City of Glasgow Licensing & Regulatory Committee - Short Term Lets Policy

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1. The Role of the Licensing and Regulatory Committee

Glasgow City Council is the Licensing Authority for the City of Glasgow in relation to a wide range of activities. The responsibility of licensing certain activities, including Short Term Lets ("**STL**") is delegated to the Licensing and Regulatory Committee ("the **Committee**.")

The responsibility for determining policy in relation to STL and applications is delegated to the Committee. Further information on the Committee, including its membership and terms of reference, is available online:

https://www.glasgow.gov.uk/councillorsandcommittees/

Members of the Committee must take account of the terms of the Councillors' Code of Conduct published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision making and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Committee.

Members of the Committee may declare an interest and choose not to participate in the decision making of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a Councillor if they feel that such prior involvement would compromise their impartiality.

2. Definitions

Unless the Policy states otherwise, the definitions below shall apply throughout it:

1982 Act means the Civic Government (Scotland) Act 1982;
2008 Regulations means The Energy Performance of Buildings (Scotland) Regulations 2008
2010 Act means the Equality Act 2010;
2018 Act means the Data Protection Act 2018;
2022 Order means The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022;
accommodation includes whole or any part of a premises;
aparthotel means a residential building containing serviced apartments where (a) the whole building is owned by the same person, (b) a minimum of 5 serviced apartments are managed and operated as a single business, (c) the building has a shared entrance for the serviced apartments, and (d) the serviced apartments do not share an entrance with any other flat or residential unit within the building;
bothy means a building of no more than two storeys which (a) does not have any form of (i) mains electricity, (ii) pipes fuel supply, (iii) piped mains water supply, (b) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984), and (c) is 100 metres or more from the nearest habitable building;
Civic Licensing Standards Officer has the definition in section 45G of the 1982 Act;
Commercial consideration includes (a) money and (b) a benefit in kind (such as provision of a service, or reciprocal use of accommodation);
Councillors Code of Conduct means the code of conduct published by the Standard Commission for Scotland;
Glasgow City Council", "the Council" means Glasgow City Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at the City Chambers, George Square, Glasgow, G2 IDU;
guest means a person who occupies accommodation under a Short Term Let;
Home letting means a short term let for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home;
Home sharing means a short term let for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home;
host means a person who is the owner, tenant, or person who otherwise exercises control over

occupation and use, of the accommodation which is the subject of a Short Term Let;
hostel means a building, other than a house, in which there is provided for persons generally or for any class or classes of persons (a) residential accommodation, and (b) either or both (i) meals, (ii) cooking facilities;
Licensing Authority means the licensing authority responsible for the processing of STL licences under the 1982 Act;
Licensing and Regulatory Committee or "Committee" means Glasgow City Council's licensing and regulatory committee;
personal care means care which relates to the day to day physical tasks and needs of the person cared for (as for example, but without prejudice to that generality, to eating and washing) and to mental processes related to those tasks and needs (as for example, but without prejudice to that generality, to remembering to eat and wash);
refuge means accommodation used wholly or mainly for persons who have been subject to an incident or pattern of incidents, of (a) controlling, coercive or threatening behaviour, (b) physical violence, (c) abuse of any other description (whether physical or mental in nature) or (d) threats of any such violence or abuse;
Scottish Fire and Rescue Services is a body corporate established under the Police and Fire Reform (Scotland) Act 2012 and having its registered headquarters at Westburn Drive, Cambuslang, G72 7NA;
serviced apartment means a flat or residential unit in respect of which (a) services are provided to guests (such as housekeeping, a telephone desk, reception or laundry), (b) each flat or unit contains its own washing, cooking and dining facilities separate from each of the other flats or units, and (c) there is a management system in place to prevent anti-social behaviour and to impose limits in respect of the maximum occupancy of the flats or units;
Short Term Let or STL has the meaning given in section 6.1 of this Policy;
Short-term Let Control Area has the meaning provided in section 26B of the Town and Country Planning (Scotland) Act 1997;
Short Term Let licence or "STL licence" means a licence for a short term let;
student accommodation means residential accommodation which has been built or converted predominantly for the purpose of being provided to students;
student residential tenancy means a tenancy (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and (b) the landlord is (i) a university or constituent college, school or hall of a university; (ii) a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980, (iii) a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992, (iv) an institution for the provision of further education within the meaning of section 135 (1) of the Education (Scotland) Act 1980 which is administered by the education authority, (v) a college of further education which is managed by a board of management in terms of part 1 of the Further and Higher Education (Scotland) Act 1992 , (vi) an association approved under Regulation 8 of the Further Education (Scotland) Regulations 1959, (vii) The Royal College of Surgeons of Edinburgh; or if planning permission for the construction, conversion or change of use of the building (or part of the building) of which the let property forms part was given on the basis that the let property would be used predominantly for housing students, and the landlord is an institutional provider of student accommodation;
Part means a part of this policy;
Policy means this short term lets policy;
Police Scotland means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine;
Secondary letting means a short term let for the use of accommodation which is not, or is not part of, a host's only or principal home; and
Type of short term let means one of the following purposes: Secondary letting; Home letting; Home sharing; or Home letting and Home sharing.

3. Introduction to Short Term Lets

The Committee's Policy identifies the Committee's approach to the regulation of STL and the processes to be followed relating to applications for licences of this kind. In producing this Policy the Committee has taken into consideration the Scottish Government's Short Term Lets in Scotland Licensing Scheme Guidance dated March 2022

This Policy provides guidance for potential applicants and members of the public on the licensing of STL within Glasgow.

4. Background to licensing STL

The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 on 1 March 2022. This 2022 Order introduced a licensing scheme for STL, which requires all STL to be licensed by 1 April 2024. Prior to the introduction of the 2022 Order, there was no requirement to licence STL in Scotland. The 2022 Order provides for changes to be made to the 1982 Act to reflect this new STL licence being introduced.

5. Consultation and Evidence Gathering Process

While the Committee recognises it is a legal requirement to licence STL under the 2022 Order, it undertook a public consultation from 30 June 2022 to 25 August 2022 (both dates inclusive) on the proposed licensing processes, of STL within Glasgow. This consultation sought views on a draft Short Terms Let Policy Statement and sought specific responses on the following matters:

a) Temporary exemptions;
b) Temporary licences;
c) Consultees;
d) Period of licence on renewal;
e) Additional Conditions attached to a licence;
f) Maximum occupancy calculation; and
g) Any additional comments on the draft policy

The consultation document was available on Glasgow City Council's webpage and the Committee consulted with Elected Members of Glasgow City Council, Community Councils within Glasgow, Glasgow Chamber of Commerce and The Scottish Association of Self-Caterers.

Following completion of the consultation, the Committee at a meeting on 21 September 2022 agreed this Short Term Lets Policy.

6. What is a "Short Term Let?"

6.1 Definition of "Short Term Let"

It should be noted that the definition of a STL is defined in law and not by the Committee. The 2022 Order defines a STL as follows:

"short-term let" means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met—
(a) the guest does not use the accommodation as their only or principal home,
(b) the short-term let is entered into for commercial consideration,
(c) the guest is not—
(i) an immediate family member of the host,
(ii) sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
(iii) an owner or part-owner of the accommodation,
(d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household,
(e) the accommodation is not excluded accommodation (*see section* 6.2 *below)*, and
(f) the short-term let does not constitute an excluded tenancy (*see section 6.3 below).*

For the purposes of the definition detailed above, the 2022 Order provides that a person ("A") is an immediate family member of another person ("B") if A is—
(a) in a qualifying relationship with B,
(b) a qualifying relative of B,
(c) a qualifying relative of a person who is in a qualifying relationship with B, or
(d) in a qualifying relationship with a qualifying relative of B.

Two people are in a qualifying relationship with one another if they are—
(i) married to each other,
(ii) in a civil partnership with each other, or
(iii) living together as though they were married,

A *"qualifying relative"* means a parent, grandparent, child, grandchild or sibling,
(c) two people are to be regarded as siblings if they have at least one parent in common,
(d) a person's stepchild is to be regarded as the person's child,
(e) a person ("C") is to be regarded as the child of another person ("D"), if C is being or has been treated by D as D's child

6.2 Excluded Accommodation

As detailed in section 6.1 above, the 2022 Order provides for certain accommodation to be regarded as "*excluded accommodation*" and therefore there is no need for the owners or operators of these types of accommodation to require a STL licence.

Excluded accommodation means accommodation which is, or is part of—
(a) an aparthotel,
(b) premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of that Act,
(c) a hotel which has planning permission granted for use as a hotel,
(d) a hostel,
(e) residential accommodation where personal care is provided to residents,
(f) a hospital or nursing home,
(g) a residential school, college or training centre,
(h) secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks),
(i) a refuge,
(j) student accommodation,

(k) accommodation which otherwise requires a licence for use for hire for overnight stays (not including an HMO licence granted under section 129 of the Housing (Scotland) Act 2006),
(l) accommodation which is provided by the guest,
(m) accommodation which is capable, without modification, of transporting guests to another location,
(n) a bothy, or
(o) accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties.

The Committee would always recommend that people take their own independent legal advice on whether or not their accommodation would require a STL licence. The Licensing Authority cannot provide legal advice on whether or not a premises is excluded from requiring a STL licence.

6.3 Excluded tenancies

As detailed in section 6 above, under the definition of STL within the 2022 Order, one of the criteria for a STL is that it does not constitute an excluded tenancy. The 2022 Order defines an "*excluded tenancy*" as a tenancy which falls within any of the following definitions:

(a) a protected tenancy (within the meaning of section 1 of the Rent (Scotland) Act 1984);
(b) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988);
(c) a short assured tenancy (within the meaning of section 32 of the Housing (Scotland) Act 1988);
(d) a tenancy of a croft (within the meaning of section 3 the Crofters (Scotland) Act 1993);
(e) a tenancy of a holding situated outwith the crofting counties (within the meaning of section 61 of the Crofters (Scotland) Act 1993) to which any provisions of the Small Landholders (Scotland) Acts, 1886 to 1931) applies;
(f) a Scottish secure tenancy (within the meaning of section 11 of the Housing (Scotland) Act 2001);
(g) a short Scottish secure tenancy (within the meaning of section 34 of the Housing (Scotland) Act 2001);
(h) a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003);
(i) a limited duration tenancy (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 2003);
(j) a modern limited duration tenancy (within the meaning of section 5A of the Agricultural Holdings (Scotland) Act 2003);
(k) a short limited duration tenancy (within the meaning of section 4 of the Agricultural Holdings (Scotland) Act 2003);
(l) a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (as described in section 3 of the Agricultural Holdings (Scotland) Act 2003);
(m) a private residential tenancy (within the meaning of section 1 of the Private (Tenancies) (Scotland) Act 2016); or
(n) a student residential tenancy.

The Committee would always recommend that people take their own independent legal advice on whether or not their accommodation would require a STL licence. The Licensing Authority cannot provide legal advice on whether or not a premises is excluded from requiring a STL licence.

7. Important Dates for STL Licence Applicants

IMPORTANT DATES - It should be noted that from 1 October 2022:

New hosts and operators: if you were not using your premises to provide a STL before 1 October 2022 you can advertise the premises as a STL but you cannot take bookings or have guests stay until you have been granted a STL licence by this Licensing Authority. Subject to meeting the requirements detailed at section 12.3 below, you can submit a STL application on or after 1 October 2022 to the Licensing Authority.

Existing hosts and operators: if you were using your premises as a STL before 1 October 2022, then you have until 1 April 2023 to apply for a STL licence. During the period from 1 October 2022 to submitting your licence application (if lodged prior to 1 April 2023) and it being determined, you can continue to operate your premises as a STL. Please note that you must submit a licence application by 1 April 2023 to continue operating as a STL until your application is determined. You will require to provide evidence of your premises being used as a STL prior to 1 October 2022 with your application. If your grant application is refused you cannot continue to operate your premises as a STL, subject to appeal.

The table below summaries the key dates for potential applicants to consider:

Date	Hosts operating a STL before 1 October 2022	Never operated a STL before 1 October 2022
1 October 2022	• You can continue to operate your premises as a STL - must comply with existing laws and regulations; • You must apply to the Licensing Authority where your premises is situated for a STL licence; and • If your STL Licence application is refused by the Licensing Authority you must stop using your premises as a STL within 28 days of the decision.	• If you wish to operate a STL you must apply to the Licensing Authority in which your premises is situated; and • Must not operate a STL without a licence being granted by the Licensing Authority where your premises is situated.
1 April 2023	• Can only operate without a licence if a STL licence application has been submitted to the Licensing Authority where your premises is situated, and it has not been refused; and • You must stop operating as a STL if your application is refused by the Licensing Authority, subject to appeal.	• Same as above.
1 April 2024	• All hosts must have a STL licence.	• Same as above

8. Different types of STL Licences

Under the 1982 Act there are four different types of STL licences that can be applied for. These are:

a) Secondary letting;
b) Home letting;
c) Home sharing; or
d) Home letting and Home sharing.

Home sharing and Home letting concern the use of the host's only principal home. Secondary letting does not relate to the use of the host's principal home, it is a separate premises.

The application form will ask for you to confirm what type of STL licence you are applying for when submitting your application. You must select one of the above types of the licence.

Further information on who can submit a STL licence application can be found at section 12.1 below.

9. Planning Considerations before Applying for a STL Licence

9.1 Planning permission

In this section the following definitions apply:

Flat means a self-contained residential dwelling set within a building of two or more storey containing two or more such dwellings and which is separated horizontally from at least one other dwelling within the building; and

House means a residential premises with a dedicated private entrance which may be detached from any other dwelling or attached via a vertical separation but is not separated vertically from any other dwelling.

Under the 1982 Act, a preliminary ground for refusing to consider a STL licence is that the use of the premises for a STL would constitute a breach of planning control under the Town and Country Planning (Scotland) Act 1997 by virtue of section 123 (1)(a) or (b) of that Act.

The Committee is aware that Glasgow's current Planning Policy states in relation to short stay accommodation:

- All flats require planning permission;
- Houses would not require planning permission; and
- Renting a room in addition to one resident family would not require planning permission.

To avoid the Licensing Authority having to use the preliminary ground of refusing to consider applications based on planning grounds, the Committee agrees that a pre-requisite in applying for a Home letting STL licence or a Secondary letting STL licence, where the premises is a flat, is that the applicant **must** have:

- planning permission or a certificate of lawfulness issued by the Planning Authority for the use of the premises as short stay accommodation; or
- a certificate of lawfulness confirming that the extent of the use does not amount to a material change of use.

Either the planning permission or certificate of lawfulness must be provided with your application. The Licensing Authority will not accept your application without one of these documents, or confirmation that planning is not required, for these types of STL licences.

Subject to section 9.2 below, an applicant would not currently require planning permission for:

- Home sharing whether the premises is a flat or a house;
- Secondary Letting where the premises is a house; or
- Home Letting where the premises is a house.

9.2 Short-term Let Control Areas

Under The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 the Planning Authority can introduce Short-term Let Control Zones which would require any change of use for a premises to obtain planning permission. In addition, Short-term Let Control Areas would require all STL licence applications, for any of the four types of licences to have planning permission (where required) before applying for a licence. At present there are no Short-term Let Control Areas in place in Glasgow.

If any Short-term Let Control Areas are introduced in Glasgow in the future then applicants and licence holders should note that where planning permission may not be required at present for a STL licence (as detailed in section 9.1 above) this position could change. These licence holders should note that it is a mandatory condition of a STL licence, that if the premises falls within a Short-term Let Control Area the licence holder must ensure that an application for planning permission under the Town and Country Planning (Scotland) Act 1997 has been made or is in force. This means that if a Short-term Let Control Area is introduced during the period of your STL licence, where planning permission was not initially required at the time of applying and being granted a STL licence, detailed in section 9.1 above, you would have to apply for planning permission. If you did not apply for planning permission or a certificate of lawfulness as applicable, or if you continued operating your STL once planning permission or a certificate had been refused you would be in breach of a licence condition and enforcement action may be taken.

The Committee recognises the current position in Glasgow regarding Short-term Let Control Areas could change and will ensure this Policy is reviewed to take account of any Short-term Control Areas that may be introduced in Glasgow in the future.

It should be noted that the introduction of any Short-term Let Control Area would fall under the Planning Authority to implement, not the Licensing Authority.

10. Temporary Exemptions for a STL Licence

Given one of the reasons behind STL legislation being introduced is to ensure basic safety standards are in place across *all* STL and the applicant is a fit and proper person to hold the licence, the Committee agrees on this basis, that no temporary exemptions will be granted. This means that where a person is using their premises as a STL, at any time throughout the year, a STL licence would be required.

The Licensing Authority may however, grant temporary exemptions for national events within Glasgow.

The Licensing Authority is aware of the statutory requirement to keep its temporary exemption policy under review and to publish it every three years.

11. Temporary STL Licences

The Committee is aware that under the 1982 Act, temporary STL licences could be applied for however, it is further aware that with temporary licences there is a limited consultation process when compared to a full licence. With a temporary licence application there would be no requirement to display a site notice, no

opportunity for objections or representations to be received other than from the statutory consultees. In addition the only bodies the Licensing Authority would consult with under the legislation is Police Scotland and Scottish Fire and Rescue Service. Given a full consultation would not be undertaken, the Committee will not to accept any Temporary STL licence applications and instead require a full STL licence to be applied for as detailed at section 12. This would mean that all STL licence applications would be subject to the full consultation process as detailed in section 12.4

12. Application Process

12.1 Making an Application

All applicants for the grant, variation and renewal of a STL licence, irrespective of the type of STL licence being applied for (Secondary Letting, Home Letting, Home Sharing; or Home Letting and Home Sharing) must complete the STL licence application form available online at www.glasgow.gov.uk/stl together with the appropriate documentation and fee. Please see section 12.3 in relation to the appropriate documentation and section 19 in relation to the appropriate fee.

An application for a STL Licence, under the legislation, can be made by a person other than the owner of the premises. Where this is the case the applicant must ensure they provide the relevant consents from the owner(s) as detailed in section 12.3

Part of the application form will require the applicant to provide a declaration to the Licensing Authority that they can comply with the mandatory conditions attached to a STL licence, including all the documentation detailed within these conditions. Further information on the mandatory conditions can be found at section 14.1. Applicants should be mindful that the Licensing Authority and Civic Licensing Standards Officer can request any documentation referred to in the mandatory conditions at any time during the consideration of an application or the period of the licence, if granted. Applicants should also note that a breach of a condition is a criminal offence under the 1982 Act.

It should be noted that if an applicant has had a STL licence application refused by the Licensing Authority then the applicant cannot apply for a STL licence within one year of the date of the refusal unless there has been a material change of circumstances. An applicant who has been refused must contact the Licensing Section by email to licensingenquiries@glasgow.gov.uk if they wish to apply within the year of the date of refusal. The Licensing Authority determines if the change is material, not the applicant.

Applicants who operated a STL prior to 1 October 2022 will be given a provisional STL licence number if their STL licence application is submitted to the Licensing Authority, with all the required documentation as detailed in section 12.2 below, before 1 April 2023. This is to enable those operators to continue to operate a STL while their application is being considered. It should also be noted that this provisional STL licence number will cease when the application is determined. Further information on licence numbers can be found in section 12.7

12.2 Renewal

Under the 1982 Act, if an application for a STL licence renewal application has been made to the Licensing Authority before the expiry date of the current licence, the licence will continue in effect until a final decision has been made by the Licensing Authority on the renewal application. If a renewal application is refused by Committee, the existing licence will remain in effect for a period of 28 days from the date of the decision,

the appeal period, and where an appeal has been lodged, until such time as the appeal has been determined by the Court.

The process for applying for a renewal of a STL licence is the same as when applying for a new STL licence. Guidance for applicants is on the Council's webpage www.glasgow.gov.uk/stl

In relation to the documentation that should be submitted with a renewal application please see section 12.3 below.

12.3 Documentation Required with an Application

Applicants should be aware that an application will not be accepted and processed without the following documentation (where applicable):

(a) Planning Permission or a Certificate of Lawfulness

All grant applications for Home letting or Secondary letting where the premises is a flat, the applicant **must** provide evidence that the premises has planning permission or a certificate of lawfulness issued by the Planning Authority for the use of the premises as short stay accommodation or a certificate of lawfulness confirming that the extent of the use does not amount to a material change of use. This must be submitted with the STL application. As detailed in section 9, a grant application submitted without either of these documents will not be considered by the Licensing Authority.

(b) Floor/Layout Plan

All applicants for the grant of a STL licence will be required to submit a floor plan of the premises, scale 1: 50 showing at least the following:

Rooms – living area/bedrooms/bedrooms available for guests;
Room sizes, including bedrooms;
Fire escapes;
Location of heat/smoke alarms;
Location of fire doors; and
Location of stairs/elevators/lifts;

For renewal applications, where there has been no change to the layout of the premises a floor plan would not be required with the application.

For variation applications, where the variation relates to a change to the layout of the premises, a floor plan would be required with the application.

(c) Evidence of Operation as a STL before 1 October 2022

Where an applicant has been operating a STL before 1 October 2022, the applicant will be required to certify this when submitting a STL licence application. Checks to establish this may be made by the Licensing Authority.

(d) Consent from owner(s)

Where owner is not the applicant

As detailed in section 12.1, an application for a STL licence does not have to be made by the owner of the premises. However, where an applicant other than the owner of the premises applies to the Licensing

Authority for a STL licence, the applicant must provide consent from the owner ,or if the title to the premises is held by more than one owner, all owners or a person authorised to act on behalf of the owner(s).

Where one or more owners

Where the premises is owned by more than one person (shared ownership) all owners will have to declare that they consent to the application, if one owner is submitting the application. These declarations would be required with the application.

Please note that the Licensing Authority may require additional documentation to be submitted with an application. Where this is the case, the Licensing Authority will advise the applicant directly of this.

12.4 Notice of Application

Under the 1982 Act the applicant is required to display a notice at or near the premises for which the STL licence application relates, in a place where it can conveniently be read by the public for a period of 21 consecutive days from the date when the STL licence application was lodged with the Licensing Authority.

The notice will include the following information, as required by the 1982 Act:

- The type of licence applied for (Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing);
- Applicant's full name and address if an individual. If not an individual then the full name of the organisation together with the registered or principal office address, names of directors or persons responsible for the management of the premises;
- Person responsible for day to day activity (a mandatory condition is that this can only be the licence holder);
- Address of the premises relating to the STL Licence application;
- The number of bedrooms in the premises;
- Details of any other STL Licence that has been granted to the applicant;
- The name and address of the owner(s) where the applicant is not the owner of the premises or the land on which the premises is located;
- Confirmation that the owners consent to the application (this would be included in the application form); and
- Where objections and representations in relation to the application can be made to, the 28 day timescale for submitting an objection or representation and the statutory requirements of an objection or representation (in writing, providing name and address etc). [further information in relation to objections and representations can be found at section 12.5 below]

The notice can be found on the Council's webpage at www.glasgow.gov.uk/stl

The Licensing Authority will also provide information regarding STL applications (processing/granted) on its website that shall be updated regularly.

In terms of the consultees, the Licensing Authority will send a copy of all applications received to the following consultees:

- Police Scotland (statutory consultee); and
- Scottish Fire and Rescue Service (statutory consultee).
- Elected Members for the area; and
- Community Council for the area;

Police Scotland and Scottish Fire and Rescue are statutory consultees to every application.

Any response received from a consultee will be considered by the Committee as detailed in 12.5 below.

12.5 Objections and Representations

The 1982 Act permits any member of the public to submit an objection or representation to the grant or renewal of a STL licence application (excluding temporary licences).

Objections and representations must be in writing (email is acceptable), specify the grounds for objection, the name and address of the person making the objection, be signed and be provided to the Local Authority no later than 28 days after the later of:

a) The date the application was made to the Local Authority;
b) The date of the public notice; or
c) If the date detailed in any notice which has to be re-advertised on request of the Local Authority.

Objections and representations will be taken into account by the Committee when considering a STL licence application.

All objections or representations received by the Licensing Authority for a STL licence application will be sent to the applicant. The Privacy Statement detailing how your personal data is used can be found on the Council's webpage at www.glasgow.gov.uk/stl

Further information on making an objection or representation can be found on the Council's webpage www.glasgow.gov.uk/stl

12.6 Consideration of Late Objections

Although the Licensing Authority is under a duty to consider any objections or representations made within 28 days of the application as detailed in section 12.5 above, it does have discretion to hear late objections and representations *provided* it is satisfied with the reasons for lateness. Where a late objection or representation has been received it will be passed to the applicant to enable them to consider it in case the Committee determine to hear the late objection/representation.

12.7 Determination of an Application

Applications where no objections or representations have been received from any of the consultees or the public will be granted under delegated authority. Where applications have received a valid objection from any of the consultees and/or public these will be taken into account by the Committee at a hearing to consider and determine the application. Applicants and objectors will be given an equal opportunity to be heard at Committee and to state their case. Late objectors will be invited to attend any hearing of the Committee to determine the application and their objection may be brought into proceedings if the Committee is satisfied with the reasons for lateness. The 1982 Act provides grounds for refusal of a STL licence. Any decision to refuse a STL licence must be relevant to one or more of the following grounds of refusal as detailed in the 1982 Act and section 13 below.

Where an application is granted the applicant/licence holder will be given a unique STL licence number. This is the number to be used in accordance with Mandatory Condition 14.

Applicants should note that where their STL licence application has been refused by the Licensing Authority they do have a right of appeal under the 1982 Act. An appeal should be made to the Sheriff Court within 28 days from the date of the refusal. Where an appeal has been lodged the STL licence will continue in effect until such time as the appeal has been determined. Applicants should note that the Licensing Authority is unable to give any legal advice in relation to appealing a decision and as such it is recommended that they seek independent legal advice on the matter.

The Licensing Authority will determine each application on its own merits.

12.8 Duration of Licences

Grants - Under the 1982 Act the Licensing Authority can grant a STL licence for a period of three years or such shorter period as the Committee determines.

Renewals - For the renewal of a STL licence application, the Licensing Authority can grant the STL licence for a period of three years; such shorter period as the Committee determines; or for such longer period as the Committee determines.

The Licensing Authority will grant a STL licence renewal application for a period of five years where no objections and/or representations to the application are received from the consultees and where there has been no enforcement action taken against the licence holder during the period of the grant application or last renewal.

In the event of the death of a STL licence holder, the STL licence will be deemed to have been granted to the executor and will remain in force for a period of 3 months from the date of the licence holder's death, unless previously suspended or revoked. Where the Licensing Authority is satisfied that it is necessary for the purpose of winding up the estate, on request, in writing, by the executor, the Licensing Authority may extend the period further.

12.9 Variation

At any time, the holder of a STL licence can apply to the Licensing Authority to vary the terms of the licence. There is no requirement to advertise a variation however, the Licensing Authority will consult with the statutory consultees detailed at section 12.4 above.

12.10 Material Change in Circumstances

A licence holder must notify the Licensing Authority in writing as soon as possible where there is a material change in circumstances affecting the licence holder or the STL.

12.11 Suspension or Revocation of a STL Licence

The Licensing Authority can suspend a STL licence immediately if it is of the opinion that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety. This action would usually be taken by the Licensing Authority on receipt of a complaint made by Police Scotland or Scottish Fire and Rescue Service.

Before immediately suspending, the Licensing Authority will consult with Police Scotland and Scottish Fire and Rescue Service.

After an immediate suspension has taken place the licence holder will be given an opportunity to attend a hearing before Committee in relation to the matter which triggered the suspension. The Committee after hearing from the licence holder and a representative of Police Scotland/Scottish Fire and Rescue Service, would determine whether to suspend for a further period, revoke the licence or take no further action. This hearing would be within 6 weeks of the immediate suspension.

The grounds for further suspending or revoking a STL licence are detailed under Paragraph 11 of Schedule 1 of the 1982 Act. These are:

The Licensing Authority may order the suspension or revocation of a licence if in their opinion—

(a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
(b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3);
(c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
(d) a condition of the licence has been contravened.

12.12 Timescale for Determining Applications

Under the 1982 Act, the Licensing Authority will have 9 months to determine the STL licence application from the date it is received with all the required documentation.

It should however be noted that for applications received prior to 1 April 2023 where the STL was in existence before 1 October 2022, the Licensing Authority will have 12 months to determine the application.

13. Grounds for Refusing a STL Licence

13.1 Grounds for Refusal

The grounds for refusing a STL licence, under Paragraph 5(3) of Schedule 1 of the 1982 Act are:

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—
(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—
(i) for the time being disqualified under section 7(6) of this Act, or
(ii) not a fit and proper person to be the holder of the licence;
(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—
(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;
(iv) the possibility of undue public nuisance; or
(v) public order or public safety; or

(ca) the applicant would not be able to secure compliance with-
(i)the mandatory licence conditions, and
(ii) the standard conditions and any further conditions under sub-paragraph (1A)(b) to which the licence is to be subject,

(cb) the application does not contain the information required under 1(2)(da) or (db) (the consent of the owners of the premises); or

(d) there is other good reason for refusing the application;

and otherwise shall grant the application.

14. Conditions attached to a STL Licence

14.1 Mandatory Conditions

Under the 2022 Order there are certain conditions which the Licensing Authority must attach to a STL licence, irrespective of the type of STL licence granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as "*mandatory conditions*" and are detailed at Appendix 1.

It should be noted that the Licensing Authority has no power to amend these mandatory conditions.

All applicants should ensure, prior to applying to the Licensing Authority for a STL licence of any type, that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in terms of listing their premises as a licensed STL, as required under mandatory condition 14, the listing must include the licence number (provided by the Licensing Authority) and the valid energy performance certificate rating (if this is required for the premises in accordance with the 2008 Regulations).

14.2 Additional Conditions

To cater for more localised matters, the Licensing Authority is also able to attach additional conditions to STL licences where necessary. Some style additional conditions are detailed in Appendix 2.

It should be noted that the Licensing Authority cannot impose an additional condition which limits the number of nights a premises may be used for Secondary Letting.

14.3 Maximum Capacity

One of the mandatory conditions that is attached to all STL licences is that the licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

All grant applications will ask the applicant to confirm the number of guests they would like to accommodate in the premises. The Licensing Authority do however have to provide a maximum number of guests who can stay on the premises at any one time on the STL licence when it is issued. This is known as the *"maximum capacity*". The Licensing Authority, taking into account the information provided on the application form and layout plan, will calculate the maximum capacity in the following way:

The maximum number of persons in relation to a premises is whichever is the lesser of (a) or (b):

(a) The number specified in Table 1 below in relation to the number of rooms in the house available as sleeping accommodation for guests,

(b) The aggregate for all such rooms in the premises of the numbers specified in column 2 of Table 2 in relation to each room of the floor area specified in column 1.

It should be noted that no account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

It should be noted that a room is available as sleeping accommodation if it is of a type normally used in the premises as a living room or as a bedroom. The Licensing Authority will not include children under 2 years of age when calculating the maximum capacity.

Table 1

Number of rooms (this should include living room and bedrooms if used as sleeping accommodation within the premises)	Number of persons
1	2
2	3
3	5
4	7
5+	2 for each room

Table 2

Column 1 - Floor area of each room	Column 2 - Number of persons
90 sq. ft. (8.36 sq. m.) or more	2
50 sq. ft. (4.65 sq. m.) or more but less than 90 sq. ft (8.36 sq. m.).	1

14.4 Breach of a STL Licence Condition

The 1982 Act provides the Licensing Authority with the power to serve an Enforcement Notice on a STL licence holder, where the Licensing Authority considers that a condition of the STL licence has been breached. The Enforcement Notice will detail the following:

(a) the matters constituting the breach or likely breach;
(b) the action to be taken by the licence holder; and

(c) the date by which the action must be taken.

It should be noted that a breach of a condition is a criminal offence under the 1982 Act however an Enforcement Notice can still be served on the licence holder even if criminal proceedings have begun or are taking place.

As detailed in section 16 below, the Licensing Authority will only take enforcement action where it is deemed necessary and appropriate.

15. Unlicensed STL

It is a criminal offence under the 1982 Act to operate a STL without a STL licence. The Licensing Authority has no power to take any action against unlicensed STL.

16. Monitoring and Compliance of Licensed STL

Taking into account section 14.4 above, the Licensing Authority recognises the importance of having compliance issues monitored in order to ensure licensed STL are not causing an unnecessary nuisance to the community, nearby residents or neighbours. As such it will carry out a risk-based approach to enforcement, with the Civic Licensing Standards Officer using a range of escalating informal measures, prior to an Enforcement Notice being issued and subsequently a complaint being made to the Committee in relation to the STL licence.

A licence holder must be able to provide any documentation referred to in the mandatory conditions, to the Licensing Authority or Civic Licensing Standards Officer upon request. Failure to do so may result in an Enforcement Notice being issued or the STL licence being suspended or revoked. The Civic Licensing Standards Officer will conduct inspections of STLs where issues have been identified either in the application or as a result of complaints.

17. Complaints

It is essential that licensed STL are operated in accordance with the 1982 Act and the licence conditions. The complaints procedure under the 1982 Act represent a key protection for the community where problems relating to the operation of a STL cannot be resolved amicably by the licence holder and the complainer.

From Guests:

In the first instance, the Licensing Authority would expect any concerns from guests to be raised with the host or operator and where this cannot be resolved they should contact the Licensing Authority.

From Neighbours:

In the first instance, the Licensing Authority would expect concerns from neighbours to be raised with the licence holder and where this cannot be resolved they should contact the Licensing Authority.

Information on how to make a complaint can be found on the Council's webpage at www.glasgow.gov.uk/stl

18. Public Register

It is a statutory requirement that the Licensing Authority maintains a public register of STL licences. The public register will be available on the Council's webpage www.glasgow.gov.uk/stl

19. Fees

The fee for a STL licence depends of the type of STL licence being applied for and also the maximum number of guests being applied for. The fees are detailed below:

Grant

	Maximum Occupancy applied for (4 or under)	**Maximum Occupancy applied for (5 or more)**
Secondary Letting	£250	£400
Home Letting or Home Sharing (or both)	£125	£275

Renewal

	Maximum Occupancy applied for (4 or under)	**Maximum Occupancy applied for (5 or more)**
Secondary Letting	£200	£350
Home Letting or Home Sharing (or both)	£75	£225

Variation

A variation application will be £75 for all types of STL licences

20. Equality

The 2010 Act introduced a new public sector equality duty which requires public authorities, including the Committee, to try and eliminate discrimination; promote equality and good relations across a range of protected characteristics.

An equality impact assessment has been undertaken and can be viewed https://www.glasgow.gov.uk/CHttpHandler.ashx?id=58351&p=0

Appendix 1 – Mandatory Conditions

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of— (a) fire or suspected fire, and (b) the presence of carbon monoxide in a concentration that is hazardous to health.

4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988.

Gas safety

5. Where the premises has a gas supply—
(a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
(b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence 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.

Electrical Safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must— (a) ensure that any electrical fittings and items are in— (i) a reasonable state of repair, and (ii) proper and 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— (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and (ii) date label and sign all moveable appliances which have been inspected.

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

Water Safety: Private Water Supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Water Safety: Legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety and Repair Standards

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be Displayed

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
(a) a certified copy of the licence and the licence conditions,
(b) fire, gas and electrical safety information,
(c) details of how to summon the assistance of emergency services,
(d) a copy of the gas safety report,
(e) a copy of the Electrical Installation Condition Report, and
(f) a copy of the Portable Appliance Testing Report.

Planning Permission

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 19971 ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
(a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
(b) planning permission under the 1997 Act is in force.

Listings

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
(a) the licence number, and
(b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

15. The holder of the licence must ensure that there is in place for the premises—
(a) valid buildings insurance for the duration of the licence, and
(b) valid public liability insurance for the duration of each short-term let agreement.

Payment of Fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or Misleading Information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation for the Mandatory Conditions

In this schedule—
"**Electrical Installation Condition Report"** means a report containing the following information—
(a) the date on which the inspection was carried out,
(b) the address of the premises inspected,
(c) the name, address and relevant qualifications of the person who carried out the inspection,
(d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
(e) any defect identified,
(f) any action taken to remedy a defect,
"**Energy Performance Certificate**" means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008 ,
"**gas safety report**" means a report containing the following information—
(a) the date on which the appliance or flue was checked,
(b) the address of the premises at which the appliance or flue is installed,
(c) a description of and the location of each appliance or flue checked,
(d) any safety defect identified,
(e) any remedial action taken,
(f) confirmation that the check undertaken complies with the requirements of an examination of—
(i) the effectiveness of any flue,
(ii) the supply of combustion air,
(iii) subject to head
(iv), its operating pressure or heat input or, where necessary, both,
(iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
(v) its operation so as to ensure its safe functioning,
(g) the name and signature of the individual carrying out the check, and
(h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998,
"**holder of the licence**" means any person to whom a short-term let licence has been granted or jointly granted,
"**home letting**" means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

"**home sharing**" means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home,
"**premises**" means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,
"**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,
"**secondary letting**" means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home,
"**short-term let**" has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,
"**short-term let licence**" means a licence for a short-term let, and
"**type of short-term let**" means one of the following purposes—
(a) secondary letting,
(b) home letting,
(c) home sharing, or
(d) home letting and home sharing.

Appendix 2 – Style Additional Conditions

The licence holder shall provide guests, no later than two days from the booking date, with an information leaflet on how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.

The licence holder shall take all reasonable steps to ensure that the appropriate refuse facilities (for both general and recyclable refuse) in line with Glasgow City Council's current policy on the storage and collection of refuse, are available at all times either in the communal areas surrounding the premises of within the premises boundary where there are no communal areas, for the disposal of refuse by guests.

The licence holder shall ensure that the refuse facilities at the premises and in the communal surrounding areas of the premises are used appropriately at all times by the guests.

The licence holder shall act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in all dealings with any other owners and relevant factor.

The licence holder shall ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the premises is paid in full in adherence to the payment terms stipulated.

The licence holder shall ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant factor, with the licence holder making payment of the appropriate share of any costs to rectify such defects.

The licence holder must act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises.

The licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises.

The licence holder must act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises.

The Licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the licence holder's guests at or in the vicinity of the licensed premises

The licence holder must submit a certificate of compliance to Glasgow City Council within 14 days of the licence taking effect confirming that they have provided emergency contact details to all neighbouring residents of the premises.