

**The Civic Government (Scotland) Act 1982
(Licensing of Short-Term Lets) Order 2022
Licensing Conditions and Management Standards
for a Short -Term Let**

STL LICENCE CONDITIONS & MANAGEMENT STANDARDS

All Short-Term Let licenses are subject to complying with the requirements of Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 and any Regulations made thereunder and with the Aberdeenshire Council Licensing Conditions and Standards detailed below and apply throughout the full term of the licence.

Mandatory Licensing Conditions

To be included in all STL Licences (numbered “LC 1 – LC15” – Licensing Conditions) as per Schedule 3 of the above Act

LC .1 Agents

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

LC .2 Type of Licence

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

LC .3 Fire safety – General (See also Appendix 1)

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

LC .4 Fire Safety - Furniture & Furnishings

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.

LC .5 Gas safety

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

LC .6 Electrical safety

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 (EICR) 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

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.

LC .7 Water safety: private water supplies

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.

LC .8 Water safety: legionella

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.

LC .9 Safety & Repair standards

- a) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- b) 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 Tolerable and Repairing Standards

LC .10 Maximum Occupancy (See Appendix 2)

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

LC .11 Information to be displayed

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

LC .12 Listings

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
- c) 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.

LC .13 Insurance

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 / property owners insurance certificate providing cover to a minimum of £2m for the duration of each short-term let agreement

LC .14 Payment of fees

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

LC .15 False or misleading information

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

Additional Licence conditions - Applying to All Licences

Aberdeenshire Council consider that additional conditions should be applied to short-term let licences in its area. These derive from (a) the Part 2 Guidance for licensing authorities and (b) issues relating to guest safety which the Council has identified in its area and for which it considers additional licence conditions are necessary and appropriate.

The "Part 2" additional conditions are based closely upon the examples provided by the Scottish Government. These conditions would be generally applicable to all licences, although some, for instance those relating to impact noise are not necessary for detached premises with no party structures.

The guest safety conditions are intended for specific premises where certain facilities and amenities are provided for the use of guests (this would require a declaration on the application form). Alternatively, the conditions could be generally applied with a conditional clause; the draft guest safety conditions are in the latter form.

LC.16 Material Changes

The licence holder shall notify the Council immediately of any material change of circumstances affecting the licensed premises or the licence holder (or any agent appointed by them to manage part or all of the licensed activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence

LC.17 Reporting of Certain Incidents

The licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident affecting, or within, the licensed premises which (a) has resulted in structural damage to, or structural collapse within, the premises, or (b) which has involved a gas leak, fire, or explosion necessitating the call-out of the Emergency Services.

LC.18 Anti-Social Behaviour

- i. The licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.
- ii. The licence holder must take reasonable steps to:
 - i. ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests.
 - ii. deal effectively with any disturbance or nuisance arising within or from the premises, as soon as reasonably practicable after the licence holder is made aware of it; and
 - iii. 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.
- iv. The licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident of anti-social behaviour affecting or emanating from the premises which has necessitated police involvement.

LC.19 Privacy and security

- i. The licence holder must manage the premises in such a way as to respect and protect the privacy and security of neighbours.
- ii. The licence holder must ensure:
 - v. guests know and understand any particular rules applying to shared areas and entrances.
 - vi. guests understand that shared doors should be properly and securely closed after use; and
 - vii. 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.

LC.20 Ancillary Equipment

Where additional services or equipment are provided that are ancillary to the provision of accommodation these must be provided and maintained in accordance with manufacturer's instructions, relevant national governing body advice and guidance, as well as all relevant government guidance and legislation. The Licence Holder must take all reasonable measures to ensure safe use of any services/equipment by guests.

LC.21 Noise control

WILL ONLY BE ATTACHED IN THE CIRCUMSTANCES SET OUT – WILL NOT BE ATTACHED AS A MATTER OF COURSE

- i. 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 11 pm to 7 am. The licence holder must advise guests of this as part of their booking terms and conditions. (Note: "reasonable steps" allows for exceptions, such as significantly delayed transport.)
(Condition would only be applied to those properties located at 1st floor and/or above where a residential property is located below, in close proximity to a neighbouring property or whether there is a shared entrance/communal areas.)
- ii. The licence holder must take reasonable steps to ensure that guests do not use the hot tub after 2300hrs
(Condition may be applied following investigation of concerns regarding noise associated with hot tubs and where a hot tub is positioned in close proximity or overlooked by neighbouring property.)
- iii. The licence holder must take reasonable step to ensure that guests do not play amplified music within the garden or external areas after [23:00 hours] where it would impact neighbouring residents.
(Condition may be applied following investigation of concerns regarding noise associated with playing music in outdoor areas.)

LC.22 Littering & Waste Disposal

- i. The licence holder shall ensure that adequate facilities, to the satisfaction of the Council, are provided for the storage, recycling and disposal of all waste and shall ensure that all common areas of the premises and all common external areas within the curtilage of the premises are kept in a clean, tidy, and well-maintained condition to the satisfaction of the Council.
- ii. The licence holder shall be responsible for advising residents of the refuse collection day and for making arrangements for the presentation of wheeled bins for collection at the appropriate time and day.

- iii. The licence holder should:
 - i. clearly label bins as belonging to the premises
 - ii. ensure guests are made aware of how to correctly use the bins provided for the premises
 - iii. provide bins/sacks
 - iv. ensure that guests manage their waste properly, including when they depart
 - v. ensure guests are made aware as to what items should not be disposed of by flushing down the toilet

LC.23. Prohibition of LPG room-heaters and storage of inflammable liquids etc.

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. 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

LC.24 Maintenance of property

Where there is a solid fuel appliance within the premises (i.e., wood burning stove), the holder of the licence shall ensure: -

- i. the chimney/flue associated with the appliance is inspected and cleaned annually by a suitably competent person.
- ii. a record of the annual inspection and cleaning of the flue is able to be produced, on request by the Council

LC.25 Requirement to produce on demand any policy, certificate etc.

The licence holder shall require producing on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms pursuant to any condition of this licence.

Interpretation

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

Confirmation that the check undertaken complies with the requirements of an examination of -

- a) the effectiveness of any flue
- b) the supply of combustion air
- c) subject to head
- d) its operating pressure or heat input or, where necessary, both,
- e) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
- f) its operation as to ensure its safe functioning,
- g) the name and signature of the individual carrying out the check, and
- f) 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

"Tolerable and Repairing Standards"

The repairing standard requires:

- a) your premises to be wind and water tight and in all other respects reasonably fit for people to live in
- b) the structure and exterior (including drains, gutters and external pipes) must be in a reasonable state of repair and in proper working order
- c) installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order
- d) any fixtures, fittings and appliances that you provide for guests must be in a reasonable state of repair and in proper working order
- e) any furnishings that you provide for guests must be capable of being used safely for the purpose for which they are designed
- f) the premises must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire
- g) the premises must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health

"The Tolerable Standard"

The Tolerable Standard is the minimum standard for all housing, and a home which falls below this standard is considered to be unfit for human habitation.

“EPC” – Energy Performance Certificate

If you are using a dwellinghouse for secondary letting, you must have a valid EPC certificate issued within the last 10 years. Note that you can be fined for failing to hold a valid EPC certificate for your premises under building standards legislation. Guidance on EPC requirements for holiday lets can be found here: [Energy Performance Certificates for Holiday Lets: guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/energy-performance-certificates-for-holiday-lets-guidance)

Fire safety

“Furniture and fittings”

You must ensure that all upholstered furnishings and mattresses within the premises comply with the Furniture and Furnishings (Fire Safety) Regulations 1988

Keep records showing that all upholstered furnishings and mattresses within the premises comply with the Regulations. You could comply with this condition by:

- a) keeping photographic evidence
- b) removing and retaining the labels themselves or
- c) keeping receipts which confirm compliance (for example by providing a reference number or accurate description of the product)

“general”

The Licensing Order sets out some conditions around fire safety which your licensing authority will want to check. Please note that you must also comply with other requirements in the Fire (Scotland) Act 2005. The general fire safety guidance will also help you to comply with the conditions on the premises, furniture and fittings set out below.

This places a duty on the Licence Holder to undertake a Fire Risk Assessment and produce a Management Policy to ensure the safety of persons in the premises in respect of harm caused by fire. Further information on Fire Safety is available at Appendix 1 to these conditions and referred to for its terms.

You must ensure your premises has satisfactory equipment installed for detecting, and for giving warning of

- a) fire or suspected fire, and
- b) carbon monoxide present in a concentration that is hazardous to health

This is stated explicitly in the Licensing Order for unconventional accommodation. However, it is also a requirement of the repairing standard for conventional accommodation. Every host and operator should be complying with this requirement.

Water Safety

“Private supplies”

Where your premises is served by a private water supply, you 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. If your premises is supplied with water from Scottish Water, then you do not need to take any further action in respect of this condition.

You can find more information and guidance from the Drinking Water Quality Regulator for Scotland: [Guidance on the Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 | DWQR](http://www.dwqr.gov.scot/guidance-on-the-water-intended-for-human-consumption-private-supplies-scotland-regulations-2017).

“Legionella”

You must assess the risk from exposure to Legionella within your premises, whether or not it has a private water supply.

The Legionella risk assessment does not need to be carried out by a professional; you can do it yourself. You do not need to conduct an in-depth, detailed assessment unless there is something unusual about your premises. The risks from hot and cold-water systems in most residential settings are generally considered to be low because water is used regularly and does not stagnate.

You are advised to keep a brief record of what assessment you did. Your licensing authority may want to see it. You can find out more on the [Health and Safety Executive webpage on legionella and landlords' responsibilities](http://www.healthandsafety.gov.scot/legionella-landlords-responsibilities)

“Listings”

You must ensure that any listing or advert (whether electronic or otherwise) for your premises includes-

- a) the licence number, and
- b) a valid Energy Performance Certificate rating

Where you have a licence, you must display your licence number on any listing or advert. Displaying your licence number will help guests to know that the accommodation meets the standards of the licensing scheme.

“Insurance”

You must, for the duration of the licence, hold for the premises -

- a) valid buildings insurance, and
- b) valid public liability insurance / property owners insurance providing cover of not less than £2 million.

This condition is important to protect your interests, those of the owner of your premises, neighbours and guests, should any accident, damage or injury occur. You must make sure that insurance cover remains in place for the duration of your licence and does not lapse.

The buildings insurance must cover the short-term let activity but this could be through your own insurance policy or through a shared policy covering the premises (e.g., for an apartment block) or insurance taken out by the owner.

“Payment of Fees”

You must pay any fees due to the licensing authority in respect of the licence on demand. Your application will not be considered unless you pay the relevant fee. Your licence will not be renewed if you do not pay the appropriate renewal fee.

“False or misleading information”

You must not provide any false or misleading information to your licensing authority. You must provide all relevant information and be honest in your application and subsequent communications with the licensing authority, for example when:

- a) your licensing authority asks you about your short-term let activity
- b) your licensing authority visits your premises
- c) you make a request of the licensing authority to change the terms of your licence or
- d) you apply to renew your licence

It is an offence to provide false or misleading information to your licensing authority. They could suspend or revoke your licence. You might also have to pay a fine.

APPENDICES

APPENDIX 1 - FIRE SAFETY STANDARDS

Fire (Scotland) Act 2005

All Short-Term Lets are 'relevant' premises under Part 3 of the Fire (Scotland) Act 2005. Scottish Fire & Rescue Service are the authority responsible for fire safety compliance within all Short-Term Let premises.

The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 places a duty on those responsible for fire safety within relevant premises to carry out a fire risk assessment to establish both the risk of fire occurring and the risk to people in the event of fire. This would apply to everyone using the STL and should take adequate account of any persons with disabilities or special needs.

The fire precautions recommended for all STLs include:

- a) means of detection and giving warning in case of fire
- b) the provision of means of escape
- c) the means of fighting fire; and
- d) the formulation of an emergency plan.

The holder of the licence must ensure the premises have 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.
- c) 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
- d) The Fire Risk Assessment, Fire Policy, Fire Action Plan, Fire Logbook recording the testing, inspection and maintenance of alarm systems, emergency lighting and portable firefighting equipment should be maintained and be **readily available on the premises for inspection.**
- e) Testing, inspection, and maintenance of all fire safety measures should be in accordance with the requirements contained in the **Practical Fire Safety Guidance for Premises providing Sleeping Accommodation.** Periods where the dwelling is vacant, and inspections are not carried out must also be recorded. After a period of vacancy, all fire detection, emergency lighting and firefighting equipment must be fully tested prior to tenants resuming occupancy.

An example of a risk assessment including guidance and blank forms can be found here.

<http://www.gov.scot/Topics/Justice/policies/police-firerescue/fire/FireLaw/GeneralGuidance/FireSafetyRiskAssessment>

A series of sector specific guides for sleeping accommodation as well as other relevant premises has been produced providing practical fire safety guidance for those with responsibilities under Part 3 of the Fire (Scotland) Act 2005, as amended, and the Fire Safety (Scotland) Regulations 2006.

<https://www.gov.uk/government/publications/do-you-have-paying-guests>

<https://www.gov.scot/publications/practical-fire-safety-guidance-existing-premises-sleeping-accommodation-2/>

<https://www.gov.scot/policies/fire-and-rescue/non-domestic-fire-safety/>

APPENDIX 2 – OVERCROWDING & SPACE STANDARDS

The maximum occupancy will be pre-determined and shown on the STL Licence. The definition of overcrowding is as set out in Part VII of the Housing (Scotland) Act 1987.

Normally, sleeping accommodation will be in the form of single or double bedrooms, although other arrangements can be accepted for example bunk beds, sofa or pull-out beds within a lounge.

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 less of:

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

No account shall be taken of a child under the age of two. A child aged two or over but under 10 shall be reckoned as one-half of a unit.

Unconventional accommodation will be considered on a case-by-case basis.

Table 1

Number of Rooms	Number of Persons
1	2
2	3
3	4
4	7 and ½
5+	2 for each room

Table 2

Floor Area of Room	Number of Persons
110 sq. ft. or more	2
90 sq. ft. or more but less than 110 sq. ft.	1 and ½
70 sq. ft. or more but less than 90 sq. ft.	1
50 sq. ft. or more but less than 70 sq. ft.	½