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12.1 Policy Appendices

Section 1: Introduction

1.1 Links to Local Outcome Improvements Plan (LOIP):

The Short-Term Lets Policy becomes effective from 1 October 2022 and links to the LOIP:

- Outcome 1 East Dunbartonshire has a sustainable and resilient economy with busy town and village centres, a growing business base and is an attractive place in which to visit and invest.
- Outcome 4 East Dunbartonshire is a safe place in which to live, work and visit.
- Outcome 5 Our people experience good physical and mental health and wellbeing with access to a quality built and natural environment in which to lead more healthy and active lifestyles.

1.2 Policy focus

The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence. The policy outlines how the Council will administer applications, collect fees and monitor short term lets.

1.3 Procedure

Detailed Procedures will guide officers through the processes involved.



Section 2: Policy Purpose, Aims and Objectives

2.1 Purpose of the Policy

The Short-Term Lets Policy describes how the Council will manage the licensing scheme of short-term lets throughout the council area, including setting out applicable fees, types of licence, refunds policy and complaints and enforcement procedures.

Copies of the Policy, the Council's Procedures and a shorter summary including copies of the Short-Term Lets Application form and Checklist are available to our customers on the Council's website, or, can be requested by emailing STL@eastdunbarton.gov.uk and/or by calling 0300 123 4510.

2.2. Aims of the Policy

The overall aim of the Policy is to ensure that the licensing scheme is:

- in line with the Scottish Government's overall policy aims for the licensing of shortterm lets;
- efficient, effective and proportionate; and,
- customised to the Council's local policies along with the needs and circumstances of East Dunbartonshire.

2.3. Objectives of the Policy

The Policy will implement the policy aims through the following objectives:

- ensuring that the licensing scheme is effective, efficient and proportionate
- considering the Council's Strategy to meet Best Value objectives
- offering appropriate guidance and support to applicants using the licensing scheme
- ensuring the Council has a good knowledge and understanding of the local area with regards to short-term lets
- ensuring the safety of short-term lets through accommodation being offered minimising the risk to tenants and their families
- ensuring that those living in properties adjacent to short-term lets benefit from improved safety, especially risk of fire
- ensuring that noise, nuisance or anti-social behavior is tackled effectively
- minimising the risk of crime in the local authority area
- effectively monitoring the Policy and related procedures in line with the Scottish Social Housing Charter
- ensuring consistency with other policies and strategies, namely the local development plan and planning policies

Section 3: Legal Framework

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

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the "2022 Order") was approved by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022.

The effect of the Order is that from 1 October 2022, the use of accommodation for a short-term let is an activity for which a licence is required under the Civic Government (Scotland) Act 1982 (the "1982 Act").

3.2 Short-Term Lets definition

A short-term let means the use of residential accommodation provided by a host in the course of business to a guest, where:

- the guest does not use the accommodation as their only or principal home
- the short-term let is entered into for commercial consideration
- 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
- 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
- the accommodation is not excluded accommodation and
- the short-term let does not constitute an excluded tenancy

3.3 Short-Term Lets Policy

The 2022 Order requires East Dunbartonshire Council to have a short-term let licensing scheme in place by 1 October 2022.

In preparing this policy, East Dunbartonshire Council has had due regard to the Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms issued by the Scottish Government. This is available at <u>Supplementary Guidance for Licensing Authorities</u>, Letting Agencies and Platforms.

This policy should be read in conjunction with the 2022 Order and all relevant legislation, including but not limited to the 1982 Act, the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021, the Equality Act 2010, the Data Protection Act 2018 and the Antisocial Behaviour etc. (Scotland) Act 2004.

3.4 Consultation on Short-Term Lets Policy

The Council has consulted widely on this policy prior to its introduction on 1 October 2022. The consultation took place from [insert date] 2022 to [insert date] 2022. In finalising the policy statement, appropriate weight has been given to the views of those who respond to the consultation.

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Section 4: Temporary Exemptions & Temporary Licences

4.1 Temporary Exemptions

Under the 2022 Order and related Guidance, Councils may grant temporary exemptions to the requirement to have a short-term let licence.

The Council does not intend to have a policy on temporary exemptions and would not be supportive of such applications.

4.2 Temporary Licences

Under the 2022 Order and related Guidance, Councils may decide to grant temporary licences.

It is not the Council's intention to consider any applications for a temporary licence.



Section 5: Licence Duration and Renewal

5.1 Type of Licence

There are four types of licence for short term let accommodation:

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

Home sharing and home letting concern the use of the Host or Operator's only or principal home, whereas secondary letting makes use of a separate premise.

5.2 Duration

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

5.3 Renewal

Where an application is made to renew a licence, the licence will continue to have effect until such a time as a decision is made on the renewal. The Council intend to grant a renewal of a licence for a period of up to three years unless there are circumstances which justify a different time period.



Section 6: Application Process

6.1 Application Form and Checklist

The applicant must complete and return a copy of the Short Term Let Application form along with the Checklist, providing copies of all relevant evidence as well as documents to STL@eastdunbarton.gov.uk. Alternatively, applications can be made by post to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

The Application form can be found in the Policy document pack.

6.2 Notifying residents and neighbours

Applicants are responsible for notifying residents and neighbours of their application for a new Short-Term Lets Licence, or their renewal of an existing Short-Term Lets licence. Applicants are required to display a site Notice clearly at, or near the premises, so that it can be conveniently read by the public, for a period of 21 days, beginning with the date on which the application was submitted to the Council.

A Notice must 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 can be made to the Council, and
- how to make objections or representations.

Applicants are required by the 1982 Act to provide a Certificate of Compliance to the Council as soon as possible after the 21 days has expired, confirming that they have displayed the site Notice.

A template site Notice and Certificate of Compliance can be found in the Policy document pack.

6.3 Application Checks

The Council must refuse an application for a short-term let 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. This may include a visit to the premises, where required. The statutory consultees for this licensing scheme are Police Scotland and the Scotlish Fire and Rescue Service.

The Council and Scottish Fire and Rescue Service may undertake an assessment of the maximum number of guests that can be accommodated safely.

The Council may also ask for plans to show the location of any steps, stairs, or lifts in the Name of Committee/Date of approval Due for review on

premises, as well as the extent and boundary of the building where relevant.

6.4 Timescale

The Council aim to make a decision within 21 days from the end of the consultation period.

6.5 Public Register

When a Licence has been granted, this will be recorded in the public register, which is available upon request.

The public register will include:

- licence number
- licence type
- number of bedrooms in the premises
- contact details for the applicant and/or agent of the premises
- the Energy Performance rating

The Council will maintain the public register of licensed short-term lets and update as often as possible, with reviews being carried out on a quarterly basis.

6.6 Objections

Anyone can make an objection or representation to the Council, about an application for a short-term let licence. The objection or representation should be made during the 21 day consideration period following the application being submitted. Late objections may be considered in some circumstances where reasons are provided.

An objection or representation should be submitted in writing to STL@eastdunbarton.gov.uk Alternatively objections can be sent to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

The objection and representation should set out the objector's name and address, specify the nature of the objection or representation and state the address or reference number of the short-term let licence application.

An objection may be related to, but is not limited to, the following areas:

- whether the applicant is a fit and proper person;
- the location, character, condition or type of accommodation;
- whether the accommodation has relevant planning permission;
- the possibility of undue public nuisance, public order or public safety;
- whether there is a risk of affecting the privacy and security of neighbours; or
- whether there is other good reason for refusing the application.

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The objection or representation cannot be treated confidentially. The Council will acknowledge the objection or representation and a copy will be sent to the applicant or their representative.

Once the application has been allocated to a meeting of the Housing Appeals Board, the Council will send the objector a citation letter inviting them to attend the meeting to speak to the objection or representation. At the hearing, the objector will be provided with an opportunity to speak to their objection or representation and the applicant will be provided with an opportunity to respond.

Frivolous or vexatious objections or representations will not be considered.

6.7 Fees

Table 1. Licence Fees:

Type of Let	Licence application/renewal fee
Secondary letting	£650 up to 2 bedrooms with £50 per additional bedroom
Home letting	£450 up to 2 bedrooms with £50 per additional bedroom
Home Sharing	£250 per bedroom room
Home Letting and Home sharing	£450 up to 2 bedrooms with £50 per additional bedroom

6.8 Refusal of a Licence

The Council will refuse an application for a short-term let licence where it is not satisfied that the applicant is a fit and proper person. The Council may refuse an application for a short-term let licence if the property is shown to be unsafe, or, there are significant risks to safety and security.

6.9 Refunds

The Council will **not refund** any fees charged for processing the application or renewal if the application is refused.

Where a licence is refused because the host or operator needs to obtain planning permission, the Council will not charge an additional fee in respect of a resubmitted application made within 28 days of planning permission being granted provided that the application for planning permission is submitted without undue delay.

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6.10 Appeals Process

Applicants can appeal against a refusal of their short-term let licence application. The appeal should be made within 28 days of being notified of the refusal and should be sent to STL@eastdunbarton.gov.uk. Alternatively appeals can be posted to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

Section 7: Licence Conditions:

7.1 Mandatory Conditions

The 2022 Order requires all short-term let licences across Scotland to apply the mandatory licence conditions. A list of the mandatory licence conditions is contained in Appendix 1.

7.2 Maximum Occupancy Condition

It is a mandatory condition that hosts and operators ensure that they do not exceed the maximum number of guests for their premises. This includes making the maximum occupancy clear on adverts, listings, as well as in booking terms and conditions.

Applicants will state in their application how many guests they would like to accommodate. The Council will consider the following criteria when determining maximum occupancy:

- the number requested on the application form
- the maximum number that can be accommodated safely (broken down to the number of adults and the number of children)
- the maximum number that can be accommodated within tolerable noise and nuisance standards for neighbours

The Council may ask applicants to submit a floor plan for their premises as part of their application. This should indicate room sizes, fire escape routes and accommodation intended for guests with mobility impairment. The Council may also wish to ask for plans to show 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.

7.3 Additional Licence Conditions

In addition to the mandatory licensing conditions, the Council may impose additional licence conditions to a short-term let licence. Where the Council opts to impose an additional licence condition, it will set out the issue that is being addressed by the additional condition, the reasoning for the additional condition, the action required of the licence holder and the deadline for this action to be completed by.

The Council will review its list of additional licence conditions on a regular basis. A list of the proposed additional licence conditions can be found in Appendix 2. This list is not exhaustive.

Section 8: Licence numbers

8.1 Provisional Licence Numbers

A unique licence number will be given to existing hosts and operators who apply for a licence before 1 April 2023. This is known as a provisional licence number and will allow existing hosts to continue operating until their application has been determined.

Anyone applying after 1 April 2023 cannot operate whilst their application is being determined.

8.2 Licence Numbers

Licence numbers will be issued in a consistent format to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings.

The format of the licence number, alongside information contained in the public register, will allow anybody to identify:

- the Council that issued the licence (and therefore the area to which the licence relates);
- the type of short-term let to which the licence relates (public register); and
- the type of licence issued

8.3 Licence number specification

The licence number will comprise of 8 characters, three of which are alphabetical (capital letters) and 5 of which are numerical digits (D):

For example: A₁A₂-DDDDD-A₃

The leading two characters (A_1A_2) will identify the Council; East Dunbartonshire Council will use **ED**. The 5 digits will be issued by each Council.

The final character (A_3) 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 Renewed licence

For example: ED -00001 - T

This number relates to a temporary licence (T). The type of short-term let (e.g. home sharing) will be displayed on the public register.

Section 9: Planning considerations

9.1 Short-Term Let control area

The Council may refuse to consider an application for a short-term let if the host or operator of a dwelling house within a short-term let control area needs planning permission but does not have it.

The high-level policy purpose behind control areas is as follows:

"to help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood); to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas".

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

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

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

9.2 Licence refusals

The power to refuse a licensing application is designed to assist the Council in handling applications for secondary letting but Councils can use it in other circumstances too, such as letting rooms in your own home. Further details can be found in planning guidance for hosts and operators.

The Council has 21 days from receipt of a valid application to decide to refuse or approve the application. Where an application is refused, the applicant can request a review within 21 days of the Council's decision. Appeals should be sent to STL@eastdunbarton.gov.uk. Alternatively, appeals can be sent by post to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

Where appropriate, an appeal can be sent to the Housing Appeals Board.

If the Council refuses to consider an application for secondary letting, they will inform the host or operator within seven days of receipt of application and explain why they are refusing to consider the application.

Before 1 April 2023, the Council cannot determine a licence application on the basis it breaches planning control unless existing hosts have been given a chance to submit an Name of Committee/Date of approval Due for review on

application for planning permission or, for a Certificate of Lawful Use or Development ("CLUD"). The Council may determine a licensing application before this date where planning permission or, a CLUD has already been refused.

The applicant has three months from the date their application for a short-term let was submitted to lodge an application for planning permission or for a CLUD.

Where the Council has not received an application for planning permission during this time, the application is finally determined and the applicant can no longer provide short-term lets.

The deadline for all short-term lets to be licenced has been extended from 1 April 2024 to 1 July 2024.

9.3 Links with control areas

Where a control area is designated, the Council will publish details of this on their website. This will assist hosts in determining whether, or not, to apply for a licence, in the knowledge that planning permission or a CLUD will be required.

The Council will give licenced hosts and operators a reasonable opportunity to comply with this mandatory condition by submitting a planning application. The host or operator should do this as soon as possible after the control area is designated.

The Council will ensure that licenced hosts or operators who may be affected by the designation of a control area are alerted as part of the planning authority's consultation process.

9.4 Where planning permission is refused

Where the Council refuse planning permission for short-term lets, the application or licence contingent on the planning permission will be refused, varied or revoked, as appropriate.

It will not always be necessary for an application to be refused, or licence to be revoked. For example, a host or operator may have a licence to let out one bedroom in their own home but have submitted an application to vary the licence, and an accompanying planning application, in order to let out three bedrooms. In this case, the applications might be declined but the existing licenced activity can continue.

Section 10: Compliance and Enforcement Action

10.1 Complaints

Anyone may make a complaint to the Council about the way a host or operator is operating their short-term let.

Complaints regarding a short-term let should be sent to <u>STL@eastdunbarton.gov.uk</u> for investigation. Alternatively complaints can be sent by post to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

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

Complaints will be acknowledged within ten working days and complainants will be appropriately kept up to date with the progress of their complaint. The Council will aim to respond to complaints within 21 working days. The Council will keep a record of all complaints made under this Policy.

Some complaints may require enforcement action from the Council, see section 10.4 of this Policy. A complaint against a short-term let licensed property may result in the Council undertaking an inspection visit to assess compliance. The Council reserves the right to charge the host, or operator, for any costs relating to an inspection visit.

The Council may need to direct some complaints to planning authorities, letting agencies, platforms, VisitScotland, Police Scotland or other bodies for further investigation.

Complaints regarding the Council's operation of its Short-Term Lets Licensing Policy or Procedures will be investigated in accordance with the Council's formal Complaints Procedure.

10.2 Grounds for Complaints

A complaint may be related to the following areas:

- whether the host or operator is a fit and proper person;
- the condition of accommodation;
- concerns regarding planning permission;
- undue public nuisance, public order or public safety;
- privacy and security of neighbours; or
- any other good reason.

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Frivolous or vexatious complaints will not be considered.

10.3 Identifying unlicensed short-term lets

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

The Council, letting agencies and platforms all have a role to play in identifying and eliminating unlicensed short-term lets. The Council will use a number of methods to check and monitor whether there are hosts, or operators, in the East Dunbartonshire area, that are trading without a valid short-term lets licence.

10.4 Enforcement Action

The options for enforcement action for the Council provided through the 2022 Order and 1982 Act are:

- additional licence conditions on application (or through variation)
- enforcement notices
- variation, suspension or revocation of the licence
- pursuance of prosecution in respect of offences under the 1982 Act

10.5 Enforcement Notices

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, the Council will require the licence holder to take action to resolve the situation within a reasonable period.

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 ten guests, in breach of a licence condition specifying no more than eight. This would be evidenced in a listing or advertisement.

10.6 Variation, suspension and revocation

The Council may vary, suspend or revoke a licence in certain circumstances. The Council may do this without serving an Enforcement Notice if the seriousness of the breach justifies urgent action.

10.7 Variation

The Council may vary the terms of a licence on any grounds it thinks fit. The Council can do this at any time, including following an application made to it by the licence holder or of its own initiative.

10.8 Suspension or revocation

The Council may order the suspension or revocation of a licence, if in its opinion:

- the licence holder is no longer a fit and proper person to hold the licence;
- the licence holder is managing the property on behalf of someone who would have been refused the grant or renewal of the licence;
- the short-term let is causing or is likely to cause undue public nuisance, or, a threat to public order or public safety: or
- a condition of the licence has been contravened.

Where the Council revokes a licence, no further application can be made by that host or operator, in respect of that premises, within one year of the date of revocation.

10.9 Appeals

Hosts and operators can appeal against the decision to vary, suspend or revoke a licence. The appeal should be made within 28 days of being served with the notice and should be sent to <u>STL@eastdunbarton.gov.uk</u> or can be served by post to:

Homelessness and Prevention Team Kirkintilloch Community Hub 2-4 West High Street Kirkintilloch G66 1AD

Hosts and operators can take bookings and provide accommodation whilst they appeal a revocation or suspension and they have 28 days in which to lodge an appeal.

Section 11: Policy Monitoring and Review

11.1 Monitoring timescale

The Team Leader – Homelessness and Prevention will monitor the number of applications to the Short-Term Lets licensing scheme on a quarterly and annual basis.

11.2 Charter Indicators

The Scottish Housing Regulator monitors the quality and value of the Council's housing services. In line with the Scottish Social Housing Charter, the Council will monitor the success of the Short-Term Lets licensing scheme via Charter Indicators:

3 – Percentage of all complaints responded to in full at Stage 1 and the percentage of all complaints responded in full at Stage 2 of the Council's Corporate Complaints Procedure.

11.3 Review timescale

The Short-Term Lets Policy will be reviewed after the first 12 months of the licensing scheme's implementation. The Council will review the Policy every 3 years thereafter.

Section 12: Appendices

12.1 Policy Appendices

Appendix 1 – What is a short-term let

Appendix 2 - Mandatory Licence Conditions

Appendix 3 – Additional Mandatory Conditions

Apendix 4 – Sample Short-term Lets licence

Appendix 5 – Public Notice of application for Short-term lets licence

Appendix 6 - Certificate of compliance

Appendix 7 – Application for short-term let licence and application checklist

This document can be provided in large print, Braille or in an electronic format and can be translated into other community languages. Please contact the Council's Communications Team at East Dunbartonshire Council, 12 Strathkelvin Place, Southbank, Kirkintilloch, G66 1TJ. Tel 0300 123 4510

