

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates the grant of an agreement for the use of residential accommodation (or a part of the accommodation) by a guest where certain conditions are met as an activity for which a licence is required under the Civic Government (Scotland) Act 1982 (“the Act”) (article 3). The licensing regime does not apply if the accommodation falls within one of the categories of excluded accommodation set out in schedule 1.

The licensing provisions in Part 1 of the Act (including schedule 1) will apply to such licences with the modifications set out in schedule 2 of the Order—

Paragraph 1 provides for a procedure for officers of the licensing authority to obtain a warrant to gain entry to premises.

Paragraph 2 requires the inclusion of additional information in application forms.

Paragraph 3 enables the licensing authority to exempt premises from the requirement to have a licence for a particular occasion or for up to 6 weeks each year.

Paragraph 4 provides a process for the licensing authority to give notice of an application to neighbouring properties or alternatively to publish notice of the application. A licensing authority may combine the notice process with a planning notice.

Paragraph 5 allows the licensing authority to refuse the application if it considers the use of the premises for a short term let would breach planning control.

Paragraph 6 provides for additional grounds on which the licensing authority may refuse an application.

Paragraph 7 allows the licensing authority to renew a licence for longer than 3 years.

Paragraph 8 creates a process for the licensing authority to serve an enforcement notice where there has been a breach of the licence conditions.

Paragraph 9 creates a simplified process for a licence holder to apply for a licence within 12 months of having surrendered an equivalent licence.

Paragraph 10 provides for the inclusion of additional information on a public register.

Paragraph 11 sets out the fees which the licensing authority is entitled to charge.

Paragraph 12 requires the licensing authority to give reasons for the issue of an enforcement notice. That has the effect of allowing appeal against the issue of an enforcement notice under paragraph 18 of schedule 1 of the Act.

Article 6 and schedule 3 set out certain mandatory licence conditions which must be included in a licence. In addition, the licensing authority has discretion under paragraph 5(1A)(b) of schedule 1 of the Act to include other licence conditions.

The Order requires the designated activity to be licensed from 1 April 2022 but transitional provision is made for persons carrying on the designated activity prior to 1 April 2022 where an application is made before 1 April 2023 for the grant of an appropriate licence (article 7). In such a case, the activity may be carried on (without a licence) until the licensing authority has made a decision on the licence and, where a decision to refuse an application is then appealed, until that appeal has been disposed of.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.

A regulatory impact assessment has been prepared in respect of this Order. A copy of it can be obtained from the Scottish Government Housing and Social Justice Directorate, Victoria Quay, Edinburgh, EH6 6QQ. A copy has also been published on the Scottish Government website at [www.gov.scot](http://www.gov.scot).