

## **Short-Terms Let Licensing Policy for Midlothian Council for Consideration and Adoption.**

**Report by Derek Oliver, Chief Officer Place**

**Report for Decision**

### **1 Recommendations**

It is recommended that Council;

- i. Note the terms of this report; and
- ii. Adopt the Short-term Lets Licensing Policy for Midlothian Council

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

The report provides details of the attached 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. An appended report details the public consultation which took place regarding this policy, the responses received and the action taken as a result.

**Date** 21 September 2022

**Report Contact:**

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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 Council is requested to adopt the Short-term Lets Licensing Policy.
- 3.6 The policy under went public consultation from 31 August to 14 September 2022.
- 3.7 As well as a full public consultation, views were invited from various interested parties including Elected Members, Police Scotland, Scottish Fire and Rescue Service and the Scottish Association of Self-Caterers.
- 3.8 The views gathered will allow Council to consider whether any changes require to be made to the 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)**

Not applicable

### **4.4 Additional Report Implications (See Appendix A)**

## **Appendices**

**Appendix A – Additional Report Implications**

**Appendix B – Background information/Links**

## **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 compliment.

### **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 area of business is developed in a sustainable manner going forward.

## APPENDIX B

### Background Papers/Resource Links

Midlothian Council, Short Term Lets Policy for Midlothian Council October 2022 can be found at <F:\ECE\Communities and Economy\EH\PUBLIC HEALTH\Short Term Lets>

The report on the public consultation on the above can be found at <F:\ECE\Communities and Economy\EH\PUBLIC HEALTH\Short Term Lets\Consultation>