Item 5

8th November 2022

Glasgow Community Planning Partnership

Hillhead Area Partnership

Report by Director of Legal and Administration

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SHORT TERM LETS LICENSING REGIME AND SEPARATELY THE CURRENT LICENSING REGIME FOR HOUSES IN MULTIPLE OCCUPATION ("HMOs")

Purpose of Report:

To provide the Partnership with an overview:

(a) of the Short Term Lets licensing regime and Policy that was agreed by the Licensing and Regulatory Committee on 21 September 2022; and separately

(b) the background to the current licensing regime for Houses in Multiple Occupation, as agreed by the Licensing and Regulatory Committee on 6 March 2019.

Recommendations:

Members are asked to note the terms of this report.

1. Short Term Lets and separately Houses in Multiple Occupation

1.1 The responsibility of licensing certain activities, including Short Term Lets and separately Houses in Multiple Occupation, is delegated to the Licensing and Regulatory Committee.

1.2 The responsibility for determining policy in relation to Short Term Lets and separately Houses in Multiple Occupation is delegated to the Committee.

2. Background to Short Term Let Licensing

2.1 The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 ("**2022 Order**"). This 2022 Order introduced a licensing scheme for Short Term Lets, which requires all Short Term Lets to be licensed by 1 April 2024. The 2022 Order provides for changes to be made to the Civic Government (Scotland) Act 1982 to reflect this new Short Term Lets licensing scheme being introduced.

2.2 A Short Term Let is defined by legislation and detailed in section 6.1 of Appendix 1.

3. Changes to the Licensing of Short Term Lets

3.1 Prior to the introduction of the 2022 Order, there was no requirement to licence Short Term Lets in Scotland.

3.2 As referred to in paragraph 2.1 above, the 2022 Order made changes to the 1982 Act. In addition, the Scottish Government issued guidance to licensing authorities, letting agents and platforms and separately guidance for hosts and operators in relation to the new licence.

3.3 All licensing authorities had to be able to accept licensing applications on or after 1 October 2022 and the authority also had to have policies in place on certain matters.

4. Consultation on Short Term Lets

4.1 On 22 June 2022 the Licensing and Regulatory Committee considered a report by the Director of Legal and Administration regarding a proposal to carry out a public consultation on a draft Short Term Lets Policy. After consideration at this meeting, the Committee agreed to instruct the Director of Legal and Administration to carry out a public consultation on that draft Policy.

4.2 Given the decision of the Committee at its meeting on 22 June 2022 a public consultation was published seeking views on the draft Policy. The consultation was available on the Council's online consultation hub from 30 June 2022 to 25 August 2022 (both dates inclusive). In addition, the online link to the consultation was emailed to the following:

- Elected Members;
- Community Councils within Glasgow;
- Glasgow Chamber of Commerce; and
- The Scottish Association of Self-Caterers.

5. Consultation Outcome for Short Term Lets

5.1 On 21 September 2022 the Licensing and Regulatory Committee considered all 282 responses received to the consultation. After consideration, the Committee approved an amended Short Term Lets Policy, detailed in Appendix 1.

6 Background to Current HMO Licensing regime

6.1 On 16 August 2017 the Licensing and Regulatory Committee considered a report by the then Director of Governance and Solicitor to the Council in relation to undertaking a consultation to seek views on various matters relating to HMOs including: views on the numbers of HMOs; capacity and impact of HMOs as well as the need for such accommodation in the city; possible development of a policy on overprovision of HMOs; and the potential for a moratorium on the grant of further HMO licences.

6.2 The Committee agreed at its meeting on 16 August 2017 to instruct the then Director of Governance and Solicitor to the Council to carry out a public consultation and evidence gathering process to establish views on the matters detailed in paragraph 5.1 above and also to explore the relationship between planning and licensing policy on HMOs.

6.3 The public consultation was published and available on the Council's consultation hub from 21 February 2018 to 18 May 2018 (both dates inclusive). 47 responses were received to the consultation. In addition, the Committee held four evidence sessions between October 2018 and November 2018 with a cross section of individuals and organisations who had taken part in the consultation.

6.4 On 6 March 2019 the Committee considered a report from the then Director of Governance and Solicitor to the Council regarding the approach to be taken to the licensing and regulation of HMOs in the city in light of the consultation and evidence gathering process. At this meeting the Committee agreed that there was no legal basis in which to develop a policy on overprovision in relation to the licensing of HMOs and that it would be inappropriate to require evidence to be produced as part of an application for a HMO licence that the use of premises as a HMO would not constitute a breach of planning control. The Committee also approved additional licence conditions to be attached to all HMO licences.

7. Policy and Resource Implications

Resource Implications:

Financial:	None
Legal:	None
Personnel:	None
Procurement:	None

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.	None.
What are the potential equality impacts as a result of this report?	None.
Please highlight if the policy/proposal will help address socio-economic disadvantage.	None.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:	None.
What are the potential climate impacts as a result of this proposal?	None.
Will the proposal contribute to Glasgow's net zero carbon target?	None.

Privacy and Data Protection Impacts:	None

8. Recommendations

Members are asked to note the terms of this report.