

## Short-term lets licensing

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

#### Application for a Provisional Licence 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 for a Provisional Short Term Let (STL) please ensure that you have read the following Guidance.

An application for a provisional short-term let licence can be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed for use as a short-term let. **A provisional short-term let licence is of no effect unless and until it is confirmed.** Further details about confirming a provisional short-term let licence can be found on the Council's website.

#### Part 1: Applicant Details

1. Indicate whether you are applying for a licence for the premises as an individual or as a corporate entity (e.g. a company, partnership charity or trust) by ticking one box.
2. **Individual** – If applying as an individual, you need to provide information detailing, your full name, your date and place of birth, your address, e-mail address and contact telephone number. You must also provide your address history for the last five years.
3. Indicate whether the property will be jointly owned by ticking one box.

Provide the full name, date and place of birth, home address including postcode, an e-mail address and telephone contact number **of all** joint owners. You must also provide address history spanning the last five years for all joint owners.

4. **Corporate Entity** – If you are applying as a corporate entity (e.g. a company, partnership, charity or trust) you need to provide information detailing the full name of company or body, company number (if applicable), address of principle or registered office, including postcode, an e-mail address and telephone contact number. Names, private addresses and dates and places of birth **of all** Directors, Partners or other persons responsible for its management, including Trustees in the case of charities and trusts must be provided, as well as their address history for the last five years.
5. Indicate whether the property will be jointly owned by ticking one box.

Provide the full name, date and place of birth, home address including postcode, an e-mail address and telephone contact number **of all** joint owners. You must also provide address history spanning the last five years for all joint owners.

6. Has anyone named on the application form previously held a short-term let licence, please tick one box and provide details of Licensee's full name, name of Local Authority who granted the licence and the type of short term let licence held.

## Part 2 : Premises Details

7. Provide details of the address of the premises to be licensed, including postcode, unique reference number (if known), the number of bedrooms within the property and the maximum number of occupants.

Provide details of the EPC rating (if premises currently exist). This information is not required for home sharing or unconventional accommodation.

Where there are multiple accommodation units on the same premises, please include the total maximum occupancy and maximum occupancy per unit. Some illustrative examples are included below:

Premises type	Maximum occupancy per unit	Total maximum occupancy
Self-catering detached house (secondary let – entire property)	10	10
Home sharing with 2 lettable bedrooms	2 bedrooms, with maximum occupancy of 2 per bedroom.	4
Field with 10 separately lettable pods	5 pods with maximum occupancy of 2; 5 pods with maximum occupancy of 3.	25

Children greater than one year old and under 10 should be considered as 0.5 unit where the term of occupancy of the property by the same group extends beyond 16 days. Where occupancy of the property by the same group is of 16 days or less the undernoted will apply.

Hosts will require to ensure accurate occupancy of a let as part of their licence conditions. The following guide can be used, however applications can be discussed on a case by case basis.

Bedroom Size	Number of Guests
1 Bedroom (single)	1
1 Bedroom (double)	2
2 Bedroom (1 single and 1 double)	3 (excluding children under 10)
2 Bedrooms (2 double)	4 (excluding children under 10)

8. Indicate the type of short-term let licence you require by ticking one box.

- **Secondary letting** – this means a short-term let involving the letting of property where you do not normally live, for example a second home;
- **Home letting** - this means using all or part of your home for short-term lets whilst you are absent, for example whilst on holiday
- **Home sharing** – this means using all or part of your own home for short term lets whilst you are there;
- **Home Sharing & Home Letting** - means you operate short-term lets from your own home while you are living there and also for periods when you are absent.

9. Indicate the type of premises proposed by ticking one box. Unconventional accommodation is a broad term, used to capture all accommodation that is not a dwellinghouse – such as pods, yurts, static caravans etc.

10. Select the description that best describes your short-term let by ticking one box. This question will help understand the makeup of the short-term let sector in more detail and relates to short-term let type. B & Bs and guest houses are often forms of home sharing.

11. Indicate whether you intend to appoint an agent or day to day manager by ticking one box.

Provide full name, address history which spans five years, date of birth and e-mail address and telephone contact number of agent or day to day manager.

### Part 3: Convictions

Details of any unspent convictions must be provided for everybody that has been named on your application in order for East Ayrshire Council as licensing authority to consult with Police Scotland (and any other body as appropriate) to determine whether all those named on the application are considered fit and proper persons.

Unspent Convictions – Unspent convictions **must** always be disclosed.

Spent Convictions – A spent conviction is a criminal conviction that, under the Rehabilitation of Offenders Act 1974, can be treated as “spent” after a certain length of time. Although you are not required to disclose any convictions which are “spent” the Police may raise an objection on the basis of any spent convictions you may have and the Council may thereafter decide to consider these if they are determined to be relevant to your application. If you think a conviction is spent you may wish to seek independent legal advice.

Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the procurator Fiscal with a view to prosecution.

Indicate whether any person named on the application has been refused a licence for the same or similar type of activity in the past by deleting either “Yes” or “No”. If you have answered Yes, provide details of when the application was refused, which type of licence was refused and the Authority who refused to grant the Licence.

## **Part 4: Checklist**

### **Application checklist**

The application checklist is designed to assist you with preparation of an application for a licence that is complete first time. If your application is incomplete East Ayrshire Council will return your application to you and ask you to resubmit a complete application.

A location plan of the land on which the premises are or are to be located, should be provided together with a floor plan of the premises/areas to be covered by the Licence are required, and should preferably be drawn in a scale where 1 millimetre represents 100millimetres, or in such other format acceptable to the Council. The layout plan must detail

- the extent and dimensions of the boundary of the building/site, and any external and internal walls of the building/structure. If home sharing areas to which the licence will extend should be detailed.
- Rooms – living area/bedrooms/bedrooms available for guests
- Room sizes, including bedrooms
- the location and width of each point of access to and egress from the premises.
- the location and widths of any other escape routes from the premises.
- the location of any equipment used for the detection or warning of fire or smoke or for fighting fires.
- the location of any steps, elevators or lifts on the premises.

- the location of hot tubs
- Location of stairs/elevators/lifts

A copy of the Planning Certificate must accompany the application.

The fee of £100 must be paid on lodgement of the application. The remaining balance will be payable on lodgement of the application for Confirmation of Provisional Grant. The balance remaining will depend on the type of application applied for. Details of fees are contained within the section headed "Licence Fees".

Written consent by Joint Owners must be submitted with the application form (if applicable)

## **Part 5: Declaration**

You are required to complete a declaration to confirm 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.

You are required to display a site notice at, or near the property or proposed location of the property if not already built, in an area where the notice can easily be read by members of the public and the notice must remain in place for a period of 21 days.

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.

## **Licence Fees**

Licensing authorities are required to charge fees in respect of processing and determining the consideration of applications, the issue of duplicate licences and other matters.

Licensing fees are non-refundable. Whether or not a licensing application is granted, the Council incurs significant costs in processing the application.

The fee for a provisional short term let licence is £100. The balance will vary dependent on the type of licence being applied for and the maximum occupancy. Licence fees are as undernoted:

<b>New Licence</b>	<b>Max Occupancy (Up to 4)</b>	<b>Max Occupancy (5 or More)</b>
Secondary Let	£250.00	£400.00
Home Sharing or Home Letting (or both)	£125.00	£250.00

Renewal Licence	Max Occupancy (Up to 4)	Max Occupancy (5 or More)
Secondary Let	£200.00	£350.00
Home Sharing or Home Letting (or both)	£75.00	£200.00

Other Applicable Fees	Cost
Variation	£75.00
Replacement/Duplicate Licence	£50.00
Provisional Grant of Licence	£100.00
Transfer of Licence	£50

**Please note separate additional fees are payable to the Planning Service for the relevant Planning Certificate.**

### **Additional Documents:**

#### **Site Notice**

Applicants have a statutory obligation to advertise by displaying a notice of application stating that an application for a short-term let licence has been made.

A template site notice is provided with the application form. This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be easily read by members of the public for a period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period the Certificate of Compliance must be completed and the entire notice must then be returned to [licensing@east-ayrshire.gov.uk](mailto:licensing@east-ayrshire.gov.uk) or by post to East Ayrshire Council, Licensing Section, London Road, Kilmarnock, KA3 7BU.

If the notice has been removed or defaced then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

**Note** - Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement.

### **Submitting your application**

Before submitting your application, please ensure the following:

- The application has been completed in full
- A location plan and layout plan accompany the application

- Planning Certificate must accompany 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)