

Short-Term Lets in Scotland
South Lanarkshire Council
Responses to Consultation on Draft Policy

Summary of Comments received	Response
There were a total of four responses to the consultation. Two respondents provided detailed comments on the legislation and its impact on them and did not comment on the draft policy.	The comments related to dissatisfaction with the legislation and not to the draft policy. Local authorities have no discretion in relation to the statutory requirement.
Two respondents provided the same comments on the draft policy as below. The paragraph numbers refer to the numbering on draft policy:-	
5.2 Does this apply to existing Class 9 B&Bs? If so, this seems to be a particularly onerous step that prevents owners from getting on with applying directly for a licence as an existing home share.	Paragraph 5.2 has been amended, following consultation, as follows:- <i>5.2 Outside of a control area the introduction of a short term let within a dwelling house may involve a material change of use requiring planning permission. This is determined on a case by case basis. Hosts and Operators should engage with the Council's Planning Service before submitting an application for a licence to find out if planning permission is needed. This may involve the submission of an application for a certificate of lawfulness. If required the planning permission or certificate of lawfulness must be provided with your application.</i>
6.1 The fees are very high.	The fees have been set by comparison to other similar licences and benchmarked with other local authorities. They will be reviewed in 2023 following implementation of the new licence.
7.5 If the application for a licence triggers a notification to the Planning Department, why do owners have to do this in advance as in 5.2? This	Please see amended paragraph 5.2 above.

<p>would seem an unnecessary duplication of effort on the part of owners and on the part of the Planning Department who are ostensibly receiving the same application twice.</p>	<p>The Scottish Government Guidance for Hosts and Operators advises prospective applicants as follows:-</p> <p><i>2.3. You are advised to check whether you need planning permission to use your property to provide short-term lets, see the planning guidance. Your licensing authority can refuse to consider your application if it looks like you need planning permission and you do not have it.</i></p>
<p>7.6 The policy does not make it clear under which circumstances a licence may be refused. Could examples be given in the appendix?</p>	<p>A new paragraph 19.5 and Appendix 2 have been added to the Policy to take account of this comment.</p>
<p>9.2 The policy does not detail the circumstances that would require an inspection from the aforementioned bodies.</p>	<p>This will be discretionary on the part of the consultees.</p>
<p>10.1 It would be useful to state the 3 year period in the table of fees as this does make the costs less onerous.</p>	<p>Section 6.1 has been amended to show that the fees cover the three year period of the intended duration of the licence.</p>
<p>Appendix 1 Will any support be given for covering the cost of additional checks such as PAT testing and obtaining energy performance certification?</p>	<p>This is not a matter for the licensing authority. The licensing authority is not aware of any support available at present.</p>

