



# **Renfrewshire Council policy for short-term lets of residential accommodation in Renfrewshire**

Including policy on temporary exemptions

[www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk)



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If you need this policy in an alternative format,  
contact us at [licensing.cs@renfrewshire.gov.uk](mailto:licensing.cs@renfrewshire.gov.uk) or call 0300 300 0300.

# 1. Introduction

1.1 This Policy has been prepared in view of the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 (“the Licensing Order”) having come into force, which requires a licensing regime to be set up by all Scottish local authorities to accept applications for short-term let licences from 1st October 2022.

The Policy has been prepared following consultation with the following parties and in particular satisfies the statutory requirement to publish a policy regarding the use of Temporary Exemptions, as well as agreeing other matters of policy recommended in non-statutory guidance and providing other general information for the benefit of those with an interest in the licensing of short-term lets in Renfrewshire:

- Police Scotland
- Scottish Fire and Rescue
- Chief Executive and all Renfrewshire Council Directors
- Head of Communities and Public Protection
- Andrew McKean, Tourism Officer, Chief Executive’s Service
- Visit Scotland
- Fiona Campbell, The Association of Scotland’s Self Caterers (ASSC)
- Scottish Guest House and Bed and Breakfast Alliance
- Federation of Small Businesses
- Renfrewshire Chamber of Commerce
- AirBnB

In addition, a public online survey was made available during the period of the above consultation, which took place over a four week period in June and July 2022.

1.2 The Policy will be kept under review 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.

1.3 This Policy does not contain a definitive, nor complete, statement of the legal position regarding short-term lets but is designed to provide information regarding

Renfrewshire Council's position as licensing authority in relation to the licensing regime. For further information, interested parties may wish to consult the terms of the Civic Government (Scotland) Act 1982, as modified by the Licensing Order in relation to short-term lets, and/or the available guidance published by Scottish Government. This is available at the following links:

For hosts and operators (Part 1): Short term let s - licensing scheme part 1: guidance for hosts and operators - gov.scot ([www.gov.scot](http://www.gov.scot))

For licensing authorities, letting agencies and platforms (Part 2):

<https://www.gov.scot/publications/short-term-lets-scotland-licensing-scheme-part-2-supplementary-guidance-licensing-authorities-letting-agencies-platforms-2/>

## 2. Overview

2.1 The Licensing Order was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022, designating short-term lets under section 44 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") as an activity for which a licence shall be required. As a result, all Councils in Scotland will now require to license short-term lets: it is not open to Renfrewshire Council to decide not to license short-term lets, or not to license any of the types of short-term lets which need to be licensed in terms of the Licensing Order.

2.2 Short-term lets can offer people a flexible and cheaper travel option and have contributed positively to Scotland's tourism industry and local economies across the country. However, in some cases short-term lets can cause problems, for example for neighbours. The Licensing Order was introduced following a number of national consultations in which those considerations, safety issues and, in some areas, shortages of homes were identified as concerns by respondents.

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
- to assist with handling complaints and addressing issues faced by neighbours effectively.

2.4 The Council's Short-Term Lets Licensing Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence. The policy outlines how the Council will administer applications, collect fees and monitor short term lets.

2.5 The Licensing Order can be obtained at the following link:  
<http://www.legislation.gov.uk/ukpga/1982/45/contents> In addition, detailed non-statutory guidance for both hosts and operators, and licensing authorities, letting agents and platforms is available, as stated above.

### 3. Key Requirements

#### 3.1 Dates

Potential applicants for a licence should consider the following information / dates:

- Hosts operating a short-term let before 1st October 2022 may continue to do so meantime, but must apply to the Council for a licence for any property in Renfrewshire before 1st April 2023, to ensure that they will be able to continue to operate after that date while awaiting their application to be determined. If that application is ultimately refused, they will need to stop using their property as a short-term let within 28 days (the appeal period) of the decision. Hosts will require to confirm when applying that they were letting their property prior to 1st October 2022 and may also be required to provide evidence of this, such as payments for bookings prior to that date.
- New Hosts: if not using their property to provide a short-term let before 1st October 2022, they can advertise the premises as a short-term let but cannot take bookings or have guests stay until they have been granted a short-term let licence by the Council. They will be able to apply to the Council for a licence from 1st October 2022. If refused, they will not be able to operate their premises as a short-term let, subject to any successful appeal to the sheriff.
- By 1st July 2024, all hosts must have a short-term let licence. It is a criminal offence to operate without a licence, where one is required.

## What requires a short-term let licence

3.2 A “short-term let” means the use of residential accommodation provided by a host in the course of business to a guest where there is a charge made. There are four types of licences and a number of exceptions set out in the legislation from the need for a licence.

3.3 There are four types of short-term let licence. Licences are required for:

**Home Sharing:** where the host lets, for example, a room in their home while they are living there.

**Home Letting:** where the host lets all or part of their home while they are absent: e.g., while on holiday.

**Home Sharing and Home Letting:** being a combination of the above.

**Secondary Letting:** where the property is let out by a host who does not live in it.

The licence application form will ask you what type of licence you are applying for: you will only become licensed for the type of short-term let you apply for.

3.4 As noted above, there are exceptions to the need for a licence set out in the Licensing Order. The following list is not definitive, but indicative. Those considering applying for a licence should consider the terms of the legislation referred to above and may also find the above Guidance of assistance. The Council’s licensing team can be contacted at the following mailbox: [licensing.cs@renfrewshire.gov.uk](mailto:licensing.cs@renfrewshire.gov.uk) although we can only provide information regarding the Council’s view as the licensing authority and cannot provide you with legal advice.

The exceptions include:

- if the guest (person occupying property for the purposes of a short-term let) uses the accommodation as their only or principal home
- if the guest is an immediate family member of the host (a full, detailed definition of what relationships qualify for this exemption from licensing is included in the Licensing Order)
- if the guest is sharing the accommodation with the host for the principal purpose of advancing the guest’s education as part of an arrangement made or approved by a school, college, or further or higher educational institution
- if the guest is an owner or part-owner of the accommodation

- if the accommodation is 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
- if the accommodation is "excluded accommodation" (see section 3.8 below).

## Planning Considerations

3.5 Under the provisions of the Civic Government (Scotland) Act 1982, modified in relation to the licensing of short-term lets, a preliminary ground allowing the Council to refuse to consider a short-term let licence is that the use of the premises for a short-term let would constitute a breach of planning control under the Town and Country Planning (Scotland) Act 1997, section 123 (1)(a) or (b).

3.6 If a host is unsure whether the use of their property as a short-term let may involve a material change of use and if planning permission is required, they may wish to contact [dc@renfrewshire.gov.uk](mailto:dc@renfrewshire.gov.uk).

3.7 The Council is also empowered to introduce short-term let control zones under the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021. Where these are introduced by a Council, this will have implications for the short-term let licensing process as planning permission could then be required before applying for a licence for secondary letting within a control zone, as also implications for existing licence holders. However, no short-term let control zones have been introduced in Renfrewshire to date.

## Exclusions

3.8 As stated above, "excluded accommodation" will not require a short-term let licence. As such, the following are not short-term lets. As previously, this list is not definitive and hosts will wish to familiarise themselves with the terms of the legislation and associated guidance, should the exemptions appear relevant. Hosts may also wish to contact the Council's licensing officers at [licensing.cs@renfrewshire.gov.uk](mailto:licensing.cs@renfrewshire.gov.uk), but are always recommended to obtain their own legal advice on whether the exemptions apply, as the Council is not permitted to provide legal advice on these matters:

- Licensed premises, under the Licensing (Scotland) Act 2005 (alcohol licensing)

- Licensed caravans
- Accommodation provided by guests: for example, where they bring their own tent (as opposed to glamping, where the tent is normally provided by the host);
- Accommodation which is capable, without modification, of transporting guests to another location (for example, boats or motor homes which are mobile).
- Hotels, with planning consent to operate as a hotel (the majority of hotels are excluded anyway, through being licensed to provide accommodation under the Licensing (Scotland) Act 2005 (see above)).
- Aparthotels- accommodation comprising of five or more serviced apartments in a residential building where: - (a) the whole building is owned by the same person, (b) a minimum number of 5 serviced apartments are managed and operated as a single business, (c) the building has a shared entrance for the serviced apartments, and (d) the serviced apartments do not share an entrance with any other flat or residential unit within the building.
- Health and care accommodation (e.g., residential care homes, hospitals and nursing homes)
- Educational accommodation and purpose-built student accommodation. Student halls of residence, for example, are excluded but houses and flats which are normally let to students but, perhaps during a summer period when student tenants have moved back home, are also used as short-term lets are not excluded.
- Secure residential accommodation including prisons, young offenders institutions, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation or military barracks.
- Hostels and refuges
- 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.
- Bothies- a building of no more than two storeys which does not have any form of mains electricity, piped fuel supply and piped mains water supply, is 100 metres or more from the nearest public road and is 100 metres or more from the nearest habitable building.

- It should be noted that various tenancy arrangements are also excluded

## 4. Applications for Licences

4.1 All applications for grant (including a temporary licence) or renewal of a short-term let licence, irrespective of the type of short-term let, must complete the short-term let licence application provided by the Council and submit this with the applicable documentation and fee. The application forms will be accessible through the Council's website. Simpler forms will be made available for Temporary Exemptions and for variation of a licence (where a change to the terms of a licence is required).

4.2 An application for a short-term let licence under the legislation, while normally made by the owner of a property, can be made by a person other than the owner. Where this is the case, the applicant must ensure they provide the relevant consents from the owner(s). Part of the application form will require the applicant to provide a declaration to the Licensing Authority that they can comply with the mandatory conditions attached to a short-term let licence, including having all the documentation detailed within these conditions. The mandatory, and other, conditions can be found on the Council's licensing website. Applicants should be mindful that the Council, and Council Officers, can request any documentation referred to in the mandatory conditions at any time during the consideration of an application or the period of the licence, if granted. Applicants should note that a breach of a licence condition is a criminal offence under the 1982 Act.

4.3 Applications for the grant (including temporary) or renewal of short-term lets licences will be dealt with by Council officers unless objections or representations are received or the application does not accord with the Council's licensing policies. A unique, provisional licence number will be given to existing hosts and operators who apply for a licence before 1 April 2023. This will allow existing hosts to continue operating until their application has been determined. Anyone applying after 1 April 2023 cannot operate whilst their application is being determined.

4.4 Licence numbers will be issued in a consistent format nationally to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings. The format of the licence number, alongside information contained in the public register, will allow anybody to identify:

- the Council that issued the licence (and therefore the area to which the licence relates)

- the type of short-term let to which the licence relates

- the type of licence issued (the contents of the number indicates the type of any licence, or even provisional or exemption status).

4.5 If there are objections or representations received, the party making them and the applicant will be invited to attend the Council's Regulatory Functions Board ("the Board"). The Board will make a decision about whether to grant the application. It should be noted that if an application is refused, then the applicant cannot apply for a short-term let licence within one year of the date of refusal unless they can satisfy the Council that there has been a material change in circumstances. An applicant who has been refused should contact the Council's licensing officers by email to [licensing.cs@renfrewshire.gov.uk](mailto:licensing.cs@renfrewshire.gov.uk) if they wish to apply within one year of the date of an earlier refusal. The Council determines if the change is material, not the applicant.

4.6 In deciding whether or not to grant or renew a Licence, the Council will consider each application on its own merits, taking into account all matters relevant to the grounds for determination of the application as set out in the 1982 Act as modified by the Licensing Order, including, where relevant, the terms of this Policy.

## **Licence Duration**

4.7 Where granted, licences, either new or for renewal, will be granted for a duration of three years. It is however open to the Council's Regulatory Functions Board, on an application referred to them, to consider granting or renewing a licence for a shorter period where they so decide when determining an application. While the Board are aware that the modified provisions of the 1982 Act applying to short-term lets allow at the stage of renewal for a longer duration, the Council have agreed as a matter of policy, after having regard to the terms of the legislation and the associated guidance, not to allow renewals for a period exceeding three years in relation to short-term lets in Renfrewshire. In relation to other licences determined by the Council under Schedule 1 to the 1982 Act, the Council normally grants new licences for a period of 1 year, with renewals thereafter for periods of 2 years. However, the Council are aware that other regulatory regimes such as Houses in Multiple Occupation licensing and Landlord Registration allow for a duration of three years. Given this, and following the consultation exercise undertaken in relation to short-term lets licensing, during which comments were received regarding limiting the

administrative processes for hosts, the Council has taken the view that licences be granted and renewed for periods of three years.

4.8 In determining an application for a short-term let licence, the Council will consider it against the grounds for refusal set out in the 1982 Act, paragraph 5(3) of Schedule 1, having regard to any representations or objections received. Relevant considerations include the suitability of the person applying and that of the other people named on the application form (whether they are “fit and proper”). Other factors include the suitability of the premises and the applicant’s ability to comply with mandatory conditions (applicable to all short-term lets across Scotland); and other conditions that the Council might attach to the licence. The licence conditions applicable in Renfrewshire are published on the Council’s licensing web pages.

4.9 Under the terms of the 1982 Act, if an application for a short-term let licence renewal has been made to the Council before the expiry date of the current licence, the licence will stay in effect until a final decision has been made on the renewal application. If a renewal application has been refused by the Board, the existing licence will remain in effect for a period of 28 days from the date of the decision, the appeal period to the sheriff, and where an appeal has been lodged, until such time as the appeal has been determined by the court. The process for applying for a renewal is the same as when applying for a new short-term let licence. Guidance for applicants is available on the Council’s licensing webpages. The Council will similarly take into account any representations or objections from police or other parties, e.g., in relation to the operation of the short-term let during the period of the licence. It is the responsibility of the licence holder to ensure that their licence is renewed prior to its expiry date. If the expiry date passes and the licence holder then applies for a licence, then this will be treated as a new application (as opposed to an application for renewal), unless the application is made within the statutory grace period set out in Paragraph 8(5A) of Schedule 1 to the 1982 Act. It would be a criminal offence to continue to let the property without a licence being in place.

## **Documentation Required when submitting an Application**

4.10 Applicants should be aware that an application for grant or renewal will not be accepted and processed without the following documentation (where applicable):

(a) Floor/Layout Plan- An application for a new licence must be accompanied with a legible Layout Plan, preferably to scale, showing:

- (i) the location and width of any escape routes from the premises
- (ii) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires
- (iii) the location of the presence of equipment installed for detecting the presence of carbon monoxide
- (iv) the location of any steps, stairs, elevators or lifts on the premises
- (v) the position of any ramps, lifts or other facilities for the benefit of disabled people
- (vi) the layout of rooms
- (vii) the occupancy for each bedroom
- (viii) the number of beds in each room
- (ix) room sizes
- (x) rooms available for guests.

(b) For renewal applications, where there has been no change to the layout of the premises a floor plan would not be required with the application.

(c) For variation applications, where the variation relates to a change to the layout of the premises, a floor plan would be required with the application.

(d) Evidence of Operation as a Short-term Let before 1 October 2022: Where an applicant has been operating a short-term let before 1 October 2022, the applicant will be required to certify and provide evidence of this when submitting a short-term let licence application in order to show that the applicant is legally entitled to let the property pending consideration of their application. Checks to establish this may be made by Council Officers.

(e) Consent from owner(s) (where the owner is not the applicant): In these circumstances, the applicant must provide consent from the owner, or if the title to the premises is held by more than one owner, all owners or a person authorised to act on behalf of the owner(s).

## Notice of Application

4.11 The 1982 Act, as modified in relation to short-term lets, requires an applicant to display a notice at or near the premises to which the short-term let licence application relates, in a place where it can conveniently be read by the passing public for a period of 21 consecutive days from the date when the short-term let licence application was lodged with the Council. Council Officers may request that an applicant submits photographic evidence to ensure that the notice has been displayed correctly and may request that another notice is displayed for a further 21 days if not satisfied that the procedure has been carried out correctly. The notice will include the following information, as required by the 1982 Act, as modified:

- the type of licence applied for (Home Sharing, Home Letting, Home Letting and Home Sharing, Secondary Letting)
- the applicant's full name and address if an individual. If not an individual, then 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
- the person responsible for the day to day activity (a mandatory condition is that this can only be the licence holder)
- the address of the premises relating to the short-term let licence application;
- the number of bedrooms in the premises;
- details of any other short-term let licence that has been granted to the applicant;
- the name and address of the owner(s) where the application is not the owner of the premises or the land on which the premises is located; and confirmation that the owners consent to the application (this would be included within the application form); and
- the 28 day timescale for submitting an objection or representation and the statutory requirements of an objection or representation.

A template notice will be made available on the licensing pages of the Council's webpage at [www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk).

The Council will send a copy of all short-term let licence applications received to the following consultees:

- Police Scotland (statutory consultee); Scottish Fire and Rescue Service (statutory consultee)
- Renfrewshire Council Chief Executive's Service (Planning- all applications; Regeneration- town centre only)
- Renfrewshire Council Environment and Infrastructure Service
- Renfrewshire Council Communities, Housing and Planning Services (Environmental Health)
- Renfrewshire Council Children's Services
- Local Councillors - for ward where the property is located
- Community Council - for the area where the property is located

4.12 The Civic Government (Scotland) Act 1982 permits any person to state an objection or representation to an application for grant or renewal of a licence within 28 days of the application (the Council may entertain a late objection where sufficient reason is provided). Under the provisions of the 1982 Act, the objection or representation must:

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

4.13 It is important that an objection or representation should be specific. It is not enough to say, "I object" or "I complain". A petition of signatures is unlikely to be accepted as a valid objection or representation. The Board has to determine the weight to be placed on individual representations or objections.

4.14 A licence applicant is entitled to fair notice of these submissions. Accordingly, parties making these should ensure that their concerns are adequately detailed, for example with dates, times and sufficient information to allow the Board to understand them and consider whether they support a ground for refusal provided for under the 1982 Act. In addition to the usual grounds for refusal under the 1982 Act, which include for example whether an applicant is a fit and proper person, the suitability of premises and "other good reason", the modified provisions also provide, as mentioned above, that inability to secure

compliance with the mandatory and other licence conditions, as also where the consent of the owner is not provided with the application, as further grounds for refusal of an application.

4.15 Where an objection or representation is received, the party making it, and the applicant, will be invited to a meeting of the Regulatory Functions Board which decides the Application after giving parties an opportunity to attend on a period of notice of 14 days.

4.16 Applications where no objections or representations have been received from any of the consultees or members of the public will usually be granted under delegated powers by Council Officers. Where applications have been met with a valid objection from any of the consultees and/or public, these will be considered by the Board at a hearing to consider and determine the application. Applicants and objectors will be given an equal opportunity to be heard at the Board to determine the application. Late objectors will be invited to attend a hearing to determine the application on the basis that their objection may be brought into proceedings if the Board is satisfied with the reasons for lateness. Where an application is granted, the applicant/licence holder will be provided with a unique short-term licence number. This number must be used in any listing or advert for the short-term let in accordance with Mandatory Condition 14 of the mandatory conditions of licence. Parties have a right of appeal under the 1982 Act to the sheriff within 28 days from the date of the decision and an applicant or objector may to that end also request written reasons for the decision. The Council is unable to give any legal advice in relation to appealing a decision and it is recommended that independent legal advice is sought.

## **Variation**

4.17 The Council may vary the terms of a licence and can do this at any time. This can be done following an application made to the Council by the licence holder or on the Council's own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate in this regard.

4.18 A fee will be charged to the applicant should they apply to vary their short-term let licence, in accordance with the published fee in the Civic Application Fees on the Council's licensing web pages. The Council may require the applicant to display a notice regarding the application.

4.19 A variation application cannot be used to substitute a new holder of the licence for the existing one: i.e., effectively to transfer a licence. Equally, where the licence holder wishes to change the type of short-term let relating to their property, this means applying for a different type of licence and an application for a new licence should be made. Where this involves a change from home sharing or home letting, or a combination of these, to secondary letting, an inspection would be carried out in relation to that application.

## **Material Change in Circumstances**

4.20 A licence holder must notify the Licensing Department in writing as soon as possible where there is a material change in circumstances affecting them, or their licensed activity.

## **Suspension or Revocation**

4.21 The Council can suspend a licence immediately if it is of the opinion that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety. This action may be taken on a complaint received, or not. After an immediate suspension has taken place, the licence holder will normally be invited to attend a hearing before the Board in relation to the matter which prompted the immediate suspension, to consider whether to suspend or revoke the licence. This hearing is likely to take place within six weeks of the immediate suspension. The grounds for further suspending or revoking a short-term let licence are detailed within Paragraph 11 of Schedule 1 to the 1982 Act (the immediate suspension provisions within Paragraph 11 of that Schedule).

## **Timescale for Determining Applications**

4.22 Under the Civic Government (Scotland) Act 1982, the Council will normally have 9 months to determine a short-term let licence application from the date a valid application is received. However, during a transitional period, it should however be noted that for applications for grant of a licence received prior to April 2023, but only where the short-term let was in existence before 1 October 2022, the Council will have 12 months to determine the application.

## **5. Conditions attached to short-term let licence**

5.1 All short-term let licences will be subject to conditions. Under the Licensing Order, there are certain conditions which the Council must attach to a short-term let licence. These are known as “mandatory conditions” and relate to the safety of the short-term let: the Council has no power to amend any of the mandatory conditions. The Council is also able to agree additional licence conditions. The Council has agreed such additional conditions for short-term lets. The standard conditions of short-term let licences applicable in Renfrewshire as agreed by the Regulatory Functions Board, comprising mandatory and additional conditions, are published on the licensing pages of the Council’s website.

5.2 All applicants should ensure, prior to applying for a short-term let licence of any type, that they are able to comply with the conditions attached to a licence. Applicants should also note that in terms of listing their premises as a licensed short-term let, the listing must include, in terms of the mandatory conditions, the unique licence number provided by the Council and a valid Energy Performance Certificate rating, where required for the premises in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

## **6. Public Register**

6.1 It is a statutory requirement that the Council maintains a public register of all short-term let licences. The public register will be made available on the Council’s webpage and quarterly returns will be provided to the Scottish Government.

## **7. Fees**

7.1 The fee for a short-term let licence application in Renfrewshire is dependent on the circumstances of the application, including the type of short-term let licence being applied for. Applications must be accompanied by such fee as is approved by the Council from time to time as applicable to the circumstances of that application. The Licensing Order permits the Council to set reasonable fees. The total amount of fees receivable by the Council in relation to short-term lets require to be sufficient to meet the expenses of the Council in exercising their functions under the Licensing Order.

7.2 The fees are likely to be reviewed periodically by the Council and are therefore subject to change. As such, the up-to-date fees agreed by Council and/or the Regulatory Functions Board will be published within the list of Civic Licensing Fees on the Council's licensing web pages and should be checked by applicants/ licence holders as appropriate.

7.3 It should be noted that while the Council does not seek to charge an annual or subscription fee in place of applications fees, an inspection fee will

in certain circumstances be charged relative to complaints or failures to comply with licence conditions. This is detailed further at section 20 of this Policy.

7.4 Information on temporary licence fees and temporary exemption fees is set out at sections 8 and 9, below. Other miscellaneous fees are published within the Civic Licensing Fees.

## **8. Temporary Licences**

8.1 A temporary licence may be granted by the Council for a duration of up to six weeks (and will subsist for a period beyond, where an application for grant of a full licence is also made along with the temporary licence application or before it expires) under the terms of the 1982 Act. A temporary licence number will be provided to the licence holder and any conditions of licence will require to be met, as with other short-term let licences. The temporary licence provisions of the 1982 Act require consultation with Police Scotland and Scottish Fire and Rescue but do not require further consultation.

8.2 The guidance states that the Council should publish a policy regarding temporary licences for short-term lets, regarding when these will be allowed. It has been agreed that the Council will allow temporary licences for short-term lets in the following circumstances:

8.2.1 Where the type of licence sought is for home sharing, home letting or a combination of home sharing or home letting and the applicant either: (i) requires a licence for letting the property more quickly than an application for a full licence would allow; or (ii) wishes to try out short-term letting for an initial period of up to six weeks prior to deciding whether to apply for a full licence. This is considered to allow flexibility for these licence types where the risks in doing so are considered to be relatively lower;

8.2.2 Otherwise, the Council will allow a temporary licence for secondary letting, but only in circumstances where the applicant has previously held a short-term let licence for

secondary letting and has missed the deadline for renewing that licence (including where they have missed the additional discretionary period for late renewal permitted by Paragraph 8(5A) of Schedule 1 to the 1982 Act).

8.3 While only limited consultation is a statutory requirement in relation to temporary licences, the Council is mindful that the operation of short-term lets may result in concerns being raised by neighbouring residents. As such, the Council will notify those it usually consults, as set out above, of a temporary licence application received and may ask the applicant to display a site notice.

8.4 Where a temporary licence is granted, this will be subject to the same conditions of licence applicable to a full short-term let licence.

8.5 A similar fee will be charged for a temporary licence as applies to a full licence for the same type of short-term letting. Where followed by a full application, an additional fee will also be payable for that application.

## **9. Temporary Exemptions**

9.1 The Council requires under the modified provisions of the 1982 Act to publish, and keep under review, a policy statement in relation to its functions relating to Temporary Exemptions.

9.2 The Council, as licensing authority, may, but is not required to, grant a temporary exemption from the requirement to obtain a short-term let licence in relation to a specified property or properties and during a specified period (which must not exceed 6 weeks in any period of 12 months). In order to do so, the Council may consult the chief constable and the Scottish Fire and Rescue Service. The Council is also empowered, in granting any temporary exemption, to attach conditions to that exemption.

9.3 The Council requires to publish its first policy statement on temporary exemptions on or before 1st October 2022 and on or before the same date every three years thereafter. The policy statement must be made available on the Council's website. In preparing/reviewing their policy statement, the Council must consult with such persons as they consider appropriate. In preparing this policy statement, the Board consulted the parties as already set out at Paragraph 1.1 above.

9.4 Following consultation, the Board has agreed that temporary exemptions will be able to be granted in Renfrewshire in certain circumstances. The Board has agreed that a

temporary exemption may be suitable for granting in exceptional circumstances where an influx of large numbers of visitors is likely to require increasing accommodation capacity within Renfrewshire due to sporting, cultural or other events or festivals of national or international significance, or due to an emergency situation of similar significance.

9.5 The fee chargeable for a Temporary Exemption shall be £100 (this may change slightly during the period of this policy being in place where fees are reviewed generally by the Council, so those interested in seeking a Temporary Exemption should check the current fee within the Civic Licensing Fees section of the Council's licensing web pages). The Council will consult Police Scotland and Scottish Fire and Rescue Service in relation to these applications, but considers that, as this is a simpler process than an application for a licence, this lower fee should be charged in comparison to the licensing application fees for short-term lets.

9.6 Applications for temporary exemptions will be determined by Council officers in consultation with the Convener of the Regulatory Functions Board, taking into account whether the application meets the above requirements of this policy at Paragraph 9.4 and any representations received from Police Scotland and/ or Scottish Fire and Rescue Service.

9.7 The Council will seek to make a decision on a temporary exemption application within a period of two months but will seek to prioritise applications received at shorter notice due to unforeseen circumstances. Where the Council grants a Temporary Exemption, it will do so subject to the same conditions of licence applicable to licensed short-term lets, including both the mandatory and additional conditions published on the Council's licensing web pages. A unique temporary exemption number will also be provided to the applicant.

9.8 Where an application for a Temporary Exemption is refused, the applicant is entitled to seek written reasons and should seek their own independent legal advice if they are considering whether to appeal the decision to the sheriff.

## **10. Compliance and Enforcement**

10.1 This Policy sets out the Council's approach to monitoring compliance and enforcement in relation to persons who are a Host/Operator of a short-term let. It makes clear the steps that the Council will take when determining an application for a short-term

let licence and in monitoring compliance of those applying for a short-term lets licence. It also sets out action the Council may take if needed to enforce the licensing requirements.

10.2 Effective monitoring of compliance and enforcement is an important aspect of this policy and will help to achieve improved standards of practice and ensure that all hosts and operators comply with their responsibilities. This will enable hosts and operators to compete on a fair basis, improve standards within the industry and instil greater consumer confidence when using a short-term let.

10.3 In Renfrewshire, monitoring and enforcement of short-term lets will be carried out by authorised officers within Communities and Housing Services. Our approach to monitoring compliance and enforcement is founded upon the Scottish Government's five principles of Better Regulation. The principles state that any regulation should be transparent, accountable, proportionate, consistent and targeted. We will provide clear information to those undertaking short-term letting and about how we will assess their suitability to be licensed, monitor compliance and support the enforcement of regulation. We will encourage and support compliance among hosts and operators, reduce duplication and minimise unnecessary burden upon short-term let licence holders by targeting compliance activity on those assessed as being at greater risk of non-compliance.

10.4 In relation to applications for short-term let licences, Communities and Housing Services will adopt a risk-based approach to inspections of short-term lets. In relation to secondary lettings, the Council considers that these pose higher risks to safety than properties where the host lives along with the guests. Accordingly, the Council will carry out inspections of secondary letting properties in all cases, but will not usually inspect properties sought to be licensed for home sharing, home letting or a combination of those activities. For those applications, officers will have regard to the declaration of compliance provided in an application and may require evidence from an applicant of documentation confirming that compliance can be achieved.

10.5 Notwithstanding that, officers in Communities and Housing Services may also carry out inspections of those properties where they consider this to be justified on a risk-assessed basis.

10.6 In order to monitor compliance, the above officers are empowered to undertake inspection of premises under the 1982 Act, including short-term lets. This gives the officers the ability to visit and inspect both the premises and any records associated with the conditions attached to the licence. In keeping with the principles of proper and targeted compliance, the Council may visit when considered necessary and will consider a range of

factors as to when to carry out an inspection. This may include for example: as part of considering an application; part of a routine inspection; as a result of a complaint from a guest or neighbour; follow-up on a previous visit to confirm that an issue has been resolved; feedback from Police Scotland and the Scottish Fire and Rescue Service; peculiarities of the accommodation; patterns of complaints associated with the host, operator or premises; and reputational evidence.

10.7 Where an inspection of premises is required following either (i) a failure to comply with a licence condition, or (ii) a complaint relating to the premises (unless the complaint is frivolous or vexatious), Communities and Housing Services will charge a reasonable fee to cover the costs of that inspection and will produce a report of its finding to the licence holder within 28 days of the inspection. The level of fee will be determined according to the costs incurred based on the hourly rate of officers conducting the inspection. Where Communities and Housing Services do not produce the report to the licence holder within 28 days of the inspection, they will arrange to refund the inspection fee charged.

10.8 Monitoring the compliance of hosts and operators cannot solely be the responsibility of any one person or the Council. To be effective it requires collaboration between service users, letting agencies and platforms, not only to monitor compliance but in addition to identify and eliminate unlicensed short-term lets.

10.9 While our primary aim is to ensure compliance through means of encouragement and support, there are several ways to address concerns under the legislation, including: seeking possible additional licence conditions at the application stage; serving an Enforcement Notice; requesting variation of a licence; asking the Board to consider suspension or revocation of a licence; or pursuance of a prosecution through the appropriate authorities in respect of offences under the 1982 Act.

10.10 All complaints and concerns received will be taken seriously as they provide an opportunity to maintain high standards in the short-term let industry by means of the licensing regime. The Council will ensure that all complaints are investigated fairly and in a timely way with those involved and seek to ensure, where possible, that complaints are resolved. Complainers will be kept up-to-date in relation to the progress made by Council Officers in relation to their complaint.

10.11 Complaints about hosts and operators can be received from various sources: for example, guests. In the first instance, guests should raise any concerns with their host or operator, letting agency or platform. If they remain dissatisfied or the issue is sufficiently grave, then a complaint should be made to the Council to investigate. Neighbours might

complain about occupancy or noise, disturbance or instances of antisocial behaviour issues, as also around maintenance, guests congregating in common areas and accumulation of refuse (especially in flats or tenements), or suspected unlicensed short-term lets. Complaints about suspected unlicensed operators should be directed to Police Scotland.

10.12 For the avoidance of doubt, no fee will be charged by the Council to neighbours or other parties for raising a complaint in relation to a short-term let.

10.13 Some complaints will require enforcement action by the Council and some complaints will not: for example, where the Council determines that the complaint is frivolous or vexatious; where action has already been taken or is in progress; or where the complaint relates to a matter which is outside the scope of the licensing scheme. The Council will aim to resolve most complaints by means of engagement and discussion with the host/operator, prior to considering other forms of action described above.



End of policy. Produced by:

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