

SHORT TERM LET LICENSE SCHEME – PERTH AND KINROSS AREA

A number of briefings/webinars have taken place recently to discuss and disseminate information regarding the short term let licensing scheme which will go live on 1 Oct 22. Below sets out information to assist accommodation providers on the scheme and process of application. We will also include useful links at the appropriate point in this note and at the end.

Businesses Included

“short-term let” means the use of residential accommodation provided by a host in the course of business to a guest where there is a charge made. An arrangement in the course of business will normally involve setting out some terms and conditions in a contract which the guest has accepted. An arrangement in the course of business includes taking a booking on-line or over the phone.

This information is relevant to the following business types:

- a) Self-Catering Accommodation let to the public on a short-term basis (including cabins, flats and holiday homes).
- b) Guest House & Bed and Breakfast Accommodation Owners of any size and Use Class.
- c) Anyone considering letting a room or accommodation premises that is not a long-term rental ie not a lodger.

There are exemptions and these should be checked against Annex A of the Scottish Governments Short Term Let Legislation that can be found [Here](#)

New Businesses (operating after 1 Oct 2022).

1. Needs to apply for a short-term license and will not be allowed to operate until the licence has been approved by Perth & Kinross Council. No bookings are to be taken until the license has been granted but premises can be advertised.
2. Planning permission must also be in place for the accommodation premises (if a new build or conversion from housing (change of use) to short term let) – this applies to flats and houses.
 - a. Planning notification will be sent to every household within 20 metres of the boundary of the proposed accommodation premises for comment.
 - b. All objections received will be assessed by P&K Council.

Current Businesses (operating before 1 Oct 2022).

1. Have from 1 Oct 22 until 1 Apr 23 to apply for a license. The premises must have been in full operation before 1 Oct 22 and evidence of bookings and business activity will be requested as part of the application.

2. Planning permission to run as a business should also be in place for current businesses. If unsure, current accommodation providers should contact P&K Planning Dept to understand their situation. Even if you currently pay non-domestic rates or your business has been established for some years, you should not assume that you have the appropriate planning permission already in place. If planning permission has not been given in the past, then a Certificate of Lawful Use may be requested. Email address for planning is: developmentmanagement@pkc.gov.uk. This should be done at the earliest opportunity and before you start the application process.
3. For your awareness, if any member of the public believes that a short term let business is operating without a license, they are within their rights to report the business to the council's planning enforcement team.

Application Process.

1. This is an evidence-based process, it is unlikely that P&K Council will undertake inspection visits of properties. P&K Council believe in a light touch approach that ensures Health and Safety protection for both businesses and users but still sits within the requirements laid down by the Scottish Government.
2. P&K Council hope to provide information sheets including FAQs in due course and TAG will post these on our website as they come in.
3. A pre-application checklist will be available once the system goes live. Accommodation providers will be required to upload all relevant documents at the time of applying so you are encouraged to use the checklist before you start the process.
 - a. There are 17 Mandatory Conditions that include Fire and Gas certificates, code of conduct notification to guests as well as others. These conditions are laid down by the Scottish Government and P&K Council are obligated to ensure these conditions are met by everyone.
 - b. Accommodation Providers may find it useful to look at the [Hosts & Operators Conditions](#) sheet provided by the Scottish Government.
4. There will be a requirement to upload various Risk Assessments and P&K Council will provide templates to assist all accommodation providers. TAG will also add these onto our website.
5. Once the application has been received by P&K Council, business owners will receive an email notification and will be required to display a public notification sign on the edge/entrance of their boundary/property for 21 days. The application will be sent to the Police, Fire Department and Planning for comment. Business owners will be assigned a temporary reference that must be displayed on advertising etc.
6. If anyone has any questions on this process either before, during or once they have submitted their application, they can email stl@pkc.gov.uk. Further information on the process can be found on the P&K Council website at <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

7. The license application looks at the suitability of the individual as well as the premises. However, the license is issued against the premises only (not the business) so anyone with multiple accommodation premises will be required to apply for each establishment within their business portfolio. However, it is not clear how this will be applied to businesses such as Atholl Estates and Lude Estate¹ If you have a guest house/B&B as well as a self-catering premises then both establishments will need a license.
 - a. Licenses are not transferable on sale of property. New vendors will be required to apply once they own the business and will not be allowed to trade until the new license has been received.
 - b. Premises that are licensed for alcohol sales do not need to apply for a short-term let license.
 - c. All premises whether new businesses or old will be required to have a license by 1 Jul 2024.
 - d. Licenses will be valid for 3 years from date of issue.
 - e. The cost of each license has not yet been agreed but during their consultation phase, P&K Council suggested figures between £175 - £1600 depending on type and size of accommodation.

Types of Licenses

1. There are four types of licence for Short-term let accommodation. The licence granted must be for either:
 - (a) secondary letting – the letting of property where you do not normally live, for example a second home;
 - (b) 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;
 - (c) home sharing – using all or part of your own home for short-term lets whilst you are there and,
 - (d) home letting and home sharing – you operate short-term lets from your own home while you are living there and also for periods when you are absent. The application form will ask you to confirm what type of short-term let licence you are applying for when submitting your application. You must select one of the above types of licence.

Planning Control Areas

1. Perth and Kinross Council does not currently have any designated short-term let control areas, but this is currently under review and, if any are intended, will be subject to the necessary consultations.

¹ Lude and Atholl Estates are advised to contact Debra Gilkison, Licensing Manager, PKC at STL@pkc.gov.uk to discuss their specific set up.

2. I have checked with the Cairngorm National Park and their planning control area only covers the Badenoch & Strathspey area and there are no plans at present to extend that as far down to TAG's area.

Finally....

As information becomes available, we will continue to send it out to our members, but we will also display these notices on our business area of the website. If you have any concerns about the application process whether it be the process itself or the planning elements, then contact Perth & Kinross council in the first instance.

If you are not already a member of the TAG Members facebook group, then please consider joining – it's a great place to ask each other questions and to provide support as we all go through this pain. The TAG Members facebook page is called The Atholl Glens (TAG) Members, click to join and one of our admins will add you to the group.

Rhona Metcalfe
Chair
TAG

Useful Email Addresses

Planning Check - developmentmanagement@pkc.gov.uk

STL Enquires - STL@pkc.gov.uk

Useful Documents/Websites:

PKC Licensing Scheme - <https://www.pkc.gov.uk/article/22511/Short-term-lets-licensing-scheme>

Hosts Conditions Guide - <https://www.gov.scot/publications/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators-2/>

Scottish Government Short Term Let Legislation - <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/03/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators-2/documents/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators/govscot%3Adocument/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators.pdf?forceDownload=true>