

Draft Short-Terms Let Licensing Policy
Moira Cartwright, Team Manager Public Health and Environmental Protection

Report for Decision

1 Recommendations

It is recommended that the Committee:

- a) Note the terms of this report; and
- b) Consider instructing the Chief Officer Place to carry out a public consultation on the draft Short Term Let policy as detailed in Appendix C.

2 Purpose of Report/Executive Summary

The report provides details of the attached Draft Short-term Let Licensing Policy for Midlothian Council. It provides members with information on the new powers which have been given to local authorities to regulate short term lets in the form of a licensing scheme. It also sets out the timeline for the implementation of those powers following a period of public consultation and final adoption of the Policy.

Date 8th August 2022

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3 Background/Main Body of Report

- 3.1 On 19 January 2022, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the Order”) was approved by the Scottish Parliament. The Order came into force on 1 March 2022 and inserts new legislative provisions into the Civic Government (Scotland) Act 1982 (“the Act”).
- 3.2 The effect of the order is that from 1 October 2022 the use of accommodation for short term let is an activity for which a licence is required under the 1982 Act.
- 3.3 A Short Term Let is defined by legislation and detailed in section 2 of Appendix 1.
- 3.4 Prior to the introduction of the 2022 Order, there was no requirement to licence Short Term Lets in Scotland.
- 3.5 In order to ensure the licensing authority has a Short Term Lets Policy in place and is able to accept licensing applications on or after 1 October 2022, covering all the matters required by legislation the Committee is asked to agree to instruct a consultation on the draft Short Term Lets Policy in Appendix 1.
- 3.6 The consultation would seek views on the draft Policy and would enable Midlothian Council to consider the responses received, and make any necessary amendments to the policy, prior to 1 October 2022.
- 3.7 As well as a full public consultation, views should also be invited from various interested parties including Elected Members, Community Councils, Police Scotland, Scottish Fire and Rescue Service and the Scottish Association of Self-Caterers. Views gathered will allow the Committee to consider whether any changes require to be made to the draft Policy

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Introduction and maintenance of this licensing scheme will be provided by existing staff within Protective Services. The scheme will raise revenue in term of licensing fees which have been gauged at a level which will recoup the costs of development, setting up and maintaining the licensing scheme.

4.2 Digital

A webpage will be created to allow access to all information concerning short-term licensing to be accessed by the public. In addition all applications, representations and payments to be made to Protective Services, digitally.

4.3 Risk

Midlothian Council have a legal duty to have a Short-term licencing scheme in place and ready to accept applications by 1st October 2022. The carrying out of the consultation exercise would enable the Midlothian Council to make an informed decision in relation to a Short Term Lets Licensing Policy in time for the 1 October 2022 deadline.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

An EQIA will be completed when developing the final scheme.

4.4 Additional Report Implications (See Appendix A)

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

Appendix C – Draft Short Term Let policy