

Consultation on Statutory licensing scheme for all visitor accommodation providers in Wales – response deadline 17/3/23

Summary of consultation questions

Q1 Do you agree or disagree with establishing a licensing scheme for all visitor accommodation in Wales?

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answers? What impact, positive or negative, do you think a statutory licensing scheme for all visitor accommodation will have?**

AGREE: The Authority agrees that a mandatory licensing system needs to be in place as a means to regulate the sector. Currently there is a lack of a regulatory mechanism as well as a mechanism that will ensure that the expected standards are reached and maintained (health and safety).

Furthermore, a mandatory licensing system would have the added advantage of being a pool of information (type, quality and location) that will assist to get a better understanding of the current provision together with identifying future needs (when forming strategies and relevant policies). It is also an information tool to improve contact and communication with the sector.

Q2 If you disagree with the proposal to establish a licensing scheme, do you agree with the creation of a registration scheme for all visitor accommodation in Wales?

- **Agree**
- **Disagree – I do not want a licensing scheme or a registration scheme**
- **Neither Agree or Disagree**
- **What are the reasons for your answers? What impact, positive or negative, do you think a registration scheme for all visitor accommodation will have?**

NOT RELEVANT REF TO QUESTION 1.

Q3 Do you agree or disagree that introducing a statutory licensing scheme will ensure a level playing field?

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answers?**

AGREE: It is deemed that a licensing system would ensure that everyone who provides holiday accommodation would operate to the same requirements and therefore ensure fairness and consistency.

Furthermore, a licensing system rather than registration would ensure that specific requirements would need to be reached and to submit evidence to support their validity to be holiday accommodation providers.

There would be a need to agree on the evidence required and the standards needed to be achieved as this may entail significant work.

Q4 Do you agree or disagree that the Welsh Government needs a register of accommodation providers in Wales to know who is operating in the industry?

- Agree
- Disagree
- Neither Agree or Disagree
- What are the reasons for your answers?

AGREE: Vitally important to get a better understanding of the performance of the local tourism sector as well as assisting when drafting future relevant Strategies and Policies.

Sustainable Visitor Economy + ownership + marketing the Gwynedd offer.

Q4A Do you agree or disagree that local authorities need a register of visitor accommodation providers in Wales to know who is operating in the industry?

- Agree
- Disagree
- Neither Agree or Disagree
- What are the reasons for your answers?

• **DISAGREE** : See question 4 above. Cyngor Gwynedd believes that this should be a national process in terms of the consistency of data collection and operates to national standards and supervision.

Q5 Do you agree or disagree that introducing a statutory licensing scheme will ensure an effective platform for communication between the Welsh Government and local authorities and providers of visitor accommodation in Wales?

- Agree
- Disagree
- Neither Agree or Disagree
- What are the reasons for your answers?

AGREE: Dependent on ensuring that the correct process is followed and that appropriate resources are available. Current deficiency in terms of communicating the locations that have not been graded - this would allow communication and promote the whole offer fairly. It would also improve the availability of information to enable timely communication with all accommodation providers. This was highlighted as a challenge during COVID

Q6 Do you agree or disagree that introducing a statutory licensing scheme will ensure enhanced confidence in the visitor accommodation in Wales and accommodation providers in Wales?

- Agree

- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answers?**

AGREE: Having a communication strategy and a period to raise awareness is an inevitable part of the success of the prospective Licensing Scheme. By raising public awareness of the aim of the Licensing Scheme it is likely to ensure that individuals who are looking for holiday accommodation providers will have more confidence that the essential requirements (health and safety) are evidenced by the holiday accommodation and will therefore confirm the validity and credibility of the providers.

There are now many independent reviews for providers via digital platforms - but this could be a consistent way of ensuring standards.

Q7 It is our view that a statutory scheme should be delivered on a hybrid basis, taking a national approach to core elements such as registering providers and processing applications, with enforcement to be undertaken by local authorities as required. Do you agree or disagree with this?

- **Agree – scheme should be delivered nationally**
- **Disagree – If you disagree, how best do you think the scheme should be administered and enforced? Neither Agree or Disagree**
- **What are the reasons for your answers?**

DISAGREE: Cyngor Gwynedd does not have the capacity or the staff to be able to undertake this requirement. It would be unreasonable to expect Local Authorities to enforce this field and this needs to be identified as a national scheme that marries into the promotion and marketing aims of the Wales holiday accommodation offer.

Need to ensure that it is possible to get information from the national register to a local authority level, together with ensuring that it is possible to get local information about provision in different areas.

Q8 It is proposed that all visitor accommodation is considered within the scope of a statutory scheme. Do you agree or disagree with this?

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

AGREE: To create a fair system all types of accommodation need to be included within the scope of a statutory scheme. A mechanism should be created to manage accommodation not currently managed and no additional burden should be placed on those managed via systems such as e.g., licensing. Is there a threat that this would duplicate procedures that already exist. I.e., are there similar requirements by Visit Wales or by caravan site licensing?

There are systems in place for a variety of holiday accommodation e.g. licensing for caravan sites and relevant legislation, Visit Wales / AA etc. 'voluntary' Holiday Accommodation grading.

A system should be developed that allows permitting current management systems of some types of accommodation e.g., caravans, and that this element is a tier of the management system / recording wider evidence.

Q9 Can you identify any visitor accommodation that should be exempt from a statutory scheme and what are the reasons for your answer (e.g. accommodation that is used solely for education purposes or vulnerable groups)?

COMMENT: Arrangements need to be considered for holiday accommodation sectors that are already under supervision e.g. licensed so that there is no duplication.

Q10 We are proposing that whoever is responsible for the letting of the accommodation for holiday purposes on caravan and/or camping sites (i.e. the park owner or individual owner) should be required to obtain a licence. Do you agree or disagree with this proposal?

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

AGREE It is important that the person responsible for the letting arrangements ensures that the essential standards are reached. Power and responsibility is in their hands. There is a need to ensure that licensing arrangements etc. are used rather than duplication for mandatory licensing.

Q10a Do you have any other comments relating to a statutory scheme and the caravan and camping sector?

None to note.

Q11 We are proposing that a licence is required even if the visitor accommodation is operating infrequently (including one night per year). Do you agree or disagree with this proposal?

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

AGREE: The letting frequency should not affect the need to receive a licence especially if there is a need to test standard competence in terms of health and safety and quality for prospective customers. It is therefore vitally important that all the providers are included.

Different definitions may need to be considered for holiday accommodation (e.g. definitions for planning purposes) when considering this aspect it may of course mean that use requires a licence and perhaps not planning consent.

Q12 Do you agree with the need for a limited license for one-off or annual events?

- **Agree**

- **Disagree** If you disagree, do you have any suggestions for how providers of accommodation who operate on a temporary basis for one-off events could be regulated to ensure visitor safety and fairness? Neither Agree or Disagree
- **What are the reasons for your answer?**

NEITHER AGREE OR DISAGREE: Licensing arrangements are in place for one-off events such as the Eisteddfod that may satisfy this need and therefore it is important not to duplicate.

In Wales the Eisteddfod/Agricultural Shows are examples of annual festivals that lead to an increase in the demand for occasional provision of holiday accommodation in a specific area. In some areas where the demand is higher than provision, examples/occasions arise when property owners decide to let their own property for a specific period in response to the demand. This provision can often be an affordable provision and an easy way of satisfying the need.

We are concerned about the requirements linked with letting holiday accommodation for this type of use, and in so doing would correspond with all the associated requirements that may be a burden for the provision period. It is questioned if there is a more flexible and less burdensome approach that could be taken?

Q13 We are proposing that a provider of visitor accommodation should supply the above information / documentation and be required to provide evidence/confirmation that they comply with the requirements as detailed above. Do you agree or disagree with this proposal?

- Agree
- **Disagree. If you disagree, what information / documentation / evidence should providers have to produce in order to apply for a licence?**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

AGREE: What is requested appears to be essential information to ensure that the holiday accommodation provision reaches the requirements in terms of standards and health and safety.

Q14 We are proposing that inspections are carried out on a 1:50 ratio using a risk-based approach and additional inspections in response to customer complaints or other concerns brought to the attention of the licensing authority. Do you agree or disagree with this proposal?

- **Agree**
- Disagree If you disagree, what would you propose doing instead to ensure licence holders meet the relevant criteria?
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

DISAGREE:

Frequency of inspections are not clear. I.e., is the intention to conduct an inspection at a rate of 1:50 annually for providers? Although the Authority does not object to the principle of using a rate/percentage, it should be borne in mind that there is a wide range in terms of the type and number of holiday accommodation across the whole of Wales. Therefore, it would be necessary to ensure that

the appropriate resources are available to undertake the inspections especially if this is a burden on the Local Authority. Furthermore, it is noted that it is not clear from the consultation document who would be responsible for undertaking the inspections.

Would it be more prudent to ensure that the inspections are held occasionally over a period of time, e.g. every two years. This will ensure consistency.

Furthermore, it is deemed that conducting a percentage of the inspections based on complaints is unwise. It is considered (when appropriate and relevant) that every complaint should lead to an inspection, with the principle of conducting occasional inspections relevant to all other operators.

Q15 Do you agree with the principle that visitor accommodation providers that do not comply should be subject to enforcement measures?

- **Agree If you agree, which enforcement measures do you think should / should not be used?**
- **Disagree. If you disagree, what alternative measures would you suggest to ensure compliance?**
- **Neither agree or disagree**
- **What are the reasons for your answer?**

AGREE: Unless there are appropriate enforcement measures in place, the exercise and requirements are worthless, however this will require significant additional resources and it should be implemented at a national level.

Considering that no relevant Legislation exists in this field regarding safety, new Legislation will need to be developed and implemented to ensure standards with significant resources provision. The provision to ensure compliance will vary from Authority to Authority in accordance with the number of visitor accommodation that exists in each County.

Q16. Do you agree that a fit and proper person test or similar should be included as part of the scheme requirements for all visitor accommodation providers?

- **Agree**
- **Disagree. If you disagree, what other ways do you think could be used to establish that providers are suitable people to let accommodation to visitors?**
- **Neither Agree or Disagree**
- **What are the reasons for your answer? What matters do you think should or should not be considered by the licensing authority when deciding if a person is fit and proper to be granted a licence?**

AGREE: This is a consideration with licensing arrangements usually and is fine in principle, to ensure that the individual is eligible and to give the person staying in the accommodation confidence in its competence. It is also considered important that there are specific criteria for the fit and proper person test set out clearly to ensure consistency in the process.

Q17 We would like your views on whether all visitor accommodation providers should pay the same standard fee or should the fees be scaled (i.e. based on the type and size of the visitor accommodation)?

COMMENT: The Authority agrees with the principle that all accommodation providers should pay a fee. Agreeing to this principle is subject to the level of fee to be adopted. The fee would also have to be subject to the relevant costs associated with the task - i.e number of lets / bedspaces the fee should reflect the implications due to size of the operation

17a Do you agree that all visitor accommodation providers should pay the same fee?

- Agree**
- Disagree**

- Neither Agree or Disagree**

- What are the reasons for your answer?**
REF TO QUESTION 17

17b Do you agree that fees should be scaled based on the size of the visitor accommodation?

- Agree**
- Disagree**
- Neither Agree or Disagree**
- What are the reasons for your answer?**

Ref to Q17

Q18 In Question 12, we asked about Limited licences for one-off or annual events. Do you agree or disagree that providers could apply for a one-off licence at a reduced cost.

- **Agree**
- **Disagree**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

NEITHER AGREE OR DISAGREE: If undertaking inspections is part of the cost of the fee, and if inspections are not undertaken for one-off providers, then it will not be appropriate for these providers to pay the standard fee.

Q19 How often should a visitor accommodation provider be required to renew their licence?

- **Annually**
- **Every 2 years**
- **Every 3 years**
- **Every 4 years**
- **Every 5 years**
- **What are the reasons for your answer?**

COMMENTS: Should the renewal frequency be based on how often the associated documents should be renewed? I.e., for example, should it be a requirement to submit a Gas Safety Test Certificate, how often should this test be renewed (together with other tests)? Either the renewal

period is in line with other essential requirements or there is a system in place where the Authority has to be notified of this latest information.

Q20 If the frequency of renewal is less often than annual, do you agree or disagree that visitor accommodation providers be required to do an annual review i.e. upload up-to-date evidence/confirmation that they comply with their license requirements?

- Agree
- Disagree
- Neither Agree or Disagree
- What are the reasons for your answer?

AGREE: See the justification to question 19 above.

Q21 We are proposing that as part of the licence application process, accommodation providers are asked to give their consent to the information they supply being shared between key authorities and partners for the purposes of communication, safety, compliance, enforcement and implementation of a visitor levy. Do you agree or disagree with this proposal?

- Agree
- Disagree. If you disagree, can you say which information (if any) you do consider should be shared between key authorities and partners?
- Neither Agree or Disagree
- What are the reasons for your answer?

AGREE: This is essential and key to ensure that the requirements on the operators are not too burdensome and avoid duplication.

Q22 Do you agree or disagree with the proposal that all visitor accommodation providers should be required to display their licence number on all advertising/marketing materials and at their visitor accommodation?

- Agree
- Disagree
- Neither Agree or Disagree
- What are the reasons for your answer?

AGREE: This appears to be a reasonable requirement and gives peace of mind/confidence in an easy way (visual) that the operators comply with the essential requirements, namely that they have reached the essential requirements and are eligible to receive a licence.

Q23 Do you agree or disagree with the proposal that all online travel agents (OTAs), travel trade organisations, other booking and social media channels, marketing platforms and self-catering agencies SHOULD BE REQUIRED to display the licence number of the visitor accommodation they are promoting on their listings and/or adverts and be subject to sanctions if they deliberately or negligently advertise unlicensed visitor accommodation?

- **Agree – Which Sanctions do you think should be imposed in these circumstances ?**
- **Disagree – Are there any sanctions in particular that you do not consider should be imposed in these circumstances ?**
- **Neither Agree or Disagree**
- **What are the reasons for your answer?**

AGREE: It is taken that the first step should be a financial penalty, then if the situation does not change it would then be appropriate to consider further measures, for example revoking the licence.

Q24 We would like to know your views on the effects that a statutory licensing scheme for all visitor accommodation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there may be? How could positive effects be increased, or negative effects be mitigated?

COMMENT: Can an element of the licensing fee or visitor levy be used to highlight and promote the Welsh Language and culture within different areas.

The provision and support available for business in terms of use of the Welsh language and a Sense of Place can be highlighted e.g. Helo Blod and Visit Wales Sense of Place Guidance.

Q25 Do you have any insight or evidence on the impact of any different type of schemes that are already running, or approaches taken elsewhere in the world that you think the Welsh Government could learn from or implement?

COMMENT: Believe that it is worthwhile referring to the arrangements that are operated in Northern Ireland and perhaps we need something similar here?

<https://www.tourismni.com/business-guidance/sector/accommodation/accommodation-getting-started/what-do-you-need-to-consider/>

Q26 Do you have any other comments on a statutory licencing scheme for all visitor accommodation not covered in your answers to the above?

COMMENT: It is considered that the Licensing Scheme is one of a range of essential mechanisms that need to be implemented to try and get control over the use made of housing as holiday accommodation. Therefore, the principle of the proposal is fully supported, and it is considered that there are obvious associated advantages.

It is emphasised that it will be necessary to ensure that appropriate training and resources are available to ensure the success of this control measure.

If there are plans to transfer the responsibilities for enforcement and ensure attached standard with this licensing scheme – to Local Government, there is significant concern regarding the resources required to complete and ensure the success of any scheme.

Even though the Authority supports the principle of setting up a Statutory registration scheme in Wales for holiday accommodation, it must be noted that some businesses within the sector have raised concerns about the creation of further processes the tourism industry will have to complete. Businesses whom are facing challenges to re-establish their business following Brexit, the Covid pandemic and the cost-of-living situation. It is vital therefore that the system to be rolled out is as simple and less onerous as possible.

Q27 Is there anything else you wish to say which you think would help the Welsh Government proceed with their proposals. NO FURTHER COMMENTS

