

# City of Edinburgh Council Short Term Lets Licensing Policy

## Introduction

- 1.1 The City of Edinburgh Council (“the Council”) is required to regulate short term lets (STLs) through the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 (the 2022 Order), which brings STL within the scope of licensable activities covered by the statutory provisions of the Civic Government (Scotland) Act 1982 (the 1982 Act).
- 1.2 The 2022 Order was amended by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2023 (the 2023 Order), which came into force on 31 March 2023. The 2022 Order was further amended by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2024 (“the 2024 Order”) which came into force on 30 August 2024.
- 1.3 The Council’s Regulatory Committee agreed its first Short Term Lets policy on 29 September 2022 following two periods of public consultation. The Regulatory Committee agreed to revise the policy on 31 January 2025 following a further period of public consultation.
- 1.4 The Council must prepare a statement of its policy with respect to the exercise of its functions in relation to the licensing of STL. This policy provides information on the following areas:
  - 1.4.1 Licence Duration and Renewal
  - 1.4.2 Variation, Transfer and Provisional Applications
  - 1.4.3 Temporary Licences
  - 1.4.4 Temporary Exemptions
  - 1.4.5 Additional Conditions which will apply
  - 1.4.6 Compliance and Enforcement
- 1.5 This policy provides guidance for prospective applicants, existing licence holders and those who may wish to object to an application. The Council will have regard to the terms of its policy when determining applications. This policy will be reviewed and revised when necessary.
- 1.6 The key aims of licensing are the preservation of public safety and order and the prevention of crime. A specific licensing regime for STL allows the Council to take into account local circumstances when setting out its licensing policy and to exercise appropriate control and regulation to ensure that any STL premises licensed meet the requisite safety standard.

### Key Dates

- 1.7 The STL licensing scheme took effect on 1 October 2022 and the transitional period ended on 1 January 2025. All hosts must now hold a licence before they start operating a short-term let.

## **Definition of a Short Term Let as set out in the 2022 Order**

- 2.1 As per the terms of the 2022 Order, “short term let” (STL) 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 –
- 2.1.1 The guest does not use the accommodation as their only or principal home
  - 2.1.2 The STL is entered into for commercial consideration
  - 2.1.3 The guest is not –
    - An immediate family member of the host,
    - 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 education institution, or
    - An owner or part-owner of the accommodation
  - 2.1.4 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
  - 2.1.5 The accommodation is not [excluded premises](#), and
  - 2.1.6 The STL does not constitute an [excluded tenancy](#).
- 2.2 “Secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or not part of, the licence holder’s only or principal home.
- 2.3 “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.
- 2.4 “Home sharing” means a short-term let consisting of the entering 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.
- 2.5 “Accommodation” includes the whole or any part of a premises.
- 2.6 “Host” means a person who is the owner, tenant or person who otherwise exercises control over occupation and use, of the accommodation which is the subject of a STL.
- 2.7 “Guest” means a person who occupies accommodation under a short- term let.
- 2.8 It must be noted that the above definitions are set out in legislation and the Council has no discretion in this regard.

## Types of Short Term Let Licence

3.1 The Council will consider licence applications for the following types:

- a. Secondary Letting
- b. Home Letting
- c. Home Sharing
- d. Home Letting and Home Sharing

## STL Application Process

4.1 Where appropriate, the Council will grant an STL licence for the following time periods:

Secondary Letting –

- New licence 1 year only
- Renewal 1 or 3 year

Home Letting – 3 years

Home Sharing – 3 Years

Home Letting and Home Sharing – 3 Years.

4.2 Existing secondary letting licences may be renewed for a maximum period of three years. Circumstances where a shorter renewal period may be determined are set out in paragraphs 4.47 and 4.48 of this policy.

4.3 An application for the grant, or renewal of a full licence must be made to the Council together with the appropriate fee and layout plan, as well as providing copies of the following certification – *please only provide copies of documents as originals will not be returned*:

- a. Annual Gas Certificate (for accommodation with a gas supply)
- b. Current Electrical Installation Condition Report
- c. Portable Appliance Test Certificate
- d. For secondary letting only, Where this is required planning permission under the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) for the use of the premises as a STL; or proof that an application for planning permission has been made under the 1997 Act, which has not yet been determined; or an explanation why planning permission is not required (for example, a certificate of lawfulness).

4.4 As part of the application process, applicants will be required to confirm, by self-declaration, that the following documentation is held for the accommodation:

- a. Current Fire Safety Risk Assessment – (required for new and any subsequent renewal applications or where there has been a change to the number of occupants)
- b. Current Energy Performance Certificate
- c. Current Building Insurance Certificate
- d. Current Public Liability Insurance Certificate
- e. Current legionella risk assessment
- f. Annual Emergency Lighting Certificate (*Secondary letting only, for accommodation with 5 occupants and above*)

#### Provisional STL Licence

- 4.5 An application for a provisional STL licence may be made in relation to premises which are yet to be, or are in the course of being constructed as a STL. This applies to:
- Home Letting
  - Home Sharing
  - Home Letting and Home Sharing; and
  - Secondary Letting
- 4.6 A provisional licence application must be accompanied by:
- a. provisional planning certificate signed on behalf of the planning authority which states that:
    - planning permission, planning permission in principle or outline planning permission under the Town and Country Planning (Scotland) Act 1997 has been obtained in respect of the construction of the premises; or
    - that no such planning permission is required
  - b. all additional documentation as set out in the provisional application form
- 4.7 No mandatory or additional conditions will be attached to the grant of a Provisional STL licence. The licence holder is not be permitted to operate the premises as a STL, including accepting bookings or guests, until the provisional STL licence is confirmed.
- 4.8 A provisional STL licence is treated as revoked if it is not confirmed within 3 years after the date on which it was issued. This period can be extended if the Council is satisfied that completion of the construction has been delayed by factors outwith the provisional STL licence holder's control.

#### Confirmation of a Provisional STL Licence

- 4.9 When the construction of the short term let premises is complete, the provisional licence holder may then apply to the Council to confirm the provisional licence.
- 4.10 Where the Council receives an application for the confirmation of the provisional short term let licence application, it must, if it is satisfied that, following construction of the premises, the applicant would be able to secure compliance with the mandatory conditions and additional conditions, confirm the licence.

- 4.11 A confirmation application must be accompanied by:
- The provisional STL licence;
  - if the provisional planning certificate which accompanied the provisional premises licence application in respect of the premises consisted of outline planning permission or planning permission in principle, a planning certificate
  - a building standards certificate;
  - all additional documentation as set out in the confirmation application form.
- 4.12 For the purposes of an application for confirmation of a provisional STL licence, a “planning certificate” is a certificate signed on behalf of the planning authority stating that:
- planning permission under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a short term let has been obtained; or
  - no such planning permission is required
- 4.13 For the purposes of an application for confirmation of a provisional STL licence, a “building standards certificate” is a certificate signed on behalf of the appropriate authority and stating that:
- a completion certificate has been accepted under section 18 of the Building (Scotland) Act 2003 in respect of any construction of the subject premises in connection with their proposed use as a short term let; or
  - that permission for the temporary occupation or use of the premises has been granted under section 21(3) of the Building (Scotland) Act 2003; or
  - that no such completion certificate or permission is required.
- 4.14 Following determination of an application for the confirmation of the provisional short term let licence application, a short term let licence will be issued to the applicant for the premises to which the provisional short term let licence related.
- 4.15 A confirmed STL licence shall be regarded as equivalent to a new licence and therefore will be in effect for the following time periods:
- Secondary Letting – 1 year
- Home Letting – 3 years
- Home Sharing – 3 Years
- Home Letting and Home Sharing – 3 Years

#### Transfer of STL Licence

- 4.16 STL licence holders (including provisional STL licence holders) have the ability to apply to transfer their STL licence.
- 4.17 A transfer application must be accompanied by:
- the short term let licence to which it relates or, if that is not possible, a statement of reasons for the failure to produce the licence;
  - where the applicant is not the owner of the short term let premises or the land on which it is located:

- i. the name and address of the owner (or, as the case may be, each owner), and
    - ii. a declaration from the owner (or, as the case may be, each owner), or a person authorised to act on their behalf, that they consent to the application
  - c. where the applicant shares ownership of the premises or the land on which the premises are located
    - i. the name and address of each owner, and
    - ii. a declaration from each owner, or a person authorised to act on their behalf, that they consent to the application
  - d. where the short term let licence is held in joint names:
    - i. the name and address of each licence holder, and
    - ii. a declaration from each licence holder, or a person authorised to act on their behalf, that they consent to the application.
  - e. all additional documentation as set out in the transfer application form.
- 4.18 The Council will consult with Police Scotland on a transfer application. The process for determining the application will be in accordance with the Council's Committee terms of reference and the Council's current scheme of delegation.
- 4.19 On a transfer application being granted, there will be no change to the STL licence expiry date.
- 4.20 An application, whether for a new or provisional licence, the renewal or transfer of an existing licence, or the confirmation of a provisional licence, will only be considered as complete if it comprises the completed application form accompanied by all copies of required certificates and layout plan. Any applications deemed to be incomplete will be returned and not processed.

Notice of Application (New or Renewal Licence applications only)

- 4.21 The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 consecutive days from the date the application is lodged with the Council. A copy of a display notice can be downloaded from the Licensing Service webpages. As soon as possible after the expiry of the period of 21 days, the applicant shall submit to the Council a certificate (available online) which states that a notice was duly exhibited for the required period.
- 4.22 The notice will include the following information, as required by the 1982 Act:
- a. The type of licence applied for (Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing);
  - b. If applying as an individual, the applicant's full name and address. If not applying as an individual, the full name of the organisation together with the registered or principal office address, names of directors or persons responsible for the management of the premises;
  - c. The person responsible for the day to day management of the premises;
  - d. Address of the STL premises;
  - e. The number of bedrooms in the premises;
  - f. The maximum number of occupants for the premises;



- g. Details of any other STL licences that have been granted to the applicant (included on the application form);
  - h. The name and address of the owner(s) where the applicant is not the owner of the premises or on the land on which the premises is located (included on the application form);
  - i. Confirmation that the owners consent to the application for the property to be used as a STL (included on the application form);
  - j. Where objections and representations in relation to the application can be made, the 28 day timescale for submitting an objection or representation and the statutory requirements of an objection or representation (in writing, providing name and address etc).
- 4.23 The application fee payable for licence applications can be found [here](#)
- 4.24 Applicants should note that the application fee is non-refundable in the event of the licence application being refused or being withdrawn prior to determination. [View the Council's policy on refunds](#)

#### Links With Planning

- 4.25 On 5 September 2022, the City of Edinburgh Council area became a designated STL control area. Therefore, due to the STL control area, across the entire the City of Edinburgh Council area mandatory condition 13 applies:
- ‘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 ("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.’
- 4.26 For secondary letting, it is expected that the host or operator must, when they apply for a licence, be able to certify that:
- a. they have made an application for planning permission or;
  - b. they already have planning permission;
- or provide an explanation why planning permission is not required (for example, a certificate of lawfulness).
- 4.27 It is important to emphasise that the securing of planning permission is a separate matter from securing a licence to operate as a short term let. Information on planning requirements and application process can be found [here](#).

#### Temporary Licences

- 4.28 As per paragraph 7(1) of Schedule 1 of the 1982 Act, the Council can issue temporary licences for STL, which may be granted for a duration of up to 6 weeks.
- 4.29 Any temporary licence which is issued will be subject to the mandatory conditions of licence, as set out in the 1982 Act and the additional conditions set out in this policy at Appendix 2

4.30 The fee for temporary licence applications can be found [here](#)

#### Temporary Exemptions

- 4.31 As per paragraph 1A of Schedule 1 of the 1982 Act, the Council can grant a temporary exemption to the requirement to have a STL licence. Under the terms of the 1982 Act, temporary exemptions can be issued for one, two or three periods not exceeding a total of 6 weeks in any calendar year. The 6 weeks limit on a licence is a maximum, and not a default. Where more than one period is sought during the calendar year, the fee set out at paragraph 4.37 below will be submitted with each application made.
- 4.32 The Council may grant temporary exemptions to the requirement to obtain a STL licence in certain circumstances as set out below:
- a. During Edinburgh Festival Fringe and Edinburgh International Festival
  - b. During Edinburgh's Christmas and Hogmanay festive period
  - c. For major sporting events
  - d. For major international events
- 4.33 Temporary Exemptions will be issued for the following types of let:
- a. Home Letting;
  - b. Home Sharing;
  - c. Home Letting and Home Sharing; and
  - d. Secondary Letting
- 4.34 The Licensing Service will aim to process and determine a temporary exemption application within 3 months of the application being received.
- 4.35 The 2022 Order allows local authorities to decide which mandatory conditions should apply to temporary exemptions. Any temporary exemption which is issued for secondary letting will be subject to the mandatory conditions listed in Appendix 1.
- 4.36 All temporary exemptions will also be subject to the additional licence conditions set out in the Council's STL Conditions Framework at Appendix 2.
- 4.37 Temporary exemptions issued for home letting and/or home sharing will be subject to mandatory conditions listed in Appendix three.
- 4.38 The fees for a temporary exemption application can be found [here](#)

#### Accommodation Inspections

- 4.39 Inspections of STL accommodation, as part of the application process, will be undertaken on a risk-based approach.

#### Making an Objection or Representation

- 4.40 It is possible for any person to submit an [objection or representation](#) in respect of the grant of an application for a full or provisional STL licence. Objections must be made in writing (emails are accepted) and sent to the Licensing Service ([licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)) within 28 days of the application being advertised.



If an objection is lodged outwith this period, it must explain why it has been lodged late. It would then be a matter for the Council to consider the explanation and if it is satisfied that there is sufficient reason why the objection was not made in the period required.

- 4.41 The 1982 Act does not provide for public objections or representations in respect of temporary licence applications or temporary exemption applications.
- 4.42 To be considered as competent, objections or representations should include the following information:
- a. The name and address of the person or organisation making the objection or representation
  - b. The accommodation to which the objection or representation relates
  - c. The grounds of objection or representation, and
  - d. The objection or representation must be signed by the objector, or on their behalf

#### Determining an Application

- 4.43 Each STL application will be considered on its own merits having regard to the terms of the relevant statutory provisions, Scottish Government guidance and this policy. The process by which an application is determined will be in accordance with the Council's Committee terms of reference and the scheme of delegation.

#### Timescale for Determining Applications

- 4.44 Under the terms of the 1982 Act, the Council has 9 months in which to determine a STL application from the date it is received with all the required documentation.

#### Renewal Applications

- 4.45 Under the 1982 Act, if an application for a STL licence renewal has been made to the Council before the expiry date of the current licence, the licence will continue in effect until a final decision has been made by the Council on the renewal application.
- 4.46 The process for applying for a renewal of a STL licence is the same as when applying for a new STL licence, as set out above. As with new applications, the Council is required to consider applications for renewal of licences taking into consideration the statutory grounds for refusal of a licence set out in the 1982 Act.
- 4.47 However, an existing STL licence is likely to be renewed unless there has been a change of circumstances since the last determination of the licence. Such circumstances could include any changes to STL regulation or the Council's STL licensing policy; enforcement action by the Council in respect of the existing licence; and any objections or representations received regarding the renewal application under the 1982 Act. Where there has been a relevant change of circumstances then the renewal application may be referred to a meeting of the Licensing Sub- Committee for determination. The committee will consider all applications on their individual merits and will have the full range of options available under the Act when making its determination. When exercising its

discretion, the committee may restrict the period of licence to one year if appropriate.

- 4.48 Where a holder of a secondary letting licence has failed to maintain continuity of safety certification for the period of the previous licence then the period of renewal will normally be restricted to one year.

#### Material Change in Circumstances

- 4.49 The licence holder must notify the Council in writing, as soon as is reasonable, where there is a material change in circumstances affecting the licence holder or the STL accommodation.

#### Variation application

- 4.50 The Council will consider applications to vary the terms of an existing licence provided that the variation does not result in capacity increase or an amendment to the type of let. Variation application fees can be found [here](#).

#### Compliance and Enforcement

- 4.51 The Council will continue to work with hosts, residents and other interested parties to ensure compliance with legislative requirements and to be satisfied the accommodation is safe for use.
- 4.52 General enforcement costs will be included in the fees for a new licence, a confirmed licence or renewal STL licence applications. The Council will charge a separate fee to a licence holder for a visit to their accommodation, where the visit results from their failure to comply with licence conditions or a complaint relating to the accommodation. The Council notes the Scottish Government guidance on frivolous or vexatious complaints in this regard.
- 4.53 Where complaints are received in relation to the operation of licensed STL accommodation, the Council will seek to resolve it through engagement with the host or operator in the first instance.
- 4.54 Information on how to make a complaint against a STL licence holder or in respect of the operation of the licensed STL can be found on the Licensing Service webpages.
- 4.55 Where appropriate, other enforcement options will be considered, which include:
- Additional licence conditions applied on determination of an application or through variation of an existing licence;
  - Compliance notices;
  - Variation, suspension or revocation of licence; or
  - Report to the Procurator Fiscal of any alleged offences under the 1982 Act.
- 4.56 A fee will be charged for an inspection following a complaint, where it is found that there are also compliance issues, whether or not those are the issues that were the subject of the complaint.
- 4.57 Where a fee is charged for inspections, the Council will produce a report of its findings to the host or operator within 28 days of the inspection.

## Conditions

- 5.1 The Council can grant or renew a STL licence on such terms and conditions as it considers appropriate. This will take the form of the mandatory conditions, applicable to all STL accommodation by way of the 2022 Order, as well as the additional conditions agreed by the Council's Regulatory Committee on 29 September 2022.
- 5.2 Under the 2022 Order, there are specific conditions which the Council must attach to all types of STL licence. These are known as the "mandatory conditions" and are found at Appendix 1 of this policy. It should be noted that the Council has no power to amend these mandatory conditions.
- 5.3 The 2022 Order affords the Council the power to set certain conditions, where necessary, which can address any local concerns or issues. These are known as "additional conditions". These conditions are found at Appendix 2 and shall apply to every full licence granted, varied or renewed by the Council, unless they have been expressly excluded or varied. The additional conditions shall also apply to every temporary licence or temporary exemption granted or varied by the Council.
- 5.4 It is an offence to operate a STL without a licence or contravene a condition of any granted licence. Licence holders alleged to be breaching the conditions of their licence may be referred to the Licensing Sub- Committee for consideration of suspension or revocation of the STL licence.

## Review

- 6.1 This policy will be reviewed every three years, or more frequently if required.

## Appendices

### Appendix 1 – Mandatory Conditions

#### 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 that 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.

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

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

#### 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 ("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.** (1) 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.

(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 for the Mandatory Conditions 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, any defect identified,
- (e) 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, both,
- (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), 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,

**"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,

**"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 2 – Additional Conditions

### Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 - Additional Short Term Let Licensing Conditions

<b>STL 1</b>	The licence holder must ensure that advice to guests on action to be taken in the event of an emergency is clearly and prominently displayed within the accommodation.
<b>STL 2</b>	To secure and maintain public order and safety and to prevent undue public nuisance, the licence holder must have in place, so far as is reasonably practicable, arrangements, (such as the provision of keys or other means of entry and egress) which at all times permits the quiet and orderly entry to, and egress from, the licensed property by any persons occupying the said property as a STL.
<b>STL 3</b>	The licence holder must make the licence, including any conditions, available to guests within the accommodation where it can be conveniently read.
<b>STL 4</b>	The licence holder must take reasonable steps to manage the accommodation in such a way as to prevent and deal effectively with any anti-social behaviour by guests while in the STL or any shared areas and while entering or leaving the accommodation or any shared areas.
<b>STL 5</b>	<p>The licence holder must take all reasonable steps to manage the premises in such a way as to prevent undue nuisance to neighbours. The licence holder must have due regard to the privacy and security of neighbours.</p> <p>The licence holder must ensure:</p> <ul style="list-style-type: none"> <li>• Any particular rules applying to shared areas and entrances are communicated to guests;</li> <li>• Guests understand that shared doors should be quietly and securely closed after use.</li> </ul>
<b>STL 6</b>	An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council for 24-hour contact purposes for emergencies or antisocial behaviour from the accommodation.

<b>STL 7</b>	The licence holder shall give a neighbour notification to every other household in the same building as the STL accommodation, and any adjoining premises within 28 days of the licence holder's receipt of the licence document, and annually thereafter while the accommodation is licensed as a STL. This will advise of the name of the licence holder or managing agent, a contact address, day-time telephone number and an emergency contact number.
<b>STL 8</b>	The licence holder shall ensure that adequate facilities are provided for the storage and disposal of refuse, and recycling. The licence holder shall be responsible for advising residents of the refuse collection day and for making arrangements for the presentation of bins for collection at the appropriate time and day.

## **Appendix 3 - Mandatory Conditions - Temporary Exemptions for Home Letting and/or Home Sharing only**

The following mandatory conditions from the list found in Appendix 1 will apply to temporary exemptions for home sharing and home letting:

### Type of exemption

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

### Fire safety

**3.** The holder of the exemption 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.

### Gas safety

**5.** Where the premises has a gas supply—

(f) the holder of the exemption must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,

(g) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the exemption 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 exemption must— (a) ensure that any electrical fittings and items are in— (i) a reasonable state of repair, and (ii) proper and safe working order.

### Water Safety: Legionella

**10.** The holder of the exemption must take all reasonable steps to ensure the premises are safe for residential use.

### Maximum Occupancy

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

### Information to be Displayed

**12.** The holder of the exemption 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 exemption and the exemption conditions,
- b. fire, gas and electrical safety information,
- c. details of how to summon the assistance of emergency services,
- g. instructions as to what guests should do in the event that the carbon monoxide alarm sounds,
- h. if there is a mobile gas cabinet heater in the premises, safety instructions as to the operation and movement of that mobile heater.

Insurance

**15.** The holder of the exemption must ensure that there is in place for the premises—

- (h) valid buildings insurance for the duration of the exemption, and
- (i) valid public liability insurance for the duration of each short-term let agreement.

Payment of Fees

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

False or Misleading Information

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