the Council fails to adopt a policy to open a licensing scheme, the Council will be exposed to the risk of legal challenge from new hosts/operators who cannot operate because they have been prevented from applying for a STL licence.**
- 5.2 In terms of the Order and related guidance, Councils may grant temporary exemptions to the requirement to have a STL licence. It is proposed within the Policy Statement at section 5.4 that the Council does not currently intend to grant temporary exemptions. One of the main reasons for the introduction of the new legislation is to ensure basic safety standards are in place and therefore in order to be consistent with this aim, it is proposed that no temporary exemptions will be granted. It is, however, proposed that this position on temporary exemption policy will be kept under review.
- 5.3 There is also provision under the Order for the Council to consider granting temporary licences. However, there is a limited consultation in relation to temporary licences when compared to a full licence and hence to ensure basic safety standards are in place across all STL licences, it is proposed that applications for temporary licences will not be accepted.
- 5.4 The Order is complemented by The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 which make provision for local authorities to designate control areas. The purpose of control areas is 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 STLs in places or types of building where it is not appropriate; and
  - To help local authorities to ensure that homes are used to best effect in their area.

The Control Area Regulations simplify and clarify the planning status of properties used for short-term letting in certain areas and allow planning authorities to consider applications for consent for change of use in relation to planning matters.

Members should note that approval is required from the Scottish Ministers in relation to the proposed introduction of a Control Area. At the current time, it is understood that only one local authority in Scotland will be introducing a Control Area.

It is not proposed currently for the Council to consider the introduction of a Control Area in any part of Inverclyde, mainly due to the estimated low prevalence of STL activity in the local authority area. This position will be kept under review as the application process commences.

- 5.5 In addition to the provisions detailed in sections 5.2 to 5.4 of this report, the Council's STL Policy Statement sets out the purpose, aims and objectives of the 2022 Order and details the 4 types of STL licences that can be granted and renewed by a local authority together with detail of the duration of STL licences. It is proposed that STL licences will be granted for a period of 3 years and renewed for that period. The STL Policy Statement also sets out the mandatory conditions which must apply to STL licences and the additional discretionary conditions which the Council intends to apply. The STL Policy Statement explains that one of the mandatory conditions is in relation to the maximum occupancy which must be detailed on a STL licence and the STL Policy

Statement provides a proposed methodology for how this would be calculated. In addition the STL Policy Statement contains details regarding the application process, how notifications of a licence application are to be made to residents and neighbours and sets out how applications will be determined in the event objections or representations are received. Such applications will be determined by the Board at a hearing. It will be the responsibility of the hosts/operators to ascertain from enquiries with the Council's planning service if planning permission is required, and to ensure that any planning permission which may be required is in place before making an application for a licence. Where there are no objections or representations in relation to a STL application then it is proposed that officers will deal with these under delegated authority. Provisions relating to the circumstances in which an application may be refused, suspended or revoked are also included in the STL Policy Statement.

- 5.6 It should be noted that transitional provisions are in place for the STL hosts currently operating as a STL as set out in section 7 of the STL Policy Statement. Although the STL licensing scheme is due to commence on 1 October 2022, existing hosts operating a STL can continue to operate their premises however, they will only be permitted to continue operating after 1 April 2023 if an application for a STL licence has been submitted to the Council. Any new host who wishes to operate a STL after 1 October 2022 must apply for a STL licence and must not operate without a licence. By 1 July 2024 all hosts must have a STL licence.

## **6.0 PROPOSED FEE STRUCTURE**

- 6.1 Licensing authorities are required to charge fees in respect of processing and determining applications. The Civic Government (Scotland) Act 1982 states that licensing fees must be sufficient to cover the Council's administrative expenses, not just officers' time and associated expense, but all work involved in establishing the licensing scheme.
- 6.2 Licensing officers have engaged with other services across the Council to establish the likely costs involved in the operation of the STL licensing scheme. This includes consideration of the appropriate level of staff and estimated time required in processing an application through to the time involved in reporting to the General Purposes Board if necessary.
- 6.3 Introducing a STL licensing scheme will be a significant undertaking for the Council to effectively deliver. It is difficult to be certain about the number of STLs operating in Inverclyde; however, a scan of relevant websites indicates that the number could currently be in the region of 100 properties. This will result in a substantial increase in the volume of civic licensing applications received in the Council and will place additional pressure on the Council's licensing staff, Environmental Health Officers and ICT infrastructure for processing applications. At this time it is not possible to accurately predict the full extent of the level of work and time that will be required to process individual applications. This will become clearer once applications are received. Initially it is proposed that existing licensing staff will resource the new licensing scheme, however, the additional level of work will be closely monitored by officers. It is anticipated that additional resources and staffing will be required within the Council's Licensing section to ensure the expeditious progress of applications.
- 6.4 The fee structure requires a level of estimation given the uncertainty around how many applications will be received by the Council and the level of work required to process and progress the applications. The level of income derived from the licensing of STLs will be closely monitored by the Council as will the level of expenditure from 1 October 2022 in order to ensure the fees are set at the correct level. It may be necessary to revert to the Board in future seeking approval for an increase in the level of fees.

In the meantime, the following fee structure is proposed:

## Proposed Application Fees

	Maximum Occupancy applied for (4 or under)	Maximum Occupancy applied for (5 or more)
Secondary letting	£450	£550
Home letting or Home sharing (or both)	£275	£350

## Renewal Fees

	Maximum Occupancy applied for (4 or under)	Maximum Occupancy applied for (5 or more)
Secondary letting	£400	£500
Home letting or Home sharing (or both)	£225	£450

6.5 If it is assumed that the Council will process 75 STL licence applications at £450, this would generate additional new income of approximately £33k. Based upon the level of work required to be undertaken by the licensing team it is anticipated that this additional income will be fully utilised in undertaking the additional resources that are required. As noted above, the position will, however, be closely monitored.

## 7.0 IMPLICATIONS

7.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial	X		
Legal/Risk	X		
Human Resources	X		
Strategic (LOIP/Corporate Plan)	X		
Equalities & Fairer Scotland Duty	X		
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection	X		

## 7.2 Finance

There are significant financial implications associated with the introduction of the STL policy and licensing scheme. It is likely that the volume of civic licensing applications will substantially increase following the commencement of the licensing scheme. Consideration will require to be given to the capacity of the current Licensing section to process applications effectively and expeditiously. There is also potential for the business of the General Purposes Board to increase if there are a large number of applications requiring oversight, in the case of objections or representations being received.

There may be additional financial pressure as the Scottish Government has requested data relating to STLs is submitted by local authorities on a quarterly basis. The Council does not currently have a system for the recording of short term let licenses. The Scottish Government

reporting regime requires the use of a very specific type of data export and transfer not currently used by any Council system. The Council will therefore require to develop or procure a suitable licensing management system to record and report the license data to the Scottish Government.

There are potentially significant financial implications if the Council fails to adopt a licensing scheme and is faced with legal challenge from hosts/operators who are unable to make an application for a STL let.

One Off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
Licensing	Income	April 2023	(11)	N/A	Based on 75 licences at £450. Will generate income of £33k every 3 years. Initial licence application will be by April 2023.

7.3 Legal/Risk

The legal issues are addressed within the body of this report. Through the consultation exercises which have been undertaken, and the Board’s consideration of the draft STL Policy Statement, and its subsequent adoption, this should reduce the risk of legal challenge to the Council.

As noted above there are risks around the volume of STL licence applications the Council receives, but this will be the subject of ongoing monitoring.

There will be a significant risk of legal challenge from hosts/operators if the Council fails to adopt a policy to enable applications for STL licences to be made.

7.4 Human Resources

As set out above at 6.3 applications for STLs are likely to result in an additional volume of work being placed upon licensing staff. The extent of the administrative burden will be clearer once the licensing scheme opens on 1 October 2022.

7.5 Strategic

N/A

## 7.6 Equalities and Fairer Scotland Duty

### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA has been undertaken and can be accessed at the following link: <a href="https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments">Equality Impact Assessments - Inverclyde Council</a> and <a href="https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments">https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments</a>
	NO

### (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

## 7.7 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

## 8.0 CONSULTATION

- 8.1 A wide range of stakeholders have been consulted twice in connection with the proposed introduction of the STL licensing scheme, which included Community Councils, local residents, local business communities, existing businesses, trade/tourist organisations, Police Scotland and the Scottish Fire & Rescue Service.

## 9.0 BACKGROUND PAPERS

- 9.1 None.



## Survey: Short term lets 2022

### 1. Your details

**First name**  \*

**Surname**  \*

**Email address**  \*

**Post code**  \*

### 2. Which of the following apply to you?

- Short term let operator
- Short term let customer
- Short term let neighbour
- Live in Inverclyde
- Visitor to Inverclyde
- Work in Inverclyde
- Other (for example a trade group - please give details below):

3. Please tell us whether you think that these types of properties would be suitable or not suitable as short term lets. Please give us your reasons why in the box provided.

	Suitable	Not suitable
Bungalow	<input type="radio"/> Bungalow Suitable	<input type="radio"/> Bungalow Not suitable
Detached	<input type="radio"/> Detached Suitable	<input type="radio"/> Detached Not suitable
New build	<input type="radio"/> New build Suitable	<input type="radio"/> New build Not suitable
Semi-detached	<input type="radio"/> Semi-detached Suitable	<input type="radio"/> Semi-detached Not suitable
Tenements or other properties with main door	<input type="radio"/> Tenements or other properties with main door Suitable	<input type="radio"/> Tenements or other properties with main door Not suitable
Terraced	<input type="radio"/> Terraced Suitable	<input type="radio"/> Terraced Not suitable

Reasons:

4. Please tell us whether you think that these types of properties would be suitable or not suitable as short term lets. Please give us your reasons why in the box provided.

	Suitable	Not suitable
Basement	<input type="radio"/> Basement Suitable	<input type="radio"/> Basement Not suitable
Ground floor	<input type="radio"/> Ground floor Suitable	<input type="radio"/> Ground floor Not suitable
Top floor	<input type="radio"/> Top floor Suitable	<input type="radio"/> Top floor Not suitable
Other floor	<input type="radio"/> Other floor Suitable	<input type="radio"/> Other floor Not suitable

Reasons:

5. Is there any other type of property that you think would not be suitable as a short term let? Please tell us why you think this in the box provided.

## Conditions

The Council has the power to set additional conditions for short term let properties.

All short term lets which are granted a licence will be required to comply with a set of mandatory conditions which will apply across Scotland.

Licence conditions set out a number of rules which the licence holder must comply with during the period for which the licence is in effect.

For example, conditions can be used to set the maximum occupancy of a property used for a short term let.

• Q6

Required

[Add Question Here](#)

6. Should the Council adopt additional conditions?

- Yes
- No

## Maximum occupancy

It will be a mandatory condition of a short term let licence that hosts and operators ensure that they do not exceed the maximum number of guests for their premises.

The Council may choose to specify on a licence that guests may bring children under a specific age limit and that these children would not count towards the occupancy of the premises.

Scottish Government guidance states that licensing authorities may wish to set the age limit as 'under 10 years', which is in line with the reference to children in the context of housing within the Housing Act (Scotland) 1987.

7. Should children under the age of 10 count towards the occupancy of a premises?

- Yes
- No

## Temporary licences

The Council can issue temporary short term let licences.

A temporary licence may be granted for a continuous period of up to six weeks or longer if a host operator has also made an application for a full licence.

8. Should temporary licences be introduced?

- Yes
- No

## Temporary exemptions

The Council can issue temporary exemptions from the the requirement to have a licence. An exemption could be issued for a property for certain occasions where there is a large number of visitors to the area over a short period, eg to support events or festivals. A temporary exemption would last for a single continuous period of up to six weeks in any period of 12 months.

9. Should temporary exemptions be introduced? If you answer 'yes' the next question will ask you about the event types for which you think an exemption would be appropriate.

- Yes
- No

Which type of events do you think a temporary exemption would be appropriate?

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## Your opinion about short term lets

We would like to know more about the impact that you think short term letting has on Inverclyde.

You may wish to consider issues such as the impact on residents and amenities, impact on housing costs and supply, economic impact and benefits or encouraging tourism to Inverclyde.

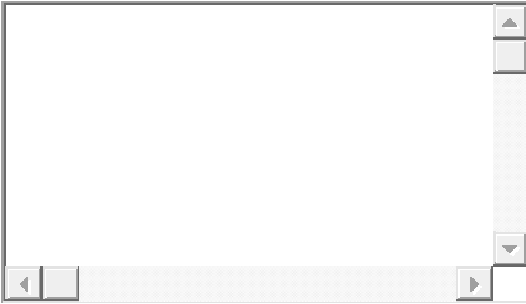
10. What are the positives of short term letting?

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11. What are the negatives of short term letting?

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12. Are there any further comments that you would like to make on any aspect of the licensing of short term lets?

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**Draft Short-term Lets Policy  
October 2022**

DRAFT

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### Foreword

This Policy Statement is the first one published by Inverclyde Council's General Purposes Board. The purpose of the policy is to provide guidance for applicants, licence holders and members of the public on the licensing system for Short-term Lets.

Consultation on the draft Policy Statement took place during the period from August 2022 to 20 September 2022. A report providing details of the comments received from consultees was considered at the meeting of the General Purposes Board on 21 September 2022 and this policy was approved on that date. A copy of the report is available online at [\(link to be inserted\)](#) . This Policy Statement will be reviewed and revised when necessary.

DRAFT



## Section 1: Background

- 1.1 On 19 January 2022 the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the Order”) was approved by the Scottish Parliament. The Order came into force on 1 March 2022 and inserts new legislative provisions into the Civic Government (Scotland) Act 1982 (“the Act”).
- 1.2 The Order introduces a new mandatory licensing scheme for Short-term Lets (STLs) which local authorities are required to establish by 1 October 2022.
- 1.3 Prior to the introduction of the legislation there was no requirement to licence STLs and, therefore local authorities did not have the ability to regulate these types of premises.
- 1.4 The licensing scheme was brought in by the Scottish Government with the aim to ensure Short-term Lets are safe, address issues faced by neighbours, and ensure that people providing Short-term Lets are suitable to do so. The legislation aims to make sure that the economic and tourism benefits from STLs are balanced with needs and concerns of local communities.

## Section 2: Purpose, Aims and Objectives

### 2.1 Purpose of Policy Statement

This Policy Statement sets out how Inverclyde Council ( “the Council” ) manages its licensing scheme, including the types of licence that will be issued and the duration; licence conditions; the application process; enforcement and compliance; and applicable fees.

### 2.2 Aims of Policy Statement

The overall aim of the Policy Statement is to implement a licensing scheme which is:

- i. In line with the Scottish Government’s overall policy objectives for the licensing of STLs.
- ii. Customised to the Council’s local policies and the needs and circumstances of Inverclyde Council, and
- iii. Efficient, effective and proportionate to the issues faced by residents and local communities in Inverclyde Council.

### 2.3 Objectives of Policy Statement

The aims of the Policy Statement will be achieved through the following objectives;

- i. Ensuring that the licensing scheme is effective, efficient and proportionate.
- ii. Offering appropriate guidance and support to applicants using the licensing scheme
- iii. Ensuring that properties meet the basic safety and property condition standards set out by the licensing conditions.
- iv. Ensuring the Council has a good knowledge and understanding of the local area with regards to STLs.
- v. Reducing anti-social behaviour related to STLs within local communities.
- vi. Minimising the risk of crime related to STLs in the local authority area
- vii. Integrating service delivery with other similar housing and licensing functions.
- viii. Using online and digital verification, for example, through photo and video evidence instead of a visit, and physical inspection when deemed necessary.
- ix. Taking a proportionate risk-based approach to checks and verification, for example, when and how often visits to premises are needed.
- x. Gain understanding of the prevalence of STL activity in Inverclyde;

- xi. Determining what impact this business activity has in relation to local and housing provision and align with other Council policies and strategies, namely: The Local Development Plan and Local Housing Strategy.

### Section 3 Definitions and Legal Framework

#### 3.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

The Scottish Government have introduced statutory powers under the Civic Government (Scotland) Act 1982 to licence Short-term Let (STL) accommodation.

The purpose of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 is to ensure that local authorities have appropriate regulatory powers to balance the needs and concerns of their communities with wider economic and tourism interests.

The 2022 Order establishes a licensing scheme to ensure STLs are safe; address issues faced by neighbours; to facilitate local authorities in knowing and understanding what is happening in their area as well as to assist with handling complaints effectively.

#### 3.2 Definition of a Short Term Let

The definition of a Short-term Let (STL) as prescribed by law broadly defines this as a business agreement to use residential accommodation by a guest but excludes:

Hotels; boarding houses and other licensing activities, e.g. mobile homes.

The full definition of a STL is contained within **Appendix 1** to this policy.

#### 3.3 Excluded Accommodation

The 2022 Order provides for certain accommodation to be regarded as “excluded accommodation” and therefore there is no need for the owners or operators of these types of accommodation to require a Short-term Let Licence. A full list is contained in **Appendix 2** of this policy and includes:

Nursing Homes; hostels; student accommodation, etc.

The Council recommends taking your own independent legal advice on whether or not your accommodation would require an STL licence as the Council cannot provide legal advice on whether or not a premises is excluded from requiring an STL licence.

#### 3.4 Excluded Tenancies

The 2022 Order also makes provision to exclude certain tenancies. A list of excluded tenancies can be found in **Appendix 2** of this policy and includes: Assured and short assured tenancies; Scottish Secure tenancy, etc.

The Council recommends that people take their own independent legal advice around whether their agreement with a guest constitutes an excluded tenancy as the Council cannot provide legal advice and can only determine exclusion through proof of one of the above tenancy agreements.

## Section 4 Planning

### 4.1 The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022

These were introduced in January 2022 and enable a planning authority to designate all or part of its area as a STL control area.

### 4.2 Control Area Regulations in Inverclyde

The 2022 Order is complemented by the Control Area Regulations which make provision for local authorities to designate control areas. The purpose of control areas is 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.

Inverclyde Council does not intend on implementing Control Area Regulations mainly due to the estimated low prevalence of Short-term Let activity operating in this local authority area.

The above position will be kept under review as the application process commences, in order that the prevalence of Short-term Lets can be ascertained. It should be noted that the current position regarding Short-term Let Control Areas could change in future.

The introduction of any Short-term Let Control Area would fall within the Council's remit as Planning Authority to implement, not as the Licensing Authority.

### 4.3 Planning Permission

Under provisions within the 2022 Order, a preliminary ground for refusing to consider an application for a STL is that the use of the proposed premises would constitute a breach of planning controls set out under the Town and Country Planning (Scotland) Act 1997 by virtue of section 123 (1) (a) or (b) of that Act.

Hosts and Operators are therefore advised to engage with the Council's planning department prior to submission of a licence application to confirm whether they require planning permission or a certificate of lawful use of development. Enquiries in connection with planning should be directed to: [dmplanning@inverclyde.gov.uk](mailto:dmplanning@inverclyde.gov.uk)

To avoid the Council having to use the preliminary ground of refusing to consider applications based on planning grounds hosts and operators should contact the Council's Planning Service by email using the above address. Hosts and operators should be aware that when applying for a Home letting STL Licence or a Secondary letting STL licence, where the premises is a flat, it is likely that the applicant **must** have planning permission or a certificate of lawfulness confirming that the extent of use does not amount to a material change of use. Furthermore, where the proposed maximum capacity exceeds 5 persons it is likely that planning permission will be required.

Please note that planning permission may be required in other circumstances and accordingly enquiries should be made in the first instance with the Council's Planning Service.

Should planning permission or a certificate of lawfulness be required then this must be provided with an application and the Licensing Authority will not accept an application without one of these documents, or written confirmation from the Council's Planning service that planning is not required. It is the responsibility of the applicant to obtain such written confirmation.

## Section 5 Different Types of Short-term (STL) licences

### 5.1 Types of STL licences

There are four types of licence for STL accommodation:

- Secondary letting;
- Home letting;
- Home sharing; or
- Home letting and home sharing

Home sharing and Home letting concern the use of the host's only principal home.

Secondary letting does not relate to the use of the host's principal home. It makes use of a separate premises.

### 5.2 Licence Duration

The Council may grant a licence for a period of up to three years, after which time it requires to be renewed. Each licence will have a reference number and will confirm the date of expiry. The duration will apply from the date on which the licence comes into force.

### 5.3 Licence Renewal

Where an application is made to renew a licence before expiry of the current licence, the licence will continue to have effect until such time as a final decision is made on the renewal application. A renewal application will be granted for a period of up to three year unless there are circumstances which justify a different period of time.

If a renewal application is refused by the Council's General Purposes Board following a hearing, the existing licence will remain in effect for a period of 28 days from the date of the decision, and where an appeal has been lodged at court, until such time as the appeal has been determined by the court.

The process for applying for a renewal of a STL licence is the same process as when applying for a new STL licence.

In relation to the documentation that should be lodged with a new or renewal application please see the Checklist in **Appendix 5**.

### 5.4 Temporary Exemption Certificate

Under the 2022 Order and related guidance, Councils may grant temporary exemptions to the requirement to have a STL licence.

The Council currently does not intend to have a policy of granting temporary exemptions.

One of the main reasons for the introduction of the new legislation is to ensure basic safety standards are in place across all STL licences, therefore to comply with this aim, no temporary exemption will be granted. Where a person is using their premises as a STL, at any time throughout the year, a STL licence will be required.

The Licensing Authority will keep its temporary exemption policy under review.

### 5.5 Temporary STL Licences

Under the 2022 Order, temporary STL Licences could be applied for. However with a temporary licence there is a limited consultation process when compared to a full licence. There would be no requirement to display a site notice, no opportunity for objections or representations to be received other than from statutory consultees. The only bodies the Council would require to consult with under the legislation in relation to a temporary STL is Police Scotland and Scottish Fire and Rescue Service.

Given one of the reasons for the introduction of STL legislation is to ensure basic safety standards are in place across all STL Licences, applications for a temporary STL licence will not be accepted by the Council.

This means that all STL licence applications will be subject to the full consultation process.

## Section 6 Licence Conditions

### 6.1 Mandatory Licence Conditions

The 2022 Order requires all STL licences across Scotland to apply mandatory licence conditions. A list of all the mandatory licence conditions is contained in **Appendix 3**.

### 6.2 Maximum Occupancy

One of the mandatory conditions that is attached to all STL licences is that the licence holder must ensure that the number of guests residing in the premises does not exceed the number specified in the licence. This includes making the maximum occupancy clear on adverts, listings, as well as in booking terms and conditions.

All applications will ask the applicant to confirm the number of guests they would like to accommodate 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 STL licence when it is issued. This figure is known as “the maximum capacity”.

The Council, taking into account the information provided on the application form and layout plan, will calculate the maximum capacity to the satisfaction of the Council.

It should also be noted that a room is available as sleeping accommodation if it is of a type normally used in the premises as a living room or as a bedroom.

The Council will not include children under the age of 2 years when calculating the maximum capacity. No account shall be taken of a room having a floor area of less than 50 square feet.

The Council will ask applicants to submit a floor plan for their premises as part of their application. This should include room sizes, fire escapes routes and accommodation intended for guests with mobility impairment; the location of any steps, stairs, elevators or lifts in the premises, as well as the extent and boundary of the building where deemed relevant.

### 6.3 Additional Licence Conditions

In addition to the mandatory licence conditions which apply to all STLs, a Council may impose additional conditions. These enable the Council to respond to challenges and concerns relative to specific types of Short-term Letting.

There are a number of additional conditions which apply to all or some STL properties in Inverclyde and are contained in **Appendix 4**.

The Council cannot set conditions which limit the number of nights a premises may be used for secondary letting. The Council has no plans to set such limits on home letting or home sharing premises.

## **Section 7            Application Process**

### **7.1      Important Dates and timescales for STL licence Applications**

Under the 1982 Act, the Council will have a period of 9 months to determine a STL licence application from the date it is received with all the required documentation together with payment of the fee.

However, for applications received prior to 1 April 2023 where the STL was in existence before 1 October 2022, the Council will have 12 months to determine the application. This extension to the usual 9 month time limit is to help Council's manage the volume of applications received.

The table summarises the key dates for potential applicants to consider from 1 October 2022.

<b>Date</b>	<b>Hosts Operating a STL before 1 October 2022</b>	<b>Never operated a STL before 1 October 2022</b>
1 October 2022	<p>You can continue to operate your premises as a STL - must comply with existing laws and regulations</p> <p>You must apply to the local authority area where your premises is situated for a STL licence; and</p> <p>If your STL licence is refused by the Council you must stop using your premises as a STL within 28 days of the date of the decision</p>	<p>If you wish to operate a STL you must apply to the local authority in which premises is situated; and</p> <p>Must not operate a STL without a licence being granted by the Council</p>
1 April 2023	<p>You can only operate without a licence if a STL Licence application has been submitted to the Council where your premises is situated, and has not been refused; and</p> <p>You must stop operating as a STL if your application is refused by the Council. You can continue operating if you have appealed to the Sheriff Court until the outcome of the appeal.</p>	Same as above
1 July 2024	All hosts must have a STL licence	Same as above

### 7.2 Application Form and Checklist

All applicants for the grant, variation and renewal of a STL licence, irrespective of the type of licence being applied for (Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing) must complete and submit an STL application form as set out in **Appendix 5** to the Inverclyde Licensing Section along with the relevant documentation referred to in the Checklist set out in the same appendix, providing copies of all relevant documentation. Each application requires to be accompanied by the appropriate fee.

The application form which can be located at (insert link) can be emailed to [Licensing@Inverclyde.gov.uk](mailto:Licensing@Inverclyde.gov.uk) or posted to the undernoted address:

Inverclyde Licensing Section  
Legal and Democratic Services  
Inverclyde Council  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LX

### 7.3 Application Fee

Applicants should pay the application fee as part of the application process. Payment can be made in the following ways:

Using a credit or debit card, payments can be made by telephoning 01475-717171 during office hours: Monday to Thursday 9:00 am to 4.30pm and Friday 9:00am to 3.45pm

Where payment is made by BACS, payment should be made to Sort Code 80-91-25, account number 00438747 Bank of Scotland, 64/66 west Blackhall Street, Greenock PA15 1XG.

With both methods of payment, please provide a note of the address to be licenced as a STL and clearly indicate that payment relates to the licensing of a STL.

### 7.4 Notifying Residents and Neighbours

Applicants are responsible for notifying residents and neighbours of their application for a new STL licence, or their renewal of an existing STL licence.

Under the terms of the 2022 Order, all applicants who apply for a STL licence must display a notice for a period of 21 days beginning with the date on which the application was submitted to the Council at or near the premises so that it can be conveniently read by the public.

The notice shall state:

- that an application has been made for a licence;
- the main facts of the application;
- that objections and representations in relation to the application may be made to the Council's licensing section; and
- how to make objections or representations.

Applicants are required to provide a Certificate of Compliance, with copy Notice attached, to the Council showing that they have displayed the site Notice as soon as possible after the 21 days has expired.

A template site Notice and Certificate of Compliance can be found on the Council's website: [\(insert link\)](#)

### 7.5 Application Checks

The Council must refuse an application for a STL licence if not satisfied that the applicant is a fit and proper person. The Council will carry out necessary checks to establish whether the applicant is a fit and proper person.

The statutory consultees for this licensing scheme are:

- Police Scotland
- Scottish Fire and Rescue Service

Information relating to the application will also be sent to Inverclyde Council's Planning and Legal Services and other services within the Council as deemed appropriate.

### 7.6 Preliminary Refusal of a Licence

Where planning permission is required and not obtained ( or refused ) prior to the application for a STL, then the Council has the power to reject the application, within 14 days, known as "preliminary refusal" and no refund of fees will be applicable.

## Section 8 Objections and representations

8.1 It is open to any member of the public to submit an objection or representation in relation to a STL application.

8.2 To enable the Council, as licensing authority ("the Council") to entertain an objection or representation, it must be:

- in writing (email is sufficient)
- specify the grounds of objection or the nature of the representation
- specify the address of the property which is the subject of the complaint
- specify the name and address of the person making it
- be signed off by them or on their behalf
- be received by the Council within 28 days of the first date when the notice of application is displayed.

Anonymous, frivolous, or vexatious objections or representations will not be considered.

Late objections or representations may be considered if the Council is satisfied that there is sufficient reason as to why it was not made within the time required.

A copy of the objection or representation will be provided to the applicant and will include your name and address. All personal data will be processed in line with the relevant Privacy Statement- please refer to section 29 of this policy or Council's website: [insert link](#)

8.3 The objection should be relevant to the statutory grounds that can be taken into consideration when refusing an application. These are set out in the Act:

- The applicant or anyone else detailed in the application form is not a fit and proper person to be the holder of a licence;



- The activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- The premises is not suitable for the conduct of the activity, having regard to:
  - The location, character or condition of the premises;
  - The nature and extent of the proposed activity;
  - The kind of persons likely to be in the premises;
  - The possibility of undue public nuisance, public disorder or risk to public safety;
  - Where there is other good reason

## Section 9 Determination of application

### 9.1 Fit and Proper Test

Every person named on the application form will be subject to the fit and proper test. Every application form will require consultation with Police Scotland who will carry out background checks.

Licensing Authorities are responsible for determining whether an applicant is a fit and proper person to be the holder of a STL licence. Consideration will be given to a wide range of information including, but not restricted to, relevant criminal convictions, other relevant information provided by Police Scotland, and previous disqualifications from being a private landlord, previous revocations of a HMO licence and providing false or misleading information in your application form.

An application may be refused if the Council considers that the applicant or anyone named on the application is not a fit and proper person to be authorised to operate a STL activity.

The 2022 Order does not provide automatic grounds for a refusal to licence. Ultimately, it is for the Council, in its capacity as licensing authority to decide whether someone is a fit and proper person to operate a STL activity on all the information available.

Where there are no valid objections or adverse representations to a STL application, the application will be determined under delegated powers by the Council's Head of Legal and Democratic Services in consultation with the Interim Head of Environment and Regeneration or such equivalent post holders who may succeed to those posts.

### 9.2 Determination of application if objection/representation

If a valid objection or adverse representation is received by the Council in relation to a STL licence application, the application will require to be subject to a hearing before the General Purposes Board.

The person who has submitted an objection or representation will be invited to attend a meeting of the Council's General Purposes Board and given an opportunity to speak to their objection/representation. They will be provided with 14 days' notice of the hearing date.

The applicant or their representative will also be invited to attend the meeting and given the opportunity to state why the application should be granted.

Meetings may be held either fully remotely or as hybrid meetings, where it is possible to attend in person or remotely. Applicants and any representative will be provided with an electronic invite to attend either a remote or hybrid meeting upon request.

The Members of the General Purposes Board will be able to ask questions of both the applicant and person making an objection/representation.

The grounds for refusal of an application are contained within section 16 of this policy.

Applications will be heard in public unless required to be taken privately on the grounds of disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

It should be noted that the Council will determine each application on its own merits.

### 9.3 Right of Appeal

Both the applicant and the person(s) making an objection or representation can request a Statement of Reasons in relation to the decision of the General Purposes Board within 21 days of the date of the decision. The Statement of Reasons will be produced by the Council - within 10 days of that request.

The Applicant and the person(s) making an objection or representation have a right of appeal to the Sheriff Court against a decision of the General Purposes Board.

Any appeal requires to be made by way of a summary application to the Sheriff Court within 28 days of the date of the decision being appealed against.

Where an appeal has been lodged any STL licence which is already in existence will continue to have effect until such time as the appeal has been determined.

Parties should seek their own independent legal advice in relation to an appeal.

## Section 10 Suitability of the Living Accommodation

### 10.1 Safe and Good Quality accommodation

One of the key aims of STL licensing is to ensure that the accommodation provided is safe, of good quality, and has sufficient facilities for the number of occupants. The various factors that will be considered by Inverclyde Council when reaching a decision on the suitability of the accommodation are as follows:

- The location, character and type of accommodation
- The condition of the accommodation
- Any amenities the accommodation contains
- The type and number of persons likely to occupy the accommodation
- Whether any rooms have been subdivided
- When any rooms have been adapted, resulting in an alteration to the situation of the water and drainage pipes within the accommodation
- The safety and security of persons likely to occupy the accommodation
- The possibility of undue public nuisance; or risk to public order or public safety
- Whether there is a risk of affecting the privacy and security of neighbours.

The Council will be taking a risk based approach to inspection of properties. The Council will be seeking online verification and evidence to be submitted as part of the application process, where risks will be determined and advice will be taken as required. Physical inspections will be conducted where deemed necessary and appropriate.

No additional fee will be charged for inspections relating to the application and approval process.

Where possible inspections will be carried out jointly with the Scottish Fire and Rescue Service to minimise disruption for guests.

A Checklist and Record of Risk Safety Assessment which have been produced by Scottish Fires and Rescue Service are included along with the STL application and checklist in Appendix 5.

Upon completion of any inspection the Council's Environmental Health Officer will compile a report and submit to the Head of Legal and Democratic Services detailing the results. If there are works that require to be undertaken timescales will be outlined in the report. The onus will be on applicant(s) to complete any necessary requirements within the specified time period and failure to do so could be a ground for refusal of an application.

If the inspection discloses deficiencies in fire safety matters, and the deficiencies identified are regarded by the Scottish Fire and Rescue Service as constituting a serious threat to safety this will be immediately highlighted to the applicant in order that any guests be removed from the property immediately until such time as the property is made safe. If the deficiencies are not deemed to be a serious threat to safety by the Fire and Rescue Service the situation will be monitored and enforcement action taken as appropriate.

## Section 11 Licence duration and renewal

- 11.1 The duration of the licence applies from the date on which the licence comes into force. This will be specified on the licence together with the expiry date of the licence.
- 11.2 When an application, which is complete and accompanied by the correct paperwork and fee, is made to renew a licence timeously, the existing licence will continue in effect until such time as a decision is made on the renewal application.
- 11.3 Under the 2022 Order the Council can grant a first STL licence for a period of three years or such shorter period as the General Purposes Board determines.

For the renewal of a STL licence, the Council can grant the STL licence for a period of three years; or such shorter or longer period as the General Purposes Board determines.

Under the 2022 Order a STL licence renewal application can potentially be granted for a period of five years where no objections/ representations to the application are received from the consultees and where there has been no enforcement action taken against the licence holder during the grant application or previous renewal.

However the Scottish Government's guidance for licensing authorities on STL has made it clear that licensing authorities are encouraged to renew licenses for a period of three years, unless they have good reasons to do otherwise. The Council will adopt that approach.

Whilst each application will be determined on its own merits, it is not anticipated that licences will be renewed for a period in excess of three years.

In the event of the death of a STL holder, the STL 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 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 for such other period as is considered appropriate.

## Section 12 Variation

At any time, the holder of a STL licence holder, can apply to the Council to vary the terms of the licence. There is no requirement to advertise a variation however, the Licensing Authority will consult with the statutory consultees detailed at section 7.5.

An application for variation is necessary if the holder of a STL licence wishes to vary the number of guests or rooms on a licence, or vary any personal details.

A variation application cannot, however, be used to substitute a new holder of the licence for the existing one. A transfer of licence is not possible under the 1982 Act and therefore a new application for a licence will be required.

### **Section 13      Material Change in Circumstances**

A licence holder must notify the Council in writing as soon as possible where there is a material or significant change in circumstances affecting the licence holder or the STL.

### **Section 14      Suspension or Revocation of a STL Licence**

The Council can suspend a STL 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 usually be taken by the Council on receipt of a complaint made by Police Scotland or Scottish Fire & Rescue Service or other stakeholder.

Before immediately suspending, the Council will consult with Police Scotland and Scottish Fire & Rescue Service.

After an immediate suspension has taken place the licence holder will be given an opportunity to attend a hearing before the Council's General Purposes Board in relation to the matter which triggered the suspension. The General Purposes Board after hearing from the licence holder, and a representative of Police Scotland/Scottish Fire & Rescue Service and other relevant stakeholders, will determine whether to suspend for a further period, revoke the licence or take no other action and cease the suspension. This hearing will require to be held within six weeks of the immediate suspension.

The grounds for further suspending or revoking an STL Licence are detailed under paragraph 11 of Schedule 1 of the 1982 Act. These are:

The Licensing Authority may order the suspension or revocation of a licence if in their opinion –

- (a) The holder of the licence, and 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 has been managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence;
- (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.

Notice of a proposed revocation will be served on a licence holder, any person who has made a relevant written representation, the Chief Officer of the Fire & Rescue Authority and the Chief Constable and any other relevant stakeholders, inviting them to make oral representation at a meeting of the General Purposes Board about the proposal.

This Notice must set out the ground/s on which revocation is proposed, be accompanied by a copy of any relevant written representations, and be given not less than 21 days before the proposed hearing.

### **Section 15      Grounds for Refusing a STL Licence**

The grounds for refusing a STL Licence, under paragraph 5(3) of Schedule 1 of the 1982 Act are:

The Council shall refuse an application to grant, vary 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 76 of this Act, or
  - (ii) not a fit and proper person to be the holder of the 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, 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 premises, vehicle or vessel;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of person likely to be in the premises, vehicle or vessel;
  - (iv) the possibility of undue public nuisance; or
  - (v) public order or public safety; or
- (c(a)) The applicant would not be able to secure compliance with –
  - (i) the mandatory licensing conditions, and
  - (ii) the standard conditions and any further conditions under sub-paragraph (1A)(b) to which the licence is to be subject,
- (c(b)) The application does not contain the information required under 1(2)(da) or (db) (the consent of the owners of the premises); or
- (d) There is other good reason for refusing the application; and otherwise shall grant the application.

### **Section 16      Approval**

Where all consultees are content with the application, no objections to the 21 day notice have been received, and there are no outstanding concerns to suitability of the property or any persons/companies named in the application, the matter of granting a STL Licence will be considered under delegated authority by the Council's Head of Legal and Democratic Services in consultation with the Interim Head of Environment & Regeneration or such equivalent post holders who may succeed to the posts.

The application will be intimated to statutory consultees with the public register available on the Council's website updated to reflect the decision.

## **Section 17 Refusal**

Where there are outstanding issues that the applicant is unable, or unwilling to take reasonable steps to resolve, the Environmental Health Officer will submit a report to the Head of Legal and Democratic Services for submission to the Council's General Purposes Board recommending that the application for an STL Licence be refused. In drafting this report the Environmental Health Officer will liaise with Legal Services, Committee Services and other services as required. The applicant will be advised in writing that this action is being taken and notified of the date of the General Purposes Board meeting. The applicant will be entitled to attend the meeting and also be represented if they so wish.

Where the Committee rejects the recommendation for refusal of the application then the recommendations of the Committee will be actioned. Where the recommendation for refusal is accepted by the Committee, the applicant will be notified of this in writing.

## **Section 18 Notification of Decision**

Where an application is refused all persons listed on the application form and other relevant services such as the Chief Constable, Scottish Fire & Rescue Service and each person who made a valid objection or representation will be notified and the public register updated to reflect the decision. This notice must be served within seven days.

## **Section 19 Enforcement and Monitoring**

### **Complaints about a Short-term Let**

It is essential that licensed STLs are operated in accordance with the 1982 Act and the licence conditions. The complaints procedure under the 1982 Act represents a key protection for the community where problems relating to the operation of a STL cannot be resolved amicably by the licence holder and the complainer.

In the first instance, the Council would expect any concerns from guests to be raised with the host or operator and where this cannot be resolved they should contact the Council's licensing section.

The Council, in the first instance, would expect concerns from neighbours to be raised with the licence holder and where this cannot be resolved they should contact the Council's licensing section.

Anyone may make a complaint to the Council about the way a host or operator is operating their STL. Complaints regarding a STL should be sent to:

Licensing@Inverclyde.gov.uk for investigation.

Alternatively complaints can be sent by post to:

Inverclyde Licensing Section  
Inverclyde Council  
Legal and Democratic Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LX

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The Council will try to seek to resolve a complaint through engagement with the host or operator in the first instance.

The council will aim to acknowledge receipt of a complaint within five working days. A full response advising of the outcome may take some considerable time, depending upon the nature of the complaint and issue involved.

The Council will keep a record of all complaints made under this policy.

Some complaints may require enforcement action from the Council, please refer to Section 21 below.

The complaint against a STL licensed property may result in the Council undertaking an inspection visit to assess compliance.

A licence holder must be able to provide any documentation referred to in the Mandatory conditions to the Environmental Health Officer.

The Council may require to direct some complaints to the Council's Planning service, Letting Agencies, Police Scotland, Scottish Fire & Rescue Service and such other bodies as the Council deems appropriate for further investigation.

**It should be noted that the Council cannot consider complaints in relation to the quality of a guests' stay or in relation to specific contractual matters between the guest and the host/operator as this is out with the scope of the licensing scheme.**

## Section 20 Identifying Unlicensed Short-term Lets

All reports of suspected unlicensed STLs will be taken seriously and appropriately investigated. A Council Officer will visit the property and attempt to determine if it is operating as an STL, taking statements from guests and providing appropriate information and advice. They will also visit neighbours or anyone else who has raised concerns and take a detailed statement, reassuring them that they will not disclose any information without prior permission.

Ownership of the property will be verified with Legal Services, and the identified owner(s) will be sent a letter inviting them to attend an interview either in person or as a remote online meeting within 7 working days. At this interview STL Legislation will be explained and it will then be made clear that the owners of the property are committing a criminal offence by operating an unlicensed STL and must take immediate steps to rectify the situation by either: (a) immediately applying for the grant of a licence, or (b) confirming that they will cease business activity.

Within 7 working days of the interview an action plan will be drawn up detailing the steps that the host/owner(s) must take and include timescales for compliance. This action plan must be signed by the host/owner(s).

If the host/owner(s) of the property is not co-operative, appropriate enforcement action will be taken. Failure to provide information is an offence and liable on summary conviction to a fine.

## Section 21 Enforcement Notice

The Council has the power to serve Enforcement Notices. Where complaints, visits to premises, or other information confirm that any licence condition has been breached or is likely to have been breached, the Council will take appropriate action.

If informal measures do not result in resolution, the Council will serve an Enforcement Notice (“Non-Compliance” or “Improvement” Notice). The Notices will set out the matters constituting a breach or a likely breach, the action required to rectify or prevent the breach and the date by which the action must be taken.

Enforcement Notices will also be served if a future breach of a licence condition is anticipated, for example, a host or operator is advertising property with a maximum capacity of 10 guests, in breach of a licence condition specifying no more than 8. This would be evidenced in a listing or advertisement.

## Section 22 Surrendering Licence

A STL licence can be surrendered at any time to Inverclyde Council when the property is no longer in use as a Short-term Let. The Council will intimate the surrender of the licence to Police Scotland, Scottish Fire & Rescue Service and other relevant stakeholders.

No refund shall be paid by the Council in relation to a surrendered STL licence.

## Section 23 Offences

Section 7 of the 1982 Act sets out four offences that currently attract fines on the standard scale. These are summarised in Appendix 7 of this Policy or you can refer to the Scottish Government’s guidance for licensing authorities for any updates:

<https://www.gov.scot/publications/short-term-lets>

## Section 24 Fees

### 24.1 Legislation

Licensing authorities must determine their own fees and fee structure to recover the running costs specific to their area. As a result the fees charged by licensing authorities will vary across Scotland as is the case for various other licensing functions undertaken by licensing authorities.

Application, renewal and other chargeable fees will be reviewed and increased annually on 1 April each year in line with inflation, or such other circumstances as the Council considers appropriate, and updates will be published on the Council’s website: .

### 24.2 Application Fees

	<b>Maximum Occupancy applied for ( 4 or under)</b>	<b>Maximum Occupancy applied for ( 5 or more)</b>
Secondary letting	£450	£550
Home letting or Home Sharing (or both)	£275	£350



### 24.3 Renewal Fees

	Maximum Occupancy applied for ( 4 or under)	Maximum Occupancy applied for ( 5 or more)
Secondary letting	£400	£500
Home letting or Home Sharing (or both)	£225	£450

### 24.4 Variation

A variation application will be £75 for all types of STL licences.

## Section 25 Licence Numbers

### 25.1 Provisional Licence Numbers

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.

### 25.2 Licence Numbers

Licence numbers will be issued in a consistent format to assist letting agencies and relevant persons 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 Council's 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

### 25.3 Licence Number Specification

The licence number will comprise of 8 characters, three of which are alphabetical (capital letters) and five of which are numerical digits (D): for example – A1A2-DDDDD-A3.

The leading two characters (A1A2) will identify the Council; Inverclyde Council will use **IC**. The 5 digits will be issued by each Council.

The final characters (A3) will denote the type of licence to be issued:

- T – Temporary licence
- P – Provisional licence number issued on receipt of a licence application
- F – First (full licence)
- R – Renewal licence

For example: IC-00001-P

This number relates to a Provisional licence. A type of Short-term Let, for example home sharing, will be displayed on the public register.

## Section 26 Public Register

It is statutory requirement that the licensing authority maintains a public register of STL licences. The public register will be available on the Council's web page (**insert once finalised**).

## Section 27 Review Timescales

The Short-term Lets policy will be reviewed after the first 12 months of implementation of the licensing schemes. The Council will review the policy every 3 years thereafter.

## Section 28 Equality

The Equality Act 2010 introduced a new public sector equality duty which requires public authorities, to try and eliminate discrimination, promote equality and good relations across a range of protected characteristics.

Prior to the Council implementing this policy an equality impact assessment will be undertaken which can be viewed (**insert once finalised**).

## Section 29 Personal Data

All personal data will be processed in line with the following privacy notices: (**insert**)

## APPENDIX 1 - DEFINITIONS

Definitions can be found in the Scottish Government guidance at:  
<https://www.gov.scot/publications/short-term-lets/>

For the purposes of this policy:

**1982 Act** means the Civic Government (Scotland) Act 1982;

**“Inverclyde Council”, “the Council”** means The Inverclyde Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its headquarters at Municipal Building, Clyde Square, Greenock, PA15 1LX.

**A Short-term Let** is defined in the Act as the use of residential accommodation provided by a host in the course of business to a guest, where all 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 an immediate family member of the host, an owner or part owner of the accommodation, or sharing the accommodation as part of an arrangement made, or approved by a school, college or university;
- (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; and
- (f) the Short-term Let does not constitute an excluded tenancy.

**Accommodation** – this includes whole or any part of any premises.

**Commercial consideration** includes:

- (a) money; and
- (b) a benefit in kind (such as provision of a service, or reciprocal use of accommodation).

**Guest** – this means a person who occupies accommodation under the Short-term Let.

**Host** – this means a person who is the owner, tenant or person otherwise in control over occupation and use of the accommodation.

**Immediate Family Member** – a guest is deemed to be an immediate family member of the host if they are:

- (1) your partner (spouse, civil partner or someone you live with as if you were married to them);
- (2) the parent or grandparent, child or grandchild or brother or sister of you or your partner;
- (3) parents or grandparents, children or grandchildren or brothers and sisters of the partner of one of you: parents or grandparents, children or grandchildren or brothers or sisters.

**Civic Licensing Standards Officer** has the definition in Section 45(d) of the 1982 Act.

**Home Letting** means a Short-term Let 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 for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home.

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**Hostel** means a building, other than a house, in which there is provided for persons generally or for any class or classes of persons:

- (a) residential accommodation; and
- (b) either or both –
  - (i) meals;
  - (ii) cooking facilities.

**The General Purposes Board** means Inverclyde Council's civic licensing and regulatory committee.

**Short-term Licence or STL Licence** means a licence for a Short-term Let.

**Secondary Letting** means a Short-term Let for the use of accommodation which is not, or is not part of, a host, only a principal home;

**Type of Short-term Let** means one of the following purposes:

- secondary letting
- home letting;
- home sharing; or
- home letting and home sharing.

## APPENDIX 2 - EXCLUDED ACCOMMODATION AND TENANCIES

The 2022 Order provides for certain accommodation to be regarded as “excluded accommodation” and there is no need for the host or operators of these types of property to apply for a STL licence.

**Excluded Accommodation** means accommodation which is, or is part of:

- (a) an aparthotel;
- (b) premises in respect of which a premises licence within the meaning of Section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the Operating Plan as defined in Section 20(4) of that Act;
- (c) a hotel which has planning permission granted for use as a hotel;
- (d) a hostel;
- (e) residential accommodation where personal care is provided to residents;
- (f) a hospital or nursing home;
- (g) a residential school, college or training centre;
- (h) secure residential accommodation (including a prison, young offenders’ institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks);
- (i) a refuge;
- (j) student accommodation
- (k) accommodation which otherwise requires a licence for use of a hire for overnight stays (not including an HMO licence granted under Section 129 of the Housing (Scotland) Act 2006);
- (l) accommodation which is provided by the guest;
- (m) accommodation which is capable, without modification, of transporting guests to another location;
- (n) a bothy; or
- (o) 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.

The 2022 Order also provides for certain types of tenancies to be “excluded tenancies” and there is no need to apply for a STL licence.

**An Excluded Tenancy** is a tenancy which falls under 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, (or in the meaning of Section 3 of the Crofters (Scotland) Act 1993);
- (e) a tenancy of a holding situated outwith the crofting counties (within the meaning of Section 61 of the Crofters (Scotland) Act 1993) to which any provisions of the Small Landholders (Scotland) Acts 1886 to 1931) apply;
- (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) the 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);

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- (l) a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the let (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) a student residential tenancy.

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## APPENDIX 3 - MANDATORY LICENSING CONDITIONS

### 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.

### 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 now 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 and 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 and Repair Standards**

10. (a) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.  
(b) 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 ("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 (where 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.
- (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**

16. 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**

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

**Interpretation for the Mandatory Conditions**

18. 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 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 –
  - (i) the effectiveness of any flue;
  - (ii) the supply of combustion air;
  - (iii) subject to head;
  - (iv) its operating pressure or heat input or, where necessary, both;
  - (v) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance;
  - (vi) its operation so as to ensure its safe functioning.
  - (vii) The name and signature of the individual carrying out the check; and
  - (viii) 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

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purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998.

**“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;

**“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
- (g) home letting and home sharing.

## APPENDIX 4 - ADDITIONAL LICENCE CONDITIONS

**Inverclyde Council are considering adding these specific Conditions to all STL Licences.**

1. The licence holder shall provide guests, no later than 2 days from the booking date, with information on the property / appliances and how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.
2. The licence holder shall ensure that the refuse facilities at the premises are in the communal surrounding areas of the premises are used appropriately at all times by the guests.
3. The Licence holder shall act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises and in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in dealings with any other owners and relevant factor.
4. The Licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises and to respond in a fair and proportionate manner.
5. The Licence holder shall advise guests that as a condition of booking they must provide details of a named person over the age of 21 years.
6. The Licence holder, as part of the booking conditions should advise guests' that additional noise making equipment such as decks and speakers are prohibited at the premises.
7. The Licence holder must not affix a key box (or other device to facilitate the entry for guests to the licensed premises, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owners. The Licence holder must be able to produce the relevant permissions to the Licensing Authority on request.
8. The Licence holder must take reasonable steps to ensure that guests do not arrive first or finally depart from the licensed premises between the hours of 11.00pm and 7.00am. The Licence holder must advise guests of this as part of their booking conditions.
9. The Licence Holder must ensure that window opening restrictor locks are provided to all windows which can be opened.
10. The licence holder shall require to produce on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms pursuant to any condition of this licence.
11. The Licence Holder shall require to undertake a Fire Safety Risk Assessment (FSRA) which requires to be reviewed annually by the Licence Holder.
12. The Licence Holder must display the following information within the premises in a place where it is accessible to all guests:
  - Fire Safety Risk Assessment;
  - Evacuation plans
  - Fire Action Plans

## Additional Conditions in relation to type of property –

Property Type	Property Type Specific Conditions
Detached remote rural properties	None
Detached and semi-detached terraced urban properties	<ul style="list-style-type: none"> <li>• the Licence holder shall advise guests that as a condition of booking they must comply with the requirements related to the use of outside areas and take reasonable steps to ensure the restrictions are being complied with.</li> <li>• an out-of-hours contact number must be provided by the Licence holder to the local authority and the neighbouring householders for use in the case of an out-of-hours noise, anti-social behaviour or other emergency issues such as plumbing leaks.</li> <li>• door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.</li> <li>• No outdoor gatherings in common external areas after 11.00pm and before 7.00am.</li> </ul>
Flats, tenements, high-rising maisonettes	<ul style="list-style-type: none"> <li>• the Licence holder shall advise guests that as a condition of booking they must comply with requirements related to the use of the common internal and outside areas and take reasonable steps to ensure the restrictions are being complied with.</li> <li>• the Licence holder shall ensure that guests are advised that they must ensure any security doors and / or any security devices are not disabled during the duration of their stay.</li> <li>• no laminate flooring / floorboards or other types of hard floors are permitted in premises situated above any habitable flat.</li> <li>• an out-of-hours contact number must be provided by the Licence holder to either the local authority and / or the neighbouring householders for use in the case of out-of-hours noise / anti-social behaviour or other emergency issues such as plumbing leaks.</li> <li>• door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.</li> </ul>

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	<ul style="list-style-type: none"><li>• no items of equipment should be installed or placed in communal areas or any changes made to communal spaces by the Licence holder without the written consent of other owners of the property. This includes but is not restricted to the garden or deck access area, trampolines, hot tubs, spa's and fire pits.</li><li>• Licence holders are responsible for ensuring that guests are aware of all property factoring conditions (including conditions in relation to pets and communal laundry access). Door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.</li></ul>
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## APPENDIX 5 – SHORT-TERM LETS APPLICATION FORM AND CHECKLIST

### Short-term lets licence application form (*template*)

All personal data will be processed in line with the following privacy notice:

#### PART 1: APPLICATION AND LICENCE TYPE

1. Please select the application type:

First application  Renewal  Change to existing licence

New application (where property has been used as licensed STL previously)

First application (existing operator\*)

*\*This option is only available for applications made on or before 1 April 2023 by existing operators (i.e. those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2023).*

*If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to question 2:*

Existing licence number

Existing licence expiry date

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*If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.*

**Previous licence number**

**Previous licence expiry date**

**2. Please select the type of short-term let licence you require:**

- |                             |                          |                   |                          |
|-----------------------------|--------------------------|-------------------|--------------------------|
| Home sharing                | <input type="checkbox"/> | Home letting      | <input type="checkbox"/> |
| Home sharing & home letting | <input type="checkbox"/> | Secondary letting | <input type="checkbox"/> |

**3. If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):**

- |     |                          |    |                          |     |                          |
|-----|--------------------------|----|--------------------------|-----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|-----|--------------------------|

**If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).**

## PART 2: PREMISES DETAILS

Premises Address (*incl. postcode*)

Unique Property Reference Number (*if known*)

Maximum number of occupants<sup>1</sup>

Number of bedrooms

EPC rating (*if applicable – not required for home sharing or unconventional accommodation*)

4. Please select the type of premises:

- |                              |                          |                     |                          |
|------------------------------|--------------------------|---------------------|--------------------------|
| Detached House               | <input type="checkbox"/> | Semi-detached house | <input type="checkbox"/> |
| Terraced House               | <input type="checkbox"/> | Flat                | <input type="checkbox"/> |
| Unconventional accommodation |                          |                     | <input type="checkbox"/> |

5. From the following options, please select the description that best describes your short-term let:

- |               |                          |                            |                          |
|---------------|--------------------------|----------------------------|--------------------------|
| Self-catering | <input type="checkbox"/> | B&B                        | <input type="checkbox"/> |
| Guest house   | <input type="checkbox"/> | Other form of home sharing | <input type="checkbox"/> |
| Home letting  | <input type="checkbox"/> |                            |                          |

---

<sup>1</sup> You require to submit a floor plan in order to verify the maximum number of occupants requested is appropriate.



## PART 3: ABOUT YOU

6. Are you applying as an individual or corporate entity?

Individual  Corporate Entity

Fill in if you are applying as an individual:

First name(s)

Surname

Date of Birth

Place of Birth

Address (*if different from premises address*)

Email address

Telephone number

Current home address (*if different from premises address*)

Please provide your home address history for the last 5 years with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties:

Address (history for last 5 years)	Postcode	Date from (month/year)	Date to (month/year)
------------------------------------	----------	---------------------------	-------------------------

7. Do you have or intend to appoint an agent or day-to day manager?

Yes

No

If you answered yes to question 7, please provide details for your agent(s) or day to day manager(s).

Agent(s) & Day to Day Manager(s)

Full name	5 year address history	Date of birth	Email address	Telephone number
-----------	------------------------	---------------	---------------	------------------

8. Is your property jointly owned?

Yes

No

If you answered yes to question 8, please provide details for all joint owners.

Joint owner(s):

Full name	5 year address history	Date of birth	Email address	Telephone number
-----------	------------------------	---------------	---------------	------------------

*Individuals, please go to Part 4.*

*Corporate entities, please complete the relevant sections on the following pages.*

## APPENDIX 2

Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

**Corporate entity name**

**Limited company number**

***(if applicable)***

**Your first name(s)**

**Your surname**

**Registered or principal**

**office address**

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities.

**Full name**

**Personal address**

**Place of birth**

**Date of birth**

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## APPENDIX 2

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager):

Full name	5 year address history	DOB	Email address	Telephone number
-----------	------------------------	-----	---------------	------------------

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**PART 4: CONVICTIONS**

9. Has any person named on the application been convicted of any offence? Please include details of any unspent convictions in the table below.

You must provide details of all relevant convictions recorded against you, including Road Traffic and other fixed penalties incurred in the UK and abroad, even those considered “spent” under the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.

If you are in any doubt about “spent” or “protected” convictions, please obtain your own independent legal advice.

If you are uncertain as to the details or dates of any crimes or offences, you should contact Disclosure Scotland (P.O. box No.250 GW G51 1YU/ Telephone Number: 03000 2000 40/www.disclosurescotland.co.uk.

If there are no convictions to declare please insert “NONE” in the table and sign the Declaration.

Name	Date	Court	Offence	Sentence

## PART 5: APPLICATION CHECKLIST

**Note - this check list must be fully completed in order to submit your application**

**I have enclosed the following** – please tick to confirm (or enter N/A)

- |   |                          |  |
|---|--------------------------|--|
| Completed application form  | <input type="checkbox"/> |  |
| Correct application fee   | <input type="checkbox"/> | See guidance notes                     |
| Completed Fire Risk Assessment  | <input type="checkbox"/> |  |
| Annual gas certificate ( <i>for premises with a gas supply</i> )  | <input type="checkbox"/> | Valid to:                              |
| Electrical Installation Condition Report  | <input type="checkbox"/> | Valid to:                              |
| Portable Appliance Testing Report   | <input type="checkbox"/> | Valid to:                              |
| Legionella Risk Assessment  | <input type="checkbox"/> |  |
| Planning permission ( <i>for premises within a control area or where requested by the licensing authority</i> )                         | <input type="checkbox"/> | Planning application reference number: |
| Floor plan  | <input type="checkbox"/> | See guidance notes                     |
| EPC Certificate ( <i>for premises which are dwellinghouses</i> )  | <input type="checkbox"/> | Valid to:                              |
| Buildings Insurance   | <input type="checkbox"/> | Valid to:                              |
| Public Liability Insurance  | <input type="checkbox"/> | Valid to:                              |
| Proof of consent from owner (if applicable)   | <input type="checkbox"/> |  |
| Evidence of operation as a short-term let on or before 1 October 2023 ( <i>for existing hosts applying during transitional period</i> ) | <input type="checkbox"/> |  |

**I have:** – please tick to confirm (or enter N/A)

- |  |                          |
|--|--------------------------|
| Identified the owners and those involved in the day-to-day management of my premises   | <input type="checkbox"/> |
| Ensured that to the best of my knowledge all those named on my application are fit and proper persons                        | <input type="checkbox"/> |
| Prepared information that will be available to guests at the premises including:   | <input type="checkbox"/> |
| (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.   |                          |
| Applied for planning permission (if required).   | <input type="checkbox"/> |
| Noted the requirement to display my licence number and EPC rating on listings for my premises                                | <input type="checkbox"/> |
| Checked if any additional licence conditions apply to me / my premises   | <input type="checkbox"/> |
| Proof that furniture and furnishings/the furniture and furnishings guests have access to comply with fire safety regulations | <input type="checkbox"/> |
| Read and understood the mandatory conditions that will apply to my licence   | <input type="checkbox"/> |
| Read and understood the additional conditions that will apply to my licence [if required by local authority]                 | <input type="checkbox"/> |

**My premises:** – please tick to confirm (or enter N/A)

- |  |                          |
|--|--------------------------|
| Meets current statutory guidance for provision of fire, smoke and heat detection | <input type="checkbox"/> |
| Meets statutory guidance for carbon monoxide alarms                              | <input type="checkbox"/> |

## APPENDIX 2

Meets the required regulations for private water supplies (*for premises with a private water supply i.e. not provided by Scottish Water*)



Meets obligations with regard to the Tolerable and Repairing standard (*applicable to dwellinghouses*)



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**PART 6: DECLARATION**

**Inverclyde Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.**

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

Inverclyde Council is obliged to comply with current data protection laws and will use this information for the purposes of the Housing (Scotland) Act 2006 and related purposes.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and [insert name of local authority] standard conditions.

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982.

I declare that the information given in this application is correct to the best of my knowledge.

**Signed**

**Print name**

**Date**



**Scottish Government would find (optional) survey responses from operators helpful in order to establish success levels of a marketing campaign, and to find out the avenues that were most successful in raising awareness with Hosts/Operators**

**Survey questionnaire (Optional)**

**Q1:** How did you hear about the licensing scheme? (Please choose all that apply):

Communication from platform or trade association;

**Local press;**

**Local radio;**

**National radio;**

**Digital adverts;**

**Communication from local authority;**

**Communication with your MP / MSP;**

**Other, please state**

**Short-term let licensing**  
**Standard short-term let licensing conditions**

*[Local authorities to include any standard licensing conditions which apply to all short-term let licences, in addition to the mandatory conditions]*

**STL01**

**STL02**

**STL03**

**STL04**

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## PUBLIC NOTICE OF APPLICATION FOR SHORT-TERM LETS LICENCE

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

New application

Renewal

Applicant name

Applicant's address

Postcode

Has applied to ***[insert licensing authority name]*** for a Short-term lets licence.

Short-term let premises address  
(if different from applicant's address)

Type of licence applied for

Home sharing / home letting / home sharing  
& home letting / secondary letting ***[DELETE  
as appropriate]***

Day-to-day manager / agent details  
(if different from applicant)

Name:

Address:

### **Representations**

Representations about the application may be made by any member of the public. Representations **must**:

- be in writing;
- specify the grounds of the objection or, as the case may be, the nature of the representation;
- set out the name and address of the person making it;
- must be signed by the person, or on their behalf; and
- be made within 28 days of public notice of the application being given.

Copies of any representations will be given to the applicant. If a representation is made to the Licencing Authority after this date but before a final decision is taken on the application, then the Licensing Authority may consider the late representation if it is satisfied that it was reasonable for the representation to have been made after the deadline.

Representations should be sent to: ***[Insert licensing authority contact details]***

Date application lodged / public notice given

/ /

Last date for representations

/ /

- This notice must be displayed on or near the short-term let property in a position where it can be easily read by the public.
- This notice must be displayed for a period of 21 days from the date the application was lodged with the Licensing Authority.
- After the notice has been displayed for 21 days, a certificate of compliance must be completed and the whole notice returned to the Licensing Authority at the address above, Alternatively confirmation of display can be submitted in writing and signed, together with full applicant and property details.

**CERTIFICATE OF COMPLIANCE**

**SHORT-TERM LETS LICENCE – CONFIRMATION OF DISPLAY OF PUBLIC NOTICE**

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

**CONFIRMATION OF DISPLAY OF NOTICE**

**This section must be completed by the applicant and the whole notice returned to the Licensing Authority at the above address at the end of the 21-day display period. Alternatively please provide confirmation of display in writing with signature, along with full applicant and property details.**

I (Full name of applicant) \_\_\_\_\_

Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days from \_\_\_\_\_ ending on \_\_\_\_\_

Applicant's signature \_\_\_\_\_

Date \_\_\_\_\_

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**Short-term lets licensing  
Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets Order) 2022**

**Application Form - Guidance Notes**

These guidance notes have been provided to help you completing the application form. Before lodging an application for a licence for a Short Term Let (STL) please ensure that you have read the following Guidance.

**Part 1: Application and licence type**

Q1: Application type:

Applications will be made for either a new licence, or to renew a licence. Applications to renew a licence must be submitted prior to the expiry of your current licence.

*[Licensing authorities may wish to stipulate when renewal applications should be made]*

If you are an existing operator, operating the premises which is the subject of this application as a short-term let prior to 1 October 2022, please select 'New application (existing operator)'. You will be able to continue operating whilst your application is being determined.

Q2: Short-term let licence type:

There are four types of short-term let licence which you can apply for:

1. *Home sharing*: means using all or part of your own home for short-term lets whilst you are there.
2. *Home letting*: means using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday.
3. *Home sharing and home letting*: means you operate short-term lets from your own home while you are living there and also for periods when you are absent.
4. *Secondary letting*: means a short-term let involving the letting of property where you do not normally live, for example a second home;

Q3: Permission from owners

Where you do not own the property you intend to operate as a short-term let, you must demonstrate that you have secured the consent of the property owners. Examples of situations where this may be relevant and required include where somebody with a private residential tenancy wishes to let out a spare room.

**Part 2: Premises Details**

**Premises address**

Please provide the full address, including postcode of the premises for which you are seeking a licence. If you have multiple premises, you will be required to submit an application for each premises (except in limited circumstances, for example 10 pods within a single field could be considered a single premises with multiple accommodation units).

**Maximum number of occupants per unit / total maximum occupancy**

Please state the maximum number of occupants allowed to reside on the premises. Where there are multiple accommodation units on the same premises, please include the total maximum occupancy and maximum occupancy per unit. Some illustrative examples are included below:

Premises type	Maximum occupancy per unit	Total maximum occupancy
Self-catering detached house (secondary let – entire property)	10	10
Home sharing with 2 lettable bedrooms	2 bedrooms, with maximum occupancy of 2 per bedroom.	4
Field with 10 separately lettable pods	5 pods with maximum occupancy of 2; 5 pods with maximum occupancy of 3.	25

*Children below the age of 2 years do not count towards the maximum occupancy*

#### Number of bedrooms

Please state the number of bedrooms on your premises. For those offering home sharing, please state the number of bedrooms available for let.

#### Name(s) of joint property owner(s) (if applicable)

Please ensure you provide details of all owners of the property which is the subject of this application.

#### EPC rating

If you are applying for a licence for secondary letting, home letting or home sharing & home letting of a dwellinghouse you must confirm the EPC rating of the premises and ensure that it is displayed on any listings for the premises. Please provide a copy of your EPC certificate to allow [insert name of council] to verify compliance. Note – listings need not include the EPC certificate, but only the rating (e.g. EPC – D).

#### Q4: Type of premises

Unconventional accommodation is a broad term, used to capture all accommodation that is not a dwellinghouse – such as pods, yurts, static caravans etc.

#### Q5: Description of short-term let

This question will help understand the makeup of the short-term let sector in more detail – and relates to short-term let type. B&Bs and guest houses are often forms of home sharing.

### **Part 3: About You**

#### Q6: Individual or corporate entity

Part 3 is split into two sections based on whether you are applying as an individual or corporate entity. Corporate entities include: companies, partnerships, trusts or charities.

#### Q7 & 8: Agents and joint ownership

**Common to both sections is the requirement to provide details of all those who are behind the application. For individuals this will include any joint owners, day-to-day managers or agents. For corporate entities, this must include names of directors, partners or other persons responsible for the management of your short-term let.**

### Part 4: Convictions

Details of any unspent convictions must be provided for everybody that has been named on your application in order for [insert council name] as licensing authority to consult with Police Scotland (and any other body as appropriate) to determine whether all those name on the application are considered fit and proper persons.

### Part 5: Checklist

#### Application checklist

The application checklist is designed to assist you with preparation of an application for a licence that is complete first time. If your application is incomplete [insert name of licensing authority] will return your application to you and ask you to resubmit a complete application.

The checklist is split into 3 sections to ensure:

- You have enclosed all necessary documentation to support your application;
- You understand your obligations; and,
- Your premises is suitable (and ready for inspection, if required).

*[Licensing authority to include text on floor plans – such as format and any other specific documentation requirements]*

### Part 6: Declaration

You are required to complete a declaration to confirm you have read and understood the mandatory conditions that apply to all short-term lets in Scotland and any additional standard conditions that are required by your licensing authority.

As noted within the declaration it is an offence to provide false or misleading information on your application form which could lead to prosecution, and you are therefore required to indicate that the information provide on your application form is correct to the best of your knowledge.

#### Licence Fees

*[Licensing authority to include list of current licence application / renewal fees – or include a link to webpage containing current fees]*

#### Additional Documents:

##### Site Notice

Applicants have a statutory obligation to advertise display a notice of application stating that an application for a short-term let licence has been made.

A template site notice is provided with the application form. This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be easily read by members of the public for a period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period part B at the foot of the notice must be completed and the entire notice must then be returned to *Licensing Section, Inverclyde Council, Municipal Buildings, Greenock PA15 1LX/licensing.section@inverclyde.gov.uk*.

## APPENDIX 2

If the notice has been removed or defaced then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

**Note** - Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement.

### Submitting your application

Before submitting your application, please ensure the following:

- The checklist at part 1 has been fully completed.
- The correct application fee is attached.
- All required certificates and supporting documentation are attached.
- The premises is ready for a property inspection to be carried out – (irrespective of whether or not the local authority chooses to inspect your premises).



### Further information and links:

- **Scottish Government Short-Term Lets webpage:** [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/consultations/short-term-lets/regulation-information)
- Scottish Government Licensing Guidance for Hosts and Operators: [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/consultations/short-term-lets/licensing-scheme-part-1)
- Scottish Government Planning Guidance for Hosts and Operators: [2. Guidance for Hosts and Operators - Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/consultations/short-term-lets/planning-guidance)
- *[Licensing authorities to insert any other relevant links]*

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# APPENDIX 6 - SHORT TERM LET LICENSING OBJECTION FORM

## Inverclyde Council – Short Term Let Licensing

### Objection / Representation Form

this form should be received by the Council within 28 days from the date when the notice of application was displayed and submitted to:

Email:

Address:

**Name of Person**

Making an Objection / Representation

**Address of Person**

Making an Objection / Representation

**Please Specify the Grounds for Objection:**

**Please Specify the Nature of the Representation:**

**Please note that a copy of your objection or representation will be provided to the applicant.**

Signature:

Print Name:

Date:

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## APPENDIX 7 - SUMMARY OF OFFENCES UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

### Operating without a licence

It is an offence, without reasonable excuses, to carry on an activity for which a licence is required without having such a licence. Depending on the activity, different punishments apply. The default is a fine not exceeding level 4 on the standard scale.

The Scottish Government intends to increase the maximum fine to £50,000 through provision in a suitable Bill early in this session (2032-26) of the Scottish Parliament.

### Failing to comply with a licence condition

It is an offence to fail to comply with a licence condition, though it is a defence to have used all due diligence to prevent the offence. The default is a fine not exceeding level 3 on the standard scale.

The Scottish Government intends to increase the maximum fine to £10,000 through provision in a suitable Bill early in this session (2023-26) of the Scottish Parliament.

The maximum occupancy condition limits the number of guests in the premises. Some mandatory conditions are also enforceable through other legislation. Hosts and operators must include an EPC rating in their listing where they are required to have a valid EPC certificate for the premises under building standards legislation. A host or operator who fails to hold a valid EPC certificate, where required to have one under building standards legislation, can be fined as follows as a minimum:

£500 for failing to hold a valid EPC certificate; and  
£500 for failing to display a rating on any property listing.

### Failing to notify a change etc.

It is an offence for a licence holder, without reasonable excuse, to:

- (a) fail to notify the licensing authority of a material change of circumstances (level 3 on the standard scale),
- (b) make or cause or permit to be made any material change in the premises (level 3 on the standard scale),
- (c) fail to deliver the licence to the licensing authority (level 1 on the standard scale).

### Making a false statement

It is an offence to make false statement in an application (level 1 on the standard scale).

The Scottish Government intends to increase the maximum fine to £10,000 through provision in a suitable Bill early in the session (2023s-26) of the Scottish Parliament.

Licensing authorities should be aware that some hosts or operators may make a false declaration about where they live, in order to apply for a home sharing or home letting licence, rather than a secondary letting licence. The host or operator may be attempting to obtain a licence with a lower fee and to avoid planning controls.