

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	12 December 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Short Term Lets Applications - Licensing Process
REPORT NUMBER	COM/23/377
DIRECTOR	Gale Beattie
CHIEF OFFICER	Jenni Lawson
REPORT AUTHOR	Mark Masson
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the recent issues surrounding Short Term Lets Applications and to agree a way forward to consider these and other urgent and/or deferred applications.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 agree the way forward as outlined in Section 3 of this report for a four month period only (1 January 2024 until 30 April 2024);
- 2.2 to note that following the above time period, arrangements would be expected to revert back to the current process for considering all licensing applications and the membership of the Licensing Sub Committee.

3. CURRENT SITUATION

Short Term Lets (STLs)

- 3.1 On 6 September 2022, the Committee considered a report by the Director of Customer Services which sought approval for a Short Term Lets policy to allow the Council to licence short-term lets in Aberdeen under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022'.
- 3.2 The Committee resolved to:-
- approve the Short Term Lets Policy with effect from 1 October 2022 in Appendix 1;
 - approve the proposed Additional Licence Conditions with effect from 1 October 2022 in Appendix 2;
 - approve the Temporary Licence statement with effect from 1 October 2022 in Appendix 3; and

- (d) approve the Temporary Exemption statement with effect from 1 October 2022 in Appendix 4;
 - (e) that a report providing details in relation to the number of registered licence holders and any challenges in respect of the policy be submitted to the Committee in nine months' time; and
 - (f) that a review of the policy be undertaken 12 months from the implementation date (1 October 2022), with a report being submitted to Committee thereafter.
- 3.3 Officers in the Private Sector Housing Team have been processing applications and have been granting many under delegated powers, however there has been a large volume of applications (27 as of 30 October 2023 including multiple representations) which must be considered by the Licensing Committee as they have either received representations/objections and/or the necessary upgrading work and certification had not been completed for the premises.
- 3.4 Due to the large number of applications which require Committee consideration, officers are suggesting that it may be more beneficial and less time consuming at Committee meetings, to schedule at this time, three Licensing Sub Committee meetings in January/February 2024 (plus any additional Licensing Sub Committee meetings as required in terms of 3.5 below) to consider Short Term Let applications, but also applications which are deemed urgent by the Licensing Team and/or have been deferred by the Committee, with dates and times to be agreed by the Convener. This would also ensure that applications continue to be determined within the statutory timeframe allowed by the Civic Government (Scotland) Act 1982.
- 3.5 Members of the Committee will be aware that the number of applicants, their agents and those submitting representations who may wish to attend Committee meetings is often unknown to officers/elected members, therefore it is difficult to ascertain, with any degree of certainty, how long meetings may last and how many additional meetings of the Sub Committee may be required to address the STL application situation. However, officers are suggesting that the Private Sector Housing Manager, following consultation with the Legal Adviser, the Clerk and the Convener and Vice Convener of the Committee would determine an appropriate number of items for each agenda based on the number of representations submitted and whether any subsequent Sub Committee meetings may be needed in March and April.

Licensing Sub Committee

- 3.6 There are seven members of the Licensing Sub Committee, these being, the Convener, the Vice Convener and Councillors Boulton, Copland, Lawrence, MacGregor and McLeod. The Sub Committee has a political balance of 3+1+1+1+1.
- 3.7 The Sub Committee acts as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined. Members of the Sub Committee must be members of the Licensing Committee and the quorum is 3 members.

3.8 Officers are suggesting that in order to address the current situation relating to the large volume of STLs and to ensure that all members of the Licensing Committee share the responsibility of considering these and any other licensing applications which may need to be determined, that for the period of 1 January 2024 until 30 April 2024 the Sub Committee consist of any member of the Committee, but to retain the current political balance as stated at 3.6 above.

Proposed process:-

- The Clerk would email all members of the Committee prior to each Sub Committee meeting, seeking volunteers;
- The Clerk would provide a deadline for responding, following which, he would confirm the membership of the Sub Committee for that meeting on a first come basis, up to 7 members;
- An agenda would be issued to those members who had responded, which may not be 7 members, but noting that the quorum would be 3 members;
- There would be no follow up emails unless the quorum number of 3 members had not been reached; and
- The Convener would chair each Sub Committee meeting, whom failing, the Vice Convener.

3.9 All minutes of the Licensing Sub Committee would continue to be submitted to the Committee for approval.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications from the recommendations of this report.

5. LEGAL IMPLICATIONS

5.1 The Civic Government (Scotland) Act 1982 sets out the timeframe for Licensing Authorities to determine applications. If applications are not determined within the statutory timeframe then they are deemed to be granted without conditions.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no environmental implications arising from the recommendations of this report.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes

Compliance	Failure to agree a solution would mean that there would be a requirement to schedule Special Committee meetings	L	The Committee is given the opportunity to consider the report and provide feedback or alternatives.	Yes
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. OUTCOMES

- 8.1 There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	It is confirmed by Interim Chief Officer – Governance (Assurance), Vikki Cuthbert, that no impact assessment is required.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

- 10.1 Report:- Short Term Lets - New Licensing Powers - CUS/22/191

11. APPENDICES

- 11.1 None

12. REPORT AUTHOR CONTACT DETAILS

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