

Licensing Committee
26 September 2022

At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Eleanor Collier, Nairn McDonald, John Bell, Christina Larsen, Matthew McLean, Donald L. Reid and Ronnie Stalker.

Present (Remote Participation)

Jean McClung

In Attendance (Physical Participation)

S. McKenzie, Senior Manager (Protective Services), A. Gemmell, Manager (Planning), Robert Robb, Assistant Manager (Waste Strategy & Contracts) and E. Anderson, Team Manager (Housing Strategy & Development) (Place); and R. Lynch, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administration Assistant (Licensing) and C. Stewart and A. Little, Committee Services Officers (Democratic Services) Chief Executive's Service).

In Attendance (Remote Participation)

B. Pearcey, Island Officer.

Also in Attendance

Inspector D. Cameron and Sergeant S. Syme.

Chair

Councillor Collier in the Chair.

Apologies

Angela Stephen

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Licensing of Short Term Lets - The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022

Submitted report by the Head of Democratic Services on the legislative changes that introduced a mandatory licensing scheme for Short Term Lets. The Draft Short Term Lets Policy for North Ayrshire Council and consultation response form were set out at Appendices 1 and 2 to the report, respectively. The consultation responses and analysis were provided at Appendices 3 and 4, and officer comments on the responses set out at Appendix 5 to the report.

Members asked questions and were provided with further information in relation to: -

- Occupancy conditions;
- Fees and charges; and
- Temporary Exemptions and Temporary Licences.

The Committee approved the proposal that the Council would establish an 'Existing Hosts Confirmation Scheme' whereby 'Existing Hosts' could seek confirmation from the Council that they benefit from the 'Transitional Provisions' provided for in the legislation, and that if the Council were satisfied that a Host appeared to meet the criteria then such confirmation could be issued. The Committee noted that (a) the Scheme was adopted without legal obligation and was free-of-charge to any Existing Host; (b) if issued, the confirmation would not be a 'licence', but the legislation's provisions mean that Existing Hosts with confirmations would be assisted in continuing to operate without the grant of a Licence until 31 March 2023 (if they did not apply for a Licence by that date); and (c) if they did apply for a Licence by that date, the Existing Host could continue to operate until such time as the Council decide whether to grant or to refuse the application.

The Committee agreed to (a) note the current progress in preparation for implementation for the Short Term Lets scheme; (b) approve the terms of Short Term Lets Policy set out at Appendix 1 to the report , after due consideration of the consultation responses and officers' comments thereon; (c) within 18 months from April 2023, a further report be submitted to the Committee detailing a review of the operation of the Short Term Lets scheme in North Ayrshire, including the level of fee(s) charged and the operation of the conditions in practice; (d) determine the Council's policy on "Temporary Exemptions" (Order, Schedule 2, Paragraph 6:"Temporary exemption from the requirement to have a licence"); (e) delegate authority to the Convenor, in consultation with the Clerk, to revise the draft Licensing Policy Statement on all other matters (other than "Temporary Exemptions") having regard to the Committee's comments on a number of issues; and (f)approve the principle of the proposed 'Existing Hosts Confirmation Scheme', delegating to the Clerk to set the procedures for requesting confirmation, the criteria for issuing confirmation, and all other aspects of the scheme's implementation, and to vary any of these as he considered appropriate.

The meeting ended at 4.30 p.m.