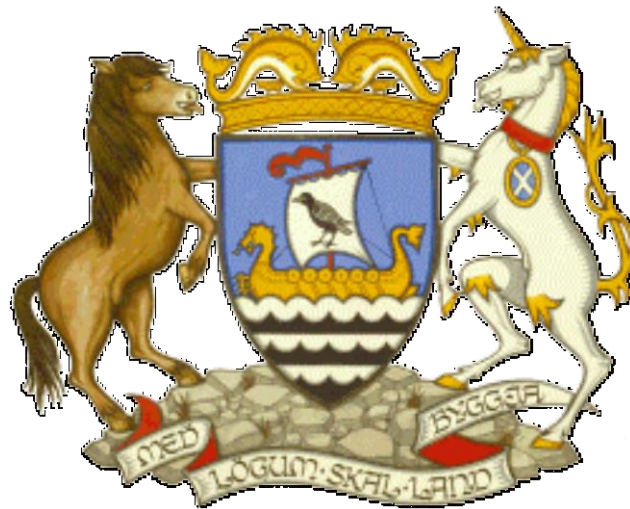


SHETLAND ISLANDS COUNCIL



ENVIRONMENTAL HEALTH SERVICE

SHORT-TERM LETS LICENSING POLICY

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Short-Term Lets Licensing Policy

1. Introduction

- 1.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 (“the Order”) was approved by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022. The Order introduces a mandatory requirement for licensing authorities in Scotland to implement and administer a short-term lets licensing scheme in their areas. The Order amends and modifies the Civic Government (Scotland) Act 1982 (“the 1982 Act”) in relation to short-term lets licensing schemes.
- 1.2 Short-term lets can offer people a flexible and cheaper accommodation option when travelling, and have contributed positively to Scotland's tourism industry and local economies across the country. The Scottish Government has put in place this licensing scheme requirement to ensure basic safety standards are in place across all short-term lets operating in Scotland, while also providing discretionary powers to licensing authorities to address the needs and concerns of local communities. Improved visitor experience and confidence will benefit tourism and the economy.
- 1.3 The intended aims of short-term lets licensing schemes are:
- to ensure all short-term lets are safe;
 - to facilitate licensing authorities in knowing and understanding what is happening in their area; and
 - to assist with handling complaints and address issues faced by neighbours effectively.
- 1.4 Licensing authorities’ schemes will be open on 01 October 2022. All existing hosts **must** have made an application by 01 April 2023.
- Existing Hosts who do not make a valid application by 01 April 2023 will have to apply as a new host. That means that they will not be permitted to take bookings or guests until a valid licence is in place.
- New hosts (those who intend to operate after 01 October 2022) can apply for a licence from 01 October 2022, but cannot take bookings or guests until they have a licence. The licensing authority has up to one year to determine a licence from receipt of a valid application.
- 1.5 At Shetland Islands Council, the Environmental Health Department administer the short-term lets licensing scheme on behalf of the Council using delegated powers under the Council’s Constitution: Part C – Section 3 of the Scheme of Administration and Delegations.
- In certain circumstances, matters relating to short-term lets licences and applications will be referred to the Council’s Licensing Committee for determination, in accordance with the Council’s Licensing Scheme of Delegation and the 1982 Act.
- 1.6 The Scottish Government has issued 2 sets of non-statutory guidance further to the Order, which can be found here:
- [Part 1 Guidance for Hosts and Operators](#)

- [Part 2 Supplementary Guidance for licensing authorities, letting agents and platforms](#)

2. What is a Short-Term Let?

2.1 Under the licensing order found [here](#), a “short-term let” means the use of residential accommodation provided by a host in the course of a business to a guest, where all of the following criteria are met:

- a) the guest does not use the accommodation as their only or principal home,
- b) the short-term let is entered into for commercial consideration,
- c) the guest is not:
 - i. an immediate family member of the host,
 - ii. sharing the accommodation with the host for the principal purpose of advancing the guest’s education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
 - iii. an owner or part-owner of the accommodation,
- d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host’s household,
- e) the accommodation is not “excluded accommodation”, (defined in Schedule 1 of the Order) and
- f) the short-term let does not constitute an “excluded tenancy” (also defined in Schedule 1 of the Order).

2.2 Accommodation can mean any building or structure or part thereof that is let out for residential use or any part of the building or structure. This may be rooms in a home, a whole house or something less conventional such as a wigwam or a converted shepherds hut.

2.3 There are various exclusions from having a short-term let licence and these are detailed here: [Annex A](#) of [Part 1 Guidance for Hosts and Operators](#).

3. Licence Types and their Duration

3.1 The Council may grant one of four types of licence for short-term let accommodation. The licence granted will be for either:

- a) secondary letting (letting of property where you do not normally live), e.g. a second home;
- b) home letting (letting out all or part of your own home whilst you are absent)
- c) home sharing (letting out all or part of your own home whilst you are there)
- d) home letting and home sharing.

Home sharing and home letting concern the use of the host or operator's only or principal home whereas secondary letting makes use of a separate premises.

- 3.2 Licences will normally last for 3 years and will then need to be renewed. A renewal licence will also normally last for 3 years. Where an application is made to renew a licence, the licence will continue to have effect until such a time as a decision is made on the renewal.
- 3.3 There may be exceptional circumstances where shorter periods less than 3 years will be considered for new or renewed licences. These may include situations where there are:
- a) Previously upheld complaints about a let
 - b) New "non-traditional" lets which require specific additional conditions, for example: for safety reasons or because of concerns presented by Police Scotland or the Scottish Fire and Rescue Service [SFRS]
 - c) Concerns that the host will not comply with the conditions for three years (i.e. poor history of compliance or not providing evidence that conditions are being met)

3.4 Temporary Licences

In some circumstances the licensing authority may issue temporary licences. If hosts are granted a temporary licence, it can last for up to six weeks. It can last longer if the host has also made an application for a full licence. If the host applies for a full licence, the temporary licence will last until the licence application is finally determined.

4. Temporary Exemptions

- 4.1 The licensing authority may grant temporary exemptions to the requirement to have a licence. This provision will be available for home sharing only. Home sharing means using all or part of the hosts own home for short-term lets whilst they are there.
- 4.2 In order to obtain a temporary exemption from the requirement to have a licence, hosts and operators must apply for one. The circumstances under which a temporary exemption may be granted are for certain occasions in connection with special events of local or national significance, including where there is a large number of visitors over a short period. In Shetland these events may include, but are not limited to the following:
- Up Helly Aa (any Shetland location)
 - Tall Ships
 - Shetland Folk Festival
 - Shetland Wool Week
 - Fiddle and Accordion festivals
 - Shetland Pride
- 4.3 A temporary exemption can only be granted for a continuous period which must not exceed 6 weeks in any 12 month period.
- 4.4 A fee will be payable for a temporary exemption (see fee schedule).

- 4.5 Mandatory conditions will not normally be imposed on temporary exemptions unless there is a safety concern which is specific to the property.
- Police Scotland and SFRS may be consulted on temporary exemption applications and may request specific conditions for safety reasons.
- 4.6 If a temporary exemption is granted, the licensing authority will provide the host or operator with a temporary exemption number similar to a licence number.
- 4.7 Grounds for refusing a temporary exemption may include:
- class of premises outwith policy
 - safety concerns that cannot be easily remedied with an additional condition.
- 4.8 In the event that an application for a temporary exemption being refused appeals must be lodged with the Sheriff Court within 28 days of the date of a refusal. See Section 8.10 for more information on making an appeal.
- 4.9 The licensing authority will make a decision on an application within 28 days.

5. Licence Conditions

- 5.1 Every short-term let in Scotland must comply with specific “Mandatory Conditions”. These are in place to ensure the safety of guests and neighbours. The mandatory conditions are set out in the Order and therefore the licensing authority must attach such conditions to a short-term let licence. However, the mandatory conditions will not normally apply to temporary exemptions. Additional conditions will not be routinely imposed (see Section 5.3 below).
- 5.2 The **Mandatory Conditions** are summarised below as requirements relating to the following:
- Day to day management of the short-term let only being carried out by the holder of the licence
 - Only operating under the type of licence that has been granted
 - Fire safety
 - Gas safety
 - Electrical safety
 - Water safety
 - Safety and repair standards
 - Maximum occupancy levels
 - Displaying information on the premises
 - Obtaining the necessary planning permission (see Section 8.5 below)
 - Requirements for information displayed on listings
 - Insurance
 - Payment of fees
 - Providing true and accurate information

Further guidance under each requirement can be found in Schedule 3 of the Order [here](#), or in the Short-Term Lets in Scotland Licensing Scheme Part 1 Guidance for Hosts and Operators [here](#).

5.3 Additional Conditions

In exceptional circumstances, the licensing authority reserves the right to set additional conditions to respond to local challenges and concerns, or they may be specific to a property. Additional conditions will not be used to tackle a breach of an existing condition (enforcement notices will be used for this purpose), nor will they be used to contradict, modify or dilute mandatory conditions.

5.4. Additional conditions will **only be imposed where strictly necessary** and will be **site specific**. Hosts will be given an opportunity to remedy any issue before additional conditions are considered.

5.5 Additional conditions allow the licensing authority to tackle many of the following types of issues whilst still allowing the premises to be used for short-term lets. These may include:

- antisocial behaviour;
- privacy and security;
- noise;
- littering and waste disposal;
- damage to private and public property.

Antisocial behaviour

The licensing authority may wish to include a condition requiring the licence holder to manage their premises in a way to prevent anti-social behaviour as far as reasonably practicable, and to effectively deal with any instances of anti-social behaviour.

Privacy and security

The licensing authority may wish to impose conditions to ensure that the privacy and security of neighbours is safeguarded, (for example in lets with shared areas/access).

Noise

The licensing authority may wish to impose conditions to minimise noise impact on neighbouring properties to short-term lets, particularly those in flatted, terraced or semi-detached dwellings.

Littering and waste disposal

The licensing authority may wish to impose conditions to minimise littering or ensure proper waste disposal.

The licence holder may be asked to provide adequate information on, and facilities for, the storage, recycling and disposal of waste; to advise guests of their responsibilities; use of bins/sacks provided and location of the nearest recycling centre; clearly label bins belonging to the premises; manage bin storage to the exterior of the premises in a clean and tidy condition.

Damage to private and public property

The licensing authority may wish to impose conditions to minimise damage to private and public property in some circumstances – such as key boxes attached to public or jointly owned infrastructure without prior written permission.

Additional conditions can be appealed through the appeal process outlined in Section 8.10.

6. Planning Considerations

- 6.1 In drafting this policy due regard has been paid to the Council's Planning Authority objectives and policies, including:
- the local development plan;
 - other relevant planning policies; and
 - any intended or designated control areas; as well as relevant planning legislative provisions.

- 6.2 Currently, the Council does not have or intend to introduce a designated control area for short-term lets and so most current hosts and operators will **not** need to seek planning permission before applying for a short-term let licence. However, guest houses and some bed and breakfast premises **may** require or indeed may already have planning permission for such activities. Some purpose built premises may also already have planning permission.

In those cases where planning permission does not already exist and short-term letting is proposed or is already occurring, planning permission may be required in certain circumstances.

Whether planning permission is required is a decision for the Council's Planning Authority to make on the basis of whether it considers a material change of use will take place, or has already taken place. In making these decisions, regard will be had by the Council's Planning Authority as to:

- the character and new use and also that of the wider area;
- the size of the property;
- the pattern of activity associated with the use, including number of occupants, the period of use, issues of noise, disturbance and parking demand; and
- the nature of any services provided.

Nonetheless, it is always the developer's responsibility to comply with planning control and to seek their own independent advice in this regard.

The Town and Country Planning (Scotland) Act 1997 defines the concept of 'lawfulness' and sets out provisions for certifying the lawfulness of proposed or existing operations, uses or activities in, on, over or under land. Further information is available [here](#)

- 6.3 The use for a home for bed and breakfast is permitted without planning permission: if the house has less than four bedrooms and only one is used for a guest house or bed and breakfast purpose; or the house has four bedrooms or more and no more than two bedrooms are used for a guest house or bed and breakfast purpose. Where the threshold is exceeded, planning permission will be required for a change of use. Planning permission will always be required if a flat is being used as a guest house or bed and breakfast, regardless of the number of rooms.

- 6.4 Subject to further guidance from the Scottish Government, it is proposed that Shetland Islands Council Planning Service are not consulted on all applications but just ones particular to their remit. Any issues related to these are dealt with by the respective team within the Planning Service, not through the short-term let licence. Failure to have the necessary permissions or certification confirming the planning status of land may, however, delay a short-term let licence being granted.
- 6.5 There is also a mechanism under the Order for the licensing authority to make a preliminary refusal of a short-term let licence application where the licensing authority considers that use of the premises for a short-term let would constitute a breach of planning control. Hosts operating prior to 1 October 2022 who submit such an application will have three months from the date the licencing authority provides them with the relevant notice to apply for planning permission or for a certificate of lawfulness of use or development. Failure to make such an application within the three month period may result in the host being required to cease operating the short-term let.
- 6.6 New hosts considering building or conversion of a building or buildings on an existing plot may need planning permission. More information can found here: <https://www.shetland.gov.uk/planning-applications> or e-mail development.management@shetland.gov.uk

Building Standards

- 6.7 Some works to convert buildings for a short-term let may need a building warrant – it is up to the host to ensure that any works they have done or intend to do to alter, convert or build a property for short-term letting complies with Building Standards Regulations if necessary. More information here: <https://www.shetland.gov.uk/building-standards/apply-building-warrant/1>

7. Fees

- 7.1 The licensing authority may charge reasonable fees for applications and inspections related to short-term let licensing, whilst ensuring that they only cover the actual costs in operating this function. The licence application fees are detailed in Appendix A (Note: these will be reviewed on an annual basis). Any updated fee levels will be published on the Council's website [here](#).
- 7.2 Costs will also be recovered through a fee for property inspections but only where a breach of a condition(s) has occurred or following a justifiable complaint regardless of whether the non-compliances identified were the subject of the original complaint.
- 7.3 Where a fee is charged for such an inspection, the licensing authority will 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 licensing authority will refund the fee charged to the licence holder.

8. Licence Applications

Applications can be completed online [here](#)

If a host is unable to complete an online application, they can ask for a paper form by calling: 01595 745250 or e-mailing stl@shetland.gov.uk. A paper copy of the application form and guidance notes will be provided.

If information on the website or paper application form is needed in a different format such as accessible PDF, large print, easy to read, audio recording or braille then applicants will be asked to email: communications@shetland.gov.uk The request will be considered within 14 days.

8.1 Before considering an application in detail, the licensing authority will consider it in the context of their licensing and planning policies. Currently there are no planning control areas in the local development plan, so most short-term lets will not need separate planning permission (see Section 6 for more information).

8.2 If an application proceeds to consideration, the licensing authority will look at the following information in assessing the application:

- whether the people named on the application are fit and proper persons to be involved in providing short-term lets;
- evidence that the host is compliant (or can secure compliance) with the mandatory conditions;
- whether any additional conditions would be attached to the licence; and
- any competent objections received (see Section 8.7 below).

8.3 As part of considering the application, the licensing authority will check that the premises are compliant with the mandatory conditions. This will be done through one or a combination of:

- asking hosts to declare that they have met the conditions;
- asking to see relevant documentation;
- or a visit to the premises.

The need for routine inspections will be minimised if the documents submitted as part of an application (such as floor plans, photos, videos, certificates etc.) are sufficient to:

- verify compliance with mandatory licence conditions; and/or
- determine the maximum occupancy number.

Inspections may be carried out however, this will usually be if the premises is particularly large or has an unusual layout or characteristic. In addition, a random selection of premises will be chosen for inspection annually, which may coincide with other statutory duties.

8.4 Police Scotland and SFRS are statutory consultees. This means they will be consulted for most applications and may request further information from the applicant. Planning and Building Control departments will also be consulted in certain cases.

8.5 **Maximum Occupancy**

Applicants are expected to set their own maximum occupancy for their premises based on the number of cooking and sanitary facilities, beds, bedrooms, size of the premises and means of escape. They should also take into account the number of individuals that can be accommodated within tolerable noise and nuisance standards

for neighbours. Their maximum occupancy number should also be broken down by adults and children that can be accommodated.

Children under 2 years of age do not need to be included for occupancy levels (including in the application form numbers).

The licensing authority will consider: the maximum occupancy requested by the applicant; the maximum number that it considers that can be accommodated safely; and the maximum number that can be accommodated within tolerable noise and nuisance standards for neighbours. The licensing authority may set out a smaller maximum occupancy level in a licence than that applied for.

Most licence applications are expected to be approved with the applicant's maximum occupancy number. However, the licensing authority may question or review stated maximum occupancy levels, particularly if they are likely to result in overcrowding of the property under the standards detailed in the [Housing \(Scotland\) Act 1987](#) for dwellings or are related to unconventional accommodation.

8.6 Notifying neighbours

The host must notify neighbours about any application for a new licence, and again when they apply to renew a licence. In order to comply with this requirement they will need to display a site notice at or near the premises, so it can be conveniently read by the public. The notice can be found in the same place as the application form [here](#).

The site notice must state the following:

- an application has been made for a licence;
- various details including the type of licence applied for, name and address of the applicant and any agents, address of the premises; and
- details on how to make objections and representations

The site notice must be displayed for 21 days from the date the licence application was submitted to the licensing authority.

Once the site notice has been displayed for 21 days the host will be required to send a certificate to the licensing authority confirming they have complied. The host may wish to consider submitting evidence to demonstrate compliance, such as a time stamped photograph of the site notice in-situ.

8.7 Handling objections

Objections may be made by neighbours or any other person who wants to raise an objection.

The primary purpose of the licensing scheme is to ensure short-term lets are safe and take account of local needs and circumstances. Competent grounds for objection to a licensing application 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.

Invalid grounds for objection could include not liking the host or not liking short-term lets in general.

Where the objection does not relate to grounds for refusal, these can be disregarded by a licensing authority.

The licensing authority will consider any objection which:

- is made in writing (including e-mail);
- specifies the grounds of the objection, or nature of the representation;
- specifies the name and address of the person making it; and
- is signed by the objector, or on their behalf.

Objections must be made within 28 days of public notice of the application being given. The licensing authority will send the host a copy of any relevant objections. The host will have the chance to respond to any objections, either in writing or in person.

The licensing authority will decide whether or not to hold a hearing in respect of an application. It does not have to do so and the host cannot challenge its decision to hold a hearing or not, although the host can appeal the decision on the application. If the authority does not hold a hearing, they will give the host at least fourteen days to give their views in writing on all the objections received. It is for the licensing authority to determine whether any objection received has a material impact upon the licensing application.

8.8 The licensing committee

Where the licensing authority decides to hold a hearing this will be at a meeting of the licensing committee. The licensing committee is likely to consider many licensing applications in one sitting.

If the application goes to the licensing committee, the host and any person who has made an objection, will be given the opportunity to be heard at the meeting of the licensing committee. The licensing authority will give the host and any objectors, at least 14 days' notice of the hearing date. The meeting will be held in public, so other members of the public can observe the proceedings.

Objectors will be invited to speak to their objections, and the host will be invited to state why their application should be granted.

Members of the committee may follow up with questions, ahead of deciding whether or not to grant the application. The decision and voting may take place in public or the committee may retire to consider and decide the applications.

8.9 Determining the application

The licensing authority must grant an application unless there are grounds to refuse it. Possible grounds for refusing the application may include:

- anybody named on the application is disqualified from having a short-term lets 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).
- The host cannot demonstrate, or secure, compliance of the mandatory licence conditions
- The host cannot secure compliance with any other conditions the licensing authority seek to apply in respect of the application.

8.10 Rights of appeal

The host can appeal against the licensing authority's decision by summary application to the Sheriff, in accordance with the 1982 Act - more information [here](#). There is a charge to appeal to the Sheriff Court, currently (2022) £108.

[Part 1 Guidance for Hosts and Operators](#) also details 'Your rights of appeal'.

Sheriff Court office address:

Lerwick Sheriff Court
King Erik Street,
Lerwick,
Shetland,
ZE1 0HD

Main telephone: 01595 693914
Sheriff Clerk / Main contact: Janet Hunter
Email: lerwick@scotcourts.gov.uk

The sheriff may uphold the appeal only if they consider that the licensing authority, in arriving at their decision –

- erred in law;
- based their decision on any incorrect material fact;
- acted contrary to natural justice; or
- exercised their discretion in an unreasonable manner.

If the sheriff upholds the appeal, the sheriff may either ask the licensing authority to reconsider their decision or change the decision of the licensing authority.

For details see: [Part 2 Guidance Complaints and enforcement](#)

9.1 Overview

The licensing authority will take a risk-based approach to ensuring compliance, this includes allowing self-certification where appropriate and will only use non-routine inspections where there are grounds to do so. Some of the factors considered when deciding whether to carry out an inspection of a particular premises will include:

- other accreditation obtained by the host or operator; feedback from Police and/or SFRS who may have their own views, suggestions or requirements around risk assessment and prioritisation;
- 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 Options for enforcement action:

The options for enforcement action for licensing authorities are provided through The Order and the 1982 Act as follows:

- additional licence conditions on application (or through variation)
- enforcement notices;
- variation, suspension or revocation of the licence
- pursuance of prosecution in respect of offences under the 1982 Act
- enforcement notices

Licensing authorities have the power to serve enforcement notices. Where complaints, visits to premises, or other information, suggest that any licence condition has been breached, licensing authorities can require a licence holder to take action to put it right.

Variation, suspension and revocation

The licensing authority may vary, suspend or revoke a licence in certain circumstances, see [Guidance Part 1](#). Licensing authorities may do this without serving an enforcement notice if the seriousness of the breach justifies urgent action.

9.3 Offences under the Civic Government (Scotland) Act 1982:

Operating without a licence

It is an offence, without reasonable excuse, to carry on an activity for which a licence is required without having such a licence. Depending on the activity, different punishments apply. The default is a fine not exceeding level 4 on the standard scale.

Failing to comply with a licence condition

It is an offence to fail to comply with a licence condition, though it is a defence to have used all due diligence to prevent the offence. The default is a fine not exceeding level 3 on the standard scale.

Note that some mandatory conditions are also enforceable through other legislation. Hosts and operators must include an EPC rating in their listing where they are required to have a valid EPC certificate for the premises under building standards legislation.

A host or operator who fails to hold a valid EPC certificate, where required to have one under building standards legislation, can be fined as follows as a minimum: • £500 for failing to hold a valid EPC certificate; and • £500 for failing to display a rating on any property listing.

Failing to notify a change etc.

It is an offence for a licence holder, without reasonable excuse, to:

- a) fail to notify the licensing authority of a material change of circumstances (level 3 on the standard scale),
- b) make or cause or permit to be made any material change in the premises (level 3 on the standard scale),
- c) fail to deliver the licence to the licensing authority (level 1 on the standard scale).

Making a false statement

It is an offence to make a false statement in an application (level 4 on the standard scale).

Standard scale levels and fines

Level on the scale	Maximum fine
1	£200
2	£500
3	£1000
4	£2500
5	£5000

Note: The Scottish Government intends to increase the maximum fines through provision in a suitable Bill early in this session (2021-26) of the Scottish Parliament.

10. Further information and Guidance

Public Register – The register will contain information about the applicants for short-term lets, addresses of lets and the status of the applications

Part 1 Guidance for Hosts and Operators including more detail of what does and does not constitute a short-term let

Part 2 Supplementary Guidance for licensing authorities, letting agents and platforms

Legislation	Short-term let order , Licensing law
Visit Scotland	Short term lets legislative changes in Scotland
Repairing Standard	https://scotland.shelter.org.uk/professional_resources/legal/housing_conditions/the_repairing_standard
Tolerable Standard	https://scotland.shelter.org.uk/professional_resources/legal/housing_conditions/the_tolerable_standard
Gas Safety	http://www.hse.gov.uk/gas/domestic/faqlandlord.htm also Register of Gas engineers
Electrical Safety	https://www.gov.scot/publications/electrical-installations-and-appliances-private-rented-properties/
Electrical Portable Appliance Testing (PAT):	https://www.gov.scot/publications/electrical-installations-and-appliances-private-rented-properties/
Fire, Smoke and Heat Detection	https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/
Fire Safety Guidance (SFRS):	https://www.gov.scot/publications/practical-fire-safety-guidance-existing-premises-sleeping-accommodation-2/pages/12/
Carbon Monoxide Detection:	https://www.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/
Private Water Supply	https://www.mygov.scot/risk-assess-private-water-supply
Energy Performance Certificate (EPC):	https://www.gov.scot/publications/energy-performance-certificates-for-holiday-lets-guidance/ and https://www.scottishepcregister.org.uk/
Legionella	https://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm

Licensing Department:	
Environmental Health, Infrastructure Services Dept., The Gutters Hut, 7 North Ness, Lerwick ZE1 0LZ	
Telephone:	01595 745250
E-mail:	stl@shetland.gov.uk

Webpage:	https://www.shetland.gov.uk/directory-record/8352/short-term-let-licensing
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11. Glossary of terms

accommodation	means any building or structure, or any part of the building or structure, and includes rooms in a home, a whole home or something more unusual like a yurt or a treehouse;
control area	means a short-term let control area designated following the process set out in the Control Area Regulations
dwellinghouse	means, for these purposes, an independent dwelling (with its own front door, kitchen and bathroom) such as a house, flat, cottage etc.
existing host	means a host or operator who has used their premises to provide short-term lets before 1 October 2022 and who will apply for a licence to continue the same use
guest	means a person occupying property for the purposes of a short-term let
home letting	means using all or part of your own home for short-term lets whilst you are absent
home sharing	means using all or part of your own home for short-term lets whilst you are there
Host or operator or you	means a person or company providing property for short-term letting, including commercial landlords (note that the host may not be the owner or person who lives at the property);
letting agency	means an organisation which facilitates the agreement between the host or operator and the guest for use of the property as a short-term let and which may additionally provide other services (marketing, bookings, queries, cleaning etc.);
licensing authority	means an authority responsible for running the licensing scheme, usually a council
mandatory conditions	means conditions which licensing authorities must apply across Scotland
neighbour	means, for our purposes, someone whose permanent residence is in close enough proximity to a short-term let to have a legitimate interest in its business, e.g. potentially affected by safety, noise, litter, nuisance
new host	means a person or company that has not operated short-term lets at the premises, they are applying for a licence for, before 1 October 2022
[your] own home	means [your] only or principal place of residence, the place where you normally live
platform	means an online letting agency
premises	means the property and land on one site, normally premises have their own postal address
secondary letting	means a short-term let involving the letting of property where you do not normally live, for example a second home

APPENDIX A – FEES 2022

Type of Licence/Charge	unit	Fee (up to 3 Bedrooms)	Fee (more than 3 Bedrooms)
HOME SHARING	per application	94.00	103.00
HOME LETTING	per application	157.00	173.00
HOME SHARING & HOME LETTING	per application	157.00	173.00
SECONDARY LETTING	per premises	189.00	208.00
RENEWAL OF LICENCE			
Home Sharing	per application	83.00	92.00
Home Letting & Secondary Letting	per application per premises	149.00	164.00
VARIATION		47.00	
TEMPORARY LICENCES			
Home Sharing	per application	79.00	86.00
Home Letting	per application	122.00	134.00
Home Letting & Sharing	per application	122.00	134.00
Secondary Letting	per premises	147.00	162.00
TEMPORARY EXEMPTIONS (Home Sharing only)	per application	33.00	
CERTIFIED TRUE COPIES OF ENTRIES IN PUBLIC REGISTER AND DUPLICATE LICENCES	Each	16.00	
VISITS TO PREMISES WHERE COMPLAINT JUSTIFIED		160.00 Plus £38.79/hr after 4 hours	