

East Lothian Council submission on The Civic Government (Sc) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2024, 29 May 2024

I would advise that East Lothian Council broadly support the proposed Order and have no major comments to make on the terms.

The most significant sections of the Order, in the view of ELC, are the provisions relative to Transfer of a licence, and on the introduction of Provisional Licences.

Running briefly through the various elements-

(a)- commercial consideration definition- this seems a sensible clarification of a point that is currently open to some confusion and ELC would take no issue with the proposal.

(b) foster children- a relatively niche point, but again one that seems entirely reasonable.

(c) multiple premises- This is not something which ELC has really come across since STL licensing came into effect, but this allows useful flexibility to enable a partial grant for premises meeting the criteria, rather than being forced to reject an application in respect of which it may be that only one of several premises is actually an issue in licensing terms. A useful widening of the Local Authority's powers here.

(d) Again, seen as a rather narrow point but a useful clarification.

(e) ELC has opted not to have exemptions so this provision is not considered directly relevant, but again, seems sensible clarification in the wider context.

(f) Provisional licence- this is not something really encountered in the wider Civic Licensing process. The reasoning is understandable, though again this is not a situation which I am aware has been an active issue for ELC so far. ELC have no particular concerns about the proposal.

(g) licence transfer- this seems an entirely reasonable extension of the system, closing off a current gap in the process.

(h) additional information- ensuring health and safety of residents is of paramount importance and this proposal, following on from Court decisions, appears to be perfectly acceptable.

(i) – no comments on these consequential points.

I hope the foregoing is of some assistance. Please come back to me if there are any further issues.

Regards
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