

## 55681 STL Licensing Policy - Mandatory Condition 13 (MC13)

Please provide the following information:

The number of STL licensing temporary exemptions that were granted during Jan 25 to May 25 that met mandatory condition 13 (which requires the holder of a licence to either have applied for or have planning permission in place in circumstances where planning permission is required).

173 STL Temporary Exemptions were granted between 1 January and 31 May 2025, 96 Exemptions being secondary let. Mandatory licence condition 13 applies to any temporary exemption for secondary letting, which is issued by the Council. The condition means that where Planning Permission is required then an appropriate application must be made. It is not a pre-requisite for grant of an exemption that Planning Permission is in place, and the Licensing Service does not verify this information for Temporary Exemption applications. It should be noted that, whilst in terms of Council policy, licence conditions apply to temporary exemptions, a temporary exemption is by definition not a licence, and the statutory grounds of refusal of a licence application are not applicable. The conditions come into force once an exemption has been granted.

The number of STL licensing temporary exemptions that were granted during Jan 25 to May 25 that did not meet mandatory condition 13 (which requires the holder of a licence to either have applied for or have planning permission in place in circumstances where planning permission is required).

This information is not held as there is no operational need to collate that information, as per A1 above.

To confirm if the Council's Regulatory Committee has made a decision to disapply MC13 with respect to temporary exemptions and the date of this decision.

The City of Edinburgh Council's Regulatory Committee approved its Short-Term Lets Policy on 29 September 2022, which provided the required guidance on Temporary Exemptions and conditions to be adhered to. The Regulatory Committee reviewed this policy on 31 January 2025. The revised policy provides that MC13 is applicable to temporary exemptions for secondary letting, but not for home sharing and/or home letting.

Please refer to the Regulatory Committee papers published on our website at:

<https://democracy.edinburgh.gov.uk/ieListDocuments.aspx?CId=144&MId=7253>

Refer to 'Late Reports PDF 11MB' listed in 'Agenda'.

Please also refer to 'Item 4.1 Minutes' at:

<https://democracy.edinburgh.gov.uk/ieListDocuments.aspx?CId=144&MId=7252>

If the Council's Regulatory Committee has not made a decision to disapply MC13 then please provide the legal basis for granting temporary exemptions in contravention of the councils STL licensing policy.

Applications are processed and determined in accordance with Council policy. Please refer to response above for background.