
Report To:	General Purposes Board	Date:	13 March 2024
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/013/24
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Review of the Short-Term Let Policy Statement		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 The purpose of this report is to update members of the General Purposes Board on the outcome of the public consultation exercise in relation to review of the Council's Short-Term Let (STL) Policy Statement and to request that the Board considers what revisals, if any, require to be made to the STL Policy Statement, in light of the received responses to the consultation.
- 1.3 The report requests that the General Purposes Board notes the responses received to the public consultation as set out in **Appendix 1** to this report.
- 1.4 The report requests that the Council approves the draft STL Policy Statement set out in **Appendix 2**.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the General Purposes Board:
- (a) note the terms of this report and the views expressed in response to the formal consultation exercise in relation to review of the Council's STL Policy Statement;
 - (b) consider in light of any response/s received to the consultation exercise, what changes, if any, are required to the STL Policy Statement;
 - (c) approve and adopt the STL Policy Statement set out in **Appendix 2** with such changes as the Board may at this meeting consider appropriate, and with such adoption being with effect from the date of this meeting;
 - (d) agree to grant delegated authority to the Interim Head of Legal and Democratic Services to make such further changes as are deemed necessary further to the Board's decision today; and thereafter to finalise the STL Policy Statement.

Iain Strachan
Head of Legal, Democratic, Digital & Customer Services

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 inserting new legislative provisions into the Civic Government (Scotland) Act 1982 (“the Act”). The Order introduced a new mandatory licensing scheme for STLs which local authorities required to establish by 1 October 2022.
- 3.2 At its meeting on 28 September 2022 the General Purposes Board agreed to adopt the Council’s STL Policy Statement with additional conditions. The Board also decided that a review of the Short-Term Let Policy Statement be undertaken within 12 months of implementation of the STL Policy Statement.
- 3.3 The Scottish Parliament agreed to amend the date by which existing hosts/operators required to apply for a licence from 1 April 2023 to 1 October 2023. Accordingly, by that date all hosts/operators wishing to operate a STL required to apply for a STL licence. Transitional arrangements were put in place for short term let operators who had commenced trading before 1 October 2022. In terms of those transitional arrangements existing STL hosts/operators, that is those operating prior to 1 October 2022, could continue operating provided they had submitted a valid STL application prior to 1 October 2023. All other short-term let operators and new operators can only commence trading once they receive a full licence.
- 3.4 At its meeting on 13 September 2023 the General Purposes Board agreed to authorise the Head of Legal, Democratic, Digital & Customer Services to commence a public consultation in relation to the STL Policy Statement. At the same meeting the Board approved an amendment to the STL Policy Statement whereby the Council agreed to accept valid STL applications from existing hosts/operators and register them for consideration before 1 October 2023, in circumstances where existing hosts or operators were able to demonstrate that they had been operating since before 1 October 2022. This amendment was approved in order to prevent existing hosts and operators, who had not yet made an application for planning permission, from being unable to make a STL application by the October deadline.

4.0 CONSULTATION

- 4.1 A consultation has now been undertaken by the Head of Legal, Democratic, Digital & Customer Services with key stakeholders such as Police Scotland, Scottish Fire & Rescue Service and the Council’s Building Services and Planning Services. All Community Councils within Inverclyde and all STL applicants were consulted in connection with the review of the Council’s STL Policy Statement with use of social media arranged by the Council’s Corporate Communication team. Consultees were asked to either complete a short on-line survey commenting on the extent to which they agreed with each section of the existing STL Policy Statement, or alternatively email the Licensing Section with any views they may hold in relation to the existing Policy. A total of nine responses were received to the consultation which closed on 14 January 2024, eight responses to the online survey and a response was received by Police Scotland requesting that the Licensing Section request that STL applicants complete a separate checklist. This additional form has now been posted on the Council’s website. A copy of the responses to the consultation are set out in **Appendix 1** with additional comments from those respondents who were willing to consent to their responses being shared. Although three of the respondents to the on line survey indicated that they were unwilling to provide consent to share their responses, following an exchange of emails confirming that no personal data would be shared, only one of the three respondents was unwilling to consent to publication of their response.
- 4.2 A summary of the responses and results in relation to the key areas of the Policy Statement are summarised below:

4.3 Planning

Section 4 of the existing STL Policy Statement sets out the Council's position in relation to planning permission in connection with the STL licensing scheme. Inverclyde Council has not implemented a control area due to the estimated low prevalence of short term let activity operating in the local authority area. Section 4.3 of the STL Policy Statement sets out that hosts/operators are advised to engage with the Council's Development Management Service prior to submission of a STL licence application in order to clarify if planning permission or a Certificate of Lawful Use or Development is required.

The response to the online survey in relation to this Section is as follows:

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total Response
1	1	0	1	5	8

Six out of Eight Responders disagree (75 %) with the section on planning. The reasons for almost all of the views expressed are set out at **Appendix 1** to this report.

4.4 Temporary Exemption Certificates

Under the 2022 Order and related guidance, Councils may grant temporary exemptions to the requirement to have a STL licence. The Council does not currently have a policy of granting temporary exemptions. One of the main reasons for the new licensing scheme is to ensure basic safety standards are in place across all STL licences, therefore, to fully comply with the same, no temporary exemption certificates are granted.

The response to the online survey is as follows:

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total Response
2	3	1	0	2	8

Therefore 5 (62.50 %) of the respondees to the on-line survey agree with the current position that Temporary Exemption Certificates should not be granted.

Comments on this Section include the following:

- Council only interested in asking for more money;
- the policy should apply to everyone;
- don't agree as other hosts are required to comply with this new legislation;
- makes sense as a way of having some kind of control

4.5 Temporary STL Licences

Section 5.5 of the existing STL Policy Statement sets out that 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 are not accepted by the Council.

The response to the online survey in relation to this Section of the STL Policy Statement, is as follows:

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total Responses
2	1	2	0	3	8

Therefore 37.50% of respondents either agree or agree strongly with the Council's current position whilst 37.50% strongly disagree with this approach. Comments to support the views provided by respondents are set out in **Appendix 1** to this report.

4.6 Additional Licensing Conditions

Appendix 4 to the STL Policy Statements sets out the additional licence conditions which were approved by the General Purposes Board at its meeting on 28 September 2022 and which are attached to STL licences along with mandatory conditions imposed by the 2022 Order.

As part of the online survey consultees were asked for their views on the Additional Standard Conditions. The response to the online survey is as follows:

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total Response
1	2	1	1	3	8

Therefore whilst 37.50% of the respondents agree with the current conditions, 50% disagree. Several of the respondents have referred to the additional conditions prohibiting hard flooring in STL properties and the requirement for internal door closers as punitive and unfair. Comments in support of their position are set out in **Appendix 1** to this report.

5.0 Judicial Review of City of Edinburgh STL Policy Statement

- 5.1 At the Board's meeting on 13 September 2023 members were appraised of the requirement to review Inverclyde Council's Short-Term Let Policy Statement in light of the decision of Lord Braid on 8 June 2023 following a Judicial Review of the City of Edinburgh Council Short-Term Let Policy Statement. Lord Braid issued a Judgement finding that parts of the City of Edinburgh Council's Short-Term Let Policy Statement were unlawful: [2023csoh35.pdf \(scotcourts.gov.uk\)](#). It was proposed at the Board's meeting that the consultation and review exercise would be an opportunity for officers to review the Council's Policy Statement and consider what changes were necessary in light of the successful Judicial Review.
- 5.2 The legal challenge faced by Edinburgh City Council in relation to its STL Policy Statement largely focused on how the City of Edinburgh Council intended to treat applications for secondary letting (short-term lets where the property is not the hosts primary residence). The Policy set out measures which included restricting the ability of short-term let operators in tenemental and shared main door properties to obtain STL licences on the basis that such premises were considered to be unsuitable for use as STLs. This policy measure was set out in the City of Edinburgh's policy as a "rebuttable presumption" with an explanation that STL licensing for tenemental and shared main door properties would only be granted in exceptional circumstances.
- 5.3 It should be noted that the City of Edinburgh Council was successful in defending large parts of its STL Policy Statement. However, the policy required to be amended in the following three areas since they had been quashed by the Court:
- the presumption against the grant of STL secondary letting licences in tenemental and shared main door properties was the most contentious area. Lord Braid considered that this provision went too far and it was for the City of Edinburgh Council exercising its planning function, not licensing function, to determine whether particular properties were suitable for STLs;
 - the presumption against issuing temporary STL licences for all secondary letting;
 - the condition requiring carpets in secondary letting.

- 5.4 The view of Licensing Officers, following careful consideration of Lord Braid's decision, is that the decisions in respect of the first and second areas above do not have any applicability for Inverclyde Council's STL Policy Statement. The Council's STL Policy does not contain a rebuttable presumption against the granting of a STL licence for secondary letting in tenemental or shared main door properties. The Council's policy does not exclude any type of property from the STL licensing scheme. In relation to the second area the Council's policy does not permit the granting of temporary short-term let licences for any type of letting. The City of Edinburgh's STL Policy Statement contained a presumption against the issuing of temporary STL licences for all secondary letting. It was the inconsistency of the policy which was considered to be irrational and was criticised by Lord Braid. Local authorities have discretion whether or not to issue a temporary licence and had the City of Edinburgh Council decided not to issue temporary licences at all it could not have been faulted. One area of concern for Inverclyde Council's STL Policy Statement is that Lord Braid's judgement struck down licensing conditions imposed by City of Edinburgh Council's policy statement requiring carpeting or similar flooring covering in all secondary letting.
- 5.5 The City of Edinburgh Council faced a further Judicial Review in respect of its revised STL Policy Statement with a further Judgement issued by Lord Braid on 8 December 2023: [2023cs0h86.pdf \(scotcourts.gov.uk\)](#). This second legal challenge was in relation to whether planning permission is required for properties that already operate a STL within a STL Control Area. The City of Edinburgh Council sought to insist upon retrospective planning applications for the use of all properties for STLs in Control Areas. The decision of Lord Braid was that the legislation did not apply retrospectively. This Judicial Review is not concerned with whether or not planning permission is required for all STLs, it was concerned with whether the legislation was retrospective. The key issue for the Council's Development Management Service when considering whether planning permission is necessary is whether the use of a STL is a material change of use. It is likely that planning permission will only be required if the change of use is material.

6.0 PROPOSALS

- 6.1 Following a review of Inverclyde Council's STL Policy Statement and in light of the Judicial Review decision it is proposed that the additional licensing condition in Appendix 4 to the Council's STL Policy Statement set out in **Appendix 2** to this report relating to the prohibition of hard flooring be removed from the Council's policy. It is proposed that this condition will not automatically apply to all short-term licences granted by the Council. However where a condition relating to flooring covering is considered by the Council to be necessary this will be determined on a case-by-case basis and the condition shall be applied if considered necessary.
- 6.2 It is proposed that the same approach as set out above at section 6.1 be applied to the additional licensing condition in relation to internal door closures. It is recognised that such door closures may not be appropriate for every type of property, although there may be circumstances where it is appropriate to reduce noise.
- 6.3 At the time the Short-Term Let Policy Statement was initially approved by the General Purposes Board it was anticipated that there may have been in the region of one hundred short term let properties in Inverclyde. At the date of this report, seventy one applications have been received in the Council's Licensing section, including two applications which have been withdrawn. Fourteen licences have been granted as at the date of this report. A number of applications in respect of properties which do not currently comply with the Council's Additional Standard Conditions in relation to flooring and internal door closures have been put on hold pending the Board's review of the STL Policy Statement. It should be noted that there is no prejudice to existing hosts/operators who are able to continue operating at this time under their provisional licence number.

7.0 IMPLICATIONS

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

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

7.2 Finance

Fee income of £24,051.60 has been received in respect of Short-Term Let licensing fees as at 31 January 2024. There are no additional costs anticipated as a result of the proposals contained within this report.

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

7.3 Legal/Risk

The legal issues are addressed within this report. Through the consultation exercise which has been undertaken, and the Board's consideration of the review of the STL Policy Statement, and its subsequent adoption, this should reduce the risk of legal challenge to the Council.

7.4 Human Resources

The STL licensing scheme has placed an additional volume of work upon licensing staff. However, there will be no additional burden placed upon licensing staff as a result of the proposals contained within this report.

7.5 Strategic

There are no identified Strategic risks contained within this report.

7.6 Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome: An EqIA is not required as this report is concerned with the review of an existing policy.

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

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 for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

7.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

7.8 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 BACKGROUND PAPERS

8.1 None



Q1 Customise

Have you read the Council's Short-term Let (STL) Policy Statement?

Answer Choices	Responses
Yes	 100.00% 8
No	 0.00% 0
Answered: 8 Skipped: 0	Response Total: 8

Q2 Customise

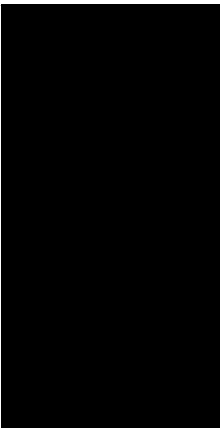



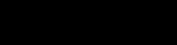

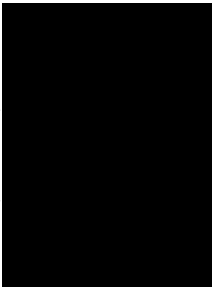


Are you responding as an individual or organisation?

Answer Choices	Responses
Individual	 87.50% 7
Organisation	 12.50% 1
Answered: 8 Skipped: 0	Response Total: 8

Q3 Text Analysis Customise

What is your name or the name of your organisation?



Responses: Hide

8	Scottish Fire & Rescue Service		
7			
6			
5			
4			
Answered: 8 Skipped: 0			Response Total: 8
3			
2			
1			

Q4

Customise

Inverclyde Council seeks permission to publish responses to consultations. We would like your permission to publish your response ? Please confirm if you are willing to provide consent.



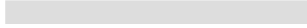
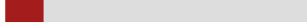

Answer Choices	Responses
I consent	 62.50% 5
I do not consent	 37.50% 3
Answered: 8 Skipped: 0	Response Total: 8

Q5


Text Analysis

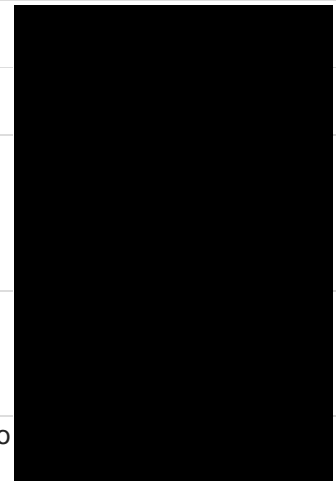
Customise

Planning Permission (section 4.3)

Answer Choices	Responses
Strongly agree	 12.50% 1
Agree	 12.50% 1
Neither agree nor disagree	 0.00% 0
Disagree	 12.50% 1
Strongly disagree	 62.50% 5
8 Please tell us why <input type="button" value="^"/>	
Answered: 8 Skipped: 0	Response Total: 8

[Q5- Tell us why:](#)

1. Unfair as other councils are not seeking planning permission. The costs are too high
2. Unnecessary bureaucracy
3. I disagree, I have several STL licences with other councils which do require planning permission, however having already completed the planning requirement I think its unfair for other hosts not to have to do this if IDC are considering removing this process.
4. 
5. Whilst we want to encourage tourism we need to be careful that the area does not become a ghetto out with the holiday season



6. Planning permission is being sought on a mistaken assumption that the use of the property is being changed. Few or none of the service accommodation in Greenock is being used for holiday lets and is instead remaining as a residential dwelling albeit on a shorter term basis. It is for workers supporting the local industry and economy to have somewhere to live and call home. Certain types of work have an intrinsic need to be located in one particular area and often involve migrating to different areas of the country to complete projects. Typically I am seeing properties being occupied by construction workers for a period of 1 to 12 weeks, which is less than the minimum 6-month required for a standard Scottish tenancy agreement and is therefore being caught incorrectly under the Short Term Let Policy. Planning permission should only be required if the nature of how the property is being used changes. As the Short Let Properties I have experience with are being used for people to live in, giving them somewhere to call home whilst they complete their work, this use is no different the property's current residential classification. The result of the Short Let Policy will negatively impact: i) Working people who rely of this type of accommodation for their quality of life. Yes there are hotels but the space provided in a hotel room is not supportive of mental health over longer durations and does not come with cooking facilities. Working people using short let style accommodation also benefit from reduced cost. A hotel room being a similar cost to a short let, but with separate bedrooms the short let can be shared between multiple workers and the short let can be a fraction of the cost per person. Having shared accommodation is also supportive of healthy wellbeing. Being able to cook evening meals also means that workers can eat both healthier and more cost effectively. ii) Local businesses and the regional economy are disadvantaged by the Short Let Policy. For an effective working economy it is vital that labour is able to efficiently migrate to where there is demand for workers. Failure to support worker relocation means that in areas where work is harder to come by, unemployment increases and those areas have a downward spiralling social and economic outlook. Instead a modern economy needs to be built on an dynamic workforce that can access jobs where labour is most demanded. Local businesses suffer and become limited by the amount of skilled workforce, which limits their investment, and limits the otherwise positive effects that would be felt in the local economy. Short let accommodation enables workers to move to areas to complete jobs/projects whilst having somewhere to live. iii) Impact re-generation by limiting capital flow to some of the most run down areas. Often the creation of a short let unit requires taking a property that is of poor standard and not fit to be lived in with full refurbishment being required. The capital to do this work can only be made available if the owner has assurance that the property will become licenced. Due to the short let policy requiring planning, more properties will be left in poor condition and regeneration will not happen. The Short Let Policy should be updated to provide special provisions for short lets being created from previous poor standard accommodation. In some small towns that have high tourism over the summer months it makes more sense to seek planning permission, but this is an entirely different scenario to the majority of short lets that cater for workers. It therefore would make sense if the policy was updated to differentiate between the different use cases. Only if an area has been identified as having pre-existing overly high density of holiday accommodation, my suggestion would be for standardised density rules, similar to HMOs, for black and white decisions on new service accommodation for holiday lets.

7. Unnecessary as there is no significant change of use. It is still a residential property. Legislation is unclear and open to challenge - the blanket guidance planning permission was needed in advance has been found to be unreasonable (but I accept the council is trying to make the best of a difficult and unclear policy from Scottish Govt). It is also very costly - having to pay £600 for planning application and £1000+ to advisors to submit the application on our behalf. That plus the STL costs and overall uncertainty have caused real stress and continue to do so. the policy should have been about safety - Gas and electrical checks etc to make STLs safe and secure and licensed - that would have been fair and sensible and useful. Not extending to planning, or indeed other additional measures.

8. Having planning permission if required, or a certificate of lawfulness provides another degree of scrutiny to assess the suitability of the premises for short term let.

Q6

Text Analysis

Customise

Temporary Exemption Certificates (5.4) (The Council does not grant such Certificates in terms of its current policy)






Answer Choices	Responses		
Strongly agree		25.00%	2
Agree		37.50%	3
Neither agree nor disagree		12.50%	1
Disagree		0.00%	0
Strongly disagree		25.00%	2
8 Please tell us why <input type="text"/>			
Answered: 8 Skipped: 0	Response Total:		8

Q6- Please tell us why:


1. Council only interested in asking for more money
2. I think the policy should apply to everyone
3. I don't agree as other hosts are required to comply with this new legalisation.
- 4.
5. Makes sense as a way of having some kind of control
6. If the short let can demonstrate that all safety standards are in place then a temporary exemption should be granted. This is important as the processes to facilitate the policy administration are not effectively implemented.
7. Agree - it's either a policy to implement safety or it's not - you can't have temporary exemptions.
8. The granting of temporarily exemptions would possibly remove the ability to assess fire safety measures as part of the licencing process.








Temporary STL Licences (section 5.5) (The Council does not grant such Licences in terms of its current policy)

Answer Choices	Responses		
Strongly agree		25.00%	2
Agree		12.50%	1
Neither agree nor disagree		25.00%	2
Disagree		0.00%	0
Strongly disagree		37.50%	3
8 Please tell us why <input type="button" value="^"/>			
Answered: 8 Skipped: 0		Response Total:	8

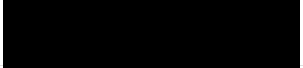
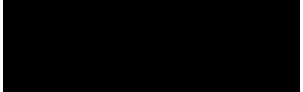






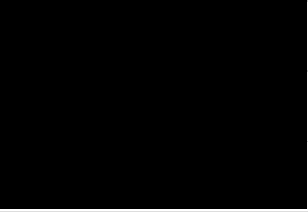
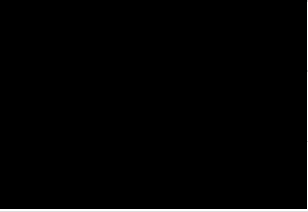
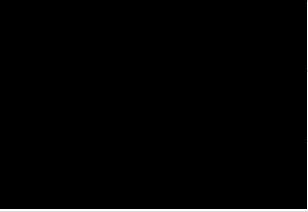
Q7 – Please tell us why

1. Having handed over several thousand pounds I don't know if I will be given a licence or not
2. The premise should be allowed to continue trading with a temporary license until a full license has been granted
3. I don't agree as other hosts are required to comply with this new legalisation.
4. 
5. Allows some flexibility
6. Temporary STL Licences would be a way of reducing the friction on gaining a licence which is currently too onerous. The current policy has taken an extreme position in respect to the creation of the policy which does not serve the residents of Greenock.
7. Agree - it's either a policy to implement safety or it's not - you can't have temporary exemptions.
8. As The Scottish Fire and Rescue Service would still be consulted, fire safety would still be assessed.

Additional Licence Conditions (section 6.3) The Additional Licence conditions are set out within Appendix 4 to the policy statement. These are conditions which were attached by the Council and therefore be reviewed by the Council. Please note the Mandatory Licence conditions were imposed by the relevant STL legislation and therefore cannot be reviewed by the Council.

Answer Choices	Responses		
Strongly agree		12.50%	1
Agree		25.00%	2
Neither agree nor disagree		12.50%	1
Disagree		12.50%	1
Strongly disagree		37.50%	3
8 Please tell us why <input type="text"/>			
Answered: 8 Skipped: 0		Response Total:	8


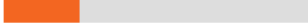

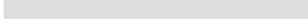

Q8- Please tell us why

1. Council moved the goal posts costing me a lot of money and inconvenience 
2. I agree only in the respect that areas like Edinburgh can add additional requirements for example in an area where there is a problem. However, Councils have taken these additional conditions too far in regions where it is not necessary. Too much bureaucracy. 
3. While I welcome regulation in this sector I strongly disagree with "no laminate flooring / floorboards or other types of hard floors are permitted in premises situated above any habitable flat." I believe this is over kill and why target STL and not LTL or any dwelling situated above another dwelling. I think if wooden or laminate was to be illegal in this situation there would be a public outcry. Lord Baird ruled that this requirement was unlawful at the judicial review last August. 



4. 

5. Makes sense 
6. The current policy has taken an extreme position in respect to the creation of the policy which does not serve the residents of Greenock. 
7. I have to disagree on the whole as several are really unfair, over the top and unnecessary - feel punitive and not thought through. Consultation with owners could have made this much clearer and more effective. It felt like council depts were able to add in what they thought rather than the original purpose of the legislation which was meant to be safety. Several presume bad practice, malice when on the whole 99% of guests are great and I image most hosts are too. Some rules are sensible, some completely unnecessary and unfair - particularly internal door closers and no hard floorings. If they are to be implemented they should have been for new hosts only - not retrospective to existing - really unfair. In my own case I've had to spend several hundred points fitting door closers and they needed to be the heavy 'office/ school fire type' to 


work effectively. They look horrible and ruin the feel of a homely place - which is what guest wanted. It's very sad. We've subsequently realised various problems - children or adults can jam their fingers, I'm not sure where the noise expected was. It's over the top - with the presumption that ALL guests will be noisy which is unfair. Has anyone tried to live in a small flat with heavy door closers? I've tried for a few days and it feels horrible, restrictive and we're already getting complaints. Most people want to walk into a bathroom or kitchen without always opening and closing doors. We've also realised the heating no longer works properly (As doors are constantly closed so thermostats which are normally in one room won't work for the whole flat). These were unnecessary 90% of homes have laminate or hard flooring - it's what most people have and good flooring can be as effective as carpets on noise. Also, carpets could get very dirty - not what you want in a letting. Very poor and one sided idea, over the top and unnecessary.

8. The additional condition relevant to the Scottish Fire and Rescue Service (number 12), requiring [REDACTED] a Fire Safety Risk Assessment and Fire Action Plan ensures that hazards from fire and the risk to [REDACTED] relevant persons are assessed and information is provided on actions to be taken in the event of a fire.

Application Process (section 7) and Determination of applications if objections/representations (section 9)

Answer Choices	Responses		
Strongly agree	 12.50%	1	
Agree	 25.00%	2	
Neither agree nor disagree	 37.50%	3	
Disagree	 0.00%	0	
Strongly disagree	 25.00%	2	
8 Please tell us why <input type="button" value="^"/>			
Answered: 8 Skipped: 0	Response Total:	8	

Q9- Please tell us why






1. Terrible. Most councils allow you to upload documentation. Such a waste of paper and damage to the environment
2. It is too complicated and there is too much all at once. It should have been introduced a little at a time.
3. I think if there are valid reason for objection the public have a right to be heard.
4. 
5. Seems plain enough
6. No comment
8. The Scottish Fire and Rescue Service has no comment to make.


Q10

Text Analysis

Customise

Suitability of Living Accommodation (section 10)

Answer Choices	Responses		
Strongly agree		25.00%	2
Agree		50.00%	4
Neither agree nor disagree		0.00%	0
Disagree		0.00%	0
Strongly disagree		25.00%	2
8 Please tell us why <input type="text"/>			
Answered: 8 Skipped: 0		Response Total:	8

- Two people arrive with a clipboard turning their noses up at my properties. Maybe same rules should apply to social housing !
- I agree with this section
- I think and landlord should comply with these rules
- 
- Absolutely. Let's make sure we have the highest standards.aybe a similar scheme is needed for private and social landlords
- The concept of the property not being suitable is out of touch with reality. A host would have specifically set up the property and workers staying in the short let have high expectations. The property, its facilities, including safety are far beyond what is provided by a hotel. If it is not then workers will not stay in the property, bad reviews will be left and the property will cease to function as a short let. The current policy is overly extreme in its requirements.
- quite broad section - think I agree with most of the safety requirements.
- Completion of the Fire safety Checklist provides relevant contact details and allows an assessment of fire safety measures against annex 2 of the Fire safety - existing premises with sleeping accommodation practical guidance. Although The Scottish Fire and Rescue Service (SFRS) is keen to work with dutyholders to provide support and guidance, The SFRS shall take any necessary prohibition or enforcement action if there is a serious risk to life from fire.

Q11

Text Analysis

Customise

Licence duration and renewal (section 11)

Answer Choices	Responses		
Strongly agree		12.50%	1
Agree		25.00%	2
Neither agree nor disagree		12.50%	1
Disagree		12.50%	1
Strongly disagree		37.50%	3
8 Please tell us why <input type="button" value="^"/>			
Answered: 8 Skipped: 0		Response Total:	8

[Q11- Please tell us why](#)

1. Another money making exercise by the council hurting small business people like myself.	
2. Too short, it should be for 10 years. Time passes so quickly and very little changes are made to accommodation in that time	
3. I think 3 years is a reasonable timeframe	
4.	
5. Seems fair	
6. There is no value in having the licence requiring to be renewed every three years and this is an unnecessary administrative burden for the council and hosts. Yes, all safety checks and certificates would be renewed annually by the host and this can be a condition of the licence, but a renewed licence should not have to be applied for unless there has been a change. A change could include change of host, change of how the property will be used.	
7. It seems like 3 years is the default - which seems quite arbitrary. I think it could have been longer. It's unclear exactly what we're paying for other than to support the service - in which case I'd say 4 or 5 years is reasonable (unless there's several complaints or an issue) and it should include pro-active enforcement against anyone operating who does not have a licence. Good hosts who've had to go through the process should get some benefit of it I feel - and one of those is to crack down on unlicensed or dodgy operators. (not sure if there are any in Inverclyde- maybe more an issue in Glasgow or Edinburgh). But you should note - it's not fair to penalise good owners or hosts if they happen to have one bad guest. If it happens ten times then there's an issue - but no decent hosts wants bad guests. The crackdown on very bad guests needs help from council officers or police.	
8. The three year duration is in line with current Scottish Government guidance.	

Q12

Text Analysis

Customise

Suspension/Revocation (section 14)

Answer Choices	Responses		
Strongly agree		12.50%	1
Agree		62.50%	5
Neither agree nor disagree		0.00%	0
Disagree		0.00%	0
Strongly disagree		25.00%	2
8 Please tell us why <input type="button" value="^"/>			
Answered: 8 Skipped: 0		Response Total:	8

Q12- Please tell us why

1. How can you suspend or revoke something that hasn't been awarded
2. Agree with this
3. If a host is not complying with the legislation I agree
- 4.
5. Seems fair
6. This section of the policy is not constructive at dealing with correction of any issues. Should the emergency services raise an issue the host should be allowed to correct the issue before the licence is suspended or revoked.
7. I think it's generally reasonable. No good host wants bad guests or to cause a problem - so if it is definitely the host doing something wrong or not adhering to standards then they should definitely be punished. But if they do everything correctly and get a bad guest they should be supported. You never really know how someone behaves until they turn up unfortunately. And that's a societal problem - not always the host fault. I reiterate - No-one wants to have a 'party flat' or smokers or drug users anywhere near their property and they'd love a quick way of council and police support to get rid quickly.
8. The Scottish Fire and Rescue Service are in agreement with the process in place.



Q13

Text Analysis

Customise

Enforcement/Monitoring (section 19)

Answer Choices	Responses		
Strongly agree		12.50%	1
Agree		50.00%	4
Neither agree nor disagree		12.50%	1
Disagree		12.50%	1
Strongly disagree		12.50%	1
8 Please tell us why <input type="text"/>			
Answered: 8 Skipped: 0		Response Total:	8

Q13- Please tell us why

1. Privacy laws !!!!
2. I have my doubts as to how effective this will be because the staff at the council are already over worked and do they really have the time?
3. I an agreement over a dispute can't be reached then the council should step in .
- 4.
5. Seems fair
6. No comments
7. reasonable
8. The Scottish Fire and Rescue Service will work with Inverclyde Council to follow up any fire safety related complaint.

Q14

Text Analysis

Customis

Fees (section 24)

Answer Choices	Responses
Strongly agree	12.50%
Agree	12.50%
Neither agree nor disagree	12.50%
Disagree	25.00%
Strongly disagree	37.50%

8 Please tell us why

Answered: 8 Skipped: 0 Response Total:

[Q14 – Please tell us why](#)

1. Ridiculously expensive.

2. This has been so expensive for me. Not just the licence fee.it is the other costs associated with the licence. In my Argyll and Bute application for example the electrician going twice to the Isle of Bute (because the local electrician was too busy) has cost me £1,500 and that is before the cost of any alterations he required The cost of drawing up plans etc

3. I feel with the rising costs associated with this industry and interest rates so high it is very difficult to make profit. Whilst I agree with regulation a nominal fee would be more suitable.

4.

5. Seems fair

6. The fee structure should be based on the number of bedrooms rather than the maximum number of guests this is because the minimum expected bed size for a single person occupying the property on their own is double bed. Three workers each having their own room with a double bed, would only be three individual, however technically the property could sleep six. In reality workers staying in the property are not going to share the same bed so this why of calculating the maximum occupancy artificially inflates it.

7. Should have been one set fee for the licence - I think around £300 so £550 feels high for secondary letting. not different price per occupants. I think there should be an explanation of what the fee is for. but it's not terrible. But the real problem is renewal fees - they should be much lower as should not take the same work, and indeed should reward good hosts who have operated and complied well for the first 3 years. Paying the same fee again feels unreasonable, and unclear what for.

8. The Scottish Fire and Rescue Service has no comment to make.

OFFICIAL

Date: 16/01/2024

Our Ref: STLCONS/IR

Anne Sinclair
Legal Services Manager
Litigation, Licensing & Committee
Services
Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX



Renfrewshire and Inverclyde Division
Headquarters
Mill Street
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Dear Madam,

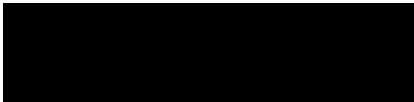
INVERCLYDE COUNCIL CONSULTATION: REVIEW OF SHORT TERM LET POLICY

I refer to your correspondence of 5th December 2023 regarding the above consultation.

Police Scotland respectfully request that the Police Scotland Form for automated process checks be added as a link and be included in the guidance part of the Policy.

Police Scotland have no further suggestions for any amendments or additions to the Policy other than above.

Yours faithfully

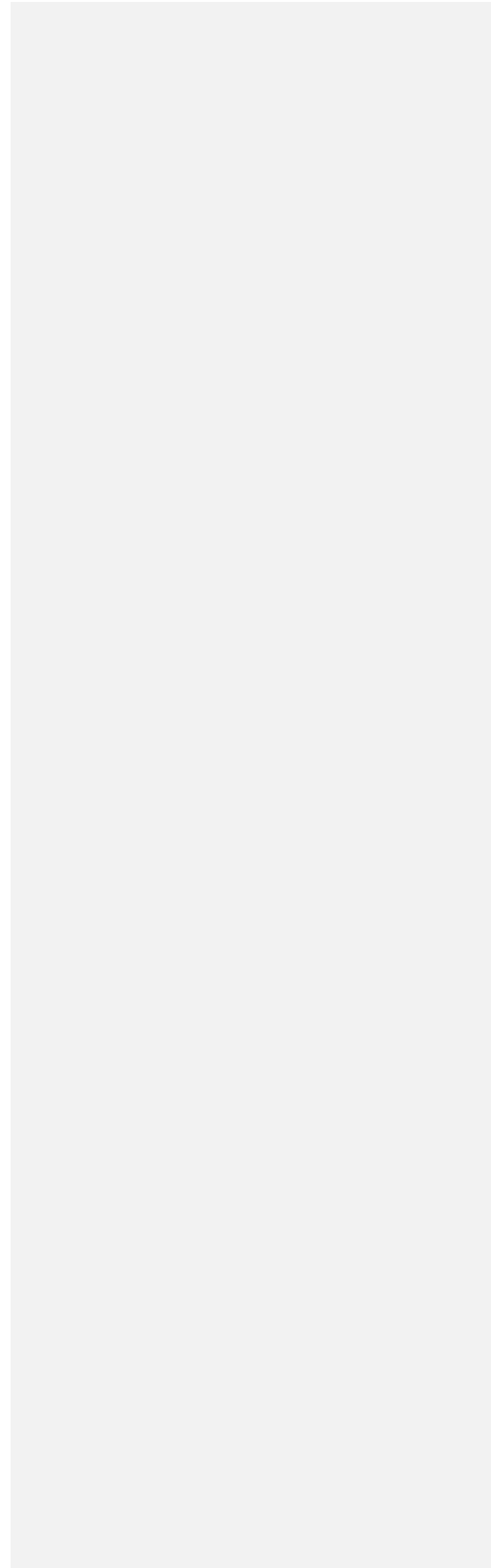

Gordon McCreadie
Chief Superintendent
Divisional Commander

For enquiries, please contact the Licensing Department on 0141 532 5907.

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Short-term Lets Policy Statement
1 October 2022



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Foreword

This Policy Statement is ~~a revision of~~ the first ~~Policy Statement approved and one~~ published by Inverclyde Council's General Purposes Board ~~on 28 September 2022~~. 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.

~~The revised Policy Statement policy, which was approved by the General Purposes Board on X following consultation, provides guidance for applicants, licence holders, members of the public and Council officers 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 meetings of the General Purposes Board on 21 and 28 September 2022 and this Policy Statement was approved on 28 September 2022.~~ This Policy Statement will be reviewed and revised when necessary.

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 inserted new legislative provisions into the Civic Government (Scotland) Act 1982 ("the Act").
- 1.2 The Order introduced a new mandatory licensing scheme for Short-term Lets (STLs) which local authorities were 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 by the Council as Planning Authority 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 Service prior to submission of a licence application to confirm whether they require planning permission or a Certificate of Lawfulness for a use/development. Enquiries should be directed to: dmplanning@inverclyde.gov.uk and include a description of the property in question and how it functions or it is proposed to function (such as availability during the year, or whether this is seasonal, the typical duration of a individual let, the number of lets during a calendar year, etc.). Outside of a Planning Control area, it is for the planning authority to consider whether any change of use is material and therefore requires planning permission. This is determined on a case by case basis and will depend on how the short-term let functions.

~~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~~

~~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.~~

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~~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.~~

~~Please note that~~ due to an amendment to this policy approved by the Council's General Purposes Board on 13 September 2023, valid STL applications from existing hosts/operators (those operating prior to 1 October 2022) which were received prior to 1 October 2023 ~~were~~ will be accepted and registered for consideration by the Council's Licensing Section, pending an application for Planning Permission.

A valid STL application is an application which has been fully and corrected completed and is accompanied by all necessary documentation, together with proof of payment.

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 years 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 ~~October~~ ~~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.

For existing hosts/operators (those who have operated a STL prior to 1 October 2023), applicants should note that the licensing authority may suspend consideration of a STL application for a period of three months where it considers that the use of the premises as a STL would constitute a breach of planning control for the purposes of section 123 (a) or (b) of the Town and County Planning (Scotland) Act 1997. Where an application is suspended for a period of three months, the applicant will be notified of the suspension by the licensing authority and must within that three month period submit an application for planning permission or apply for a certificate of lawfulness. (see section 4.3 of this Policy Statement).

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

Date	Hosts Operating a STL before 1 October 2022	Never operated a STL before 1 October 2022
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 October 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.

All applicants must also complete an additional Scottish Fire & Rescue Service Checklist and a Police Scotland Checklist which can both be found at: <https://www.inverclyde.gov.uk/shorttermletlicensingpolicy>

The application form and above documentation which can be located at the above link can be emailed to licensing.section@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: <https://www.inverclyde.gov.uk/shorttermlettlicensingpolicy>

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: <https://www.inverclyde.gov.uk/site-basics/privacy/services-privacy-notice/licensing>

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 which has been produced by Scottish Fire and Rescue Service is included along with the STL application and checklist in Appendix 5 and can be accessed at: <https://www.inverclyde.gov.uk/shorttermletlicensingpolicy>

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 granted or 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.section@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

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.

It is a criminal offence under the 1982 Act to carry out an activity for which a licence is required without a licence and without reasonable excuse.

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 STLs will be taken seriously and appropriately investigated. A Council Officer will visit the property and attempt to determine if it is operating as a 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. A letter will be issued to any unlicensed host/operator advising that they must immediately cease operating a STL until such time as a STL licence has been granted. Council Officers will liaise closely with Police Scotland if it is found that a property is operating as an unlicensed STL.

~~Ownership of the property will be verified 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.~~

It is a criminal offence under the 1982 Act to operate a STL without a STL licence and without a reasonable excuse.

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

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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 (As at the date of this report)

	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

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	£300

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 ~~was will be~~ given to existing hosts and operators who applied for a licence before 1 ~~October~~ April 2023. This is known as a Provisional Licence Number and ~~will has~~ allowed existing hosts to continue operating until their application has been determined. Anyone applying after 1 ~~October~~ April 2023 ~~is not permitted to 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 <https://www.inverclyde.gov.uk/shorttermletlicensingpolicy>

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 at: <https://www.inverclyde.gov.uk/council-and-government/equality/impact/assessments>

Section 29 Personal Data

All personal data will be processed in line with the following privacy notices: <https://www.inverclyde.gov.uk/shorttermletlicensingpolicy>

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 grandparent 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.

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.

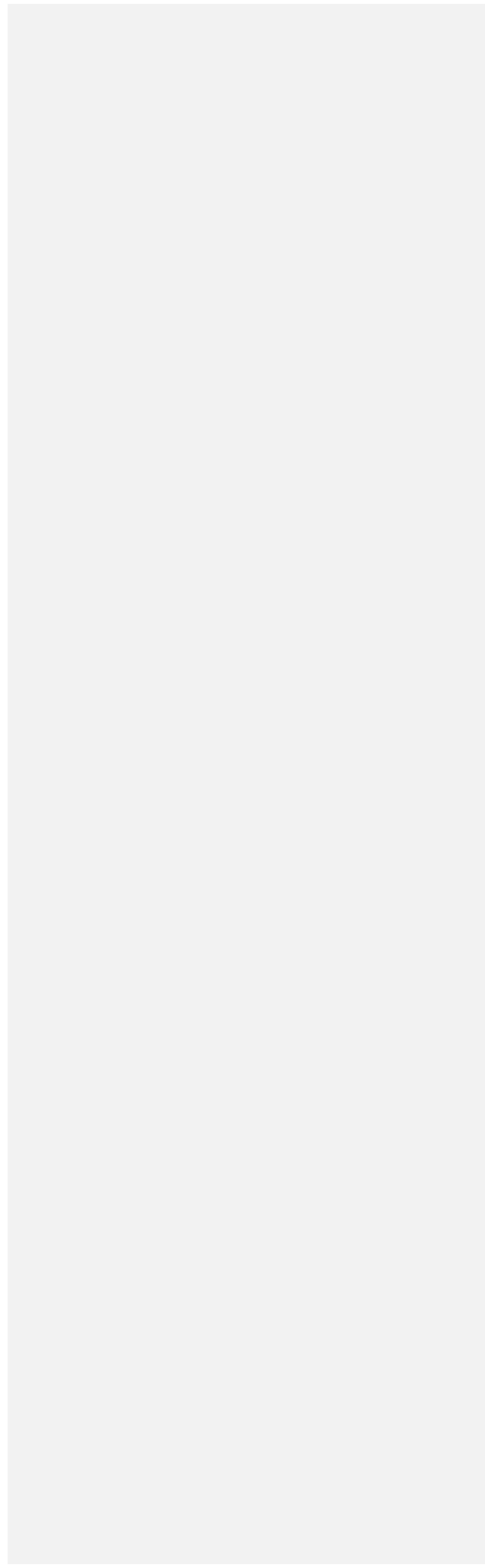
Excluded Accommodation means accommodation which is, or is part of:

- (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);



- (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.

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

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 STANDARD LICENCE CONDITIONS

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. The Licence Holder must ensure that window opening restrictor locks are fitted to all windows which can be opened on a floor 4.5 metres above ground level.~~
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 have available the following information within the premises in a place where it is accessible to all guests:
 - Fire Safety Risk Assessment;
 - Emergency Action Plan
13. ~~The Licence Holder must ensure that the bedrooms, living room and hallway in the premises have a suitable floor covering in order to minimise the impact and airborne noise affecting any properties below (i.e. carpet or vinyl flooring with quality underlay).~~

~~(condition may be applied following investigation of concerns regarding noise and would be~~

applied to properties located at 1st floor and/or above where a residential property is below).

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14. Door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring properties.

(condition may be applied following investigation of concerns regarding noise)

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"> • 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. • 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. • door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households. • No outdoor gatherings in common external areas after 11.00pm and before 7.00am.
Flats, tenements, high-rising maisonettes	<ul style="list-style-type: none"> • 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. • 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. • no laminate flooring / floorboards or other types of hard floors are permitted in premises situated above any habitable flat. • 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. • door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households. • 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.

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	<ul style="list-style-type: none">• 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.
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