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Consultation: Registration scheme for short-term lets in England

The National Fire Chiefs Council (NFCC) is pleased to respond to the consultation published on 12 April 2023 around a registration scheme for short-term lets in England.

NFCC is the professional voice of the UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was put together by NFCC's Protection and Reform Unit (PRU).

This response was drafted in consultation with our members across the FRSs, and reflects their expertise and competence on the subject matter.

General Comments

NFCC support a registration process for short term lets, but believe that a proportionate approach needs to be taken so as to not overwhelm regulators and the industry. NFCC believe that a short-term let property registration scheme provides clarity and allows more effective proactive and continuous monitoring of the numbers of properties being changed to short-term lets.

A scheme will also enable proactive restrictions to be put in place before excessive numbers become a problem to local communities, impacting on housing availability and pricing. Without a mandatory scheme this proactive monitoring will not be possible and the challenges already experienced will increasingly impact on society. A national registration scheme that takes a proportionate approach will also reduce the workload impact for FRS' and free up capacity to focus on higher risk occupancies. Overall FRS' have consistently had concerns around short-let properties and their potential for safety issues, or the unknowns around their safety, we would welcome more detail of how this scheme will work in practice and address the safety issues of those staying within these premises through the new regulatory framework. This includes, evacuation procedures, and the management of not only the short-term let property but the buildings of which they are in.

NFCC are concerned that despite this consultation being released by Government there are many details that are yet to be determined which will allow NFCC and FRS's to determine the impact of this scheme on their current capacity. Though we note that the levels of additional workload for the FRS are unknown and will depend partly on the capacity and expertise of the local authority teams to carry out the safety inspections if implemented.

Whilst we support a proportionate approach, for this scheme to work penalties must be enforceable and swiftly done to discourage and dissuade those who aim to attempt to game the system.

Yours sincerely,

A handwritten signature in black ink that reads "N. Coombe". The signature is written in a cursive, flowing style.

Nick Coombe
Head of Protection Reform Unit
Protection and Reform Unit

Questions

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

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

Please give the reasons for your answer

NFCC believe that a mandatory national scheme provides clarity and allows more effective proactive and continuous monitoring of the numbers of properties being changed to Short Term Lets. However, any new registration scheme or regulatory regime must be fully and adequately funded.

A mandatory national scheme will enable all Local Authorities to monitor safety standards on an equitable basis in the larger, complex whole property lets which are higher risk, rather than only in those areas with high numbers of short term lets which 'opt into' the scheme. Without a national scheme some of these higher risk short term lets will not be identified, which will continue to place people at risk, and continue to impact on regulators following complaints particularly if risks/violations are eventually identified.

A national scheme will also enable proactive restrictions to be put in place before excessive numbers become a problem to local communities, impacting on housing availability and pricing. Without a mandatory scheme this proactive monitoring will not be possible and the challenges already experienced will increasingly impact on society.

Local authorities, regulators, accommodation providers and users will benefit most from a proportionate response that varies based on the property size and risk – rather than a single solution that covers all. It is accepted that the exact criteria for each of the three proposed types of accommodation will be established through further consultation.

This proportionate response recognises that the availability and commitment of resources by any of the regulators or by Local Authorities is likely to be limited in future years even with some funding being provided through the collection of registration fees from the applicants.

'Proportionate' approach (from the FRS perspective in particular) to the Registration Scheme:

- 'Home Sharing' type properties (1 or 2 bedrooms let in providers home while they are in residence)

NFCC proposes that these lower risk circumstances only require a light touch checks and self- certification approach. There are already in existence similar registration schemes such as those for childminders using their own homes.

- Whole property lets – smaller, simpler properties

NFCC proposes that these are also only subjected to light touch checks, with sampling and an additional requirement to upload electronic documentation and certification.

- Whole property lets – larger, complex properties

NFCC proposes that these are subjected to the highest level of scrutiny including a physical check as part of the licensing process. These often, due to their scale and nature, place people at higher risk if safety standards are not monitored.

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

FRS' spend considerable amounts of time on researching and investigating complaints and concerns regarding these property types due to the difficulties in identifying addresses, owners, operators and the correct 'Responsible Persons'. If enforcement action is also required the legislative approach is also made more complex and time consuming due to the often opaque nature of the use of such properties and ownership/ management responsibilities.

A national registration scheme which collects such details will reduce the workload impact in such cases and free up FRS' capacity to focus on higher risk occupancies. It will be essential for any registration scheme to mandate that a UK contact is provided for regulators to contact when necessary.

Such a scheme and registration requirement will also improve the ability to monitor all operators and may deter the 'bad actors' from trying to 'game the system'.

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

a) Local authorities

b) The English Tourist Board (VisitEngland)

c) Another national body (please specify - this could be an existing body or a new one)

Please give the reasons for your answer.

Local Authorities already have well established systems for licencing and registrations of various businesses. It will be more straightforward and cheaper for them to implement this scheme rather than fund an external organisation or establishing a new one.

In addition, Local Authorities already have in place established consultation channels with Regulators including Fire & Rescue Services.

We would reiterate our response to question one that this system needs to ensure that it is fully funded and resourced to ensure that Local Authorities are able to administer the scheme to ensure that it works as intended without implementing undue burden upon them.

Format and accessibility

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

a) Yes

b) No

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

Paper based application processes should be available for applicants that would not be able to access IT based systems due to protected characteristics.

Role of digital platforms and other listing agencies

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

a) Yes

b) No

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

a) Yes

b) No

We would be interested in views on alternatives to either of the above mechanisms.

NFCC do not believe there are any alternatives that would deliver the same ability to assign, identify and monitor the individuals or companies responsible for individual short term lets. This provides a simple and effective measure.

Unit of Registration

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

a) Owners

b) Premises/dwellings or part of a dwelling

c) Individual accommodation units within a premises/dwelling

d) Other (please specify)

Databases used within FRSs are based on premises including unique premises reference numbers (UPRN). We believe it is the premises that should be registered not an individual.

Scope

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

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

Accommodation type	Include	Exclude
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		

Please give reasons for your answers.

The purpose of this registration scheme is primarily to enable monitoring and regulation of dwellings for short term lets to reduce the negative impact on housing availability and costs, and also enable monitoring of standards and safety. The first of these purposes is not relevant in relation to all the categories listed above, and in terms of standards and safety most of these are covered by other national standards and regulatory regimes.

Exemptions

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

a) Yes

b) No

Please explain your answer.

The majority of these categories provide the principal place of residence (either permanent, long term or short term) for people. They are not used for short term holiday purposes. They are all registered or regulated by other existing regimes.

However, a number of FRS' have fed back to NFCC about concerns and issues that they hold around houseboats and the issues they have in enforcing against them under the current Fire Safety Order regime. For this reason we would not want to see them exempt from this new registration and regulatory regime.

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

NFCC does not believe that there are other types of accommodation that should be exempt beyond those identified in our answers above.

Frequency of Registrations

Question 10: How long should registration be valid for?

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

Please give the reasons for your answer.

To be able to monitor the numbers, locations and impact of short term lets on a continuous basis it will be necessary for the registration system to operate as a live system. Providers should register and deregister as appropriate to their circumstances.

Information that should be collected

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

	To be collected at registration	To be collected annually	Should not be collected
a) Address of the premises/dwelling(s)	x		

	To be collected at registration	To be collected annually	Should not be collected
b) Name of premises/dwelling owner	x		
c) Address and contact details of premises/dwelling owner		x	
d) Address and contact details of operator/manager, if different		x	
e) Whether the premises/dwelling to be let is an dwelling or part of a dwelling, such as a room or outbuilding	x		
f) Self-certification of adherence to relevant regulations (see question 12)	x		
g) Proof (eg. a photograph or electronic upload) of adherence to regulations	x		
h) Detail about the accommodation unit(s) (eg. number of units, number of bedspaces, accessibility)	x		
i) If relevant, confirmation that in any rental, lease or other agreement that the responsible person is entitled to use the premises for short-term letting purposes	x		
j) Number of nights per year the premises is available to let	x		
k) Number of night the premises was let out for in the last year		x	

	To be collected at registration	To be collected annually	Should not be collected
m) Whether planning permission has been granted or is not required	x		
n) Other - please specify	x		
<ul style="list-style-type: none"> • Number of floors, • Number of exits 			

Please give the reasons for your answer.

NFCC believe that all this information should be collected at registration, but that information should be reviewed by the responsible person annually to ensure it is correct. However, we believe given the importance of the information of address and contact details of the person responsible for the property as well as how many nights it was let this should not just be reviewed to be correct but submitted annually.

The fire risk increases with the number of floors within a building. Collecting data at registration on the number of floors and bedrooms will provide data that FRS can use to monitor compliance of the highest risk short term lets by including them in their inspection programmes when capacity allows.

Regulations

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

- a) Gas safety
- b) Boiler safety
- c) Fire safety
- d) Electrical safety
- e) Furniture safety
- f) Planning [where relevant, subject to DLUHC planning use class consultation]
- g) Food safety
- h) Equality Act
- i) Other - please specify: Any other licences such as those for the sale of alcohol.

Please give the reasons for your answers.

All of these already apply to other commercial holiday establishments providing short term stays - such as hotels, guest houses, B&B, etc.

It will be anomalous and unfair to have a different set of standards and regulations applied to Short Term Let properties – particularly if they are ‘whole property’ lets and substantially a commercial operation. Those that are ‘home share’ type arrangements (and by definition also be the providers own home) will have different levels of regulatory oversight and standards in any event which will be more proportionate to those circumstances.

Compliance and Enforcement

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

a) An entirely self-certifying process with no element of ongoing physical inspection of documentation or of the short-term let.

b) Light touch inspections of documentation uploaded as part of the registration process based on a % of all properties to be spot checked at random on an ongoing basis.

c) Light touch physical inspections of short-term lets based on a % to be spot checked at random on an ongoing basis.

d) Light touch physical inspections of short-term lets based on an intelligence or risk-based approach on an ongoing basis.

Please give the reasons for your answer.

Local authorities, regulators, accommodation providers and users will benefit most from a proportionate response that varies based on the property size and risk – rather than a single solution that covers all. It is accepted that the exact criteria for each of the three proposed types of accommodation will be established through further consultation.

This proportionate response recognises that the availability and commitment of resources by any of the regulators or by Local Authorities is likely to be limited in future years even with some funding being provided through the collection of registration fees from the applicants.

“Proportionate’ approach (from the FRS perspective in particular) to the Registration Scheme

- ‘Home Sharing’ type properties (Option ‘a’ in the list.)

NFCC proposes that these lower risk circumstances only require a self-certifying approach. There are already in existence similar registration schemes such as those for childminders using their own homes.

- Whole property lets – smaller, simpler properties (Option ‘b’ in the list.)

NFCC proposes that these are also only subjected to light touch inspections with sampling and an additional requirement to upload electronic documentation and certification.

- Whole property lets – larger, complex properties (Option ‘d’ in the list)

NFCC proposes that these are subjected to the highest level of scrutiny including a mandatory physical check as part of the licensing process. Criteria for these should be based on number of floors, overall floor area and number of bed spaces.

Sanctions for Non Compliance

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

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

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

- Fines, which could vary according to the severity and duration of a violation.
- Revocation of registration, for a period of time or permanently.
- Notices requiring a short-term let owner/provider to rectify a violation could be issued in some circumstances before registration is revoked. If the owner/provider fails to take the necessary action within a specified timeframe, then the registration would be revoked.
- Other - please specify

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

NFCC believe that revocation of registration should be immediate for any violation that places people at risk of harm and not reinstated until the violation has been remediated. Any Notices requiring improvements for other less safety critical violations may have timescales for improvements before revocation takes place.

NFCC do not have any recommendation for an appropriate scale of fines.

FEES

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)

- a) Flat fee per owner
- b) Flat fee per property or part of a property
- c) Sliding scale based on number of units owned
- d) Sliding scale based on size of a unit (eg. number of bedrooms)
- e) Other (please specify)

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

- a) Yes
- b) No

Please give reasons for your answer.

NFCC believe that it should be determined by the Local Authorities and their ongoing cost of administering the scheme.

Any fees should also account for the fiscal impact the implementation of a registration scheme will bring, we believe that it would create additional financial burden to FRSs through consultation and inspection where required. Further work will be needed to estimate additional burdens that may arise as a result of this scheme for Fire and Rescue Authorities. We would appreciate further engagement with DCMS on this matter should these proposals go ahead, and to inform the drafting of the associated impact assessment.

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

- a) Yes
- b) No

Please give reasons for your answer.

NFCC believe the principle of the commercial enterprises involved contributing to the costs of the scheme is correct. Other holiday accommodation providers (hotels, guest houses, B&Bs etc) all contribute through business rates and taxes so it seems equitable that the short term let markets make a similar contribution.

Access To Data

Question 19: Do you think that any of the data captured should be shared at all beyond the competent authority administering the scheme, as determined in Question 2?

- a) Yes
- b) No

If you answered 'No', please give reasons for your answer.

NFCC believe that all regulatory authorities should have access to the data. This supports the principles of better regulation by reducing the burden on regulators and business by collecting data once and using, appropriately, many times.

Question 20: If you answered ‘Yes’, which types of organisations should have access to the data collated by the registration scheme? Please tick all that apply.

Organisation	Should have access to aggregated/anonymised data	Should have access to detailed/individualised data
Local authorities / local planning authorities	X	x
Enforcement agencies	x	x
Organisations or individuals for commercial purposes	X	
Mortgage providers, landlords, freeholders, commonhold associations, resident management companies and neighbours	x	
English Tourist Board	x	
Central government	x	
Academics	x	
Other - please specify	X	
<ul style="list-style-type: none"> Local tourist boards 		

Minimum Threshold

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

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

What are the reasons for your answer?

To reflect our recommendations for a proportionate approach outlined in our answer to Question 1, any provider that is 'Home Sharing' – i.e. only letting one or two bedrooms in their own dwelling whilst they are also in residence for less than 90 nights per year is likely to be low risk and minimal impact on local housing and communities. In these circumstances we do not think that registration will be critical.

Other Remarks

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?

Additional Costs and Burdens

The introduction of any new registration scheme, whether 'light touch' or otherwise – will have the potential to create additional burdens on the relevant regulating authorities and will vary from region to region. Some cities and towns, and rural or coastal areas will have a significantly higher predominance of holiday rental properties and the potential workload will be enormous unless a proportionate approach such as described above is applied.

NFCC anticipate that existing local authority licensing teams will be responsible for the management of the registration system and any sampling or initial inspection arrangements for the higher risk properties if the 'proportionate' approach is adopted. In terms of additional costs these would be incurred in providing additional capacity and expertise within those local authority teams.

Fire and Rescue Service teams may also be consulted and involved if higher risk properties are identified and additional work would not be confined to frontline specialist inspecting staff, but also extra work for administration and recording of inspections and any subsequent enforcement where the required standard is not met. However, the levels of additional workload for the FRS are unknown and will depend partly on the capacity and expertise of the local authority teams to carry out the safety inspections if implemented. There may be scope for some 'cost recovery' arrangement between local authorities and the FRS but this is likely to require changes to primary legislation and the complexity of management and cost effectiveness of such financial arrangements are unknown.

FRS' are already experiencing challenges in recruitment, qualification and retention of specialist staff. The increased government expectations and workloads flowing from the Building Safety Act are already providing a challenge for which the Government recognised need for additional funding. It is not anticipated that the FRS will have any capacity to allocate front line inspecting or administrative resources to short term let holiday accommodation

except for the very highest risk properties in line with existing risk based inspection programmes.

NFCC advises that should these proposals go forward, further and more detailed work should be undertaken to properly understand the impact of any new burdens on Fire and Rescue Authorities, Local Authorities, and other relevant enforcing agencies such as the Building Safety Regulator (the HSE).

NFCC would be happy to work with DCMS and DLUHC to provide any assistance we can offer in estimating the potential impacts of such a scheme.

Mitigating additional costs and burdens for the FRS

The proposal to take a 'proportionate approach' to this takes some account of these additional costs and burdens and is intended to keep these to a minimum for both local authorities and the FRS.

NFCC have proposed that there should be a national web-based registration system and database. The registration details should be able to be sifted geographically and using the proportionate risk-based categories as suggested above. This registration data should be fully accessible by all regulators (including FRS) so that they can proactively visit this registration database and access all ownership, address and contact details about the higher risk type properties - when and if resources permit – in order to determine whether they should be monitored for compliance.

It is not recommended that Local Authorities 'consult' or notify FRS about all applications/registrations as a matter of course as the administrative burden will be too onerous. However, if Local Authorities identify potential properties of concern they should consult on those in a similar way as for other property licensing arrangements.

Who should bear the costs

NFCC recommend and anticipate that the development and management of any national registration scheme should be self-funding though registration fees applicable to the property type.

The fees should be on a sliding scale with lower fees for those properties subject to self-certification or 'light touch' registration, and higher fees for those subject to either 'sampling' or an initial physical inspection which will be more resource intensive for Local Authorities. This is a proportionate approach and will also reflect the likelihood that the larger properties will be far more lucrative financially and commercial in operation than the 'Home Sharing' or smaller properties.

NFCC also recommends that all web-based platforms (that are benefiting from commission fees) are mandated to provide the additional safety information during the contracting process with accommodation providers. This may duplicate the provision of this information if it is being sent as part of the Local Authority Registration process but it will provide a second opportunity for operators to access this guidance and acts to emphasise the critical safety nature of the material included within it.

Public Sector Equality Duty

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

a) Yes

b) No

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

This proposal, in part, is designed to ensure public safety. In undertaking registration, it may become apparent that premises do not meet the needs of individuals with a protected characteristic, reducing the number of unsuitable premises available.

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

a) Yes

b No

If you answered 'yes', please specify what you think could be done to mitigate the negative impacts.