

# **Local Government, Housing and Planning Committee**

## **15<sup>th</sup> Meeting, 2021 (Session 6)**

**Tuesday 14th December 2021**

### **Short-term lets Regulations**

#### **Background**

1. On Monday 22 November the Scottish Government laid the following affirmative instruments:

- The Civic Government (Scotland) Act 1982 (Licensing of Short term Lets) Order 2022; and
- The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022

2. Both instruments are concerned with giving effect to the Scottish Government's proposals in terms of the licensing of short-term lets.

3. The policy note to the Civic Government (Scotland) Act 1982 (Licensing of Short term Lets) Order 2022 ("the Licensing Order") explains that the Order establishes a licensing scheme to "ensure short-term lets are safe and address issues faced by neighbours; and to facilitate local authorities in knowing and understanding what is happening in their area as well as to assist with handling complaints effectively."

4. The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022 amend the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (SSI 2021/154) ("the Control Area Regulations") to update the definition of short-term let and excluded accommodation so that they are consistent with the definition in the Licensing Order.

#### **Committee consideration of the Regulations**

5. At its meeting on 31 August 2021, the Committee agreed that it wished to undertake some work on the proposals for the regulations prior to their laying. Specifically, the Committee agreed to issue a survey on the proposed regulations. That survey closed on 29 October 2021 having received 2578 responses.

6. A summary of those responses as prepared by SPICe can be accessed via the link below.

<https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-local-government-housing-and-planning/correspondence/2021/licensing-of-short-term-lets-analysis-of-survey-responses>

7. The Committee has until 17 January 2022 to consider the Regulations.

8. It agreed to hold evidence sessions on the Regulations on 7, 14 and 21 December.

9. At this meeting the Committee will hear from:

- City of Edinburgh Council
- Police Scotland
- UK Hospitality
- Association of Local Authority Chief Housing Officers
- Community Land Scotland

10. A submission from Police Scotland is available at **Annexe A**.

**Clerks**

**Local Government, Housing and Planning Committee**

## Submission from Police Scotland

### Police Scotland Evidence Submission, Scottish Parliament Local Government, Housing and Planning Committee meeting – 14th December 2021

1. The Police Scotland Violence Prevention and Licensing Coordination Unit is part of the PPCW (Partnerships, Preventions and Community Wellbeing) Division. In this capacity the department was invited to send representation to the Short Term Lets Working Group chaired by representatives of the Scottish Government. These sessions were also attended by a representative of Police Scotland National Serious and Organised Crime Intervention Unit.
2. Police Scotland are broadly supportive of the move to licence short term lets as set out in the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 due to concerns around potential for criminality in the sector. The proposed legislation allows police to respond effectively to local authorities in respect of applications ensuring the licensable activity operates within the law and those involved are 'fit and proper' persons.
3. The concerns around criminality are currently based on intelligence. The Police Scotland National Interventions Unit have confirmed there is intelligence or anecdotal evidence that;
  - there are prostitutes moving about Scotland utilising short term lets, advertising their services and travelling to the areas where there is potential business
  - Drug dealing takes place whereby a drug dealer houses themselves at a short term let, most recently in relation to county lines investigations
  - Anecdotal information from SSPCA that short term lets are being used to facilitate puppy farming (where a `nice` property is being purported as the home of the owners, thus attempting to legitimise the activity).

This cannot be attributed to particular policing divisions. In terms of Innkeeper, the Police Scotland Licensing Database, there is no information recorded on this system in relation to short term lets, as the activity is currently unlicensed.

Should the activity become licensed then incidents will be recorded on this system, in the same way that incidents involving other Civic and Liquor licensed activity are currently held.

4. In response to the Scottish Government Consultation on the Draft Licensing Order in August 2021 Police Scotland provided the following response;
  - Request for an amendment to Schedule 1 - Section 3 (1) (e) of the CG(S) Act to allow for more time for police (and others) to progress any objection / representation. In light of the fact that local authorities will have 12 months to respond to applications, could consideration be given to extending the timescales for submission of objections or representations. The predicted influx of applications will also present challenges in terms of police processing. Police Scotland are keen to ensure that thorough enquiries into

applications are conducted and no opportunities missed to prevent the infiltration of Serious and Organised Crime Groups into the industry.

In many of the problematic cases there will be intelligence related material and Police Scotland require to go through fairly lengthy processes to disclose intelligence to the local authorities. Police Scotland do not have a timescale as such to suggest at the moment, however any extension would be appreciated. This is particularly important for the transitional period, but any permanent extension would be welcomed due to the nature of the activity.

- In relation to the proposed 6 week exemptions from holding a licence. (Policy note section 65) This exemption is to cover certain types of cultural / sporting events and that the exemption is on application. Police Scotland would request that they be a statutory consultee in respect of the exemption applications. The concern is that 6 weeks is a long enough period for a short term let to be used for illicit purposes such as human trafficking.

5. On a practical level the Divisional Police Licensing Departments would process all applications from local authorities in line with current applications under the Civic Government (Scotland) Act 1982, carrying out the relevant checks and responding accordingly.