

ITEM No ...4(a).....

REPORT TO: LICENSING COMMITTEE

REPORT ON: SHORT-TERM LETS LICENSING SCHEME

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 341-2022

1.0 PURPOSE OF REPORT

1.1 To seek Committee's approval of the Council's Short-Term Let Licensing Scheme.

2.0 RECOMMENDATIONS

2.1 It is recommended that Committee approves the Short-Term Let Scheme (as attached in Appendix 1) and remits the Executive Director to implement this Policy accordingly.

3.0 FINANCIAL IMPLICATIONS

3.1 It is proposed to set the licence application fees as shown in Appendix 1 (Paragraph 4) in order to cover the costs of the associated application process and inspections.

4.0 MAIN TEXT

4.1 BACKGROUND

4.2 The Scottish Government has introduced legislation (The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022) for all short-term let properties to require a licence to ensure they are safe and the people providing them are suitable. All Local Authorities will be required to establish a short-term lets licensing scheme by 1 October 2022.

4.3 The Scottish Government advises that this legislation was developed in response to concerns raised by residents and communities about the impact of short-term let properties on their local communities, including noise, antisocial behaviour and the impact on the supply of housing in some areas.

4.4 In addition to the legislation, the Scottish Government has also issued guidance for hosts and operators – the Short Term Lets Licensing Scheme Part 1, and supplementary guidance for licensing authorities, letting agencies and platforms – the Short Term Lets Licensing Scheme Part 2. The Council's Short-Term Let Licensing Scheme is based on the guidance from within both of these documents.

4.5 A short-term let may be defined as any residential property, or part of a property which is provided to guests as residential accommodation. From 1st October 2022, all new hosts and operators will need to have a licence. Existing hosts/ operators have until 1 April 2023 to apply for a licence if the accommodation the licence is for, was used as a short-term let before 1 October 2022. All short-term lets in Scotland will need to be licensed by 1 July 2024.

4.6 It is recognised that the types and numbers of short-term lets will vary across Scotland and the guidance is designed to help local authorities to implement a scheme which is customised to the licensing authority's local policies and the needs and circumstances of the licensing authority's local area.

4.7 Local Authorities may grant temporary exemptions to the requirement to have a licence. They can do this for a specified single continuous period not exceeding 6 weeks in any period of 12 months. This option can be applied to accommodate a large influx of visitors over a short period to support sports championship competitions and arts festivals, for example.

4.8 Any licence issued by a Local Authority will include Mandatory Conditions and these will relate to areas including:

- Fire safety
- Gas safety
- Electrical safety
- Day-to-day management of the short-term let
- Maximum occupancy.

Additional conditions can also be included where any specific locational circumstances apply.

5.0 POLICY IMPLICATIONS

5.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

6.0 CONSULTATIONS

6.1 The Council Leadership Team were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

7.1 None.

Elaine Zwirlein
Executive Director of Neighbourhood Services

Tom Stirling
Head of Community Safety & Protection

26 SEPTEMBER 2022

In view of the timescales involved this report was approved by the Executive Director of Neighbourhood Services in consultation with the Convener of the Licensing Committee, Labour Group Spokesperson, Liberal Democrat Group Spokesperson and the Scottish Conservative and Unionist Party Member.

Elaine Zwirlein

30th September, 2022

Executive Director of (Neighbourhood Services)

Date

Stewart Hunter

30th September, 2022

Convener of Licensing Committee

Date

Fraser Macpherson

3rd October, 2022

Liberal Democrat Group Spokesperson

Date

George McIrvine

3rd October, 2022

Labour Group Spokesperson

Date

Derek Scott

1st October, 2022

Scottish Conservative and Unionist Party Member

Date



DUNDEE CITY COUNCIL – SHORT TERM LETS LICENSING POLICY STATEMENT

GUIDANCE NOTES AND STANDARDS FOR ACCOMMODATION

GUIDANCE NOTES

Before lodging an application for a licence for a Short-Term Let (STL), please ensure that you have read these Guidance Notes and Standards for Accommodation. If you wish any further advice regarding the Licensing Scheme or the relevant standards, please contact Private Sector Services Unit, STL Team, 5 City Square, Dundee, DD1 3BA. (01382 436832/6842 short-termlets@dundee.gov.uk)

THE LICENCE APPLICATION MUST BE MADE BY THE OWNER(S) OR OPERATOR(S) OF THE PROPERTY

1. The Licensing Scheme is with effect from 1 October 2022, and accordingly, a Licence for a Short Term Let is required.
 - a) You need to determine which type of licence (See Note 3 below) you are applying for:
 - i. A licence for home sharing
 - ii. A licence for home letting
 - iii. A licence for home sharing and home letting
 - iv. A licence for secondary letting
 - b) A separate licence is required for each premises in which you provide accommodation.
 - c) You may only offer the type of short-term let for which the licence has been granted.
 - d) The Host or Operator as well as all owners must be named on the application form. In the case of a business, all company directors, partners, or other persons responsible for its management must be named on the application form.
 - e) Where accommodation or a dwelling is owned by multiple owners, all owners must sign the application or provide a separate declaration that they consent to the application. A declaration may be made by a person authorised to act on behalf of an owner(s).
 - f) Any individuals involved in the day-to-day management of the property must be named on the application form. If an agency is carrying out the day-to-day management, all company directors, partners or other persons responsible for its management must be named on the application form.
 - g) Any proposed variation to a licence already granted will require a variation to a licence application to be submitted and approved prior to the variation being implemented.

- h) Everyone named on the application will be subject to a Fit and Proper person test, carried out by Police Scotland.
- i) **It is an offence, without reasonable excuse, to carry on any activity for which a licence is required without having such a licence. Depending on the activity, different punishments apply. The default is a fine not exceeding level 4 (£2500) on the standard scale. The Scottish Government intends to increase the maximum fine to £50,000 through provision in a suitable Bill, early in the Scottish Parliamentary session 2021-26. The Scottish Government also intends to make provision for imprisonment as a last resort for hosts who continue to operate without a licence. Failing to comply with a licence condition, failing to notify a material change or making a false statement all attract fines on the standard scale.**

Listings and Advertisements

- 2. You must ensure that any listings 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; and
 - c) A valid Energy Performance Certificate rating where required.

Terminology

- 3. Definitions, for the purposes of this guidance

“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;
“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 the premises to provide short-term lets before 1 October 2022 and who will apply for a licence to continue the same use by 1 April 2023. Existing hosts can continue to operate if they have submitted an application that has yet to be determined;
“New Host”	Means a host or operator who was not operating before 1 October 2022. A new host cannot operate a short-term let until a licence has been granted;
“Guest”	Means a person occupying accommodation for the purposes of a short-term let;
“Home Letting”	Means using all or part of your 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 “You”	Means a person or company providing accommodation for short-term letting, including commercial landlords (note the host may not be the owner or person who lives at the property);

“Applicant”	Means the person, persons or company making the application for a short-term let licence;
“Secondary Letting”	Means a short-term let involving the letting of accommodation where you do not normally live, for example a second home;
“Premises”	Means the property and land on one site, normally premises have their own postal address;

Application and Fees

4. The fees for an initial application and 3 yearly renewal of the licence are as follows:

Guest Capacity	Home Sharing and Home Letting Licence	Secondary Letting Licence
1 - 2	£310	£310
3 - 4	£620	£620
5 - 6	£930	£930
7 - 8	£1240	£1240
9 - 12	£1860	£1860
13+	£3100	£3100

Where a current HMO licence is in place, fees will be discounted by 50%

The fees indicated above include the following services:

- a) Licence processing, including Public Notices and Committee referral. As well as the Site Notice, posted outside the premises by the applicant for New and Renewal applications, a notice will be placed in the local press by the Council for New applications. In the case of Renewal applications, the application will be advertised on the council’s website for a period of 21 days, instead of in the local press. An application can only be submitted to the Licensing Committee after the expiry of the 21- day notice period commencing from either the date of the site notice, press notice or advertisement on the council’s website, whichever is the later.
- b) Fit and proper person test, carried out by Police Scotland, of everyone named on the application.
- c) Initial inspections by the PSSU and as required by the Scottish Fire and Rescue Service and other Council Departments, with a maximum of 2 additional inspections/visits. Further inspections by PSSU, associated with the application, complaints or a breach may incur an additional fee charge of £80 per visit.
- d) Random inspections and enforcement during the lifetime of the licence.

The application will not be processed until a competent application and the relevant fee has been paid. Fees are non-refundable. However, where an application is withdrawn, prior to being referred to the Licensing Committee or is refused, a refund of 50% of the application fee will be made. Where an application is refused, a refund will be made only once the decision to refuse an application is made final. A decision to refuse will be made final either if no appeal to the Sheriff is lodged or any such appeal is unsuccessful.

An application to vary a licence is required in the circumstances listed below, to enable a new licence to be granted.

- e) Change of ownership prior to Licensing Committee
- f) Change of day-to-day manager
- g) Change of occupancy
- h) Change of physical layout to property

A fee of £155 is made for the issue of a new licence.

Where any terms of the original licence are varied on an application, any terms and conditions not affected by the variation shall continue as stated on the original licence including the date from which the original licence took effect. Where there is a change of ownership after the award of licence, a new application is required and the full appropriate fee paid.

5. Completed initial applications (and where appropriate Renewal and Variation applications), including the Scottish Fire & Rescue Service checklist, **must** be accompanied by the following documentation (an application will be considered incompetent unless accompanied by this information) and submitted by email to the Electoral Registration and Licensing Office (licensing.board@dundee.gov.uk) 21 City Square, Dundee, DD1 3BY Tel: 01382 434444):
 - a) An accurate plan of the premises indicating the following:
 - i. The use and dimensions of each room.
 - ii. Maximum guest occupancy of the sleeping accommodation.
 - b) Details (i.e. evidence of current cover) of your existing insurance arrangements for the premises, and Public Liability Insurance to a minimum cover of £5m per dwelling (see note 52)
 - c) Current Electrical Certificates of Compliance: Electrical Installation Condition Report (EICR) and a current Portable Appliance Test (PAT) Certificate (see notes 42-45).
 - d) Gas Certificates of Compliance (see note 46-48).
 - e) EPC Certificate (see note 26).
 - f) A Legionella Risk Assessment (see note 39).
 - g) Evidence of operating as a STL prior to the 1 October 2022 where the application is for an existing STL.
 - h) Completed Scottish Fire & Rescue Service Fire Safety Checklist.
6. The Public Notice enclosed with the application form, suitably protected from the elements, must be prominently displayed on or near the short-term let property, for both Initial Applications and Renewal Applications. It should be displayed so that it can be conveniently read **from the public footpath** for a period of 21 days from the date the application is lodged with the Council.
7. After the notice has been displayed for 21 days, a certificate of compliance (also enclosed with the application form) must be completed and the whole notice returned, electronically, to the Electoral Registration and Licensing Office (licensing.board@dundee.gov.uk) 21 City Square, Dundee, DD1 3BY (Tel: 01382 434444). If the Notice is removed, obscured or defaced, it should be replaced as soon as possible and the details recorded on the Certificate of Compliance. (see note 15)
8. The processing of an application will, as required, involve consultations with PSSU, Building Standards, Planning, other Council departments Department, Police Scotland and the Scottish Fire and Rescue Service (SFRS).
9. Where the Council's Planning Authority raise a valid objection to an application, the application will not be processed and will be the subject of a **Preliminary Refusal** pending verification that the necessary permission has been obtained. Where a host or operator subsequently obtains planning permission (or a certificate of lawfulness of use or development) and re-submits their application within 28 days of obtaining planning permission, no additional fee will be charged. Applicants will be advised in writing that their application is subject to a Preliminary Refusal.

Application Process

10. Once an application is made, DCC will endeavour to carry out all necessary inspections on a single day. This date will be confirmed in advance. A report will subsequently be compiled by PSSU and this report will be sent to the applicant. As part of the inspection process, the Scottish Fire & Rescue Service checklist, completed by the applicant will be forwarded to SFRS. This will enable SFRS to determine whether they need to carry out a separate audit of the premises. Should a separate audit be carried out, SFRS will advise you of the outcome and of any necessary additional fire safety requirements which will require to be carried out prior to a licence being granted. DCC have up to 12 months to determine the application (refuse or grant the application). Currently we aim to issue a report to the applicant within 3 months of submission of an application, subject to gaining access.

The report will detail any works, which must be completed prior to the licence application being dealt with under delegated powers or referred to the Licensing Committee for determination.

Where the property is fully compliant and no objections or representations are received, it will be dealt with under delegated powers. Where objections or representations are received the application will be referred to the Licensing Committee for determination. The latest date for referral to committee, where the application has not been granted under delegated powers, will be 10 months after the application has been received to enable the committee to consider deferral should they wish additional information or to arrange a site visit. **The applicant is responsible for ensuring that all necessary work is satisfactorily completed and that the relevant officers have the opportunity to inspect the completed work, at the latest, 4 weeks prior to the identified Committee date.**

11. Where objections or representations are received from the public, other authorities or PSSU, the application will always be referred to the Licensing Committee.

Delegated Powers

12. All new applications, renewal applications and variations for Short-term Let Licences will be dealt with by the Head of Democratic and Legal Services in consultation with the Convenor of the Licensing Committee under delegated powers unless (i) there is no named managing agent for the premises or the named agent or self-managing owner is not an existing host/operator; (ii) the application would be in potential breach of the Council's standards and policies on the licensing of short-term lets and (iii) there are representations, objections or any other adverse comments or issues relating to the application. Where applications are to be dealt with under delegated powers, the applicant and/or agent will be advised, by Support Services, prior to the relevant Licensing Committee at which they would normally have been considered and will not be required to attend the Committee. For those being referred to the Committee, the applicant and or agent will be cited to attend the committee. New licences and variations granted under delegated powers will be granted from the date of the Licensing Committee that they would otherwise have been referred to.

Short-term Let Control Areas

13. The Scottish Government introduced discretionary powers for local authorities to establish short-term let control areas. This mechanism is intended to assist where STLs are significantly reducing the availability of residential stock in the area.

No significant or city-wide issues are evident in Dundee and there is no intention to focus resources on designating a control area at this time. It is, however, our intention to monitor impact of STLs on an individual basis, and if the need arises in the future, a STL Control Area can be established.

Building Warrant

14. As required by the Building (Scotland) Act 2003 certain changes of use or occupation are defined as conversions and may require Building Warrant approval. In certain properties, a Building Warrant may also be required where work such as; a fire detection and alarm system is being installed or where additional electrical sockets are being installed. Properties requiring a Building Warrant will

have to comply with the requirements of the Building (Scotland) Act 2003 and supporting Technical Handbooks. Unauthorised alterations to a property will also need to be regularised by way of a Late Building Warrant or Late Completion application. Enquiries should be made to the Building Standards Service, City Development Department. Dundee House, 50 North Lindsay Street, Dundee, DD1 1LS.

For further information on Building Warrants, call 01382 431000 and request to speak to the Duty Building Standards Surveyor Alternatively, email bs@dundee.gov.uk

Planning Permission

15. Applicants must ensure that, where necessary, the relevant planning permission has been obtained prior to submitting an application or evidence that a current planning application has been submitted. Outside a control area, planning will consider whether any change of use of a house is material and requires planning permission on a case-by-case basis.

In all cases, you are advised to discuss the manner of operation with Planning Officers of the Development Management Team in the first instance. Enquiries should be made to the City Development Department, Planning Team, Dundee House, 50 North Lindsay Street, Dundee, DD1 1LS.

Where the necessary planning permission has not been obtained and is required, any application for a licence will be the subject of a **Preliminary Refusal** pending verification that the necessary permission has been obtained (see note 9).

For further information on Planning Consent, email: planning@dundee.gov.uk

Listed Building Consent

16. If your building is listed, any works you are carrying out may require listed building consent. The listing applies to the whole building, including the interior, and it is important that any fabric of historic or architectural interest is not affected. Works such as the installation of smoke detectors and sprinkler systems, fireproofing doors and fanlights, or other upgrading measures required for your licence, may require listed building consent. Proposals should be discussed with the Development Management Team at an early stage. You will normally be asked to write in with details of the works to allow an assessment to be made.

Enquiries should be made to the City Development Department, Development Management Team, Dundee House, 50 North Lindsay Street, Dundee, DD1 1LS.

For further information on Listed Buildings, email planning@dundee.gov.uk or call 01382 433105 (Duty Planning Officer).

Appeals

17. Anyone to whom a Licensing Authority is obliged to give notice of a licensing decision (both objectors and applicants) can appeal to the Sheriff against that decision by summary application. The appeal must be lodged within 28 days of the decision. The Sheriff can uphold an appeal only if the authority erred in law, based their decision on an incorrect material fact, acted contrary to natural justice, or otherwise exercised their decision in an unreasonable manner. If you are in a position where you are considering an appeal to the Sheriff, you should consult a Solicitor or Citizens Advice Bureau for further information.

Licence Renewal

18. A Short-term Let licence is issued for a period of up to 3 years. All licences expire on 01 February of the appropriate year except where a short licence has been granted. Where a licence has been previously awarded and is due for renewal, the relevant application form can be obtained from the Council's website. You will be contacted and reminded in advance of the 31 January (or renewal

date) that your licence is due for renewal. Renewal applications will be accepted from 1 November onwards (or up to 3 months in advance of expiry).

link to application forms here

For further information on validation of a licence, call 01382 436832/42.

Temporary Licences

19. Where an existing licenced Short-term Let is purchased, the new host or operator must apply for a Temporary Licence within 1 calendar month of the change in ownership, in which case a temporary licence for up to 6 weeks will be granted. Where the host or operator applies for a full licence within that 6-week period, the Temporary licence will be extended until their licence application is finally determined.

No fee is payable for a Temporary Licence.

Where a Host or Operator fails to submit an application for a Temporary Licence or a full licence within 6 weeks of a Temporary Licence being granted, the property cannot continue to be used as a Short-term Let until a full Licence is granted.

Temporary Exemptions

20. Dundee City Council will consider Temporary Exemptions to accommodate large scale and National events placing demands on City accommodation. Where Temporary Exemptions are granted, the fee will be £155.

Legislation

21. The principal law governing shared accommodation is:

- a) **The Civic Government (Scotland) Act 1982 (licensing of Short-term Lets) Order 2022.**

Links to legislation and SG guidance to Las and to hosts and operators here

STANDARDS FOR SHORT-TERM LETS

The Standards indicated below will be applied having regard to the age, type and location of the premises concerned. Premises must meet the Repairing and Tolerable Standards.

Space Standards

22. Minimum room sizes and activity spaces are indicated in **Annex A and B attached.**

Kitchens

23. Kitchens should be provided with the following (minimum facilities):

- a) Adequate cooking facilities for the maximum occupancy of the property.
- b) A fridge or a fridge/freezer.
- c) A sink with integral drainer.

- d) A cold-water supply to every sink which is a wholesome water supply, direct from the mains, suitable for drinking and other domestic purposes.
- e) Adequate food storage for the maximum occupancy of the property.
- f) Sufficient drawer space for the storage of cutlery and cooking utensils.
- g) Impervious work surfaces.
- h) Associated activity spaces as indicated in **Annex A** attached.
- i) Where meals are being provided for guests, they must comply with the "Food Safety Act 1990" and any regulations thereunder.

Sanitary Facilities

24. The premises should be provided with access to the following:

- a) A WC and wash-basin (contained within the toilet, or within an adjacent space providing the sole means of access to the toilet).
- b) A bath or shower.
- c) An adequate piped supply of hot and cold water to every wash hand basin, bath and shower.
- d) Every bedroom should be located so that it is not necessary to pass through another bedroom in order to reach a bathroom, water closet compartment, or circulation space.
- e) A minimum of one door separation between the toilet and any area used in the preparation of food. Where only one door separation is achieved, the WC must be suitably ventilated.
- f) A suitable locking mechanism must be fitted to access doors to sanitary and bathing facilities, to ensure the privacy of the user. Obscure glazing must be provided where relevant.

Space Heating

25. Each bedroom and living room should have a fixed controllable space heating appliance or be served by a central heating system, which may include any system of warm air or under floor heating.

- a) **Liquefied Petroleum Gas (LPG) must not be used or stored on the premises. Specifications for solid fuel, oil fired or gas-fired heaters are as per the current relevant British Standards.**
- b) **A central heating system must be capable of being controlled from a communal area.**
- c) Annual certification that installed gas systems have been examined by a qualified person (**Gas Safe** registered), that they are functioning properly and ventilation is adequate, must be provided. (see notes 46-48)
- d) Any solid fuel appliances must be inspected and cleaned annually by a suitable competent person. A record of annual inspection and cleaning of the flue should be retained and produced on request by the Council. If the host/operator has a solid fuel appliance information on the type of fuel to be used for the appliance they have, should be detailed in the guest information folder.
- e) Dundee is covered by smoke control areas and, if a solid fuel appliance is to be used, only authorised fuels are permitted to be burnt. Alternatively, if the intention is to burn unauthorised

fuels such as wood then an exempt appliance must be used. Advice on this matter may be obtained from Neighbourhood Services Community Safety and Protection at:

<https://www.dundee.gov.uk/service-area/neighbourhood-services/community-safety-and-protection/air-quality-in-dundee/smoke-control-areas-authorized-fuels-and-exempt-appliances>

- f) Hard-wired (mains fed) or Lithium battery powered **CO (carbon monoxide) detectors**, meeting the requirements of the current British Standard, should be installed in accordance with manufacturer's instructions and fitted in the same room as any gas-fired or solid fuel appliance and in any room which a flue passes through. The detector should be capable of being tested and have a fault indicator. **The detector, or where practical the sensor module, must be replaced in accordance with the manufacturer's instructions (BS EN 50291 requires all detectors to be marked with the replacement date) or when a fault is detected. Operating instructions must be included in the Guest Information Folder (see note 65) together with a record of the manufacture date and replacement date for the unit.**

Energy Performance Certificate

26. Where an Energy Performance Certificate (EPC) is required, a copy must be available in the guest information folder (see note 65).

Lighting and Ventilation

27. Every bedroom and living room should have:
 - a) A window or windows situated in an external wall or roof.
28. Every kitchen, bathroom and water closet should either have natural ventilation, with a window or windows or adequate mechanical ventilation.
29. There should be an electric lighting system providing at least one lighting point to every compartment or area having a floor area of 2 m² or more, and a stair within a STL must have controlling switches at every storey or a suitable automatic control system.
30. In any STL with 2 or more storeys and more than 6 people, the escape routes within the STL should be provided with adequate emergency lighting. In other cases where there is no natural light into a hallway or escape route, the Scottish Fire and Rescue Service may require emergency lighting to be fitted.
31. All bathrooms and shower rooms are to be provided with an IP4-4 rated light fitting, where appropriate, and any ceiling strip light unit within the STL must be fitted with an acceptable diffuser/cover.

Fire Safety

32. The Scottish Fire and Rescue Service is a Statutory Consultee and a copy of your application together with your completed fire safety checklist will be passed to the Scottish Fire and Rescue Service. The completed fire safety checklist will determine whether Scottish Fire and Rescue will require to carry out their own audit or impose any conditions. The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 places a duty on those responsible for fire safety within relevant premises to carry out a fire risk assessment. These people are defined in the Fire (Scotland) Act 2005 as Duty Holders. www.gov.scot/general-guidance.
33. A series of sector specific guides for sleeping accommodation as well as other relevant premises has been produced providing practical fire safety guidance for those with responsibilities under Part 3 of the Fire (Scotland) Act 2005, as amended, and the Fire Safety (Scotland) Regulations 2006 www.gov.scot/sector-specific-guidance.

34. In the event that this guidance is read by persons with duties under the Fire (Scotland) Act 2005, as amended, and those persons feel unable to apply the guidance, then they should seek assistance from someone with sufficient technical knowledge. In this respect, the Fire and Rescue Authority or Joint Fire and Rescue Board, as principal enforcer of the legislation, cannot undertake the role. However, the authority does have a statutory requirement to provide general advice on request about issues relating to fire safety and should be able to provide information and advice which will assist duty holders to understand their obligations under the law.
35. The host/operator shall comply with the "Furniture and Furnishings (Fire) (Safety) Regulations, 1988, as amended" and any regulations thereunder. You are required to maintain a record showing that all upholstered furnishings comply with the above regulations. If you are home sharing this requirement does not apply to areas of your accommodation to which guests do not have access.
36. An example of a risk assessment including guidance and blank forms can be found here. <http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw/GeneralGuidance/FireSafetyRiskAssessment>
37. The Fire Risk Assessment, Fire Policy, Fire Action Plan, Fire Log Book recording the testing, inspections and maintenance of alarm systems, emergency lighting and portable firefighting equipment should be maintained and be **readily available on the premises for inspection.**

Testing, inspection and maintenance of all fire safety measures should be in accordance with the requirements contained in the **Practical Fire Safety Guidance for Premises providing Sleeping Accommodation.**

Water Supply

38. If your premises has a private water supply, then you must comply with the requirements of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Further information and guidance can be obtained from Neighbourhood Services Community Safety and Protection pollution.control@dundeecity.gov.uk or the Drinking Water Quality Regulator for Scotland:

<https://www.dwqr.scot/private-water-supplies/regulatory-guidance-and-information/guidance-on-the-water-intended-for-human-consumption-private-supplies-scotland-regulations-2017/>

39. A Legionella Risk Assessments must be submitted with the application. Further guidance can be found at:

<https://www.hse.gov.uk/search/search-results.htm?gsc.q=legionella%20and%20landlords'%20responsibilities%20hse#gsc.tab=0&gsc.q=legionella%20and%20landlords'%20responsibilities%20hse&gsc.page=1>

40. Where a hot tub is provided at the premises, the host/operator shall ensure:
- that it is suitably located and maintained so as to ensure its safe use by guests
 - that suitable and sufficient cleaning and disinfection procedures are in place
 - that guests are provided with clear instructions on its safe use and any restrictions on its use
 - that it is kept securely covered when not in use

Drainage

41. Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of people in or around the building.

Electrical Safety

42. Certificates of Compliance (Electrical Installation Condition Report or Electrical Installation Certificate) meeting the requirements of BS 7671, signed by an approved NICEIC or SELECT contractor, using current NICEIC or SELECT Electrical Installation Condition Reports (EICRs) are required. A competent contractor who is not a member of the NICEIC or SELECT may be used, but non-member "green" NICEIC Electrical Installation Condition Reports must be submitted. These can be purchased direct from - **NICEIC, Vintage House, 37 Albert Embankment, London, SE1 7UJ**. Competent contractor means a skilled person (electrically) as defined in amendment 3 of BS7671. This means that they must be employed by a firm that is a member of an accredited registration scheme operated by a recognised body. In Scotland this will usually mean that they are registered with NICEIC or a member of the Electrical Association of Scotland (SELECT). A competent person (other than a member of NICEIC or SELECT) should be able to confirm all of the points listed in the Scottish Government Checklist Form provided at Annex C to this document.
43. The EICR must meet the following minimum requirements:
- Thorough visual inspection of the complete electrical installation which is not concealed.
 - At least a **20% sample** of the internal condition of all fixtures and fittings.
 - Complete testing of all circuits (fittings and accessories).
 - Schedule of Inspections and Schedule of Test results must be fully completed and submitted.

This certificate confirms that the hard-wired system is safe and should be renewed at least every 5 years. **An EICR inspection and testing notice (label) should be prominently displayed adjacent to the Circuit board recording the date of the last inspection and the recommended date of the next inspection.**

In the case of Secondary and Home Letting, a current Portable Appliance Test (PAT) Certificate is also required for all plug-in appliances. **In the case of Home Sharing, a PAT certificate is only required for plug-in appliances in the let room(s) and any communal areas.** This certificate should preferably show the individual reading(s) for each appliance, obtained at the time of test and must indicate whether they pass or fail. **Certification must identify the contractor's name and address and be signed by the contractor. Where appliances are new and in their first year, a PAT certificate is not required however proof of purchase will be required.**

In the case of **spurred appliances**, a formal visual inspection must be carried out annually with the results and any recommendations recorded on the annual PAT certificate. Combined inspection and testing of spurred appliances must be carried out with the results and any recommendations recorded as part of the 5 yearly EICR.

The PAT Certificate must be renewed at least annually, or earlier as directed by the approved electrical contractor or a person who has completed appropriate training as a PAT tester. Current PIR/EICR and PAT certification must be held and be submitted with the application for licence. They must also be displayed within the premises. Portable Appliance Testing requires a label on each appliance tested. Certification must be retained for submission with any subsequent validation application, or on request, to prove continuity of certification. **Failure to ensure continuity may result in a requirement to provide an EICR valid for the full period of any licence granted.**

44. Where work is carried out to the electrical installation, it must be carried out by a competent contractor who can provide relevant certification. Building Warrants may also be required in certain circumstances and it is the landlord's responsibility to obtain any necessary Warrant and Certificate of Completion. Lack of certification will prevent the issue of a licence.

Type of Work completed	Type of certificate required
New installation or change to existing installation including a new Circuit Board	Electrical Installation Certificate or Electrical Installation Condition Report
New installation work that does not include the	Electrical Installation Certificate or Minor

provision of a new circuit	Electrical Installation Works Certificate
Alterations or additions	Electrical Installation Certificate
Alterations or additions that do not include the provision of a new circuit	Electrical Installation Certificate or Minor Electrical Installation Works Certificate
Periodic Inspection Testing	Electrical Installation Condition Report

45. Electrical Safety First have produced a landlord guide to electrical safety.

<https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/>

Gas Safety

46. You must ensure that all gas appliances and installation pipework are maintained in a safe condition, in accordance with the "Gas Safety (Installation and Use) Regulations, 1998".
47. **Annual Certification** that the installed gas systems have been tested and approved by a **Gas Safe** Registered Installer must be obtained and together with a record of such inspections and any remedial works and defects identified, must be kept, and made available for inspection within the premises. **Annual certification for the current year and the previous 2 years must be retained for submission with any renewal application.**
48. If after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Security

49. The accommodation must have secure locks on all access doors and ground floor accessible windows. All access doors to the property must also be capable of being opened from the inside without recourse to a key so that residents can escape in case of fire.
50. Where rooms are fitted with locks they must be capable of operating via a thumb-turn mechanism from inside the room, to allow emergency egress.
51. Key boxes or other devices intended to facilitate guest entry to the property should be located immediately next to the entrance door to the premises and should not cause a nuisance or obstruction to others.

Insurance

52. You will be required to maintain adequate Comprehensive Buildings Insurance together with Owner's/Public (not Employer's) Liability Insurance (minimum cover £5m per dwelling). Buildings insurance must cover the short-term let activity. Annual certification must be retained for submission with any renewal application.

Additional Licence Conditions

53. The licence holder should take reasonable steps to ensure that the number of guests residing in the premises does not exceed the number specified on the licence (subject to the rules on children in Annex A)
54. Premises should comply with the relevant Scottish Building Standards.
55. The host/operator shall comply with the "Health and Safety at Work Act 1974" and any regulations thereunder, if applicable.

56. The licence holder shall notify the council immediately of any material change of circumstances affecting the licences premises or the licence holder (or agent appointed by them to manage part or all of the licenced activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence.
57. The licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial behaviour by guests to anyone else in the STL and in the locality. The licence holder must take reasonable steps to:
- Ensure that no disturbance or nuisance arises within or from the premises, for example by ensuring guests are aware of the house rules;
 - Ensure, where the premises are flatted or uses a shared entrance, that guests do not first arrive or finally depart from the premises between the hours of 11pm to 7am.
 - Take reasonable steps to ensure that any amplified music or volume of radios/TVs/other sound producing devices and use of external areas do not give reasonable cause for annoyance.
 - Deal effectively with any disturbance or nuisance arising within or from the premises as soon as reasonably practicable after the licence holder is made aware of it; and
 - Ensure any vehicles belonging to guests are parked lawfully and in compliance of any local restrictions, for example explaining where any designated parking spaces are to be found and highlighting any restrictions.
58. The licence holder shall notify the Council as soon as reasonably practicable, of the details of any incident of antisocial behaviour affecting or emanating from the premises which has necessitated police involvement.
59. Every stair for a change in level of more than 600 mm should have a handrail on at least one side, fixed at a height of at least 840 mm and not more than one metre above the pitch line of a flight or surface of a landing.
60. Adequate and suitable facilities must be provided for the storage, recycling and disposal of refuse. Where bins are provided to terraced and tenemental property, they must be clearly identified by flat or property address. The host/operator must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and bins are returned to the bin storage area following collection (where applicable).
61. The building should be maintained in a reasonable state of repair, having regard to its age, type and location and be compliant with the **Repairing Standard and Tolerable Standard**. Garden and environmental areas should be adequately maintained. Where an STL is in a shared building, the host/operator must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts.
62. Fitted carpets with suitable underlay will require to be fitted to reduce sound transmission between flats. Where an existing STL, operated by an existing host/operator, has exposed wooden floor boards, laminate, hard wood flooring or tiled floor finishes and substantiated complaints are received regarding excessive noise, the host/operator will be required to provide fitted carpets and underlay or other acceptable finish to minimise sound transmission.
63. The interior of the premises should be maintained in a satisfactory state of repair and decoration.
64. The use of the licensed premises must comply with the terms of any planning permission issued by Dundee City Council's Development Management Committee.

Guest Information Folder

65. The host/operator must provide a Guest Information Folder. This must include emergency contact details for the host/landlord and an alternative contact should the host/operator be unavailable. It is

the host's/operator's responsibility to ensure the information in the Guest Information Folder, which will be provided by PSSU following grant of licence, remains up to date. The folder will contain:

- a) A certified copy of the licence and any licence conditions
- b) Fire, gas and electrical safety information
- c) Details of how to summon the assistance of emergency services
- d) A copy of a current gas safety report
- e) A copy of a current Electrical Installation Condition Report and
- f) A copy of the current Portable Appliance Test Report
- g) A copy of the premises EPC rating, where required.

Annex A: Occupancy and Space Standards

The space standard and occupancy of each room within the dwelling shall be based on the use made of the room.

Floor space will only be counted where there is a ceiling height of at least 1.5 m.

The minimum width of a bedroom should be 2.25 m.

A common living room or combined living kitchen area must be available within the property

1. Standards for bedrooms where the common living room or combined living and kitchen area comply fully with the STL Standards:

- Single room (one adult) 6.5 sq. metres
- Double room (2 adults) 10.5 sq. metres
- Triple room (3 adults) 16.5 sq. metres
- Over 3 adults 16.5 sq. metres + 4.5 sq. metres per person over 3
- Family room (2 adults + children under 10) 10.5 sq. metres + 4.5 sq. metres per child

2. Standards for Communal Living/Kitchen areas excluding any area used as a kitchen:

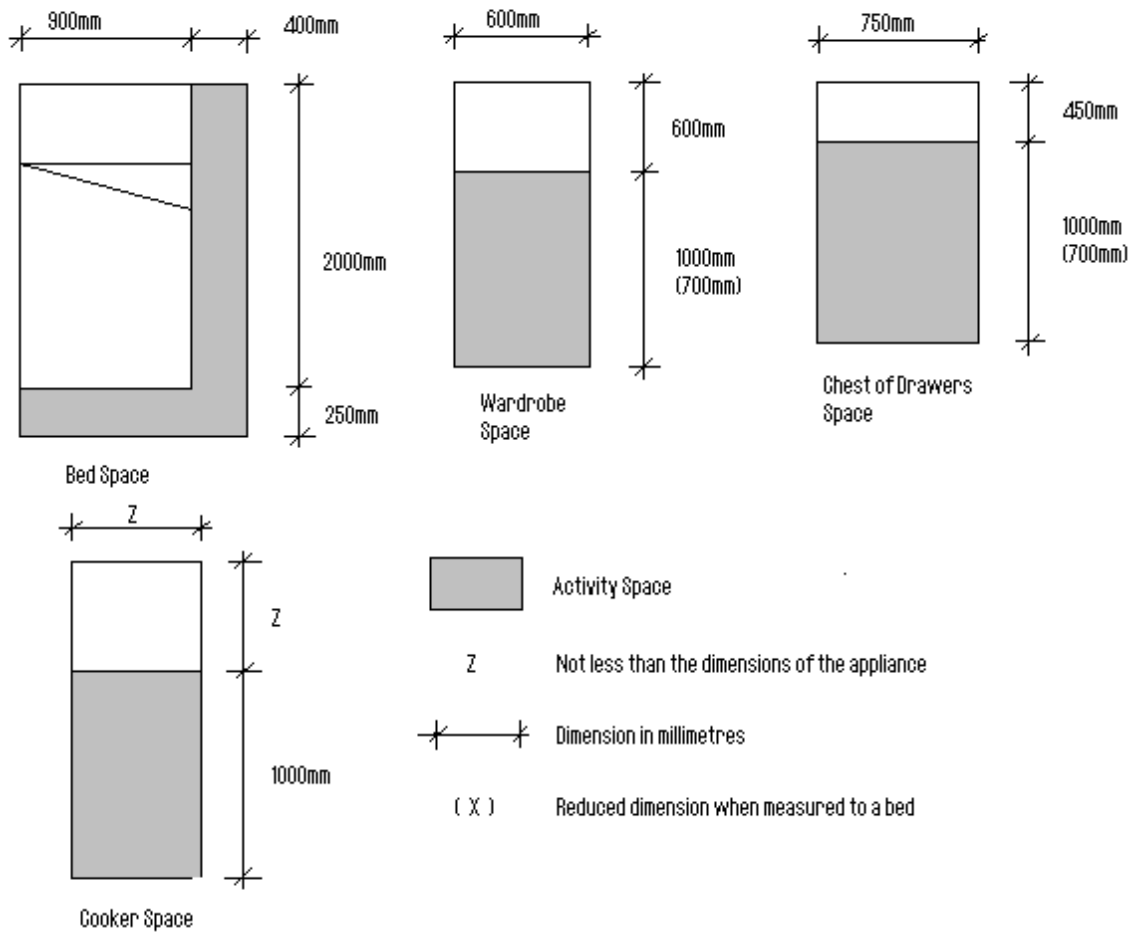
- 3-5 persons 8.0 sq. metres + 1.5 sq. metres per person over 5

3. Standards for Communal Living Rooms:

- 3-6 persons 11.0 sq. metres + 1.5 sq. metres per person over 5
- 7-10 persons 16.5 sq. metres
- 11-15 persons 19.5 sq. metres

4. Children under 2 years old are not counted.

Annex B: Activity Spaces



Note:

1. An activity space is measured at floor level.
2. The shaded area of an activity space may overlap only the shaded area of another activity space.

Annex C

SCOTTISH GOVERNMENT STATUTORY GUIDANCE ON ELECTRICAL INSTALLATIONS AND APPLIANCES IN PRIVATE RENTED PROPERTY

Evidence of competence to carry out an Electrical Condition Installation Report for the purposes of assessing the safety of electrical installations, fittings and fixtures in private rented property.

Checklist for Electrician	Check*
I am a member of a professional body	
I have public liability insurance (£2 million minimum is recommended)	
I have employers' liability insurance (£2 million minimum is recommended)	
I have professional indemnity insurance (£0.25 million is recommended for contractors undertaking electrical installation condition reporting)	
I have completed appropriate assessed training on current version of BS7671 within the past 5 years	
I can provide copies of wholesaler bills made out to entity trading	
I can provide copies of trade qualification or equivalent	
I have possession of a calibration certificate for test equipment for the work carried out	
I can provide a copy of a written health and safety policy statement for the business	
I have completed Electrotechnical Certification Scheme (ECS) Health & Safety Assessment within the past 3 years	
I have been granted, or am eligible to be granted at least Approved Electrician grade.	

* The electrician should tick each item in this list to confirm that it applies.

I certify that I can provide the above listed evidence of competence.

Name _____

Firm/Trading Name _____

Signed _____

Date _____