

Short Term Lets Licensing Scheme

Part 1. Guidance for Hosts and Operators

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1. Introduction

- 1.1. The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022¹ (referred to in this guidance as the Licensing Order) was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022. Amendment Orders to the Licensing Order were made in 2023² and 2024³.
- 1.2. This guidance is intended for hosts and operators of short-term lets in Scotland to explain their responsibilities to comply with this legislation. Hosts and operators may be individuals or organisations such as partnerships, charities, trusts or companies who provide short-term let premises. Premises refer to any accommodation that falls within scope of the licensing regime. More information can be found in Annex A.
- 1.3. There is also supplementary guidance for licensing authorities⁴ (about establishing and operating licensing schemes for short-term lets), which you can refer to for more detailed information.
- 1.4. Separate planning guidance⁵ has been produced for hosts and operators. It is your responsibility to ensure that you comply with any relevant planning requirements. Changing the use of a dwellinghouse or other building to a short-term let premises may constitute a 'material change of use' requiring planning permission.
- 1.5. This guidance is non-statutory and should not be interpreted as offering definitive legal advice. Where there is any confusion, the wording of the legislation takes precedence. If in doubt, you should seek your own legal advice.

¹ [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)

² [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) \(Amendment\) Order 2023 \(legislation.gov.uk\)](#)

³ [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Amendment Order 2024](#)

⁴ [Supplementary guidance for licensing authorities, letting agencies and platforms \(gov.scot\)](#)

⁵ [Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](#)

- 1.6. On 8 June 2023 Lord Braid set out his decision on the Judicial Review against the City of Edinburgh’s licensing policy⁶. The Council has subsequently revised its policy. The ruling was purely in relation to the City of Edinburgh Council’s local licensing policy and not the wider licensing regime. It remains the Scottish Government’s view that licensing of short-term lets can be operated effectively by councils so as to respect the rights of hosts and guests in short-term let accommodation, and is appropriate for the whole of Scotland.

1 (a) Purpose of guidance

- 1.7. This guidance will help you understand:
- whether your accommodation falls within scope of the legislation (see Annex A)
 - what you need to do to apply for a licence
 - what you need to do to comply with the requirements of the licensing scheme and relevant regulations
 - your responsibility to comply with the conditions set out in your licence
 - how to renew your licence
- 1.8. This guidance is intended for hosts and operators who have established their accommodation and premises is within scope of licensing. It is important to note that premises can be advertised without a licence but no bookings can be taken or guests received until a licence is issued. Operating without a licence or breaching licence conditions could result in a fine and a criminal record.
- 1.9. Words are explained in the context of this document as they first appear and a glossary of terms is provided at the end of this guidance.

(b) Purpose of the licensing scheme

- 1.10. The Scottish Government has put in place this licensing scheme to ensure basic safety standards are in place across all short-term lets operating in Scotland, while also providing discretionary powers to licensing authorities to address the needs and concerns of local communities.

⁶ [Judiciary of Scotland, Peter Ralph Averbuch & Others for Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy \(judiciary.scot\)](https://www.judiciary.scot/judicial-review-of-the-city-of-edinburgh-council-short-term-lets-licensing-policy)

- 1.11. The aims of the licensing scheme are:
- to ensure all short-term lets are safe
 - to facilitate licensing authorities in knowing and understanding what is happening in their area
 - to assist with effectively handling complaints and address issues faced by neighbours and residents

(c) What the licensing scheme is and where it applies

- 1.12. The licensing scheme applies to the whole of Scotland and is implemented by licensing authorities. This is the local authority in whose area your premises are located.
- 1.13. By law every short-term let in Scotland must now comply with mandatory licensing conditions. Licensing authorities can also set additional conditions to address local circumstances or concerns.

(d) How licensing works

- 1.14. You will need a separate licence for each short-term let premises. Further information about how this works for different types of premises is at paragraph 3.3.
- 1.15. Your licence will specify the type of short-term let premises it is granted for:
- home sharing
 - home letting
 - home sharing and home letting
 - secondary letting

(e) Temporary exemptions

- 1.16. Licensing authorities have published temporary exemptions policy statements on their websites, stating whether they offer temporary exemptions or not. If your licensing authority has decided to grant temporary exemptions to the requirement to have a licence⁷, you are able to apply for a maximum of three exemptions (not exceeding a combined total of six weeks in a calendar year). You will need to apply to the licensing authority where your premises are located for a temporary exemption.
- 1.17. There are some important differences between applying for, and operating with, a temporary exemption and having a licence. Your licensing authority might:

⁷ Paragraph 1A, schedule 1 of the 1982 Act. In this guidance references to the 1982 Act are to the provisions of that Act read with the Licensing Order and Amendment Orders.

- ask for the application to be made on a different (shorter) form
- charge a different (lower) fee
- ask for less information than on a licence application
- not apply some of the mandatory and/ or additional conditions

1.18. If they grant your application, you will be given a temporary exemption number (like a licence number).

(f) Temporary licences

1.19. Licensing authorities can decide whether to issue temporary licences⁸ in their area. If the licensing authority where your premises are located is willing to accept applications and grants a temporary licence, it can last for up to six weeks. If you have also made an application for a full licence at the same time, your temporary licence can be for longer than six weeks and last until your full licence application is determined. Please note that in applying for a temporary licence, hosts and operators must still comply with all the mandatory conditions.

1.20. Your licensing authority website will explain whether and how your licensing authority issues temporary licences, including how long it takes to issue them.

(g) Development of the licensing scheme and guidance

1.21. The Scottish Government originally published guidance for hosts in March 2022, which was produced by the Scottish Government with input from a stakeholder working group⁹. This latest version of the guidance has been revised taking on board feedback from Visit Scotland's Short-Term Let Licensing Expert Guidance Group, comprising representation from the short-term let sector and local authority licensing, legal and planning teams. You can find out more about how the licensing scheme was developed on the regulation information webpage on the Scottish Government website¹⁰.

(h) Updates

1.22. This updated version of the guidance relates to the Licensing Order approved by the Scottish Parliament on 19 January 2022, and

⁸ Under paragraph 7, schedule 1 of the 1982 Act.

⁹ [stakeholder working group](#)

¹⁰ [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](#)

subsequently amended in March 2023¹¹ and 2024¹². It will be kept under review and updated as required.

- 1.23. The latest version will always be available at the short-term lets regulation information webpage on the Scottish Government website¹³.

¹¹ [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) \(Amendment\) Order 2023 \(legislation.gov.uk\)](#)

¹² [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Amendment Order 2024](#)

¹³ [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](#)

2. Getting ready to apply for a licence

- 2.1. Before you apply for a licence, you should be aware that in assessing your application, your licensing authority will consider:
- your suitability and that of the other people named on your application form
 - your compliance with the mandatory conditions (applicable to all short-term lets across Scotland)
 - your compliance with any additional conditions that the licensing authority might attach to your licence (either specific to your accommodation, or specific to short-term lets in your local authority)
 - the suitability of your premises in the context of the licensing authority's policy
- 2.2. In addition, you should be aware of your premises' planning status i.e. whether the change of use to a short-term let would be considered a material change in planning terms. Planning authorities will be able to provide you with advice on the need (or not) for planning permission. Please note the majority of decisions about planning are made following a detailed consideration of the individual circumstances of the particular case.
- 2.3. An example checklist is attached to this guidance at Annex B, which may support you in preparing your application. Most licensing authorities now have their own application checklists available on their websites. Where those exist, we advise using those checklists as they itemise the specific documentation and evidence your licensing authority wishes to see included with your application.

a) Planning considerations

- 2.4. When you apply for a short-term let licence you may be asked for evidence that you have planning permission or have applied for it.
- 2.5. A change of use of premises to a short-term let will require planning permission where that change of use is material. What constitutes a material change of use depends on individual circumstances and will be determined on a case-by-case basis (unless certain criteria apply – see short-term let control areas below). Guidance on planning is available separately and if you have any doubt as to whether you require planning permission for your premises please contact the local planning authority.

Refusal to consider

- 2.6. Licensing authorities may refuse to consider your licence application if use of your premises for a short-term let is considered to be in breach of planning control. Licensing authorities should consult planning authorities to determine this.
- 2.7. Licensing authorities must inform you within 28 days (of your licence application being made) if they intend to refuse to consider your application. If, following a decision to refuse to consider your application on planning grounds, you subsequently obtain planning permission of a certificate of lawfulness of use or development, you can re-submit your licence application. If you re-submit your application within 28 days of receiving that planning consent no additional fee may be charged by the licensing authority.
- 2.8. The power to refuse to consider a licence application should not be used at the point of a licence renewal. However, licensing authorities may still decide to refuse to grant your renewal licence on the grounds of planning if they have good reason to do so.

Short-term let control areas

- 2.9. A mandatory licensing condition applies in control areas if the change of use of your premises to a short-term let is deemed to be a material change and requires planning permission. This means when you apply for a licence, you will be asked to confirm that planning permission is in place or that a planning application has been made.
- 2.10. From the point a short-term let control area is designated, a change of use to a short-term let will **automatically** be deemed a material change of use (and therefore require planning permission) if:
 - your premises is a dwellinghouse (this means, for these purposes, an independent dwelling (with its own front door, kitchen and bathroom) such as a house, flat, cottage etc) and
 - it is to be used for secondary letting (a short-term let involving the letting of premises where you do not normally live, for example a second home)
- 2.11. If you are an existing licence holder with a secondary let and you have confirmed with the planning authority the change of use of your premises to a short-term let is not a material change (or you have planning permission/ a certificate of lawfulness of use or development), the designation of a short-term let control area during the term of your licence will have no impact.

- 2.12. If you are an existing licence holder with a secondary let and you have not confirmed your planning status with the planning authority, the designation of a control area will not automatically mean the change of use to a short-term let is a material change that requires you to obtain planning permission. However, as is the case outside of control areas, if you have not confirmed your planning status you might be subject to planning enforcement action if the planning authority consider the change of use was material and required planning permission.
- 2.13. For all other premises and licence types (home-sharing and home-letting) in a short-term let control area, this licensing condition will apply if the relevant planning authority deems the change of use is/was material. It will determine this on a case-by-case basis.

(b) Who can make an application

- 2.14. Before you make an application for a licence, you must identify all the people who need to be named on the application form.
- 2.15. You, as the host or operator, can apply for a licence to use accommodation to provide short-term lets. The premises may be owned by you, or may be owned by someone else. For example, if you wish to rent a room in a home you privately rent. You can also ask another person to make the application on your behalf. For example, you might ask your solicitor or your letting agency or property management company.
- 2.16. Only the holders of a licence can carry out the day-to-day management of the short-term let premises. This will include any employee or agent who is named in the application as carrying on the day-day-management.
- 2.17. If you do not own the premises, then you must have the permission of the owner(s) to make an application for a licence. For example, you may be a tenant and want to use your premises for home sharing or home letting. You should first make sure that your tenancy agreement would allow you to do this in general terms and then seek the specific permission of your landlord.

Licence Transfer

- 2.18. If you are purchasing short-term let accommodation, which already has a licence, the holder may apply to transfer the licence to you. See paragraph 6.13.

(c) Information required about those named on the application

- 2.19. You should be ready to provide the following information on your application form.
- a) If you are applying as an individual:
- your full name
 - your date and place of birth
 - your address
 - your address history for last five years and
 - e-mail and telephone number
- b) If you are applying as a corporate entity (e.g. company or charity) the following information should match the entry on the Local Land and Property Gazetteer or a similar local database operated by the local authority responsible for the area where your accommodation is located:
- its full name
 - the address of its registered or principal office
 - the names, private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities
- 2.20. Where you intend to appoint somebody else to manage your property, similar details must be provided for your agent or day-to-day manager, irrespective of whether you are applying as an individual or a corporate entity.
- 2.21. You must have the consent of the owner (or each owner) and your application will be refused if that is not provided. Where premises are owned by multiple owners, you must provide:
- a) a declaration from each owner, that they consent to the application or
 - b) a declaration from a person who is authorised to act on behalf of all the owners.

(d) Mandatory conditions

2.22. All short-term lets in Scotland must comply with mandatory conditions¹⁴ to be granted a licence.

2.23. The mandatory conditions relate to:

- day to day management of the short-term let only being carried out by the holder of the licence
- only operating under the type of licence you have been granted
- fire safety
- gas safety
- electrical safety
- water safety
- safety and repair standards
- maximum occupancy
- displaying information
- planning permission
- listings
- insurance
- payment of fees
- providing true and accurate information (i.e. not providing false and misleading information)

2.24. Your licensing authority will set out the detail and format of any documentation that must accompany your application to provide evidence that you comply with the above conditions, where relevant.

Fire safety: general

2.25. The Fire (Scotland) Act 2005 requires the person who has control of the premises to provide fire safety measures, including risk reduction measures, means of fire warning, fire-fighting, escape, staff training and instruction, as well as emergency procedures. It sets out fire safety responsibilities and seeks to ensure people are safe from harm caused by fire.

2.26. You must take appropriate action to:

- assess the risk from fire in your premises
- identify the fire safety measures necessary as a result of the assessment of risk
- implement these fire safety measures, using risk reduction principles

¹⁴ Set out in schedule 3 of the Licensing Order.

- put in place fire safety arrangements for the ongoing control and review of the fire safety measures
- comply with any further specific requirements of the fire safety regulations
- keep the fire safety risk assessment and outcome under review
- maintain good records

2.27. You can find out more in Practical Fire Safety Guidance for Premises with Sleeping Accommodation¹⁵. Broadly speaking, Annex 2 of this guidance is aimed at premises used for secondary letting with no more than 10 guests and home sharing with no more than 8 guests. If you are in doubt about your legal obligations, you may wish to seek further advice from your solicitor.

2.28. You can find out more information about how to conduct a fire risk assessment from the Scottish Fire and Rescue Service advice on fire safety¹⁶, including information about registered and accredited fire risk assessors.

Fire safety: the premises¹⁷

2.29. You must ensure your premises has satisfactory equipment installed for detecting, and for giving warning of:

- fire or suspected fire and
- carbon monoxide present in a concentration that is hazardous to health

2.30. You must make sure you have taken adequate steps to ensure fire prevention, including fitting and maintaining working smoke and carbon monoxide alarms. Further details can be found in Satisfactory fire and carbon monoxide detection: Tolerable Standard Guidance¹⁸.

Fire safety: furniture and fittings¹⁹

2.31. You must:

- ensure that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988,
- keep records showing that all upholstered furnishings and mattresses within the premises comply with the Regulations.

¹⁵ [Practical Fire Safety Guidance For Existing Premises with Sleeping Accommodation](#)

¹⁶ [SFRS Advice on Fire Safety | Scottish Fire and Rescue Service](#)

¹⁷ Paragraph 3 of schedule 3 of the Licensing Order.

¹⁸ [Satisfactory fire and carbon monoxide detection: tolerable standard guidance - gov.scot](#)

¹⁹ Paragraph 4 of schedule 3 of the Licensing Order

- 2.32. You could comply with this condition by:
- keeping photographic evidence
 - removing and retaining the labels themselves
 - keeping receipts which confirm compliance (for example by providing a reference number or accurate description of the product)
- 2.33. You do not have to ensure that furnishings and mattresses retain their fire safety labels. This might be difficult to rely on because guests might deface or remove them.
- 2.34. If you are home sharing (letting out a room in your home), the requirement does not apply to areas of your accommodation to which your guest does not have access, for example your bedroom.

Gas safety²⁰

- 2.35. Where your 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 let their accommodation until the works necessary to bring the appliance to the required safety standard have been carried out.
- 2.36. When you apply, you must be able to provide confirmation (if requested) that a currently valid, annual gas safety check has been carried out on all gas appliances by a Gas Safe registered engineer.
- 2.37. If your licence lasts for more than one year, it is your responsibility to ensure that a gas safety inspection is completed each year.
- 2.38. If you do not use any form of gas (you have no gas connection or private storage tank), then you do not need to take any action.
- 2.39. Please note that if you have mobile gas heaters or other gas appliances not attached to a mains gas supply, you need to follow the appliance instructions on carbon monoxide safety and ensure there is information easily accessible within the accommodation for guests' awareness and safety.

²⁰ Paragraph 5 of schedule 3 of the Licensing Order.

Electrical safety²¹

2.40. If you have electrical fittings or items in the premises, you 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 (PAT) Report on moveable appliances to which a guest has access and
 - (ii) date label and sign all moveable appliances which have been inspected

2.41. A competent person must produce the Electrical Installation Condition Report and the Portable Appliance Testing (PAT) Report. The definition of an Electrical Installation Condition Report is set out in the Licensing Order.

2.42. The Scottish Government has produced statutory guidance on electrical installations and appliances in private rented property²². Annex A of that guidance sets out who is competent to conduct an Electrical Installation Condition Report and you should have regard to this advice. Electrical Safety First have also produced a landlords' guide to electrical safety²³. You will find these helpful as the standards that apply to private residential tenancies also apply to short-term lets.

2.43. At the time of this guidance publication, the minimum standard for electrical safety inspections to be carried out is at least every five years, as set out in the IET wiring regulations BS 7671.

2.44. Emergency lighting and exit signage may be necessary under the Fire Safety (Scotland) Regulations 2006. Emergency lighting²⁴ is lighting designed to come into, or remain in, operation automatically in the event of a local and general power failure. It should be installed in buildings considered to be at higher risk, such as in high rise buildings, buildings with basements or in rooms where the number of people is likely to exceed 60.

²¹ Paragraph 6 and 7 of schedule 3 of the Licensing Order and Paragraph 18 of Schedule 3 of the Licensing Order.

²² [Scottish Government Statutory Guidance on electrical installations and appliances in private rented property](#)

²³ [Landlords' guide to electrical safety](#)

²⁴ [Scottish Government Buildings Standards 2017 - Emergency lighting](#)

Water: private supplies²⁵

- 2.45. If your premises is supplied with water from Scottish Water, then you do not need to take any further action in respect of this condition.
- 2.46. If your premises has a private water supply, then you must comply with requirements on the owners of private dwellings in the 2017 Regulations. You can find more information and guidance from the Drinking Water Quality Regulator for Scotland: Guidance on the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017²⁶.

Water: Legionella²⁷

- 2.47. You must assess the risk from exposure to Legionella within your premises, whether or not it has a private water supply.
- 2.48. The Legionella risk assessment does not need to be carried out by a professional; you can do it yourself. The risks from hot and cold water systems in most residential settings are generally considered to be low because water is used regularly and does not stagnate.
- 2.49. You are advised to keep a brief record of what assessment you did, as your licensing authority may want to see it. Your licensing authority may also provide a template legionella risk assessment form which you can use to complete your assessment.
- 2.50. You can find out more on the Health and Safety Executive webpage on legionella and landlords' responsibilities²⁸. As well as specific guidance for hot tubs, pools and spa systems²⁹.

Safety

- 2.51. Generally, you must take all reasonable steps to ensure the premises is safe for residential use³⁰. The Licensing Order and this guidance cannot anticipate every circumstance. Safety may be checked by a suitably qualified council official, such as an Environmental Health Officer. They will tailor any inspections they carry out to the particular circumstances of your premises.

²⁵ Paragraph 8 of schedule 3 of the Licensing Order.

²⁶ [Guidance on the Water Intended for Human](#)

²⁷ Paragraph 9 of schedule 3 of the Licensing Order.

²⁸ [Legionella and landlords' responsibilities - HSE](#)

²⁹ [Control of legionella and other infectious agents in spa-pool systems - HSE](#)

³⁰ Paragraph 10 of schedule 3 of the Licensing Order.

The repairing standard for houses and flats³¹

2.52. Your premises must meet the repairing standard, unless it is unconventional e.g. a yurt, a treehouse, glamping pod, shepherd's hut, etc. The Scottish Government publishes guidance³² to enable you to understand what you need to do. This includes information about what to do if your premises has lead piping.

2.53. The repairing standard requires:

- your premises to be wind and water tight and in all other respects reasonably fit for people to live in
- the structure and exterior (including drains, gutters and external pipes) must be in a reasonable state of repair and in proper working order
- installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order
- any fixtures, fittings and appliances that you provide for guests must be in a reasonable state of repair and in proper working order
- any furnishings that you provide for guests must be capable of being used safely for the purpose for which they are designed
- the premises must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire
- the premises must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health
- the premises must meet the statutory tolerable standard³³

2.54. The Tolerable Standard is the minimum standard for all premises. Premises which do not meet this standard are considered to be unfit for human habitation.

2.55. If you are using your premises for secondary or home letting, you must have a valid EPC certificate issued within the last 10 years. Under building standards legislation, you can be fined for failing to hold a valid EPC certificate for your premises³⁴.

³¹ Paragraph 10(2) of schedule 3 of the Licensing Order, which applies the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006.

³² [The Repairing Standard Statutory Guidance for Private Landlords](#)

³³ [Repairs and maintenance as a private landlord - mygov.scot](#)

³⁴ The Energy Performance of Buildings (Scotland) Regulations 2008. See [Energy Performance Certificates: introduction - gov.scot \(www.gov.scot\)](#).

Maximum occupancy³⁵

- 2.56. You must ensure that the number of guests residing in the premises does not exceed the number specified in the licence.
- 2.57. You should state in your application how many guests you would like to accommodate. Your licensing authority may publish criteria on maximum occupancy to help you work this out for your premises.
- 2.58. The licensing authority will want to consider the number of beds, bedrooms, size of the premises and means of escape. It may wish to visit your premises or ask to see floor plans. Our guidance to licensing authorities encourages them to provide a clear rationale for any documentation they request, ensuring that requirements are proportionate and do not place an undue or unreasonable cost burden on applicants. You should be able to submit floor plans in different formats (including hand-drawn plans) subject to these plans providing the information in a clear way to meet their requirements.
- 2.59. Your licensing authority may specify on your licence that your guests may bring a certain number of small children and these would not count towards the occupancy of the premises. Children above the age limit specified on your licence and any additional children of any age would count towards the occupancy.
- 2.60. Your licensing authority will consider the facts and circumstances of your application and determine the maximum number of guests you can accommodate (and your licence will state this).
- 2.61. However, the licensing authority may also consider:
- a) the maximum number that can be accommodated safely
 - b) the maximum number that can be accommodated within tolerable noise and nuisance standards for neighbours
- 2.62. If they grant your application, they will normally set the lowest number out of:
- the number you asked for
 - the maximum safe number
 - the maximum tolerable number

³⁵ Paragraph 11 of Schedule 3 of the Licensing Order.

Insurance for buildings and public liability³⁶

- 2.63. You must, for the duration of the licence, ensure there is in place for the premises:
- a) valid buildings insurance
 - b) valid public liability insurance for the duration of each short-term let agreement
- 2.64. This condition is important to protect your interests, those of the owner of your premises, neighbours and guests, should any accident, damage or injury occur. You must make sure that insurance cover remains in place for the duration of each short-term let booking.
- 2.65. The buildings insurance must cover the short-term let activity but this could be through your own insurance policy or through a shared policy covering the premises (e.g. for an apartment block) or insurance taken out by the owner.

Payment of fees³⁷

- 2.66. You must pay any fees due to the licensing authority in respect of the licence application. Your licence will also not be renewed if you do not pay the appropriate renewal fee.

False or misleading information³⁸

- 2.67. You must not provide any false or misleading information to your licensing authority.
- 2.68. You must provide all relevant information and be honest in your application and subsequent communications with the licensing authority, for example when:
- your licensing authority asks you about your short-term let activity
 - your licensing authority visits your premises
 - you make a request of the licensing authority to change the terms of your licence
 - you apply to renew your licence

³⁶ Paragraph 15 of schedule 3 of the Licensing Order.

³⁷ Paragraph 16 of schedule 3 of the Licensing Order.

³⁸ Paragraph 17 of schedule 3 of the Licensing Order.

- 2.69. You should provide relevant information about the (anticipated) use of private outdoor facilities, communal areas and communal outdoor facilities, as these can be places of particular concern to residents and neighbours.
- 2.70. It is an offence to provide false or misleading information to your licensing authority. They could suspend or revoke your licence. You might also have to pay a fine, currently up to £2,500.

(e) Additional conditions

- 2.71. Before you apply, check the licensing authority's website to find out whether additional licence conditions may be applied to your licence. These conditions may be specific to you, apply to you and others in similar circumstances or apply to everyone in the licensing authority's area. They might do this is because of particular local circumstances or because there is something special or unusual about your premises. Additional conditions cannot contradict, modify or dilute mandatory conditions.
- 2.72. Licensing authorities should give due consideration whether additional conditions they put in place are relevant, proportionate and justified to the use of the accommodation. Additionally, additional conditions should be reviewed periodically to ensure they continue to remain relevant.

(f) Constructing a new short-term let

- 2.73. A new host who is building accommodation intended for use as a short-term let premises can apply for a provisional licence at the construction stage. The provisional short-term let licence can then be confirmed once the construction is complete and the host provides evidence that they comply with the mandatory licence conditions. This is intended to provide reassurance to lenders at the initial stage but hosts will not be able to take bookings until their licence application is confirmed by the licensing authority once the accommodation is built.
- 2.74. When the provisional licence application is made, it must be accompanied by a provisional planning certificate (a certificate from the planning authority stating that planning permission in principle has been obtained or that no such planning permission is required). Aside from this planning certificate, the application follows the same procedure as an application for any short-term let licence. Where a provisional licence is granted, the licensing authority will advise how long this is granted for. The provisional licence will automatically be revoked if it is not confirmed within 3 years of its issue (although this period can be extended if the licensing authority is satisfied that completion of the construction has been delayed by factors outwith the licence holder's control).

2.75. When construction is complete, the provisional licence holder may then apply to the licensing authority to confirm the provisional licence. The application must be accompanied by the provisional licence, a planning certificate (if planning permission was required), a buildings standard certificate and such other information as the licensing authority may reasonably require. Provided the licensing authority is satisfied that the mandatory conditions and any other conditions it has set have been complied with, the provisional licence must be confirmed. From that point, the host can take bookings.

3. Making an application for a licence

(a) Overview

- 3.1. For each premises, you can apply for one of the following:
- a) a licence for home sharing
 - b) a licence for home letting
 - c) a licence for home sharing and home letting
 - d) a licence for secondary letting
- 3.2. This is because your licensing authority will only grant one type of licence per premises and may treat these applications differently, for example in terms of fees payable.
- 3.3. Accommodation on a single premises may only require one short-term let licence. If you have multiple accommodation units you should check with the licensing authority to find out how many applications you will need to submit and what application fees are applicable. For example, in order to recover the cost of processing a larger single application, licensing authorities may decide to charge higher fees for a single application that covers multiple accommodation units.
- 3.4. The table below is provided as a guide only, as licensing authorities set local policies and consider the circumstances of individual cases.

Premises that may be included on a single licence	Premises that may require individual licences
Several pods, huts or other unconventional dwellings on the same field	Detached, semi-detached or terraced houses
A flat containing multiple individually lockable guest bedrooms	Flats within a shared stairwell
A main house with an attached annex	Separate premises such as outbuildings or converted garages

- 3.5. Home exchanges, 'reciprocal and non-reciprocal' would be considered home letting and would require a licence if it is in the course of business. No licence is required where home-swapping is not in the course of business. Whether an individual's use of their property is in the course of business, and therefore requires a licence, will depend on the circumstances of the case.

(b) Application checklist

- 3.6. Your licensing authority website should have a copy of the application form and instructions about how to complete and submit it.
- 3.7. If you do not include all the information in your licensing application that the licensing authority has requested, you may find your application is returned to you. Annex B of this guidance provides an example of the type of evidence a licensing authority may ask you to provide. On their websites licensing authorities should tell applicants what documentation must be provided with their applications.

(c) Who should be named on the application

Hosts and operators

- 3.8. You, as the host or operator, should be named on the application form.

Owners

- 3.9. The owner(s) of the premises must be named on the application form.
- 3.10. Where premises are jointly owned, all owners must be named on the application form.
- 3.11. Where premises are owned by a business, for example as part of a portfolio, all company directors, partners, or other persons responsible for its management must be named on the application form.

Day-to-day management

- 3.12. Any people that you are asking to carry out the day-to-day management of your accommodation must be named on your application. For example, this might be a spouse, a friend or someone you employ.
- 3.13. If you have a letting agency to manage your premises, then your application form must name the directors, partners or others responsible for the letting agency. However, the employees of the agency do not need to be named.
- 3.14. You do not need to name everyone with any involvement in your arrangements. For example, cleaners and others who enter the premises do not need to be included on your application for that reason alone.

- 3.15. After the licence is granted, you may decide to make different arrangements for the day-to-day management of your premises (such as passing responsibility for the day-to-day management to a letting agency). If so, you must first notify and obtain the approval of your licensing authority.
- 3.16. If you want to appoint a new agent or day-to-day manager of your premises, you should contact your licensing authority to find out how to make that change.

(d) Consent from owners

- 3.17. Where the premises are owned by multiple owners one of the following will be required:
 - a) a declaration from each owner that they consent to the application
 - b) a declaration from a person who is authorised to act on behalf of all the owners

(e) Fit and proper person test

- 3.18. Everybody named on the application form will be subject to the fit and proper person test.
- 3.19. Licensing authorities are responsible for determining whether you are a fit and proper person to offer premises for short-term lets. Your licensing authority is likely to take account of the following:
 - a) relevant criminal convictions and other relevant information from the police
 - b) being disqualified from being a private landlord or having had letting agent or property factor registration revoked now or in the past
 - c) having had a licence for short-term lets or House in Multiple Occupation (HMO) revoked by any licensing authority
 - d) having had an application for a short-term lets licence refused by any licensing authority
 - e) providing false or misleading information in an application for a short-term lets licence, HMO licence or application to be a private landlord
- 3.20. Licensing authorities can also consider any other information they consider to be relevant. They will liaise with the police for information as appropriate. They have powers to request additional information, or make reasonable enquiries, for example to verify the details of all property owners.

- 3.21. The purpose of collecting this information is to assess the fitness of applicants and any agents (or day-to-day managers) to be involved in providing short-term lets.
- 3.22. The purpose of these checks is to: protect neighbours, guests and other people from harm and crime; and to assist the police in law enforcement.
- 3.23. Your application will be refused by your licensing authority if, in their opinion, you (or your agent) are not a fit and proper person to have a licence.

(f) Duration of your licence

- 3.24. The maximum duration for your first licence is three years, this also includes if you have applied for a provisional licence because you are building new short-term let premises. When you apply to renew your licence, your licensing authority could grant it for a longer period. Your licensing authority may grant licences of different durations to different hosts and operators. The reason for this should be set out in the licensing authority's policy.
- 3.25. Different licensing authorities may have different policies and you should check your licensing authorities website for more information.

(g) Fees

- 3.26. You will need to pay a fee with your application. Fee levels are set by licensing authorities, usually agreed by the area's Licensing Committee, Executive or Full Council and made up of locally elected councillors.
- 3.27. The exact fee that you need to pay may depend on a number of factors e.g. how many guests you want to accommodate or the number of bedrooms in your premises. Your licensing authority's website will have information on the fees they charge and the methods of payment they accept.
- 3.28. If you have premises in more than one licensing authority area, the fees you pay may be different, even for a similarly sized property. This is because the number of short-term lets vary across areas and licensing authorities can only set fee levels on a cost recovery basis.
- 3.29. If your application is refused, your fee will not be refunded. However, you may receive a partial refund depending on the authority's policy and how far your application has been processed.

4. How your licensing application will be determined

(a) Relevant considerations

- 4.1. Your licensing authority will look at the following information in assessing your application:
- whether the people named on your application are fit and proper persons to be involved in providing short-term lets
 - evidence that you are compliant (or can secure compliance) with the mandatory conditions
 - whether any additional conditions would be attached to your licence
 - any competent objections received

(b) Confirming the facts of your application

- 4.2. As part of considering your application, your licensing authority will want to check that you and your premises are compliant with the mandatory conditions. They might do this through one or a combination of:
- a visit to your premises
 - asking to see relevant documentation
 - asking you to declare that you have met the conditions
- 4.3. Your licensing authority will check some information with Police Scotland and the Scottish Fire and Rescue Service.
- 4.4. The Scottish Government encourages licensing authorities to take a risk-based approach to assessing applications for a licence. Premises may be visited as part of the application process but this may not always be the case.

(c) Notifying neighbours

- 4.5. You must notify your neighbours about your application for a new licence, and again when you apply to renew a licence. In order to comply with this requirement you will need to display a site notice at or near your premises, so it can be conveniently read by the public.
- 4.6. The site notice must state the following:
- an application has been made for a licence
 - various details including the type of licence applied for, name and address of the applicant and any agents, address of the premises
 - details on how to make objections and representations

- 4.7. The site notice should be displayed for 21 days from the date your licence application was made to your licensing authority.
- 4.8. Once your site notice has been displayed for 21 days you will be required to send a certificate to your licensing authority confirming you have complied. You may wish to consider submitting evidence to demonstrate compliance, such as a time stamped photograph of the site notice in-situ.

(d) Handling objections

- 4.9. Objections may be made by neighbours or any other person who wants to raise an objection.
- 4.10. The primary purpose of the licensing scheme is to ensure short-term lets are safe and take account of local needs and circumstances. Competent grounds for objection to a licensing application may include but are not limited to:
- concerns that the application is inaccurate or misleading
 - concerns about the safety of guests, neighbours or others
 - concerns about noise or nuisance
 - concerns that any actions by or failures to act by the applicant or any manager they have appointed demonstrate that they may not be a fit and proper person to hold a licence
- 4.11. Invalid grounds for objection could include not liking you or not liking short-term lets in general.
- 4.12. Where the objection does not relate to the grounds of refusal for licensing applications, these can be disregarded by a licensing authority.
- 4.13. Your licensing authority will consider any objection which:
- is made in writing
 - specifies the grounds of the objection, or nature of the representation
 - specifies the name and address of the person making it
 - is signed by the objector, or on their behalf
- 4.14. Objections should be made within 28 days of public notice of the application being given, however, objections may be considered after this date if the licensing authority consider there is sufficient reason for doing so. Your licensing authority will send you a copy of any relevant objections and may do this before they are published. You will have the chance to respond to any objections, either in writing or in person.

4.15. Your licensing authority will decide whether or not to hold a hearing in respect of an application. It does not have to do so and you cannot challenge its decision to hold a hearing or not, although you can appeal their decision on your application. If the authority does not hold a hearing, they will give you at least seven days to give your views in writing on all the objections received. It is for the licensing authority to determine whether any objection received has a material impact upon the licensing application.

(e) The licensing committee

4.16. Where the licensing authority decides to hold a hearing this may be authority officials with delegated power to make decisions about licensing applications or a meeting of the licensing committee. The licensing committee comprises a number of local councillors who consider licensing applications for a range of purposes such as alcohol and taxis, as well as short-term lets. The licensing committee is likely to consider many licensing applications in one sitting.

4.17. If your application is considered at a hearing you, and any person who has made an objection, will be given the opportunity to be heard. Your licensing authority will give you, and any objectors, at least 14 days' notice of the hearing date. The meeting may be held in public, so other members of the public can observe the proceedings.

4.18. Objectors will be invited to speak to their objections, and you will be invited to state why your application should be granted.

4.19. You may be asked questions, ahead of the authority deciding whether or not to grant your application. The decision and voting may take place in public or private.

(f) Determining your application

- 4.20. Your licensing authority must grant your application unless there are grounds to refuse it. Possible grounds for refusing your application may include:
- anybody named on your application is disqualified from having a short-term lets licence
 - anybody named on your application is not a fit and proper person
 - some other person is benefiting from the activity who would be refused a licence if they made the application themselves
 - the premises are not suitable or convenient having regard to:
 - a) the location, character or condition of the premises
 - b) the nature and extent of the proposed activity
 - c) the kind of persons likely to be in the premises
 - d) the possibility of undue public nuisance
 - e) public order or public safety
 - f) there is other good reason for refusing the application (this cannot be applied in a blanket fashion without considering the merits of a particular application)
 - g) you cannot demonstrate, or secure, compliance of the mandatory licence conditions
 - h) you cannot secure compliance with any other conditions the licensing authority seek to apply in respect of your application

(g) Timescales for determination

- 4.21. Licensing authorities have 9 months to determine applications beginning with the date on which the application was made.
- 4.22. If your licensing authority fails to determine your application within the timescales set out above, your licence will be deemed to have been granted, unless the licensing authority has been granted an extension by the court. If your licence were deemed to be granted, it would be valid for one year.

(h) Your rights of appeal

- 4.23. You can appeal against your licensing authority's decision by summary application to the sheriff. A Summary Application is made by initial writ and a template can be accessed here ([Form 1](#)). You may wish to familiarise yourself with the relevant [Summary Application Rules](#). You may also wish to seek advice and can contact your local [Citizens Advice Bureau](#) or you

can get contact details for solicitors from the [Law Society of Scotland](#). Sheriff clerk staff cannot give you legal advice in respect of your appeal.

- 4.24. You have to appeal within 28 days from the date of the licensing authority's decision, unless you have a good reason for being late. The sheriff can decide whether to consider a late application for an appeal.
- 4.25. The sheriff may uphold your appeal only if he considers that the licensing authority, in arriving at their decision:
- erred in law
 - based their decision on any incorrect material fact
 - acted contrary to natural justice
 - exercised their discretion in an unreasonable manner
- 4.26. If the sheriff upholds your appeal, the sheriff may either ask the licensing authority to reconsider their decision or change the decision of the licensing authority.

How much does an appeal cost?

- 4.27. You should consider that you may have solicitor costs as well as court fees for lodging the initial writ. However, the sheriff may make an order for one party to pay the other party's costs. For example, the licensing authority may have to pay your costs in making the appeal if the sheriff finds that they acted unreasonably in making their decision. You may be entitled to an exemption from paying court fees depending on your circumstances.

(i) Time limit on reapplying

- 4.28. If your application for a licence is refused, you cannot reapply for a licence within one year of that decision, unless there has been a material change in your circumstances since then. You may be asked by your licensing authority to provide a covering letter setting out any material changes that have occurred alongside any new application made within one year of the decision to refuse your licence.

(j) How your data will be managed

- 4.29. Licensing authorities are responsible for ensuring compliance with UK General Data Protection Regulations, as data controllers and for the storage, handling and disposal of all data related to licence applications they receive.
- 4.30. Certain personal data will be shared, for specific purposes, as follows:

- within and between local authorities, Scottish Fire and Rescue Service and Police Scotland as part of the notification process in order to carry out background checks
- published in public registers of licences (by each licensing authority)
- submissions to Scottish Government, so that data on licences from each local authority can be amalgamated at a national level, and to review against policy objectives. No personal data will be published in Scottish Government reports on short-term letting activity

4.31. Further details on data processing can be found in the [Data Protection Impact Assessment \(DPIA\)](#). Information about the processing of personal data is set out section C of the DPIA.

4.32. The following **personal** information will be published in the register:

- Names and registered offices (where an application is made on behalf of a company / corporate body only)
- Names of any day-to-day managers
- The address of your premises (including postcode and Unique Reference Number (URN))

4.33. It should be noted that the name of individual applicants/ licence-holders will not appear on a register unless they are part of a company, business or trading name, or included in contact details of day-to-day manager (e.g. email addresses)

4.34. Other information about your short-term let will also be published in the register, including the type of short-term let you operate, and maximum number of guests permitted to reside on the premises.

4.35. The following **personal** information from your application or from Police Scotland background checks may be retained:

- your contact details
- the contact details of other people named on your application form
- date and place of birth (for all applicants, and any agent(s))
- unspent convictions involving: fraud and dishonesty; violence; drugs; firearms; and sexual offences

How long will my data be stored for?

4.36. Your licensing authority must not keep your personal data for longer than needed and is responsible for storing your data, then disposing of it when it is no longer needed. Your personal information will only be held for as long as it is necessary for the effective administration of the licensing scheme.

5. Responsibilities upon obtaining a licence

(a) Information to be displayed³⁹

- 5.1. You 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 (if relevant)
 - e) a copy of the Electrical Installation Condition Report
 - f) a copy of the Portable Appliance Testing (PAT) Report
 - g) a copy of instructions as to what guests should do in the event that the carbon monoxide alarms sound
 - h) a copy of safety instructions as to the operation and movement of any mobile heater (if there is a mobile gas cabinet heater in the premises)
- 5.2. How you do this is up to you. You might display the information on a notice board or in a folder containing details about the premises. The important point is that guests can access it easily. You may also wish to consider providing digital copies alongside booking confirmation.

(b) Listings to include licence number, maximum occupancy and EPC rating⁴⁰

- 5.3. You must ensure that any listing 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
 - c) a valid Energy Performance Certificate rating, if you are required to have one for the premises
- 5.4. You must display your licence number on any listing or advert (online or in print). Displaying your licence number will help guests to know that the premises meets the standards of the licensing scheme.
- 5.5. Where you have electronic listings or adverts, for example on your own website or on a platform, you should update your listing or advert as soon as reasonably practicable after receiving your licence number.
- 5.6. Licensing authorities and letting agencies (platforms) will conduct checks to ensure that licence numbers on listings and adverts are genuine and that these requirements are complied with.

³⁹ Paragraph 12 of schedule 3 of the Licensing Order.

⁴⁰ Paragraph 14 of schedule 3 of the Licensing Order.

- 5.7. You should be clear on any advert or listing, and in your booking terms and conditions, on the maximum number of guests that you can accommodate under the terms of your licence.
- 5.8. You must display your EPC rating where you are required to have a valid EPC certificate. This will give your guests an idea about the energy performance of your property and also an indication of how costly the property is to heat, if they have to pay for it.
- 5.9. Listings only need to display the EPC rating, not the full certificate. However, licensing authorities may wish to request a copy of the certificate as part of the licence application verification process. Note that you can be fined for failing to display an EPC rating for your premises on listings under existing building standards legislation.
- 5.10. If your application has been refused or your licence has been revoked, as soon as you are notified, you should take down any adverts or listings for your premises. Using your premises for short-term lets would be an offence (operating without a licence) and your adverts or listings could be perceived or used as evidence of your intention to break the law.

6. Staying compliant

(a) Complying with licence conditions

- 6.1. You are responsible for ensuring that your short-term let activity complies with the mandatory conditions and any additional conditions which your licensing authority attaches to your licence.
- 6.2. It is important to remember that you will need to take further action in the course of your licence, for example making sure that annual and other regular checks are undertaken. You are also responsible for taking all reasonable steps to ensure that your guests comply with your licence conditions.
- 6.3. Failure to maintain the mandatory conditions would be a breach of your licence conditions and you could be fined or lose your licence(s) if you do so. It is important that you keep evidence of how you have complied with the conditions, for example records of safety checks and service visits.

Maintaining standards

- 6.4. You should make sure that you are alert to changes in standards through legislation or guidance that will from time to time occur. Signing up to communications from VisitScotland or a professional or trade body may help to alert you.

Taking premises out of service

- 6.5. Sometimes, it will be necessary to take some of your premises out of service because it has become unsafe (or otherwise does not comply with your licence conditions). This may be because:
 - a guest has caused damage
 - a fire has occurred
 - you are carrying out work which makes (that part of) the premises unsafe whilst the work is carried out
- 6.6. Depending on the nature of the issue, it may mean that one of your guest bedrooms or your whole premises cannot be used. Where you have several lets on one premises (e.g. yurts in a field), you may have taken one out of service but the remainder may be usable.
- 6.7. You can continue to let (parts of) the premises, which comply with your licence conditions but it would be an offence (failing to comply with licence conditions) to let premises, which had become (temporarily) unsafe.

Preventing antisocial behaviour

6.8. You may find that some of your guests exhibit antisocial behaviour in or around your premises, affecting neighbours and the local community. Antisocial behaviour legislation defines it for these purposes as:

A person engages in antisocial behaviour if the person:

- a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance

- b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house

6.9. You might want to consider the following measures:

- setting clear standards so your guests are aware of what might be antisocial in Scotland and in your particular premises (for example this can vary between cultures and some premises may be distinctive)
- investigating any complaints from neighbours
- taking action to advise and warn guests (for example, on reducing noise nuisance)
- enforcing the terms of your booking, for example the non-refund of a deposit for failing to comply with its term
- terminating a short-term let early
- if necessary involving the police (e.g. to tackle drunken aggressive behaviour)

6.10. It is advisable to keep a record of the measures you took as this might help you demonstrate that you remain a fit and proper person to provide short-term lets.

(b) Requesting changes to your licence

6.11. You might want to change the way you provide short-term lets. For example, you might want to:

- change your letting agency or property management company
- make physical alterations to the premises
- increase the number of guests at your premises
- increase the number of rooms you want to use for guests
- change your personal details

- 6.12. You must notify your licensing authority of any significant changes relevant to your licence. Some changes will require the licensing authority's approval before they can happen. It is an offence to fail to notify or seek approval of significant changes. If you are unsure whether your proposed changes require notification or approval, please contact your licensing authority for advice and confirmation of whether a fee will be payable.

Selling your premises

- 6.13. Your licence is specific to you (whether as a person or a company) and your premises. This means you cannot simply hand your licence over to someone else, even if that person has purchased the premises from you and wants to carry on providing short-term lets.
- 6.14. Where you are selling your premises to someone who will use that premises for a different purpose, you should advise your licensing authority that you want to surrender your licence.
- 6.15. If the purchaser wishes to continue providing short-term lets you can apply to the licensing authority to transfer the licence into the name of the third party, subject to there being no objections from the Chief Constable. This will support hosts/operators if they wish to sell by allowing them to market their accommodation as a short-term let (with onward bookings) or if there are other reasons why a licence needs to be transferred such as the licence holder has died and an executor acts on their behalf. Executors of a licence holder are deemed to have a licence for a period of three months, which can be extended on application to the licensing authority in order to allow further time to wind up the estate).
- 6.16. The licensing authority will consult the Chief Constable as part of the transfer application and prospective hosts/operators will not have to apply for a new full licence. The timeframe left to run on the licence will transfer to the new licence holder. For example, if a licence transfers 13 months into a three year licence, the new licence holder will renew the licence after 23 months.
- 6.17. It is important that the transferee understands that the licensing authority will consider the transfer application and consult the Chief Constable to establish if the transferee is a fit and proper person. There should be no presumption that the transfer application will be granted.

(c) Visits to your premises

- 6.18. Your licensing authority may choose to visit your premises and inspect both the premises and any records associated with the conditions attached to the licence.
- 6.19. Reasons for such a visit by the licensing authority may be to:
- consider your application
 - undertake a routine inspection
 - investigate a complaint by a guest or neighbour
 - follow-up on a previous visit to confirm that an issue has been resolved
- 6.20. Your licensing authority must give a reasonable period of notice to you (or your agent) ahead of a routine visit.
- 6.21. You will not be charged a fee for a routine visit. However, you may be charged if a (follow-up) visit is necessary because you have breached one of your licence conditions.
- 6.22. Your licensing authority can make unannounced inspections as a way of ensuring licence terms and conditions are adhered to at all times. An unannounced inspection may be the only way of proving (or disproving) a violation of some licensing conditions (e.g. occupancy). Licensing authorities can enter your premises forcibly if necessary, but would only do so in very unusual circumstances.
- 6.23. Where a visit raises concerns, your licensing authority can require you to take action to put it right. This will usually be done by serving an enforcement notice (“non-compliance” or “improvement” notice). Such notices are likely to specify a date or date(s) by which you should put things right. If you do not take satisfactory action in time, your licensing authority could vary, suspend or revoke your licence.

(d) Suspensions and revocations

- 6.24. Your licensing authority has the power to suspend or revoke your licence. These are serious steps, which are only likely to be taken when you have been given the chance to put things right and failed to do so and/or your guests are at serious risk of harm.
- 6.25. In considering whether to suspend your licence, your licensing authority may make such reasonable enquiries as they think fit. Before making a decision on whether or not to suspend your licence, your licensing authority will consult with Police Scotland and the Scottish Fire and Rescue Service.
- 6.26. Your licence may be suspended whilst the licensing authority considers whether to revoke your licence. If your licence is revoked, you will not be able to make a further application in respect of that premises within one year of the date of revocation.

(e) Renewing your licence

- 6.27. If you want to continue to provide short-term lets after the end of your licence period, you will need to make an application for renewal of your licence before your licence expires. Your licensing authority will set out details of how you should go about this and provide a renewal application form.
- 6.28. You can apply to renew your licence at any time before it expires. If your licence expires before your renewal application is determined, you can continue to use the premises to provide short-term lets until your renewal application is determined⁴¹.
- 6.29. If your licence lapses before you apply, then any subsequent application would be treated as a new application rather than a renewal.
- 6.30. An application for renewal comprises licensing authorities satisfying themselves that:
- a) the matters set out in the application form or previous renewal are still correct and notification of any changes (e.g. around contact details etc.)
 - b) the applicant remains a fit and proper person
 - c) the premises remains in compliance with the licence conditions.

⁴¹ Paragraph 8(5) and (6), schedule 1 of the 1982 Act.

- 6.31. Licensing authorities will also consider requests to make any changes to the terms of the licence.
- 6.32. In common with the application stage, you will be required to display a site notice when you apply for a renewal.
- 6.33. If you request changes to the terms of your licence, then your licensing authority will consider these changes in a similar way as they would for an initial application.
- 6.34. Your licensing authority is likely to charge a fee for a renewal application (unless they operate a subscription model with regular fee payments). The fee may be different to the fee you were charged when you applied previously.
- 6.35. Your licensing authority can change the additional licence conditions attached to your licence at renewal, adding or removing any conditions.
- 6.36. Your licensing authority can grant licence periods of longer than three years on a renewal application. They may do this where a premises has been used for short-term lets with no issues or complaints during the initial licence period.
- 6.37. Licensing authorities will normally grant licence renewal applications where there has been no change in circumstance since the previous application. Remember that a change of circumstances may arise from your activity or premises or from a change in your licensing authority's policies. If your licensing authority does not renew your licence, then you will have a right of appeal.

(f) Surrendering your licence

- 6.38. You can surrender your licence to the licensing authority at any time when you no longer want to use your premises to provide short-term lets.

7. Glossary of terms

7.1. In this guidance, the following terms are used. Please note that this is not a complete list of terms used and defined in the Licensing Order⁴²

“the 1982 Act”	means the Civic Government (Scotland) Act 1982 (references to the 1982 Act are to the provisions of that Act read with the Licensing Order and Amendment Orders)
“the Control Area Regulations”	mean the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (SSI 2021/154)
“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
“control area”	means a short-term let control area designated following the process set out in the Control Area Regulations
“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 their premises to provide short-term lets before 1 October 2022 and who will apply for a licence to continue the same use
“guest”	means a person occupying premises for the purposes of a short-term let
“home letting”	means using all or part of your own 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	means a person or company providing

⁴² The Licensing Order defines accommodation that are excluded from the licensing scheme.

“you”	premises for short-term letting, including commercial landlords (note that the host may not be the owner or person who lives at the premises)
“letting agency”	means an organisation which facilitates the agreement between the host or operator and the guest for use of the premises as a short-term let and which may additionally provide other services (marketing, bookings, queries, cleaning etc.)
“licensing authority”	means an authority responsible for running the licensing scheme, usually a council
“mandatory conditions”	means conditions which licensing authorities must apply across Scotland
“neighbour”	means, for our purposes, someone whose permanent residence is in close enough proximity to a short-term let to have a legitimate interest in its business, e.g. potentially affected by safety, noise, litter, nuisance
“[your] own home”	means [your] principal place of residence, the place where you normally live
“platform”	means an online booking agency
“premises”	means the accommodation and land that would be included on a single licence
“secondary letting”	means a short-term let involving the letting of premises where you do not normally live, for example a second home
“short-term let of a premises”	means the entering of an agreement between a guest and a host for the use of residential accommodation by a guest in circumstances set out in Annex A ⁴³

⁴³ Accommodation is defined at Article 3 of the Licensing Order.

What is a short-term let

1. Introduction

- 1.1. If you are providing anyone with residential accommodation anywhere in Scotland, then you might be providing short-term lets.
- 1.2. In this guidance, premises means any building or structure that you are letting out for residential use or any part of the building or structure. It may be conventional premises like rooms in your home or a whole house, or it may include unconventional accommodation like a yurt, a treehouse, glamping pod, shepherd's hut, etc.
- 1.3. You need a licence for each premises in which you let out accommodation. Premises means accommodation and land on one site
- 1.4. In this guidance, your own home means your principal home (the place where you normally live).

Exclusions

- 1.5. The legislation does set out some exclusions, these are:
 - a) **Licensed accommodation**, under the Licensing (Scotland) Act 2005 where the provision of accommodation is an activity listed in the operating plan, or which otherwise requires a licence for use for hire for overnight stays. If you operate a restaurant with rooms or an inn, for example, which is already licensed specifically to offer accommodation then you are not providing short-term lets. Many hotels are licensed under the 2005 Act and would be excluded. If you provide licensed caravans⁴⁴, you are not providing short-term lets. However, if you have an HMO licence for your premises, you would still need a short-term lets licence if it is also to be used for short-term lets⁴⁵. This is the case whether or not you live at the premises covered by your HMO licence.
 - b) **Accommodation provided by your guests**, for example where they bring their own tent (as opposed to 'glamping' where the tent is normally fixed and provided by the host).
 - c) **Mobile accommodation**, which is capable of transporting your guests at the time of their stay. This would exclude, for example where you hire

⁴⁴ Under the Caravan Sites and Control of Development Act 1960.

⁴⁵ For example, where the premises was used as an HMO for students during the academic year and for short-term lets for the summer.

out canal boats or yachts. However, a previously mobile unit that had been immobilised, such as an old tractor or a caravan in a tree would not be excluded.

- d) **Hotels**, with planning consent to operate as a hotel. Note that the majority of hotels are excluded because they are licensed to provide accommodation under the Licensing (Scotland) Act 2005 (see (a) above). Please see Annex A, paragraph 1.9 for clarification of what this means for guest houses with planning consent to operate as a guest house.
- e) **Foster arrangements**, foster children are treated as immediate family members and, even if the accommodation is not the main residence of the foster child, a licence will not be required.

1.6. The following types of more specialist types of accommodation are also excluded⁴⁶:

- a) **Aparthotels**, comprising five or more serviced apartments in a residential building. (Note that serviced apartments are defined in the Licensing Order⁴⁷.)
- b) **Health and care accommodation**, such as residential care homes, hospitals and nursing homes.
- c) **Guest rooms in health and care accommodation**. This also includes guest rooms that are available for people visiting residents in specific types of residential accommodation where personal care is provided or sheltered housing. Examples included within this are: guest rooms in hospitals, guest rooms in nursing homes and guest rooms in sheltered housing.
- d) **Educational accommodation**, such as residential schools, colleges, training centres and purpose-built student accommodation. Student halls of residence, for example, are excluded but houses and flats which are normally let to students are not excluded.
- e) **Secure residential accommodation**, including prisons, young offenders institutions, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation or military barracks.

⁴⁶ Set out in Schedule 1 of the Licensing Order.

⁴⁷ Paragraph 3 of Schedule 1 of the Licensing Order.

- f) **Hostels and refuges.** A hostel provides residential accommodation and food, or shared facilities to prepare it, other than in a house. Refuges include accommodation for people escaping domestic violence, for example.
 - g) **Shift accommodation.** Accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties. This excludes accommodation provided by companies and other bodies to employees as part of a contract or to help them perform their duties. For example, caretakers or workers on an oil rig (insofar as the accommodation is within Scottish territorial waters), where shifts extend into multiple days.
 - h) Accommodation that is provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household.
- 1.7. Timeshare resorts and accommodation operate under diverse ownership and rental models; therefore, exclusion from requiring a short-term let licence must be assessed on a case-by-case basis.
 - 1.8. Excluded premises extends to premises which is part of any of the above. So, for example, self-catering accommodation in the grounds of a licensed hotel would also be excluded if it was included on the operating plan when the hotel was assessed for a licence under the Licensing (Scotland) Act 2005 or a subsequent variation.
 - 1.9. Unless specified as exempt, under Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, short-term let accommodation will require a licence to operate and this includes guest houses.
 - 1.10. The exemption of hotels with planning permission to operate as a hotel at 8.6(d) has two components to it. Whether 1) the accommodation is a hotel and 2) it has planning permission to operate as a hotel. Hosts should take their own legal advice to consider if they meet both components for this exemption.
 - 1.11. As part of enforcement activities, other information about short-term accommodation may determine whether an exemption is applicable. This may include information such as the core description of the premises held by the Scottish Assessors Association (SAA) for the purposes of non-domestic rates, which applies different practice notes for the valuation of hotels compared to guest houses.

- 1.12. The first point should therefore be established irrespective of point two - whether the premises can be considered to have planning permission granted for use within Planning Use Class 7 (this use class covers hotels and guest houses).
- 1.13. If you think any of these exclusions might apply to you, then please refer to schedule 1 of the Licensing Order and the Policy Note⁴⁸ for more information.

Types of short-term let

- 1.14. The legislation defines four types of short-term let as follows:
- **home sharing** means using all or part of your own home for short-term lets whilst you are there;
 - **home letting** means 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** means the letting of premises where you do not normally live, for example a second home; and
 - **home letting and home sharing** means you operate short-term lets from your own home while you are living there and also for periods when you are absent.

Questions to consider

- 1.15. The definition of a short-term let is set out in the Licensing Order and explained in the accompanying Policy Note. The following questions will guide you through the definition. You might also find it helpful to refer to the application checklist at Annex B.

Have you made an arrangement in the course of business?

- 1.16. Having a friend over to stay with you would not normally be an arrangement in the course of business.
- 1.17. You do not need a licence to advertise a premises for short-term lets but you do need a licence to accept bookings (making the agreement).

⁴⁸ [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

Is it the guests' only or principal home?

- 1.18. If you are letting out premises to your guests as their only or principal home, then it is not a short-term let. For example, if you are letting out your premises as a private residential tenancy then that is not a short-term let. It does not later become a short-term let, even if it is no longer their only or principal home. For example, where a tenant moves to a different place but retains the tenancy. The accommodation would no longer be the tenant's only or principal home but the tenancy can persist.
- 1.19. There are other tenancies, such as agricultural, crofting and social housing which are also likely to be the tenants' only or principal home and therefore excluded⁴⁹.
- 1.20. Providing accommodation to a lodger in your own home (where it is the lodger's only or principal home) is also excluded.

How long are your guests staying?

- 1.21. This is not a relevant consideration in assessing whether or not you are providing short-term lets. A short-term let can be for one night or for several months. Remember that it is not a short term let where it is the guest's only or principal home.

Are you charging your guests?

- 1.22. If you are providing your premises for free, then you are not providing short-term lets. However, the following arrangements would not count as free use of the premises and could potentially be a short-term let:
- where the guests do work for you or provide a service in lieu of payment and the work or service was not the principal reason for their stay (e.g. offering to mow the lawn in lieu of payment)
 - where the guests provide you with goods of value in lieu of payment
 - where you suggest a donation as part of the agreement
 - where you engage in home swapping in the course of business
- 1.23. A "thank you" gift provided at the initiative and discretion of the guests (as often happens when a friend comes to stay) does not count as a charge.

⁴⁹ See paragraph 2 of schedule 1 of the Licensing Order.

Are your guests related to you?

- 1.24. If you are letting the premises to immediate family⁵⁰, then this is not a short-term let. Immediate family is specifically defined in the Licensing Order. It is not a short-term let if one of the guests in the let:
- a) is your partner
 - b) is your or your partner's: parent or grandparent's child or grandchild, or brother or sister
 - c) is the partner of one of your: parents or grandparents, children or grandchildren, or brothers or sisters
- 1.25. In this definition:
- partner means spouse, civil partner or someone you live with as if you were married to them
 - children with one parent in common are to be regarded as siblings
 - stepchildren and foster children are to be regarded as children

Are your guests staying to work for you?

- 1.26. There are some exclusions if your guests are staying principally to provide services to you or work for you or members of your household.
- 1.27. It is not a short-term let where your guests live with you for the principal purpose of providing work or services to you. For example, if you have somebody to live with you to provide you with health or personal care, this would not be a short-term let. However, this does not extend to any guests doing any work. If your guests mow the lawn to help out whilst staying, this is not the principal purpose of their stay and does not preclude it being a short-term let.
- 1.28. The same applies in respect of guests living in other premises. For example, if you provide a cottage for the use of a seasonal agricultural worker (e.g. night lamper) for the purpose of doing work for you, then this would not be a short-term let. However, this exclusion does not apply if you are providing accommodation for the guests to work for someone else.

⁵⁰ Article 2(3) and 2(4) of the Licensing Order.

Are your guests staying for educational reasons?

- 1.29. There are some exclusions if your guests are staying principally to advance their education.
- 1.30. It is not a short-term let where your guests live with you for the principal purpose of advancing their education and the arrangement has been a made or approved by a school, college, further or higher educational institution (such as a university). This excludes students living with a family for the express purpose of improving their English, for example. The reason for excluding these arrangements is that the student is more like a family member than a guest.

What kind of premises are you offering?

- 1.31. Broadly speaking, if you are letting premises that is part or all of a home or something more unusual, it is likely to be a short-term let. However, if you are offering institutional accommodation or are otherwise regulated then it is probably not. It does not really matter what you call your premises, as terms such as bed-and-breakfast and hotel are not well-defined. This guidance cannot cover every permutation – if your circumstances are unusual, you may wish to contact your licensing authority or consider getting your own legal advice.

Example Application checklist

Your licensing authority will set out the detail and format of any documentation that must accompany your application. This checklist provides an example of what you need to do and the relevant information you may be required to submit with your licensing application.

Your licensing authority should publish guidance about making an application on its website, which may include a checklist. You can find out which local authority your premises is located in by entering the postcode at the following webpage: [Find your local council - GOV.UK \(www.gov.uk\)](http://www.gov.uk) Getting your application right first time will help you to get a decision more quickly.

Preliminary

I have checked the definition of short-term lets and I need to obtain a short-term let licence before I take bookings and receive guests	
I know which type of licence I want to apply for. This will be one of the following: <ul style="list-style-type: none"> • home letting • home sharing • home sharing and home letting • secondary letting 	
I have identified my licensing authority based on the address of my premises	
I have taken reasonable steps to be confident whether or not use of my premises as a short-term let is a material change of use for planning purposes and have secured any evidence that may be required for my short-term let licence application.	

Applicants

I have identified the owners and those involved with the day-to-day management of my premises.	
I have the permission of the owners of the premises (or their representative) in writing to use it for this purpose.	
To the best of my knowledge, I and the other people I will name on my application are fit and proper persons.	
I have contact details for the people and organisations I will name on my application form.	

Mandatory conditions

Responsibility for the premises	Agents – I have named those involved with the day to-day management of my premises.	
General safety and standards	General safety – I have taken all reasonable steps to ensure the premises are safe for residential use.	
	Occupancy - I know how many guests I want to accommodate and I consider that I can do this safely. I have checked what documentation the licensing authority may ask me to submit (for example it may require floor plans – these can be hand-drawn).	
	Repairing standard – I have worked out whether my premises is a dwellinghouse and whether the repairing standard applies to me. <i>[If relevant]</i> My premises meet the repairing standard.	
	<i>[If relevant]</i> EPC – my premises has a valid EPC certificate issued within the last 10 years.	
Fire safety	Fire safety: premises – I have installed satisfactory equipment to detect and warn against fire or suspected fire, and carbon monoxide.	
	Fire safety: furniture and furnishings - my furniture and furnishings / furniture and furnishing guests have access to comply with fire safety regulations and I have records that demonstrate compliance.	
Gas safety	<i>[If relevant]</i> Gas safety – I have an up to date Gas Safety Certificate (dated within the last 12 months).	
Electrical safety	Electrical safety – I have made sure my electrical fittings and items are in good working order.	
	arranged for an electrical safety inspection to be carried out by a competent person.	
	obtained an Electrical Installation Condition Report on any fixed installations.	
	obtained a Portable Appliance Testing (PAT) Report on moveable appliances to which my guests have access and labelled inspected items.	

Water safety	Water supply – I have established that my premises are supplied with water by Scottish Water or I have established that my premises has a private water supply and I comply with the relevant regulations.	
	I have completed a legionella risk assessment .	
Other	Information for guests – I have prepared information for guests and know where I will put it for them on the premises. This includes information about what to do if the carbon monoxide alarm sounds.	
	Planning permission – I have established whether I need to submit evidence that I have planning permission (or a certificate of lawful use of development) or have made a planning application.	
	Listings: licence number – I have made plans to display my licence number on adverts and listings.	
	<i>[If relevant]</i> Listings: EPC rating – I will display my EPC rating on adverts and listings.	
	Buildings insurance – I have valid buildings insurance in place for the premises.	
	Public liability insurance – I have checked that there is valid public liability insurance in place whilst my premises is let as a short-term let.	

Additional conditions

I have checked whether my licensing authority has any additional licence conditions and I can comply with the ones that are likely to apply to me	
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Other matters to consider

Food safety - I understand the food hygiene and safety rules that apply to me.	
I comply with legal requirements that relate to fire safety set out in the Fire (Scotland) Act 2005 –	
I have checked the title deeds of my premises.	
I will declare my income from my short-term let activity for tax purposes.	
I have checked with my lender that I am allowed to use my premises for this purpose.	
I am complying with other legal requirements that affect me, my business or my premises.	
I have considered engaging with my neighbours	

Fees

I know the fee that I will be charged and I am ready to pay it with my application	
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