

## **Short-term lets licensing**

### **Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets Order) 2022 As Amended**

#### **Application to Confirm a Provisional Short-term Let Licence - Guidance Notes**

These guidance notes have been provided to help you in completing the application form. Before lodging an application for a licence to Confirm a Provisional Short-Term Let Licence, please ensure that you have read the following Guidance.

A Provisional Short-Term Let Licence is of no effect until it is confirmed. If it is not confirmed within 3 years after the date it was issued by the Council it will be treated as revoked. You must therefore apply to confirm the provisional short-term let licence within 3 years from the date the licence was granted.

The premises cannot be used for short-term letting until the provisional short-term let licence has been confirmed by the Council.

#### **Part 1: Provisional Short-term Let Licence Details**

You must provide details of your provisional short-term let licence and enclose the original licence with your application.

In the event that you are unable to provide the original Licence, please provide details of the reasons for failing to provide the Provisional Licence. If you cannot find your licence, or it has been lost or stolen, you need to report this to the Police. You will also need to apply for a certified copy licence and pay the relevant fee.

#### **Part 2 : Applicant Details**

Only the provisional licence holder(s) or person authorised to act on behalf of the licence holder(s) can apply to confirm a provisional short-term let licence.

Your application will be assessed on the basis of the information provided in connection with the provisional short-term let licence. If any details have changed since the date of your provisional short-term let licence was issued, please provide full details **of all** changes.

#### **Part 3: Planning Certificate**

**You must enclose a planning certificate with your application.** If you provided a provisional planning certificate in connection with your provisional short-term let licence which consisted of outline planning permission you must still provide a planning certificate with your application. Outline planning permission is not the same as full planning permission.

A Planning Certificate is a certificate signed on behalf of East Ayrshire Council's Planning Service stating that:-

- (a) Planning permission under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the premises in connection with their proposed use as a short-term let has been obtained, or
- (b) No such planning permission is required.

Details about how to contact the Council's Planning Service directly can be found on the Council's website [Planning permission · East Ayrshire Council](#)

#### **Part 4: Building Standards Certificate**

**You must enclose a building standards certificate with your application.** A building standards certificate is a certificate signed by East Ayrshire Council's Building Standards Service stating:-

- (a) That a completion certificate has been accepted under section 18 of the building (Scotland) Act 2003 in respect of any construction of the premises in connection with their proposed use as a short term let,
- (b) 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
- (c) That no such completion certificate or permission is required.

Details about how to contact the Council's Building Standards Service directly can be found on the Council's website [Building warrants · East Ayrshire Council](#)

#### **Part 5: Premises**

You must confirm whether or not the premises were built to the specification provided in connection with your provisional short-term let licence. If they were not, provide full details of all changes where indicated on the application form.

If there have been any more than very minor changes then you may be required to lodge a variation application before confirmation and before a final licence can be issued.

#### **Part 6: General Safety and Standards**

**Fire Safety** – You are required to ensure that the premises has satisfactory equipment installed for detecting and for giving warning of:

- (a) Fire or suspected fire, and
- (b) Carbon monoxide present in a concentration that is hazardous to health

You must ensure that you have taken adequate steps to ensure fire prevention, including fitting and maintaining working smoke and carbon monoxide alarms. Further details about this can be found in the Scottish Government Guidance [Satisfactory fire and carbon monoxide detection: tolerable standard guidance - gov.scot](#)

Any upholstered furniture and furnishings intended for guest use or to which guests are permitted to have access must comply with the Furniture and Furnishings (Fire Safety) Regulations 1988. You must keep records to evidence your compliance by, for example, keeping photographic evidence, removing and retaining the labels themselves or by keeping receipts which confirm compliance.

If you are home sharing, the requirement does not apply to areas of your accommodation to which guests do not have access.

You must ensure compliance with the requirements of the Fire (Scotland) Act 2005, to which the Scottish Fire and Rescue Service are responsible for enforcing. The 2005 Act requires the person who has control of the premises to provide fire safety measures, including risk reduction measures, means of fire warning, fire fighting, escape, staff training and instruction as well as emergency procedures and maintaining of good records. It sets out fire safety responsibilities and seeks to ensure people are safe from harm. You can find out more in the Scottish Government Publication [Fire safety - existing premises with sleeping accommodation: practical guidance - gov.scot](#)

**You must also complete the Scottish Fire and Rescue Service's Checklist and send a copy of your completed checklist to the Council with your application.** A copy of the Checklist can be obtained at [HMO FIRE SAFETY CHECKLIST](#)

## **Gas Safety**

If the premises has a gas supply you must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises. If, after an annual inspection, any appliance does not meet the required safety standard, you 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.

If the premises does have a gas supply, you must provide a copy of the most recent Gas Safety Certificate for the premises with your application.

## **Electrical Safety**

Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which guests are allowed access to, you must:-

- (a) Ensure that any electrical fittings and items are in a reasonable state or repair and proper an 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 produce a Portable Appliance Testing Report on moveable appliances to which a guest has access and date label and sign all moveable appliances which have been inspected.

## **Water Safety**

If the premises has a private water supply (i.e. a supply that is not supplied by Scottish Water) then you need to comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Guidance can be obtained at [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017](#)

Whether or not your premises are served by a private water supply or Scottish Water, you must assess the risk from exposure to legionella within the premises. This means you must complete a legionella risk assessment. You must keep a record of what assessment you have carried out and provide a copy of the risk assessment with your application.

## **Safety and Repair Standards**

If the premises is a dwellinghouse, you must ensure that the premises meet the repairing standard. 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.

The repairing standard requires:-

- The premises must meet the statutory tolerable standard
- The premises are wind and water tight and in all other respects reasonably fit for people to live in
- The structure and exterior (including drains, gutters and external pipes) must be in a reasonable state of repair and in proper working order
- Installations for supplying water, gas and electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water, must be in a reasonable state of repair and in proper working order
- Any fixtures, fittings and appliances that you provide for guests must be in a reasonable state of repair and in proper working order
- Any furnishings that you provide for guests must be capable of being used safely for the purpose for which they are designed
- The premises must have satisfactory provision for, and safe access to, a food storage area and a food preparation space
- The common parts pertaining to the premises must be able to be safely used and accessed
- Where the premises are in a tenement, common door must be secure and fitted with satisfactory emergency exit locks

- The premises must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire
- The premises must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health

Guidance can be obtained at [Repairing Standard: statutory guidance for private landlords - gov.scot](https://www.gov.scot/publications/repairing-standard/statutory-guidance-for-private-landlords/pages/20.aspx)

### **Energy Performance Certificate (EPC)**

Energy Performance Certificate (EPC) means a certificate which complies with Regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008. If you are using a dwellinghouse for secondary letting you must have a valid EPC Certificate issued within the last 10 years. Scottish Government Guidance on EPC requirements for holiday lets can be found here [Holiday let accommodation - Energy Performance Certificates: guide - gov.scot](https://www.gov.scot/publications/holiday-let-accommodation-energy-performance-certificates/guide/pages/20.aspx)

If you have an EPC for the premises please provide details of the rating and also provide a copy of the EPC with the application.

### **Insurance**

Under this section you are asked to provide details of both your buildings insurance and public liability insurance policies. The licence holder must ensure that there is valid buildings insurance for the duration of the licence in place for the premises. The licence holder must also ensure that there is valid public liability insurance in place for the premises for the duration of each short term let agreement. Both policies must be clear in that the policy includes the activity of short-term letting.

You must enclose a copy of the relevant insurance certificates with your application.

### **Part 6: Checklist**

The application checklist is designed to assist you with preparation of the application that is complete first time. If your application is incomplete East Ayrshire Council will return your application to you and ask that you re-submit a complete application.

The checklist is to ensure you have enclosed all necessary documentation to support your application, that you understand your obligations and your premises is suitable and ready for inspection (if required).

### **Part 7: Declaration**

You are required to complete a declaration to confirm that you have read and understood the mandatory conditions that apply to all short-term lets in Scotland and any additional standard conditions that are required by the Licensing Authority.

As noted within the Declaration it is an offence to provide false or misleading information on your application form, which could lead to prosecution, and you are

therefore required to indicate that the information provided on your application form is correct to the best of your knowledge.

## **Submitting your application**

Before submitting your application, please ensure the following:

- The application has been completed in full
- All documentation detailed in the Checklist contained in Part 6 of the application form are submitted with the application

## **Further information and links:**

- **Scottish Government Short-Term Lets webpage:** [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/short-term-lets-regulation/information/pages/index.aspx)
- Scottish Government Licensing Guidance for Hosts and Operators: [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/short-term-lets-licensing-scheme-part-1-guidance-for-hosts-and-operators/pages/index.aspx)
- Scottish Government Planning Guidance for Hosts and Operators: [2. Guidance for Hosts and Operators - Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/short-term-lets-planning-guidance-for-hosts-and-operators/pages/index.aspx)
- East Ayrshire Council webpage: [Short-term lets licence · East Ayrshire Council \(east-ayrshire.gov.uk\)](https://www.east-ayrshire.gov.uk/short-term-lets-licence)