



Llywodraeth Cymru
Welsh Government

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Consultation Document

Statutory licensing scheme for all visitor accommodation providers in Wales

We are seeking your views in this consultation on establishing a statutory licensing scheme for all visitor accommodation providers in Wales.

Date of issue: 16 December 2022

Action required: Responses by 17 March 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd /
This document is also available in Welsh

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Overview

This consultation seeks your views on the Welsh Government's proposal to introduce a statutory licensing scheme for all visitor accommodation providers in Wales. Specifically, the consultation seeks your feedback on the possible delivery options for the scheme

How to respond

Submit your response by midnight Friday 17 March 2023 in any of the following ways:

- Complete our online form
- Download, complete our online form and email Statutorylicensing@gov.wales
- Download, complete our online form and post to the mail address below.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

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The contact details for the Information
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Wycliffe House
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Cheshire SK9 5AF
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Foreword

The visitor economy is changing rapidly, and the role of visitor accommodation presents major challenges for communities across the world. The growth of online booking platforms has brought many benefits, such as new routes to market and increased consumer choice. However, we are aware of the concerns around inconsistent compliance with existing legal requirements and the impact of short-term lets on housing stock and our communities.

The Co-operation Agreement with Plaid Cymru, commits to a statutory licensing scheme for holiday lets as part of a package of measures to address the negative impact second homes and short-term holiday lets can have on the availability and affordability of housing for local people in our communities. In July 2022, the First Minister and the Leader of Plaid Cymru confirmed plans to introduce a statutory licensing scheme for all visitor accommodation, including short-term lets, making it a requirement to obtain a licence with the aim of raising standards across the tourism industry.

Prior to that, and over the course of the past year, the Welsh Government has been exploring and engaging with stakeholders on how such a scheme could work in Wales. A contractor was appointed to undertake interviews and focus groups with key stakeholders from local authorities, sector representative bodies and visitor accommodation operators to explore a number of options and how any scheme could be taken forward and implemented in Wales.

Many destinations across the world have a licensing system in place to encourage a level playing field across the visitor accommodation sector. In the UK, different approaches have been taken by our neighbours and are at different stages of development. In [Northern Ireland](#), tourist accommodation providers must receive certification by Tourism Northern Ireland in order to operate and this has been in place since 1992. The [Scottish Government](#) has recently put in place legislation requiring all short-term let hosts and operators to obtain a licence in order to operate, unless specifically excluded. Existing hosts and operators have until 1 October 2023 to apply for a licence.

In England, [the Department for Media, Culture and Sport](#) recently closed a call for evidence on the potential introduction of a tourist accommodation registration scheme. There are other examples too, such as the compulsory schemes operated in the Isle of Man and Republic of Ireland. In developing proposals for this licensing scheme, we are looking to learn from these various examples, including what lessons can be learned from the Rent Smart Wales¹ scheme, which requires those who let or manage rental properties in Wales to obtain a license.

Following a series of engagement sessions with key stakeholders over recent months, we are now launching a formal consultation to seek views on the shape and nature of a proposed statutory licensing scheme here in Wales. Feedback obtained to date on some of the proposed aims underlying a licensing scheme has been supportive, especially in relation to establishing a level playing

¹ [Welcome to Rent Smart Wales - Rent Smart Wales \(gov.wales\)](#)

field, developing better intelligence, and increased visitor safety and confidence. However, some concerns have been raised around the perceived regulatory burden that may accompany a licensing scheme. This includes the work which would be involved in providing evidence of the relevant planning permission being in place for visitor accommodation, if required to obtain a license, and the role played by local authorities in meeting this demand.

Both the Welsh Government and Plaid Cymru consider that a statutory licensing scheme offers a more robust mechanism for delivery in Wales, being an approach that sets a clear standard for visitor accommodation providers to operate, with enforcement powers available to take action against those who do not comply. We remain conscious that any scheme needs to be proportionate, and the consultation will enable a range of views to come forward on the ultimate shape and content of the proposed licensing scheme.

We are also seeking views on how such a statutory scheme could operate, and whether that should be nationally by the Welsh Government or at a local level by each individual local authority. In addition, we are looking to gather views on whether all visitor accommodation providers, including those that operate infrequently or only open for one-off events, should require a licence. We are also seeking views on how frequently licences should be renewed and the licence fees that might be charged. In deciding on any fee structure, we are of course mindful of the pressures on businesses in the current climate.

We believe that most visitor accommodation providers want to operate within the law. Therefore, one of our aims is to develop a scheme that will ensure a high level of voluntary compliance and a system that is effective and user-friendly, whilst providing a mechanism to address concerns or complaints when things go wrong.

We are grateful for your consideration of this consultation and welcome your views.

**Vaughan Gething MS,
Minister for the Economy**

Introduction

This consultation seeks your views on Welsh Government's proposal to establish a statutory licensing scheme for all visitor accommodation in Wales.

The Welsh Government has a clear ambition to establish a statutory licensing scheme for all visitor accommodation in Wales. In July 2022, the First Minister and the Leader of Plaid Cymru announced plans to introduce a statutory licensing scheme for all visitor accommodation in Wales, including short-term holiday lets. The proposal is to make it a requirement for providers to obtain a licence to operate, which would help raise standards across the industry, ensure visitor safety and provide a level playing field for all operators.

Prior to that, in January 2021, at the start of the journey for such a scheme, the Minister for Housing and Local Government made a [written statement](#) on second homes in Wales which included a commitment to explore the potential for a statutory registration and / or licensing scheme for all holiday accommodation, including short-term lets.

This was part of a wider commitment in developing the [three-pronged approach](#) around the detrimental impact large concentrations of second homes and holiday lets can have on communities, as well as to address concerns over the lack of a level playing field in the holiday accommodation sector in terms of the maintenance of certain health and safety standards. An important contribution to the evidence base in the development of our thinking was a report published in March 2021 by the academic Dr Simon Brooks on [‘Second Homes: developing new policies in Wales’](#), which explored a range of issues and made recommendations in respect of short-term holiday lets. One of the recommendations was to develop a firmer definition of second homes and that “a *Mandatory Licensing Scheme for Holiday Homes*” should be introduced.

Subsequently, as part of the Co-operation Agreement with Plaid Cymru, the Welsh Government committed to taking immediate and effective action using the planning, property and taxation systems to address the negative impact second homes and short-term holiday lets can have on the availability and affordability of housing for local people in our communities. As part of this, we are working through a package of actions – of which the commitment to a proposed statutory licensing scheme is one element. As we continue to progress the package of measures regarding second homes and holiday lets and draw on the latest evidence base, we will keep under constant review the whole range of levers available to use and how they may be deployed most effectively to meet all our policy objectives and avoid any unintended consequences. This forms an important part of the context in informing our proposals for the development and operation of a statutory licensing scheme.

The [Programme for Government](#) 2021 - 2026 includes a commitment to ‘consult on legislation permitting local authorities to raise a tourism levy’. Some type of registration system would be needed to facilitate the collection of the tourism levy. The proposed statutory licensing scheme could be used to facilitate the collection of the levy and help ensure that there is accurate intelligence on all providers of visitor accommodation so that the levy can be applied fairly,

[Visit Wales](#) already operates both a quality grading scheme and verification scheme for visitor accommodation. Participation is voluntary, with different schemes for different types of accommodation. These schemes have been free to providers since 2021.

In July 2021, the Welsh Government commissioned Cardiff-based Strategic Research and Insights (SRI) to undertake a scoping exercise in respect of establishing a statutory registration or licensing scheme for all visitor accommodation. They conducted 37 in-depth interviews and nine focus groups, online or by telephone, between September and November 2021 with relevant Welsh Government departments, local authorities, representative bodies (e.g. regional tourism associations, sector associations), accommodation operators, and other countries or destinations which either have or are considering a similar statutory scheme. In addition, individual businesses were given the opportunity to contact SRI and 30 pieces of correspondence were received directly.

As a separate exercise, SRI also conducted desk-based research into the practices of other destinations which either have an established statutory scheme or where one is being considered.

The initial scoping exercise was high level and was intended to explore general principles about what a scheme could look like and what it could include - this consultation exercise seeks to explore those options in further detail and obtain the wider public's view on how best to proceed.

Proposed aims and benefits of a statutory licensing scheme

One of the primary aims of a statutory licensing scheme is to establish a level playing field for all visitor accommodation providers operating in the sector. The concern around the lack of a level playing field has been a longstanding area of discussion. Stakeholders involved in the initial scoping and research for this proposal raised concerns that certain parts of the sector do not meet or comply with their statutory obligations.

A statutory licensing scheme is intended to provide the mechanism to address this by requiring all providers to evidence that they have met certain requirements in order to operate, such as having the correct insurance for accommodation providers, confirmation of planning permission to allow the premises to be let, evidence of a fire risk assessment, gas safety certificate, and proof of electrical safety, to list a few examples.

This scheme will ensure there is a consistent standard (in terms of evidencing those requirements) that all operators must meet. This conveys a very clear message to visitors that visitor accommodation providers in Wales meet certain requirements on standards and safety.

A statutory licensing scheme would also give the Welsh Government and relevant authorities enhanced intelligence and a comprehensive register, which is not currently available, of exactly who is operating in the industry. It is currently not possible to determine how many visitor accommodation providers there are in Wales, or in any given community. Understanding the scale and nature of the sector will be an important tool in the deployment and development of policies and services, either at a local or national level.

Establishing a register of licensed visitor accommodation providers would also give the Welsh Government and other partners, such as local authorities, a mechanism to communicate with providers on key issues relating to the sector. We saw how challenging it can be to reach all parts of the sector through our recent experiences during the Covid-19 pandemic.

We also recognise that having accurate data on the identity of all providers as part of a statutory licensing scheme will provide an important foundation for other policy areas. Having up-to-date information on the scale and nature of the use of visitor accommodation across communities in Wales will help the Welsh Government and local authorities to inform policy considerations, locally and nationally, around evidence-led management of second homes, visitor accommodation and developing the visitor economy infrastructure. It could also be used to support the collection of a visitor levy, by providing accurate intelligence on all providers of visitor accommodation and identify those liable to pay the levy.

One of the main issues for consideration has been around whether the scheme should be a registration or a licensing scheme.

A licence would enable operators to provide accommodation to visitors in Wales. In order to obtain a licence, applicants would need to satisfy the licensing authority that certain criteria had been met in relation to the accommodation and the accommodation provider. It is also proposed that licensees would be subject to oversight by, for example, inspections and/or enforcement action, to ensure that only providers who meet and maintain the relevant standards operate in Wales.

A register would be a list of persons who provide visitor accommodation in Wales. Registration would not involve any proactive oversight from a local authority or the Welsh Government, although registration could be cancelled if a provider was subsequently found to have failed to meet certain requirements, for example, following a complaint.

We are proposing a licensing scheme because it will give the operator and visitor confidence that all visitor accommodation providers are operating to the same requirements, which in turn will give increased confidence in the tourism product.

A similar model to Rent Smart Wales (RSW) is being considered. RSW assists those who let or manage rental properties in Wales to comply with their Housing (Wales) Act 2014 obligations and provides advice on renting out safe and healthy homes. RSW is a service hosted by Cardiff Council to ensure compliance with the legislation in partnership with the 22 Welsh local authorities. The Welsh Ministers designated Cardiff Council as the licensing authority for the whole of Wales in 2015.

The RSW scheme contains both registration and licensing requirements, depending on the role of the landlord. Under the scheme landlords of any long-term rental property in Wales are first required to complete an online registration process providing information about themselves and their properties. Payment of a registration fee is also required to complete registration.

Landlords or appointed agents undertaking letting must apply for a RSW licence. Landlords not involved in letting themselves do not need to obtain a licence but must appoint a licensed agent to undertake all letting and management activities on their behalf.

To obtain a licence, an online or paper application can be submitted to the licensing authority. The applicant must confirm that approved RSW training has been undertaken and make a declaration as to whether they are a fit and proper person to rent out property. Payment of a licence fee is also required to complete the application.

The licensing authority will review the application and determine whether a licence will be issued. This includes determining whether an applicant is a fit and proper person to be licensed. As part of this, the licensing authority will consider whether the applicant has committed certain criminal offences, breached laws in relation to housing or discriminated against someone when carrying out accommodation activities.

If issued the applicant will receive a licence number alongside a licence with conditions. The licence lasts for 5 years after which it must be renewed. A licence

holder must follow the licence conditions and a code of practice issued by the Welsh Government to keep their licence and have it renewed on expiry.

The enforcement of the scheme is undertaken by Cardiff Council in partnership with local authorities who may also undertake some enforcement activities. Enforcement activities include the issuing of fines, pursuing prosecutions for non-compliance and applying for court orders to stop rent being paid to landlords or to require landlords to repay rent to tenants.

Q1 Do you agree or disagree with establishing a licensing scheme as described 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?**

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 - if you agree with the creation of a registration scheme, how do you think the scheme should operate?**
- **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?**

Q3 Do you agree or disagree that introducing a statutory licensing scheme as described will ensure a level playing field for all accommodation providers operating in Wales?

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

Q4 Do you agree or disagree that the Welsh Government needs 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?**

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?**

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?**

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

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

National or local Delivery/Administration

A statutory scheme could be set up to be delivered/administered nationally by a single licensing authority, at a local level by each of the 22 principal local authorities in Wales, or through a delivery hybrid model that has both national and local elements. The potential advantage of administering and delivering a scheme at a national level may be efficiency and consistency of approach, whereas as having 22 different authorities implementing the scheme could have the potential to be confusing and harder to manage.

We are considering this statutory scheme. A hybrid model could involve the appointment of a single licensing authority to register accommodation providers and

process applications for a licence, with enforcement taken by the applicable local authority as required.

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**
- **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?**

Accommodation types in scope

The consensus from the initial scoping exercise undertaken was that any scheme introduced should apply to all operators of visitor accommodation regardless of type, size, and frequency of use. This was on the basis that stakeholders considered that anybody offering accommodation in exchange for money, whether professionally or on a 'casual or infrequent basis, should be required to meet the same safety standards to ensure a level-playing field and to keep visitors safe.

We propose that all types of visitor accommodation are included within this scheme, which we define as:

“A room, group of rooms, structure or building, plot of land for siting of temporary transient accommodation, temporary or transient accommodation (caravan, motorhome, tent, or other temporary structure), or boat which is not a person’s fixed address and for which payment is made or any other benefit exchanged”.

For example, this would include (non-exhaustive):

- Self-catering accommodation/short term-lets (houses, cottages, chalets and apartments)
- Bed & Breakfast (B&Bs)
- Caravan sites or any site which accepts motorhomes or campervans or any other vehicle providing accommodation
- Campsites
- Guest houses
- Hostels and Bunkhouses
- Hotels
- Glamping and alternative accommodation
- Narrow boats, houseboats, canal boats

We recognise that there is a wide range of visitor accommodation available to let in Wales and the make-up of visitor accommodation is variable depending on locality. From a point of fairness and to ensure visitor safety, our view is that all commercially

let visitor accommodation should be within scope, which includes accommodation let for money or for any other benefit.

The caravan sector has highlighted issues around privately owned caravans on sites and whether sites where pitches (and not the accommodation) are provided would be included and a separate question follows in respect of this sector.

We also want to explore whether there should be any exemptions to visitor accommodation types in scope and the reasons for this. As outlined our preference is for all visitor accommodation providers to be in scope. However, we want to explore views about whether there should be any exemptions to this, and if so, why.

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?**

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)?

Caravan and/or camping sites

Caravan and/or camping sites are already required to hold a licence which is issued by their local authority (subject to certain exemptions).

The work carried out in the initial scoping exercise identified that one of the most difficult areas to consider is privately owned caravans which are sub-let on licensed parks. The caravan park is responsible for the safety of the guest whilst they are on site outside the caravan, and also inside it, if the park has let the caravan. However, if the owner has let the caravan, then the owner remains responsible.

There are examples where caravan and/or camping sites have accommodation that is owned and let out by the site owner; accommodation that is privately owned (but privately sub-let for holiday purposes) and accommodation that is privately owned for personal use only.

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?**

Q10A Do you have any other comments or suggestions relating to a statutory scheme and the caravan and camping sector?

Operating period

The work carried out in the initial scoping exercise concluded that a statutory licensing scheme should apply to all operators even if they are operating for only one night a year, as risks to safety still exist. Infrequent use should not mean that operators are exempt from meeting certain safety standards, because the requirement to protect accommodation users remains equally important.

Q11 We are proposing that a license 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?**

Limited licence for one-off or annual events

[The Isle of Man](#) operates a two-tier system of accommodation types:

- Permanent Visitor Accommodation - this is the main category of accommodation which applies to anyone operating visitor accommodation across 12 months of the year.
- Homestay Visitor Accommodation - this is an option for people who want to operate visitor accommodation only for the duration of three main events which are held annually on the island.

We are proposing that if a one-off type of event was to be held within a specific area in Wales where there is a shortage of available accommodation, providers could apply for a limited licence at a reduced cost. The provider would still have to adhere to each of the licensing requirements to ensure visitor safety and fairness, would be able to operate only for a limited period of time, to be defined, and could apply only once within a 12-month period.

Q12 Do you agree with the need for a limited licence 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?**

Scheme requirements

The initial view from stakeholders was that any application process for a licence should be online whereby visitor accommodation providers uploaded certain documents in addition to basic contact/property information. There was a general agreement that at the very least this should include confirmation of insurance, fire risk assessment and gas safety certificate.

Further evidence could include confirmation of appropriate planning permission being in place, proof of electrical safety, proof of water safety, (if private supply) and/or Food Hygiene rating (if serving food)). However, there was a recognition that there was a balance to be struck between ensuring safety and avoiding a process which is disproportionately onerous.

It is proposed that the licensing scheme will require visitor accommodation providers to provide certain details and upload evidence to demonstrate they comply with set requirements. It is proposed this information will include:

- name and contact address of owner
- phone, email and language preferences
- name of establishment
- address and postcode of visitor accommodation
- local authority area
- type of visitor accommodation (hotel, B&B, self-catering etc.)
- size of property/accommodation units
- maximum number of guests
- quality accreditations e.g., Visit Wales/AA grading (if provider has joined the scheme)
- confirmation of planning status (permissions including interaction with the new planning use classes – primary home, second home and short-term holiday-let and any local controls introduced through amendments to the planning system)
- proof of insurance for visitor accommodation
- evidence of fire risk assessment
- proof of gas safety certificate
- proof of electrical safety (PAT testing)
- proof of water safety (if private supply)
- Food Hygiene Rating (if serving food)

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?**

Compliance and enforcement

It is proposed that enforcement will include inspections, primarily the inspection of original documentation and evidence to ensure they are valid and correct, but possibly an inspection of a property depending on the nature of any complaint received.

There is a balance to be struck between not carrying out any inspections (which weakens the value of any scheme) and undertaking a high percentage of inspections (which is resource intensive and costly to administer). The consensus from the initial scoping exercise was to aim for somewhere in between. There is also a need to avoid duplication with any other type of statutory inspection which may take place and to ensure that 'inspectors' for any statutory scheme are suitably trained, qualified and have the authority to enforce compliance if required. It is not proposed that there will be a significant number of pro-active inspections undertaken.

It is instead proposed that providers will be selected for inspection by the licensing authority on a percentage basis, say, a ratio of 1 in 50, based on a risk-based and intelligence-led approach, e.g., properties that have been the subject of a complaint or where concerns have been raised about the accommodation provider. The power to carry out inspections is an important part of the process to ensure safety and raise standards. Powers to require the accommodation provider to supply information in addition to the information required in an application for a licence would also assist with investigating complaints.

We understand that most people would want to operate within the law and acquire a licence to operate at the right time. One of our primary aims will be to ensure a high level of voluntary compliance. We intend to also undertake an ongoing educative and awareness raising approach to support providers to understand the requirements.

However, compliance and enforcement measures, including penalties, would be needed to ensure fairness. Examples/best practice in other countries differ, the penalties for not complying vary from civil to criminal sanctions or a combination of both, with some countries issuing fines, and others imprisonment for some offences.

We believe that there should be some level of sanction if a provider does not comply and that these should be sufficient to deter providers from avoiding applying for a licence and/or not complying with any scheme requirements.

It is proposed that the licensing scheme would include penalties for issues such as:

- Visitor accommodation providers operating without a licence,
- Failure to provide relevant documentation or information to the licensing authority.
- Failure to comply with licence conditions (for example Failure to pay the relevant fee or charge within the specified period,)
- Falsification of licence documentation,
- Failure to grant access to accommodation to the licensing authority,
- Online travel agents (OTAs), travel trade organisations, other booking and social media channels, marketing platforms, self-catering agencies deliberately or negligently advertising unlicensed visitor accommodation, (See question Displaying licence number for clarification)

Sanctions might include:

- Fines, which could vary according to the severity and duration of a violation.
- Revocation of licence, for a period of time or permanently.
- Notices requiring a provider to rectify a violation could be issued in some circumstances before a licence is revoked. If the provider fails to take the necessary action within a specified timeframe, then the licence would be revoked.
- Amendment or variation of licence conditions (for example to restrict the licence of a non-compliant provider)
- Criminal prosecution for violations which could result in a court imposing a fine or imprisonment for some violations (where violations are severe and repeated)

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?**

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?**

Fit and Proper Person Test

Schemes such as [Rent Smart Wales](#), the licensing scheme operated under the [Mobile Homes \(Wales\) Act 2013](#) and the [Scottish Government's short term lets licensing scheme](#) all include a requirement for a Fit and Proper Person test.

Rent Smart Wales describe this as:

- This requirement is to ensure that those responsible for letting and managing a property in the private rented sector are of sufficient integrity and good character to be involved in the management of the property to which the licence relates. In addition, that they do not pose a risk to the welfare or safety of persons occupying the property.

The Mobile Homes (Wales) Act 2013 describes this as:

- In deciding to grant a site licence for a regulated mobile home site under the Mobile Homes (Wales) Act 2013, a local authority must be satisfied that the site owner “is a fit and proper person to manage the site or (if the owner does not manage the site) that a person appointed to do so by the owner is a fit and proper person to do so...” or “has, with the owner’s consent, itself appointed a person to manage the site.”

In view of the examples noted above, it could therefore be considered reasonable to include a fit and proper person test or a similar requirement as part of the scheme requirements for all visitor accommodation providers.

In considering whether a person is “fit and proper” it is proposed that the licensing authority must have regard to any evidence that the person concerned has committed any offence involving fraud or dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements), practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010, or victimised another person contrary to that Act, in or in connection with the provision of visitor accommodation, and any other matters the authority considers appropriate.

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?**

Licence fees

It is proposed that the licensing scheme will be self-funded and that the costs in establishing and maintaining the scheme will be recovered through fees.

We appreciate that this is an important element to get right. However, there are a number of factors that will need to be considered before fees can be set and these are being considered as part of this consultation exercise e.g.

- Identifying the number and type of visitor accommodation providers in scope;
- Frequency of application; and
- Inspection and Enforcement regime.

Based on the responses to these questions it will be necessary to undertake further work on licence fees as part of the fuller regulatory impact assessment but feedback from the initial scoping exercise suggested that there needs to be some degree of proportionality to the fees.

'A very small operator should not have to pay the same as a large hotel. However, larger businesses are adhering to the same standards and so some feel that stepped fees should be scaled up moderately, not excessively'.

We therefore wish to explore whether the fee should be scaled (i.e. based on the type and size (e.g. number of bedrooms/units/pitches) of the visitor accommodation) or whether all visitor accommodation providers should pay the same standard fee.

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)?

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?**

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?**

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?**

Frequency of application

One of the key questions to consider is how often visitor accommodation providers should be required to renew their licences.

We appreciate that there is a balance to strike between making the renewal requirements too onerous on providers whilst at the same time ensuring that scheme requirements are regularly evidenced and renewed. We also recognise that the frequency of renewal will have a bearing on the administration costs of running a scheme.

Licences issued under the Rent Smart Wales scheme last for 5 years before they must be renewed. However other accommodation schemes require providers to renew their registration/licence on a more frequent basis e.g. annually or every 3 years.

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?**

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 licence requirements?

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

Transparency and access to information

It may be necessary for the Welsh Government and local authorities to share information and personal data provided by accommodation providers to the licensing authority as part of their applications (if and where appropriate) with other key authorities and partners (examples below) for the purposes of communication, safety, compliance and enforcement..

It is also proposed that a public register of licensed providers be made available for prospective visitors to verify compliance of a property that they may wish to stay in and for local communities in which these providers operate.

The list of key authorities and partners could include (non-exhaustive):

- Welsh Government
- Welsh Revenue Authority/HMRC
- Local Authorities & National Parks
- Other Authorities (Fire Service)
- Membership/Representative Bodies/Marketing bodies
- Online Travel Agencies / Booking platforms
- General public and community groups and organisations (i.e. community councils)

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?**

Displaying licence numbers

As part of being awarded a licence or authority to operate, a number of schemes operating elsewhere require the accommodation provider to display the licence/registration number on all advertising platforms so that prospective visitors are aware of standards and to prevent unlicensed properties being advertised for booking.

As part of being awarded a licence, we are proposing that visitor accommodation providers are given a unique licence number. We propose that it should be a requirement for all visitor accommodation providers to display their licence number on all advertising/marketing and display confirmation of their licence number at their visitor accommodation.

We are also proposing that it should be a requirement for online travel agents (OTAs), travel trade organisations, other booking channels, marketing platforms, self-catering agencies, to display the licence number of visitor accommodation they are promoting on their listings and/or adverts.

There are a number of examples where visitor accommodation providers are given a registration/licence number as evidence that they are part of a statutory scheme, and in turn the need to display for that registration/licence number on all advertising, especially online platforms. We are aware that some destinations have fined online platforms where they have failed to comply with local regulations for displaying registered/licenced property numbers.

We therefore wish to explore whether 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 whether there should be sanctions for those that deliberately or negligently advertise unlicensed visitor accommodation.

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 and be subject to penalties if they do not comply?

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

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?**

Final comments

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?

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?

Q26 Do you have any other comments on the proposed statutory licencing scheme not covered in your answers to any of the above questions?

Q27 Is there anything else you wish to say which you think would help the Welsh Government proceed with their proposals?

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?

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?

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?

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?

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?

- 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?
- 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?
- 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?
- 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?
- 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)?
- Agree
 - Disagree

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

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?

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

Q11 We are proposing that a license 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?

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?

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?

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?**

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?**

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?**

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- **Disagree**

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

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- **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?

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?

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

Q27 Is there anything else you wish to say which you think would help the Welsh Government proceed with their proposals?

Next Steps

Following the consultation period policy development will continue, informed by the responses received. The careful process of developing and implementing any proposals for a Statutory Licence could take some years. Next steps will be communicated following full consideration of the consultation responses.

Consultation Response Form

About you (optional)

Your name

Organisation (if applicable):

email / telephone number:

Your address:

Which of the following best describes you. Please choose all that apply:

- Resident (of Wales)
- Booking Platform/Online Travel Agent/Travel trade organisations, other booking and social media channel, marketing platforms,
- Self-catering agencies
- Tourism Representative Body
- Local Authority
- National Park Authority
- Tourism Association
- Visitor Accommodation Provider - please specify below
 - B&B
 - Campsite or camping park
 - Canal boats Narrow boats, houseboats
 - Campus accommodation
 - Cruise ship
 - Hotel
 - Farmhouse
 - Glamping accommodation

- Guest House
- Holiday Park
- Holiday Village
- Hostel style accommodation
- Individual caravan (including those that sub-let on a holiday park)
- Restaurant with Rooms
- Self-catering accommodation/short term-lets (houses, cottages, chalets and apartments)
- Touring Park

Other, please specify.

Organisation (if applicable)

Size of Business (based on number of employees)

- Micro (0-9)**
- Small (10-49)**
- Medium (50-249)**
- Large (250+)**

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Annex A – Examples of licensing, registration and certification schemes

Northern Ireland

Under the [Tourism \(Northern Ireland\) Order 1992](#), all tourist accommodation providers in [Northern Ireland](#) must receive certification by Tourism Northern Ireland in order to operate. It is a legal requirement for all tourist accommodation in Northern Ireland to receive certification from Tourism Northern Ireland before they can trade.

There is a fee for the certification process depending on the accommodation business and how many bedrooms or bed spaces the business has. Inspections are undertaken every four years.

It is an offence to offer tourist accommodation without a certificate, with fines of up to £2,500 or imprisonment for a term not exceeding six months as potential punishments.

Scotland

A new licensing scheme for short-term let hosts opened on 1st October 2022 aiming to ensure consistent safety standards while reinforcing the positive reputation of Scottish tourism and hospitality.

The licensing scheme has been developed in response to concerns raised by residents about the impact of short-term let properties on their local communities. It gives councils flexibility to develop licensing schemes that meet local needs and sits alongside powers for councils to establish short-term let control areas.

To comply with the licence, hosts will be required to meet a set of mandatory conditions which apply across Scotland, plus any additional conditions set by their council.

Anyone operating as a host before 1 October has until 1 October 2023 to apply for a licence and can operate until their application has been determined. New hosts must obtain a licence before accepting bookings.

Further information can be found on the [Visit Scotland](#) and [Scottish Government](#) websites

England

There is currently no system for statutory registration or licensing of guest accommodation in England. The UK Government's Tourism Recovery Plan committed to consulting on the introduction of a tourist accommodation registration in England. On 29th June 2022, the Department for Culture, Media and Sport issued a call for evidence on the benefits and challenges presented by the rise in short-term

and holiday letting seen in England over the last 10-15 years. This will inform the development of appropriate policy options, which the government intend to consult in 2023. Further information can be found on the [DCMS website](#).

Isle of Man

All visitor accommodation on the Isle of Man is subject to compulsory registration with Visit Isle of Man. This includes all accommodation providers including:

'hotels, metro hotels, self-catering properties, guest accommodation, guest houses, bed and breakfasts, farm-stays, inns, restaurants with rooms, serviced apartments, campsites (including temporary campsites), glamping sites and hostels'.

The Isle of Man operates a two-tier system of accommodation types:

- Permanent Visitor Accommodation - this is the main category of accommodation which applies to anyone operating visitor accommodation across 12 months of the year.
- Homestay Visitor Accommodation - this is an option for people who want to operate visitor accommodation for the duration of the three events on the island.

The two accommodation types have different requirements for registration. Registration fees start from £25 per annum.

Further details can be found [here](#).

Guernsey

Accommodation providers must obtain an annual permit from the Committee for Economic Development Department, prior to accommodating guests. An application Fee is payable.

Permits are granted valid up to a maximum period of one year, between the 1st of April in any year and the 31st March of the year following the date of issue.

When applying for a permit the applicant commits to complying with the relevant quality standards and statutory obligations imposed by the States of Guernsey. When a permit is granted, the permit holder assumes legal responsibility for these obligations, and takes on a duty of care to the guests in their charge.

There are two categories of annual permit available:

- A permit for designated visitor accommodation premises operating throughout the period of validity of the permit (the current season).

- A short-term permit for the temporary provision of visitor accommodation in other premises, including private dwellings, where the maximum period of use is restricted by the Planning use classification of the premises.

Permits must be displayed in public view at the premises in respect of which they are granted.

Further details can be found [here](#).

Jersey

Any property used as a hotel, guesthouse, self-catering unit, hostel or campsite must be registered as tourist accommodation.

Before registration, these premises must be inspected to ensure they meet the requirements of the Tourism (General Provisions) (Jersey) Order 1990.

Further details can be found [here](#).

Republic of Ireland

Under Irish Law, the Tourist Traffic Acts 1939–2016 apply to the following sectors and Fáilte Ireland has certain responsibilities for their registration and grading:

- Caravan & camping parks
- Guest houses
- Holiday camps
- Holiday hostels
- Hotels
- Registered self-catering holiday apartments
- Registered self-catering holiday cottages
- Youth hostels

Regulations and registration for information for each section is detailed and outlined on the [Fáilte Ireland](#) website.