

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 29 SEPTEMBER 2022

SHORT-TERM LETS LICENSING REGIME

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this Report is to determine the details of the Temporary Licence and Temporary Exemption policies and finalise the Short-term Lets Policy Statement and Application Form.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) having decided at the meeting of the Civic Licensing Committee of 15 September 2022 that there should be a Temporary Exemptions policy: -
  - (a) determine whether to restrict Temporary Exemption applications to periods when Angus receives a large number of visitors over a short time period, such as, for The Open Championship or accept Temporary Exemption applications at all times;
  - (b) determine to consult with Police Scotland and Scottish Fire and Rescue Service (and any other consultees that Members consider appropriate) regarding every Temporary Exemption application received by the licensing authority;
  - (c) delegate authority to the Director of Legal and Democratic Services to grant applications for Temporary Exemptions where no objections or representations have been received (or have been received then withdrawn) from consultees and thereafter to update the Council's Scheme of Governance in that regard;
  - (d) determine that the licensing authority will decide a Temporary Exemption application within 6 months of the application being submitted and complete plus payment of the fee being received.
- (ii) having decided at the meeting of the Civic Licensing Committee of 15 September 2022 there should be a Temporary Licence policy: -
  - (a) determine whether to restrict Temporary Licence applications, for example, to applicants who wish to try short-term letting for a short period before deciding whether or not to do so permanently or accept Temporary Licence applications at all times.
- (iii) note the terms of the Short-term Lets Policy Statement/Application Form attached as **Appendix 1** of the report amended as directed by the Civic Licensing Committee on 15 September 2022; and
- (iv) identify any further amendments that require to be made to the Policy and/or Application Form and thereafter agree the final version of the Short-term Lets Policy Statement and the Application Form.

## 2. LEGAL

2.1 [Report 5/22](#) considered by the Civic Licensing Committee on 13 January 2022 provided a general overview to Members of the new Short-term Lets Licensing regime which comes into force on 1<sup>st</sup> October 2022. [Report 322/22](#) was considered by the Civic Licensing Committee on 15 September 2022 and provided more specific detail regarding implementation of the regime in Angus.

2.2 The Scottish Government has provided guidance to licensing authorities which can be accessed below. Members are encouraged to read the guidance in detail.

[Part 2 - Guidance for licensing authorities, letting agencies and platforms](#)

Additional guidance has been provided for Hosts and Operators.

[Part 1 - Guidance for Hosts and Operators](#)

Lastly, guidance has been provided in relation to Planning.

[Planning Guidance for Hosts and Operators](#)

2.3 The writer of the report has amended the draft Short-term Lets Policy Statement and Application Form as directed by Members on 15 September 2022. These are attached at **APPENDIX 1** of the report. Additional details regarding Temporary Licences and Temporary Exemptions will be added to the Policy Statement after this report has been fully considered. A Temporary Exemption application form will be made available to members of the public.

2.4 Members are reminded that the aims of the new scheme are:

- to ensure all Short-term Lets are safe;
- to facilitate licensing authorities in knowing and understanding what is happening in their area; and
- to assist with handling complaints and address issues faced by neighbours effectively.

### 2.5 Temporary Exemptions

Members have determined to offer temporary exemptions to the requirement to have a Short-term Let licence. Temporary exemptions can be considered for a specified property for a specified single continuous period not exceeding 6-weeks in any period of 12 months. The 6-week limit is a maximum, not a default. In order to obtain a temporary exemption from the requirement to have a licence, hosts and operators must apply for a temporary exemption. Police Scotland and Scottish Fire and Rescue Service may be consulted with, and the writer suggests that this is done as the minimum. A licensing authority may attach conditions to an exemption. The mandatory conditions for Short-term Lets should be attached to the exemption. Members determined at the meeting of 15 September 2022 not to attach any additional licence conditions as standard. Licensing authorities must publish a temporary exemptions policy statement on their website and keep it under review.

Members also require to identify the grounds for granting or refusing an application for an exemption, including any types of premises (or types of licence) for which an exemption would not be granted. The writer suggests that where no objections or representations are received from consultees, that authority is delegated to the Director of Legal and Democratic Services to grant the temporary exemption with mandatory conditions. Should objections and/or representations be received from consultees, the application will be referred to the Civic Licensing Committee for consideration as to whether to grant or refuse the licence in light of the aim of the scheme “to ensure all short-term lets are safe”.

Some guidance is offered by the Scottish Government in Part 2, for example temporary exemptions could be used to cope with a large influx of visitors over a short period such as sports championships (which in Angus could be the Open golf tournament at Carnoustie).

## 2.6 Temporary Licences

Members have determined to offer temporary licences for Short-term Letting. A temporary licence may be granted for a duration of up to six weeks, or longer if the host or operator has also made an application for a full licence. If they have applied for a licence, their temporary licence will last until their licence application is finally determined (this includes an appeal if one has been lodged within 28 days of the decision). In determining the temporary licence, Police Scotland and Scottish Fire and Rescue would be consulted with as per the terms of Schedule 1. Members are asked to consider again the aims of the new scheme, as narrated in 2.4 of the report. Temporary licences are issued subject to mandatory conditions. Members have already determined not to attach any additional conditions as standard. The licensing authority's criteria for issuing temporary licences should be determined.

## 3. **FINANCIAL IMPLICATIONS**

Reference is made to the terms of Report 322/22. There are no specific financial implications arising from this report.

## 4. **EQUALITIES AND HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights issues arising directly from this report. An Equalities Impact Assessment is attached.

**REPORT AUTHOR:** Tina Magson, Team Leader – Legal

**EMAIL DETAILS:** [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

APPENDIX 1 Amended draft Short-term Lets Policy Statement and Draft Application Form

APPENDIX 2 EIA