

East Renfrewshire Council Short-Term Let Licensing Scheme

Frequently Asked Questions

GENERAL FAQs

Why are East Renfrewshire Council Introducing this Scheme?

This is being introduced because it's a legal requirement. East Renfrewshire Council has no discretion to delay or fail to implement a licensing scheme for short term lets. The purpose of the legislation is to ensure that short term let premises are safe and those operating them are suitable.

When will short-term let licensing schemes come into force?

East Renfrewshire will be able to take applications from the 1st October 2022 – new hosts must apply from this date and existing hosts need to apply by 01 April 2023. All short-term lets must be licensed by 01 July 2024.

What is classed as a short-term let?

Short-term lets are residential lets where the property is not let to guests or tenants as their principal home. The legislation defines four types of short-term lets:

- **Home sharing** – using all or part of your home for short-term lets whilst you are there.
- **Home letting** – using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday.
- **Secondary letting** – letting a property where you do not normally live, for example a second home or a buy to let investment property.
- **Home letting and home sharing** – means you let out all or part of home both while you are living there and also at times when you are not there.

How do I know if I will need a licence?

You are likely to need a licence if you provide residential accommodation as a host to a guest in exchange for payment, and the guest does not use the accommodation as their only or principal home.

If you are unsure, you should first check the definition of short-term let in Section 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022. You may also find it useful to read the Scottish Government's Guidance for Hosts and Operators on our website <https://www.eastrenfrewshire.gov.uk/short-term-lets>.

If you remain unsure, please contact us at stl@eastrenfrewshire.gov.uk

Will one licence cover multiple properties?

There are certain circumstances where one licence may cover more than one property but this is dependent on the type of letting and the address of the premises.

The Scottish Government have provided examples below to illustrate common scenarios:

Example	Comment
Five purpose built self-catering cottages located on a single site	All five accommodation units are on a single site, and therefore considered a single premises eligible to apply for a single licence.
Two cottages within a farm	Provided the two cottages are all within the one site, then a single licence could be issued. If the two cottages have separate postal addresses, or are listed on Registers of Scotland as two separate sites then two individual licences will be required.
Bed and breakfast / home share arrangement where 2 bedrooms are let in a primary residence	The 2 bedrooms are 2 separately let able accommodation units within a single premises (one primary residence), therefore a single licence would be required.

Examples where a single licence would **not** be permissible:

Example	Comment
Tenement block with 6 flats, all flats owned by the same owner and all let out as secondary lets.	Each flat is a separate premises, as there are 6 accommodation units all on separate sites (all have their own postal address). Each flat requires a separate licence.
Two neighbouring detached houses owned by the same owner and let out as secondary lets.	Each house is a separate premises, as they are located on separate sites with different postal addresses, therefore a licence would be required for each house.
A field with 10 permanent lodges at one end of a village, and another field with 5 permanent lodges at the other end of the village	This arrangement constitutes two separate premises, as the lodges are located on two separate sites. A licence would be required for each premises.
Guest house / B&B / home sharing type arrangement with a separately bookable annex (secondary let) within the same site.	Although located on a single site, the accommodation would require two different licence types (home sharing licence and secondary letting licence). Therefore two separate licences would be required: <ol style="list-style-type: none"> 1. Home sharing for the guest house / B&B / home share primary residence; 2. Secondary letting licence for the garden annex;

How long will a licence last?

East Renfrewshire Council will issue licences which will last up to three years.

How much will a short-term let licence cost?

East Renfrewshire has set its own licensing fees to cover the scheme's costs. The fees for the various types of licences can be found here at [Short Term Lets - East Renfrewshire Council](#)

Can I pay my Licence Fee over the 3 year licence period?

No, the application fee is payable in full at the point of application and is non-refundable. Unfortunately we could not develop or incorporate a repayment option for the 1st October 2022. We will keep this under review.

Are there any types of properties which are excluded from the requirement to obtain a licence?

Yes. These are set out in Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and include hostels, bothies, student accommodation and hotels which have planning permission granted for use as a hotel.

I have a Guesthouse that has Class 7 planning permission use. Do I have to apply?

Yes, unless you have an alcohol licence. The exemption only applies to hotels (usually where the planning permission is for a hotel) Please see Question 9 under Applications for further information

I only rent out one bedroom in my house on Air BnB during the summer months. Do I need a licence for that?

Yes. The legislation covers home-sharing (letting out rooms which are part of your own home) as well as secondary letting (letting out separate dwellings, such as a holiday cottage) and home-letting (letting out your entire home). There are no provisions in the legislation which exempt short-term letting carried out for only part of the year, or a specified number of days per year.

What about caravans and pods?

Caravans used for short-term lets should have a Caravan Site licence. If your pod is not classed as a caravan or does not have a caravan licence then you will need a short-term let licence. Please see holiday caravan site licence section for more information

How do I find a reliable contractor?

You may also be interested in the Trusted Trader Scheme which is run by East Renfrewshire/Renfrewshire Council and can help you find a reliable contractor:
<https://www.trustedtrader.scot/EastRenfrewshire/>

What do Hosts / Operators need to do now?

If you offer short-term lets via home sharing, home letting or secondary letting then you can read the full policy and make an application online at [Short Term Lets - East Renfrewshire Council](#)

APPLICATION FAQs

Mandatory Conditions

You can find a full list of the [mandatory conditions online](#), but these include submitting evidence around:

- Fire safety
- Gas safety
- Electrical safety
- Water safety
- Safety and repair standards
- Maximum occupancy
- Valid insurance

East Renfrewshire has also set additional conditions for your property – available here: <https://www.eastrenfrewshire.gov.uk/short-term-lets>

Please see Appendix 1 below for further information on each requirement.

Fit and proper person test

Everybody named on the application form will be subject to the fit and proper person test. Licensing authorities are likely to consider factors including previous criminal convictions; previous refusal/revocation from being a private landlord; having had an HMO or STL licence revoked; having had a previous application for a short term lets licence refused; and providing false and misleading information on an application.

Can I start my online application, save and return to it later?

No – we have published information on our website which should be read by applicants prior to making an online application. This will reduce the time for the host at application stage and avoid unnecessary follow up by the Council for incomplete applications.

Can I upload multiple documents for each evidence requirement e.g. 5 separate photos of smoke alarms?

No, the software has constraints on the size of uploaded files. It will only allow 1 document upload per evidence requirement e.g. 1 photo or 1 collage of photos or 1 certificate for smoke detection. Additional documents to support an application can be emailed to: STL@eastrenfrewshire.gov.uk providing the STL property address and name of applicant.

I need to display a Notice for 21 days but it says that the objection period is 28 days – is this correct?

Yes, the Civic Government (Scotland) Act 1982 only requires the Notice to be displayed for 21 days, but the legislative period for objections / representations to the application is 28 days (as stated on the Notice)

What happens with the Site Notice Compliance Certificate?

Once the 21 notice has been displayed at the property, the host will be required to download the above form from our website, complete the form, and return to STL@eastrenfrewshire.gov.uk as soon as possible. Any delays in the Council receiving this, can extend the licence approval timescales.

Why do I have to provide place of birth?

We require this information to assess whether an applicant is a fit and proper person when consulting Police Scotland as part of the application process.

My partner/spouse and I jointly own the short term let- do we both need to apply?

We are asking for all owners, day to day managers and the applicant to apply on one single application form. All owners must provide consent and we will be undertaking title deed checks to verify ownership details.

Do I need to list gardeners and cleaners under employees?

No, you only have to list day to day managers of the premises

If I use a company to advertise my premises, deal with payments and manage by bookings for let (i.e. online), do I have to put them down as an agent?

No, unless they do all day to day management of the business, including organising the cleaning and maintenance and any “hands on” with guests. We do not expect you to register the main short-term let online platforms on the form.

If I provide food as part of my welcome pack do I have to register as a food business?

If you regularly supply food as any part of your business then you need to register as a food business. This service is free of charge. If you complete the food section of the application form then we will consider that as your registration if you are not already registered. If you are only providing prepacked ambient foods then we will just note your registration, but we may be in touch if you are doing any home baking etc or meals.

What type of let do I select if I do not live in my B&B or Guesthouse?

You would select Secondary Letting as it means a short-term let consisting of the entering into of an agreement for the use of accommodation, which is not, or is not part of, the licence holder’s only or principal home.

Appendix 1 – Information for Mandatory Conditions

You may find the following information (*tailored for landlords and HMO licensees*) useful, as they contain important information around the evidence required for your STL application.

Repairing and Tolerable Standards

As a Host you must ensure that any STL properties comply with the repairing and tolerable standards throughout the licence period.

<https://www.mygov.scot/landlord-repairs/repairing-standard/>

<https://www.mygov.scot/landlord-repairs/tolerable-standard/>

Gas Safety

You must ensure that you have a current gas safety certificate for all your STL properties that use gas. Certificates must be renewed annually.

<https://www.gassaferegister.co.uk/help-and-advice/gas-safety-certificates-records>

Electrical Safety

You must ensure that you have a current Electrical Installation & Condition Report (EICR) or a current Electrical Installation Certificate (EIC) for all your STL properties that use electricity. This must be renewed every 5 years.

<https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/scottish-landlords/>

Electrical Appliance / Portable Appliance Test (PAT Testing)

Where you have supplied electrical appliances for guest use you must have portable appliance tests carried out. PAT tests should be conducted every 5 years.

As well as compliance with the licence condition hosts have their general obligations under health and safety legislation and should also be doing visual checks on electrical items and fixings regularly.

<https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/scottish-landlords>

Fire, Smoke and Heat Detection

You must ensure that every property you let out meets current statutory guidance for the provision of fire, smoke and heat detection.

<https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

Carbon Monoxide Detection

You must ensure that every property you let out that uses any form of carbon based fuel meets statutory guidance for carbon monoxide alarms

<https://www.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/>

Public Water Supply

If the water supply to any of your short term let properties is private (i.e. not provided by Scottish Water) you must ensure that the supply meets the required regulations.

<http://dwqr.scot/private-supply/regulatory-information/>

Energy Performance

Depending on the type of short-term let you may require an EPC and if you do you must display the rating in any adverts. EPCs last for 10 years.

Generally, self-catering properties will require an EPC and B&Bs/guest houses will not.

Further information is available at Energy Performance Certificates for Holiday Lets: guidance - (www.gov.scot).

You can check if your property has a certificate at the Scottish Energy Performance Certificate Register and find local agents that can provide an EPC for you:
<https://www.scottishepcregister.org.uk/>

Legionella Risk Assessment

You must ensure that a legionella risk assessment has been carried out on every let property and all safety concerns raised have been addressed.

<https://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

There is separate guidance on legionella testing for provision of hot tubs/spa pools.

<https://www.hse.gov.uk/legionnaires/spa-pools.htm>

Buildings & Public Liability Insurance

If you let property that is a tenement or a flat you must ensure that you have valid buildings insurance.

<https://www.legislation.gov.uk/asp/2004/11/contents>

We are requesting (in line with similar licensing schemes) that the level of Public Liability Insurance is set at £5m for Secondary Letting/Homes Letting and £2m for Home Share only.

Common Repairs

You must be aware of your responsibility for repairing common areas in each property you let out.

<https://www.gov.uk/private-renting/repairs>