



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

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The CLA is the membership organisation for owners and managers of land, property and businesses in rural England and Wales. Our 27,000 members own or manage around half the rural land in England and Wales and operate more than 250 different types of businesses. We help safeguard the interests of owners of land, and all those with an economic, social, and environmental interest in rural land. 39% of the CLA membership has some sort of interest in a tourism business, including providing short-term lets.

We are completing this consultation as an organisation which is a tourism representation body.

CAMPING PERMITTED DEVELOPMENT RIGHT

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

1. *A mandatory national scheme, administered by one of: English Tourist Board (VisitEngland), local authorities, or another competent authority.*
2. If the registration scheme was delivered at a local level, this would be unfair as it creates an unlevel playing field across the sector. Additionally, local opt-in schemes would not provide useful national data.

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

3. VisitEngland. The Covid “We’re Good to Go”¹ Industry Standard was a good model for how this could be administered by Visit England, including having a user-friendly website. It would be beneficial for VisitEngland to administer the scheme as they are the ones who could produce useful data of number of properties in the sector. However, if the scheme is to be used for enforcement, local authorities or the enforcement agencies should have access to the data and be responsible for the compliance checks.

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

4. Yes. For accessibility for all users there should be an analogue version.

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

5. No. While this seems sensible in theory and could eliminate operators who do not comply with the registration scheme from advertising their properties at all, in practice there are

¹ <https://www.visitbritain.org/business-advice/were-good-go-industry-standard>

too many variables to make this work. For example, as we discuss later in this response there should be exemptions from the need to register if you operate below a minimum threshold per year (question 21), and exemptions for certain types of properties (question 7&8). It would be too complicated for platforms to build into their software the rules of which accommodations need a number, and which do not.

6. **Hypothetical example** – A property owner could let their property to guests for the duration of the Great Yorkshire Show, a maximum of seven nights a year. This property owner could use Airbnb to list their property for this period. Airbnb would require a registration number in order to accept the listing, but the property owner would be exempt from the need to have a registration number as they only let the property for only seven nights a year. The property owner would lose out on the opportunity to let their property out for the show because the platform required a registration number which the property owner would not have.

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

7. No. We do not believe the platforms should be responsible for ensuring a listing has a registration number therefore it also need not be displayed.

Question 6: What should the ‘unit’ of registration be?

8. *Owners (or a representative of the owner, such as a management company) register once, regardless of how many premises/dwellings or parts of dwellings they let or if a representative/company manages these. They provide aggregated information (i.e. fire safety certificates per unit) about the units they let out.*
9. Requiring properties to be registered individually would create unnecessary administrative burden for operators with multiple properties. This is particularly relevant in rural settings where one operator may have multiple accommodation units but because of their sparse nature have multiple postcodes, business rates rateable values or council tax reference numbers. Requiring businesses to have one registration, but which includes details of all properties, will reduce administration for this business operators while still insuring an accurate record of the properties and their compliance.

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

10.

Accommodation Type	Include	Exclude
Caravans on sites or any site which accepts motorhomes or campervans or any other vehicle providing accommodation		x
Treehouses		x

Mountain Bothies		X
Shepherd's Huts		X
Cars		X
Motorhomes		X
Glamping		X
Yurts		X
Boats inc. houseboats, canal boats		X
House swaps		X
Other – please specify		X

11. If the purpose of the registration scheme is to understand the short-term let sector and the impact on housing supply, then none of the accommodation types listed above will be relevant to the data set.

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

12. Yes. However, there should be clarification of what constitutes a “licensed B&B”. It is unclear whether a short-term let providing a welcome basket with croissants could be classified as a B&B. This could open up rule-abiding operators to unnecessary scrutiny because the rules are unclear.

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

13. No.

Question 10: How long should registration be valid for?

14. *One year.*

15. For trend data to be useful a year-on-year collection is necessary. Additionally, most compliance checks such as a fire risk assessments and gas safety checks are required to be updated annually. Re-registration annually would prompt operators to ensure these compliance aspects are up to date.

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

16.

	To be collected at registration	To be collected annually	Should not be collected
Address of the premises/dwelling(s)	x		
Name of premises/dwelling owner	x		
Address and contact details of premises/dwelling owner	x		
Address and contact details of operator/manager, if different	x		
Whether the premises/dwelling to be let is a dwelling or part of a dwelling, such as a room or outbuilding			x
Self-certification of adherence to relevant regulations (see question 12)		x	
Proof (eg. a photograph or electronic upload) of adherence to regulations			x
Detail about the accommodation unit(s) (eg. number of units, number of bedspaces, accessibility)	x		
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
Number of nights per year the premises is available to let			x
Number of night the premises was let out for in the last year		x	
Whether planning permission has been granted or is not required			x
Other - please specify	n/a	n/a	n/a

17. Self-certification should be sufficient, particularly if there are fines for providing false or misleading information and spot checks by the local authority to confirm compliance.

18. 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.

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

19.

Gas Safety	X
Boiler Safety	X
Fire Safety	X
Electrical Safety	X
Furniture Safety	
Planning [where relevant, subject to DLUHC planning use class consultation]	
Food Safety	
Equality Act	
Other – please specify	

20. We believe the requirements should be kept to a practical minimum in order to comply with the Government's desire to make this a proportionate scheme, keeping the list to those items which are a legal duty and relevant to the accommodation sector. However, as we have said in our response to question 11, owners should be allowed to self-certify their compliance with these regulations.

Question 13: In the context of compliance and enforcement, what should be the starting point of the registration scheme?

21. a) *An entirely self-certifying process with no element of ongoing physical inspection of documentation or of the short-term let, but with light-touch compliance checks.*
22. We mostly believe it should be option a. However, for the scheme to help local authorities with compliance there must be some checking and enforcement. Therefore, there could be spot checks of a sample who would then have to present the relevant documentation which they have certified they have. If an operator is not found to have the relevant documentation, there should be a period of time for which they are allowed to comply and present evidence. If an operator continually fails to provide evidence through a spot check, then a physical inspection could take place followed by a penalty if appropriate.

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

23.

Short-term let owners/providers operating without registering	X
Failure to provide valid documentation or information	X
Failure to renew registration if applicable	X
Failure to comply with registration requirements (for example, failure to pay the relevant fee or charge within the specified period)	X

Falsification of registration documents	X
Failure to grant access to the short-term let to the scheme administrator or relevant authority if deemed appropriate.	X

24. Operators must be given sufficient opportunity to rectify the issue before a penalty is imposed.
25. To clarify “failure to provide valid documentation or information” should only apply for spot-checks as we have explained in our response to question 13.

Question 15: What penalties do you think would be appropriate? Please tick all that apply. Please give reasons for you answer. If relevant, please also provide view on the appropriate quantum or procedure e.g. for a fine, a timeframe for addressing a violation, or for another penalty referenced above.

26.

Fines, which could vary according to the severity and duration of a violation	X
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	

27. Revocation of registration, if this means the operator would be unable to operate, is serious and should only be imposed on the very worst accommodation providers. However, these bad actors are unlikely to enter a registration scheme at all and would remain under the radar of the enforcement agencies. In most cases of non-compliance, a fine would be sufficient. Additionally, there are penalties under existing legislation for non-compliance with statutory duties, so this need not be duplicated under the registration scheme.

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).

28. *Flat fee per owner.*

29. We would suggest this fee should be no more than £100 per owner, and as below should only be payable on first registration.

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

30. No. The fee should only apply to the first registration, unless there is a significant material change to the accommodation being provided by the operator (i.e. additional properties). In the case of additional properties this may increase the number of

properties the enforcement agency is required to spot-check and therefore an additional registration fee may be required to ensure the scheme remains self-funded.

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

31. If the scheme is not self-funding with a single fee payable by the operators at first registration, then platforms should be required to fill the gap.

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?

32. Yes, however most of the access to the data should be anonymised, see our response to question 20 below.

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.

33.

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	Should not have access	Should not have access
Mortgage providers, landlords, freeholders, commonhold associations, resident management companies and neighbours	Should not have access	Should not have access
English Tourist Board	x	
Central Government	x	
Academics	x	
Other – please specify		

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

34. Yes, we would suggest that if the government proceeds with the proposals in the current DLUHC use class consultation, the registration scheme should match with their proposals to allow C3 residential properties to be let out for 30/60/90 days. Our response to the DLUHC consultation suggests 90 days is an appropriate threshold for owner-occupiers to let out their property in the short-term let sector. This would allow a

database of those operating in the short term let sector, at least of those operating for more than 90 days.

35. If the introduction of a new use class for short-term lets is not taken forward, then we would suggest there is no de minimus threshold as it would be important to understand who is operating in the short term let sector, regardless of number of days per year.

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?

36. No.

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

37. No.

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

38. No.

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