



## Licensing Policy Statement

### The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the 2022 Order”)

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## **1. Policy – Comment and Review**

- 1.1. Consultation on this document took place between 8<sup>th</sup> August 2022 and 21<sup>st</sup> August 2022. This Policy Statement was published on \*\*\*\* 2022. The Policy will be reviewed every three years and revised, if appropriate, by Supplementary Policy Statements. The Policy will be applied unless or until so revised. It may also be subject to legislative change.
- 1.2. Angus Council adopted the Policy at the meeting of the Civic Licensing Committee on \*\*\*\*\*
- 1.3. Any comments you may wish to make on the Policy can be submitted by e-mail to [LAWLicensing@angus.gov.uk](mailto:LAWLicensing@angus.gov.uk)
- 1.4. Copies of this Policy Statement will be available for public inspection, during normal office hours, with prior notice given, free of charge at Angus House, Orchardbank Business Park, Forfar, DD8 1AN.
- 1.5. Copies of this Policy Statement will also be available in pdf format on Angus Council's website.
- 1.6. Any personal information collected will be held in accordance with the requirements of data protection legislation. There is a detailed Privacy Notice which provides further information about how information you provide in response to this consultation will be handled on our website.

## **2. Overview**

- 2.1. The 2022 Order was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022.
- 2.2. Section 44 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") permits Scottish Ministers to designate an activity as an activity for which a licence shall be required. The effect of the Order is that from 1 October 2022, the use of accommodation for a Short-term Let is an activity for which a licence is required under the 1982 Act.
- 2.3. 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.

### **3. Introduction**

- 3.1 The main administrative centre for Angus Council is based at Angus House, Orchardbank Business Park, Forfar, DD8 1AN. Angus shares its borders with the City of Dundee, Perth and Kinross and Aberdeenshire Councils and covers around 2182 square kilometres benefitting from 93km of coastline. Around 116,000 people live within the area which is set on the east coast of Scotland. The seven main towns in Angus are Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose.
- 3.2. This Policy Statement sets out the Council's guidance, application procedure and the terms and conditions relating to the regulation of Short-term Lets.
- 3.3. It is up to each local authority to decide on a discretionary, property by property basis, whether the use of a property for Short-term letting is a material change of use that requires planning permission. The Town and Country Planning (Scotland) Act 1997 (as amended) allows local authorities to designate all or part of their area as a "Short-term Let control area" within which the use of a property for Short-term Let will require planning permission. See Section 7.
- 3.4. Any application for the grant or renewal of a Short-term Let licence will be considered against the following:
- the Scottish Government Licensing Aims (above)
  - any Objections or Representations
  - any Scottish Government Guidance
  - any other relevant considerations

In addition, in exercising their functions in relation to the licensing of Short-term Lets, the Council should have regard to this Policy Statement or revised statement. The Council will not follow this policy inflexibly but will take into consideration all relevant factors when determining applications. Each Application for a licence will be determined on its own individual merits.

### **4. Implementation of the new law in Angus**

- 4.1. In Angus, the new system will be implemented as follows:
- 1 March 2022 – the Short-term Lets Licensing Order came into force in Scotland.
  - 1 October 2022 – Licensing regime can start accepting applications from hosts. Existing hosts (a host or operator who has used their premises to provide Short-term Lets before 1 October 2022 and who will apply for a licence to continue the same use) can operate

without a licence but must comply with existing laws and regulations. Existing hosts should use this time to make an application. New hosts (a person or company that has not operated Short-term Lets at the premises they are applying for a licence for, before 1 October 2022) must not operate without a licence.

- 1 April 2023 – New hosts must not operate without a licence. Existing hosts can operate without a licence but only if they have submitted an application and it has not been determined.
- 1 July 2024 – All hosts must have a licence.

4.2. It may be a criminal offence to operate without a licence. Section 7 of the 1982 Act sets out offences.

## 5. When is a licence required?

5.1 There are four types of licence for Short-term Let accommodation. A licence granted must be for either:

- (a) **secondary letting** which means the letting of property where you do not normally live;
- (b) **home letting** which means using all or part of your own home for Short-term Lets whilst you are absent;
- (c) **home sharing** which means using all or part of your own home for Short-term Lets whilst you are there and
- (d) **home letting and home sharing** which means you operate Short-term Lets from your own home while you are living there and also for periods when you are absent.

5.2 The definition of a Short-term let is contained, primarily, in regulation 3 of the 2022 Order. The 2022 Order defines a Short-term Let as follows: "**short-term let**" means 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

- (iii) 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 section 6**),
- (f) the short-term let does not constitute an excluded tenancy (**see section 6**).

For the purposes of the definition detailed above, the 2022 Order provides that a person ("A") is an immediate family member of another person ("B") if A is—

- (a) in a qualifying relationship with B
- (b) a qualifying relative of B,
- (c) a qualifying relative of a person who is in a qualifying relationship with B,
- (d) in a qualifying relationship with a qualifying relative of B.

Two people are in a qualifying relationship with one another if they are—

- (i) married to each other,
- (ii) in a civil partnership with each other, or
- (iii) living together as though they were married,

A qualifying relative means a parent, grandparent, child, grandchild or sibling. Two people are to be regarded as siblings if they have at least one parent in common. A person's stepchild is to be regarded as the person's child. A person ("C") is to be regarded as the child of another person ("D"), if C is being or has been treated by D as D's child

## **6. Exclusions – Accommodation which is, or is part of:**

- 6.1. (a) an aparthotel,
- (b) premises in respect of which a premises licence within the meaning of [section 17](#) of the [Licensing \(Scotland\) Act 2005](#) has effect and where the provision of accommodation is an activity listed in the operating plan as defined in [section 20\(4\)](#) of that Act,
- (c) a hotel which has planning permission granted for use as a hotel,

- (d) a hostel,
- (e) residential accommodation where personal care is provided to residents,
- (f) a hospital or nursing home,
- (g) a residential school, college or training centre,
- (h) secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks),
- (i) a refuge,
- (j) student accommodation,
- (k) accommodation which otherwise requires a licence for use for hire for overnight stays,
- (l) accommodation which is provided by the guest,
- (m) accommodation which is capable, without modification, of transporting guests to another location,
- (n) a bothy, or
- (o) accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties.

## 6.2 Excluded Tenancies

An excluded tenancy means a tenancy which is, or is part of:

- (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 "the 1988 Act")
- (c) a short-assured tenancy (within the meaning of section 32 of the 1988 Act),
- (d) a tenancy of a croft (within the meaning of section 3 the Crofters (Scotland) Act 1993 Act "the 1993 Act"),

- (e) a tenancy of a holding situated outwith the crofting counties (within the meaning of section 61 of the 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 “the 2001 Act”)
- (g) a short Scottish secure tenancy (within the meaning of section 34 of the 2001 Act),
- (h) a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003 “the 2003 Act”),
- (i) a limited duration tenancy (within the meaning of section 93 of the 2003 Act),
- (j) a modern limited duration tenancy (within the meaning of section 5A of the 2003 Act),
- (k) a short limited duration tenancy (within the meaning of section 4 of the 2003 Act),
- (l) a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (as described in section 3 of the 2003 Act),
- (m) a private residential tenancy (within the meaning of section 1 of the Private Residential (Tenancies)(Scotland) Act 2016), or
- (n) a student residential tenancy.

6.3. For more information on exclusions and excluded tenancies, please refer to Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.

## **7. Planning permission and Short-term Let control areas**

See Scottish Government Guidance:

[Planning Guidance for Hosts and Operators](#)

7.1. Under the 1982 Act, a preliminary ground for refusing to consider a Short-term Let licence is that the use of the premises as a Short-term Let would constitute a breach of planning control under the [Town and Country Planning \(Scotland\) Act 1997](#) by virtue of section 123 (1)(a) or (b) of that Act. More information can be found in 2A of Schedule 1 of the 1982 Act. Your licence application will require you to provide evidence that you either:

- have planning permission or
- have a certificate of lawfulness for existing use confirming you do not need planning permission

You may need planning permission to change a residential property's use to short term commercial visitor accommodation.

For information, the following will be taken into consideration when making a decision on planning permission:

- character of the new use and of the wider area
- property size
- reliance on mutual or shared areas such as communal accesses, stairwells, gardens, or parking
- pattern of activity associated with the use including numbers of occupants, period of use, noise, disturbance and parking demand
- nature and character of any services provided

Obtaining planning permission or a certificate of lawfulness for existing use can take some time. We'd encourage you to apply at least four months in advance of your licence application.

Short-term Let Control Areas

- 7.2. Under the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 the Planning Authority can introduce Short-term Let Control Zones which would require any change of use for a premises to obtain planning permission. In addition, Short-term Let Control Areas would require all Short-term Let licence applications, for any of the four types of licences, to have planning permission (where required) before applying for a licence. At present there are no Short-term Let Control Areas in place in the Angus local authority area. Applicants should note, however, that this could change in the future. The potential introduction of any Short-term Let Control Area(s) is separate to the duty of the Licensing Authority to require premises to apply for Short-term Let licenses.

## **8. Temporary Licence**

- 8.1. A temporary licence may be granted for a duration of up to six weeks. (Paragraph 7 Schedule 1 to the 1982 Act). A temporary licence will last until the full licence application is finally determined. (This includes an appeal.)
- 8.2. A temporary licence number will be given and all mandatory conditions attached to the licence must be complied with.
- 8.3. The Council must consult the Chief Constable and, when applicable, Scottish Fire and Rescue in respect of an application for a temporary licence.



- 8.4. You may wish to use a temporary licence for the following: -
- before deciding whether or not you wish to do run as short term let permanently, requiring a full licence application;
  - to use whilst your application for a full licence is being determined.
- 8.5. The application form for a Temporary Licence will be the same as for a full licence application and will only be granted in exceptional circumstances.

## 9. Temporary Exemptions

- 9.1. A temporary exemption to the requirement to have a licence may be granted for a period of up to 6 weeks in any period of 12 months.
- 9.2. As specified above, one of the main aims of the legislation is safety. **Therefore, the Committee may agree that on this basis, no temporary exemptions should be granted.** This would mean that where a person is using their premises as a Short-term Let, at any time throughout the year, a licence would be required.
- 9.3. The Licensing Authority may, however, grant temporary exemptions for international/national events within Angus. The Licensing Authority is aware of the statutory requirement to keep its temporary exemption policy under review and to publish it every three years.

## 10. Making an application for a Licence

- 10.1. See **Appendix B “Application Procedure and List of Application Consultees”** for matters which Applicants must complete when applying for a Short-term Lets licence.
- 10.2. The Application can be applied and paid for online, giving the information and plans described in **Appendix C “Required Information”**.
- 10.3. The Council will consult third parties on the Application.
- 10.4. Applications for the grant or renewal of Short-term Lets licences will be dealt with, mainly, under delegated powers by licensing staff unless objections or representations are received or there is another need for referral to the Civic Licensing Committee.
- 10.5. If objections or representations are received, the applicant and objector will be invited to attend the Civic Licensing Committee. Members of the Civic Licensing Committee will decide whether to grant the application.

- 10.6. The Licensing Team will not accept an application until all required information is provided. There being no planning issues, the Council must reach a decision on the Application within 12 months of the date the Application was made (when all information and payment has been received by the Council).
- 10.7. In deciding whether or not to grant or renew a licence each application will be considered on its own merits, taking into account the following:
- any objections or representations
  - this Licensing Policy Statement
  - Scottish Government Guidance
  - Any other relevant considerations
- 10.8. Any licence will be granted subject to Conditions. Mandatory Conditions must be attached to all licences. **The Council may deem it appropriate to add Additional Licence Conditions in certain circumstances (see Appendix G – “Additional Licence Conditions”).**
- 10.9. **Licences will generally be issued for 3 years but can be for a shorter period if the Council deems this appropriate. The Licence will state the Expiry Date and Licence Number.**

## **11. Renewal of Licences**

- 11.1. It is important that the Licence Holder applies for their renewal before the Licence expires. The Licence continues to have effect until a final decision on the Application is taken by the Council.
- 11.2. If the Expiry Date passes and the Licence Holder then applies for a Licence, this will be treated as a new Application (as opposed to an Application for the renewal of an existing Licence) and it could be a criminal offence to continue to let the property without a licence being in place.
- 11.3. The procedures for a Renewal Application are the same as those for a grant of a new Licence. The Licence is not guaranteed to be renewed – the Local Authority is not obliged to grant a renewal. The Council will take into account the operation of the Short-term Let during the period of the Licence, and any allegations of offences and/or breaches of Licence Conditions.
- 11.4. In common with the application stage, a Public Notice of Application will be required to be displayed when a renewal application is submitted.

## **12. Variation, Suspension and Revocation of a Licence**

- 12.1. Under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Council may suspend or revoke a Licence under this

Schedule if: -

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

12.2 Applications for suspension or revocation will, generally, be heard by the Civic Licensing Committee. In cases of urgency, authority has been delegated to the Director of Legal and Democratic Services in consultation with the Convener and Vice Convener of the Civic Licensing Committee, to order immediate suspension or give notice of variation of a licence in terms of Schedule 1 of the Civic Government (Scotland Act 1982).

12.3. If the Council revokes a licence, no further application can be made by that host or operator in respect of that premises within one year of the date of revocation unless there has been a material change of circumstance.

12.4. Suspension of a licence can be for the duration of the licence or shorter period as determined by the Licensing Committee.

12.5. Under Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982, 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 or of their own initiative. This could include adding further conditions to the licence.

### **13. Appeals**

13.1 A permitted person may ask the licensing authority to give reasons for their decision. The person may appeal to the Sheriff against the decision. An appeal must be made by Summary Application within 28 days from the date the decision was made. A Sheriff can extend that time period on "good cause shown". The Sheriff may uphold an appeal only if they consider that the licensing authority in arriving at their decision

- (a) erred in law;
- (b) based their decision on incorrect material fact;
- (c) acted contrary to natural justice;
- (d) exercised their discretion in an unreasonable manner.

For more information, see paragraph 18 of Schedule 1 to the Civic Government (Scotland) Act 1982.

## 14. Compliance and Enforcement

- 14.1. Complaints about hosts and operators will be considered under powers in the 1982 Act (Schedule 1 Paragraphs 11 and 12). Anyone can make a complaint to the licensing authority about a Short-term Let. Complaints from guests **must** be directed to the host prior to making contact with the Council. Complaints can be made either by email to [LAWLicensing@angus.gov.uk](mailto:LAWLicensing@angus.gov.uk), or by post to Angus Council, Licensing Department, Angus House, Orchardbank Business Park, Forfar, Angus, DD8 1AN.
- 14.2 Once a complaint is received it is sent to the Civic Licensing Officer for investigation. The complaint must be acknowledged within 5 working days and a response must be issued within 20 working days. Complainants will be kept up to date with the progress of their complaint and a record will be kept of any complaint received, along with the outcome.
- 14.3 The Civic Licensing Officer can only investigate complaints falling within their remit under the 1982 Act. The Civic Licensing Officer has no statutory power to investigate areas which fall under separate Acts of Parliament. Engagement will be used by the Civic Licensing Officer to try to resolve any disputes in the first instance.
- 14.4 A valid complaint will be thoroughly investigated but complaints which are frivolous or vexatious or which have already been investigated and found to be unjustified will not be. The Civic Licensing Officer can only investigate any breach of licence conditions. Operating without a licence should be referred to Police Scotland.
- 14.5 A register of complaints will be kept so that an accurate picture for each complaint received is maintained. Records will be kept stating what the complaint is about along with the outcome.
- 14.6 It may be considered that additional licence conditions are required. **The Director of Legal and Democratic Services has delegated power from the Civic Licensing Committee to serve enforcement notice(s) if a licence condition has, or is likely, to be breached.** The notice(s) must

set out the matters which constitute the breach, or likely breach, and the action required to rectify or prevent the breach, along with the date by which the action must be taken. If action has not been addressed within the timescales, a review report would be placed before the Civic Licensing Committee. At a hearing the Civic Licensing Committee will consider whether it is necessary to vary, suspend or revoke the licence. If the complaint has been determined as being frivolous or vexatious, it relates to a matter which has already been investigated and the complaint was unjustified, action has already been taken or is in progress or the complaint is outwith the scope of the licensing scheme, then no action would be taken.

- 14.7 It is an offence to run a short term let without a licence you may be prosecuted.

## Appendices

### Appendix A – List of Policy Consultees

In addition to a draft of this document being placed on a public website, notice of the consultation leading to the adoption of this Short-term Lets Policy Statement was sent to:

All Community Councils within Angus Council

Angus Council – Equalities Officer

Angus Council - Planning and Sustainable Growth Service

Angus Council - Environmental Services

Angus Council - Environmental Health Service

Angus Council – Housing Department

Angus Council – Community Safety (**Community Investigations and Resolutions Team**)

Police Scotland Tayside Division

Scottish Fire & Rescue Service

## **Appendix B – Application Procedure and List of Application Consultees**

1. Applicants must consider the following when making an application for a Short-term Let licence.

### **1.1 Before lodging the Application**

1.1.1. Check whether you need planning permission to use your property to provide Short-term Lets (see planning guidance). The Council can refuse to consider an application if planning permission is required, and no permission has been sought.

1.1.2. 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 Angus); and
- the suitability of the premises.

### **1.2 When making the Application**

(a) The Application must be in writing and must contain the information set out in Appendix C (Required Information). It can be submitted and paid for online at XXXXXXXX **or sent to the Licensing Team, Angus Council, Angus House, Forfar, DD8 1AN.**

(b) The Application should be accompanied by the prescribed fee. The Council is permitted to set reasonable fees. The total amount of fees received by the Council must be sufficient to meet the expenses of the Council in exercising their functions. The fee will be reviewed annually in line with a review of licencing 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.

(a) Where an application is for the grant or renewal of a Short-term let Licence, the applicant shall, for a period of 21 days beginning with the date on which the application was submitted to the council, display a notice complying below at or near the premises so that it can conveniently be read by the public. (Paragraph 2 of Schedule 1 to the 1982 Act).

### 1.3 Notice of Application

1.3.1. If displayed at or near the proposed Short-term let the Notice must be:

- printed legibly or typed in black ink
- in a font size of 16 points or larger
- arranged so as to ensure that it remains legible throughout the public notice period (for example, laminated or attached to the inside of a clear window facing out)
- be visible to the public for example if your Short-term Let is within a block of flats then the notice should be displayed outside the building and not within the building.

1.3.2. Template Site Notice.

**The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets)  
Order 2022 – new application/renewal**

[Applicant's Name] and [Applicant's Address with post code] has applied to Angus Council for a Short-term Lets licence for the premises [Premises]

- Grant of a Licence
- Renewal of a Licence
- Type of Licence [delete as appropriate]
- Day-to-day manager/agent details (if different from applicant)

On [date of lodging]

Last date for objections/representations which must be in writing specifying the grounds of the objection or, as the case may be, the nature of the representation; and

- set out the name and address of the person making it;
- must be signed by the person, or on their behalf; and
- be made within 28 days of public notice of the application being given.

Copies of any objections/representations will be given to the applicant. If an objection/representation is made to Angus Council after this date but before a final decision is taken on the application, then the Committee may consider the late representation if it is satisfied that it was reasonable for the representation to have been made after the deadline.

Objections/Representations should be sent to:



[LAWlicensing@angus.gov.uk](mailto:LAWlicensing@angus.gov.uk) or in writing to Licensing Team, Angus Council, Angus House, Forfar, DD8 1AN

Date application lodged / public notice given:

This notice must be displayed on or near the Short-term Let property in a position where it can be easily read by the public.

This notice must be displayed for a period of 21 days from the date the application was lodged with the Licensing Authority.

After the notice has been displayed for 21 days, a Certificate of Compliance must be completed and returned to the Licensing Authority at the address above.

#### **1.4 After making the Application**

1.4.1. The applicant must, as soon as possible after the expiry of the period of 21 days for display of the "Notice of Application", provide the Council with a "Certificate of Compliance" stating that he/she has complied with the requirements to display the "Notice of Application". Part 1 of the Scottish Government Guidance provides a Template Certificate of Compliance.

#### **1.5 Objections/Representations**

1.5.1. An Objection or Representation can only be accepted if it is received by the licensing authority within 28 days of the date of public notice.

1.5.2. Anyone wishing to state an Objection or Representation about this proposal must do so within 28 days of public notice of the application being given: -

- in signed writing by letter or e-mail;
- specifying the grounds of objection or as the case may be, the nature of the representation;
- specifying the name and address of the person making it;
- is signed by the objector, or on their behalf.

1.5.3. The Applicant is entitled to fair notice of any Objection/Representation.

1.5.4. It is not possible to raise issues with the Civic Licensing Committee which relate to legislation other than the Civic Government (Scotland) Act 1982. For example, issues regarding parking and planning permission, the Civic Licensing Committee cannot deal with these. However, the Civic Licensing Committee may accept that the issues raised are also relevant to the statutory Grounds for Refusal.

1.5.5. The Council will provide the Applicant with copies of any Objections or Representations, redacted as appropriate.

1.5.6. The person objecting or providing a representation will be invited to the meeting of the Civic Licensing Committee which decides the Application. The Applicant will also be invited to attend on notice of 14 days.

1.5.8. 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. Members of the Civic Licensing Committee will decide whether to allow a late objection or note.

## **1.6 Procedure in the Council**

1.6.1. The Council will send a copy of the application to seek their views to: -

- the Chief Constable,
- the Scottish Fire and Rescue Service,
- Angus Council's Environmental and Consumer Protection Service,
- Angus Council's Planning and Sustainable Growth Service
- Angus Council Community Safety or
- such other appropriate enforcing authority i.e. Cairngorms National Park Authority

## **Appendix C – Required Information**

Anyone applying for the grant or renewal of a Short-term Lets Licence should make a written Application to the Council, setting out:

## 1. **Particulars of Applicant**

The full name, address, date of birth and place of birth of both:-

- the owner of the short-term let
- the day-to-day Manager

Where the owner is a partnership or company: -

- the full name of the partnership or company
- the address of its registered or principal office
- the full names, private addresses, dates of birth and places of birth of all the people involved in the management or control of the partnership or company
- the full name, private address, and date and place of birth of the day to day Manager

In relation to all of these people (the owner, day to day manager and any other persons) there should be statements subject to the Rehabilitation of Offenders Act 1974 (as amended by the Management of Offenders (Scotland) Act 2019), of any unspent convictions or alternatives to prosecution relating to that person.

## 2. **Layout Plan**

The Application should include a Layout Plan **at scale 1:100 (or more detailed)**. **This should include a legend explaining the scale used and the symbols used.**

The Layout Plan should describe the Premises, including:

- (a) the location and width of any escape routes from the Premises;
- (b) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;
- (c) the location of any steps, stairs, elevators or lifts on the Premises;
- (d) the layout of rooms;
- (e) the position of any ramps, lifts or other facilities for the benefit of disabled people.

## 3. **Premises etc.**

The Application must state in writing:

- (a) the address of the Short-term let;
- (b) the type(s) of Short-term let proposed;
- (c) whether the property is within a National Park;
- (d) Occupant capacity of the premises;

## 4. **Planning Permission**

The Applicant should give the Licensing Department a copy of the

Decision Notices or other documentation issued by the Planning Department that the proposal to use the Premises as a Short-term let is consistent with Planning Permission.

#### **Appendix D – Grounds of Refusal**

- 1.1. These grounds are detailed in Paragraph 4 and 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.
- 1.2. Conditions must not impose any limit on the number of nights for which

premises may be used for secondary letting.

- 1.3 In summary, an Application for the grant or renewal of a Licence can be refused if one or more of the grounds specified in Paragraph 5 of Schedule 1 apply. These are:

“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 of 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 the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may 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, and
- (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 paragraph 1(2)(da), or (db) (the consent of the owners of the premises), or

(d) there is other good reason for refusing the application;”

## Appendix E – Application Form



Comhairle Aonghais

### APPLICATION FOR GRANT/RENEWAL OF SHORT TERM LET LICENCE (including Temporary licences)

GRANT  RENEWAL  TEMPORARY

Please read the Policy Statement carefully before applying for a Licence.

<i>For Official Use</i>	
STL Licence Number:	
Type of STL:	
Date Received:	
Date Paid:	
Receipt No:	

**Where there is insufficient space to add the requested details please attach a separate sheet**

<b>1. To be completed if an INDIVIDUAL:</b>	
<b>A. Main Applicant</b>	
Full Name (inc maiden name)	
Home Address (last 5 years)	Postcode
Telephone Number	
Mobile Number	
Email Address	
Date of Birth	
Place of Birth	
Do you own the property?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If not, please provide name(s) and address(es) of the owner(s) and produce a declaration that consent of the owner has been secured	
<b>B. Joint Owner</b>	Is there a Joint Owner Yes <input type="checkbox"/> No <input type="checkbox"/>
Full Name of Joint Owner (inc maiden name)	
Home Address	Postcode

Telephone Number	
Email Address	
Date of Birth	
Place of Birth	
Are further persons to be added	Yes <input type="checkbox"/> No <input type="checkbox"/> If <b>YES</b> attach a separate sheet
<b>2. To be completed if NOT A NATURAL PERSON</b>	
Full Name	
Address of Registered or Principal Office	
Names, private addresses, dates and places of birth of directors, partners or other persons responsible for its management (continue on a separate sheet if necessary)	
<b>Day to Day Management: This person's name will appear on the Short-term let Licence as the nominated person for the company. Should this person leave the company a variation form will require to be submitted along with the appropriate fee.</b>	
Is applicant to carry out day to day management	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes – Go to question 3 No – Complete section below
<b>Individual's Details (Day to Day Management)</b>	
Full Name (inc maiden name)	
Address (last 5 years)	
	Postcode
Business Hours Telephone Number	
Mobile Number	
Email Address	
Date of Birth	
Place of Birth	
<b>3. Property Details:</b>	
Name of Premises (for which a licence is required)	

Address	
	Postcode
Please state which council ward the property is within (see guidance notes) <a href="#">Find your council ward   Angus Council</a>	Kirriemuir and Dean <input type="checkbox"/> Carnoustie and District <input type="checkbox"/> Forfar and District <input type="checkbox"/> Brechin and Edzell <input type="checkbox"/> Arbroath East and Lunan <input type="checkbox"/> Montrose and District <input type="checkbox"/> Monifieth and Sidlaw <input type="checkbox"/> Arbroath West, Letham and Friockheim <input type="checkbox"/>
Flat number, and/or location, if applicable	
Is the Premises located within a National Park	Yes <input type="checkbox"/> No <input type="checkbox"/>
Specify the number of storeys in your premises	
Is anyone in Section 1 to reside in the property whilst it is let	Yes <input type="checkbox"/> No <input type="checkbox"/>
Maximum occupant capacity of your premises	
Total number of bedrooms	
Number of single occupancy bedrooms	
Number of double occupancy bedrooms	
Give details of the use of each room other than bedrooms (continue on a separate sheet if necessary)	
Do you have relevant Planning Permission, Building Consent/Warrant in place? (see guidance notes)	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required <input type="checkbox"/>
Is the property on a private water supply?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>4. Details of Short-term let</b>	
	<input type="checkbox"/> Secondary Letting <input type="checkbox"/> Home sharing <input type="checkbox"/> Home letting <input type="checkbox"/> Home sharing and Home letting
<b>5. Details of Premises</b>	



Type of Property	<input type="checkbox"/> Detached house <input type="checkbox"/> Semi-detached house <input type="checkbox"/> Terrace house <input type="checkbox"/> Bed and Breakfast <input type="checkbox"/> Flat – residential block <input type="checkbox"/> Flat – mixed use block <input type="checkbox"/> Unconventional dwelling e.g., tents, yurts, Shepherd huts <input type="checkbox"/> Bed and Breakfast  <input type="checkbox"/> Pods  <input type="checkbox"/> Chalets
------------------	--

**6. Previous Licence Applications:**

Do you currently hold a Short-term let Licence anywhere else in Scotland?	Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide details:
---	---

<p><b>Renewal Applications</b></p> <p>Have there been any changes made to the property since the last application?</p>	
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**7. Details of Convictions and Offences**

State below particulars of any convictions or offences against the applicant or any person(s) named in questions 1 and 2. Please note that these convictions and any future convictions may be referred to the Civic Licensing Committee and may be dealt with in public. Convictions which are spent under the Rehabilitation of Offenders Act 1974 do not have to be included but may also, in certain circumstances, be referred to by the Committee

Name	Date	Court	Crime/Offence	Sentence

**Public Notice Declaration – delete (A) or (B) as appropriate**

Where declaration (a) is made there must be produced as soon as possible after the expiry of the 21-day period a Certificate of Compliance in accordance with paragraph 2(2) of the said Schedule 1.

(a) I/We declare that in accordance with paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982, I/we shall, for a period of 21 days commencing with the date on which this application was submitted to the Council, display at or near the premises so that it can conveniently be read by the public a notice complying with the requirements of paragraph 2(3) of the said Schedule.

OR

(b) I/We declare that I/we are unable to display a notice of this application at or near the premises because I/we have no rights of access or other rights enabling me/us to do so, but that I/we have taken the following steps to acquire the necessary rights, namely:- (here specify the steps taken).

.....  
 .....

The information you have provided on this Application form, and from supporting documentary evidence – where applicable, will be processed by Angus Council (the “data controller”) for the purposes of the General Data Protection Regulation and the Data Protection Act 2018 (UK GDPR) in order to process your Licensing Application.

For the purpose of dealing with your application, we will share your information in accordance with the Civic Government (Scotland) Act 1982, other licensing legislation and with relevant internal services of Angus Council. The Council may also check information provided by you, or information about you provided by a third party such as NHS Tayside, Scottish Fire and Rescue Service, Scottish Ambulance Service and Police Scotland with other information held by us. We may also get information from those third parties or share your information with them in order to check its accuracy, prevent or detect crime, protect public funds or where required by law.

Please note that you should read this service specific Privacy Notice in conjunction with the council's Full Privacy Statement which is accessible on the council's website at: [https://www.angus.gov.uk/council\\_and\\_democracy/council\\_information/information\\_governance/angus\\_council\\_full\\_privacy](https://www.angus.gov.uk/council_and_democracy/council_information/information_governance/angus_council_full_privacy).

Data Protection Act 2018 The information on this form may be held on an Electronic Register which

may be available to members of the public on request.

I declare that the particulars given by me on this form are true. I consent to the sharing of my personal information for the purposes set out above.

Signature of Applicant (or agent)  Date

Name (BLOCK CAPITALS)

<u>The following documents should be submitted with this application and the originals should be available at the time of any inspection: -</u>	VIEWED		Expiry Date
	Y	N	
• Certificate of Compliance			
• <b>Set of electronic plans (PDF format)</b>			
• Copy of Energy Performance Certificate			
• Copy of certificate of Public Liability Insurance			
• Copy of certificate of Buildings Insurance			
• Copy of Gas Safety Certificate/Report			
• Copy of Fire Risk Assessment			
• Scottish Fire and Rescue checklist			
• I have installed smoke detection ( <b>wired in</b> )			
• I have installed equipment for detecting, and for giving warning of, carbon monoxide in a concentration that is hazardous to health			
• <b>Copy of Emergency Plan</b>			
• Copy of current Electrical Installation Condition Report (EICR)			
• <b>Copy of current Portable Appliance Test Certificate</b>			
• <b>Copy of Legionella Risk Assessment</b>			
• Copy of Guests Information Sheet			
• Copy of Planning Permission or Certificate of Lawfulness			
• <b>Copy of Chimney/Flue Annual Cleaning Certificate</b>			
• Copy of the most recent Private Water supply sample results			
• Copy declaration of consent signed by owner/authorised person			

## **Appendix F – Mandatory Licence Conditions**

Mandatory conditions will be applied to all types of Short-term Let licences. In addition, the Council can apply its own additional conditions to licences granted on any particular licence – see Appendix G. The following are mandatory conditions and will apply to all licences issued: -

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short- term let of the premises.

### **Type of licence**

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

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988([1](#)).

### **Gas safety**

5. Where the premises has a gas supply –
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must 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.

## **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in –
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (a) 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.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

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

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

## **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

## **Safety & 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.

### **Maximum Occupancy**

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

### **Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
  - (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,
  - (c) details of how to summon the assistance of emergency services,
  - (d) a copy of the gas safety report,
  - (e) a copy of the Electrical Installation Condition Report, and
  - (f) a copy of the Portable Appliance Testing Report.

### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(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.

### **Listings**

14. 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).

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

- 15.** The holder of the licence must ensure that there is in place for the premises –
- (a) valid buildings insurance for the duration of the licence, and
  - (b) valid public liability insurance for the duration of each short-term let agreement.

### **Payment of fees**

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

### **False or misleading information**

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

### **Interpretation**

- 18.** In this schedule –

“Electrical Installation Condition Report” means a report containing the following information –

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

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

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

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and 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 input or, where necessary,
  - (iv) if it is not reasonably practicable to examine its combustion performance,
  - (v) 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([Z](#)),

“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.

## **Appendix G – Possible Additional Licence Conditions**

### **Status of Conditions**

All Short-term let licences are subject to mandatory conditions. In addition, the Council can apply additional conditions. Additional conditions will be added on a case-by-case basis, as necessary, if issues arise that require to be resolved. They may also be added in response to local challenges and concerns specific to certain models of short-term letting. **Some examples from Scottish Government Guidance and from Angus Council of additional conditions are as follows:**

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 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.

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.

11. Amplified music shall not be played in the garden area or in any part of the property such that it can be heard in the garden area at any time.

12. The external garden area including any facilities located in the garden such as hot tubs, swimming pools, bars or barbeques shall not be used after 2100hrs.