



Short-Term Let Policy

1st October 2022

Short-Term Let

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1.0 Introduction

- 1.1 All short-term let properties require a licence to increase the probability that they are safe and the people providing them are fit and proper, under legislation approved by the Scottish Parliament. Local authorities are required to establish a short-term let licensing scheme by 1st October 2022, and existing hosts and operators will have until 1st April 2023 to apply for a licence.
- 1.2 The legislation was developed in response to concerns raised by residents and communities about the impact of short-term let properties on their local communities, including noise, antisocial behaviour, and the impact on the supply of housing in some areas.
- 1.3 The licensing scheme will allow local authorities and communities to take action to manage issues more effectively, without unduly curtailing the many benefits of short-term lets to hosts, visitors and the economy. This legislation covers the whole of Scotland, including island and rural communities, and offers a degree of flexibility to local authorities in how it is implemented based on local needs and concerns.
- 1.4 This policy should be read in conjunction with the legislation and supporting documents issued by the Scottish Government. Some of these are noted below in section 15.

1.5 What is a Short-term Let?

If you are providing anyone with residential accommodation anywhere in Scotland, then you might be providing short-term lets. It may be rooms in your home, a whole house or something more unusual like a yurt or a treehouse. You need a licence for each premises in which you let out accommodation. Example:

- Two neighbouring cottages are likely to be separate premises (each will require a licence)
- 15 yurts in one field are likely to be counted as one premises (requiring one licence)
- For a self-catering cottage, the accommodation and the premises are one and the same. If you are letting out two rooms in your own home, both are classed as accommodation (assuming they can be let out separately) and the whole home is the premises

2.0 Background

- 2.1 The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 on 1st March 2022. This 2022 Order introduced a requirement for Local Authorities to develop a licensing scheme for Short-term Lets (STL). All STL premises must be licensed by 1st April 2024. Prior to the introduction of this Order, there was no requirement to licence STL in Scotland.
- 2.2 **After 1st October 2022:**
 - **New hosts and operators** need to have a licence. This means that, if you were not using your premises to provide short-term lets before 1st October 2022, you can advertise but not take bookings or receive guests until you have obtained a licence.

- **Existing hosts/operators** have until 1st April 2023 to apply for a licence if the accommodation the licence is for, was used as a short-term let before 1st October 2022. During this period, you can operate without a licence (by continuing to take bookings and receiving guests) unless your licence has been determined, and your application rejected. You will need to be able to prove that you used the property for short-term lets, for example through evidence of bookings and payments, as part of your initial application. After 1st April 2023, existing hosts can only continue to operate if they have:

- a) Submitted an application for a licence on or before 1st April 2023 that has not yet been determined, or
- b) Been granted a short-term let licence

- 2.3 The Council will issue a provisional licence number to existing hosts/operators on receipt of the Licence application so they can continue to operate. Provisional licence numbers will not be issued to new hosts from 1st October 2022, or anyone applying after 1st April 2023, as they cannot operate whilst their application is being determined.
- 2.4 On or after 1st October 2022, it is a criminal offence for any person to continue to operate after their licence application has been determined and refused.

From 1st July 2024 operating without a licence is unlawful in all cases

3.0 Aims of the Policy

3.1 This Short-Term Let Policy describes how the Council will manage the licensing scheme of short-term lets, including setting out applicable fees, types of licence, refunds policy and complaints and enforcement options.

3.2 The overall aim of the policy is to ensure the licensing scheme is:

- In line with the Scottish Government's guidance for short-term let licencing
- Efficient, effective, and proportionate to the issues faced by residents and local communities
- Customised to the Council's local policies along with the needs and circumstances of the local areas

3.3 The licensing scheme aims to increase the probability that short-term lets are safe and address issues faced by communities, and to facilitate the Council in understanding what is happening in the area as well as assistance with handling complaints effectively.

4.0 Consultation

4.1 A consultation was carried out in June 2022 with local residents, communities and businesses, seeking views on how the licensing of short-term lets could work in Fife. 386 responses were received, 50% from individuals, 42% from short-term let host/operators and 8% from others.

5.0 License Types and Conditions

5.1 There are four types of short-term let accommodation:

Secondary letting	The letting of property where you do not normally live, for example a second home let to guests
Home letting	Using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday
Home sharing	Using all or part of your own home for short-term lets whilst you are there
Home letting and home sharing	Operating short-term lets from your own home while you are living there and for periods when you are absent

5.2 Licence Types and Term Time

Short-term Let Licence Type	Accommodation Type	Term of Licence
Temporary Exemption	Secondary Letting Home Letting Home Share Home Letting and Home Share	6 continuous weeks in a 12-month period
Temporary Licence	Secondary Letting Home Letting Home Share Home Letting and Home Share	6 continuous weeks in a 12-month period
Full First Licence	Secondary Letting Home Letting Home Share Home Letting and Home Share	3-years
Renewed Full Licence	Secondary Letting Home Letting Home Share Home Letting and Home Share	3-years

5.3 Property Types Excluded from Licencing:

- a. Licensed accommodation: such as licenced hotels and licenced caravan sites
- b. Accommodation provided by guests: such as their own tent
- c. Mobile accommodation capable of transporting guests at the time of their stay
- d. Hotels with planning consent to operate as a hotel
- e. Aparthotels comprising five or more serviced apartments in a residential building
- f. Health and care accommodation: such as residential care homes, hospitals, nursing homes
- g. Educational accommodation: such as residential schools, colleges, training centres and student accommodation
- h. Secure residential accommodation including prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short-

term holding centres, secure hospitals, secure local authority accommodation or military barracks

- i. Hostels and refuges, such as accommodation for women escaping domestic abuse

5.4 **Mandatory Licence Conditions**

The licensing scheme requires all short-term lets to comply with mandatory conditions which apply in Scotland. Hosts and operators should check compliance before making an application and, if relevant, undertake work so the conditions are met.

5.5 The mandatory conditions relate to: (See Appendix 1 for details):

- Day to day management of the short-term let
- Only operating under the type of licence granted
- Fire safety
- Gas safety
- Electrical safety
- Water safety
- Safety and repair standards
- Maximum occupancy
- Displaying information
- Planning permission
- Listing of licence number on adverts
- Insurance
- Payment of fees
- Providing true and accurate information

5.6 **Additional Licence Conditions**

In addition to the mandatory licence conditions, which apply to all short-term lets across Scotland, licensing authorities may impose additional conditions. Additional conditions can help licensing authorities to respond to local challenges and concerns specific to certain models of short-term letting. Fife Council will impose additional conditions for Short-term Let Licencing for the benefit of neighbouring residents against issues such as anti-social behaviour, noise and nuisance, unlawful activity, privacy and security - while still allowing the use of premises for Short-term Lets. See Appendix 2.

Scottish Government Guidance: Section 3B of the 1982 Act gives licensing authorities the power to determine conditions to which licences are to be subject (“standard conditions”) which we are calling “additional conditions” in this guidance because they are additional to the mandatory conditions

5.7 **Fit and Proper Person**

The Council must refuse an application for a short-term let licence if satisfied that the applicant is not a fit and proper person. The Council will carry out necessary checks to establish whether the applicant is a fit and proper person. This may include a visit to the premises, where required. The statutory consultees for the fit and proper test are Police Scotland.

5.8 Neighbour Notification

Applicant hosts and operators applying for a 3-year licence are required to display a public site notice at or near the premises which can be conveniently read by the public for a period of 21 days beginning with the date on which the application was submitted to the licensing authority. This will allow public to make a representation regarding the licence. The notice must state:

- That an application has been made for a licence
- The main facts of the application
- That objections and representations in relation to the application can be made to the Council, and
- How to make objections or representations

Applicants are required by the 1982 Act to provide a Certificate of Compliance to the Council as soon as possible after the 21 days has expired, alternatively confirmation of display can be submitted in writing and signed, together with full applicant and property details.

You will find a Neighbourhood Notification form and Certificate of Compliance on the link below:

- [Short term lets | Fife Council](#)

Under the terms of the 1982 Act there is no objections process for temporary licence applications or for temporary exemption applications

5.9 Public Objections

Objections may be made by neighbours or any other person who wants to raise an objection on the Short-term Let application. Competent grounds for objection may include:

- Concerns that the application is inaccurate or misleading
- Concerns about the safety of guests, neighbours, or others
- Concerns about noise or nuisance; and
- Concerns that the application runs contrary to other legal or contractual requirements

Public objections should be made within 28 days of the public site notice of the application being given. The Council will send the host or operator copy of any relevant objections. The host/operator will have the chance to respond to any objections, either in writing or in person.

5.10 Objection Hearing

The Council will decide whether to hold a hearing in respect of objections. It does not have to do so and cannot be challenged, although you can appeal the decision on your application. If the Council does not hold a hearing, we will give you at least seven days to give your views in writing on all the objections received. It is for the Council to determine whether any objection received has a material impact upon the licensing application. Any hearing will be held by the Housing Decision Panel, which already deals

with HMO applications, or the Licensing & Regulation Committee which already deals with applications for other licences under the 1982 Act.

5.11 No Objections

Where there are no objections, and the Council is not aware of any reason not to grant the application the Council will write to the applicant and advise that the Council is inclined to grant the application. Provided that the applicant has no opposition, it is proposed that such applications will be dealt with administratively without the need for a hearing.

5.12 Maximum Occupancy Condition

It is a mandatory condition that hosts and operators ensure that they do not exceed the maximum number of guests for their premises. This includes making the maximum occupancy clear on adverts and listings and in booking terms and conditions. Hosts and operators must state in the application how many guests they would like to accommodate at any one time.

5.13 The Council will provide a maximum number of guests who can stay on the premises at any one time on the short-term let licence when it is issued. This is known as “maximum capacity”.

5.14 Children under the age of two years old who occupy a cot will not be included in the number of guests for the purposes of calculating the fee or the maximum capacity. Children who do not satisfy these requirements would count towards the occupancy.

5.15 In order for the Council and Scottish Fire and Rescue Service to undertake an assessment of the maximum number of guests that can be accommodated safely, hosts and operators may be asked to submit floor plans where this is required.

6.0 Application Process

6.1 The Council will provide a dedicated section on the Fife Council website for their short-term let licensing scheme where hosts and operators can find all the information required to apply. Information will include:

- Links to Scottish Government guidance
- Fees for applications and renewals (and any other fees)
- Additional information and guidance about relevant policies
- Additional conditions or measures specific to the Council area
- The application form
- How to make an appeal

6.2 The Council would like to conduct as many transactions as possible in an online or electronic format. The Council will provide on request paper copies of relevant information and the application form.

6.3 Application Form and Documentation

The applicant must complete and return a copy of the Short Term Let Application form along with any relevant documentation and certificates relating to the application. It is a requirement to provide the following documentation with the application form if relevant for the premises to be licenced:

- Gas Safety Certificate (for premises with gas supply)
- Electrical Installation Condition Report (EICR)
- Portable Appliance Testing Report
- Planning permission (if required)
- Licence Fee

Floor plans may be required if requested.

6.4 Timescale for Application Determination

<p>Existing Hosts (Applying before 1st April 2023)</p>	<p>The Council have up to 12 months to determine these applications, beginning with the date on which the valid application was made.</p> <p>Existing hosts who make an application before 1st April 2023 can continue operating whilst their application is being determined.</p> <p><i>This extension, to the time limit for determining an initial application, is designed to manage the volume of applications received.</i></p>
<p>New Hosts</p>	<p>The Council have up to 9 months from the date on which the application was made to consider and determine each valid application.</p>

6.5 If the Council fails to determine an application within the timescales set out above, your licence will be deemed to have been granted, unless the Council has been granted an extension by the court:

- If your licence were deemed to be granted, it would be valid for one year
- The mandatory licence conditions that apply to all short-term lets would also apply to the deemed grant of a licence

6.6 Licence Renewal

Where an application for a short-term let licence renewal has been made to the Council before the expiry date of the current licence, the licence will remain valid until a final decision on the renewal application has been made. If a renewal application has been refused, 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.

6.7 Grounds to Refuse a Licence

The Council will grant your application unless there are grounds to refuse it. Possible grounds for refusing your application may include:

- Anybody named on the application is disqualified from having a licence
- Anybody named on the application is not a fit and proper person
- Some other person is benefiting from the activity who would be refused a licence if they made the application themselves
- The premises are not suitable or convenient having regard to:

- a) The location, character, or condition of the premises
- b) The nature and extent of the proposed activity
- c) The kind of persons likely to be in the premises
- d) The possibility of undue public nuisance; or
- e) Public order or public safety; or
- There is other good reason for refusing the application (this cannot be applied in a blanket fashion without considering the merits of a particular application)
- You cannot demonstrate, or secure, compliance of the mandatory conditions
- You cannot demonstrate, or secure, compliance of the additional conditions

6.8 Appeal a Decision

If your application for a licence is refused you can appeal against the decision by [summary application](#) to the sheriff. A Summary Application is made by initial writ and a style can be accessed here ([Form 1](#)). You may wish to familiarise yourself with the relevant [Summary Application Rules](#). You may also wish to seek advice and can contact your local [Citizens Advice Bureau](#) or you can get contact details for solicitors from the [Law Society of Scotland](#). Sheriff court staff cannot give you legal advice in respect of your appeal.

- 6.9 You have 28 days to appeal from the date of the licence decision, unless you have a good reason for being late. The Sheriff can decide whether to consider a late application for an appeal.

Application forms can be found online or by contacting the Short-term Licence Team:

Online: [Short term lets | Fife Council](#)
 Email: shortterlet@fife.gov.uk
 Address: Short-term Let Licencing, Housing Services, Fife House (3rd Floor),
 Glenrothes, KY7 5LT

Fife Council may share personal data with relevant public authorities as part of the notification process to carry out background checks

7.0 License Fees

7.1 Licence Fee Setting

The Council is responsible for setting the appropriate fee for each licence type. The fees set will be based on the running cost to manage the scheme and will take regard to limiting the costs through:

- Economies of scale
- Integrating service delivery with other housing and licensing functions
- Using online and digital verification where possible, for example through photo and video evidence instead of a visit
- and taking a proportionate, risk-based approach to checks and verification

- 7.2 Licence applications will not be considered unless the relevant fee is paid. The licence will not be renewed if the renewal fee is not paid.

7.3 Licence Duration

The Council will generally grant a full licence for a period of up to 3 years, after which the licence will need to be renewed. The Council may grant licences for different time periods to different applicants and/or for different types of short-term let licence. The duration applies from the date on which the licence comes into force. To ensure compliance with licence conditions throughout the duration of the licence period the Council may request documentation or visit the property.

7.4 Table of Fees

Occupancy	Temporary Exemption*	Temporary Licence	First Full Licence	Renewed Full Licence
1 - 2	£190	£215	£264	£264
3 - 4	£190	£243	£292	£292
5 - 6	£190	£272	£320	£320
7 - 8	£190	£300	£348	£348
9 - 10	£190	£328	£377	£377
11 - 12	£195	£356	£405	£405
13 - 14	£195	£385	£433	£433
15 - 16	£195	£413	£461	£461
17 - 18	£195	£441	£490	£490
19 - 20	£195	£469	£518	£518

7.5 Where hosts and operator have a greater occupancy than those noted above the charge for each 1-2 additional guests is £28; 3-4 additional guests would be £56; 5-6 additional guests would be £84 and so on. (*Excluding Temporary Exemptions)

7.6 The licence fees are set to cover the costs of administration and risk-based inspection to allow for the management of the Short-term Let Licencing Scheme. The licence fees will be reviewed over the first year of licencing to ensure full cost recovery and may be subject to change. The fee structure will be published @:

- [Short term lets | Fife Council](#)

7.7 Fees for Visits to Premises

The Council may charge a fee to a host or operator for a visit to their premises, where the visit results from their failure to comply with licence conditions or a complaint relating to the premises. Where a fee is charged for such a visit, the Council must provide a report of its findings to the host or operator within 28 days of the inspection. Where a report is not provided within 28 days of the inspection, the Council must refund the fee charged to the licence holder.

Additional Fees	Fee
Visit - Alleged breach of conditions or following a complaint	Up to £282*
Duplicate / Copy Licence	£26
Licence Variation	£75

*Visits will be based on Officer hourly rate and administration charges

The applicant or licence holder may dispute the additional fee. The Council may choose not to charge the additional fee if this is considered appropriate in all the circumstance.

This could apply, for example, where an inspection took place following what turned out to be a vexatious complaint.

The additional fees will be reviewed over the first year of licencing to ensure full cost recovery and may be subject to change. The fee structure will be published @:

- [Short term lets | Fife Council](#)

7.8 Licence Variation

The Council and the License Holder may both apply to vary a term of the license. Where the License Holder is the applicant for the variation, the Council may charge a fee to the License Holder. Where the License Holder intends to increase the maximum occupancy the License Holder will be requested to apply for a new license, rather than to vary the existing license. This is to acknowledge the additional risk with increasing the maximum occupancy.

7.9 Refunds and Refused Applications

Whether a licence is granted or not, the application fee is non-refundable. The fee is set for the administration to determine the Licence. Where the Council refuses to consider an application because the host or operator needs to obtain planning permission the fee is non-refundable. However, the Council will not charge a further fee in respect of a resubmitted licensing application made within 28 days of planning permission being granted.

8.0 Complaints

8.1 All complaints received will be taken seriously as they provide an opportunity to improve and maintain standards. As a general principle, the Council will seek to try to resolve a complaint through engagement with the host or operator in the first instance. The Council will:

- Ensure that all complaints are investigated fairly and in a timely way
- Ensure that complaints are, wherever possible resolved
- Gather information which improves standards in relation to the licence

8.2 In the first instance guests should raise any concerns with their host or operator, letting agency or platform. If they remain unsatisfied or the issue is sufficiently grave, they may contact the Council. The Council may take action to remedy the source of the complaint. This may range from informal advice to variation or suspension of a licence. Some complaints may not require enforcement action from the Council, for example:

- Where the Council determines that the complaint is frivolous or vexatious
- The complaint relates to a matter which has already been investigated and the complaint was found to be unjustified
- Action has already been taken or is in progress
- The complaint relates to a matter which is outside the scope of the licensing scheme, for example around the quality of the stay

8.3 Complaints about suspected unlicensed operators should be directed to Police Scotland.

8.4 The Council will aim to acknowledge complaints within 5 working days.

8.5 Short-term lets complaints should be made in writing:

Online: [Short term lets | Fife Council](#)

Email: shorttermlets@fife.gov.uk

Address: Short-term Lets, Housing Services, Fife House (3rd Floor),
Glenrothes, KY7 5LT

9.0 **Compliance and Enforcement**

9.1 The Council will take a risk-based approach to ensuring compliance. This includes allowing self-certification for applications and a risk-based approach for inspections. Some factors considered when deciding whether to carry out an inspection of a particular premises might be:

- Another accreditation obtained by the host or operator
- Feedback from Police Scotland and the Scottish Fire and Rescue Service
- Peculiarities of the operation (e.g., unconventional accommodation)
- Pattern of complaints associated with the host, operator, or premises
- Intelligence from other inspections (which may indicate a higher incidence of issue or non-compliance with hosts or operators or premises of that type or in that area); and
- Reputational evidence (where available) from guest reviews and internet profile

9.2 The Council will determine the appropriate balance of:

- Self-declaration from hosts and operators
- Checking relevant documentation
- Allowing for third-party accreditation; and
- Visits to premises by the Council and other officials

9.3 There is no specific liability on the Council in terms of a “failure to inspect”; the licensing authority’s duties to consider an application and grant a licence, and thereafter to ensure adherence with a licence’s conditions, remain in line with the 1982 Act provisions and the current licensing framework.

9.4 The Council have the power to serve enforcement notices. Where complaints, visits to premises or other information suggest that any licence condition has been breached, the Council can require a licence holder to take action to put it right. This will usually be done by serving an enforcement notice (“non-compliance” or “improvement” notice). Such notices must set out the matters constituting a breach or a likely breach, the action required to rectify or prevent the breach and the date by which the action must be taken.

9.5 Enforcement notices can also be served if a licence condition is felt likely to be breached, for example, a host or operator is advertising property with a maximum capacity of ten guests in breach of a licence condition specifying no more than eight. This would be evidenced in a listing or advertisement.

- 9.6 If satisfactory action is not taken by the required date(s) to address the issues set out in a notice, the Council have powers to vary, suspend or revoke a licence. The Council may order the suspension or revocation of a licence if:
- The licence holder is not a fit and proper person to hold the licence
 - The licence holder is managing the property on behalf of someone who would have been refused the grant or renewal of the licence
 - The short-term let is causing or is likely to cause undue public nuisance or a threat to public order or public safety
 - A condition of the licence has been contravened
- 9.7 Where the Council revokes a licence, no further application can be made by that host or operator in respect of that premises within one year of the date of revocation.
- 9.8 Hosts and operators can appeal against being served with a notice of variation, suspension, or revocation. Hosts and operators can take bookings and provide accommodation whilst they appeal a revocation or suspension, and they have 28 days in which to lodge an appeal. (See section 6.8)

10.0 Temporary Exemption Policy Statement

- 10.1 The Council must publish a Temporary Exemption Policy Statement on or before 1st October 2022 and review every three years thereafter.
- 10.2 The Council may grant temporary exemptions to the requirement to have a licence for a specified single continuous period not exceeding 6 weeks in any period of 12 months. The 6-week limit is a maximum, and not a default.
- 10.3 In order to obtain a temporary exemption from the requirement to have a licence, hosts and operators must apply for a temporary exemption to let premises, where this is offered by the Council. Applications must be submitted 6 months in advance.
- 10.4 The Council may grant temporary exempt licences for significant/National events to meet the requirements for an influx of visitors. The Head of Housing Services would make the decision when temporary exemptions may be granted for National events.
- 10.5 The Council may grant temporary exempt licences for the accommodation types below:
- Secondary Letting
 - Home Letting
 - Home Share
 - Home Letting and Home Share
- 10.6 Hosts and operators must:
- Apply for a temporary exemption licence before letting premises
 - Comply with all mandatory conditions for a short-term let (see Appendix 1)
 - Comply with all additional conditions (see Appendix 2)
 - Self-declare all conditions will be met
- 10.7 The Council can choose to, but do not need to, inspect every premises. The Council are not liable for any failures of the host or operator. The Council may:

- Consult the Chief Constable and the Scottish Fire and Rescue Service in respect of applications for temporary exemptions
- Visit premises to inspect or check documentation

10.8 The Council aim to determine a temporary exemption within 6 months of receipt of the application:

- The application process is noted in section 6
- The fee for a temporary exemption is noted in section 7
- Grounds for refusal of an application is noted in section 6
- Grounds to appeal a licence decision is noted in section 6

10.9 The Council can grant or refuse an application for a temporary exemption. If the Council grant a temporary exemption, the Council will provide the host or operator with a temporary exemption number (like a licence number).

Under the terms of the 1982 Act there is no objections process for temporary licence applications or for temporary exemption applications

11.0 Temporary Licence Policy Statement

11.1 Licensing authorities may also decide to grant temporary licences. The Scottish Government expects licensing authorities to develop and publish a policy setting out:

- The licensing authority's criteria for issuing temporary licences
- The fees payable; and
- Any additional conditions which apply (in addition to the mandatory conditions which apply to all licences, including temporary licences)

11.2 Under the Act the Council may grant a temporary licence for a duration of up to six weeks, or longer if the host or operator has also made an application for a full licence. If they have applied for a licence, their temporary licence will last until their licence application is finally determined (this includes an appeal if one has been lodged within 28 days of the decision).

11.3 In order to obtain a temporary licence, hosts and operators must apply for a temporary licence to let premises, where this is offered by the Council.

11.4 The Council may grant a temporary licence for new hosts and operators and for a trial period.

11.5 The Council may grant temporary licences for the accommodation types below:

- Secondary Letting
- Home Letting
- Home Share
- Home Letting and Home Share

11.6 Hosts and operators must:

- Apply for a temporary licence before letting premises

- Comply with all mandatory conditions for a short-term let (see Appendix 1)
- Comply with all additional conditions (see Appendix 2)
- Self-declare all conditions will be met
- Provide documentation requested in the application

11.7 The Council can choose to, but do not need to, inspect every premises, the Council are not liable for any failures of the host or operator. The Council must:

- Consult the Chief Constable and the Scottish Fire and Rescue Service in respect of applications for a temporary licence

11.8 The Council aim to determine a temporary licence within 6 months of receipt of the application:

- The application process is noted in section 6
- The fee for a temporary licence is noted in section 7
- Grounds for refusal of an application is noted in section 6
- Grounds to appeal a licence decision is noted in section 6

11.9 The Council can grant or refuse an application for a temporary licence. If the Council grant a temporary licence, the Council will provide the host or operator with a temporary licence number.

Under the terms of the 1982 Act there is no objections process for temporary licence applications or for temporary exemption applications

12.0 Control Areas and Planning

12.1 Control Areas

In addition to the above licensing requirements, under Section 26B of the Town & Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019 (the 1997 Act) the Scottish Government has given planning authorities the power to designate Short-Term Let Control Areas. The purpose of control areas is to:

- Help manage high concentrations of secondary letting where it affects the availability of residential housing or the character of a neighbourhood
- To restrict or prevent short-term lets in places or types of building where it is not appropriate; and
- To help local authorities ensure that homes are used to best effect in their areas

12.2 The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 implemented on 1st April 2021 set out the process for designation and Scottish Government Circular 1/2021 sets out policy on the implementation of the legislation. Ultimately, it is for local authorities to determine whether a control area is required, taking all relevant local circumstances into account.

12.3 In line with the Control Area Regulations, consideration of control areas for short-term lets in Fife will be progressed as part of the evidence gathering stage in Fife's Local Development Plan review.

12.4 **Current Planning and Policy Context**

At present, planning permission is only required for the use of a property as a short term let if a material change of use occurs, currently this is determined on a case-by-case basis so advice should be sought from the Planning Authority. Outside of a control area, this will continue to be the case.

12.5 **Implications of Control Area Designation**

Use of a dwellinghouse for the purpose of providing short-term lets is deemed to be a material change of use in a control area. Planning permission is therefore required for short-term letting of any house or flat within a control area.

12.6 People wishing to use such properties for a short-term let will require to apply for planning permission, unless these have been in use for 10 years and no planning enforcement action has been taken, as set out under section 124 of the 1997 Act.

12.7 The designation of a short-term let control area, does not mean a blanket ban on such uses: each case will have to be assessed on its own merits. The planning application process involves notification of neighbours and provides an opportunity for public comments.

12.8 Applications for Planning Permission for Change of Use and Certificates of Lawfulness can be made online at eplanning.scotland.gov.uk. Guidance on how to apply for planning permission is available on Fife Council's website via the following link:

- [Apply & pay for Planning Permission | Fife Council](#)

12.9 Your licence application may require you to provide evidence that you either:

- Have planning permission to use the property as a short-term let
- Have a certificate of lawfulness of use confirming you do not need planning permission

For very large, one-off events (such as the Commonwealth Games, Olympics or COP26), the Scottish Ministers can make a special development order to grant planning permission for change of use for an area and to require discontinuance of use after a certain period. In such circumstances, temporary exemptions could be granted in respect of secondary letting without any concern about breach of planning control.

13.0 Data Protection

13.1 For more information about how Fife Council manage the information you provide please read our privacy statement:

- <https://www.fife.gov.uk/kb/docs/articles/privacy-notice/housing>

13.2 Public Register of Short-term Lets

The Council are required to maintain a public register of short-term let licences and share the content of the register with Scottish Government on an ongoing regular basis in a format that enables analysis of the information. The Council must:

- Make the register available to the public electronically
- Publish or update the register on at least a quarterly basis
- By 1st October 2023, the Scottish Government expects licensing authorities to provide more frequent or live updates where it is possible to do so

14.0 Review

14.1 As this is a new licencing scheme the Council will review the policy over the next 12 months. The Council must publish a Policy Statement on or before 1st October 2022. It may be reviewed by 1st October 2023 but in any event by 1st October 2025, and every three years thereafter.

15.0 Further Information

Fife Council Short-term Let Licencing:

Online: [Short term lets | Fife Council](#)
Email: shorttermlets@fife.gov.uk
Address: Short-term Lets, Housing Services, Fife House (3rd Floor),
Glenrothes, KY7 5LT

Scottish Government Guidance:

- [Part 1: Guidance for Hosts and Operators](#)
- [Part 2: Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms](#)
- [Guidance for Hosts and Operators - Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](#)

Legislation:

- [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)

Appendix 1 - Mandatory Short-term Let Licence 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(a).

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(a).

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(b).

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 & 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 1997(c) (“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(a).
- (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 Council 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 Council in relation to Short-term Let Licensing.

Appendix 2 - Additional Short-term Let Licence Conditions

1. **Manage the Premises** - The licence holder must take reasonable steps to manage the premises in such a way as to seek and prevent and deal effectively with any anti-social behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.
2. **Noise and Nuisance** - The licence holder must take reasonable steps to:
 - Ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests
 - Deal effectively with any disturbance or nuisance arising within or from the premises, as soon as practicable after the licence holder is made aware of it; and
 - Ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules
3. **Privacy and Security** - The licence holder must manage the premises in such a way as to respect and protect the privacy and security of neighbours. The licence holder must ensure:
 - Guests know and understand any particular rules applying to shared areas and entrances
 - Guests understand that shared doors should be properly and securely closed after use; and
 - The provision of access codes or keys to guests cannot be used by guests to gain access to shared areas after they have finally departed
4. **Noise Conditions** - The licence holder must take reasonable steps to minimise noise impact on neighbouring properties to short-term lets. Reasonable steps may include:
 - Physical moderations to the property in order to minimise noise impact on neighbours, such as:
 - Replacing wood/laminate/vinyl floors with carpets; or
 - Installing door closers to prevent doors being slammed
5. **Guest Arrival** - The licence holder must take reasonable steps to ensure that guests do not first arrive or finally depart from the property between the hours of 11pm to 7am. The licence holder must advise guests of this as part of their booking terms and conditions. (“Reasonable steps” allows for exceptions, such as significantly delayed transport).
6. **Recycling and Waste** - The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.

The licence holder must provide written documentation to guests, advising them of:

- Their responsibilities
- The use of the bins/sacks provided for the premises
- The location of the nearest recycling centre or recycling point

The licence holder must:

- Clearly label bins belonging to the premises
 - Ensure that guests manage their waste in compliance when they depart
 - Maintain the bin storage area and the exterior of the premises in a clean and tidy condition
7. **Common Areas** - The Licence holder must not affix a key box, or other device to facilitate guest entry to the property, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owner(s). The licence holder must be able to produce the permission to the licensing authority on request.
 8. **Maintenance** - The Licence Holder must take steps to ensure that the property, fittings and furniture, water, drainage, gas and electrical installations, are maintained throughout the period of the Licence to the standard required. The licence holder should hold all the necessary certificates. This is supplementary to the mandatory conditions.
 9. **Emergency Instructions** - The Licence Holder must ensure that instructions to occupiers on action to be taken in the event of an emergency, together with details of who to contact in an emergency along with their contact details, is clearly and prominently displayed within the living accommodation. This is supplementary to the mandatory conditions.
 10. **Living Conditions** - The Licence Holder must ensure that the physical standards for the living accommodation remain suitable for the duration of the licence.
 11. **Licence** - This licence is not transferrable, and the Licence Holder must not sublet the property for use as a Short-term Let to any party. This is supplementary to the mandatory conditions.
 12. **Repossession** - The Licence Holder must ensure that actions to secure repossession are only by lawful means.
 13. **LPG** - Prohibition of Liquefied Petroleum Gas (LPG) room-heaters and storage of inflammable liquids:
 - (a) The licence holder shall not permit the use or storage on the premises of LPG room-heaters or, unless in an external store designed and approved for such storage, the storage of any liquified petroleum gas (LPG) or any highly inflammable liquid, gas, or substance
 - (b) This condition shall not apply to small amounts of liquids or gas sold in small non-refillable retail packs (e.g. lighter fuel or cosmetic appliance cartridges) kept by guests for their own use. Nor shall it apply to the external storage of LPG in cylinders or tanks which are provided by the licence holder for the provision of gas for cooking or for water or space heating or other domestic use, provided the storage complies fully with LPGA Codes of Practice and Building Regulation Technical Standards and that any installation connected to such cylinders or tanks complies with The Gas Safety (Installation and Use) Regulations 1998 or any amendment thereto

14. **Solid Fuel Appliances** - Where there is a solid fuel appliance within the premises (e.g. open fire and/or wood burning stove), the holder of the licence shall ensure:
 - (a) the chimney/flue associated with the appliance is inspected and cleaned annually by a suitably competent person
 - (b) a record of the annual inspection and cleaning of the flue is able to be produced, on request by the Council

15. **Hot Tubs** - Where there is a hot tub provided at the premises, the holder of the licence shall ensure:
 - (a) that it is suitably located and maintained so as to ensure it can be safely operated and used by guests
 - (b) that suitable and sufficient cleaning and disinfection procedures are in place
 - (c) that guests are provided with clear instructions on its safe use and any restrictions on its use
 - (d) that it is kept securely covered when not in use

16. **Gas and Electricity** - The Licence Holder shall comply with the current Ofgem provisions regarding the maximum re-sale prices of gas and electricity supplied, as appropriate.

17. **Insurance** - The certificates of building insurance and public liability insurance must be clearly and prominently displayed within the living accommodation for the duration of the licence.

18. **Fit and Proper** - The Licence Holder together with, (if applicable, any director, partner or other person concerned in the management of the licence holder) and if applicable the licence holder's agent (including any director, partner or other person concerned in the management of the agent) have been deemed fit and proper to hold a licence. In the event that any party aforementioned behaves in a way which would call into question their suitability to hold a licence, including but not limited to, any finding by a court or tribunal that they have practised unlawful discrimination; being charged with a criminal offence or of any civil or criminal proceedings relating to housing, public health, environmental health or landlord and tenant law resulting in a judgement or finding being made against them, then the Licence Holder must advise Fife Council as soon as reasonably practicable, and no later than 14 days from the date of the incident. This is supplementary to the mandatory conditions.

19. **Visitor List** - The Licence Holder must maintain up-to-date records of guests to include the following information:
 - (a) Guest full name and contact details
 - (b) Dates of entry and departure of each occupant

This information must be made available to Officers of Fife Council on request.

20. **Obstruction** - The Licence Holder must ensure that all approaches, staircases and passageways shall be kept entirely free from obstructions. All emergency exits or means of escape shall be available at all times and either capable of being opened from the inside without recourse to a key or, if a key is required, that key can be easily accessed. The layout and arrangement of premises shall be such as Fife Council consider satisfactory, where the property is inspected, to allow and permit the safe and orderly evacuation of the premises in the event of an emergency.
21. **Repair** - The Licence Holder must ensure that the building is maintained to a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be safe and adequately maintained. Both the exterior and interior of the property must be maintained in reasonable decorative order. This is supplementary to the mandatory conditions.
22. **Common Repairs and Maintenance** - Where the premises is in a shared building the Licence Holder should co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts.
23. **Tradesperson** - Any repairs, safety checks, maintenance work, pest treatment or any other work carried out in respect to the property or any installations, facilities or equipment within it are carried out by a suitably competent person (relevant current training/qualifications and experience). This is supplementary to the mandatory conditions.
24. **Premises Alterations** - No alterations to the layout of the property including structural or non-structural shall be carried out within the licensed premises without the prior approval of the licensing authority, in writing. This is supplementary to the mandatory conditions.
25. **Material Change** - If there is a material change of circumstance affecting the Licence Holder, their agent or the operation of the premises; the Licence Holder, their agent or their legal representative must inform the licensing authority as soon as possible.
26. **Access to the Premises** - The Licence Holder shall ensure that, access is permitted to Fife Council Officers in connection with carrying out statutory duties, whether such inspections are scheduled or unannounced.