

**REVISION OF ARGYLL AND BUTE COUNCIL'S SHORT-TERM LET LICENSING
POLICY**

1.0 EXECUTIVE SUMMARY

- 1.1 This report proposes amendments to the Council's Short-Term Let Licensing Policy to reflect legislative changes introduced by the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2024, experience and discussions with other local authorities, Scottish Government, the SLT Licensing team, customers and the Association of Scottish Self Caterers (ASSC).
- 1.2 The aim of the licensing scheme is to ensure short-term lets are safe, address issues faced by neighbours, to facilitate local authorities knowing and understanding what is happening in their area, and handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities to ensure the people providing short-term lets are suitable.
- 1.3 The Council's Short-Term Let Policy was last amended by Council on the 28 September 2023.
- 1.4 The licensing scheme is self-financing from fee income.
- 1.5 Members of the Planning, Protective Services and Licensing Committee are invited to:-
1. Consider this report and the revised Short-Term Let Licensing Policy detailed in Appendix 1; and
 2. Recommend to Council approval of the revised Short-Term Let Licensing Policy.

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2.0 INTRODUCTION

- 2.1 The licensing scheme was brought in by the Scottish Government under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, with the aim to ensure short-term lets are safe, address issues faced by neighbours, to facilitate local authorities knowing and understanding what is happening in their area, and handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities to ensure the people providing short-term lets are suitable.
- 2.2 This report recommends changes to the Council's Short-Term Let Licensing Policy. These are necessary to implement the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2024, to address issues identified through operational work and feedback from the sector.

3.0 RECOMMENDATIONS

- 3.1 Members of the Planning, Protective Services and Licensing Committee are invited to:
- i. Consider this report and the revised Short-Term Let Licensing Policy detailed in Appendix 1; and
 - ii. Recommend to Council approval of the revised Short Term-Let Licensing Policy.

4.0 DETAIL

- 4.1 The Scottish Governments Short-Term Let Licensing scheme was implemented by local authorities on the 1 October 2022 and Argyll and Bute Council's scheme was approved by Council on the 29 September 2022. Critical to the scheme is the Council's Short-term Let Policy and this was previously amended by Council on the 10 July 2023 and 28 September 2023.

A further revision is necessary to reflect changes in legislation, experiences gleaned over the last year and discussions with the Scottish Government, local authorities and sector bodies, including the Association of Scottish Self Caterers (ASSC).

- 4.2 The revised Short-Term Let Licensing Policy (see Appendix 1) is provided for members' consideration and the key changes are as follows:
- i. Implements the changes introduced by the [Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2024](#) and removes references to the transitional arrangements which ended on the 1 October 2023.
 - ii. Amends the definition of "excluded tenancy" to provide that a person's foster child is treated as the person's child, and therefore classed as an "immediate family member" under the licensing scheme.
 - iii. Amends the list of excluded accommodation to include residential accommodation where personal care is provided to residents; hospitals or nursing homes, including guest rooms which are for the purposes of visiting residents. Guest rooms within sheltered housing provided for the purposes of guests visiting residents are also included.
 - iv. Introduces new arrangements for provisional short-term let licences for properties which are proposed, or are in construction for use, as a short-term let. This provides some assurance for applicants and supports development (section 11)
 - v. Introduces a new provision to allow a licence holder to apply to the Council to transfer their short term let licence (including a provisional short term let licence) to another individual, termed a "transferee". (Section 13). This is relevant to, and intended to support, the sale of short-term let accommodation.
 - vi. Proposes new fees for transfer of licences and provisional licences.
 - vii. Amends the mandatory licence conditions (Appendix 3 of the Policy) to include the new conditions detailed in the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2024, including advice on mobile gas cabinet heaters
 - viii. Proposes minor amendments to the Councils additional licence conditions (Appendix 4 of the Policy) to provide greater clarity on the requirements for noise control in flatted properties, the license responsibilities for waste disposal arrangements; and introduce a new condition to cover the safe use of solid fuel, multi-fuel or wood burning stoves or open fires.

5.0 SHORT-TERM LET UPDATE

- 5.1 Argyll and Bute has a significant short-term let sector and the Council have received 3370 applications and continue to receive in the region of 10-20 new applications each month. A total of 1558 licences have been issued, with 53 being invalidated and no refusals (as of 3 December 2024). The team are working hard to assess and determine all remaining applications.

6.0 CONCLUSION

- 6.1 Revisions to the Council's Short-Term Let Policy are necessary to ensure the Council has sufficient arrangements in place to deliver the licensing scheme and reduce the risk of legal challenge. Members are encouraged to approve the revised STL Policy as detailed in **Appendix 1**.

7.0 IMPLICATIONS

- 7.1 Policy: Consistent with the Council's Corporate Plan and statutory duty.
- 7.2 Financial: Licensing scheme is to be self-financing from income levels.
- 7.3 Legal: Meets Council's mandatory duty under Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022
- 7.4 HR: Additional temporary posts are being recruited funded by income.
- 7.5 Fairer Scotland Duty:
- 7.5.1 Equalities - protected characteristics: No adverse impact on protected characteristics
 - 7.5.2 Socio-economic Duty: Ensures that let accommodation is safe, applies consistent standards across all sectors and protects communities
 - 7.5.3 Islands: Licensing scheme will be consistently applied across the whole of Argyll and Bute
- 7.6 Climate Change: Supports climate change and environment standards
- 7.7 Risk: Council's legal duty will be met through revision of the Policy.
- 7.8 Customer Service: Consistent with the Council's Customer Charter
- 7.9 The Rights of the Child (UNCRC): Provides for safe accommodation

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2 DECEMBER 2024

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APPENDICES

Appendix 1 Revised Argyll and Bute Councils Short-term Let Licensing Policy