North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

SHORT-TERM LET LICENCE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022

Licence No: NA00158F

Licence Holder	**Anne Reid**	**Stuart Reid**
Address	**Clauchlands Farm**	**Clauchlands Farm**
	Lamlash	**Lamlash**
	Isle of Arran	**Isle of Arran**
	North Ayrshire	**North Ayrshire**
	KA27 8LH	**KA27 8LH**

Day-to-Day Manager
(if applicable)

is hereby licensed to use the Accommodation at:

Stones Throw
Oakbank
Lamlash
Isle of Arran
North Ayrshire
KA27 8LH

as a short-term let in terms of the Civic Government (Scotland) Act 1982, (Short-Term Lets) Order 2022 subject to the undernoted conditions.

The maximum occupancy of the premises is **9**

(not counting children under 10)

The "Type of Short-Term Let" is – **Secondary letting**

The licence shall expire on: **31 July 2026**

Date **1 August 2023**

Signed: C Block
.....
pp Clerk to the Licensing Committee

The Short-Term Let licensing scheme

The scheme is based on the Civic Government (Scotland) Act 1982, which is a common code for a range of business activities. It already licensed many things, such as taxi and private hire cars, their drivers and booking offices, street traders, markets, public entertainment, second-hand dealers, and metal dealers. The Scottish Parliament added STLs to that list.

The 1982 Act is published on a free Government Internet site:

https://www.legislation.gov.uk/ukpga/1982/45/contents

The Order which adds STL Licensing to the 1982 Act is:

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, No. 32

The Order is published on the same Internet site:

https://www.legislation.gov.uk/ssi/2022/32/contents/made

Renewal

This Licence will expire on the expiry date above, but if the Licence-Holder lodges an application with the Council before that date asking for renewal then the Licence will continue in force until the Council has made a decision on the renewal application: 1982 Act, Schedule 1, Paragraphs 8(5),(5A) and (6).

Licence Conditions

This Licence is granted with conditions. If the Licensing Committee is satisfied that any condition has been breached it may hold a hearing to consider revoking or suspending the Licence, or refuse to renew it. The Police may also prosecute an alleged breach (1982 Act, Section 7(2)).

The conditions are set out below:

- National mandatory conditions
- North Ayrshire Council local condition

Information for Licence-Holders

The Scottish Government website has information on STLs:

Part 1: Guidance for Hosts and Operators

https://www.gov.scot/publications/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators-2

Part 2: Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms

https://www.gov.scot/publications/short-term-lets-scotland-licensing-scheme-part-2-supplementary-guidance-licensing-authorities-letting-agencies-platforms-2

The Council website has information about the scheme:

https://www.north-ayrshire.gov.uk/business/licences-and-permits/short-term-let-licence.aspx

This includes a "Frequently Asked Questions" document.

National mandatory conditions

These are set out in Schedule 3 of the Order. In the text below:

- terms which are underlined are defined in the Order

- the Council has added notes [[...]]

- Some of the paragraphs in Schedule 3 do not have titles so this text adds appropriate titles, e.g. Paragraph 4 is "[Fire safety - furnishings]".

These notes are only for information and do not change the conditions.

1. Agents

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.

2. Type of licence

The Holder of the Licence may only offer the Type of Short-Term Let for which the licence has been granted.

[["Type of Short-Term Let" is defined in Paragraph 18 of Schedule 3 and means one of

(a) Secondary Letting,

(b) Home Letting,

(c) Home Sharing, or

(d) Home Letting and Home Sharing.

These terms are also defined in Paragraph 18.]]

3. Fire safety

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. [Fire safety - furnishings]

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.

5. Gas safety

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.

[[The information which the Holder of the Licence must make available within the Premises in a place where it is accessible to all Guests includes "a copy of the Gas Safety Report" – Paragraph 12(d).]]

6. Electrical safety

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.

[[The information which the Holder of the Licence must make available within the Premises in a place where it is accessible to all Guests is set out in Paragraph 12 and includes:

(e) a copy of the Electrical Installation Condition Report, and

(f) a copy of the Portable Appliance Testing Report.

as well as "(d) a copy of the Gas Safety Report".]]

7. [Meaning of "Competent"]

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.

8. Water safety: private water supplies

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.

9. Water safety: legionella

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.

10. Safety & repair standards

(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.

11. Maximum Occupancy

The licence holder must ensure that the number of Guests residing on the Premises does not exceed the number specified in the licence.

12. Information to be displayed

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.

13. Planning Permission

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.

14. Listings

(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.

15. Insurance

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.

16. Payment of fees

The Holder of the Licence must pay any fees due to the Licensing Authority in respect of the licence on demand.

17. False or misleading information

The Holder of the Licence must not provide any false or misleading information to the Licensing Authority.

18. Interpretation

In this Schedule—

"Electrical Installation Condition Report" means a report containing the following information—

(a) the date on which the inspection was carried out,

(b) the address of the Premises inspected,

(c) the name, address and relevant qualifications of the person who carried out the inspection,

(d) a description, and the location, of each installation, fixture, fitting and appliance inspected,

(e) any defect identified,

(f) any action taken to remedy a defect,

"Energy Performance Certificate" means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008,

"Gas Safety Report" means a report containing the following information—

(a) the date on which the appliance or flue was checked,

(b) the address of the Premises at which the appliance or flue is installed,

(c) a description of and the location of each appliance or flue checked,

(d) any safety defect identified,

(e) any remedial action taken,

(f) confirmation that the check undertaken complies with the requirements of an examination of—

(i) the effectiveness of any flue,

(ii) the supply of combustion air,

(iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,

(iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,

(v) its operation so as to ensure its safe functioning,

(g) the name and signature of the individual carrying out the check, and

(h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998,

"Holder of the Licence" means any person to whom a Short-Term Let Licence has been granted or jointly granted,

"Home Letting" means a Short-Term Let consisting of the entering into of an agreement for the use, while the Host is absent, of Accommodation which is, or is part of, the Host's only or principal home,

"Home Sharing" means a Short-Term Let consisting of the entering into of an agreement for the use, while the Host is present, of Accommodation which is, or is part of, the Host's only or principal home,

"Premises" means the Accommodation which is the subject of an application for a Short-Term Licence or the subject of a Short-Term Licence,

"Repairing Standard" means the steps which the Holder of the Licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006,

"Secondary Letting" 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,

"Short-Term Let" has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022,

"Short-Term Let Licence" means a licence for a Short-Term Let, and

"Type of Short-Term Let" means one of the following purposes—

(a) Secondary Letting,

(b) Home Letting,

(c) Home Sharing, or

(d) Home Letting and Home Sharing.

North Ayrshire Council local condition

At the time of granting the Licence, North Ayrshire Council only attaches one local condition. Later, if and when the Licence is renewed, there will be a second condition.

The condition which always applies is:

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

2. 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.

3. The licence holder must:

• clearly label bins as belonging to the premises;

• ensure that Guests manage their waste in compliance with (2), including when they depart; and

• maintain the bin storage area and the exterior of the premises in a clean and tidy condition."

The second condition will be added if and when the Licence is renewed.