

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	06 September 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Licensing of Short-Term Lets
REPORT NUMBER	CUS/22/191
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Derek McGowan
REPORT AUTHOR	Jocelyn Janssen
TERMS OF REFERENCE	17.3

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek 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' (the 2022 Order)

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approve the Short Term Lets Policy with effect from 1 October 2022 in Appendix 1;
- 2.2 Approve the proposed Additional Licence Conditions with effect from 1 October 2022 in Appendix 2;
- 2.3 Approve the Temporary Licence statement with effect from 1 October 2022 in Appendix 3; and
- 2.4 Approve the Temporary Exemption statement with effect from 1 October 2022 in Appendix 4

3. CURRENT SITUATION

- 3.1 On 1 March 2022, the '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order) was enacted to introduce new powers for Licensing Authorities to regulate short term lets through the introduction of a licensing scheme by 1 October 2022. The aim of the 2022 Order is to regulate the standards within the short term let market, mirroring those required in the private rental market through an inspection and self-assessment regime. Ultimately the licence to operate a property as a short term

let will be granted by the Licensing Committee or through delegated authority to officers as appropriate.

- 3.2 Licensing Authorities are required to implement a Short Term Let regime and to publish a Short Term Let Policy by 1 October 2022. A Service Update was circulated to Licensing Committee members in advance of Committee on 5 July 2022 with further information regarding Short Term Lets, noting that the final Policy would be brought before Committee on 6 September 2022 for approval.
- 3.3 The Council's Private Sector Housing team undertook a public consultation on the introduction of a Short Term Let policy, and this was available for response on Citizen Space between 12 July and 9 August 2022. The consultation sought the public's view on the draft policy and in particular the introduction of Additional Licence Conditions, Temporary Licences and Temporary Exemptions within Aberdeen City. The draft Policy requires Committee approval on these issues, and in total 126 responses were received to this consultation, with a summary contained here as Appendix 5.
- 3.4 The Policy within Appendix 1 has passed through internal governance processes, and if approved by the Licensing Committee the Policy will be published on the Council's website, along with guidance for applicants on applying for a Short Term Let Licence. Our commitment is to review the policy on an annual basis to ensure it remains current and compliant.
- 3.5 The proposal for each consultation point is set out below:

3.5.1 Additional Licence Conditions

The Order sets out the mandatory licence conditions which must be applied to all Short Term Lets.

The mandatory conditions are:

- Displaying a copy of the licence and conditions within the property;
- Provide annual Gas Safety certificate, Electrical Installation Condition Report, Energy Performance Certificate and a Legionella Assessment;
- Comply with Fire Safety regulations for upholstered furnishings and mattresses (Furniture and Furnishings (Fire Safety) Regulations 1988;
- Private Water Supply- where a premises is 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;
- Safety and Repairing Standards - The holder of the licence must take all reasonable steps to ensure the accommodation is safe for residential use;
- Maximum Occupancy - The licence holder must ensure that the number of guests residing in the accommodation does not exceed the number specified in the licence;
- Listings - The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the premises includes:
 - (a) the licence number; and
 - (b) a valid Energy Performance Certificate rating

- Insurance - The holder of the licence must, for the duration of the licence, hold for the premises:-
 - (a) valid buildings insurance; and
 - (b) valid public liability insurance providing cover of not less than £5 million
- 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.
- Payment of fees; and
- False or misleading information - The holder of the licence must not provide any false or misleading information to the licensing authority.

In addition to the mandatory licence conditions contained within the 2022 Order, Licensing Authorities have the discretion to introduce Additional Conditions (also known as Discretionary Licence Conditions). Additional Conditions can assist Licensing Authorities to respond to local issues and specific concerns. Additional Conditions must not be inconsistent with any of the mandatory conditions. The inclusion of Additional Conditions formed part of the public consultation.

3.5.2 Recommendation for Additional Licence Conditions

Following public consultation results within Question 6 and re-occurring complaints with other similar Licensing activities, it is proposed that Aberdeen City Council's Short Term Lets policy includes two Additional Conditions which are to be attached to all Short Term Let Licences within Aberdeen City. These two conditions are as follows:

Anti-Social Behaviour

The licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.

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 reasonably 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.

Waste Disposal

The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.

The licence holder must advise guests of:

- their responsibilities;

- the use of the bins / sacks provided for the premises; and
- the location of the nearest recycling centre or recycling point.

The licence holder must:

- clearly label bins as belonging to the premises;
- ensure that guests manage their waste in compliance with the above including when they depart; and
- maintain the bin storage area and the exterior of the premises in a clean and tidy condition.

The wording of the Additional Conditions is based on template conditions provided in Scottish Government guidance. If approved, these Additional Conditions within Appendix 2 will be published on the Council's website alongside the mandatory licence conditions.

3.5.3 Temporary Licence

The 2022 Order provides Licensing Authorities with the discretion to introduce Temporary Licences. Temporary Licences allow hosts and operators to continue to operate whilst the licence application is fully determined. Granting a temporary licence removes the requirement for the applicant to display a Notice outside the required property. The public will not be able to submit an objection to temporary licence applications. Following the consultation response from the public to Question 9 of the consultation (Appendix 5) 70% of public that responded to the question answered 'No' to the introduction of Temporary Licences. Our position is to encourage applicants to go through the full application process. However, this will be under review as the new Licensing Scheme develops.

3.5.4 Recommendation for Temporary Licences

In the interests of public consultation, it is therefore proposed that Temporary Licences will not be granted within Aberdeen City. The statement contained within Appendix 3 will be published on the Council's website should Committee approve this position.

3.5.5 Temporary Exemptions

The 2022 Order provides Licensing Authorities with the discretion to grant exemption from the requirement to have a Short Term Lets Licence. Licensing Authorities must publish a Temporary Exemptions Statement and review this from time to time. Following the response to Question 14 from the public consultation (Appendix 5) 72% of public that responded to the question answered 'No' to the introduction of Temporary Exemptions.

3.5.6 Recommendation for Temporary Exemptions

It is not considered necessary at this time to offer Temporary Exemptions as Aberdeen does not have regular events where properties are required to accommodate a large influx of visitors over a short period. In order to comply with the duty to publish a Temporary Exemption Statement, the statement within Appendix 4 will be published on the Council's website should Committee

approve this position. This will be under review as the new Licensing Scheme develops.

4. FINANCIAL IMPLICATIONS

- 4.1 [Scottish Government guidance](#) states that Aberdeen City Council is able to recover the costs of establishing and running the short term lets scheme through Licensing fees. This is similar to the process where HMO fees cover the associated costs of running the scheme by the Local Authority.
- 4.2 The initial licence fee will be determined under delegated power by the Chief Officer (Finance) and the Convenor of the City Growth and Resources Committee. The fees are subject to annual review based on the cost of delivering the service and any changes will be decided at full Council.

5. LEGAL IMPLICATIONS

- 5.1 Approval of the Policy will allow the Council to meet the statutory requirement of implementing a Short Term Lets regime by 1 October 2022.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 With approval of the waste disposal discretionary condition, this may have a positive impact on the environment. From the 1 October 2022 short term lets will be regulated and the additional condition ensures that applicants inform guests of their responsibilities when it comes to waste disposal.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	The provision of short term lets may on a limited basis support the housing market in the city, as well as supporting tourism and economic growth.	The adoption of this policy will ensure this sector of the market is providing safer accommodation.	L	Yes
Compliance	There will be a compliance risk if	The policy and supporting	L	Yes

	the Council does not have a Short Term Let Policy in place for 1 October 2022	documentation set out how the Council will exercise its functions under the Civic Government (Scotland) Act 1982 (the Act) and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the Order) in respect of the licensing of short term lets in Aberdeen		
Operational	There is a risk if the Council does not have a team and services in place to support the delivery of the Short Term Let Policy	Business case in place for recruitment of further staff to support the implementation of the Policy. All staff will be trained on Short Term Lets Policy and legislation. A new process for licensing is being developed with Digital and Technology. Staff teams already familiar with licensing work.	L	Yes
Financial	There is a financial risk is the Council does not fully recover the costs associated with the licensing of short term lets.	The fees will be reviewed annually at budget each year.	L	Yes
Reputational	Failing to ensure that this policy is adopted before the 1 st October will lead to reputational	The adoption of this policy and appropriate governance and staffing will mitigate this risk.	L	Yes

	<p>damage due to non-compliance.</p> <p>Failure to enforce the provisions of the policy may lead to reputational damage regarding the safety of properties in the rental market across Aberdeen.</p>			
Environment / Climate	No significant risks identified			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	<p>The proposal within this report supports the delivery of the Council Delivery plan under Economy:</p> <p>Enhance the city centre and increase city centre footfall by commissioning in 2022/23:</p> <p>vi. Establish a licensing regime for short term lets</p>
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	The proposals in this report have no impact on the Aberdeen City Local Outcome Improvement Plan
Prosperous People Stretch Outcomes	<p>All people in Aberdeen are entitled to live within our community in a manner which they feel safe.</p> <p>As part of the Short Term Lets application process, Short Term Lets properties will be inspected by a Private Sector Housing Officer. Additionally, copies of safety certificates will be required from the owner before any Licence is issued, ensuring safety of the property.</p>
Prosperous Place Stretch Outcomes	The proposals in this report have no impact on the Aberdeen City Local Outcome Improvement Plan
Regional and City Strategies	
	The Short Term Lets proposal supports the delivery of the Local Housing Strategy (2018 to 2023) of

	<p>which key actions related to private sector housing are:</p> <ul style="list-style-type: none"> • Work with private landlords and letting agents to improve management standards in the private rented sector • Work with private landlords and tenants to improve property condition in the private rented sector
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 assessment completed.
Data Protection Impact Assessment	Not required as no personal data is presented here.
Other	

10. BACKGROUND PAPERS

- 10.1 Legislation: [Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)
- 10.2 [Short term lets - licensing scheme part 1: guidance for hosts and operators](#)
- 10.3 [Short term lets – licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)
- 10.4 Service Update issued to Licensing Committee members in advance of the Licensing Committee on 6 July 2022.

11. APPENDICES

- 11.1 Short Term Let Policy
- 11.2 Additional Licence Conditions
- 11.3 Temporary Licence Statement
- 11.4 Temporary Exemption Statement
- 11.5 Consultation Response

12. REPORT AUTHOR CONTACT DETAILS

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Licensing of Short Term Lets

Approved by Committee on
xx xx 2022 with an implementation date of
1st October 2022



Document Control

Approval Date	
Implementation Date	01 October 2022
Policy Number	POL-C-0009
Policy Author(s) and Owner	Author: Private Sector Housing Manager Owner: Chief Officer (Early Intervention and Community Empowerment)
Approval Authority	Licensing Committee
Scheduled Review	Annual
Date and Changes:	

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1 Why does the Council need this Policy?

- 1.1 This Policy sets out how the Private Sector Housing Unit and the Licensing Committee will exercise its functions under the [Civic Government \(Scotland\) Act 1982 \(the Act\)](#) and the [Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#) (the Order) in respect of the licensing of short term lets in Aberdeen City.
- 1.2 The Policy is designed to provide licence-holders, prospective licence holders, members of the public and statutory partners with information on the Council's general approach to the making of licensing decisions in respect of short term lets.
- 1.3 The Policy will ensure that applications are administered in an open, transparent and consistent manner in order to reduce the risk of inconsistent decision making that could lead to reputational damage.

2 Application and Scope Statement

- 2.1 This policy applies to the grant and renewal of short term let licences as administered by the Private Sector Housing Unit on behalf of Aberdeen City Council.

3 Responsibilities

- 3.1 Chief Officer, Early Intervention and Community Empowerment, is responsible for managing this Policy and any supporting guidance.
- 3.2 Chief Officer, Early Intervention and Community Empowerment, is responsible for approving short term let licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues.
- 3.3 The Licensing Committee is responsible for considering short term applications when there are objections, concerns or contentious issues.
- 3.4 The Licensing Committee is responsible for setting any discretionary licensing conditions, temporary exemptions and temporary licences.
- 3.5 The Private Sector Housing Manager is responsible for ensuring that staff are aware of, and understand the contents of the Policy and to apply this Policy when determining applications for short term lets.
- 3.6 Hosts and operators of short-term lets in Scotland are responsible for ensuring that they comply with the Civic Government (Scotland) Act 1982 (the Act) and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the

Order) legislation including any conditions attached to licences granted. Hosts and operators may be individuals or organisations such as partnerships, charities, trusts or companies who provide short-term lets.

- 3.7 Any instances of non-compliance with the Policy should be reported to the Chief Officer, Early Intervention and Community Empowerment.
- 3.8 Any feedback or suggestions for improvement of this policy should be communicated to the Private Sector Housing Unit
ShortTermLets@aberdeencity.gov.uk

4 Supporting Procedures & Documentation

- 4.1 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#)
- 4.2 [The Civic Government \(Scotland\) Act 1982](#)
- 4.3 [Short term lets – licensing scheme part 1: guidance for hosts and operators](#)
- 4.4 [Short term lets – Licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)
- 4.5 Advice for applicants on how to apply can be found through the Council's short term let webpage.

5 About this Policy

How the Council will manage the licensing scheme of short-term lets throughout Aberdeen City.

5.1 Application Fees

Application fees will be determined on an annual basis by the Council and published on the Council's website here.

5.2 Types of Licenses

Hosts and operators may apply for the following types of licence:

- **Secondary letting** - The letting of property where a host or operator does not normally live, for example a second home that is let to guests
- **Home letting** - Using all or part of a host or operator's home for short-term lets, whilst they are absent. An example of this could be whilst the host or operator is on holiday
- **Home sharing** - Using all or part of the host or operator's own home for short-term lets, whilst they are there
- **Home letting and home sharing** - Operating short-term lets from the host or operator's own home while they are living there **and** for periods when they are absent

5.3 Licence Conditions

Mandatory conditions will be attached to every Licence and detail the applicant's responsibilities. Mandatory conditions can be viewed [here](#).

5.4 Applying Discretionary Licensing Conditions

The application of Discretionary Licensing Conditions is subject to consultation and will be determined by the Licensing Committee. Discretionary Licensing Conditions will be reviewed regularly and details of any Discretionary Licensing Conditions will be made available on the Council's website.

5.5 Temporary Exemptions

The use of Temporary Exemptions is subject to consultation and will be determined by the Licensing Committee. This will be reviewed regularly.

Aberdeen City Council's statement of policy on Temporary Exemptions can be found [here](#).

5.6 Temporary Licenses

The use of Temporary Licenses is subject to consultation and will be determined by the Licensing Committee. This will be reviewed regularly.

Aberdeen City Council's policy on the use of Temporary Licenses can be found [here](#).

5.7 Duration of a Licence

A short term let licence will be issued for a period of up to 3 years.

5.8 Consultees

Before any licence is granted the Council will consult with the following statutory consultees. A period of 21 days will be allowed for representations/objections to be received.

- Police Scotland
- Scottish Fire & Rescue Service

5.9 Objections

Objections must be received in writing within 28 days of a public Notice being displayed by the applicant outside a property. Email objections can be sent to ShortTermLets@aberdeencity.gov.uk stating the reason for objection. The objection must be

signed. Applications that have received an objection must be heard at the Council's Licensing Committee.

5.10 Decision Making

The Chief Officer, Early Intervention and Community Empowerment, may determine applications for short term let licenses under delegated powers. Delegated powers will not be used for an application that has received any objections. Applications that receive an objection will be determined at the Licensing Committee.

5.11 Complaints and enforcement process

Complaints regarding unlicensed short term lets should be emailed to ShortTermLets@aberdeencity.gov.uk where the Council will then investigate.

Anti-Social Behavior complaints should be directed to 0800 0510434 or email ASBIT@aberdeencity.gov.uk

The Council may also make other enquiries with other Council departments when required e.g. Anti-Social Behaviour team after noise complaints.

5.12 Refund Process

In general fees are non-refundable. However, refund information will be published on Aberdeen City Council's webpage.

6 Risk

6.1 This policy and its supporting documentation will manage the following risks:

Reputational Risks – The policy and supporting documentation sets out how the Licensing Committee will exercise its functions under the Civic Government (Scotland) Act 1982 (the Act) and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the Order) in respect of the licensing of short term lets in Aberdeen City in order to reduce the risk of inconsistent decision making that could lead to reputational damage.

Social Risks – This policy is designed to ensure short term let properties are safe for occupation by guests. Hosts and operator information will be recorded on the Council's website, this could provide contact details to neighbors where Anti-Social Behaviour is an issue within a property.

Compliance Risks -This policy helps to ensure that the Licensing Authority complies with its resolution to licence short term lets. The policy therefore reduces the risk of non-compliance with its decision to licence short term lets.

7 Environmental Considerations

- 7.1 This Policy does not relate to, nor have an impact on, any environmental factors. As such an Environmental Assessment was not undertaken. Licensing of short term lets may bring positive impacts to the environment. For example, as Short Term Lets will be regulated, the hosts will be contactable, and they could have information notes displayed within the property advising of available waste & recycling facilities.

8 Policy Performance

- 8.1 Customer or member complaints regarding the application of the Policy and the number of appeals lodged where the appeal relates to the Policy and its application will be used to monitor the performance of the Policy. Complaints may encourage a review of the Policy.
- 8.2 Where there is a departure from Policy, the Committee decision will be set out in the Minutes of the Committee and will provide reasons for that decision.

9 Design and Delivery

- 9.1 The Policy and supporting documents are aligned to support delivery of the Council's statutory obligations under the Act and the Order.

10 Housekeeping and Maintenance

- 10.1 This Policy is new as a result of the introduction of legislation concerning the licensing of short term lets in March 2022.
- 10.2 The Chief Officer, Early Intervention and Community Empowerment, will review this Policy on an annual basis. It will, however, be subject to continual review and amendment. Changes to the Policy will only be put into effect following consultation with the Licensing Committee and licence holders.

11 Communication and Distribution

- 11.1 The Policy will be available on the Council's Short Term Lets webpage.
- 11.2 Staff will be involved in recruitment of additional team members to support this new operation with openness and transparency through discussions and consultations.

12 Information Management

12.1 The information generated by the application of the Policy will be managed in accordance with the Council's Corporate Information Policy and supporting procedures.

13 Definitions and Understanding this Policy

13.1 Short Term Let – means the entering of an agreement between a guest and a host in the course of business for the use of the property as residential accommodation by a guest

13.2 Licensing Committee – means the Licensing Committee of Aberdeen City Council

13.3 Applicant - means the person making the application for the licence, normally the host or operator

13.4 Licence Holder - means any one of the persons named on the licence application including, but not limited to, the host or operator

13.5 Discretionary Licensing Conditions – Additional conditions to respond to local challenges and concerns specific to certain models of short-term letting

13.6 Temporary Exemptions – exemption to the requirement to have a licence for a specified single continuous period not exceeding 6 weeks in any period of 12 months.

13.7 Public Notice – A Notice displayed outside the property declaring a short term let application has been submitted to the Council.

Proposed Discretionary Licence Conditions

Anti-Social Behaviour

1. The licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial 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 reasonably 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.

Waste Disposal

1. The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.
2. The licence holder must advise guests of:
 - their responsibilities;
 - the use of the bins / sacks provided for the premises; and
 - the location of the nearest recycling centre or recycling point.
3. The licence holder must:
 - clearly label bins as belonging to the premises;
 - ensure that guests manage their waste in compliance with (2), including when they depart; and
 - maintain the bin storage area and the exterior of the premises in a clean and tidy condition.

'3'

Temporary Licence Statement:

Applications for temporary licences will not be granted by Aberdeen City Council under any circumstance. This will be reviewed on an annual basis in line with the Policy review.

'4'

Temporary Exemption Statement:

Applications for temporary exemptions will not be granted by Aberdeen City Council under any circumstance. This will be reviewed on an annual basis in line with the Policy review.

Short-Term Lets Consultation – Aberdeen City

This report was created on Wednesday 10 August 2022 at 11:00

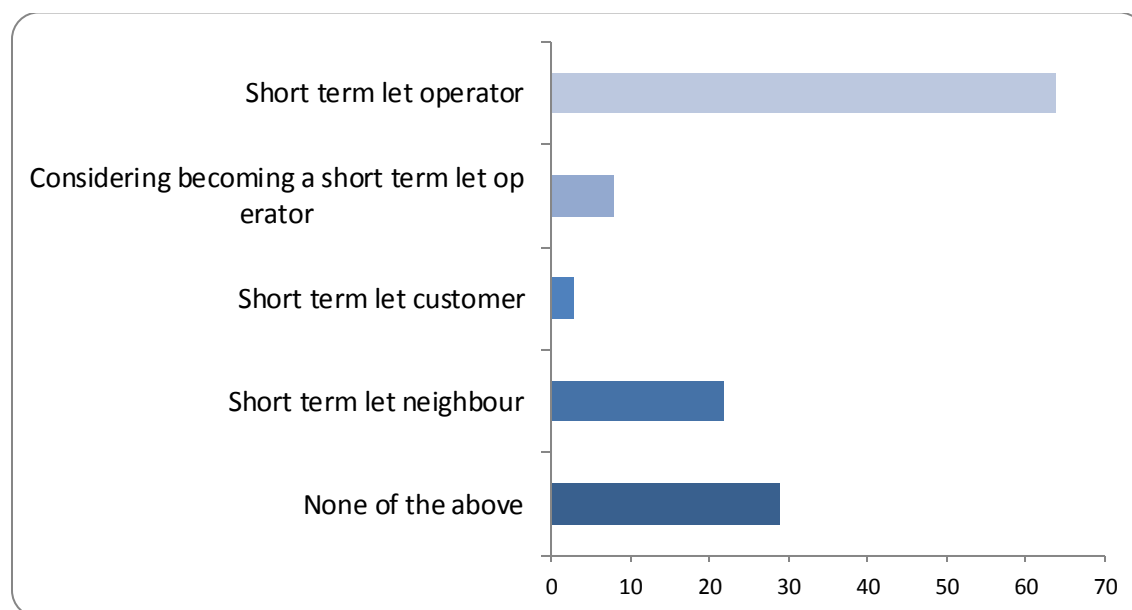
The activity ran from 12/07/2022 to 09/08/2022

Responses to this survey: **126**

1: Which of the following apply to you?

Which category does consultee fall under?

There were 126 responses to this part of the question.



Option	Total	Percent
Short term let operator	64	50.79%
Considering becoming a short term let operator	8	6.35%
Short term let customer	3	2.38%
Short term let neighbour	22	17.46%
None of the above	29	23.02%
Not Answered	0	0.00%

2: What is your name?

Please provide your name

There were 111 responses to this part of the question.

3: What is your email address?

Please provide your email address

There were 110 responses to this part of the question.

4: What is your postcode?

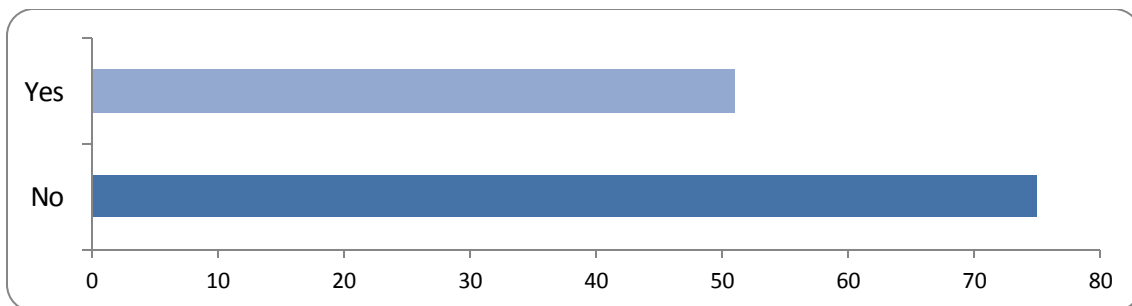
Please provide your postcode

There were 112 responses to this part of the question.

5: Should the Council adopt additional conditions?

Should the Council adopt additional conditions?

There were 126 responses to this part of the question.

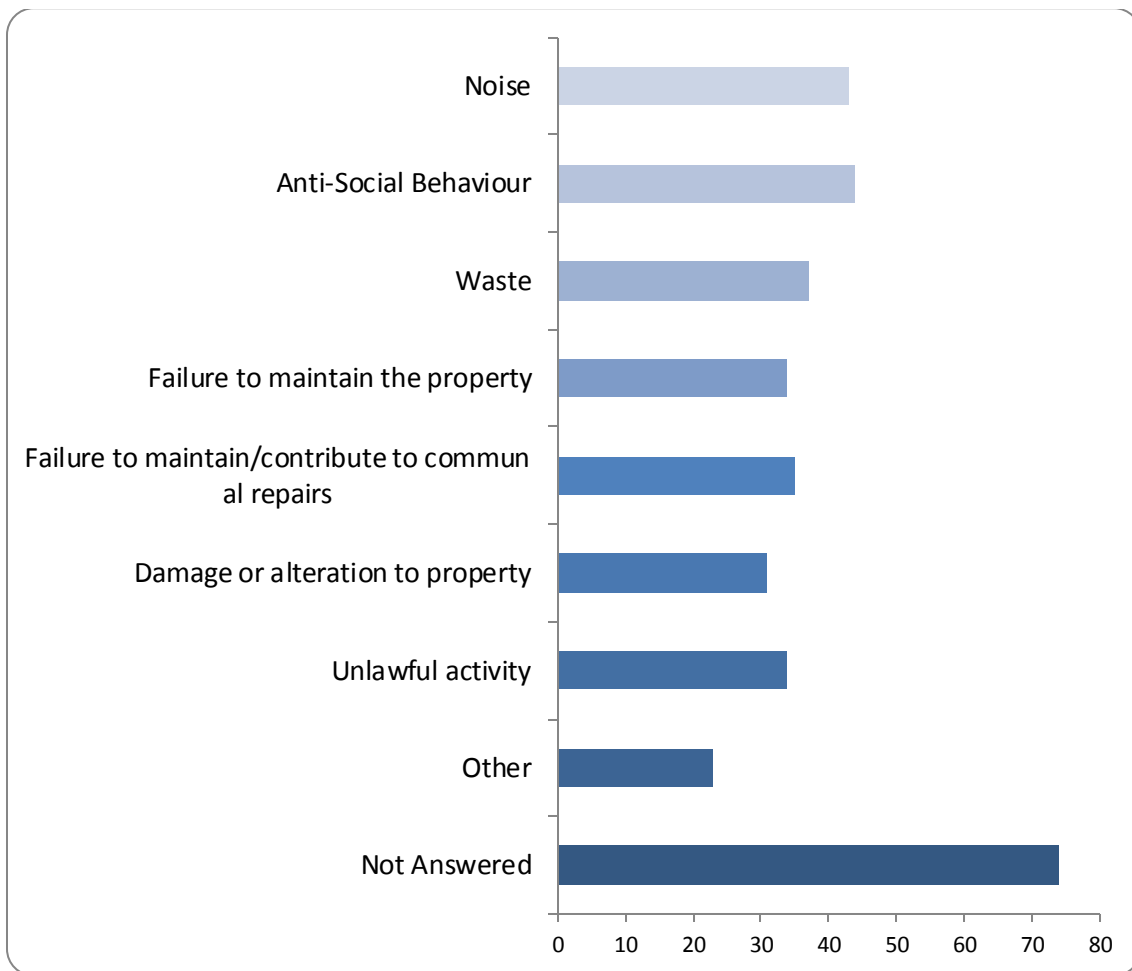


Option	Total	Percent
Yes	51	40.48%
No	75	59.52%
Not Answered	0	0.00%

6: What issues should the conditions cover?

What issues should the conditions cover

There were 52 responses to this part of the question.



Option	Total	Percent
Noise	43	34.13%
Anti-Social Behaviour	44	34.92%
Waste	37	29.37%
Failure to maintain the property	34	26.98%
Failure to maintain/contribute to communal repairs	35	27.78%
Damage or alteration to property	31	24.60%
Unlawful activity	34	26.98%
Other	23	18.25%
Not Answered	74	58.73%

7: If you selected 'Other' please provide further details.

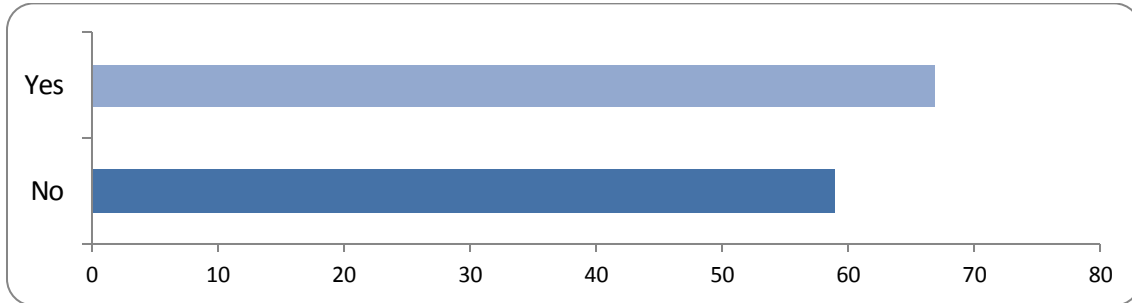
Please provide further details

There were 24 responses to this part of the question.

8: Should children under the age of 10 count towards the occupancy of a premises?

Should children under the age of 10 count towards occupancy of a premise

There were 126 responses to this part of the question.

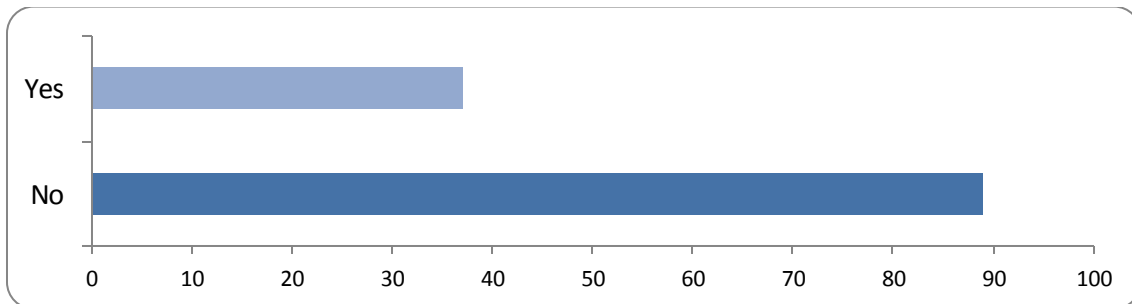


Option	Total	Percent
Yes	67	53.17%
No	59	46.83%
Not Answered	0	0.00%

9: Should temporary licenses be introduced?

Should temporary licences be introduced

There were 126 responses to this part of the question.



Option	Total	Percent
Yes	37	29.37%
No	89	70.63%
Not Answered	0	0.00%

10: What reasons do you think would justify a temporary licence?

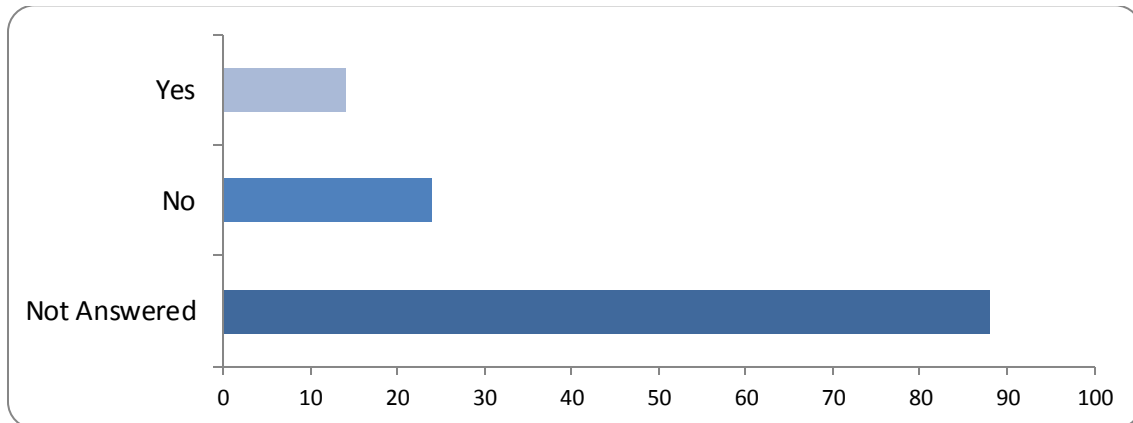
Please details reasons

There were 38 responses to this part of the question.

11: Should temporary licenses have additional conditions?

Should temporary licenses have additional conditions?

There were 38 responses to this part of the question.

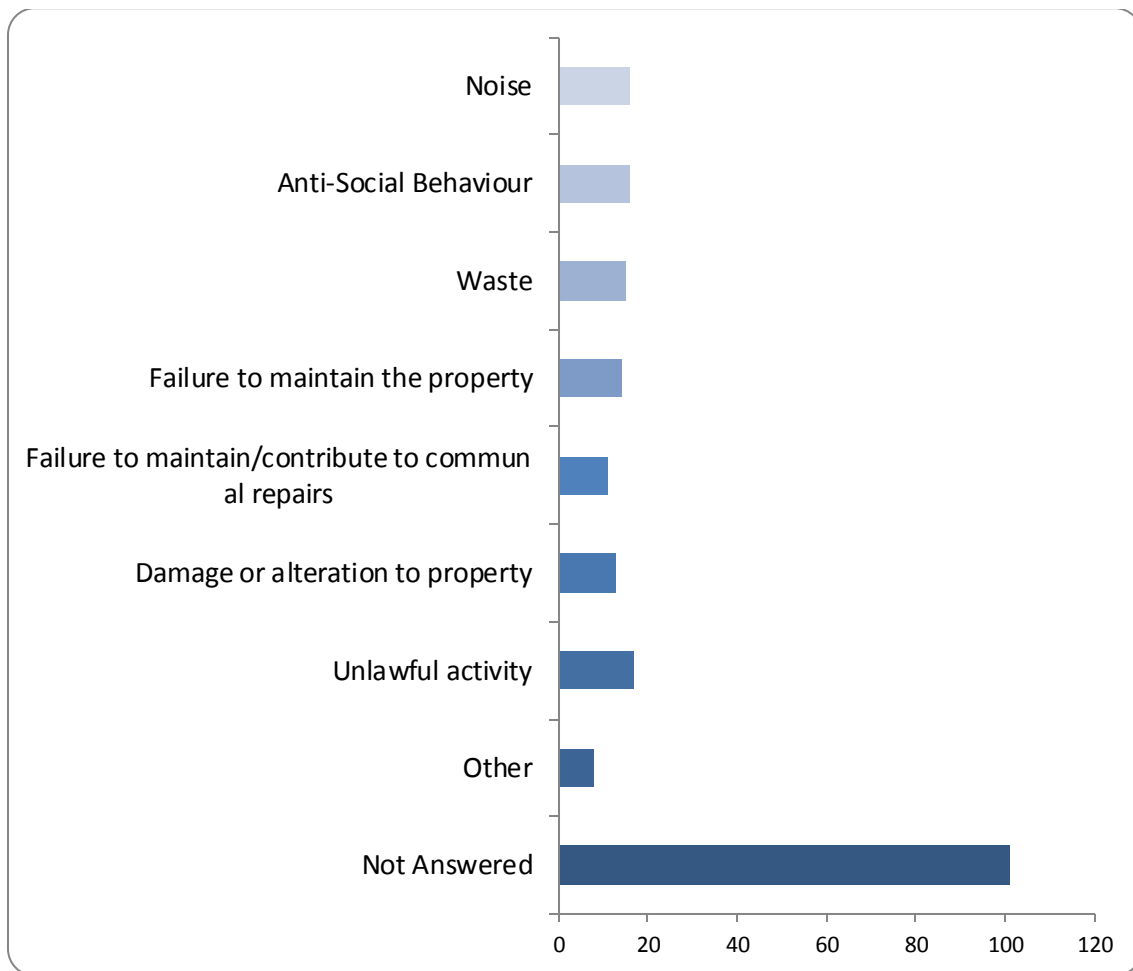


Option	Total	Percent
Yes	14	11.11%
No	24	19.05%
Not Answered	88	69.84%

12: What additional conditions should be attached to a temporary licence?

Additional conditions attached to temporary licence

There were 25 responses to this part of the question.



Option	Total	Percent
Noise	16	12.70%
Anti-Social Behaviour	16	12.70%
Waste	15	11.90%
Failure to maintain the property	14	11.11%
Failure to maintain/contribute to communal repairs	11	8.73%
Damage or alteration to property	13	10.32%
Unlawful activity	17	13.49%
Other	8	6.35%
Not Answered	101	80.16%

13: If you responded with 'Other', please provide further details.

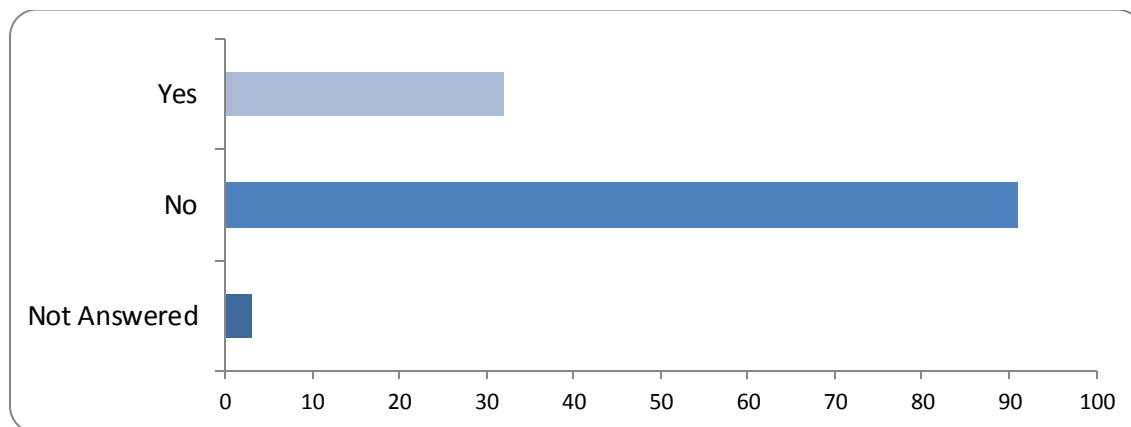
Please provide further details

There were 8 responses to this part of the question.

14: Should temporary exemptions be introduced?

Should temporary exemptions be introduced

There were 123 responses to this part of the question.



Option	Total	Percent
Yes	32	25.40%
No	91	72.22%
Not Answered	3	2.38%

15: What reasons do you think would justify an exemption?

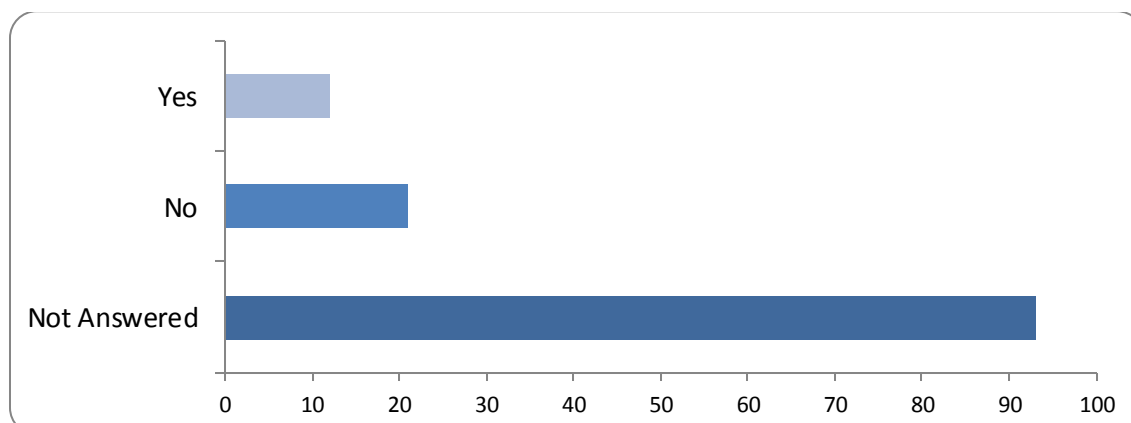
Please provide further details

There were 33 responses to this part of the question.

16: Should temporary exemptions have additional conditions?

Should temporary exemptions have additional conditions

There were 33 responses to this part of the question.

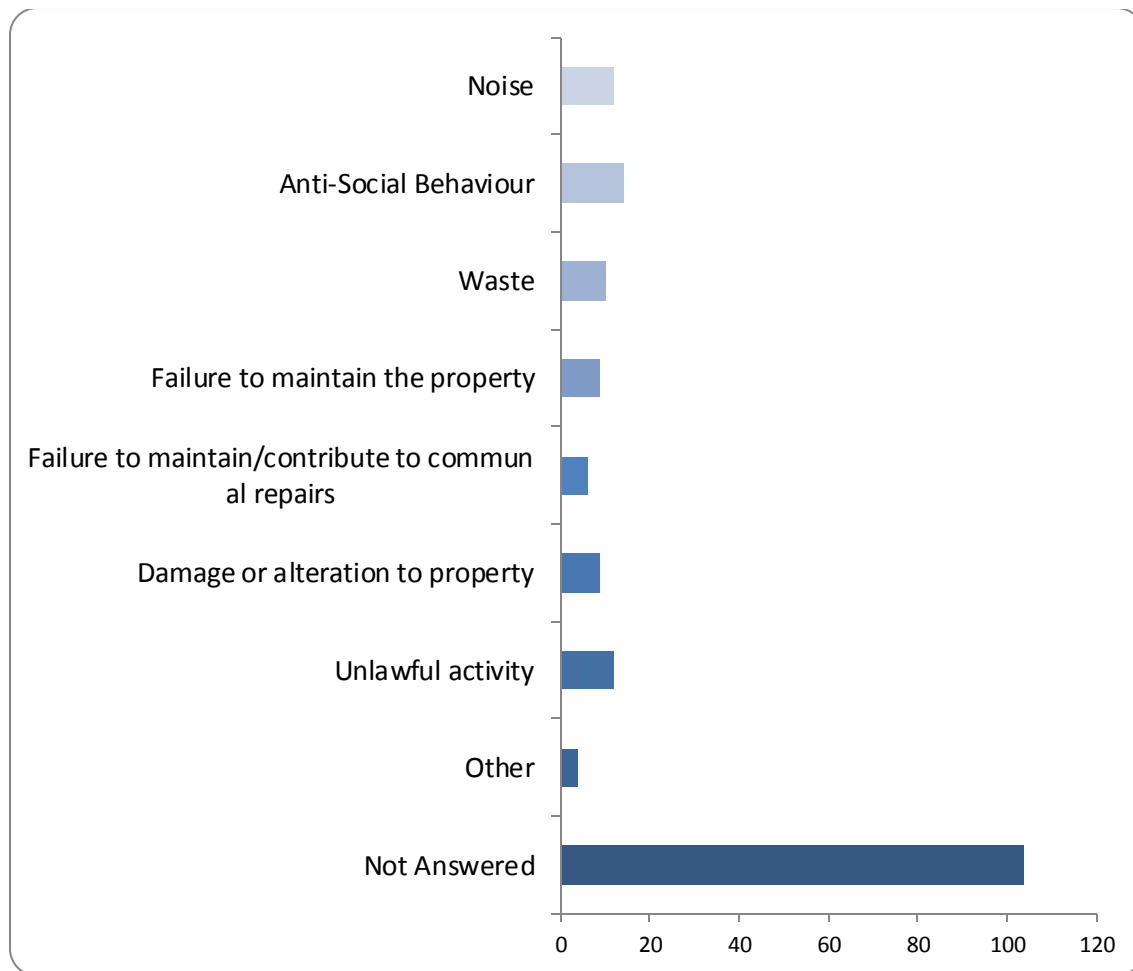


Option	Total	Percent
Yes	12	9.52%
No	21	16.67%
Not Answered	93	73.81%

17: What additional conditions should be attached to a temporary exemption?

Additional conditions attached to a temporary exemption

There were 22 responses to this part of the question.



Option	Total	Percent
Noise	12	9.52%
Anti-Social Behaviour	14	11.11%
Waste	10	7.94%
Failure to maintain the property	9	7.14%
Failure to maintain/contribute to communal repairs	6	4.76%
Damage or alteration to property	9	7.14%
Unlawful activity	12	9.52%
Other	4	3.17%
Not Answered	104	82.54%

18: If you responded with 'Other', please provide further details.

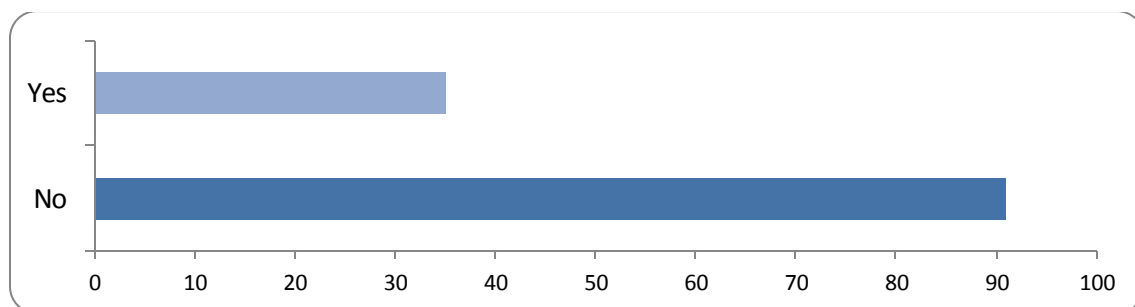
Please provide further details

There were 5 responses to this part of the question.

19: Do you agree with the proposed Licence Fee cost?

Do you agree with the proposed licence fee cost?

There were 126 responses to this part of the question.



Option	Total	Percent
Yes	35	27.78%
No	91	72.22%
Not Answered	0	0.00%

SERVICE UPDATE

<u>Name of Service:</u>	Early Intervention & Community Empowerment
<u>Date:</u>	16 June 2022
<u>Title of Update:</u>	Short Term Lets – New Licensing Powers
<u>Report Author:</u>	Ally Thain, Private Sector Housing Manager
<u>Contact Details:</u>	allyt@aberdeencity.gov.uk

UPDATE:

1.0 BACKGROUND

- 1.1 On 1 March 2022, the ‘Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022’ (the 2022 Order) was enacted to introduce new powers for local authorities to regulate short term lets through the introduction of a licensing scheme.

On 18 March 2022, the Scottish Government published the following guidance documents:

- Short term lets - licensing scheme part 1: guidance for hosts and operators [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/short-term-lets-licensing-scheme-part-1/guidance-for-hosts-and-operators/html/index.html)
- Short term lets – licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms [Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/short-term-lets-licensing-scheme-part-2-supplementary-guidance-for-licensing-authorities-letting-agencies-and-platforms/html/index.html)

- 1.2 It is unknown exactly how many short term lets are currently operating in Aberdeen city but from the limited evidence available the figures may be in the region of 700 – 1,000. Colleagues in the Council Tax team advise that there are currently 784 properties which are deemed as ‘second homes’.
- 1.3 The 2022 Order defines a ‘short term let’ as the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met—
- (a) the guest does not use the accommodation as their only or principal home,
 - (b) the short-term let is entered into for commercial consideration,
 - (c) the guest is not—
 - (i) an immediate family member of the host,

(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,

(d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household,

(e) the accommodation is not excluded accommodation (see schedule 1), and

(f) the short-term let does not constitute an excluded tenancy (see schedule 1),

1.4 There are 4 types of short term lets defined in the 2022 Order, all of which require a licence. These are:

'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.

'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.

'Home letting and home sharing' means a combination of the 2 definitions above.

In light of the amount of 'second homes' mentioned in para 1.2, it is like that 'Secondary Letting licences will form the majority of the workload.

1.5 The 2022 Order sets out a timetable for the implementation of the licensing scheme as follows

- 1 October 2022 – The deadline for local authorities to have a licensing scheme in place and ready to accept applications.
- After 1 October 2022 – New hosts and operators cannot operate until they have obtained a licence. Existing hosts and operators may continue to operate without a licence.
- 1 April 2023 – The deadline for existing hosts and operators to apply for a licence.
- 1 July 2024 – All hosts and operators will need to be licensed by this date.

- 1.6 Short Term Lets is similar to HMO licensing inasmuch as hosts and operators are subject to a 'fit & proper' test and the property to be licensed must be found suitable for occupation as a short term let. Consequently, the Short Term Lets licensing scheme will be operated by the Private Sector Housing Unit, Early Intervention & Community Empowerment.
- 1.7 The 2022 Order includes a provision for refusal to consider a short term let application where the licensing authority considers that use of the premises for a short-term let would constitute a breach of planning control. Preliminary discussions with the Council's Planning team indicate that in most cases, Planning Permission is not required. Further, there are no intentions to declare Aberdeen city or any part of it as a 'Short Term Lets Control Area'.
- 1.8 When submitting an application for a short term lets licence, the applicant must display a Notice in a public place outside the property to be licensed, alerting neighbours to the application and how they can submit written representations. Similar to HMO Licensing, it is envisaged that licensing staff will be given delegated powers to grant short term lets licences where there are no concerns about the applicants and the property to be licenced. Any application that causes concern or objections are received will be referred to the Licensing Committee for consideration and determination. It is perhaps likely that a large number of objections will be submitted by neighbours which will bring pressure to the business of the Committee.
- 1.9 The 2022 order makes provision for a fee to be charged for the submission of an application. Similar to HMO licensing, the fee must be designed to cover the Council's costs. Consequently, it is likely that the short term lets licensing fee structure will be similar to the HMO fee structure.
- 1.10 The 2022 Order gives local authorities the discretion to grant exemptions from the requirement to have a short term lets licence. Local authorities must carry out a public consultation on this and publish a policy statement before 1 October 2022.

The Scottish Government also expects local authorities to develop policies on:

- Licence duration and renewal
- Temporary licences
- Additional licence conditions
- Compliance and enforcement

2.0 NEXT STEPS

- 2.1 As mentioned in para 1.10 above, a public consultation is mandatory and we intend to launch such a consultation on 1 July 2022 and close it on 31 July 2022. The results will be analysed thereafter with a view to preparing a draft short term lets policy for consideration by the Licensing Committee at its meeting on 6 September 2022.

