

Licensing of Short Term Lets

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1 Why does the Council need this Policy?

- 1.1 This Policy sets out how the Private Sector Housing Unit and the Licensing Committee will exercise its functions under the [Civic Government \(Scotland\) Act 1982 \(the Act\)](#) and the [Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#) (the Order) in respect of the licensing of short term lets in Aberdeen City.
- 1.2 The Policy is designed to provide licence-holders, prospective licence holders, members of the public and statutory partners with information on the Council's general approach to the making of licensing decisions in respect of short term lets.
- 1.3 The Policy will ensure that applications are administered in an open, transparent and consistent manner in order to reduce the risk of inconsistent decision making that could lead to reputational damage.

2 Application and Scope Statement

- 2.1 This policy applies to the grant and renewal of short term let licences as administered by the Private Sector Housing Unit on behalf of Aberdeen City Council.

3 Responsibilities

- 3.1 Chief Officer - Housing, is responsible for managing this Policy and any supporting guidance.
- 3.2 Chief Officer - Housing, is responsible for approving short term let licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues.
- 3.3 The Licensing Committee is responsible for considering short term applications when there are objections, concerns or contentious issues.
- 3.4 The Licensing Committee is responsible for setting any discretionary licensing conditions, temporary exemptions and temporary licenses.
- 3.5 The Private Sector Housing Manager is responsible for ensuring that staff are aware of, and understand the contents of the Policy and to apply this Policy when determining applications for short term lets.
- 3.6 Hosts and operators of short-term lets in Scotland are responsible for ensuring that they comply with the Civic Government (Scotland) Act 1982 (the Act) and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the Order) legislation including any conditions attached to licenses granted. Hosts and operators may be individuals or organisations such as partnerships, charities, trusts or

companies who provide short-term lets.

3.7 Any instances of non-compliance with the Policy should be reported to the Chief Officer - Housing.

3.8 Any feedback or suggestions for improvement of this policy should be communicated to the Private Sector Housing Team:
ShortTermLets@aberdeencity.gov.uk

4 Supporting Procedures & Documentation

4.1 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#)

4.2 [The Civic Government \(Scotland\) Act 1982](#)

4.3 [Short term lets – licensing scheme part 1: guidance for hosts and operators](#)

4.4 [Short term lets – Licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

4.5 Advice for applicants on how to apply can be found through the Council's [Short Term Let webpage](#).

5 About this Policy

This policy sets out how the Council will manage the licensing scheme of short-term lets throughout Aberdeen City.

5.1 Application Fees

Application fees will be determined on an annual basis by the Council and published on the Council's Short Term Let webpage.

5.2 Types of Licenses

Hosts and operators may apply for the following types of licence:

- **Secondary letting** - The letting of property where a host or operator does not normally live, for example a second home that is let to guests
- **Home letting** - Using all or part of a host or operator's home for short-term lets, whilst they are absent. An example of this could be whilst the host or operator is on holiday
- **Home sharing** - Using all or part of the host or operator's own home for short-term lets, whilst they are there
- **Home letting and home sharing** - Operating short-term lets from the host or operator's own home while they are living there **and** for periods when they are absent

5.3 Licence Conditions

Mandatory conditions will be attached to every Licence and detail the applicant's responsibilities. Mandatory conditions can be viewed below:

<https://www.legislation.gov.uk/sdsi/2021/9780111048092/schedule/3>

5.4 Applying Discretionary Licensing Conditions

The application of Discretionary Licensing Conditions is subject to consultation and will be determined by the Licensing Committee. Discretionary Licensing Conditions will be reviewed regularly and details of any Discretionary Licensing Conditions will be made available on the [Council's website](#).

5.5 Temporary Exemptions

The use of Temporary Exemptions is subject to consultation and will be determined by the Licensing Committee. This will be reviewed annually when the Short Term Let Policy is reviewed or earlier if required.

Aberdeen City Council's statement of policy on Temporary Exemptions can be found below: <https://www.aberdeencity.gov.uk/services/housing/short-term-lets> .

5.6 Temporary Licenses

The use of Temporary Licenses is subject to consultation and will be determined by the Licensing Committee. This will be reviewed regularly.

Aberdeen City Council's statement of policy on the use of Temporary Licenses can be found below: <https://www.aberdeencity.gov.uk/services/housing/short-term-lets>

5.7 Duration of a Licence

A short term let licence will be issued for a period of up to 3 years.

5.8 Consultees

Before any licence is granted the Council will consult with the following statutory consultees. A period of 28 days will be allowed for representations/objections to be received.

- Police Scotland
- Scottish Fire & Rescue Service

5.9 Objections

Objections must be received in writing within 28 days of a Public Notice being displayed by the applicant outside a property. Email objections can be sent to ShortTermLets@aberdeencity.gov.uk stating the reason for objection. The objection must be signed. Applications that have received an objection must be heard at the Council's Licensing Committee.

5.10 Planning

Planning Permission may be required before submitting a Short Term Let application. Applicants should contact the planning service to determine whether planning permission is required for their application and are strongly encouraged to have the relevant planning permission in place prior to submitting their Short Term Let application. Planning queries should be directed to PI@aberdeencity.gov.uk

5.11 Decision Making

The Chief Officer - Housing, may determine applications for short term let licenses under delegated powers. Delegated powers will not be used for an application that has received any objections. Applications that receive an objection will be determined at the Licensing Committee.

5.12 Complaints Process

Complaints regarding unlicensed short term lets should be emailed to ShortTermLets@aberdeencity.gov.uk where the Council will then investigate.

Anti-Social Behaviour complaints should be directed to the Community Safety Team on 0800 0510434 or email CST@aberdeencity.gov.uk

Other Council departments may be consulted when required e.g Community Safety Team after noise complaints.

5.13 Refund Process

Refused applications are non-refundable. However, a refund may be available under certain circumstances. Refund information will be published on [Aberdeen City Council's webpage](#).

6 Risk

6.1 This policy and its supporting documentation will manage the following risks:

Reputational Risks – The policy and supporting documentation sets out how the Licensing Committee will exercise its functions under the Civic Government (Scotland) Act 1982 (the Act) and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the Order) in respect of the licensing of short term lets in Aberdeen City in order to reduce the risk of inconsistent decision making that could lead to reputational damage.

Operational Risks - This policy is designed to ensure short term let properties are safe for occupation by guests. Hosts and operator information will be recorded on the Council's website, this could provide contact details to neighbors where Anti-Social Behaviour is an issue within a property.

Compliance Risks -This policy helps to ensure that the Licensing Authority complies with its resolution to licence short term lets. The policy therefore reduces the risk of non-compliance with its decision to licence short term lets.

7 Environmental Considerations

7.1 This Policy does not relate to, nor have an impact on, any environmental factors. As such an Environmental Assessment was not undertaken. Licensing of short term lets may bring positive impacts to the environment. For example, as Short Term Lets will be regulated, the hosts will be contactable, and they could have information notes displayed within the property advising of available waste & recycling facilities.

8 Policy Performance

8.1 Customer or member complaints regarding the application of the Policy and the number of appeals lodged where the appeal relates to the Policy and its application will be used to monitor the performance of the Policy. Complaints may encourage a review of the Policy.

8.2 Where there is a departure from Policy, the Committee decision will be set out in the Minutes of the Committee and will provide reasons for that decision.

9 Design and Delivery

9.1 The Policy and supporting documents are aligned to support delivery of the Council's statutory obligations under the Act and the Order.

10 Housekeeping and Maintenance

- 10.1 This Policy was created as a result of the introduction of legislation concerning the licensing of short term lets in March 2022.
- 10.2 The Chief Officer - Housing, will review this Policy on an annual basis. It will, however, be subject to continual review and amendment. Changes to the Policy will only be put into effect following consultation with the Licensing Committee and licence holders.

11 Communication and Distribution

- 11.1 The Policy will be available on the Council's Short Term Lets webpage.
- 11.2 Changes in relation to Short Term Let guidance and legislation will be updated on the Council's [Short Term Let webpage](#).

12 Information Management

- 12.1 The information generated by the application of the Policy will be managed in accordance with the Council's Corporate Information Policy and supporting procedures.

13 Definitions and Understanding this Policy

- 13.1 Short Term Let – means the entering of an agreement between a guest and a host in the course of business for the use of the property as residential accommodation by a guest
- 13.2 Licensing Committee – means the Licensing Committee of Aberdeen City Council
- 13.3 Applicant - means the person making the application for the licence, normally the host or operator
- 13.4 Licence Holder - means any one of the persons named on the licence application including, but not limited to, the host or operator
- 13.5 Discretionary Licensing Conditions – Additional conditions to respond to local challenges and concerns specific to certain models of short-term letting
- 13.6 Temporary Exemptions – exemption to the requirement to have a licence for a specified single continuous period not exceeding 6 weeks in any period of 12 months.
- 13.7 Public Notice – A Notice displayed outside the property declaring a short term let application has been submitted to the Council.