

SHORT-TERM LETS LICENSING

APPLICATION FORM GUIDANCE NOTES

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

These guidance notes have been provided to help you completing the application form before lodging an application for a licence for a Short Term Let (STL) please ensure that you have read the following Guidance.

Part 1: Application and licence type

Q1: Application type:

Applications will be made for either a new licence, or to renew a licence. Applications to renew a licence must be submitted prior to the expiry of your current licence. Renewal applications should be submitted three (3) months prior to the expiry date.

If you are an existing operator, operating the premises which is the subject of this application, as a short-term let prior to 1 October 2022, please select 'New application (existing operator)'. You will be able to continue operating whilst your application is being determined.

Q2: Short-term let licence type:

There are four types of short-term let licence which you can apply for:

1. *Home sharing*: means using all or part of your own home for short-term lets whilst you are there.
2. *Home letting*: means using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday.
3. *Home sharing and home letting*: means you operate short-term lets from your own home while you are living there and also for periods when you are absent.
4. *Secondary letting*: means a short-term let involving the letting of property where you do not normally live, for example a second home;

Q3: Permission from owners

Where you do not own the property you intend to operate as a short-term let, you must demonstrate that you have secured the consent of the property owners. Examples of situations where this may be relevant and required include where somebody with a private residential tenancy wishes to let out a spare room.

Part 2: Premises Details

Premises address

Please provide the full address, including postcode of the premises for which you are seeking a licence. If you have multiple premises, you will be required to submit an application for each premises (except in limited circumstances, for example 10 pods within a single field could be considered a single premises with multiple accommodation units).

Maximum number of occupants per unit / total maximum occupancy

Please state the maximum number of occupants allowed to reside on the premises. Where there are multiple accommodation units on the same premises, please include the total maximum occupancy and maximum occupancy per unit. Some illustrative examples are included below:

Premises type	Maximum occupancy per unit	Total Maximum occupancy
Self-catering detached house (secondary let – entire property)	10	10
Home sharing with 2 lettable bedrooms	2 bedrooms, with maximum occupancy of 2 per bedroom.	4
Field with 10 separately lettable pods	5 pods with maximum occupancy of 2; 5 pods with maximum occupancy of 3.	25

Number of bedrooms

Please state the number of bedrooms on your premises. For those offering home sharing, please state the number of bedrooms available for let.

Name(s) of joint property owner(s) *(if applicable)*

Please ensure you provide details of all owners of the property which is the subject of this application.

EPC rating

If you are applying for a licence for secondary letting, home letting or home sharing & home letting of a dwellinghouse, you must confirm the EPC rating of the premises and ensure that it is displayed on any listings for the premises. Please provide a copy of your EPC certificate to allow East Lothian Council to verify compliance.

Note – listings need not include the EPC certificate, but only the rating (e.g. EPC – D).

Q4: Type of premises

Unconventional accommodation is a broad term, used to capture all accommodation that is not a dwellinghouse – such as pods, yurts, static caravans etc.

Q5: Description of short-term let

This question will help understand the makeup of the short-term let sector in more detail – and relates to short-term let type. B&Bs and guest houses are often forms of home sharing.

Part 3: About You

Q6: Individual or corporate entity

Part 3 is split into two sections based on whether you are applying as an individual or corporate entity. Corporate entities include: companies, partnerships, trusts or charities.

Q7 & 8: Agents and joint ownership

Common to both sections is the requirement to provide details of all those who are behind the application. For individuals this will include any joint owners, day-to-day managers or agents. For corporate entities, this must include names of all directors, partners or other persons responsible for the management of your short-term let.

Part 4: Convictions

Details of any unspent convictions must be provided for everybody that has been named on your application in order for East Lothian Council as licensing authority to consult with Police Scotland (and any other body as appropriate) to determine whether all those named on the application are considered fit and proper persons.

Part 5: Checklist

Application checklist

The application checklist is designed to assist you with preparation of an application for a licence that is complete first time. If your application is incomplete East Lothian Council will return your application to you and ask you to resubmit a complete application.

The checklist is split into 3 sections to ensure:

- You have enclosed all necessary documentation to support your application;
- You understand your obligations; and,
- Your premises is suitable (and ready for inspection, if required).

A legible, accurate and measurable floorplan of the premises (preferably to a scale of 1:100) is required, indicating the following:

- Room sizes
- Sanitary ware
- Cooking facilities
- Power outlets
- Lighting points and switches
- Accommodation intended for guests with mobility impairment
- Number of guests occupying each bedroom

Part 6: Declaration

You are required to complete a declaration to confirm you have read and understood the mandatory conditions that apply to all short-term lets in Scotland and any additional conditions that are required by your licensing authority.

As noted within the declaration it is an offence to provide false or misleading information on your application form which could lead to prosecution, and you are therefore required to indicate that the information provide on your application form is correct to the best of your knowledge.

Licence Fees

Fees will be updated annually and can be found at www.eastlothian.gov.uk

Additional Documents:

Site Notice – Applicants have a statutory obligation to advertise display a notice of application stating that an application for a short-term let licence has been made.

A template site notice is provided. This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be easily read by members of the public for a period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period the compliance notice must be completed and the entire notice must then be returned to East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or licensing@eastlothian.gov.uk

If the notice has been removed or defaced then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

Note – Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement.

Submitting your application

Before submitting your application, please ensure the following:

- The checklist at part 1 has been fully completed.
- The correct application fee is attached.
- All required certificates and supporting documentation are attached.
- The premises is ready for a property inspection to be carried out – (irrespective of whether or not the local authority chooses to inspect your premises).

Further information and links:

- Scottish Government Short-Term Lets webpage:
Short-term lets: regulation information – www.gov.scot
- Scottish Government Licensing Guidance for Hosts and Operators:
Short term lets – licensing scheme part 1: guidance for hosts and operators
www.gov.scot
- Scottish Government Planning Guidance for Hosts and Operators:
2. Guidance for Hosts and Operators – Short term lets: planning guidance for hosts and operators
www.gov.scot