



## Consultation on a registration scheme for short-term lets in England

### Consultation response

#### Consultation URL

<https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england/consultation-on-a-registration-scheme-for-short-term-lets-in-england>

#### Question 1: Which high-level approach to the registration scheme do you prefer?

*c) A mandatory national scheme, administered by one of: the English Tourist Board (VisitEngland), local authorities, or another competent authority.*

The Tourism Alliance is fully supportive of a statutory registration scheme.

We believe the main purposes of such a scheme are:

- To help ensure a level playing field between different parts of the sector
- To encourage compliance with relevant regulations across all parts of the sector
- To weed out bad actors who put consumers at risk, and bring the sector into disrepute
- To ensure that local authorities and central bodies have access to robust data about the short-term lets sector which is currently lacking

It is our firm view that the scheme must be universal and on an all-England basis, otherwise the purposes set out above will not be met: we would not have a level playing field; those left out would not be encouraged to comply with relevant regulations; bad actors would not be weeded out; and it would not produce useful national data.

#### Question 2: Who should be responsible for administering the registration scheme?

*b) The English Tourist Board (VisitEngland)*

If it is to be a national scheme it makes sense for VisitEngland to be the administrators of the online system. We believe that the Covid "Good To Go" scheme and website is a perfect model for how this could be administered, and that was done by VisitEngland too. Compliance checks, if felt necessary, could be carried out by local authorities in collaboration with VisitEngland.

### **Question 3: Should there be an analogue version of the registration scheme which would run in parallel with the digital one?**

b) No

To keep it simple we suggest a single platform digital platform where documents to prove compliance can be uploaded.

### **Question 4: Should the platforms require a valid registration number in order to list a short-term let?**

a) Yes

This is crucial and it should be easy to implement. It is a key way of ensuring compliance with the scheme. We suggest this should be required on any webpage where the detail of individual properties are shown.

### **Question 5: Should the registration number be displayed in any advertisement or listing of a short-term let?**

a) Yes

Again, we would support this where details of individual properties are shown. This would mean that general advertisements for platforms or companies would not require to show registration numbers, but if individual properties are advertised (taking into account the definition of 'unit' below) the registration number should be required.

### **Question 6: What should the 'unit' of registration be?**

*Owners (or a representative of the owner) register premises/dwellings or part of a dwelling. These dwellings (likely to be but not limited to being at one postal address) may be made up of multiple accommodation units that can be let separately; owners provide aggregated information about the units they let out.*

We share the Government's desire to keep this as light-touch as possible. One registration fee per Business Rates Rateable Value (RV) or Council Tax reference number could be a simple and straightforward way of implementing this where all accommodation on one site is owned and let by a single company or individual.

Where there are multiple companies letting properties on one site (for instance privately owned and let units on a bigger site), each business should be required to register as they would be responsible for regulatory compliance individually.

### **Question 7: How should the following types of accommodation be treated in respect of the registration scheme?**

We believe the scheme should be universal but light touch. It would be simple and sensible to include all the static structures listed but exclude temporary structures and vehicles. House swaps should not be included where money does not change hands.

### **Question 8: Do you agree with this list of exemptions?**

b) No.

We agree with exemptions b) to i), but the property types listed in a) should be included. However, we believe that in cases where businesses or properties are subject to an existing licencing regime in which compliance with relevant health and safety laws and regulations has already been proven (such as alcohol licencing or caravan park licencing), they should be exempt from proving compliance again. This could operate by the applicant giving details of the licence through the registration portal rather than providing documentary evidence of their health and safety compliance.

Importantly, these business and properties should still be required to register and receive a registration number so that it can be proven on marketing and booking platforms that they are compliant in the same way as all other short-term let properties.

**Question 9: Are there any other types of short-term accommodation that you think should be exempt from a requirement to register? If so, please specify.**

b) No

**Question 10: How long should registration be valid for?**

a) One year

The frequency should be annual because the primary health and safety requirements of a Fire Risk Assessments and Gas Certificates are also annual.

**Question 11: What information should be collected? (Please tick all that apply).**

	To be collected at registration	To be collected annually	Should not be collected
a) Address of the premises/dwelling(s)	X		
b) Name of the premises/dwelling owner	X		
c) Address and contact details of premises/dwelling owner	X		
d) Address and contact details of operator/manager, if different	X		
e) Whether the premises/dwelling to be let is a dwelling or part of a dwelling, such as a room or outbuilding	X		
f) Self-certification of adherence to relevant regulations	N/A	N/A	N/A
g) Proof (eg. a photograph or electronic upload) of adherence to regulations		X	
h) Detail about the accommodation unit(s) (eg.	X		

number of units, number of bedspaces, accessibility)			
i) If relevant, confirmation that in any rental , lease or other agreement that the responsible person is entitled to use the premises for short-term letting purposes	X		
j) Number of nights per year the premises is available to let		X	
k) Number of nights the premises was let out for in the last year		X <sup>1</sup>	
l) [Missing from document]			
m) Whether planning permission has been granted or is not required	X		
n) Other – please specify			

We suggest that the person registering is required to confirm each year whether the information that was provided at initial registration, or at in the previous year’s registration, is still accurate. The information should be presented to the person registering as a prompt to review the information with a positive confirmation required. This is similar to the process for reconfirming eligibility for tax-free childcare which is required every quarter, for example.

**Question 12: Which regulations should be satisfied in order for a property to be registered? Please tick all that apply.**

We believe the requirements should be kept to a practical minimum in order to comport with the Government’s desire to make this a proportionate scheme. Keeping this list to those items which are a legal duty and relevant to the accommodation sector specifically should be included:

- Gas safety
- Boiler safety
- Fire safety
- Electrical safety

**Question 13: In the context of compliance and enforcement, what should be the starting point of the registration scheme? Please tick all that apply.**

A combination of b) and d)

The important thing is that there is some checking and enforcement. An entirely self-certifying process will not meet the objectives set out above including weeding out bad actors. There should be light-touch checking of the uploaded documentation either through a manual check of a random sample, or, ideally, through routine automated or AI system checks. There should also be some light-touch physical inspections based on having failed that documentation check and/or other evidence or intelligence of potential non-compliance with the

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<sup>1</sup> Data gathered under j) and k) and m), while useful from a data gathering perspective, would not be strictly necessary in order to comply with the scheme, so could potentially be asked for on a non-compulsory basis.

regulation. That would be a proportionate checking and inspection regime without any authority having too onerous a duty, nor allowing bad actors to continue with impunity.

**Question 14: What issues do you think should incur a penalty? Please tick all that apply.**

All.

Each of these would be a breach of the scheme and a penalty would be appropriate in each case.

**Question 15: What penalties do you think would be appropriate? Please tick all that apply.**

There should be a sliding scale of penalty depending on the severity of the breach, and the number of such breaches that an owner/operator has made previously.

We suggest that trading without a registration number should be met with a significant fine as this would be a blatant disregard of the requirements under the law. Suggestion £2,000-£5,000, possibly depending on the size of the business. If it is found that the owner does not have the required health and safety documentation this should certainly be at the higher end of the scale.

We suggest that having a registration number but failing to show it on advertisements should be met with a somewhat lower fine. Possibly £500-£2,000 depending on the size of the business.

Providing false, inaccurate, or incomplete information during the registration process should be met with a fine. Possibly £250-£1,000 rising depending on the severity and number of previous infractions.

It is important that all, but especially the bad actors, become aware of fines being issues for non-compliance and that checking is indeed happening, in order to meet the objectives laid out above.

**Question 16: Should there be a flat fee per owner, or a sliding scale attendant with the number of units being let? (See also question 6 on unit of registration)**

A small flat fee per unit (suggested definition above) would seem appropriate in order to meet the requirement for a light-touch and simple scheme.

**Question 17: Should there be an annual fee to be in the registration scheme, regardless of the frequency of renewal asked in question 10?**

The fee should be paid at the same time as the frequency of renewal, but we believe both of these should be annual.

**Question 18: Should the platforms and/or other areas of industry contribute to the set up and running costs of the scheme?**

We believe the scheme should be self-supporting, which is why we support charging a fee for registering. We believe this should be around and ideally no more than £100 per year, which should be sufficient to support the set-up and ongoing running costs of the scheme. More analysis would be needed to assess the likely set-up and running costs, but if possible we would support a lower annual fee after initial registration.

**Question 19: Do you think that any of the data captured should be shared at all beyond the competent authority administering the scheme, as determined in Question 2?**

a) Yes

**Question 20: If you answered ‘Yes’, which types of organisations should have access to the data collated by the registration scheme? Please tick all that apply.**

Organisation	Should have access to aggregated/anonymised data	Should have access to detailed/individualised data
Local authorities/local planning authorities		X
Enforcement agencies		X
Organisations or individuals for commercial purposes		
Mortgage providers, landlords, freeholders, commonhold associations, resident management companies and neighbours		
English Tourism Board		X
Central government	X	
Academics	X	
Other- please specify		

Only those bodies responsible for gathering the data and enforcing the scheme and the law should have access to the detailed/individualised data. Aggregated/anonymised data would be of significant use to others including central government for policy development (including the Office of National Statistics) and academics. While the data should not be sold for commercial purposes the aggregate data could be of use to industry too and should be released as per Freedom of Information Act requirements.

**Question 21: Should there be a de minimis below which a property can be let for without the requirement to register?**

No. In order to meet the objectives outlined above, in particular to ensure a level playing field, and to ensure that consumer protection is met, all providers of short-term accommodation should be included, as they are for Fire Risk Assessments. It is not relevant to the consumer if the property he or she is staying in is let every day of the year or just for one – they are still entitled to the same level of protection. If certain properties are left out of the scheme owners could be given the impression that compliance with health and safety laws is not compulsory.

**Question 22: Are there any other issues that you think the government should be considering as part of its work to develop a short-term let registration scheme?**

Yes.

The consultation sets out the scope of the proposed scheme as follows:

*Given the government's priority is to deliver a proportionate regulatory response, the focus of the registration scheme in England will be on short-term lets only, and not other types of guest accommodation such as hotels, B&Bs and professional providers of self-catering accommodation.*

It is our view that the registration scheme must apply to all paid short-term accommodation. As currently outlined, there will be far too many loopholes to be exploited. If an existing self-catering provider puts a box of cereal in the cupboard is that now a B&B? Who qualifies as a 'professional provider of self-catering accommodation'? The term is not defined. A level playing field can only be achieved if all short-term accommodation is treated equally. If our proposed scheme design is taken up, the requirements will not be onerous, nor expensive, but ought to apply to all.

From 1 October 2023 every property, regardless of size, how many days let, and where they advertise, must have a written Fire Risk Assessment by law. If this is rightly applied universally, there is no justification that the registration scheme, of which Fire Risk Assessment is a key part, should not also be universal.

**Question 23: Do you have any comments about the potential positive and/or negative impacts that the options outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010?**

No

**Question 24: In your view, is there anything that could be done to mitigate any negative impacts?**

N/A