

Item: 8

Licensing Committee: 22 June 2022.

Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 – Fees for Short-term Let Licences.

Joint Report by Corporate Director for Strategy, Performance and Business Solutions and Corporate Director for Neighbourhood Services and Infrastructure.

1. Purpose of Report

To consider proposed fees, effective from 1 October 2022, for the short-term let licensing scheme in Orkney, for public consultation.

2. Recommendations

The Committee is invited to note:

2.1.

That, in accordance with the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a short-term let licensing scheme requires to be established by the Council by 1 October 2022.

2.2.

That, in accordance with Paragraph 15(1) of Schedule 1 to the Civic Government (Scotland) Act 1982, the Council has the power to charge such reasonable fees as it may determine in respect of applications made to the Council under the short-term let licensing scheme.

2.3.

That, although a comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland would ordinarily be undertaken, this has not been possible as there is currently no information available to compare.

2.4.

That Scottish Government Guidance has been taken into account in setting the proposed fees for the short-term let licensing scheme, attached as Appendix 1 to this report.

2.5.

That licensing authorities are expected to develop policies on licence duration and renewal.

It is recommended:

2.6.

That the proposal that licences for short-term lets have a duration of three years at first application and on renewal be approved for public consultation for the period from 27 June to 7 August 2022.

2.7.

That the fees for the short-term let licensing scheme to be introduced on 1 October 2022, referred to at paragraph 2.4 above, be approved for public consultation for the period from 27 June to 7 August 2022.

2.8.

That the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure should submit a joint report, to the meeting of the Committee to be held on 1 September 2022, on the outcome of the public consultation, referred to at paragraphs 2.6 and 2.7 above, together with the proposed fees for the short-term let licensing scheme, and duration of licences, to be effective from 1 October 2022.

3. Legislative Background

3.1.

Mandatory licensing of short-term lets in Scotland will be introduced from 1 October 2022 through the implementation of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the Order).

3.2.

The provisions relating to fees are set out in Paragraph 15 of Schedule 1 to the Civic Government (Scotland) Act 1982 (the Act), as amended by the Order.

3.3.

Sub-paragraph 15(1) of Schedule 1 to the Act states that a licensing authority may, subject to sub-paragraphs (2) and (3) charge such reasonable fees as they may determine in respect of:

- Applications made to them under this schedule.
- The issue of certified duplicate licences.
- Their consideration of a material change of circumstances or in premises and their disposal of the matter.
- The issue of certified true copies.
- An inspection of premises following:
 - A failure to comply with a licence condition, or

- A complaint relating to the premises (unless the complaint is frivolous or vexatious).

3.4.

Paragraph 15(2) of Schedule 1 of the Act states that, in determining the amount of the different fees under sub-paragraph 15(1), the licensing authority:

- Must seek to ensure that the total amount of fees receivable by the authority is sufficient to meet the expenses of the authority in exercising their functions under Parts I and II of the Act and the schedule.
- May determine different fees for different purposes.
- May take into account the following criteria:
 - The size of the premises.
 - The number of bedrooms at the premises.
 - The number of guests who can reside at the premises.
 - The type of short-term let.
 - The duration of the period for which the premises are made available for use as a short-term let.
 - The extent to which the licence holder has complied with the conditions of the licence.

3.5.

Paragraph 15(3) of Schedule 1 of the Act states that a licensing authority may provide for annual or other recurring fees.

3.6.

Paragraph 15(4) of Schedule 1 of the Act states that, where a local authority charges a fee in respect of an inspection, the licensing authority must:

- Produce a report of its finding to the licence holder within 28 days of the inspection, or
- Where a report is not provided within 28 days of inspection, refund the fee charged to the licence holder.

3.7.

Advertisement costs and third-party costs with related administration are met directly by applicants and licence holders.

4. Scottish Government Guidance

4.1.

In March 2022 the Scottish Government issued an updated version of its Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms (the Guidance).

4.2.

With regard to setting fees, the Guidance notes that licensing authorities are experienced in running other forms of licensing schemes and keeping costs down. In line with this, the Scottish Government expects licensing authorities to have regard to minimising costs through:

- Economies of scale.
- Integrating service delivery with other housing and licensing functions.
- Using online and digital verification where possible, for example through photo and video evidence instead of a visit.
- Taking a proportionate, risk-based approach to checks and verification, for example in considering whether, when and how often visits to premises are needed, especially in more remote and rural areas where the costs of such visits could be higher.

4.3.

The Guidance also states that licensing authorities must not charge:

- Hosts or operators for visits to premises where this is a routine part of processing an application or part of the licensing authority's ongoing assurance processes; or
- Neighbours or others for handling objections.

4.3.1.

In contrast, and as noted in section 3.3 above, licensing authorities may charge a fee to a host or operator for a visit to their premises where the visit results from their failure to comply with licence conditions, or a complaint which is not frivolous or vexatious.

4.4.

It is settled law that the fee charged for processing an application should not include enforcement costs, as determined by the Supreme Court in the case of *R v. Westminster City Council (2017)*. The Guidance emphasises this point, and notes that a licensing authority may charge fees to cover enforcement costs once the application is granted (such as through monitoring and inspection fees).

4.5.

In general, fees are not refundable. This is the case whether or not a licensing application is granted, because the licensing authority will incur significant costs in processing the application. The Scottish Government expects licensing authorities to publish their policy on refunds so that hosts and operators are clear on the position before they make an application. A statement to this effect has been included in the draft schedule of fees set out in Appendix 1.

4.6.

The Guidance goes on to state that licensing authorities must ensure, prior to an application being granted, that the applicant is only charged the costs relating to the processing of their application. If the application is refused, the fee charged for the processing of the application itself need not be refunded.

4.7.

As noted in section 3.4 above, in setting fees, the licensing authority “may take into account” the size of the premises, number of rooms, number of guests, type and duration of short-term let and the extent to which the licence holder has complied with the conditions of the licence. The Guidance states that the Scottish Government expects licensing authorities to consider each of these criteria, even if they subsequently deem some may not be suitable for the local circumstances.

4.8.

The Scottish Government does not expect licensing authorities to set a uniform flat fee, as this might disproportionately benefit hosts and operators of larger premises and adversely affect home sharing, bed and breakfasts and smaller self-catering operators.

4.9.

The Scottish Government recommends as a minimum that licensing authorities establish a licence fee structure that takes account of the following:

- Type of licence, with lower fees for home sharing and home letting licences than for a secondary letting licence.
- Guest capacity – the intended maximum number of guests, as requested by the host or operator on their application form.

4.9.1.

Within this recommended fee structure, licensing authorities may decide to group guest numbers into bands.

5. Benchmarking

5.1.

When considering what level of fees to charge for various types of licence under the Civic Government (Scotland) Act 1982, it is often useful to compare fees charged for similar types of licences or approvals by other local authorities in the North of Scotland.

5.2.

As the short-term let licensing regime is only due to be implemented in October 2022, all licensing authorities are currently going through the same process of setting up a scheme. As a result, there is no data available with which to conduct a

benchmarking exercise. Officer involvement in the Scottish Local Authority Lawyers and Administrators (SOLAR) licensing group suggests that the Council is ahead of many other licensing authorities in terms of the progress made to date in setting up a scheme.

6. Business and Regulatory Impact Assessment (BRIA)

6.1.

The Scottish Government published a BRIA in November 2021. To inform the BRIA, the Scottish Government sought to determine the costs of the licensing scheme to local authorities and, therefore, the possible fees that might be charged to short-term let hosts. However, the BRIA makes it very clear that the actual fees to be charged will be determined by local authorities following Scottish Government Guidance.

6.2.

The indicative average licence fees stated in the BRIA range from £214 in a “low cost scenario” with a 10% inspection rate, to £436 in a “high cost scenario” with a 100% inspection rate. Although these figures have been widely quoted in the press, they have also come in for criticism due to their perceived inaccuracy.

6.3.

The BRIA states that licensing for short-term lets has some similarities with landlord registration and Houses in Multiple Occupation (HMO) licensing, and that some local authorities have indicated that they might expect the fees to lie somewhere between landlord registration and HMO licensing. Landlord registration fees are set nationally, with the lowest fee for one property being £82. The cost is incurred once every three years.

6.4.

Local authorities are responsible for the fee structure and approach in respect of HMO licensing, and fees need to cover the costs of licensing in each area. Fees vary across local authorities because of the numbers, sizes and nature of their HMO properties and according to their strategic priorities set to address their specific housing challenges. The lowest fee charged for a new application for a HMO licence varies by local authority across Scotland from £234 to £1,916. The current HMO application fees for Orkney are £476 for a property with up to nine occupants, and £799 for ten or more occupants.

6.5.

The BRIA acknowledges that the fees charged by each local authority will vary, and that relevant factors include whether they can achieve economies of scale, rurality, and how they integrate their short-term lets licensing scheme with other housing and licensing functions.

7. Proposed Charges

7.1.

The starting point for setting fees involves calculating the amount of officer time and other costs likely to be involved in processing each application and multiplying this by the number of applications likely to be received. In addition, time will require to be spent on dealing with queries from existing and potential accommodation providers and other administrative tasks.

7.2.

The mandatory conditions to be attached to each licence are the subject of a separate report to this Committee. Due to the number of mandatory conditions and the nature of these conditions, a significant amount of staff time will be spent on checking and processing the applications.

7.3.

There will also be reliance on external organisations to provide input into each application. For example, in order to undertake an assessment of the maximum number of guests that can be accommodated safely, applicants must provide, as part of their application, floor plan(s) for their premises, indicating room sizes, fire escape routes and other information. These will require to be assessed by Council officers in conjunction with the Scottish Fire and Rescue Service. Police Scotland and other relevant parties may also be involved in vetting and background enquiries, with a view to ensuring that each applicant is a “fit and proper person” within the meaning of the Act.

7.4.

The Council’s Environmental Health Service will have a role in checking premises, as well as taking a leading role in enforcement once licences have been issued. Although enforcement costs do not form part of the calculation for the purposes of licence application fees, the costs of any initial inspection of premises at the application stage will require to be covered. Officers are giving further consideration to identifying options for the enforcement of short term lets licences including any additional resource requirements.

7.5.

Other variables which require to be taken into account are the potential for objections to be received, which can add considerably to the time taken to determine a licence application, and the involvement of Building Standards, in particular for applications catering for larger numbers of visitors.

7.6.

The costs of setting up the licensing scheme, and dealing with complaints, can also legitimately be recovered through fees.

7.7.

The estimated number of potential short-term let licence applicants across Orkney is 600. This estimate is based on numbers provided by the Assessor and Electoral Registration Officer, the Council's Revenues Section, and an assessment of the number of Orkney properties featured on lettings website Air BnB.

7.8.

In line with the legislative provisions set out in section 3.4 above, it is proposed that different levels of fee be charged depending on the number of guests to be accommodated. Where an application is received with a suggested occupancy of 10 people or more, then the application will trigger more significant involvement from Building Standards and accordingly a higher fee.

7.9.

Due to the similarities with HMO licensing, namely ensuring that certain standards are met in housing let to numbers of people, it is recommended that application fees for licences for short-term lets, with a duration of three years, take cognisance of the charging structure of HMOs, being:

- Capacity up to nine occupants: £476.
- Capacity for ten or more occupants: £799.

7.10.

Further, and in order to take account of the Scottish Government guidance summarised in section 4.9 above, it is proposed that additional bands of fee relating to different levels of guest capacity and different types of licence be incorporated into the short-term let licensing fee structure.

7.11.

For secondary letting, the lower HMO rate of £476 will be applied to what is expected to be one of the most common types of short-term let licence application, namely properties for 4-6 occupants. The higher HMO rate of £799 will apply to properties catering for 10 or more occupants. An additional increment of £638 has been inserted between these two levels for properties catering for 7-9 occupants, and a lower fee of £388 has been inserted for properties catering for 1-2 occupants.

7.12.

For home sharing and home letting, the fees applicable to secondary letting would be reduced by 20% to reflect the Scottish Government's recommendation that there are lower fees for home sharing and home letting licences than for secondary letting licences.

7.13.

There is a basic cost to the Council involved in processing each application, regardless of the type of accommodation, number of visitors who can be

accommodated or the duration of the licence. For this reason, it is proposed that the lowest fee should be £300, which would apply to temporary licences granted for a period of up to six weeks. All application fees will be non-refundable, on the basis that even if the application is unsuccessful and no licence is granted, the Council has incurred costs in processing the application.

7.14.

The work for the licensing authority in processing applications for material change in premises will be the same as that required for processing applications for permanent licences. Therefore, it is recommended that applications for material change in premises should be charged at the same fee levels as applications for short-term let licences.

7.15.

An application for a material change of circumstances means any change of circumstances affecting the licence holder (for example, change of his/her name or address) or any particulars referred to in the application for grant or renewal of the licence. The work for the licensing authority in processing such applications will be less onerous than applications for material change in premises. It is recommended that applications for material change of circumstances should be charged at £75 to reflect the level of administrative work required.

7.16.

The Council issues replacement or copy licences for other types of licence issued under the Act for an administrative fee – £31.80 during 2022/23. However, if the Council were asked to issue more formal legally certified duplicate or true copy licences or a true copy of an entry in the register of licences, a fee equivalent to a licence fee for one year would be charged. Therefore, it is recommended that simple replacement or copy licences for short-term lets should be issued for an administrative fee of £31.80 and that more formal legally certified duplicate or true copy licences for short-term lets or a true copy of an entry in the register of licences should be charged at the same rate as applications for temporary licences, being £300.00.

7.17.

Fees will also require to be set for an inspection of premises following a failure to comply with a licence condition, or a complaint relating to the premises (unless the complaint is frivolous or vexatious). As noted in section 7.4 above, this is currently being considered by officers. A report will be presented to a future meeting of the Committee.

7.18.

The proposed fee structure, taking cognisance of all of the above, is set out in Appendix 1.

8. Duration of Licences

8.1.

Paragraph 8(2) of Schedule 1 to the Act provides that a licence for short-term let shall have effect:

- (a) for a period of three years from the date when it comes into force; or
- (b) for such shorter period as the licensing authority may decide at the time when they grant or renew the licence, or
- (c) for such longer period as the licensing authority may decide at the time when they renew a short-term let licence.

8.2.

Paragraph 8(2A) of Schedule 1 to the Act provides that “A licensing authority may decide to renew a short-term let licence for such longer period under sub-paragraph (2)(c):

- (a) in respect of different licences, or different types of licence,
- (b) otherwise for different purposes, circumstances or cases.”

8.3.

Paragraph 8(2B) of Schedule 1 to the Act provides that “A licensing authority must publish, in such manner as they think appropriate, the circumstances (if any) in which they will renew a licence for such longer period under sub-paragraph (2)(c).”

8.4.

The Scottish Government’s Guidance for licensing authorities indicates that licensing authorities must set out the circumstances in which they would use the power to set a licence period (at renewal) in excess of three years. Licensing authorities are encouraged to renew licences for a period of three years, unless they have good reasons to do otherwise.

8.5.

The Council issues licences for a number of activities in terms of the Act and offers a choice of duration of licences for one year or three years. However, the Council is expected to receive hundreds of applications in connection with short-term lets and it would be logistically difficult from a staffing perspective to offer such licences for one year. Accordingly, it is suggested that these licences should have a duration of three years, including at renewal and that no distinction should be made between the types of operation, being home sharing, home letting, home sharing and home letting or secondary letting.

8.6.

For information, paragraph 7 of Schedule 1 to the Act provides that a temporary licence for any activity, including short-term lets, cannot have a duration longer than six weeks.

9. Consultation

9.1.

When consulting upon its proposed fees, the Council must consult with such persons as the Licensing Authority considers appropriate. It is proposed that the following parties be consulted:

- Officials of the Council in respect of planning, building standards and environmental health.
- Providers of short-term lets via Destination Orkney at <https://www.orkney.com/life/industry/tourism>.
- The general public via public notices on www.orkney.gov.uk and in the local newspaper.

9.2.

The consultation period will commence from 27 June and will run to 7 August 2022. At its meeting on 1 September 2022, the Committee will require to assimilate all responses received in response to the consultation on the proposed fees and take them into account before adopting fees.

10. Corporate Governance

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

11. Equality Impact

An Equality Impact Assessment has been undertaken in respect of the charging of new application fees for licensing of short-term lets and is attached as Appendix 2 to this report.

12. Financial Implications

12.1.

The short-term lets licensing scheme is a completely new scheme, there is very little information on which to base financial forecasts. As such, there is inevitably a degree of conjecture involved in every aspect, from the number of applications likely to be received, to the amount of time which will require to be spent by officers on processing each application.

12.2.

For 2022/23, Licensing has a budget of £18,400. It is anticipated that fees receivable by the authority is sufficient to meet the expenses of the authority in exercising their functions, and as such be self-financing over the proposed three year licensing period.

13. Legal Aspects

The legal aspects are contained within the body of this report.

14. Contact Officers

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, Email karen.greaves@orkney.gov.uk.

Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure, extension 2309, Email hayley.green@orkney.gov.uk.

Gavin Mitchell, Head of Legal and Governance, extension 2233, Email gavin.mitchell@orkney.gov.uk.

Roddy MacKay, Head of Planning and Community Protection, extension 2530, Email rodny.mackay@orkney.gov.uk.

Nick Long, Service Manager (Environmental Health), extension 2811, Email nick.long@orkney.gov.uk.

Steven Poke, Service Manager (Building Standards), extension 2509, Email steven.poke@orkney.gov.uk.

Sheila Tulloch, Solicitor, extension 2213, Email sheila.tulloch@orkney.gov.uk

Elaine Sinclair, Legal Clerk, extension 2232, Email elaine.sinclair-hill@orkney.gov.uk.

15. Appendices

Appendix 1: Proposed fees for Short-term Lets Licensing scheme in Orkney from 1 October 2022.

Appendix 2: Equality Impact Assessment: Application Fees.

Appendix 1.

Short-term Lets – Licences and Other Matters.

Licensing Fees.	Proposed £.
	2022/23.
Secondary Letting.	
Short-term let for 3 years (capacity 1 – 2 occupants)	388.00
Short-term let for 3 years (capacity 3 – 6 occupants)	476.00
Short-term let for 3 years (capacity 7 – 9 occupants)	638.00.
Short-term let for 3 years (capacity for 10 or more occupants)	799.00.
Home Sharing and Home Letting.	
Short-term let for 3 years (capacity 1 – 2 occupants)	310.00
Short-term let for 3 years (capacity 3 – 6 occupants)	380.00
Short-term let for 3 years (capacity 7 – 9 occupants)	510.00
Short-term let for 3 years (capacity for 10 or more occupants)	639.00
Material change in premises – Secondary Letting:	
Capacity 1 – 2 occupants	388.00
Capacity 3 – 6 occupants	476.00
Capacity 7 – 9 occupants	638.00.
Capacity for 10 or more occupants	799.00.
Material change in premises – Home Sharing and Home Letting:	
Capacity 1 – 2 occupants	310.00
Capacity 3 – 6 occupants	380.00
Capacity 7 – 9 occupants	510.00
Capacity for 10 or more occupants	639.00
General.	
Temporary licence for short-term let (which cannot exceed 6 weeks).	300.00.
Material change of circumstances.	75.00.
Formal legally certified duplicate or true copy licences or a true copy of an entry in the register of licences.	300.00.
Simple replacement or copy licences or information about an entry in the register of licences.	31.80.

An inspection of premises following:	
• a failure to comply with a licence condition, or	(to be confirmed)
• a complaint relating to the premises (unless the complaint is frivolous or vexatious).	(to be confirmed)

Information: Licence fees are non-refundable.

Version No:	Date:	Details:
1.	22/06/2022.	Draft schedule of STL licensing fees for consultation.



The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Licensing of Short-term Lets – Application Fees.
Service / service area responsible.	Corporate Director of Strategy, Performance and Business Solutions.
Name of person carrying out the assessment and contact details.	Gavin Mitchell, Head of Legal and Governance. Email: gavin.mitchell@orkney.gov.uk . Tel: 01856 873535 extension 2210.
Date of assessment.	08.06.2022.
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New. To advise the Licensing Committee on the implementation of application fees for licences for short-term lets and associated matters in terms of the Civic Government (Scotland) Act 1982.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To advise the Licensing Committee on the implementation of application fees for licences for short-term lets and associated matters.
Is the function / policy / plan strategically important?	(Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans). No.
State who is, or may be affected by this function / policy / plan, and how.	Hosts, who are the owners, tenants or persons who otherwise exercise control over occupation and use of the accommodation which is the subject of a short-term let by being required to adhere to the regulatory process in obtaining a licence for short-term lets or a temporary exemption from the requirement to obtain a licence for short-term lets.

<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>The Council will consult hosts via Destination Orkney, its website and a local newspaper; and the Council in terms of planning, building standards and environmental health. Comments will be taken on board in the preparation of the final report to the Licensing Committee.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>The Scottish Government has advised that its principal policy intention by introducing licensing of short-term lets is to ensure that all short-term lets meet basic safety standards. Scottish Government information about licensing of short-term lets is published at https://www.gov.scot/publications/short-term-lets/. Scottish Government Guidance for Hosts and Operators is published at https://www.gov.scot/isbn/9781804351307 and Scottish Government Guidance for Licensing Authorities, Letting Agencies and Platforms is published at https://www.gov.scot/isbn/9781804351291. The Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 are published at https://www.legislation.gov.uk/.</p> <p>As local authorities are only required to process applications for licences for short-term lets or temporary exemptions from 1 October 2022, there are no examples at this time of fees charged by other authorities. The fees proposed for this Council are based on comparison with fees charged for similar types of licence already operated and take into account the number of guests who can reside at the premises.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>(Please complete this section for proposals relating to strategic decisions).</p> <p>Hosts have publicised concerns about the potential negative income impact of the requirement to obtain licences for short-term lets. The Scottish Government has acknowledged in their Guidance that short-term lets can offer people a flexible and cheaper travel option and have contributed positively to Scotland's tourism industry and local economies across the country. However, in certain areas, particularly tourist hot spots, high numbers of short-term lets can cause problems for neighbours and make it harder for people to find homes to live in.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> <p>Yes.</p>

1. Race: this includes ethnic or national groups, colour and nationality.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
2. Sex: a man or a woman.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
4. Gender Reassignment: the process of transitioning from one gender to another.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
5. Pregnancy and maternity.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
6. Age: people of different ages.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
7. Religion or beliefs or none (atheists).	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
8. Caring responsibilities.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
9. Care experienced.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
10. Marriage and Civil Partnerships.	No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair.
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) No. Noted that not all applicants will be individuals. All applications dealt with on own merits. Regulatory framework is transparent and fair. Council premises enable disabled access for applicants and public. Correspondence and documents are available in alternative formats on request.
12. Socio-economic disadvantage.	Yes. Hosts have publicised concerns about the potential negative income impact of the requirement to obtain licences for short-term lets. The Scottish Government has acknowledged in their Guidance that short-term lets can offer people a flexible and

	cheaper travel option and have contributed positively to Scotland's tourism industry and local economies across the country. However, in certain areas, particularly tourist hot spots, high numbers of short-term lets can cause problems for neighbours and make it harder for people to find homes to live in.
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3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No. The procedure is designed to meet the needs of all applicants and the general public and ensure that applications are dealt with on their own merits.
How could you minimise or remove any potential negative impacts?	N/A.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	N/A.
Who will undertake it?	N/A.
When will it be done?	N/A.
How will it be monitored? (e.g. through service plans).	Once application fees are agreed, they will be reviewed annually from 1 April each year in a similar way to other licence application fees and Council Charges.

Signature:

Date: 8 June 2022.

Name: GAVIN MITCHELL

Head of Legal and Governance.

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk