

# Scotland short-term lets regulation proposals: the steps you'll need to take to comply

The Scottish Government is consulting on a new licensing and planning framework for short-term lets, coming into force in April 2021. We think it's complex, costly and unfair for hosts. Find out more about what the Scottish Government has set out below, and speak to your local politician with your thoughts on how this will affect you.

- Find out if your property falls within a control area
- If it is, and you're not renting out a room in your primary home, you must apply for 'change of use' planning permission. If it's not, you may still require planning permission if the planning authority thinks your short term let amounts to "a material change of use"
- Create an account with ePlanning Scotland
- Create a planning proposal including
  - a description of the change
  - your name and address
  - a postal address
  - a certificate of ownership
  - a plan which clearly identifies the location of the application site
  - any other plans or drawings
- Pay the application fee (approx. £400)
- Wait while the planning authority publishes details of your application and notifies with anyone within 20 metres of your property. Consider how to respond to any objections. Wait for the planning authority to take a decision on the application (usually around 2 months)
- If it is approved, proceed; if not, you can appeal
- Now prepare to apply for a licence
- Check whether your application falls under a 'grace period' or whether you must cease operating until you have a licence
- Select whether you need to apply for a licence which can cover both home sharing and home letting (ie your home is being used) or whether you need a licence for a secondary letting
- Check you can comply with mandatory licence conditions
  - repairing standard
  - displaying of licence
  - safety awareness
  - gas safety
  - carbon monoxide safety
  - electrical safety
  - smoke detectors and head alarms
  - furnishings
  - legionella risk assessment
  - maximum occupancy
  - display licence number
  - display EPC rating
  - insurance cover
  - can pay relevant tax
  - mortgage (or tenancy) compliance
  - planning permission and conditions
- Research your local authority's 'menu' of additional licence conditions and check you comply
  - hosts required to meet all guests at the property on check-in
  - limits to alterations to the layout of the property without approval – adding beds etc
  - limits to occupancy and number of beds
  - install adequate facilities for the storage and disposal of refuse and recycling
  - replace wood floors with vinyl or carpet
  - install door closers to prevent doors being slammed
  - instal a noise monitoring kit to log noise, and notify the host or hosting intermediary of any noise above a certain specified limit
  - communicate "house rules" on arrival
  - check in and departure curfews – 11pm and 7am
  - supply data on the number of nights your accommodation was let last year, the number of lettings you had last year and the total number of nights available to let last year
- Adjust your property to meet these requirements
- Check whether your application falls under a 'grace period' or whether you must cease operating until you have a licence
- Begin the application
- Supply information
  - address
  - property owner
  - number of bedrooms (and floorplan)
  - HMO licence number (if applicable)
  - host contact details
  - relevant criminal convictions – disqualification from being a private landlord, having had short-term lets or HMO licence revoked
  - have you had an application for a short-term lets licence turned down by any local authority?
  - have you provided false or misleading information in an application for a short-term lets licence, HMO licence or application to be a private landlord?
  - other short-term let licences you own
  - proposed maximum occupancy
  - what type of short-term let licence you are applying for
  - information about any intermediary (Airbnb, Booking.com etc)
  - out of hours contact details
  - access arrangements for any local authority visit
  - have you met mandatory licence conditions?
  - have you met additional conditions?
  - and which neighbours have you notified?
- Pay your non-refundable application fee (TBD, but will depend on property size, number of rooms and occupants)
- Submit application
- Notify all neighbours within a 20-metre distance of the property, including all residents on a tenement stair and neighbouring tenement stairs
- Await potential objection based on safety, noise, previous complaints, the availability of residential housing, the impact of your letting on the character of the neighbourhood, and the suitability of the building
- Await potential visit from local authorities to asses
- Assess appear before Council licensing committee to justify your application or instruct lawyer to appear on your behalf
- Your application has been approved!
- Set up direct debit to pay monthly or yearly 'monitoring' subscription fee to the council (TBD)
- Get added to the register of hosts and licence accommodation
- Always be prepared for an inspection of your property – routine (with warning) or unannounced (where your premises will be entered forcibly if necessary)
- If you don't comply, or the inspection is in response to a complaint, you will be charged for the cost of inspection (TBD)
- Renew your licence after three years

