



## **Consultation on a Registration Scheme for Short-Term Lets in England**

**Analysis and Briefing Final 16 May 2023**

### **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>

### **Deadline**

**7<sup>th</sup> June 2023**

### **How to respond**

You can respond online here:

<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#how-to-respond>

You'll need to have your answers ready to transfer question by question.

Or, you can create your own word document, with each question and answer, which you can cut and paste from this doc and send it to: [short-term-lets-registration-scheme@dcms.gov.uk](mailto:short-term-lets-registration-scheme@dcms.gov.uk)

Don't forget to include your name, address and business name, and if possible, a short note about your business.

**Please answer the questions as you see fit, and please don't just cut and paste answers from below, adapt and modify, the less they see a cut and paste the greater the impact.**

### **Background**

For many years PASC UK been pushing for a Statutory Registration scheme for paid accommodation in England. These are the key objectives we hope any resultant scheme would deliver on:

- 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

Last year the Government published a call for evidence to help them in developing a registration scheme. We submitted supportive evidence, and we are pleased that the Government has now developed this into a more developed policy Consultation. Collectively we managed to get well over 4,000 responses to the call. You can link to that below.

<https://www.gov.uk/government/consultations/developing-a-tourist-accommodation-registration-scheme-in-england/developing-a-tourist-accommodation-registration-scheme-in-england-call-for-evidence>

The consultation consists of 24 questions. The window to respond closes on 7 June 2023.

## High level comments

- We warmly welcome this consultation and the movement towards a registration scheme.
- This consultation is an opportunity to ensure the policy is well-designed and fit-for-purpose.
- We are pleased the Government is not looking to introduce a burdensome licencing scheme.
- We want the resulting scheme to be wide but light. That is, we want it to cover all short-term accommodation, but for the requirements and checking to be light touch.
- There are elements of the proposal which we believe need changing in order to achieve these aims and objectives.

## The scope of the scheme is a key issue

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 firm 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. We do think that there should be exemptions.

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 and cover all that even let for a single night, regardless of platform upon which they advertise.

**(If you have any evidence of non-compliance within any sector which is not currently within scope of the proposed scheme, please provide it in your consultation response as this will be a key driver for the widening of the scheme as we propose).**

## Headline submission points

- All paid accommodation has to register
- The Statutory Registration Scheme must be all-England
- Registration cycle should be annual
- The property's valid registration numbers must be present on all advertising platforms
- The annual registration fee should be around £100 per property<sup>1</sup>

## Consultation questions

This is a first draft of the Guidance to respond to the Consultation, and we will taking further comments until close of play on Friday 12 May, with the intention of publishing the final Guidance in the 16 May PASC UK Newsletter. What follows is our initial analysis question-by-question. We have been working closely with many other Hospitality Associations to try to ensure that as many of our answers are aligned. Comments please to [chair@pascuk.co.uk](mailto:chair@pascuk.co.uk)

### 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.*

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 and 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?

*a) Local Authorities*  
*b) The English Tourist Board (VisitEngland)*

If it is to be a national scheme it makes sense for either Local Authorities or 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 but remain firmly of the opinion that all Registration Schemes in all parts of England must be to a common standard of information required and fee.

### 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. Once again with a single common fee across all England.

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

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<sup>1</sup> 'Per property' is defined, and more detail is given, later in this paper

a) Yes

This is crucial and is easy to implement. It is a key way of ensuring compliance with the scheme. There is little point in the scheme without this, as essentially it will remain self-regulated with all the identified challenges that brings.

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

a) Yes

Yes, absolutely, this must include not only accommodation sites, but also on social media advertising too. Platforms like Facebook are key drivers for bookings.

### **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.*

Our suggestion for this is one registration fee per Business Rates Rateable Value (RV) or Council Tax reference number could be a simple and straightforward way of implementing this.

### **Question 7: How should the following<sup>2</sup> types of accommodation be treated in respect of the registration scheme?**

The exact contours of where to draw the edges of this policy will always be tricky. Our view on this is still being formed but a simple way to do this would be to exclude any vehicle and include static structures. So that would include static caravans, treehouses, mountain bothies, shepherd's huts, glamping and yurts; and exclude mobile caravans, cars, motorhomes, and boats.

### **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) ... licenced hotels and B&Bs and self-catering properties on their premises ..... should be included for reasons given above.

### **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.**

c) No

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<sup>2</sup> See consultation document for the provided list.

To mitigate negative impacts this scheme must be a common national scheme, covering all short-term accommodation, with no exemptions even if let for a single night. Then there will be no confusion about who should register.

From a consumer perspective, they would be reassured by seeing Reg No on all advertisements and would likely favour properties that had one displayed once they understood what it was. It would also therefore be a disadvantage to be 'outside' the Registration Scheme.

### 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. number of units, number of bedspaces, accessibility)	X		
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>3</sup>	
l) Confirmation allowed to let property	X		
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.

In general, we do not support the self-certification method, except where documentary evidence cannot otherwise be provided. See further below.

**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

To aid businesses registering it would be possible to have links to the digital Pink Book, published by Visit England. For example next to Gas safety there could be a link to the relevant section of the Pink Book, on what the regulations are and how to comply.

**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 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 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.

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<sup>3</sup> Data gathered under j) and k), 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.

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

*g). Other. Need to add Failure to display Registration Number*

Each of these would be a breach of the scheme and a penalty would be appropriate in each case. A key one is missing, and that is failure to display Registration Number at the point of advertising.

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

*All apply.*

We would favour an initial 'light touch.' If the lack of compliance is minor time a warning should be made, detailing work required and by when. For major breaches, there could be an immediate sanction if found in breach of the scheme requirements. Revocation of registration pending upon the payment of a fine and the rectification of the breach within a certain short time frame. It is important that all in the sector become aware of fines being issues for non-compliance and that checking is indeed happening, 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)**

*b) Flat fee per property*

A small flat fee per Business Rates Rateable Value (RV) or Council Tax reference number would seem appropriate. We would suggest in the region of £100 per property, see earlier note on this.

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

*a) Yes*

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?**

*a) Yes*

We believe the scheme should be self-supporting, which is why we support charging a fee for registering. We believe this should 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.

**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*

Only as far as in necessary to administer the scheme and for public bodies to assemble data. Not under any circumstances to available to commercial organisations.

**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	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 ever be sold or shared 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?**

*b) No- all short-term accommodation should have a requirement to register*

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 they are staying in is let every day of the year or just for one – they are still entitled to the same level of protection.

**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?**

We refer back to the comments above regarding the scope of the scheme, and the current lack of definition of 'professional providers of self-catering' and the likely impossibility of so defining as well as the decision to exclude huge swathes of the tourism accommodation landscape. This is a fundamental issue at the heart of the scheme.

We will be adding to this section over the coming week.

**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?**

*c) No*

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

*a) yes*

In order to mitigate negative impacts this scheme must be a common national scheme, with the same fees, and covering all short-term accommodation, no exemptions even if let for a single night. Then there will be no confusion about who should register.

From a consumer perspective, they would be reassured by seeing Reg No on all advertisements and would likely favour properties that had one displayed once they understood what it was. It would also therefore be a disadvantage to be 'outside' the Registration Scheme.