

# Notice of Meeting and Agenda



## General Purposes Committee

**Venue:** Virtual Meeting,

**Date:** Tuesday, 30 August 2022

**Time:** 10:00

**Executive Director : Place**

**Contact:**

Clerk Name: Democratic Services  
Clerk Telephone:  
Clerk Email: [democratic.services@midlothian.gov.uk](mailto:democratic.services@midlothian.gov.uk)

**Further Information:**

This is a meeting which is open to members of the public.

**Privacy notice:** Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declaration of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **4 Minute of Previous Meeting**

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| <b>4.1</b> | Minute of General Purposes Committee 06 June 2022 Submitted for approval | 3 - 6 |
|------------|--|-------|

## **5 Public Reports**

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|------------|--|---------|
| <b>5.1</b> | Taxis and Private Hire Cars, Review of Tariffs - Report by Legal and Governance Manager                    | 7 - 26  |
| <b>5.2</b> | Draft Short-Terms Let Licensing Policy - Report by Team Manager Public Health and Environmental Protection | 27 - 66 |

(A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPHS 6, 9 AND 11 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND  
(B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

## **6 Private Reports**

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|------------|---|
| <b>6.1</b> | GP Committee Summary Sheet - 30 August 2022   |
|            | <ul style="list-style-type: none"><li>• 6. Information relating to the financial or business affairs of any particular person (other than the authority).</li><li>• 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</li></ul> |

## **7 Date of Next Meeting**

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The next meeting will be held on Tuesday 11 October 2022 at 10am

# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
06 June 2022	14.00 pm	Virtual via MS Teams

### Present:

Councillor Virgo (Chair)	Councillor Alexander
Councillor Bowen	Councillor Drummond
Councillor Imrie	Councillor McCall
Councillor McEwan	Councillor McKenzie
Councillor Milligan	Councillor Parry
Councillor Pottinger	Councillor Russell
Councillor Winchester	

### In attendance:

Alan Turpie, Legal and Governance Manager / Monitoring Officer
Inspector Alan Struthers, Police Scotland
Edel Ryan, Protective Services Manager
Janet Ritchie, Democratic Services Officer
Andrew Henderson, Democratic Services Officer

## 1. Welcome and apologies

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Following a brief discussion Councillor Virgo was nominated as Chair of the General Purposes Committee by Councillor Winchester and seconded by Councillor Milligan. There being no other nominations Councillor Virgo accepted the Chair to preside over the meeting.

An apology for absence was intimated on behalf of Councillors Scott and Smaill.

## 2. Order of Business

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The order of business was as set out on the agenda.

## 3. Declarations of interest

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Declarations of interest were submitted by of Councillors Curran and McManus In relation to Item 6.1 and both Councillors confirmed that they would recuse themselves for Item 6.1.

## 4. Minute of Previous Meeting

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The Minute of Meeting of 15 March 2022 was submitted was unanimously approved as a correct record.

## 5. Public Reports

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No.	Report	Presented by
5.1	Membership and Terms of Reference General Purposes	Legal and Governance Manager
Outline of report and summary of discussion		
The Legal and Governance Manager provided an overview of the Membership, Terms of Reference and Allocation of Portfolios Report.		
Decision		
a) Members noted the membership and terms of reference for the General Purposes Committee;		
b) Confirmed the appointment of Cllr David Virgo as chair of the General Purposes Committee.		
Action		
Democratic Services/Legal Services		

### Exclusion of Members of the Public

**In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the**

**undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

6.1 Grant of Private Hire Car Driver's Licence – D Aird

6.2 Grant of a Metal Dealer's Licence and Grant of Second Hand Dealer's Licence - We Buy Any Scrap and L McVay

The meeting terminated at 15.02 pm



## **Taxis and Private Hire Cars, Review of Tariffs**

**Report by Alan Turpie, Legal and Governance Manager**

### **Report for Decision**

#### **1 Recommendations**

The Committee is asked to determine whether to increase the amended tariff levels for taxis and private hire cars with fitted taxi meters as detailed in Appendix C.

#### **2 Purpose of Report/Executive Summary**

The purpose of this report is to advise Members of the outcome of the public consultation on the proposed amendments to the maximum tariffs which may be charged and to request the Committee to determine whether to put the new tariffs into effect.

**Date 23 August 2022**

**Report Contact:**

Alan Turpie, Legal and Governance Manager

[alan.turpie@midlothian.gov.uk](mailto:alan.turpie@midlothian.gov.uk)

### **3 Background/Main Body of Report**

- 3.1** The Council, as licensing authority, is required under section 17 of the Civic Government (Scotland) Act 1982 to review and fix the maximum scale of fees and other charges (“the tariff”) which may be used by taxis licensed to operate within Midlothian. The tariff will also apply to private hire cars with fitted taxi meters.
- 3.2** As part of this process, officers have met with the Midlothian Taxi Owners Association (“MTOA”) as an organization representative of taxis operating within Midlothian. During these discussions the MTOA have advised that the tariff has not been increased since 2016 whilst operating costs have increased steadily over the same period with a particular escalation in the price of petrol and diesel in recent months.
- 3.3** There is a right of appeal to the Scottish Traffic Commissioner in respect of any decision the Committee makes regarding the tariff. This may be exercised by any taxi licence holder. Guidance issued by the Scottish Government is that the Committee should consider the costs of operating a taxi as well as the income available to operators when reviewing and setting the tariff. The Committee should also avoid restricting any increase based on concern about the impact on passengers.
- 3.4** The current tariff is attached as Appendix B to this report. The fee varies depending on time of day, distanced travelled and waiting time. There are particular tariffs for the Christmas and New Year period and additional fees for a range of items, including the cleaning of the taxi.
- 3.4** The proposed tariff is attached as Appendix C to the report. The principle changes include:
- The initial charge at tariff 1 is increased to £3.00
  - The initial charge at tariff 2 is increased to £3.80
  - Tariffs 3 and 4 have been merged to form a single tariff 3
  - The initial charge at tariff 3 is proposed at £4.50
  - The additional distance/waiting time charge has been increased to £0.25 per unit at tariffs 1 and 2 and £0.40 at tariff 3.
- 3.5** As stated above, the tariff sets out the maximum charges which licensed taxis may charge for journeys within Midlothian, it would remain open to the operator to charge a lower fee if they so wished.
- 3.6** At its meeting on 15<sup>th</sup> March, the Committee considered the amended tariff levels and agreed that these be put out to public consultation. The proposed tariff were therefore sent to the taxi and private hire trade and a consultation exercise carried out on the Council’s website. The consultation exercise closed on 15<sup>th</sup> August and the results are detailed below.
- 3.7** 41 responses were received from the consultation with the trade. Of these responses, all bar one supported an increase. The public



consultation through the website was, however, less supportive. 195 people responded to the question of tariff levels, the high level breakdown of the responses is as follows:

Feedback on tariff proposals	Total responses
Should be increased to levels higher than Annex B (please specify in comments box below)	13
Should be increased to levels lower than Annex B (please specify in comment box below)	6
Should be increased to the levels at Annex B	49
Should remain as currently set at Annex A	127
<b>Grand Total</b>	<b>195</b>

A more detailed note of the responses to the trade consultation and public consultation are contained at Appendix D and Appendix E respectively.

**3.8** The Committee is asked to determine the tariff level for 2022/23.

#### **4 Report Implications (Resource, Digital and Risk)**

##### **4.1 Resource**

There are no resource implications arising from this report.

##### **4.2 Digital**

There are no digital implications arising from this report.

##### **4.3 Risk**

There are no risk implications arising from this report.

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

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

##### **4.5 Additional Report Implications**

See Appendix A

#### **Appendices**

**Appendix A – Additional Report Implications**

**Appendix B – Existing Tariff**

**Appendix C – Proposed Tariff**

**Appendix D – Consultation Responses – Trade**

**Appendix E – Consultation Responses – Website.**



## APPENDIX A – Report Implications

### A.1 Key Priorities within the Single Midlothian Plan

Not applicable

### A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

### A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

### A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

### A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

### A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes

### A.7 Adopting a Preventative Approach

Not applicable

### A.8 Supporting Sustainable Development

Not applicable



## Appendix B

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### FARE TARIFF WITH EFFECT FROM 5 FEBRUARY 2016

##### Taxi and Private Hire Cars Fares

For 1 or 2 passengers	Tariff 1	Tariff 2	Tariff 3	Tariff 4
For the initial hire not exceeding 339m For the initial period of waiting time of 60 seconds For a combination of time and distance	£2.80	£3.20	£3.80	£4.00
For each additional 168.3m For each additional 30 seconds of waiting time For a combination of additional time and distance	£0.20	£0.20	£0.35	£0.35

Monday to Friday	
Tariff 1 – Monday – Friday 6am – 6pm	Tariff 2 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am Monday

Christmas and New Year – Between 6pm on 24 December and 6am on 27 December and 6pm on 31 December and 6am on 3 January	
Tariff 3 – Monday – Friday 6am – 6pm	Tariff 4 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am on Monday

Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years. Each passenger must be properly seated.
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Extra Payments	
When more than 2 passengers - £0.20 each Cleaning Fee – Travel Sickness - £20.00 Credit/Debit card payments - £1.00	Pre-bookings – Call Out Charge - £0.60 Cancellation Fee - £2.00

#### NOTES:

- 1 Fares applicable only in Midlothian.
- 2 Any hire which terminates outwith Midlothian – fare by agreement before journey.
- 3 Approved by General Purposes Committee, Midlothian Council on 5 January 2016.
- 4 Copies of the Conditions and Regulations available for inspection at the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh, Police Scotland, Divisional Headquarters, Newbattle Road, Dalkeith and Midlothian House, Buccleuch Street, Dalkeith.



## Appendix C

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### FARE TARIFF WITH EFFECT FROM XXX 2022 UNTIL XXXX 2023

##### Taxi Fares

For 1 or 2 passengers	Tariff 1	Tariff 2	Tariff 3
For the initial hire not exceeding 339m For the initial period of waiting time of 60 seconds For a combination of time and distance	£3.00	£3.80	£4.50
For each additional 168.3m For each additional 30 seconds of waiting time For a combination of additional time and distance	£0.25	£0.25	£0.40

Tariff 1 – Monday – Friday 6am – 6pm	
Tariff 2 – 6pm to 6am Monday to Friday and from 6pm on Friday to 6am Monday	

Tariff 3 - Christmas and New Year – Between 6pm on 24 December and 6am on 27 December and 6pm on 31 December and 6am on 3 January
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Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years. Each passenger must be properly seated.
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Extra Payments	
When more than 2 passengers - £0.20 each Cleaning Fee – Travel Sickness - £50.00	Pre-bookings – Call Out Charge - £0.60 Cancellation Fee - £2.00

Airport Charges It will be the responsibility of the passenger(s) to meet and charges imposed by an airport for waiting, setting down and picking up
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#### NOTES:

- 1 Fares applicable only in Midlothian.
- 2 Any hire which terminates outwith Midlothian – fare by agreement before journey.





# Survey - Tariff

	Yes	No	Increase higher than Annex B	Increase lower than Annex B
25.07.22	√			
26.07.22	√			
27.07.22	√			
27.07.22	√			
28.07.22	√			
28.07.22	√			
29.07.22			√	
29.07.22	√			
29.07.22	√			
29.07.22				√
01.08.22	√			
02.08.22	√	Christmas and New Year should not be increased		
03.08.22	Remain as currently set at Annex A – review in one year			
	√			
	√			
	√			
	√			
04.08.22	√			
	√			
	√			
	√			

# Survey - Tariff

	Yes	No	Increase higher than Annex B	Increase lower than Annex B
04.08.22	√			
05.08.22			√	
08.08.22	√			
	√			
10.08.22	√			
	√			
	√			
	√			
	√			
	√			
	√			
	√			
	√			
	√			
12.08.22	√			
	√	Increase cleaning fee		
	√			
	√			
	√	Increase every two years		
15.08.22	√			

Your feedback: I think the taxi fare tariff:		Any other comments	I hold the following licence(s):
Response	Comment box	Open-Ended Response	Response
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A	Overpriced already!		
Should be increased to the levels at Annex B			Private Hire Car Licence
		I agree that the £1 fee for card payments should be removed, and would go further to say that all taxis should be required to accept card payment. I also agree with the increase in cleaning fee from £20 to £50.	
Should remain as currently set at Annex A	Taxis are already to expensive		
Should remain as currently set at Annex A			Taxi Licence
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Private Hire Car Driver's Licence
Should remain as currently set at Annex A		Short journeys in Midlothian are very expensive	
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to levels higher than Annex B (please specify in comments box below)			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			Taxi Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Taxi Licence
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should be increased to levels lower than Annex B (please specify in comment box below)	I think that if the plan is to increase taxi usage increasing the start fee with lower distance charge would make it more appealing. Or maybe look into set distance fairs.	Private hire should have higher fair prices as to traditional taxis as most are using sat navs, there are far to many private higher taxis in midlothian. The fitment off black boxes should be looked at to as this would stop the racing i tend to witness between pickups.	
Should remain as currently set at Annex A			
Should be increased to levels higher than Annex B (please specify in comments box below)			
		Don't use taxis as to expensive was charged £15 Dalkeith to Gorebridge shocking	
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B	All fares should be in line with other counties.		
Should remain as currently set at Annex A			Taxi Licence
Should remain as currently set at Annex A			

Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	Taxis are really expensive as it is, especially if you are moving between zones. Some of the increases here are very excessive £20 to £50 for cleaning example. Also I thought the idea here is to encourage people to use greener multi occupancy modes of traffic buses /taxis	These increases are just another reason to use my car	
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B	With current fuel costs and inflation it is only right to increase it.		
Should remain as currently set at Annex A	With price of living increase people are struggling		
Should be increased to levels lower than Annex B (please specify in comment box below)			
Should remain as currently set at Annex A			Taxi Licence
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			Private Hire Car Licence
Should remain as currently set at Annex A	It costs me over £38 by taxi to get home from central Edinburgh to Rosewell - absolutely ridiculous.		
Should be increased to the levels at Annex B			
Should be increased to levels higher than Annex B (please specify in comments box below)			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B	We have not had a fair rise in 6 years this is not one that will make a great difference to the public but with everything going up it will help		Taxi Licence
Should be increased to the levels at Annex B			Taxi Licence
Should remain as currently set at Annex A	Taxi fares are a rip off only time i would even think of using one is if either sharing or desperate.		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Taxi Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	Everything is becoming more expensive and it will stop people using taxis it will be more cost effective to use airport taxis buses!		
Should be increased to the levels at Annex B	Once set, it should increase in line with the retail price index each year.	Would have been good to see example journeys.	
Should remain as currently set at Annex A	Taxi costs should be kept the same. All these added little costs make even the simplest journey expensive. Why are we being charged just to get in the cab, does that go to the council?		
Should remain as currently set at Annex A			Taxi Licence
Should remain as currently set at Annex A			

Should remain as currently set at Annex A			
Should be increased to the levels at Annex B		I don't think the prices should be fixed. Be like Uber.	
Should be increased to the levels at Annex B			Private Hire Car Driver's Licence
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			Private Hire Car Licence
Should remain as currently set at Annex A			Taxi Driver's Licence
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
		Due to the extortionate price of fuel at present I don't think there is any way that taxi drivers are going to be able to make a reasonable living without a rise in fares.	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A	Don't change, it works	.	
Should remain as currently set at Annex A			Taxi Driver's Licence
	Seems a reasonable request given the current fuel prices	Tariffs should be in line with inflation	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
	The taxi trade has not had a rise since 2016. The cost of living has soared in the last few months. Price of food is up. Gas and electricity has more than trebled. Price of fuel is a disgrace. Over and above that the taxi drivers and owners still have to pay for the service, insurance, upkeep of the taxi		
Should be increased to levels higher than Annex B (please specify in comments box below)			
Should be increased to the levels at Annex B			
	The additional surcharge used by Edinburgh taxi firms simply to get to Penicuik should be stopped		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
	Extra payments as per Annex B. Other charges as per Annex A.		
Should be increased to levels lower than Annex B (please specify in comment box below)			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			Private Hire Car Driver's Licence
	It's called a cost of living rise believe it or not fuel has almost doubled in price food costs have went through the roof gas and electricity has doubled and taxi fares have stayed the same since 2016 work it out		Taxi Driver's Licence
Should be increased to levels higher than Annex B (please specify in comments box below)	Fuel has risen a lot higher than charges allow driver to earn		Private Hire Car Driver's Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			Taxi Licence
Should remain as currently set at Annex A			

	Taxis are noticeably more expensive here than any other city I have been in ie. Glasgow, newcastle. Putting fares up higher will compound this. The public transport options are not yet frequent, fast, or diverse enough to allow taxis to not be required when travelling from Dalkeith.		
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Private Hire Car Licence
		Finding it hard to be able to book taxis ether in the mornings or afternoons ie at school collecting times, for people with disabilities who relies on taxis I did this sad that taxis are more interested in school runs in	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
	Fuel prices increasing so making it difficult to make profit/making less profit due to the increase. The cost of living is going up but we aren't making any extra income/profits.		Private Hire Car Driver's Licence
Should be increased to levels higher than Annex B (please specify in comments box below)			
Should be increased to the levels at Annex B			
	The taxi trade in Midlothian 100% needs this meter rise, councils up and down the country have been putting threw emergency meter rises to help the trade with the current fuel prices, price of parts are also up, its inflation and it is needed, every passenger I have spoken to has said it is understandable and cant believe we havent had it yet, Edinburgh have had 2 maybe 3 meter rises since Midlothian last had one same with east Lothian, and west Lothian just had one a month ago		Taxi Licence
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
	Can't get a reliable taxi service in Midlothian at all		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
	So many factors here I don't understand but I thin if folk are gong to hospital with illness (ie not drunk) they shouldn't be prohibited for affording a taxi but the possibility of a £50 cleaning fee. Drunks, on the other hand, should pay up.		
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to levels higher than Annex B (please specify in comments box below)			Private Hire Car Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			

Should be increased to levels lower than Annex B (please specify in comment box below)	I recognise that fares need to be raised because of increased costs of fuel but the proposed fares are too high		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
	Taxis are the only option for some people as public travel links between towns in Midlothian are exceptionally poor. It is virtually impossible to get between some relatively close by locations in Midlothian without a car, so a taxi is some people's only option. They are expensive enough as it is so to increase fares would be ludicrous.	Improve public transport links in Midlothian	
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	I think this Tara's is fair to travelers the men and women do get extras with good customer	I think they should be a bit quicker to their destinations instead of snail driving just drive normal	
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B	As a taxi driver we have had a huge rise in our overall costs and this fare increase still doesn't come close to our outgoings		Taxi Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	Some people can't afford the extra money especially if needing to go further out to get cheaper food from other shops		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	Sky high living costs some especially for elderly and young parents and now more burden on these groups.		
		why are there extra charges for more than one passenger? it's the same car, the same amount of fuel and the same amount of time as one passenger. Surely Midlothian council should be encouraging as many people as possible to fit into one car journey, much better for the environment and emissions!	
Should be increased to the levels at Annex B			
	Midlothian Has a massive shortage of operating taxis with it becoming harder & harder to actually get one, especially if staying within midlothian for pick up & drop off. Edinburgh taxis already charge terrible surcharges (sometimes £4 additional for going to Bilston, which is a 3 min drive from city boundaries) so we should not be penalised further with higher tariffs.		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Taxi Licence
Should be increased to levels higher than Annex B (please specify in comments box below)	With the cost of fuel etc I think it's only fair.		

Should be increased to levels lower than Annex B (please specify in comment box below)	10% increase on the current fare in the first year would be more realistic. Increase by 25% possibly too much		Private Hire Car Driver's Licence
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should be increased to levels higher than Annex B (please specify in comments box below)	I feel it should match the price of fuel insurance etc increase. Not sure if that is above below or on par with B	Glad festive is a flat increase.	
Should be increased to levels higher than Annex B (please specify in comments box below)	Should be allowed an increase due to the current fuel prices, but if fuel prices drop the fares should talks drop.		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should be increased to levels higher than Annex B (please specify in comments box below)	50pence per pax after 2 £1:00 booking fee		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			Private Hire Car Driver's Licence
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A	Already high enough. What other private business costs anything before they provide any sort of service.	£7 from Dalkeith centre to Campus, and that's if you can get a taxi at all. Poor service and expensive	Private Hire Car Driver's Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	I think taxi drivers should receive fair pay for their work and more support from the government, but also that most people are seeing a significant increase in their expenses due to inflation. I think that some people that need (not want) to use taxi services are often on fixed income, so the increase in prices will be very difficult for them.		
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A		Annex A is much cheaper! Why would you even ask us if we agree to be charged more??	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			Private Hire Car Driver's Licence
Should remain as currently set at Annex A	Taxi fares are so expensive, I can't afford it		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A		I was charged tariff 4 in Edinburgh city cabs	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	I believe single parents and disabled people should have heavy discounts or free rides	I believe airport fares should not go above £30 for a 10 mile radius and increment £0.50 per extra mile	
Should remain as currently set at Annex A			
Should be increased to levels lower than Annex B (please specify in comment box below)	Can the starting tariff be somewhere in between the current and proposed?	The sickness charge seems incredibly high £20 up to £50 £35-£40 would be reasonable.	



Should remain as currently set at Annex A			
Should remain as currently set at Annex A	I understand the cost of fuel has gone up but putting this up too would mean less people will use them.	Taxis are not that affordable of travelling over a few miles	
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should be increased to the levels at Annex B			Private Hire Car Licence
Should remain as currently set at Annex A	When getting taxis from Edinburgh to Midlothian additional charges are normally added, it's expensive enough		
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A			
Should be increased to the levels at Annex B			
Should remain as currently set at Annex A	Taxis are expensive, they provide a fantastic service although they will soon be unaffordable to ordinary workers.	Cap free taxi rides for people who scrounge benefits. They should be made to pay like the rest of us!	
Should be increased to the levels at Annex B	Midlothian hasn't had an increase in years..East Lothian, Edinburgh and westlothian have...		Private Hire Car Licence
Should be increased to the levels at Annex B	It brings the fares more up to date with other councils		Taxi Driver's Licence
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A			
Should remain as currently set at Annex A	With the ever rising costs of living this is not just another way of potentially reducing taxi use but also for those who have no choice forcing their costs up further and further.		
Should remain as currently set at Annex A			
Should be increased to levels higher than Annex B (please specify in comments box below)			Private Hire Car Licence
Should remain as currently set at Annex A		Sickness fee shouldn't Apply to medical cases in adults or children	Taxi Licence
Should be increased to the levels at Annex B			
Should be increased to the levels at Annex B			Private Hire Car Driver's Licence
Should remain as currently set at Annex A			

Row Labels	Count of Response2
Private Hire Car Driver's Licence	10
Private Hire Car Licence	8
Taxi Driver's Licence	4
Taxi Licence	14
(blank)	
<b>Grand Total</b>	<b>36</b>

Row Labels	Count of Response
Should be increased to levels higher than Annex B (please specify in comments box below)	13
Should be increased to levels lower than Annex B (please specify in comment box below)	6
Should be increased to the levels at Annex B	49
Should remain as currently set at Annex A	127
(blank)	
<b>Grand Total</b>	<b>195</b>

Response	Should remain as currently set at Annex A
----------	---

Row Labels	Count of Response
Private Hire Car Driver's Licence	4
Private Hire Car Licence	1
Taxi Driver's Licence	2
Taxi Licence	9
(blank)	111
<b>Grand Total</b>	<b>127</b>

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** 8<sup>th</sup> August 2022

**Report Contact:**

Name Moira Cartwright Tel No 07990531366

[moira.cartwright@midlothian.gov.uk](mailto:moira.cartwright@midlothian.gov.uk)

### **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 1<sup>st</sup> 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**



## APPENDIX A – Report Implications

### A.1 Key Priorities within the Single Midlothian Plan

Community Safety and Sustainable Growth

### A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ **Modern**
- ☒ **Sustainable**
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☒ **Continuous Improvement**
- ☐ One size fits one
- ☐ None of the above

### A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ **Preventative and Sustainable**
- ☒ **Efficient and Modern**
- ☐ Innovative and Ambitious
- ☐ None of the above

### A.4 Delivering Best Value

This scheme has been designed to be delivered with our current staffing complement.

### A.5 Involving Communities and Other Stakeholders

Public consultation on short-term let licencing allows us to gauge the opinions of the general public, the short-term let operators and their neighbours.

### A.6 Impact on Performance and Outcomes

The aim of the short-term let policy is to provide an efficient, effective and proportionate licensing scheme, customised to the needs and circumstances of Midlothian Council area and support applicants who wish to obtain a short-term let license. It also aims to ensure that short-term lets are safe and address the issues faced by neighbours.

**A.7 Adopting a Preventative Approach**

By adopting this policy we aim to achieve a high standard of short-term letting in Midlothian and seek to address the potential issues faced by neighbours before they occur.

**A.8 Supporting Sustainable Development**

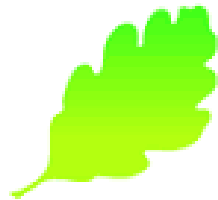
By ensuring a high standard, well controlled short-term let market in Midlothian by introduction of the licencing scheme it will help to ensure that this are of business is developed in a sustainable manner going forward.



**APPENDIX B****Background Papers/Resource Links**

**None**





Midlothian

**Midlothian Council**  
**Draft Short Term Lets Policy**  
**Xx XXXXXXXXX 2022**

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DRAFT

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  - 4 Policy Purpose, Aims, Objectives
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  - 6 Links to other Midlothian Council Policies
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- Appendix 1 – Mandatory and Additional Licence Conditions
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- Appendix 4 – Draft Notice to Neighbours

## 1. Introduction

- 1.1. Scottish Government brought into being a scheme of licensing for Short-term Lets (STL) in The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“22 Order”). This Order requires that all short-term lets be licensed by 1 April 2024.
- 1.2. A short-term let is defined in the order and this is detailed in section 2, below.
- 1.3. Midlothian Council must be able to accept licensing applications after 1 October 2022. This Policy becomes effective from that date.
- 1.4. In preparing this policy, Midlothian Council has had due regard to the [Short term lets - licensing scheme part 1: guidance for hosts and operators](#) and [Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms issued by the Scottish Government](#).
- 1.5. This policy should be read in conjunction with the 22 Order and all relevant legislation, including but not limited to the 1982 Act, the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021.

## 2. Definition of Short-term Lets

- 2.1. The Order defines a short-term let as the use of residential accommodation provided by a host in the course of 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 (see 2.2), and
  - f) the short-term let does not constitute an excluded tenancy (see 2.3)

### 2.2 Excluded Accommodation

Accommodation which is, or is part of:

- an aparthotel
- premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of the 2005 Act
- a hotel which has planning permission granted for use as a hotel
- a hostel
- residential accommodation where personal care is provided to residents
- a hospital or nursing home
- a residential school, college, or training centre
- secure residential accommodation (including a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks)
- a refuge
- student accommodation
- accommodation which otherwise requires a licence for use for hire for overnight stays
- accommodation, which is provided by the guest,
- accommodation, which is capable, without modification, of transporting guests to another location
- a bothy
- accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties
- Self-catering property in the grounds of a licensed hotel

are **excluded** from the scheme and does not require to be licenced as a short-term let.

### 2.3 Excluded Tenancies

Any of the following tenancy types will not fall into the scope of Short-Term let Licencing:

- protected tenancy (within the meaning of section 1 of the Rent (Scotland) Act 1984)
- an assured tenancy (within the meaning of section 12 of the Housing (Scotland) 1988 Act)
- a short, assured tenancy (within the meaning of section 32 of the Housing (Scotland) Act 1988)
- a tenancy of a croft (within the meaning of section 3 the Crofters (Scotland Act 1993)
- a tenancy of a holding situated out with the crofting counties (within the meaning of section 61 of the Crofters (Scotland Act 1993) to which any provisions of the Small Landholders (Scotland) Acts 1886 to 1931(8)) applies.

- a Scottish secure tenancy (within the meaning of section 11 of the Housing (Scotland) Act 2001)
- a short Scottish secure tenancy (within the meaning of section 34 of the Housing (Scotland) Act 2001)
- a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003)
- a limited duration tenancy (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 2003)
- a modern limited duration tenancy (within the meaning of section 5A of Agricultural Holdings (Scotland) Act 2003)
- a short, limited duration tenancy (within the meaning of section 4 of the Agricultural Holdings (Scotland) Act 2003)
- a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (as described in section 3 of the Agricultural Holdings (Scotland) Act 2003)
- a private residential tenancy (within the meaning of section 1 of the Private Housing (Tenancies) (Scotland) Act 2016)
- a student residential tenancy

2.4 It is recommended that people take their own independent legal advice on whether or not their accommodation would require a short-term let licence. The Licensing Authority cannot provide legal advice on whether or not a premises is excluded from requiring a short-term let licence.

### 3. Timescales

- 3.1. From the **1st of October 2022**, any new host or new operator must have a licence in place prior to operating a Short-Term Let. This means that if you were not using your property as a Short-Term prior to this date, you will not be able to accept paid guests until a licence has been approved.
- 3.2. An existing host that has been letting a property prior to the 1st of October 2022, will still be allowed to operate, however must submit a licence application by the **1st of April 2023**. This means for this period, existing hosts will still be allowed to operate without a licence, unless they have had a licence application submitted and refused.
- 3.3. The final deadline date for all hosts and properties to be licenced is the **1st July 2024**.

### 4. Purpose, Aims and Objectives

- 4.1. The Scottish Government has put in place this licensing scheme to help make sure that the economic and tourism benefits from short-term lets are balanced with the needs and concerns of local communities.



4.2. This policy seeks to ensure that Midlothian Council has:

- An efficient, effective and proportionate licensing scheme, customised to the needs and circumstances of the local authority area and supports applicants who wish to obtain a short-term let license;
- Short-term lets which are safe and address the issues faced by neighbours;
- A knowledge and understand of what is happening in its area in terms of short-term letting,
- Defined the types of short term licenses which will be available.
- A clear and transparent means of setting the applicable fees.
- An effective, efficient, and proportionate mechanism for handling complaints in relation to short-term lets.
- Detailed its enforcement procedures in terms of non-compliance with a license granted.

## 5. Consultation on Short-Term Let Policy

5.1. The Council has consulted widely on this policy prior to its introduction on 1 October 2022. The consultation took place from [insert date] 2022 to [insert date] 2022. In finalising the policy statement, appropriate weight has been given to the views of those who respond to the consultation.

## 6. Links to Other Midlothian Policies

6.1. The short-term lets policy links with the Midlothian Local Development Plan 2017 in particular:

- Policy VIS 2 Tourist Accommodation
- Policy ECON 6 Working from Home/ Micro Businesses
- Policy RD 1 Development in the Countryside
- Policy ENV1 Protection of the Green Belt
- Policy ENV 19 Conservation Areas
- Policy ENV 22 Listed Buildings

6.2. It also links to the Single Midlothian Plan 22/23 Theme 4 – Improving Opportunities for the People of Midlothian and Theme 5 – Sustainable Growth.

## 7. Planning Permission

7.1. There is a separate legislative process from licensing which allows the Council, as planning authority, to establish short-term let control areas.

7.2. The purpose of control areas is to help planning authorities manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood) and to restrict or prevent short-term lets in places or types of buildings where it is not appropriate.

7.3. Outside of a control area, it is for the planning authority to consider whether any change of use of a dwelling house is material and, therefore, requires planning permission. This is determined on a case by case basis. Under provisions within the Licencing Order, a preliminary ground for refusing to consider an application for a Short Term Let is that the use of the proposed premises would constitute a breach

of planning controls set out under the Town and Country Planning (Scotland) Act 1997 by virtue of section 123 (1) (a) or (b) of that Act.

- 7.4. Hosts and operators are, therefore, encouraged to **engage with the Council's planning department prior to submitting a licence application** to confirm whether they require planning permission or a certificate of lawful use of development.
- 7.5. Within a control area designated by a planning authority, such a change of use will always require planning permission. **The host or operator must make an application for planning permission or already have planning permission before they apply for a licence.**
- 7.6. Having considered the nature of the short-term letting market in Midlothian it has been decided not to declare any Short-term Control areas at present. This position will be reassessed when the Policy is reviewed.

## 8. Types of Short-term Let Licence

8.1. There potentially four types of short-term let licence:

- a) **Secondary Letting**  
The operator lets out a separate premises which is not their only or principal home.
- b) **Home sharing**  
The operator shares their only or principal home.
- c) **Home Letting**  
The operator lets their only or principal residence while they are absent.
- d) **Home Sharing and Home Letting**  
Home letting and home sharing.

8.2. Midlothian Council has made the decision to provide licenses for either:

- 8.2.1. Secondary Letting.
- 8.2.2. Home Sharing and/or Home Letting.

## 9. Temporary Exemption and Temporary License Policy

9.1. Midlothian Council does not intend to have a policy on temporary exemptions or temporary licenses and would not be supportive of either such application.

## 10. Requirements for Short-term Let Licensing

- 10.1. A separate licence is required for each **premises**. However, a single licence may be issued in respect of unconventional accommodation (not a **dwelling house**) where there is more than one separately bookable property on the site and would be considered on a case-by-case basis. Unconventional accommodation relates to

accommodation being used for residential purposes, not defined as a dwelling house, for example Glamping Pods.

10.2. A dwelling house is defined as an independent dwelling (with its own front door, kitchen, bathroom, living facilities) such as a flat, house, cottage etc. Separate licences will not be required for separate rooms let within the same dwelling house. For example, if two separate rooms are let out within the same house, only one licence is required.

10.3. Bed & Breakfast premise are not excluded accommodation. Therefore, a B&B which retains the Planning use class 9, that is a dwelling house, **will require** to be licenced as a short-term let. B & B operators who are unclear about their Planning class use should contact Midlothian Planning Service for advice before making an application.

10.4. It should be noted that if a property is licenced as a House of Multiple Occupancy (HMO), if the rooms within are being used as a Short-Term Let then a Licence for this purpose will also be required.

## 11. The Application Process

11.1. A short-term let license may be applied for via the Midlothian Council website at XXXXXXXX. The application form and checklist are provided in Appendix 2.

11.2. The current application fees for various Short-term Licensing Applications and documentation are detailed in Appendix 3.

11.3. All applicants who apply for a short-term let licence must display a notice for a period of 21 days, beginning with the date on which the application was submitted to the licensing authority, at or near the premises so that it can be conveniently read by the public. This notification allows these neighbours to raise any objections to the grant of the licence. The Notice must state:

- I. That an application has been made for a licence
- II. The main facts of the application
- III. That objections and representations in relation to the application can be made to the Council and how these can be made.

A template is provided in Appendix 4.

11.4. Applicants are required to certify compliance that they have displayed the site notice as soon as possible after the 21 days has expired. A template for this certification will be provided to the applicant once an application is submitted.

## 12. Checks Made on the Application

12.1. A copy of the application shall be sent to Police Scotland and the Scottish Fire and Rescue Service by the local authority. A copy will also be sent to:

- Midlothian Council's Planning Department
- Midlothian Council's Building Standards service

- 12.2. Midlothian Council requires to consider if the premises for which the Short-Term License is applied, requires to have planning permission for this use. Every property for which an application is made will require to be considered on its own merits. If it is considered that planning permission is required, but is not in place, Midlothian Council may refuse to consider the application.
- 12.3. Physical checks of the property to which the licence application relates may be undertaken prior to determining the application or at any time after the application is granted. These checks will consider if the premises are compliant with the mandatory licence conditions required by the 2022 Order detailed in Appendix 1.
- 12.4. Powers exist to attach additional conditions to a licence at the discretion of the Local Authority. At present Midlothian Council does not intend to attach additional conditions. However this position may change when the policy is reviewed.
- 12.5. Failure to comply with mandatory conditions (or additional conditions if these become applicable in the future) will result in a licence being refused. If a licence is already in place, failure to comply will be a breach of the licence which may result in the licence being revoked.
- 12.6. Records must be retained for all safety checks and safety visits which are required to be undertaken for the premises (See Appendix 1 for mandatory condition and Appendix 2 for the application checklist). Copies of these documents must be provided to Midlothian Council for their records.
- 12.7. A licence will state the maximum number of guests which can stay in a property at any time. In determining this number Midlothian Council will consider the maximum number that be accommodated safely; and the maximum number that be accommodated within tolerable standards for neighbours. It will consider the number of beds, bedrooms, size of the premises and means of escape.
- 12.8. Midlothian Council will consider the following when determining if an applicant is a fit and proper person to hold a short-term let license:
- I. Any relevant criminal convictions and other relevant information from the Police;
  - II. Being disqualified from being a private landlord or having a letting agent or property factor registration revoked now or in the past;
  - III. Having a license or short-term lets or House in Multiple Occupation (HMO) revoked by any licensing authority;
  - IV. Having had an application for a short term-lets licence refused by any licensing authority (other than on the grounds of overprovision); and
  - V. Providing false or misleading information in an application for short-term-let licensing, HMO licence or application to be a private landlord.
- 12.9. If Midlothian Council considers that an applicant or their agent are not a fit and proper person to hold a licence the application will be refused.

- 12.10. The Council may also consider any other information they consider to be relevant. They will liaise with the police for information, or make reasonable enquiries, for example to verify the details of all property owners.
- 12.11. These checks are to protect neighbours, guests and other people from harm and crime; and to assist police in law enforcement.

### 13. Determining an Application

- 13.1. Under the 1982 Act, the authority will have 9 months to determine the Short Term Let licence application from the date a full application is received, with all the required documentation. However, for applications received prior to 1 April 2023 where the Short Term Let was in existence before 1 October 2022, the authority will have 12 months to determine the application.
- 13.2. The Council will check that all information required in Section 12 above and Appendix 1 has been provided to their satisfaction. If all the required information provided is satisfactory the Licence will be approved by an authorised officer under delegated powers. However, if there are any matters of concern regarding the application a hearing of the General Purposes Committee will be convened to determine if the license should be granted or refused.
- 13.3. One of the main purposes of short-term let licensing is to ensure that accommodation provided is safe. Where Midlothian Council considers that there are significant risks to safety and security or they are not satisfied that the applicant is a fit and proper person they may:
- Refuse any application
  - Delay granting an application
  - Issue an enforcement notice
  - Vary or suspend a licence; or
  - Revoke a licence
- 13.4. Anyone can make an objection or representation to the Council, about an application for a short-term let licence. The representation should be made during the 28 day consultation period starting immediately on the day on which notice of the application is displayed. Late objections may be considered in some circumstances where the Council considered that the reasons for late submission are acceptable.
- 13.5. To enable the Council to consider objection or representation, it must be:
- a) in writing (email to [shorttermlet@midlothian.gov.uk](mailto:shorttermlet@midlothian.gov.uk) is sufficient),
  - b) specify the grounds of the objection or the nature of the representation,
  - c) specify the name and address of the person making it,
  - d) be signed off by them or on their behalf,
  - e) be received by the Council within 28 days from when the notice of application is displayed.

- f) Late objections may be considered in some circumstances where the Council considered that the reasons for late submission are acceptable.

13.5 Grounds for objection to an application should relate to the purposes of the licensing scheme or planning rules. For example, concerns relating to:

- Safety, noise or nuisance relating to licensing
- Availability of residential housing, the impact on the character of the neighbourhood or the suitability of the building which relate to planning.

13.6 An un-redacted copy of any objection will be sent to the applicant or their representative.

13.7 Where objections are received the application may be brought before the General Purposes Committee for consideration. The objector will be invited to attend this meeting to speak to their objection and the applicant will be provided with the opportunity to respond.

13.8 Any anonymous objection or representation will not be considered. "Anonymous" includes objections or representations where the person making the objection or representation cannot be contacted using the contact information provided.

13.9 Objections or representations considered by the Council to be frivolous or vexatious, or those which have previously been considered and not been upheld, will not be considered.

13.10 The Council has the power to refuse an application for secondary letting where they consider that there would be an overprovision of secondary letting in that particular locality. Overprovision is only applicable to secondary letting. Currently the Council considers that overprovision is not an issue of concern in Midlothian and overprovision will not be used as ground for refusing a licence application. This decision will be reviewed periodically and may change. Should overprovision be deemed to become an issue an Overprovision Policy Statement will be produced.

13.11 Should an application be refused, an applicant will not be able to reapply for a licence within one year of that decision, unless there has been a material change in circumstances since the application was refused. Evidence of such material change, will be required as part of any fresh application.

13.12 Applicants may appeal against a refusal of their short-term let licence application. The appeal should be made in writing within 28 days of being notified of refusal and should be sent to [shorttermlet@midlothian.gov.uk](mailto:shorttermlet@midlothian.gov.uk) or by post to Protective Services, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3AA.

13.13 If the applicant has followed the process above and is still unhappy with the outcome they have a right of appeal to the Sheriff Court. However, they only have



this right if they have taken every opportunity to state their case to the Committee.

13.14 The Sheriff can uphold an appeal only if the sheriff considers that the licensing authority erred in law, based their determination on any incorrect material fact, acted contrary to natural justice or exercised their discretion in an unreasonable manner.

13.15 Any appeal must be lodged by way of a summary application with the relevant Sheriff Clerk's office within 28 days of the date of the decision appealed against.

13.16 Parties should seek their own independent legal advice in relation to an appeal.

## 14 Licence Conditions

14.1 There are certain conditions which the 2022 Order requires to be attached to any license granted. These will be detailed in any license granted. A list of the mandatory license conditions is contained in Appendix 1.

14.2 At present Midlothian Council does not intend to attach additional conditions. However this position may change when the policy is reviewed.

14.3 The Council may grant a licence for a period of their choosing for up to a maximum of three years, after which it requires to be renewed. First licence applications will be granted for a period of one year. Each licence will have a reference number and will confirm the expiry date.

14.4 The duration of the licence applies from the date on which the licence comes into force. This will be specified on the licence together with the expiry date of the licence.

14.5 Where an application is made to renew a licence, before the expiry date, the licence will continue to have effect until such a time as it naturally expires or a decision is made on the renewal, whichever is the later. Where satisfactory compliance with the licence conditions has occurred the Council intends to grant a renewal of a licence for a period of up to three years. However, where any licence conditions have been breached during the previous licence period, the renewal period (if renewed at all) will be for a maximum period of one year.

14.6 Licence numbers will be issued in a consistent format to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings.

14.7 The format of the licence number, alongside information contained in the public register, will allow anybody to identify:

- the Council that issued the licence (and therefore the area to which the licence relates);
- the type of short-term let to which the licence relates (public register); and
- the type of licence issued

- 14.8 The licence number will comprise of 8 characters, three of which are alphabetical (capital letters) and 5 of which are numerical digits (D):

For example: **A<sub>1</sub>A<sub>2</sub>-DDDDD-A<sub>3</sub>**

The leading two characters (A<sub>1</sub>A<sub>2</sub>) will identify the Council; Midlothian Council will use **MC**. The 5 digits will be issued by each Council.

The final character (A<sub>3</sub>) will denote the type of "licence" to be issued:

- **T** Temporary licence
- **P** Provisional licence number issued on receipt of a licence application
- **F** First (full) licence
- **R** Renewed licence

For example: **MC -00001 - F**

This number relates to a first (full) licence (F). The type of short-term let (e.g. home sharing) will be displayed on the public register.

## 15 Duty to have a public Register

- 15.1 Licensing authorities are required to maintain a public register of short-term let licences, and share the content of the register with Scottish Government on an ongoing regular basis.
- 15.2 Licensing authorities must:
- a) Make the register available to the public electronically, in a searchable format
  - b) Publish or update their register on **at least** a quarterly basis, and
  - c) Include in the public register the following information, if requested,
    - The number of bedrooms in the premises,
    - Data on availability and occupancy,
    - Contact details for the manager of the premises, if different from the applicant, and
    - The Energy Performance Certificate rating.

## 16 Compliance and Enforcement

- 16.1 Anyone can make a complaint with regards to a property licenced as a short-term let. Such complaints can be made via Midlothian Council website at xxxxxx; by email to [shorttermlet@midlothian.gov.uk](mailto:shorttermlet@midlothian.gov.uk); or by post to Protective Services, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3AA.
- 16.2 If, after investigation, the Council consider that the complaint is justified they will seek first to resolve the matter by engagement with the host or operator. Midlothian Council will aim to respond to complaints within 21 working days of



receipt. The Council will keep a record of all complaints made under this policy and the complainant will be kept informed throughout the process.

- 16.3 The Council may need to direct some complaints to other bodies such as planning authorities, letting agencies, Visit Scotland, Police Scotland etc. for further investigation.
- 16.4 If the matter under investigation cannot be resolved informally by the Council then enforcement action under the 22 Order and the Civic Government (Scotland) Act, 1982 will be considered.
- 16.5 A complaint may relate to the following areas:
- Whether the host is a fit and proper person
  - The condition of the accommodation
  - Concerns regarding planning permission
  - Undue public nuisance, public order, or public safety;
  - Excessive noise, disturbance or antisocial behaviour;
  - Suspected unlicensed short-term lets;
  - Privacy and security of neighbours; or
  - Any other good reason
- 16.6 Complaints which the Council consider to be frivolous or vexatious will not be considered
- 16.7 In the first instance, guests should raise any concerns about their short-term let with their host/operator or letting agent/platform. If the issue is sufficiently severe, then the Council may become involved.
- 16.8 Please note that the Council cannot consider complaints in relation to the quality of a guest's stay or specific contractual matters between the guest and the host/operator as this is outside the scope of the licensing scheme.
- 16.9 If anyone suspects that a property trading as a short-term let is not licensed they should first check the public register on the Midlothian Council website at xxxxxx. If the property does not appear on the register they can report the matter to Midlothian Council via xxxxxx; by email to [shorttermlet@midlothian.gov.uk](mailto:shorttermlet@midlothian.gov.uk); or by post to Protective Services, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3AA.
- 16.10 The Council will investigate any such complaints and take appropriate action.
- 16.11 The Council will periodically check, via various means, whether hosts, or operators in Midlothian area, are trading as short-term lets without a valid short-term let license.
- 16.12 The 22 Order and the 1982 Act provide the following enforcement options:
- Introduction of additional licence conditions on applications (or through variation)
  - Enforcement Notices
  - Variation, suspension or revocation of the licence
  - Pursuance of prosecution in respect of the offences under the 1982 Act

- 16.13 Midlothian Council has the power to serve enforcement notices. Where complaints, visits to premises or other information, suggest that a licence condition has been, or is likely to be, breached, and informal means of resolution have not rectified the matter, the Council will require a licence holder to take action to put it right by service of an enforcement notice.
- 16.14 The Enforcement Notice will specify the following:
- The matters constituting the breach or likely breach;
  - The action to be taken by the licence holder for the purpose of rectifying or, preventing the breach; and
  - The date by which the action must be taken.
- 16.15 If the licensee fails to comply with the enforcement notice the Council has the powers to vary, revoke or suspend a licence.
- 16.16 The Council may vary, suspend or revoke a licence in certain circumstances. This may be done without serving an enforcement notice if the seriousness of the breach justifies urgent action.
- 16.17 Midlothian Council may vary the terms of a licence on any grounds they think fit. They can do this at any time. They can do this following an application made to them by the licence holder or on their own initiative.
- 16.18 The Council may order the suspension or revocation of a licence if in their option –
- The licence holder is no longer a fit and proper person to hold the licence;
  - The licence holder is managing the property on behalf of someone who would have been refused the grant or renewal of the licence;
  - The short-term let is causing or is likely to cause undue public nuisance or a threat to public order or public safety; or
  - A condition of the licence has been contravened.

## 17 Review of Policy and Fees

- 17.1 Midlothian Council will review this policy at a minimum every 3 calendar years with the first scheduled review being 1<sup>st</sup> October 2025.
- 17.2 All fees and charges applicable to Short-term let licences and documentation will be reviewed each fiscal year with the first scheduled review due on 1<sup>st</sup> April 2024.
- 17.3 Fees will not be refunded if the application is refused or withdrawn.

## Appendix 1

### Mandatory License Application Conditions

- 1) You must not authorise any other person to carry on the day to day management of the short-term let of the premises.
- 2) You must ensure that the number of guests residing in the premises does not exceed the number specified in the licence.
- 3) Where your premises is a dwelling house, you must ensure that the premises meet the repairing standard.
- 4) 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.
- 5) You must—
  - a) Ensure that all upholstered furnishings and mattresses within the Premises comply with the Furniture and Furnishings (Fire Safety) Regulations 1988,
  - b) Keep records showing that all upholstered furnishings and mattresses within the premises comply with these Regulations.
- 6) Where your 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 by a competent person.
  - b) If, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not grant a short-term let until the works necessary to bring the appliance to the required safety standard have been carried out and the evidence of these works submitted to the Council.
- 7) If you have electrical fittings or items in the premises, you 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 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.
- 8) 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.
- 9) You must assess the risk from exposure to Legionella within your premises, whether or not it has a private water supply.
- 10) You must make the following information available within the premises in a place where it is accessible to all guests—
  - 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.
- 11) Where your premises is in a control area and where the use of the premises for a short-term let requires planning permission, you must either—
  - a) Have made an application for planning permission or
  - b) Already have planning permission.
- 12) You must ensure that any listing or advert (whether electronic or otherwise) for your premises includes—
  - a) The licence number,
  - b) The maximum number of guests permitted to reside in the premises, and
  - c) a valid Energy Performance Certificate rating, if you are required to have one for the premises
- 13) You must, for the duration of the licence, ensure there is in place for the premises—
  - (a) Valid buildings insurance, and
  - (b) Valid public liability insurance providing cover of not less than £5 million.
- 14) You must pay any fees due to the licensing authority in respect of the licence on demand.
- 15) You must not provide any false or misleading information to your licensing authority.

## Additional Conditions

1. 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.

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## Appendix 2 - License Application Form and Checklist

### Short-term lets licence application form

#### PART 1: APPLICATION AND LICENCE TYPE

1. Please select the application type:

First application ☐ Renewal ☐ Change to existing licence ☐

New application (where property has been used as licensed STL previously)  
☐

First application (existing operator\*) ☐

*\*This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2023).*

*If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to question 2:*

Existing licence number

Existing licence expiry date

***If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.***

**Previous licence number**

**Previous licence expiry date**

**2. Please select the type of short-term let licence you require:**

Home sharing ☐

Home letting ☐

Home sharing & home letting ☐

Secondary letting ☐

**3. If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):**

Yes ☐

No ☐

N/A ☐

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

--

#### PART 2: PREMISES DETAILS

Premises Address ( <i>incl. postcode</i> )	
Unique Property Reference Number ( <i>if known</i> )	
Maximum number of occupants <sup>1</sup>	
Number of bedrooms	
EPC rating ( <i>if applicable – not required for home sharing or unconventional accommodation</i> )	

4. Please select the type of premises:

Detached House

☐

Semi-detached house

☐

Terraced House

☐

Flat

☐

<sup>1</sup> You may be required to submit a floor plan in order to verify the maximum number of occupants requested is appropriate. This may be a simple layout drawing showing room dimension, location of windows, doors etc.



Unconventional accommodation

☐

5. From the following options, please select the description that best describes your short-term let:

Self-catering

☐

B&B

☐

Guest house

☐

Other form of home sharing

☐

Home letting

☐

### PART 3: ABOUT YOU

6. Are you applying as an individual or corporate entity?

Individual

☐

Corporate Entity

☐

Fill in if you are applying as an individual:

First name(s)	
Surname	
Date of Birth	
Place of Birth	
Address (if different from premises address)	
Email address	
Telephone number	
Current home address (if different from premises address)	

Please provide your home address history for the last 5 years with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties:

Address (history for last 5 years)	Postcode	Date from (month/year)	Date to (month/year)

7. Do you have or intend to appoint an agent or day-to day manager?

Yes

☐

No

☐

If you answered yes to question 7, please provide details for your agent(s) or day to day manager(s).

Agent(s) & Day to Day Manager(s)

Full name	5 year address history	Date of birth	Email address	Telephone number

8. Is your property jointly owned?

Yes

☐

No

☐

If you answered yes to question 8, please provide details for all joint owners.

Joint owner(s):

Full name	5 year address history	Date of birth	Email address	Telephone number

*Individuals, please go to Part 4.*

*Corporate entities, please complete the relevant sections on the following pages.*

Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name	
Limited company number (if applicable)	
Your first name(s)	
Your surname	
Registered or principal office address	

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities.

Full name	Personal address	Place of birth	Date of birth

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager):

Full name	5 year address history	DOB	Email address	Telephone number

#### PART 4: CONVICTIONS

9. Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

Name	Date	Court	Offence	Sentence

#### Privacy Notice

##### PRIVACY NOTICE

Personal Information\* collected in relation to this application may include your name, and address. This information is collected by Midlothian Council for the purposes of Law Enforcement in the exercise of our official authority as Licensing Authority for Midlothian. We may share your information with other public bodies for the performance of a task carried out in the public interest or to help prevent fraud and crime, or where we are required to do so by law.

The legislation requires that Midlothian Council

- a) collect sufficient data for monitoring and enforcement purposes, including setting out requirements for the sharing of relevant information between licensing authorities for hosts and operators with premises in more than one area (**operational data**).

b) share data, including the number, type and location of short-term lets, with Scottish Government in a consistent format on an ongoing regular basis (**analytical data**). The Scottish Government will combine data into a national database for subsequent analysis but will not include personal data in its report. Operational and analytical data is expected to be shared using the same format and data field specifications as in the public register, with any additional fields appended.

c) publish and maintain a register of short-term let licences and their status (granted, refused, being determined, revoked, lapsed etc.), which can be accessed and searched by members of the public (**public register**). From 1 October 2022, the licensing authority must publish the content of the register, in relation to short-term let licences only, on their website or other website established and maintained for that purpose and provide access free of charge

You have a right to see the information we hold on you by making a request in writing to the email address below. If you wish to raise a complaint on how we have handled your information, you can contact our Data Protection Officer who will investigate the matter. If you are not satisfied with our response or believe we are not processing your information in accordance with the law you can complain to the Information Commissioner's Office (ICO).

Contact: Midlothian Council's Data Protection Officer at [dpo@midlothian.gov.uk](mailto:dpo@midlothian.gov.uk)

Midlothian Council's Privacy Policy can be found at

[https://www.midlothian.gov.uk/downloads/download/542/privacy\\_policy](https://www.midlothian.gov.uk/downloads/download/542/privacy_policy)

*\*Personal information is information that can be used to identify, locate, or contact an individual, alone or when combined with other personal or identifying information.*

## APPLICATION CHECKLIST

**Note - this check list must be fully completed in order to submit your application**

<b>I have enclosed the following</b> – please tick to confirm (or enter N/A)		
Completed application form	<input type="checkbox"/>	
Correct application fee	<input type="checkbox"/>	See guidance notes
Completed Fire Risk Assessment	<input type="checkbox"/>	
Annual gas certificate ( <i>for premises with a gas supply</i> )	<input type="checkbox"/>	Valid to:
Electrical Installation Condition Report	<input type="checkbox"/>	Valid to:
Portable Appliance Testing Report	<input type="checkbox"/>	Valid to:
Legionella Risk Assessment	<input type="checkbox"/>	
Planning permission ( <i>for premises within a control area or where requested by the licensing authority</i> )	<input type="checkbox"/>	Planning application reference number:
Floor plan	<input type="checkbox"/>	See guidance notes
EPC Certificate ( <i>for premises which are dwellinghouses</i> )	<input type="checkbox"/>	Valid to:
Buildings Insurance	<input type="checkbox"/>	Valid to:
Public Liability Insurance	<input type="checkbox"/>	Valid to:
Proof of consent from owner (if applicable)	<input type="checkbox"/>	
Evidence of operation as a short-term let on or before 1 October 2023 ( <i>for existing hosts applying during transitional period</i> )	<input type="checkbox"/>	

<b>I have:</b> – please tick to confirm (or enter N/A)	
Identified the owners and those involved in the day-to-day management of my premises	<input type="checkbox"/>
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	<input type="checkbox"/>
<b>Prepared information that will be available to guests at the premises including:</b> <b>(a) a certified copy of the licence and the licence conditions,</b> <b>(b) fire, gas and electrical safety information,</b> <b>(c) details of how to summon the assistance of emergency services,</b> <b>(d) a copy of the gas safety report,</b> <b>(e) a copy of the Electrical Installation Condition Report, and</b> <b>(f) a copy of the Portable Appliance Testing Report.</b>	<input type="checkbox"/>
Applied for planning permission (if required).	<input type="checkbox"/>
Noted the requirement to display my licence number and EPC rating on listings for my premises	<input type="checkbox"/>
Checked if any additional licence conditions apply to me / my premises	<input type="checkbox"/>
<b>Proof that furniture and furnishings/the furniture and furnishings guests have access to comply with fire safety regulations</b>	<input type="checkbox"/>
<b>Read and understood the mandatory conditions that will apply to my licence</b>	<input type="checkbox"/>

<b>My premises:</b> – please tick to confirm (or enter N/A)	
<b>Meets current statutory guidance for provision of fire, smoke and heat detection</b>	<input type="checkbox"/>
<b>Meets statutory guidance for carbon monoxide alarms</b>	<input type="checkbox"/>
Meets the required regulations for private water supplies ( <i>for premises with a private water supply i.e not provided by Scottish Water</i> )	<input type="checkbox"/>
Meets obligations with regard to the Tolerable and Repairing standard ( <i>applicable to dwellinghouses</i> )	<input type="checkbox"/>

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## Appendix 3 - Fees and Charges

### Initial Application or Renewal of Licence Application – Secondary Letting

Maximum No of Bedrooms/Guests	Fee (£)	Fee to Consider a Material Change (£)
Up to 4 bedrooms/8 guests	465	270
5 - 8 Bedrooms/ 16 Guests	525	315
More than 8 bedrooms/ 16 guests	660	390

### Initial Application or Renewal of Licence Application – Home Sharing/Home Letting

Maximum No of Bedrooms/Guests	Fee (£)	Fee to Consider a Material Change (£)
1 bedroom/3 guests	210	100
2-3 Bedrooms/9 Guests	250	130
4 bedrooms/ 9 guests	330	190

Other Charges	
Duplicate Licence	£35.50
Temporary Licence	60% or initial license fee
true copy of any entry on the public register	£100
Visits to the premises where the visit is necessary because of the failure of the host or operator.	£115 per hour

### Review of Fees

License fees set by Midlothian Council will be reviewed annually.

## SHORT-TERM LET LICENCE APPLICATION

The owner of the following property has made an application to Midlothian Council for a Licence to operate the property as a Secondary/Home Sharing – Home Letting Short – Term Let in terms of the Civic Government Scotland Act, 1982.

**ADDRESS:**.....

.....

**DATE:**

If you have any objection to grant of this Licence you can do this via the Midlothian Council website at xxxxx  
Or in writing to Protective Services, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3AA.

Any objections must be received by Midlothian Council within 28 days of the date given above.