

Aberdeenshire Council

Short-Term Let Licensing

Guidance Notes and Standards for Accommodation

Before lodging an application for a licence for a Short-Term Let (STL), please ensure that you have read the following Guidance Notes and Standards for Accommodation. If you wish any further advice regarding the Licensing Scheme or the relevant standards, please contact Environmental Health by telephone 01467 539039 or by email STL@aberdeenshire.gov.uk

BACKGROUND

On 19th January 2022, The Scottish Parliament approved new legislation covering the licensing of Short-Term Let properties. These licensing powers fall under the [Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#) and came into force on 1st March 2022. The scheme commenced on 1st October 2022.

GUIDANCE NOTES

1. What is a Short-Term Let?

The Short-Term Let licensing scheme will cover a wide range of residential / commercial accommodation including, but not exclusively, self-catering properties, B&B's, guest houses and certain unconventional premises such as glamping pods, certain mobile homes, cabins, and yurts. In addition, accommodation provided in the home of the host will also be included.

- a) You need to decide which type of licence you are applying for (Note 3 below). There are four types of Short-Term Let licence namely -
- **Secondary letting** - the letting of property where you do not normally live, for example a second home that is let to guests
 - **Home letting** - using all or part of your own home for short-term lets, whilst you are absent. An example of this could be whilst you are on holiday
 - **Home sharing** - using part of your own home for short-term lets, whilst you are in residence
 - **Home letting and home sharing** - operating short-term lets from your own home while you are living there and for periods when you are absent

Further information on the definition of a Short-Term Let along with examples of excluded or exempt properties can be found here - [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](#)

The Scottish Government have created a questionnaire which you can use to find out whether you need a licence. [Complete the Scottish Government's short-term let questionnaire](#)

- b) A separate licence is required for **each unit** in which you provide accommodation. A unit is described as 'a separately bookable unit with its own door, kitchen and bathroom'. One licence can cover unconventional secondary lets **only** i.e. a group of pods or yurts.
- c) You may only offer the type of short-term let for which the licence has been granted.
- d) The Host or Operator as well as all owners must be named on the application form. In the case of a business, all company directors, partners, or other persons responsible for its management must be named on the application form.
- e) Where accommodation or a dwelling is owned by multiple owners, all owners must consent to the application. A declaration may be made by a person authorised to act on behalf of an owner(s) e.g., an agent or manager.
- f) Any individuals involved in the day-to-day management of the property must be named on the application form. If a letting agency is carrying out the day-to-day management, all company directors, partners, or other persons responsible for its management must be named on the application form. The day-to-day manager, whether a company or individual, will require to be listed as one of the licence holders. **Please Note – this means that if you change the day-to-day manager at any point a Variation of Licence will be required to amend the dutyholder.**
- g) Everyone named on the application will be subject to a Fit and Proper person test.
- h) It is an offence, without reasonable excuse, to carry on any activity for which a licence is required without having such a licence. Depending on the activity, different punishments apply. The default is a fine not exceeding level 4 (£2500) on the standard scale. The Scottish Government intends to increase the maximum fine to £50,000 through provision in a suitable Bill, early in the Scottish Parliamentary session 2021-26. The Scottish Government also intends to make provision for imprisonment as a last resort for hosts who continue to operate without a licence. Failing to comply with a licence condition, failing to notify of a material change or making a false statement all attract fines on the standard scale.

2. Listings and Advertisements

You must ensure that any listings 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 (EPC) rating (Secondary Lets only)

3. Terminology

Definitions, for the purposes of this guidance -

The application form will ask you to confirm what type of short-term let licence you are applying for when submitting your application. You must select one of the four types of licence. A separate licence is required for each of your units / premises. However, a single licence may be issued in respect of **unconventional accommodation (not a dwellinghouse)** where there is more than one separately bookable property on the same site.

Dwellinghouse means for these purposes, an independent dwelling (with its own front door, kitchen, and bathroom) such as a house, flat, cottage etc. (Secondary let)

You do not need a separate licence for short-term lets within the same dwellinghouse. For example, if you are letting out two rooms in your home, that would be covered by one licence. (Home Share)

Unconventional accommodation – this means residential accommodation that is not defined as a dwelling house and would include accommodation such as glamping pods and yurts. (Unconventional Secondary Let)

“Accommodation”	Means any building or structure, or any part of the building or structure, and includes rooms in a home, a whole home or something more unusual like a yurt or a treehouse;
“Dwellinghouse”	Means, for these purposes, an independent dwelling (with its own front door, kitchen, and bathroom such as a house, flat, cottage etc.
“Existing Host”	Means a host or operator who has used the premises to provide short-term lets before 1 October 2022 and who will apply for a licence to continue the same use by 1 April 2023. Existing hosts can continue to operate if they have submitted an application that has yet to be determined;
“New Host”	Means a host or operator who was not operating before 1 October 2022. A new host cannot operate a short-term let until a licence has been granted;
“Guest”	Means a person occupying accommodation for the purposes of a short-term let;
“Home Letting”	Means using all or part of your home for short-term lets whilst you are absent
“Home Sharing”	Means using all or part of your own home for short-term lets whilst you are there;
“Host” or “Operator” or “You”	Means a person or company providing accommodation for short-term letting, including commercial landlords (note the host may not be the owner or person who lives at the property);
“Applicant”	Means the person, persons or company making the application for a short-term let licence;
“Secondary Letting”	Means a short-term let involving the letting of accommodation where you do not normally live, for example a second home;

“Premises”	Means the property and land on one site, normally premises have their own postal address:
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4. Fees and Licence

Licences are normally granted for 3 years. The fees (within the table below) include the following services:

- a) Licence processing, including Public Notices and Committee referral (if required) Fit and proper person test of everyone named on the application.
- b) Referral to consultees, including SFRS
- c) Random inspections where required during the lifetime of the licence.

Guest capacity (people)	Home sharing/home letting		Secondary letting	
	New Application	Renewal Application	New Application	Renewal Application
1-2	£353.26	£322.09	£467.55	£420.80
3-4	£467.55	£420.80	£623.40	£561.06
5-9	£592.23	£529.89	£789.64	£716.91
10-15	£706.52	£633.79	£883.15	£800.03
16+	£883.15	£800.03	£976.66	£893.54

Other types of application	Fee
Variation of licence / change in circumstances	£103.90
Duplicate licence	£51.95
Temporary Consent	No fee

Enforcement costs	Fee
Inspection of a premises where concern is flagged at the application process by a consultee	No Fee
Visit to premises where the visit is necessary due to a failure to comply with licence conditions or a complaint relating to the premises which is not frivolous or vexatious	£120.00/Hr
Inspection of a premises following a complaint where it is found that there are compliance issues (whether or not the subject of a complaint)	£120.00/Hr

Licensing fees are non-refundable. Whether or not a licensing application is granted, the Council incurs significant costs in processing the application.

Applicants should either pay the application fee as part of the online application process or, if submitting a paper application form, call 01467 539039 to make payment by card over the telephone. Payment can also be made at one of our service points by debit or credit card.

Please check opening times before making a trip -

[Reach a Council Office - Aberdeenshire Council](#)

The application will not be processed until a competent application has been submitted and the relevant fee has been paid.

5. Variation of Licence

You must submit an email to STL@aberdeenshire.gov.uk if you wish to vary a licence.

Where any terms of the original licence are varied on an application, any terms and conditions not affected by the variation shall continue as stated on the original licence including the date from which the original licence took effect. **Where there is a change of ownership after a licence has been granted, a new application is required and the full appropriate fee paid.**

6. Application Form, Supporting Documents and Notices for display

Applications should ideally be made online. Where this is not possible, a paper application form can be completed and sent to the Head of Planning and Economy (Environmental Health), Gordon House, Blackhall Road, Inverurie AB51 3WA or emailed to STL@aberdeenshire.gov.uk.

- a) Completed application forms (whether online or paper copies) **must** be accompanied by the following documentation (an application will be considered invalid if the appropriate fee has not been paid and the application is not accompanied by these documents):
- Electrical Certificates of Compliance: Electrical Installation Condition Report (EICR) (within last 5 years)
 - Portable Appliance Test (PAT) Certificate (required for all appliances available to your guests) (within last 12 months)
 - Gas Safety Certificate - to be provided by a suitably accredited Gas Safe Registered installer (within last 12 months)
 - EPC Certificate (secondary lets only)
 - Details (i.e., evidence of current cover) of your existing Buildings insurance arrangements for the premises and Public Liability / Property Owners Liability Insurance to a minimum cover of £2m per dwelling
 - Location and/or site plan for rural premises with multiple units
 - Scottish Fire & Rescue Service checklist - This will be forwarded to Scottish Fire & Rescue Service. This document is available to download and print from our website. Please only submit the SFRS checklist provided and not a Fire Risk Assessment.
 - Details including dimensions of rooms used for sleeping purposes
 - Wholesome Private Water Supplies – evidence of satisfactory results within the last 12 months. Sampling by Aberdeenshire Council is recommended, however, results from a third party may be accepted (where appropriate). The application must include details of the treatment/filtration installed and maintenance undertaken. This is not required for premises served by the public water supply.
- b) A 21-day Public Notice (STL/2), must be prominently displayed on or near the short-term let property (suitably protected from the elements) for both New Applications and Renewal Applications. It should be displayed so that it can be conveniently read by members of the public for a period of 21 days **from the date the application is lodged with the Council**. After the notice has been displayed for 21 days, a certificate of compliance (STL/3) must be completed and submitted to STL@aberdeenshire.gov.uk If the Notice is removed, obscured or defaced, it should be replaced as soon as possible, and the details recorded on the Certificate of Compliance. Both the notice and certificate templates are available to download and print from our website. Please only use the templates provided.

7. Application Process

- a) Valid applications will be processed then forwarded to several consultees for comment. This will include Police Scotland who will carry out a 'fit & proper person' check on all parties named on the application form and provide any information they may hold regarding the premises. The consultees will provide a response to Environmental Health within 28 days.
- b) Local Authorities have 12 months to process and determine applications for a short-term let licence.
- c) As part of the application process Environmental Health will forward to Scottish Fire & Rescue Service (SFRS) the checklist, completed by the applicant, which will enable SFRS to determine whether they need to carry out a separate audit of the premises. Should an audit be carried out, SFRS will advise of the outcome and of any necessary additional fire safety requirements which will require to be carried out prior to a licence being granted.
- d) Upon receipt of the application, Home Share, Home Let and Secondary Let premises may be subject to a physical inspection being carried out. All 'unconventional' secondary lets will be inspected. The Environmental Health Service will inspect the premises to ensure that they comply or can be made to comply with the standards issued by the Scottish Government, copies of which can be viewed online - [Part 1 – Guidance for Hosts and Operators](#) or on the Council's website <https://aberdeenshire.gov.uk/licensing/licences-and-permits/short-term-let-licensing/> Paper copies are available on request.
- e) Should objections or representations be received regarding an application, or if it is minded to refuse the application, a report will be submitted to the Licensing Sub-Committee for a decision. The applicant will be invited to attend or can be represented at the Sub-Committee.
- f) An STL licence is normally valid for 3 years. If the Licensing Sub-Committee are asked to consider an application, they can reduce the length of the licence. A further / renewal application requires to be submitted **before** the expiry date of the existing licence. If an application is submitted after the expiry date, it will be treated as a new application and subject to the appropriate fee.
- g) STL licenses **are not transferable**. Should ownership of the STL change a new application will require to be submitted. Other changes in circumstances, such as a change in the person with day-to-day responsibility, requires to be approved by Aberdeenshire Council; an application and fee **may** be required depending upon the circumstances.
- h) In accordance with the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022, details of the application and subsequent decisions will be detailed in a public register.

8. Short-term Let Control Areas

The Scottish Government introduced discretionary powers for local authorities to establish short-term let control areas. This mechanism is intended to assist where STLs are significantly reducing the availability of residential stock in the area. No significant issues are evident in Aberdeenshire and there is no intention to designate a control area currently. However, if the need arises in the future, Short Term Let Control Areas can be established

9. Building Warrant

Certain changes of use or occupation are defined as conversions and may require Building Warrant approval. In certain properties, a Building Warrant may be required for works such as the installation of a fire detection system or additional electrical sockets. Properties requiring a Building Warrant will have to comply with the requirements of the Building (Scotland) Act 2003 and supporting Technical Handbooks. Unauthorised alterations may also need to be regularised by way of a Late Building Warrant or Late Completion application. If you think you may require a building warrant or for further information on Building Warrants, contact Aberdeenshire Council Building Standards Service buildingstandards@aberdeenshire.gov.uk

10. Planning Permission

Although there are currently no Control Areas designated in Aberdeenshire, planning permission and/or change-of-use or certificate of lawfulness may still be required for certain types of premises. The planning service will ultimately consider whether any change of use of a house is material and requires planning permission on a case by-case basis.

If you have altered, extended, or changed use of one type of building to a STL, Planning Permission may be required. Contact the Planning Service on - www.aberdeenshire.gov.uk/planning/planning-applications/check-if-you-need-planning-permission/

Please note that all short-term let licence applications received where the premises is within the **Cairngorms National Park** will be sent for determination to their Planning Department as they have full planning authority for that area.

11. Appeals

Anyone to whom a Licensing Authority is obliged to give notice of a licensing decision (both objectors and applicants) can appeal to the Sheriff against that decision by summary application. The appeal must be lodged within 28 days of the decision.

12. Licence Renewal

A Short-term Let licence is normally issued for a period of up to 3 years. The Licence renewal is the responsibility of the Licence Holder(s), however Aberdeenshire Council may issue a renewal reminder in advance of the expiry.

13. Temporary Consent

Temporary consent will be provided to new Hosts seeking to purchase an existing licensed short-term let or where a variance is required due to change in circumstances. Temporary consent will last for a 6-week period and will proceed the submission of the full application. This will allow the new host to continue to operate as the licence is specific to the owner and not to the short-term let property. If the new host fails to submit a full licence application within this period, the temporary consent will be withdrawn, and the host cannot trade until such time as an application has been submitted and the licence has been issued.

14. Temporary Exemptions

Temporary exemptions will not be granted by Aberdeenshire Council under any circumstance. This will be reviewed on an annual basis in line with the Policy review.

16. Licence Conditions

The legislative Mandatory Licence Conditions will be on every Short Term Lets Licence along with Additional Conditions set by the Council's Licensing Committee. The Licensing Conditions document forms part of the three year licence and available from our website [Short-term let licence - Aberdeenshire Council](#)

17. Ancillary Equipment

Where additional services or equipment are provided that are ancillary to the provision of accommodation these must be provided and maintained in accordance with manufacturer's instructions, relevant national governing body advice and guidance, as well as all relevant government guidance and legislation. The Licence Holder must take all reasonable measures to ensure safe use of any services/equipment by guests

STANDARDS FOR SHORT-TERM LET ACCOMMODATION

Home Share, Home Let and Secondary Let Premises must meet the Repairing and Tolerable Standards. Unconventional premises will be assessed on a case-by-case basis. Additional conditions may apply to such premises and are detailed in the Licensing Conditions document available from our website [Short-term let licence - Aberdeenshire Council](#)

1. Tolerable Standard & Repairing Standard

The premises must meet both the Repairing and Tolerable Standard for houses and flats. To ensure your property complies with both standards, read more about the standards here – [The Repairing Standard - gov.scot \(www.gov.scot\)](#) [Tolerable Standard - mygov.scot](#)

2. Energy Performance Certificate (EPC) (Secondary lets only)

The premises must hold a valid EPC dated within the last 10 years. Not all short-term let's need an EPC, but individual holiday homes rented out in their entirety do (i.e., self-catering). You must display the EPC rating within all advertisements in commercial media

Read more about EPCs for holiday lets here -

[Energy Performance Certificates for Holiday Lets: guidance - gov.scot \(www.gov.scot\)](#)

3. Fire Safety

All Short-Term Lets are 'relevant' premises under Part 3 of the Fire (Scotland) Act 2005. Scottish Fire & Rescue Service are the authority responsible for fire safety compliance within all Short-Term Let premises.

The Scottish Fire and Rescue Service is a Statutory Consultee and a copy of your application together with your completed fire safety checklist will be passed to the Scottish Fire and Rescue Service. The completed fire safety checklist will determine whether Scottish Fire and Rescue will require to carry out their own audit or impose any conditions. The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 places a duty on those responsible for fire

safety within relevant premises to carry out a fire risk assessment.

An example of a risk assessment including guidance and blank forms can be found here.

<http://www.gov.scot/Topics/Justice/policies/police-firerescue/fire/FireLaw/GeneralGuidance/FireSafetyRiskAssessment>

A series of sector specific guides for sleeping accommodation as well as other relevant premises has been produced providing practical fire safety guidance for those with responsibilities under Part 3 of the Fire (Scotland) Act 2005, as amended, and the Fire Safety (Scotland) Regulations 2006.

<https://www.gov.uk/government/publications/do-you-have-paying-guests>

<https://www.gov.scot/publications/practical-fire-safety-guidance-existing-premises-sleeping-accommodation-2/>

<https://www.gov.scot/policies/fire-and-rescue/non-domestic-fire-safety/>

The holder of the licence must ensure the premises have satisfactory equipment installed for detecting, and for giving warning of —

- a) fire or suspected fire, and
- b) the presence of carbon monoxide in a concentration that is hazardous to health.
- c) The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988
- d) The Fire Risk Assessment, Fire Policy, Fire Action Plan, Fire Logbook recording the testing, inspection and maintenance of alarm systems, emergency lighting and portable firefighting equipment should be maintained and be **readily available on the premises for inspection.**
- e) Testing, inspection, and maintenance of all fire safety measures should be in accordance with the requirements contained in the **Practical Fire Safety Guidance for Premises providing Sleeping Accommodation.** Periods where the dwelling is vacant, and inspections are not carried out must also be recorded. After a period of vacancy, all fire detection, emergency lighting and firefighting equipment must be fully tested prior to tenants resuming occupancy.

4. Water Supply

A supply of wholesome drinking water must be provided in a readily accessible position within the Premise. If your premises has a private water supply, then you must comply with the requirements of the 2017 Regulations. Further information and guidance can be obtained from the Drinking

water Quality Regulator for Scotland:

<https://www.dwqr.scot/private-water-supplies/regulatory-guidance-and-information/guidanceon-the-water-intended-for-human-consumption-private-supplies-scotland-regulations-2017/>

A Legionella Risk Assessment must be carried out by the Host. Further guidance can be here -

<https://www.hse.gov.uk/search/search-results.htm?gsc.q=legionella%20and%20landlords'%20responsibilities%20hse#gsc.tab=0&gsc.q=legionella%20and%20landlords'%20responsibilities%20hse&gsc.page=1>

Scottish Government legislation and guidance

[Part 1 – Guidance for Hosts and Operators](#)

[Part 2 – Guidance for licensing authorities, letting agencies and platforms](#)

[Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022](#)