

Short-term lets licensing

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

Application for Transfer of Short-Term Let Licence - Guidance Notes

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

Only the Licence Holder of a Short-Term Let Licence can apply to transfer the Licence.

The Licence Holder should complete Part A of the application and thereafter e-mail the application to licensing@east-ayrshire.gov.uk or post to the Licensing Section, Council Headquarters, London Road, Kilmarnock, KA3 7BU.

The Transferee should complete Part B of the application and thereafter e-mail the application to licensing@east-ayrshire.gov.uk or post to the Licensing Section, Council Headquarters, London Road, Kilmarnock, KA3 7BU.

On receipt of both Part A and Part B, a member of the Licensing Section will contact the Licence Holder for payment of the required fee.

Part A

Licence Details

This Section asks you to provide details of the short-term let licence holder by the licence holder(s). You must enclose your short-term let licence with your application for transfer. If you are unable to find your licence or it has been lost or stolen you should report this to the Police. You will also need to apply for a certified copy of the licence and pay the relevant fee.

1. Applicant Information

Only the current licence holder can apply to transfer the Licence. You must confirm if you are the current licence holder and if not explain your reasons why you are making application.

Provide the full name and address of all licence holders.

If there are joint licence holders, you must have the consent of each other joint licence holder for the transfer of the licence to the transferee. If consent is required, your transfer application will be refused if you do not provide it. You must provide:-

- (a) A declaration from each other joint licence holder that they consent to the transfer application, or
- (b) A declaration from a person who is authorised to act on behalf of each joint licence holder stating that they consent to the transfer application on their behalf.

2. Ownership of the Premises

If you (as the current licence holder) do not own the licensed premises (or the land on which the premises are located), or if you share ownership, you must have the consent of each owner for the transfer application.

If consent is required, your transfer application will be rejected if you do not provide it. You must provide:-

- (a) A declaration from each owner of the premises (or land on which the premises are located) that they consent to the transfer application, or
- (b) A declaration from a person who is authorised to act on behalf of each owner of the premises (or the land on which the premises are located) that they consent to the transfer application.

3. Transferee Details

Indicate whether the transferee is an individual or a corporate entity (e.g. a company, partnership, charity or trust) by ticking one box.

If an individual, provide full name and address of transferee. If a corporate entity, provide full name of company or body, company number (if known) and address of the principal or registered office.

4. 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.

Complete the checklist by ticking all documents which require to accompany the application.

5. Declaration

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.

PART B

Part B is to be completed by the Transferee

1. Transferee Details

Indicate whether the transferee is an individual or a corporate entity (e.g. a company, partnership, charity or trust) by ticking one box. You must identify all people who need to be named on the application form.

Individual Details – If an individual provide details of your full name, date and place of birth, address, e-mail address and telephone contact number. Please also provide address history for the last five years.

Corporate Entity – If a corporate entity provide details of full company name or body, limited company number, address of principle or registered office, e-mail address and a contact telephone number.

You must also provide details of all directors, partners or other persons concerned in the management of the body, including trustees in the case of charities and trusts, by providing full name, date and place of birth, home address, e-mail address and contact telephone number for each person.

2. Ownership of the Premises

If you will not be the sole owner of the premises at the point of the licence being transferred provide the full name and address of each joint owner.

Each joint owner must consent to the property being used as a short-term let. Written consent must accompany the application.

3. Agent/Day to Day Manager

If you intend to appoint someone else to carry out the day to day management of the premises you must provide their full name and date of birth, their address history for the last 5 years, their e-mail address and telephone contact number.

4. Previous/Other Short-Term Let Licence Details

You need to confirm whether anyone named on the application form has previously held a short-term let licence. This includes licences issued by the Council and those issued by any other Scottish Licensing Authority. Please provide full name, details of the Licensing Authority who granted the licence and the type of short-term let.

You also need to confirm whether anyone named on the application has previously been refused a licence and provide their full name, details of the Licensing Authority who refused the licence and the date of refusal, and the type of licence refused.

5. Insurance

This section requests that you provide details of both the buildings insurance and public liability insurance policies in place for the premises. You must ensure that there is valid buildings insurance for the duration of the licence in place for the premises. You must also ensure that there is valid public liability insurance in place for the duration of each short-term let agreement.

Copies of both the building insurance and public liability insurance must be submitted with the application. Please ensure that the insurance covers the activity of short-term letting.

6. Criminal 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.

7. 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.

Complete the checklist by ticking all documents which require to accompany the application.

If new portable appliance equipment has been purchased for use by guests, you must submit a Portable Appliance Testing Report with the application.

8. 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 checklist at part 7 has been fully completed.
- All required supporting documentation is attached.

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/part1/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)