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Convener
Local Government, Housing and Planning Committee
Scottish Parliament
Edinburgh
EH99 1SP

19 August 2021

Dear Convener,

SHORT-TERM LETS: LICENSING ORDER

I am writing to update you on revised plans for the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021.

This legislation is to establish a short-term lets licensing scheme across Scotland. The purpose of the licensing scheme is to ensure short-term lets are safe and address issues faced by neighbours; to facilitate licensing authorities in knowing and understanding what is happening in their area; and to assist with handling complaints effectively.

You will recall that I wrote to the Committee on 21 June, setting out plans to consult on the draft Licensing Order over the summer with a view to laying the Order in September. I am writing to advise that our plan is now to lay the Licensing Order in November, and to explain the reasons for this change.

We remain committed to getting this legislation absolutely right. Our intention to lay the Licensing Order in September was predicated upon the consultation only highlighting minor points for revision. The consultation closed on 13 August and the Scottish Government received more than 1,000 responses to it. Whilst many of the points raised are familiar from previous consultations, there are some points that require careful consideration, especially if the competency of the legislation is being questioned. We also want to take the time to review all the consultation responses carefully to see what we can do to address genuine stakeholder concerns.

We established a stakeholder working group to develop guidance on the licensing scheme and control areas that was clear, comprehensive and easy to understand. As part of this,

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the Scottish Government set out to allay any unfounded concerns and actively explore solutions to any real issues, with a view to making any necessary adjustments to the Licensing Order. Our consultation draft Licensing Order included revisions following suggestions from working group members. For example, we listened to concerns around the financial burden that the imposition of energy efficiency standards would have placed on short-term let operators; this was one of the major concerns of traditional bed and breakfast operators, self-caterers and others with the first version of the Licensing Order (withdrawn in February).

Following the fourth meeting of the working group on 4 August, four members of the group - the Association of Scotland's Self-Caterers, Airbnb, the Scottish B&B Association, and the UK Short Term Accommodation Association – resigned from the group. This was very disappointing, given the level of engagement we have had with these organisations and our efforts to respond to their concerns and make changes to legislation and guidance, where they did not detract from the purpose of the licensing scheme. I will shortly be writing to the Short Term Lets Stakeholder Working Group to explain our approach and correct some misunderstandings. I will copy you into that letter for your information.

Notwithstanding the change to the laying date, we intend to keep to the implementation timetable that I set out in June. That is to say, licensing authorities will have until 1 October 2022 to establish a licensing scheme; existing hosts and operators must have applied for a licence by 1 April 2023 in order to keep operating; and all short-term lets must be licensed by 1 April 2024.

My officials would be happy to offer Committee members an informal briefing before the Licensing Order is laid in order to give members the chance to explore the policy thinking behind our proposals.

I hope the Committee finds this information helpful.



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