

Short-term and Holiday-let Accommodation (Licensing) Bill

[AS INTRODUCED]

CONTENTS

- 1 Local licensing schemes for short-term and holiday lets
- 2 Requirements on owners of short-term and holiday lets under local licensing schemes
- 3 Requirements on local housing authorities introducing a local licensing scheme
- 4 Powers of local housing authorities introducing a local licensing scheme
- 5 Enforcement
- 6 Regulations
- 7 Interpretation
- 8 Commencement, extent and short title

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TO

Give local authorities the power to require licences for the conversion of domestic properties into short-term and holiday-let accommodation; to give local authorities the power to issue fines and to remove such licences when safety, noise and nuisance conditions have not been met; to make provision about banning the licensing of such properties in defined geographical areas; to give local authorities the power to vary the rates of local taxes in relation to such properties; to give local authorities the power to restrict the number of days per year for which such properties can be let; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 *Local licensing schemes for short-term and holiday lets*

The Secretary of State must make regulations to permit each local housing authority in England to introduce a local licensing scheme for short-term and holiday lets.

2 **Requirements on owners of short-term and holiday lets under local licensing schemes**

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Regulations made under section 1 must provide that each local licensing scheme may require any owner of a short-term or holiday let —

- (a) to apply for and hold a licence to operate for each property they let prior to trading;
- (b) to pay a licence application fee and annual charge for the licence;
- (c) to pay fines for breaches of a licence provided for in the local licensing scheme;
- (d) to obtain any fire, gas and electricity safety certificate specified by the scheme;
- (e) to obtain an energy performance certificate;
- (f) to ensure that each property they let complies with any health and safety regulations specified by the scheme, and that any risk assessments required by those regulations have been completed;

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- (g) to renew the licence every three years, when the property changes ownership, or when there is a change in the person holding day to day responsibility for the property, whichever is the earlier;
- (h) to provide the licensing authority with up to date property details including details of who will hold responsibility for the day to day management of the property; and 5
- (i) not to let out a property without a valid licence.

3 Requirements on local housing authorities introducing a local licensing scheme

Regulations made under section 1 must require a local authority introducing a licensing scheme – 10

- (a) to publish, and to make readily available in such manner as they see fit –
 - (i) the standard terms and conditions which may be expected to be contained in a licence, 15
 - (ii) the application process for securing the licence, and
 - (iii) the licence renewal process;
- (b) to determine an annual licence fee for each licensed property;
- (c) to inspect any property prior to issuing a licence;
- (d) to maintain an up to date list of all licensed short-term and holiday let properties within the local authority area which includes – 20
 - (i) the address of the property;
 - (ii) whether it is a shared property occupied by the owner or a separate dwelling;
 - (iii) how many people the property can accommodate; and 25
 - (iv) how many days of the year the property will be advertised for letting and be let;
- (e) to inspect, if the local authority sees fit, any property following a report from the public of an issue of concern relating to the property or to any other property owned by the same person; 30
- (f) to monitor compliance with the licensing scheme;
- (g) to publish an annual report on the number and location of licences, including –
 - (i) the number and location of licences in each ward;
 - (ii) an assessment of the impact on local residential housing supply; 35
 - and
 - (iii) details of any breaches of licence conditions reported and fines issued; and
- (h) to provide residents adjacent to a licensed short term or holiday let contact details of the enforcement officer to whom any issue experienced at the property may be reported. 40

4 Powers of local housing authorities introducing a local licensing scheme

Regulations made under section 1 must enable the local authority –

- (a) to prevent, suspend or limit the granting or renewal of licences in any area;
- (b) to set limits or thresholds on the number of licences which may be granted in any area;
- (c) to set licence conditions limiting the number of days per year for which a property may be let; 5
- (d) to impose fines, or remove a licence of a property, if—
 - (i) fire, health and safety conditions are breached,
 - (ii) criminal activity occurs at the property,
 - (iii) the registered owner has not obtained an energy performance certificate for the property, 10
 - (iv) licensing conditions relating to noise, nuisance or anti-social behaviour are repeatedly breached, or
 - (v) the registered owner or the person listed as holding responsibility for the property has had licences on other properties removed; 15
- (e) to impose fines on, or prevent from holding a licence, a person who rents a property without a licence; and
- (f) to vary the rate of any local tax imposed on or in respect of licensed properties. 20

5 Enforcement

Regulations under section 1 may provide for the enforcement of licensing requirements, including civil and criminal penalties for contravention.

6 Regulations

- (1) This section applies to regulations under this Act. 25
- (2) Regulations are to be made by statutory instrument.
- (3) Regulations may modify legislation including primary legislation.
- (4) The following regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by resolution of, both Houses of Parliament— 30
 - (a) regulations making first use of the power to make regulations under this Act;
 - (b) regulations which contain provision modifying primary legislation (with or without other provision);
 - (c) regulations which create a criminal offence. 35
- (5) A statutory instrument containing other regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

7 Interpretation

In this Act—

an “area” may be —

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- (a) a polling district;
- (b) a ward; or
- (c) the whole local authority area;

“holiday let” means –

- (a) a dwelling-house let for the purpose of conferring on the tenant the right to occupy the dwelling-house for a holiday, or 5
- (b) any part of a dwelling-house let for the purpose of conferring on the tenant to occupy that part of the house for a holiday;

“local housing authority” has the meaning given by section 261 of the Housing Act 2004; 10

“local tax” means council tax and non-domestic rates;

“short-term let” means –

- (a) a dwelling-house let for the purpose of conferring on the tenant the right to occupy the dwelling-house for no more than 28 days, or 15
- (b) any part of a dwelling-house let for the purpose of conferring on the tenant to occupy that part of the house for no more than 28 days.

8 Commencement, extent and short title

- (1) This Act comes into force on the day on which it is passed. 20
- (2) This Act extends to England and Wales.
- (3) This Act may be cited as the Short-term and Holiday-let Accommodation (Licensing) Act 2023.

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*Presented by Rachael Maskell
supported by*

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