

## **Head of Private Sector Housing's response to DCMS's consultation on a registration scheme for short term lets in England.**

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

- An opt-in scheme for local authorities, with the framework set nationally
- An opt-in scheme for local authorities with the framework set nationally, and a review point to determine whether to expand the scheme to mandatory
- A mandatory national scheme, administered by one of: the English Tourist Board (VisitEngland), local authorities, or another competent authority

### **Please give the reasons for why you chose this type of registration scheme**

The prevalence of short-term letting accommodation varies across the Country. Being generally dominated in areas with a significant tourism sector, or in larger cities and towns. The opt-in scheme gives local authorities the opportunity to respond to their local circumstances, in a similar way to additional and selective licensing under the Housing Act 2004. The support of the national framework will provide consistency of approach and requirements to their short-term letting companies that operate across local authority boundaries.

### **Please also provide any evidence relevant to the three high-level approaches set out in Question 1.**

The Council have seen an increasing level of complaint from local residents which reference the use of property as a house in multiple occupation. On investigation many of these are found to be properties operating as short term letting rather than house in multiple occupation.

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

- Local authorities
- The English Tourist Board (VisitEngland)
- Another national body (please specify - this could be an existing body or a new one)

### **Please give the reasons for your answer**

Local authorities already have significant regulatory functions relating to ensuring the licensing, and quality of accommodation under the Housing Act 2004. This particularly includes the licensing of mandatory and additional houses in multiple

occupation, and the licensing of all private rented accommodation under a selective licensing regime. Further, local authorities have regulatory functions under the Health and Safety at Work etc. Act 1974 relating to hotels and holiday style accommodation. The licensing of short-term letting accommodation would be complimentary to the existing local authority functions.

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

- Yes
- No

**If you answered 'yes', please suggest what form this could take**

The implementing a system it must be accessible to all and not reliant on a digital only approach. Whilst a digital approach should be actively encouraged for the purposes of efficiency, this must not lead to non-compliance through a lack of digital knowledge or skills. Local authorities are already well equipped to provide digital based licensing systems, with the back up functions of local authority staff to support those who are unable to engage in a digital only format.

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

- Yes
- No

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

- Yes
- No

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

- Owners
- Premises/dwellings or part of a dwelling
- Individual accommodation units within a premises/dwelling
- Other - please specify

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

	Include	Exclude
Caravans on sites or any site which accepts motorhomes or	<input checked="" type="radio"/>	<input type="radio"/>

	Include	Exclude
campervans or any other vehicle providing accommodation	<input type="radio"/>	<input type="radio"/>
Treehouses	<input checked="" type="radio"/>	<input type="radio"/>
Mountain bothies	<input checked="" type="radio"/>	<input type="radio"/>
Shepherd's huts	<input checked="" type="radio"/>	<input type="radio"/>
Cars	<input checked="" type="radio"/>	<input type="radio"/>
Motorhomes	<input checked="" type="radio"/>	<input type="radio"/>
Glamping	<input checked="" type="radio"/>	<input type="radio"/>
Yurts	<input checked="" type="radio"/>	<input type="radio"/>
Boats inc. houseboats, canal boats	<input checked="" type="radio"/>	<input type="radio"/>
House swaps	<input checked="" type="radio"/>	<input type="radio"/>
Other - please specify	<input type="radio"/>	<input type="radio"/>

**Please give reasons for your answers.**

The scheme should be able to include all possible combinations of short term letting accommodation

**Exemptions**

There are circumstances where people stay for a short period outside their principal or primary residence. The following are not considered to be within scope of short-term lets for the purposes of this paper:

- a) licenced hotels and B&Bs and self-catering properties on their premises;
- b) women's refuges;
- c) homeless hostels and other temporary accommodation for homeless

- people;
- d) accommodation for asylum seekers;
  - e) child or adult care homes and other council premises;
  - f) student halls of residence (whether used by students or others);
  - g) hospitals;
  - h) prisons; and
  - i) supported housing.

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

- Yes
- No

**Please explain your answer**

This list of exemptions would mirror the exemptions for licensing under the Housing Act 2004

**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**

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

- One year
- Two years
- Three years
- Four years
- Five years
- The length of registration should depend on the length/validity of relevant documentation
- There should only be a one off registration, with providers able to remove themselves if they no longer provide the short-term let(s)

**Please give reasons for your answer**

The length of registration should be based within the national operating guidance and be able to reflect the nature and standard of accommodation, along with the fit and proper person status of the property manager.

**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)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Name of the premises/dwelling owner	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Address and contact details of the premises/dwelling owner	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Address and contact details of operator/manager, if different	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
e) Whether the premises/dwelling to be let is a dwelling or part of a dwelling, such as a room or outbuilding	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Self-certification of adherence to relevant regulations (see question 12)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Proof (e.g. a photograph or electronic upload) of adherence to regulations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) Detail about the accommodation unit(s) (e.g. number of units, number of bed spaces, accessibility)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) If relevant, confirmation that in any rental, lease or other agreement that	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

	To be collected at registration	To be collected annually	Should not be collected
the responsible person is entitled to use the premises for short-term letting purposes			
j) Number of nights per year the premises is available to let	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
k) Number of nights the premises was let out for in the last year	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
l) Whether planning permission has been granted or is not required	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
m) Other - please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The registration scheme should be in the main based on at the point of initial registration. Thereafter, either updated annually as suggested above, or updated on change of information by the holder of the registration.

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

- Gas safety
- Boiler safety
- Fire safety
- Electrical safety
- Furniture safety
- Planning (where relevant)
- Food safety
- Equality Act
- Other - please specify

Smoke and Carbon Monoxide Alarms status, Energy Performance Certificate rating

**Please give reasons for your answers**

The properties registration needs to provide assurance to the use of the accommodation of the safety of that accommodation

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

- An entirely self-certifying process with no element of ongoing physical inspection of documentation or of the short-term let
- Light touch inspections of documentation uploaded as part of the registration process based on a % of all properties to be spot checked at random on an ongoing basis.
- Light touch physical inspections of short-term lets based on a % to be spot checked at random on an ongoing basis.
- Light touch physical inspections of short-term lets based on an intelligence or risk-based approach on an ongoing basis.

**Please give reasons for your answer**

The process should be intelligence led, with a local authority scheme the information held by the Council relating to compliance and complaint should be used to inform the frequency of inspections

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

- Short-term let owners/providers operating without registering
- Failure to provide valid documentation or information
- Failure to renew registration if applicable
- Failure to comply with registration requirements (for example, failure to pay the relevant fee or charge within the specified period)
- Falsification of registration documentation
- Failure to grant access to the short-term let to the scheme administrator or relevant authority, if deemed appropriate
- Other - please specify

**Question 15: What penalties do you think would be appropriate?**

**Please tick all that apply**

- Fines, which could vary according to the severity and duration of a violation
- Revocation of registration, for a period of time or permanently

- Notices requiring a short-term let owner/provider to rectify a violation could be issued in some circumstances before registration is revoked. If the owner/provider fails to take the necessary action within a specified timeframe, then the registration would be revoked
- Other - please specify

**Please give reasons for your answer. If relevant, please also provide views on the appropriate quantum or procedure e.g. for a fine, a timeframe for addressing a violation, or for another penalty referenced above**

The scheme should ensure that comparisons exist between the licensing and regulation of short term letting accommodation, and the licensing and regulation of houses in multiple occupation. We see too many properties operating as short term letting as a way of avoiding the licensing and regulation requirements of the Housing Act 2004. The local authority must be obligated to publish an enforcement policy that outlines their approach to licensing and regulation.

**Question 16: Should there be a flat fee per owner, or a sliding scale attendant with the number of units being let? Please note question 6 on the 'unit' of registration.**

- Flat fee per owner
- Flat fee per property or part of a property
- Sliding scale based on number of units owned
- Sliding scale based on number of units owned (e.g. number of bedrooms)
- Other - please specify

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

- Yes
- No

**Please give reasons for your answer**

The fee for the duration of the license should be collected on the processing of the application for registration and renewal of the registration. The collection of annual fees would increase the burden of the registration process.

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

- Yes
- No



**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?**

- Yes
- No

**Question 20: Which types of organisations should have access to the data collated by the registration scheme? Please tick all that apply.**

	Should have access to aggregated/anonymised data	Should have access to detailed/individualised data
Enforcement agencies	<input type="radio"/>	<input checked="" type="radio"/>
Organisations or individuals for commercial purposes	<input checked="" type="radio"/>	<input type="radio"/>
Mortgage providers, landlords, freeholders, commonhold associations, resident management companies and neighbours	<input checked="" type="radio"/>	<input type="radio"/>
English Tourist Board	<input type="radio"/>	<input checked="" type="radio"/>
Central Government	<input type="radio"/>	<input checked="" type="radio"/>
Academics	<input checked="" type="radio"/>	<input type="radio"/>
Other - please specify	<input type="radio"/>	<input type="radio"/>

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

- Yes (if so what should the minimum threshold be - please specify).
- No - all short-term let accommodation should be a requirement to register.
- Don't know.

**What are the reasons for your answer?**

The scheme needs to mirror the requirements of planning legislation in terms of main use of the accommodation unit, it does not need to place a burden of registration where the use of short term, suggested to be 28 days per 12 month rolling period, or ancillary to the main use of the property

**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 registration scheme?**

In 2022, DCMS issued a [Call for Evidence](#) to gather information on the benefits and challenges of short-term lets in England, and the analysis of responses is published alongside this consultation. DCMS welcomed any further evidence, particularly on:

- Market size and related markets (for example, management companies)
- Impact of registration schemes on supply and demand (for example, behavioural responses of hosts and guests)
- Transition costs (for example, the rate of regulatory non-compliance, the time associated with compliance)
- Compliance costs (for example, the rate of regulatory non-compliance, the time associated with obtaining documents, costs incurred)
- Any other costs
- Benefits to businesses

**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?**

- Yes
- No

**If you answered 'Yes', please explain what you think these impacts (both positive and/or negative) would be.**

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

- Yes
- No

**If you answered 'Yes', please specify**

