



# **Aberdeen City Council – Short Term Lets Licensing**

## **Guidance Notes**

## **GUIDANCE NOTES**

**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 Private Sector Housing Team at [ShortTermLets@aberdeencity.gov.uk](mailto:ShortTermLets@aberdeencity.gov.uk) or 01224 522299**

1. The Licensing Scheme commenced on 1 October 2022, and a Licence for a Short Term Let is required.
  - a) You need to decide which type of licence (refer to Note 3 below) you are applying for:
    - i. A licence for home sharing
    - ii. A licence for home letting
    - iii. A licence for home sharing and home letting
    - iv. A licence for secondary letting
  - b) A separate licence is required for each premises in which you provide accommodation.
  - 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).
  - 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 new licence will be required as that will involve a change of licence holder and the legislation does not permit transfers.**
  - 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 2020-26. 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 a material change or making a false statement all attract fines on the standard scale.**

### Listings and Advertisements

2. 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 rating, if you are required to have one for your premises

### Terminology

3. Definitions, for the purposes of this guidance

<b>“Accommodation”</b>	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;
<b>“Dwellinghouse”</b>	Means, for these purposes, an independent dwelling (with its own front door, kitchen and bathroom such as a house, flat, cottage etc.;
<b>“Existing Host”</b>	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;
<b>“New Host”</b>	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;
<b>“Guest”</b>	Means a person occupying accommodation for the purposes of a short-term let;
<b>“Home Letting”</b>	Means using all or part of your home for short-term lets whilst you are absent
<b>“Home Sharing”</b>	Means using all or part of your own home for short-term lets whilst you are there;
<b>“Host” or “Operator” or “You”</b>	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);
<b>“Applicant”</b>	Means the person, persons or company making the application for a short-term let licence;

<b>“Secondary Letting”</b>	Means a short-term let involving the letting of accommodation where you do not normally live, for example a second home;
<b>“Premises”</b>	Means the property and land on one site, normally premises have their own postal address;

4. The fees for an initial application are as follows:

<b>Guest Capacity</b>	<b>Home Sharing and/or Home Letting Licence</b>	<b>Secondary Letting Licence</b>
<b>1 - 2</b>	£420	£420
<b>3 - 4</b>	£630	£630
<b>5 - 6</b>	£840	£840
<b>7 - 8</b>	£1,120	£1,120
<b>9 - 12</b>	£1,490	£1,490
<b>13+</b>	£2,980	£2,980

The basic fees indicated previously, include the following services:

- a) Licence processing, including Public Notices and Committee referral (if required). Inspection of the Site Notice, posted outside the premises by the applicant for New and Renewal applications.
- b) Fit and proper person test of everyone named on the application.
- c) Initial inspections by the Private Sector Housing Team and as required by the Scottish Fire and Rescue Service, with a maximum of 2 additional inspections/visits.
- d) Random inspections and enforcement during the lifetime of the licence.

**The application will not be processed until a competent application and the relevant fee has been paid. Fees are non-refundable after the Licence is Granted. If a refund of Short Term Let Fees is requested, the amount of any refund will depend on the stage to which the application has been processed prior to withdrawal. Where an application is refused, a request for a refund may only be made once the decision to refuse an application is made final. A decision to refuse will be made final either if no appeal to the Sheriff is lodged or any such appeal is unsuccessful.**

You must submit an email to [ShortTermLets@aberdeencity.gov.uk](mailto:ShortTermLets@aberdeencity.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 the award of licence, a new application is required and the full appropriate fee paid.**

5. Completed initial applications (and where appropriate Renewal and Variation applications), including the Scottish Fire & Rescue Service checklist, **must** be accompanied by the following documentation (an application will be considered incompetent unless accompanied by this information):
  - a) In the case of Secondary Letting, plans of the premises to a suitable metric scale (preferably 1:50) indicating the following:
    - i. Floor plans of each level including the layout of all rooms together with the location of sanitary ware, cooking facilities, power outlets, lighting points and switches.
    - ii. The maximum number of guests occupying each bedroom.
  - b) Details (i.e. evidence of current cover) of your existing insurance arrangements for the premises, and Public Liability Insurance to a minimum cover of £2m per dwelling
  - c) Current Electrical Certificates of Compliance: Electrical Installation Condition Report (EICR) and a current Portable Appliance Test (PAT) Certificate
  - d) Gas Certificates of Compliance
  - e) EPC Certificate
  - f) A Legionella Risk Assessment
6. The Public Notice enclosed with the application confirmation email, suitably protected from the elements, must be prominently displayed on or near the short-term let property, for both New Applications and Renewal Applications. It should be displayed so that it can be conveniently read **from the public footpath** 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 must be completed online. 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.
7. The processing of an application will involve consultations with Planning, Police Scotland, Scottish Fire and Rescue Service (SFRS) and any other relevant Council team.

## Application Process

8. Once an application is made, the application will be passed to a Private Sector Housing Officer to arrange an inspection. The date will be confirmed in advance. A letter will be compiled by the Private Sector Housing Officer with any outstanding work required and this will be emailed. As part of the application process the Scottish Fire & Rescue Service (SFRS) receive a checklist, completed by the applicant, this will enable SFRS to determine whether they need to carry out a separate audit of the premises. Should a separate 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.
9. Local Authorities have 9 months to determine application for new Short Term Let operators and 12 months to determine applications for existing operators (refuse or grant the application). Licenses can be Granted for up to 3 years.
10. The outstanding work email will detail all works, which must be completed prior to the licence being referred to Committee, as well as indicating the targeted and latest date that the application will be referred to Committee for consideration or granted under delegated powers. **The applicant is responsible for ensuring that all necessary work is satisfactorily completed and that the relevant officers have the opportunity to inspect the completed work.**
11. Where objections or representations are received from the public or other authorities the application will be referred to the Licensing Committee for consideration.

## Short-term Let Control Areas

12. 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.
13. No significant or city-wide issues are evident in Aberdeen and there is no intention to designate a control area at this time. However, if the need arises in the future, Short Term Let Control Area can be established

## Building Warrant

14. As required by the Building (Scotland) Act 2003 certain changes of use or occupation are defined as conversions and may require Building Warrant approval. In certain properties, a Building Warrant may also be required where works such as; a fire detection and alarm system is being installed or where additional electrical sockets are being installed. Properties requiring a Building Warrant will have to comply with the requirements of the Building (Scotland) Act 2003 and supporting Technical Handbooks. Unauthorised alterations to a property will also need to be regularised by way of a Late Building Warrant or Late Completion application

**For further information on Building Warrants, call 01224 523470 or email [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)**

## Planning Permission

15. Applicants must ensure that, where necessary, the relevant planning permission has been obtained prior to submitting an application. As there will be no Control Area designated at this point in Aberdeen, the planning department will consider whether any change of use of a house is material and requires planning permission on a case-by-case basis.

Where the necessary planning permission has not been obtained and is required, any application for a licence will be **Refused to Considered**.

**For further information on Planning Consent, call 01224 523470 or email [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)**

16. Where the Council's Planning Team raise a valid objection to an application on the basis that the relevant planning permission has not been obtained, the application will not be processed and will be classed as **Refuse to Consider**. Applicants will be advised in writing that their application is Refused within 7 days of the Licensing Authority making that decision. Once the necessary permission has been obtained the applicant can re-apply. A further application for a Licence may be submitted and no further fee will be payable if the application is submitted within 28 days of planning permission being obtained.
17. Before 1 April 2023, if you are an Existing Host or Operator and you do not have the relevant planning permission, you will be given the chance to submit an application for planning permission. An Existing Host or Operator will have three months to submit an application for planning permission. If the Existing Host or Operator do not do so within three months, the application will be finally determined, and the applicant must cease providing short-term lets

## Listed Building Consent

18. If your building is listed, the works you are carrying out may require listed building consent. The listing applies to the whole building, including the interior, and it is important that any fabric of historic or architectural interest is not affected. Works such as the installation of smoke detectors and sprinkler systems, fireproofing doors and fanlights, or other upgrading measures required for your licence, may require listed building consent.

**For further information on Listed Buildings, call 01224 523470 or email [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)**

## Appeals

19. 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.

## Licence Renewal

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

## **Temporary Licences**

21. Applications for temporary licences will not be granted by Aberdeen City Council under any circumstance. This will be reviewed on an annual basis in line with the Policy review.

## **Temporary Exemptions**

22. Applications for temporary exemptions will not be granted by Aberdeen City Council under any circumstance. This will be reviewed on an annual basis in line with the Policy review.

## **Licence Conditions**

23. The legislative Mandatory Licence Conditions will be on every Short Term Lets Licence along with 2 Additional Conditions set by the Council's Licensing Committee. See Appendix A – Licence Conditions

## **Legislation & Guidance**

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

[Short term lets - licensing scheme part 1: guidance for hosts and operators](#)

[Short term lets – licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)



## **STANDARDS FOR SHORT-TERM LET ACCOMMODATION**

The Standards indicated below will be applied having regard to the age, type and location of the premises concerned. Premises must meet the Repairing and Tolerable Standards

### **Space Heating**

24. (In domestic dwellings) Each bedroom and living room must have a fixed controllable space heating appliance or be served by a central heating system, which may include any system of warm air or under floor heating.
- a) **Liquefied Petroleum Gas (LPG) must not be used or stored on the premises. Specifications for solid fuel, oil fired or gas-fired heaters are as per the current relevant British Standards.**
  - b) A central heating system must be capable of being controlled from a communal area.
  - c) Annual certification that installed gas systems have been examined by a qualified person (**Gas Safe** registered), that they are functioning properly and ventilation is adequate, must be provided.
  - d) Any solid fuel appliances must be inspected and cleaned annually by a suitable competent person. A record of annual inspection and cleaning of the flue should be retained and produced on request by the Council
  - e) Hard-wired (mains fed) or Lithium battery powered **CO (carbon monoxide) detectors**, meeting the requirements of the current British Standard, should be installed in accordance with manufacturer's instructions and fitted in the same room as any gas-fired or solid fuel appliance and in any room which a flue passes through. The detector should be capable of being tested and have a fault indicator. **The detector, or where practical the sensor module, must be replaced in accordance with the manufacturer's instructions (BS EN 50291 requires all detectors to be marked with the replacement date) or when a fault is detected. Operating instructions must be included in the Tenant Information Folder together with a record of the manufacture date and replacement date for the unit.**

### **Energy Performance Certificate**

25. Every short-term let property must have an Energy Performance Certificate (EPC), a copy of which must be available in the property.

### **Lighting and Ventilation**

26. Every kitchen, bathroom and water closet should either have natural ventilation, with a window or windows or adequate mechanical ventilation.
27. All bathrooms and shower rooms are to be provided with an IP44 rated light fitting, where appropriate, and any ceiling strip light unit within the STL must be fitted with an acceptable diffuser/cover.

## Fire Safety

28. 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.
29. 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.
30. In the event that this guidance is read by persons with duties under the Fire (Scotland) Act 2005, as amended, and those persons feel unable to apply the guidance, then they should seek assistance from someone with sufficient technical knowledge. In this respect, the Fire and Rescue Authority or Joint Fire and Rescue Board, as principal enforcer of the legislation, cannot undertake the role.
31. The host/operator shall comply with the "Furniture and Furnishings (Fire) (Safety) Regulations, 1988, as amended" and any regulations thereunder. You are required to maintain a record showing that all upholstered furnishings comply with the above regulations. If you are home sharing this requirement does not apply to areas of your accommodation to which guests do not have access.
32. An example of a risk assessment including guidance and blank forms can be found here. <http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw/GeneralGuidance/FireSafetyRiskAssessment>
33. The Fire Risk Assessment, Fire Policy, Fire Action Plan, Fire Log Book recording the testing, inspections and maintenance of alarm systems, emergency lighting and portable firefighting equipment should be maintained and be **readily available on the premises for inspection.**

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.

## Water Supply

34. A supply of wholesome drinking water must be provided in a readily accessible position within the premise
35. 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/guidance-on-the-water-intended-for-human-consumption-private-supplies-scotland-regulations-2017/>

36. All baths, showers, water closets, wash basins and sinks must have an adequate supply of hot and cold water.
37. A Legionella Risk Assessment must be submitted with the application. Further guidance can be found at:

<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>

38. Where a hot tub is provided at the premises, the host/operator shall ensure:
  - a) that it is suitably located and maintained so as to ensure its safe use by guests
  - b) that suitable and sufficient cleaning and disinfection procedures are in place
  - c) that guests are provided with clear instructions on its safe use and any restrictions on its use
  - d) that it is kept securely covered when not in use

## Drainage

39. The premises should be provided with a safe hygienic drainage system.

## Electrical Safety

40. Certificates of Compliance (Electrical Installation Condition Report or Electrical Installation Certificate) meeting the requirements of BS 7671, signed by an approved NICEIC or SELECT contractor, using current NICEIC or SELECT Electrical Installation Condition Reports (EICRs) are required. A competent contractor who is not a member of the NICEIC or SELECT may be used, but non-member "green" NICEIC Electrical Installation Condition Reports must be submitted. These can be purchased direct from - **NICEIC, Vintage House, 37 Albert Embankment, London, SE1 7UJ**. Competent contractor means a skilled person (electrically) as defined in amendment 3 of BS7671. This means that they must be employed by a firm that is a member of an accredited registration scheme operated by a recognised body. In Scotland this will usually mean that they are registered with NICEIC or a member of the Electrical Association of Scotland (SELECT).
41. The EICR must meet the following minimum requirements:
  - a) Thorough visual inspection of the complete electrical installation which is not concealed.
  - b) At least a **20% sample** of the internal condition of all fixtures and fittings.
  - c) Complete testing of all circuits (fittings and accessories).
  - d) Schedule of Inspections and Schedule of Test results must be fully completed and submitted.

This certificate confirms that the hard-wired system is safe and should be renewed at least every 5 years. **An EICR inspection and testing notice (label) should be prominently displayed adjacent to the Circuit board recording the date of the last inspection and the recommended date of the next inspection.**

A current Portable Appliance Test (PAT) Certificate is also required for all plug-in appliances. This certificate should preferably show the individual reading(s) for each appliance, obtained at the time of test and must indicate whether they pass or fail. **Certification must identify the contractor's name and address and be signed by the contractor.**

In the case of **spurred appliances**, a formal visual inspection must be carried out annually with the results and any recommendations recorded on the annual PAT certificate. Combined inspection and testing of spurred appliances must be carried out with the results and any recommendations recorded as part of the 5 yearly EICR.

The PAT Certificate must be **renewed at least annually**, or earlier as directed by the approved electrical contractor or a person who has completed appropriate training as a PAT tester. Current PIR/EICR and PAT certification must be held and be submitted with the application for licence. They must also be displayed within the premises. Portable Appliance Testing requires a label on each appliance tested. Certification must be retained for submission with any subsequent validation application, or on request, to prove continuity of certification. **Failure to ensure continuity may result in a requirement to provide an EICR valid for the full period of any licence granted.**

42. Where work is carried out to the electrical installation, it must be carried out by a competent contractor who can provide relevant certification. Building Warrants may also be required in certain circumstances and it is the landlord's responsibility to obtain any necessary Warrant and Certificate of Completion. Lack of certification will prevent the issue of a licence.

Type of Work completed	Type of certificate required
New installation or change to existing installation including a new Circuit Board	Electrical Installation Certificate or Electrical Installation Condition Report
New installation work that does not include the provision of a new circuit	Electrical Installation Certificate or Minor Electrical Installation Works Certificate
Alterations or additions	Electrical Installation Certificate
Alterations or additions that do not include the provision of a new circuit	Electrical Installation Certificate or Minor Electrical Installation Works Certificate
Periodic Inspection Testing	Electrical Installation Condition Report

43. Residual Current Devices (RCD) protection must be provided at the property which is the subject of the licence. This shall be to the standard set out in current IET Wiring Regulations and be provided either by all independent circuits each fitted with an RCBO or by combination of RCBO, MCB and RCD devices as appropriate. Power supplies to smoke detection/alarms should further comply with BS5839-6. Emergency Lighting should be on the same circuit as the hall lighting **Circuit Boards must be made of non-combustible material**

The minimum requirement under this condition is for dual RCD protection to be provided. Further, there should be division of circuits consistent with the terms of the said IET Wiring Regulations, unless the licence holder can provide the Council with a suitable report from a qualified electrician that such division is not practicable.

It is not intended that the property concerned be rewired to meet the division of circuits' requirement. An RCD Notice (Label) should be prominently displayed adjacent to the Circuit Board.

**The replacement of a Circuit Board will require the provision of a new EIC or EICR.**

Where RCD protection is not fitted at the time of Application for an existing STL, it will become a condition of Validation that RCD protection is provided. Where RCD protection and division of circuits, as outlined in (d) above, can be provided within the existing Circuit Board, this will be acceptable, however where this requires the installation of a new Circuit Board, the new board must be made of non-combustible material (i.e full metal construction) to comply with current regulations. **A single RCD providing protection to all circuits will not be accepted as compliant.** An RCD Notice (Label) should be prominently displayed adjacent to the Circuit Board.

**It will be for the applicant to prove compliance.**

44. Electrical Safety First have produced a landlord guide to electrical safety.

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

### **Gas Safety**

45. You must ensure that all gas appliances and installation pipework are maintained in a safe condition, in accordance with the "Gas Safety (Installation and Use) Regulations, 1998".
46. **Annual Certification** that the installed gas systems have been tested and approved by a **Gas Safe** Registered Installer must be obtained and together with a record of such inspections and any remedial works and defects identified, must be kept, and made available for inspection within the premises. **Annual certification for the current year must be retained for submission with any renewal application.**
47. If after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Security**

48. The accommodation must have secure locks on all access doors and ground floor accessible windows. All access doors to the property must also be capable of being opened from the inside without recourse to a key so that residents can escape in case of fire.
49. Where rooms are fitted with locks they must be capable of operating via a thumb-turn mechanism from inside the room, to allow emergency egress.

### **Insurance**

50. You will be required to maintain adequate Comprehensive Buildings Insurance together with Owner's/Public (not Employer's) Liability Insurance (minimum cover £2m per dwelling). Buildings insurance must cover the short-term let activity. Annual certification must be retained for submission with any renewal application.

### Further Information

51. Premises should comply with the relevant Scottish Building Standards.
52. The host/operator shall comply with the "Health and Safety at Work Act 1974" and any regulations thereunder, if applicable.
53. The licence holder shall notify the Council immediately of any material change of circumstances affecting the licences premises or the licence holder (or agent appointed by them to manage part or all of the licenced activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence.
54. The licence holder must ensure that the number of guests residing in the premises does not exceed the number specified on the licence.
55. 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 STL and in the locality. The licence holder must take reasonable steps to:
  - a) Ensure that no disturbance or nuisance arises within or from the premises, for example by ensuring guests are aware of the house rules;
  - b) Ensure, where the premises are flatted or uses a shared entrance, that guests do not first arrive or finally depart from the premises between the hours of 11pm to 7am.
  - c) Take reasonable steps to ensure that guests do not use hot tubs after 10pm or play amplified music within the garden or external areas after 11pm
  - d) Deal effectively with any disturbance or nuisance arising within or from the premises as soon as reasonably practicable after the licence holder is made aware of it; and
  - e) Ensure any vehicles belonging to guests are parked lawfully and in compliance of any local restrictions, for example explaining where any designated parking spaces are to be found and highlighting any restrictions.
56. The licence holder shall notify the Council as soon as reasonably practicable, of the details of any incident of antisocial behaviour affecting or emanating from the premises which has necessitated police involvement.
57. Every stair for a change in level of more than 600 mm should have a handrail on at least one side, fixed at a height of at least 840 mm and not more than one metre above the pitch line of a flight or surface of a landing.
58. Adequate and suitable facilities must be provided for the storage, recycling and disposal of refuse. Where bins are provided to terraced and tenemental property, they must be clearly identified by flat or property address. The host/operator must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and bins are returned to the bin storage area following collection (where applicable).
59. The building should be maintained in a reasonable state of repair, having regard to its age, type and location and be compliant with the **Repairing Standard and Tolerable Standard**. Garden and environmental areas should be adequately maintained. Where an STL is in a shared building, the host/operator must co-operate and

participate in the general repair and maintenance of the building and the cleaning of common parts.

60. Where an existing STL, operated by an existing host/operator, has exposed wooden floor boards, laminate, hard wood flooring or tiled floor finishes and substantiated complaints are received regarding excessive noise, the host/operator may be required to provide fitted carpets and underlay or other acceptable finish to minimise sound transmission.
61. The interior of the premises should be maintained in a satisfactory state of repair and decoration. You must ensure that the property meets the Tolerable Standard.
62. The use of the licensed premises must comply with the terms of any planning permission.
63. The premises will be provided with adequate heating, lighting and ventilation in accordance with Approved Standards.

### **Guest Information Folder**

64. The host/operator must provide a Guest Information Folder. This must include emergency contact details for the host/landlord and an alternative contact should the host/operator be unavailable. It is the host's/operator's responsibility to ensure the information in the Guest Information Folder, remains up to date. The folder will contain:
  - a) A certified copy of the licence and any licence conditions
  - b) Fire, gas and electrical safety information
  - c) Details of how to summon the assistance of emergency services
  - d) A copy of a current gas safety report
  - e) A copy of a current Electrical Installation Condition Report and
  - f) A copy of the current Portable Appliance Test Report
  - g) A copy of the premises EPC rating where required.

### **Waste Disposal**

65. The host/operator must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.

Arrangements for the collection of waste from the property:

- a) Waste collection services are not covered by business rates.
- b) If you have not already done so, you should secure a contract with the Council's Business Waste and Recycling team or another licensed waste contractor to make appropriate arrangements for waste collection and disposal.
- c) A Waste Transfer Notice (WTN) must be obtained (and retained for two years from date of expiry). WTNs are issued by commercial waste contractors.
- d) Business waste should never be put into public or domestic bins (without a valid supporting WTN).
- e) Waste compliance officers (part of the city warden's office) hold related enforcement powers.

Further information with regards your waste management duty of care can be found on our website at [www.aberdeencity.gov.uk/dealing-with-your-business-waste](http://www.aberdeencity.gov.uk/dealing-with-your-business-waste)

# **Appendix A – Licence Conditions**

## **Mandatory Licence Conditions**

### **Agents**

1. Only those named as a holder of the licence can carry out the day-to-day management of the short-term let of the premises

### **Type of Licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### **Fire Safety**

3. The holder of the licence must ensure the premises has 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.

4. 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.

### **Gas Safety**

5. Where the 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,  
(b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical Safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence 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

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

#### **Water Safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder 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.

#### **Water Safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

#### **Safety & Repair Standards**

##### **10.—**

(1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing Standard.

#### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

#### **Information to be Displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—

- (a) 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.

#### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
- (b) planning permission under the 1997 Act is in force.

## **Listings**

### **14.—**

(1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—

- (a) the licence number, and
- (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings

(Scotland) Regulations 2008.

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

## **Insurance**

**15.** The holder of the licence must ensure that there is in place for the premises—

- (a) valid buildings insurance for the duration of the licence, and
- (b) valid public liability insurance for the duration of each short-term let agreement.

## **Payment of Fees**

**16.** The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

## **False or Misleading Information**

**17.** The holder of the licence must not provide any false or misleading information to the licensing authority.

## **Additional Licence Conditions**

### **Anti-Social Behaviour**

**18.** 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.

The licence holder must take reasonable steps to:

- ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests;
- deal effectively with any disturbance or nuisance arising within or from the premises, as soon as reasonably practicable after the licence holder is made aware of it; and
- ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules.

## **Waste Disposal**

**19.** The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.

The licence holder must advise guests of:

- their responsibilities;
- the use of the bins / sacks provided for the premises; and
- the location of the nearest recycling centre or recycling point.

The licence holder must:

- clearly label bins as belonging to the premises;
- ensure that guests manage their waste in compliance with the above including when they depart; and
- maintain the bin storage area and the exterior of the premises in a clean and tidy condition.