



## **Short-term Lets Licensing Policy Statement**

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

**and**

**The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets)  
Amendment Order 2024**

**Revised 10 March 2025**



## Contents

### Parts

1. Policy – Comment and Review .....	1
2. Overview .....	2
3. Implementation of 2022 Order and 2024 Amendment Order in Perth and Kinross .....	3
4. What needs a Licence? .....	4
5. Planning Considerations before applying for a Short-term Let Licence .....	6
6. Excluded Accommodation.....	6
7. Excluded Tenancies.....	9
8. Making an Application for a Licence .....	10
9. Grounds of Refusal .....	20
10. Conditions attached to a Short-term Let Licence .....	21
11. Public Register.....	22
12. Fees.....	23
13. Temporary Licence .....	24
14. Temporary Exemptions.....	25
15. Provisional Licence Applications.....	26
16. Compliance and Enforcement.....	26
17. Complaints .....	29

### Annexes

- A Mandatory Licence Conditions
- B Proposed Additional Licence Conditions

**If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01738 475180**

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01738 475180

Dacă aveți nevoie de informații din acest document într-o altă limbă sau întrun format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01738 475180

Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu winnym języku, pisanych dużą czcionką, w wersji łatwej do czytania, walfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01738 475180

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01738 475180

## **1. Policy – Comment and Review**

- 1.1 This Policy Statement was first published on 23 September 2022. This Policy will be kept under review and revised, if appropriate, by further Supplementary Policy Statements. The Policy will be applied unless or until so revised. It may also be subject to legislative change. In preparing this Short-term Lets Policy Statement, the Council has fulfilled its duties under the 2022 Licensing Order and the 2024 Amendment Order (respectively, the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024).
- 1.2 Perth and Kinross adopted the Policy at the meeting of its Licensing Committee on 22 September 2022.
- 1.3 Perth and Kinross adopted the revised Policy at the meeting of its Licensing Committee on 10 March 2025.

## 2. Overview

- 2.1 The Short-Term Lets Licensing Order was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022 - The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.
- 2.2 The Short-Term Lets Amendment Order was passed by the Scottish Parliament on 29 August 2024 and came into force on 30 August 2024 – The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024.
- 2.3 Section 44 of the Civic Government (Scotland) Act 1982 (“the 1982 Act” permits the Scottish Ministers to designate an activity as an activity for which a licence shall be required. The effect of the Order is that with effect from 1 October 2022, the use of accommodation for a short-term let is an activity for which a licence is required under the 1982 Act. The purpose of the short-term lets licensing scheme – Short-term lets can offer people a flexible and cheaper travel option, and have contributed positively to Scotland’s tourism industry and local economies across the country. However, we know that in certain areas, particularly tourist hot spots, high numbers of short-term lets can cause problems for neighbours and make it harder for people to find homes to live in.
- 2.4 The aims of the licensing scheme are:
- to ensure all short-term lets are safe;
  - to facilitate licensing authorities in knowing and understanding what is happening in their area; and
  - to assist with handling complaints and address issues faced by neighbours effectively.
- 2.5 The Council’s Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council’s local area and supports applicants who wish to obtain a short-term let licence (“Licence”). The policy outlines how the Council will administer applications, collect fees and monitor short-term lets operations.
- 2.6 This document deals with the licensing of short-term lets. The legislation is within the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024. These are available on the Internet:

<http://www.legislation.gov.uk/ukpga/1982/45/contents>

<https://www.legislation.gov.uk/ssi/2024/227/contents/made>

### **3. Implementation of 2022 Order and 2024 Amendment Order in Perth and Kinross**

- 3.1 On **1 March 2022** the Short-Term Lets Licensing Order came into force in Scotland.
- 3.2 Anyone wishing to operate a short-term let within Perth and Kinross may only do so upon being granted a Short-Term Let Licence by the Council.
- 3.3 Anyone may advertise a short-term let operation in Scotland but may not take bookings or have guests stay until they have been granted a Short-Term Let Licence by the Council.
- 3.4 Subject to meeting the requirements detailed at section 8 below, anyone can submit a Short-Term Let Licence application to the Local Authority.
- 3.5 It is a criminal offence to operate a short-term let without a Licence. Section 7 of the 1982 Act sets out four offences, as set out below. These offences currently attract fines on the standard scale. Depending on The Civic Government (Scotland) Act 1982 activity, different punishments apply. The default is a fine not exceeding level 4 on the standard scale. (See section 16.3 of this policy).
- Operating without a licence
  - Failing to comply with a licence condition
  - Failing to notify a change
  - Making a false statement

## 4. What needs a Licence?

4.1 “Short-term let” means:

- (a) the use of residential accommodation
- (b) provided by a host
- (c) in the course of business
- (d) to a guest
- (e) where there is a charge made.

An arrangement in the course of business will normally involve setting out some terms and conditions in a contract which the guest has accepted. An arrangement in the course of business includes taking a booking on-line or over the phone.

4.2 There are four types of licence for Short-term let accommodation. The licence granted must be for either:

- (a) secondary letting which means –
  - the letting of property that is not, or is not part of, your primary residence. Examples include a second home, accommodation above a garage, a ‘granny flat’ that does not share an adjoining door with your primary residence;
- (b) home letting which means –
  - using all or part of your primary residence for short-term lets whilst you are absent, for example whilst you are on holiday;
- (c) home sharing which means –
  - using all or part of your own home for short-term lets whilst you are present. Examples include a room within your primary residence, a B&B, or a ‘granny flat’ that shares an adjoining door with your primary residence; and
- (d) home letting and home sharing which means –
  - you operate short-term lets from your primary residence for periods while you are absent and also for periods when you are present.

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

4.3 “Primary Residence” means the main residence or principal home where you have the greatest personal ties. For example, a primary or main

residence may be where you are registered with a doctor or dentist, where you are registered to vote, where you receive post or as reflected on your Driving Licence, where your children attend school, etc.

4.4 An operation will not be a short-term let if it meets any of the below criteria:

- (a) if the guest (a person occupying property for the purposes of a short-term let) uses the accommodation as their only or principal home,
- (b) the guest is –
  - (i) an immediate family member of the host if they are:
    - your partner (spouse, civil partner or someone you live with as if you were married to them)
    - you or your partner's: parent or grandparent, child, stepchild, foster child or grandchild or brother or sister
    - the partner of one of your: parents or grandparents, children, stepchildren, foster children or grandchildren, or brothers or sisters.
  - (ii) sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
  - (iii) an owner or part-owner of the accommodation,
- (c) the accommodation is provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household,
- (d) the accommodation is excluded accommodation (see section 6 of this policy – Excluded Accommodations),
- (e) the short-term let does constitute an excluded tenancy (see section 7 of this policy – Excluded Tenancies).

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

- 5.1 The Council has a Guidance Note about planning considerations which operators should consider before deciding to operate a short-term let. This will be available on the Council website.

## 6. Excluded Accommodation

The following are not short-term lets:

### 6.1 Accommodation provided by guests

For example, where guests bring their own tent (as opposed to glamping where the tent is normally fixed and provided by the host).

### 6.2 Hotels, with planning consent to operate as a hotel.

The majority of hotels are excluded through being licensed to provide accommodation under the Licensing (Scotland) Act 2005 (see 6.3 below).

### 6.3 Premises Licensed under other licensing schemes

- Under the Licensing (Scotland) Act 2005 where the provision of accommodation is an activity listed in the Operating Plan and included in the licensed footprint on the Layout Plan(s) which form part of the licence.
- **Even if you have an HMO (Houses in Multiple Occupancy) Licence under the Housing (Scotland) Act 2006 for your property, you will still need a short-term lets licence if it is also used for short-term lets. This is the case whether or not you live at the premises covered by your HMO licence.**

### 6.4 Mobile accommodation

Accommodation which is capable of transporting your guests at the time of their stay for example:

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

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

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

### 6.5 Aparthotels

Accommodation comprising of five or more serviced apartments in a residential building where at least the following criteria are met:

- (a) the whole building is owned by the same person,

- (b) a minimum number of 5 serviced apartments are managed and operated as a single business,
- (c) the building has a shared entrance for the serviced apartments,
- (d) the serviced apartments do not share an entrance with any other flat or residential unit within the building,
- (e) services are provided to guests (such as housekeeping, a telephone desk, reception, or laundry),
- (f) each apartment contains its own washing, cooking and dining facilities separately from each of the other apartments, and
- (g) there is a management system in place to prevent anti-social behaviour and to impose maximum occupancy limits of the apartments.

#### 6.6 **A Bothy**

A building of no more than two storeys which -

- (a) does not have any form of—
  - (i) mains electricity,
  - (ii) piped fuel supply, and
  - (iii) piped mains water supply,
- (b) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984), and
- (c) is 100 metres or more from the nearest habitable Building.

#### 6.7 **Educational accommodation**

Residential schools, colleges, training centres and purpose-built student accommodation that has been built or converted predominantly for the purpose of being provided to students. Student halls of residence, for example, are excluded but houses and flats which are normally let to students (perhaps during a summer period when student tenants have moved back home for the summer and are being used as short-term lets) are not excluded.

#### 6.8 **Hostels and Refuges**

A building where the following is provided –

- residential accommodation and meals, or shared facilities to prepare it, other than in single dwellinghouse.
- refuge for victims of domestic abuse

#### 6.9 **Health and care accommodation**

Residential accommodation where personal care is provided to residents. Examples include residential care homes, hospitals and nursing homes.

This includes guest rooms provided for the purposes of visiting residents of this type of accommodation.

#### 6.10 **Secure residential accommodation**

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

#### 6.11 **Sheltered Housing**

Accommodation which is:

- (a) purpose built or designed to accommodate vulnerable adults,
- (b) which enables those vulnerable adults to live independently, and
- (c) where assistance or support is provided for those vulnerable adults.

This includes guest rooms provided for the purposes of visiting residents of this type of accommodation.

#### 6.12 **Shift accommodation**

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

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

## 7. Excluded Tenancies

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

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

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

## 8. Making an Application for a Licence

- 8.1 The Council will provide information regarding Licence applications on its website. This information will be updated regularly. The webpage can be found at:

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

- 8.2 All applicants for the grant and renewal of a Licence must complete the Licence application form available online at <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme> together with the appropriate documentation and fee. Paper applications for material changes and transfers are available upon request by contacting the Licensing Department:

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

By email: [stl@pkc.gov.uk](mailto:stl@pkc.gov.uk)

By telephone: 01738 475195

- 8.3 An application for a Licence, under the legislation, can be made by a person other than the owner of the premises. Where this is the case, the applicant must ensure they provide the relevant consent from the owner(s) as detailed in section 8.13 below.

- 8.4 Part of the application form will require the applicant to provide a declaration to the Licensing Authority that they can comply with the Mandatory Conditions attached to a Licence, including all the documentation detailed within these Mandatory Conditions. Further information on the Mandatory Conditions can be found at section 10 below. Applicants should be mindful that the Council and Council Officers can request any documentation referred to in the Mandatory Conditions at any time during the consideration of an application or the period of the licence, if granted. Applicants should note that a breach of a condition is a criminal offence under the 1982 Act.

- 8.5 The outcome of applications for the grant or renewal of short-term lets licences will be decided by Council Officers unless Objections or Representations are received.

- 8.6 Licence numbers will be issued in a consistent format to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings. The format of the licence number, alongside information contained in the public register, will allow anybody to identify:

- the Council that issued the licence (and therefore the area to which the licence relates);

- the type of short-term let to which the licence relates (public register); and
- the type of licence issued.

8.7 If there are Objections or Representations received, the Objector and the applicant will be invited to attend at a Licensing Committee Meeting. The Licensing Committee will decide whether to grant the application. It should be noted that if an application is refused, then the applicant cannot apply for a Licence within one year of the date of refusal unless there has been a material change in circumstances. The Council determines if the change is material, not the applicant. An applicant who wishes to reapply for a licence for the same premises within one year of the date of refusal, citing a material change of circumstances, must contact the Licensing Department by email to [stl@pkc.gov.uk](mailto:stl@pkc.gov.uk) for further information.

8.8 In deciding whether to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:

- any Objections or Representations
- this Licensing Policy Statement
- Scottish Government Guidance
- any other relevant considerations

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

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

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

#### 8.11 **Renewal**

- (a) Under the 1982 Act, if an application for a Licence renewal application has been made to the Council before the expiry date of the current licence, the licence will stay in effect until a final decision has been made on the renewal application.

- (b) If a renewal application has been refused by the Licensing Committee, the existing licence will remain in effect for a period of 28 days from the date of the decision, the appeal period, and where an appeal has been lodged, until such time as the appeal has been determined by the Court.
- (c) The process for applying for a renewal is the same as when applying for a new Licence. Guidance for applicants can be found on the Council's Short-term lets licensing scheme - Perth & Kinross Council (pkc.gov.uk). In deciding whether to renew the licence, the Council will consider the operation of the short-term let during the period of the licence, any allegations of offences and/or breaches of licence conditions, and any Objections or Representations. In relation to the required documentation that should be submitted with a renewal application, please see 8.13 below.

8.12 The Council **may** issue reminder notices to hosts and operators to remind them to renew their licence prior to the expiry date of the licence. However, it ultimately is the responsibility of the Licence Holder to ensure that the Licence is renewed prior to the expiry date. If the expiry date passes and the Licence Holder then applies for a licence, that application will be treated as a new application (as opposed to an application for the renewal of an existing licence). It would be a criminal offence to continue operating that short-term let without a Short-Term Let Licence.

### 8.13 **Documentation Required when submitting an Application**

Applicants should be aware that an application for a Licence will not be accepted or processed without the following documentation being provided:

#### (a) **Consent from owner(s)**

##### Owner is not the applicant

As detailed in section 8, an application for a short-term lets licence does not have to be made by the owner of the premises. However, where a Licence applicant is not also the owner of the premises, the applicant **must** provide a Declaration by Owner form providing consent from the owner. If the title to the premises is held by more than one owner all owners must provide a Declaration by Owner form providing consent. In limited circumstances, a person authorised to act on behalf of the owner(s) may be able to provide consent. For example, a senior member with of a corporate entity with designated authority to do so.

##### One owner

The application form allows for a declaration to be made by the applicant while completing the form to confirm that they are the sole owner of the premises. No Declaration by Owner form providing consent is required where the premises is both:

- owned by one person, and

- that same person is both the applicant and Licence Holder.

#### More than one owner

Where the premises is owned by more than one person, a partnership, corporate entity or similar, all owners must provide a Declaration by Owner form providing consent for the application to be made. These Declarations must be submitted with the application. In limited circumstances, a person authorised to act on behalf of the owner(s) may be able to provide consent. For example, a senior member of a corporate entity with designated authority to do so.

Further guidance can be found on our website at:

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

### 8.14 **Notice of Application**

Under the 1982 Act, the applicant must display a public notice at or near the premises which is the subject of the Licence application and must include the following information:

- The licence application type (new or renewal);
- The type of Licence applied for (Secondary Letting, Home Letting, Home Sharing, Home Letting and Home Sharing);
- If an individual, the applicant's full name and address;
- If not an individual, then the full name of the applicant organisation together with the registered or principal office address;
- If an individual, the full name of any person responsible for the day to day management of the short-term let;
- If not an individual, then the full name of the organisation responsible for the day to day management of the short-term let, together with its registered or principal office address;
- address of the premises relating to the Licence application;
- where objections or representations in relation the application can be made to;
- the 28-day timescale for submitting an objection or representation, and the statutory requirements of an objection or representation (for example - in writing, providing name and address). [Further information regarding objections and representations can be found at section 8.16 below].

The prescribed Public Notice of Information form can be found on the Council's webpage at <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

The Public Notice of Information must be displayed:

- in a place where it can conveniently be read by the passing public
- for a period of 21 consecutive days
- from the date that the Licence application is lodged with the Council

- in a prominent position and **should not** be displayed in the window of the premise. For example, it could be displayed on a gate or lamp post outside the premises.

Council Officers may request that you submit photographic evidence to ensure that the Public Notice of Application has been displayed correctly and may request that another notice is displayed for a further 21 days if not satisfied that the procedure has been carried out correctly.

Applicants are required to certify compliance that they have displayed the Notice of Application as soon as possible after 21 days since first posting the notice has passed. A Certificate of Compliance template document is available on the Council's webpage at:

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

### 8.15 **Consultees**

The Council will send a copy of all applications received to the following consultees:

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

### 8.16 **Objections and Representations**

#### Who may submit a representation or objection

The Civic Government (Scotland) Act 1982 permits anyone to state an objection or representation to a licence application (excluding temporary applications).

Those submitting representations or objections can include individual residents or businesses, customers, public bodies and community Councils.

#### How to submit a representation or objection

A representation or objection must be submitted within 28 days of public notice of the application being given. The objection or representation must:

- Be in writing by letter or e-mail;
- Specify the grounds of objection or, as the case may be, the nature of the representation;
- Specify the name and address of the person making it;
- Be signed by the objector, or on their behalf. (For objections or representations made by email the inclusion of the individual(s) name and address will count as a signature.)

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

The letter of representation or objection must be sent by post or email to:

By email: [stl@pkc.gov.uk](mailto:stl@pkc.gov.uk)

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

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

#### Content included in representations or objections

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

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

#### What can a Licensing Committee not consider as a representation or objection

It is not possible to raise issues with the Licensing Committee which relate to legislation other than the Civic Government (Scotland) Act 1982.

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

#### Process for considering objections or representations

The Council will acknowledge receipt of any objections or representations. Those objections or representations will be redacted to remove the email, telephone number and signature, as well as any other sensitive information.

The Council then will provide the applicant with redacted copies of any objections or representations received.

The person(s) objecting or submitting a representation, as well as the applicant, will be invited to a meeting of the Licensing Committee on notice of 14 days where the Licensing Committee will make a decision on the Application.

#### Consideration of Late Objections/Representations

The Council is entitled (but not obliged) to accept a late objection or representation if there is a sufficient reason why it was not made in time. If a late representation or objection is submitted, it should explain what the sufficient reason is for making a late submission. There is no guarantee that the Licensing Committee will accept a late submission of representation or objection.

#### **8.17 Determination of an Application**

The Council will determine each application on its own merits.

#### Where no objections or representations received

Applications where no objections or representations have been received from any of the consultees or members of the public will usually be granted under delegated powers by Council Officers.

#### Where objections or representations received

Where applications have received a valid representation or objection from any of the consultees and/or a member of the public, these will be considered by the Licensing Committee at a meeting to consider and determine the application.

Both applicants and objectors will be given an opportunity to be heard at the by the Licensing Committee who will determine the application. Those submitting late representations or objections will be invited to attend a meeting of the Licensing Committee to determine the application and those representations or objections *may* be considered if the Licensing Committee is satisfied that the reasons provided for late submission are sufficient.

#### *Refusal*

The Civic Government (Scotland) Act 1982 provides grounds for refusal of a Licence. Any decision to refuse a Licence must be relevant to one or more of the grounds of refusal as detailed in the Civic Government (Scotland) Act 1982 and section 9 below.

#### *Granting*

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

#### *Appeal of a Licensing Committee decision*

Note that where a Licence application has been refused by the Licensing Committee (or granted, as the case may be), there is a right of appeal under the Civic Government (Scotland) Act 1982. An appeal should be made to the Sheriff Court within 28 days

from the date of the refusal. Where an appeal has been lodged, the short-term licence will continue to have effect until such time as the appeal has been determined.

Likewise, there is a right to request a Written Statement of Reasons from the Council if an application is granted or refused at a Licensing Committee Meeting. All such requests should be made within 21 days from the date of the decision and should be made by email or post to:

By email: [stl@pkc.gov.uk](mailto:stl@pkc.gov.uk)

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

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

## 8.18 Duration of Licences

### Grants and Renewals

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

In the event of a death of a short-term let Licence Holder, the 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 the licence was 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 this period further.

## 8.19 Variation

The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the Licence Holder on their own initiative. This could include adding additional conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.

A fee will be charged to the applicant should they wish to vary their Licence. The Council may require the applicant to display a Notice of Application as per section 8.14 above.

#### **8.20 Material Change in Circumstances**

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

#### **8.21 Transfer of Licence**

Under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024 a Licence Holder may apply to the Council to transfer a Licence to another person. The transfer application must be accompanied by the required information and consents to allow it to be processed. Police Scotland is the only consultee for transfer applications. Applications will generally be dealt with under delegated powers unless an objection or representation is received from Police Scotland. A fee is payable for processing of a transfer of a Licence.

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

The Council can suspend a Licence immediately if it is of the opinion that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety.

This action would generally be taken on receipt of a complaint made by Police Scotland or Scottish Fire and Rescue Service.

After an immediate suspension has taken place, the Licence Holder will be given an opportunity to attend a meeting before the Licensing Committee in relation to the matter which prompted the suspension. After hearing from the Licence Holder and a representative from Police Scotland and or Scottish Fire and Rescue Service the Licensing Committee then would determine whether to suspend the licence for a further period, revoke the licence, or take no further action. This meeting typically would take place within 6 weeks of the immediate suspension.

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

- (a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the Licence Holder, who would have refused the grant or renewal of the licence under paragraph 5(3);

- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
- (d) a condition of the licence has been contravened.

### 8.23 **Timescale for Determining Applications**

Under the Civic Government (Scotland) Act 1982, the Council has nine months to determine a Licence application from the date it was received with all required documentation.

## 9. Grounds of Refusal

The grounds for refusing a Licence are detailed in Paragraph 4 and 5 of Schedule 1 of the Civic Government (Scotland) Act 1982 and are as follows:

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

- (a) the applicant or, where the applicant is not a natural person, any director or it or partner in it or any other person responsible for its management, is either –
  - (i) for the time being disqualified under section 7(6) of this Act, or
  - (ii) not a fit and proper person to be the holder of a licence;
- (b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to -
  - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv) the possibility of undue public nuisance; or
  - (v) public order or public safety; or
- (ca) the applicant would not be able to secure compliance with –
  - (i) the mandatory licence conditions;
  - (ii) the standard conditions and any further conditions under sub-Paragraph (1A) (b) to which the licence is to be subject,
- (cb) the application does not contain the information required under 7.14(d) (the consent of the owners of the premises); or
- (d) there is other good reason for refusing the application;”

If none of these grounds of refusal exist, then the Licence will be granted.

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

### 10.1 Mandatory Conditions

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

**Please note that the Council cannot amend these Mandatory Conditions.**

Prior to applying for a Licence applicants should ensure that they are able to comply with the Mandatory Conditions attached to the Licence. Applicants should also note that in terms of listing their premises as a licensed short-term let, as required under Mandatory Condition 14, the listing must include:

- the licence number provided by the Council, and
- the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

### 10.2 Possible Additional Conditions

The Council have set out additional conditions which may be imposed as required over and above the Mandatory Conditions to further assist compliance with the licensing purposes and aims of short-term lets. **(See Annex C – “Possible Additional Conditions”)**.

The Council has discretion to apply further conditions to a Licence if it is deemed necessary. This will be determined **on a case by case basis**.

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

### 10.3 Maximum Capacity

One of the Mandatory Conditions that is attached to all Licences is that the Licence Holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

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

## **11. Public Register**

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

## 12. Fees

The fee for a Licence depends on the type of Licence being applied for. Applications should be accompanied by the prescribed fee. The Licensing Order permits the Council to set reasonable fees. The total amount of fees receivable by the Council are sufficient to meet the expenses of the Council in exercising their functions under the Order. The fee will be reviewed annually in line with a review of licensing fees and will be incorporated within the list of Civic Licensing Fees. The fee will not be reduced or refunded if the application is refused, or the licence is granted for a shorter period than was requested. The fees are detailed below:

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

### **13. Temporary Licence**

- 13.1 A temporary licence may be granted for a duration of up to six weeks in exceptional circumstances.
- 13.2 A temporary licence number will be given, and conditions attached to the licence must be complied with.
- 13.3 The Council must consult the Chief Constable and Scottish Fire and Rescue in respect of an application for a temporary licence.
- 13.4 The Council considers that a temporary licence might be applied for in the following circumstances:
- by someone who wishes to try short-term letting for a short period before deciding whether or not they wish to do this permanently, requiring a full licence application.

## 14. Temporary Exemptions

- 14.1 A temporary exemption to the requirement to have a licence may only be granted in relation to a specified property or properties if, in one calendar year:
- (a) there are no more than three separate periods of temporary exemption for that property or those properties, and
  - (b) the total period of temporary exemption for that property or those properties (whether one, two or three periods of exemption are granted) is 6 weeks or less.
- 14.2 A temporary exemption application may take approximately 6 weeks to determine.
- 14.3 The Council has the authority to grant temporary exemptions to the requirement to have a licence. This can be for a specified single continuous period not exceeding 6 weeks in any period of 12 months. To get a temporary exemption, you need to apply for one.
- 14.4 Due to the purpose of short-term let safety requirements and to minimise the impact on communities and neighbours, the Council will only consider granting a temporary exemption in exceptional circumstance for example:
- to accommodate a large influx of visitors over a short period to support exceptional events such as sports championship competitions and arts festivals, for example the Ryder Cup.
- 14.5 A temporary exemption from the requirement to have a licence does not affect the way planning rules apply. If any temporary changes to planning rules have been made (for example to handle a major international event), the Council will publicise these.
- 14.6 Licensing authorities may also attach conditions to an exemption. Conditions attached to a temporary exemption will include all Mandatory Conditions and if deemed high risk or deemed necessary, further additional conditions may be added.
- 14.7 The Chief Constable and the Scottish Fire and Rescue Service will be consulted in respect of applications for temporary exemptions.

## 15. Provisional Licence Applications

A short-term let licence application can be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed for use as a short-term let.

**The Council has a Guidance Note about provisional licence applications which operators should consider before deciding to operate a short-term let. This will be available on the Council website.**

## 16. Compliance and Enforcement

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

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

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

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

### 16.1 Principles and objectives

#### (a) Principles

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

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

## (b) Objectives

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

- encourage and support compliance amongst those providing short-term lets;
- provide clear information to those undertaking short-term letting about how the Council will assess their fit and proper status, monitor compliance and support the enforcement of regulation; and
- reduce duplication and minimise unnecessary burden upon short-term let Licence Holders by targeting compliance activity on those assessed as being at greater risk of non-compliance.

### 16.2 **Monitoring compliance**

In order to monitor compliance, Council Officers can undertake an inspection of the premises.

Scottish Government Guidance enables a person authorised by the Council to inspect premises which appear to be being used for the purpose of short-term let accommodation. This gives the authorised person the ability to visit your premises and inspect both the premises and any records associated with the conditions attached to the Licence. In keeping with the principals of proper and targeted compliance, the Council may visit when considered necessary and will consider a range of factors when carrying out an inspection. This may include for example:

- as part of considering your application;
- as part of a routine inspection;
- as a result of a complaint from a guest or neighbour;
- follow-up on a previous visit to confirm that an issue has been resolved;
- other accreditation obtained by the host or operator;
- feedback from Police Scotland and/or the Scottish Fire and Rescue Service;
- peculiarities of the operation (unconventional accommodation);
- pattern of complaints associated with the host, operator or premises;
- reputational evidence from guest reviews and/or internet profile.

Monitoring the compliance of hosts and operators cannot be the responsibility of any one person or the Council. For compliance to be effective it requires collaboration between service users, letting agencies, and platforms. This serves to not only monitor compliance but also assists in identifying and eliminating unlicensed short-term lets.

### 16.3 Enforcement and sanctions

Our primary aim is to ensure compliance through means of encouragement and support. However, there are several ways to enforce the requirements as set out in the Order. These are:

- Additional licence conditions on application.
- Enforcement Notices.
- Variation, suspension or revocation of the licence.
- Pursuance of prosecution in respect of offences under the 1982 Act – see below.

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

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

## 17. Complaints

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

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

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

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

### 17.1 Guest Complaints

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

### 17.2 Neighbour Complaints

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

Neighbours might complain about the following for example:

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

### 17.3 Unlicensed Operators

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

#### 17.4 **Assessing Complaints**

Some complaints will require enforcement action by the Council (see Section 16 Compliance and Enforcement) and others will not, for example:

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

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

## **Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of Licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are Mandatory Conditions and will apply to all licences issued:

### **1. Agents**

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.

### **2. Type of licence**

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

### **3. Fire safety**

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.

The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988<sup>(1)</sup>.

### **4. Gas safety**

Where the premises has a gas supply:

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

### **5. Electrical safety**

Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must:

- (a) ensure that any electrical fittings and items are in -
  - (i) a reasonable state of repair, and

- (ii) proper and safe working order,
- (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
- (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
- (d) arrange for a competent person to—
  - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
  - (ii) date label and sign all moveable appliances which have been inspected.

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.

## **6. Water safety: private water supplies**

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

## **7. Water safety: legionella**

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.

## **8. Safety & repair standards**

10— (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

## **9. Maximum Occupancy**

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

## **1. Information to be displayed**

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,
- (f) a copy of the Portable Appliance Testing Report,
- (g) instructions as to what guests should do in the event that a carbon monoxide alarm sounds, and
- (h) if there is a mobile gas cabinet heater in the premises, safety instructions as to the operation and movement of that mobile heater.

## **2. Planning Permission**

Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either:

- (a) an application has been made for planning permission under the:1997 Act and has not yet been determined, or
- (b) planning permission under the 1997 Act is in force.

## **12. Listings**

The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes:

- (a) the licence number, and
- (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(5).

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.

## **13. Insurance**

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.

#### **14. Payment of fees**

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

#### **15. False or misleading information**

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

#### **16. Interpretation**

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
- (d) carried out the inspection,
- (e) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (f) any defect identified,
- (g) any action taken to remedy a defect,

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

“gas safety report” means a report containing the following information -

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of -
  - (i) the effectiveness of any flue,
  - (ii) the supply of combustion air,

- (iii) subject to head (iv), its operating pressure or heat
- (iv) input or, where necessary,
- (v) if it is not reasonably practicable to examine its
- (vi) combustion performance,
- (vii) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

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

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

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

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

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

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the Licence Holder's only or principal home,

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

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

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

## **Annex B - Proposed Additional Conditions**

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

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