



States of Guernsey

GUIDANCE FOR PERMIT APPLICANTS (VISITOR ACCOMMODATION PREMISES)

Why is a Permit required?

It is a statutory requirement for *any* person wishing to accommodate visitors for reward to first obtain a Permit from the Committee *for* Economic Development, in accordance with The Tourist (Guernsey) Laws (1948 – 1998).

The Tourist Law can be viewed in full at www.guernseylegalresources.gg/.

Permits are granted to persons in respect of premises. This document explains the key roles and responsibilities of a Permit holder, and will assist you in completing an application.

This guidance is provided by the Quality Development section of Marketing & Tourism, based on the Tourist Law and other relevant legislation.

We believe it to be accurate and up to date, but it is not authoritative, and has no legal effect. Applicants wanting more information regarding the Law should seek their own legal advice.

Please ensure you read and understand this document before submitting your application. Applicants should give particular attention to the section on Conditions.

If you have any questions regarding the application process or the information provided below, please contact the Quality Development Section on 07781 101402.

How do I apply?

Application must be made on forms approved by the Committee. Applications may otherwise be rejected or refused.

Contact [Quality Development](#) for more information.

When applying you will be asked to provide information about various aspects of your application –

About the applicant;
About the premises;
About a designated site contact;
About the sleeping accommodation to be provided;
About the availability of the Accommodation;

You must then pay the application Fees and sign a declaration, before your application can be processed.

Fees are set by an Order of the States, and are shown on the application form.

Payment must be confirmed before an application can be processed.

How will my application be processed?

•DATA PROTECTION

All data submitted in this application is gathered for the purpose of considering the grant of a permit as required by The Tourist (Guernsey) Laws (1948-1998) for the accommodation of visitors for reward. It may also be used for the grading and description of the premises in respect of which a permit is granted and for communications with your business.

Data may subsequently be shared with regulatory service units of the States of Guernsey where necessary, but only if there is a clear legal reason to do so. These units include, but not exclusively: Cadastre; Fire and Rescue; Health and Safety; Environmental Health; Planning; Population Management; Law Enforcement and Trading Standards.

When providing contact details such as address or email, where possible please provide the details usually used for business purposes.

With your consent, Data will be shared with the Marketing and Tourism service and their trade partners, and with our assessment providers, Quality in Tourism.

Personal Data will be retained for as long as it remains relevant to a valid permit, or to an application for a permit, or to the legal operation of a premises in respect of which a permit has been granted. Permits have a maximum period of validity of one year.

Data Protection Notice – Personal data will be processed in accordance with the Data Protection (Bailiwick of Guernsey) Law 2017, and the Fair Processing Notice published by the Committee for Economic Development. This can be viewed or downloaded at the data protection page of the gov.gg website, by following the link: <https://www.gov.gg/dp>. Alternatively, a hard copy can be requested from Quality Development.

•DUE PROCESS

Permit applications will normally be processed and granted by officers acting under the delegated authority of the Committee. In certain circumstances applications will be referred to the Committee for consideration.

The Tourist Law sets out the matters that must be taken into account by the Committee in deciding whether or not to grant a Permit. It also specifies some of the legal obligations incumbent on a Permit holder. The primary considerations are the health, safety, well-being and enjoyment of the persons who will be accommodated in, visiting at, or working in the premises to which a Permit application relates. Other matters relating to the overall interests of visitors, and of the island generally, may also be taken into account.

In order to determine an application the Committee may require additional information to be provided by an applicant. The Committee may also choose to inspect premises in respect of which an application has been made before making a decision.

If the Committee is considering refusing an application, then before making a final decision it must notify the applicant in writing: a) that it is considering taking such a decision; b) the reasons why; and c) setting out the applicant's rights under the Law.

Every effort is made to process applications without delay, however, the time taken will vary according to the circumstances of each application. Applications are processed in the order they are received, but requests for additional information and/or the need for a site visit may impact on the lead time.

At certain times the large numbers of applications received over a brief period can lead to delays in processing, so to guarantee business continuity it is best to apply in plenty of time before a new Permit has to be in place.

What is meant by the validity of a permit?

Permits have a maximum period of validity of one year. A Permit will normally be valid from 1st April, or the date it is granted, in any one year until 31st March in the following year. Permits may be issued for a shorter specified period, depending on individual circumstances. The period of validity will be shown on the Permit.

A Permit is granted to a specific named individual or other legal entity, and cannot be transferred. If a Permit holder becomes unable to operate the premises in respect of which a permit has been granted to them, *for any reason*, the Committee must be notified immediately, as in those circumstances the existing permit will cease to be valid.

In the same way, quality ratings, awards or accolades confirmed by the Committee in respect of a particular premises are not automatically transferred to a new Permit holder. All ratings, awards and accolades cease to be valid when a Permit expires, unless otherwise notified to the new Permit holder or applicant in writing.

When there is a change in ownership, or permit holder, premises will be designated as “awaiting grading” pending a full assessment of the premises under the new operator, unless otherwise notified to the Permit holder or applicant, in writing.

Permits will only be granted in respect of premises over which the applicant can evidence an appropriate degree of legal authority.

Premises listed in Part B of the Open Market Register may be at risk of removal from the Register if *at any time* there is not an appropriate and valid Permit in force. **For more information, contact the Development and Planning Authority by email planning@gov.gg**

It is illegal to accommodate visitors for reward without first obtaining a Permit to do so.

What are the key statutory responsibilities of a permit holder?

The applicant for a Permit assumes responsibility for the lawful operation of the premises described on the Permit. It follows that applicants should be capable in all respects of fulfilling the duties and responsibilities incumbent on them after a permit is granted.

A Permit will normally only be issued to the owner or lease-holder (which can be an individual, company or other legal entity) of the relevant premises.

Where a Permit is issued to a person other than the owner of the premises, a degree of overall responsibility for the operation of the premises may still rest with the owner.

In all circumstances the Committee must be satisfied that an applicant has the authority to make fundamental decisions about the relevant premises and how they are operated and the financing of those premises and services.

Other legislation besides the Tourist Law applies to Permit holders, and this is covered in greater detail in the section regarding Permit Conditions below.

The onus is on each Permit holder or applicant for a Permit to ensure compliance with **all** relevant legislation.

Letting out accommodation to paying visitors carries a significant duty of care to your guests. Prior to submitting an application for a Boarding Permit, applicants are strongly advised to seek advice with regard to the following:

- **Planning**

Ensure that the required permissions are in place for the premises concerned to be legally used as proposed, and confirm the extent to which the proposed activity can be carried out within the Law - **For more information, contact the Development and Planning Authority by email planning@gov.gg**

- **Building Regulation**

Satisfy yourself that the premises are compliant, especially if you have made or intend to carry out any alterations to the premises related to the proposed use. – **For more information, contact the Development and Planning Authority by email planning@gov.gg**

- **Visitors and Others**

Establish who can legally be accommodated in the premises. - **For more information, contact Population Management by email population@gov.gg**

- **Fire Safety Legislation and Fire Precautions**

If you propose to provide sleeping accommodation for ten or more guests (irrespective of age), or if any of your sleeping accommodation is situated below ground floor level or above first floor level, then your premises will likely fall under the provisions of **the Fire Services (Guernsey) Law 1989 as amended**, and will be registered as controlled premises.

If your premises do not match the above criteria, it may be that the Fire Law does not apply to you. Nevertheless, it is recommended that you have fire safety measures in place in excess of those required just for you and your family. This is especially important if sleeping accommodation to be provided beyond your own home (e.g. in an unconnected wing or outbuilding) or if your dwelling is larger than an average family home.

If you are unsure of the current status of your establishment you should check this immediately, and ensure that you comply with the required Fire Safety Precautions.

NB a Permit application may be refused if you cannot demonstrate that appropriate Fire Safety guidance has been sought and implemented. - **For more information - Contact Guernsey Fire & Rescue Service, Fire Safety Department by email Firesafety@gov.gg**

- **Health and Safety Legislation**

Your business is subject to Health and Safety Legislation, which potentially extends across many aspects of your business activities, but the key areas of concern with regard to a boarding Permit are:

- Public and Employers Liability (Insurance cover);
- Gas, Electrical and Water systems safety (including control of Legionella);
- The management and control of asbestos.

For more information - contact the Health & Safety Executive by email hse@gov.gg

- **Environmental Health & Food Safety**

If you store, prepare and provide food for your guests to consume on the premises or take away with them, you may need to meet certain requirements under the Food Hygiene Information Scheme (Scores on the Doors).

For the purpose of obtaining a boarding Permit our expectation is that you will hold at least Three Stars under the scheme, and this is the minimum score that must be maintained throughout the Permit.

Current listings are published at <https://gov.gg/CHttpHandler.ashx?id=101165&p=0> . Some premises are exempt, but clearly it is important to establish where you stand.

For more information – contact Environmental Health and Pollution Regulation by email envhealth@gov.gg

- **Immigration**

The keeper of any premises where sleeping accommodation is provided for reward shall keep for a period of at least twelve months a record in writing of the date of arrival of every such person and of all information given to him by any such person in pursuance of **The Immigration (Hotel Records) (Guernsey) Ordinance, 1972.**

For more information – contact by email homeaffairs@gov.gg

- **Data Protection**

Data collected in the course of your business, especially personal data, must be kept and processed in accordance with the provisions of the Data Protection (Bailiwick of Guernsey) Law, 2017. It is recommended that a privacy or fair handling notice is attached to all communications entered into in the course of your business.

For more information contact the Office of the Data Protection Authority by email enquiries@odpa.gg

What are “the premises” covered by a Permit?

Permit premises will usually be properties with a visitor economy use classification **7** (serviced visitor accommodation) or **8** (non-serviced visitor accommodation), as set out in schedule 1 of **The Land Planning and Development (Use Classes) Ordinance, 2017**.

Some small premises operating on a B&B basis may not require a Visitor Economy use classification. **For more information, contact the Development and Planning Authority by email planning@gov.gg**

A Permit normally applies to **all** of the buildings, grounds and other areas accessible to guests, and/or where activities ancillary to the approved use of the premises take place, e.g. bedrooms, bathrooms, corridors, stairs, reception & other public areas, bars, catering & hospitality areas, leisure and recreational areas.

Applicants may specify areas of the premises which will not be available for use by guests. This might include rooms set aside for the personal use of the owner and their family, designated accommodation for staff, or areas used for storage or plant. These areas should be secured from access by guests, and are not regulated by the Permit. They should under no circumstances be used for the accommodation of guests.

Permits are granted by the Committee in the full expectation that the premises to which they apply will be used primarily in accordance with the Conditions attached to the Permit, for the purposes specified in Law, **which is the accommodation of visitors for reward**.

What ancillary and other uses of Permit premises are allowed?

Ancillary or **minor** uses of Permit premises may be acceptable, including:

The accommodation of staff employed by and at the premises;

Provision of facilities directly related to the primary use, but potentially also used by the general public (e.g catering; retail; hair salon, leisure suite, a spa, etcetera.)

The accommodation of persons otherwise legally entitled to occupy the premises, such as temporary and/or casual accommodation of qualified residents, and the occasional accommodation of persons holding a Housing Licence.

The provision of **long-term** or **permanent** accommodation for other persons, i.e. those for whom the premises is their sole residence, may constitute a breach of Permit Conditions and/or be an unauthorised change of use under Planning Law.

It is strongly recommended that specific proposals are discussed in detail with the DPA to ensure compliance with Planning Law prior to instigating any additional uses of the premises.

Why are Conditions attached to Permits?

The Law requires the Committee to attach a condition to every Permit specifying the maximum number of persons for whom the holder may provide sleeping accommodation for reward.

In addition, the Committee has the power to attach additional or special conditions to a permit, should it consider that to be appropriate to the particular circumstances.

The Committee may, at any time revoke (cancel), suspend or vary any or all of the conditions of a Permit, although this would normally only be done in exceptional circumstances.

A Permit holder must comply with the conditions attached to a Permit at all times. Failure to do so may result in the variation of existing conditions, the suspension or revocation of the permit. The breach of a condition may also constitute an offence for which the Permit holder may be liable to prosecution under the Law.

The Committee should be notified in writing by an applicant who considers that any of the standard conditions should be varied or omitted in their particular case, and of the reasons why.

The factors taken into account by the Committee when considering the grant of a Permit can change significantly after a Permit has been granted, so a standard set of conditions has been developed to ensure that the operation of the premises remains consistent with the original requirements for the grant of the Permit.

These conditions are reviewed on a regular basis to ensure they remain appropriate to current circumstances. The last review was conducted in 2017. The standard conditions that apply to Permits for Serviced and Non-Serviced Visitor Accommodation granted with effect for the period 1st April – 31st March in the following year are set out below in **bold type**. Explanatory notes are in *italics*.

Standard Permit Conditions

1. A permit holder must operate the premises specified in the permit in accordance with the Tourist (Guernsey) Laws, 1948 to 1998 and all other legislation or resolutions of the States of Guernsey relevant to the operation of those premises.

- An application may be refused if there are reasonable grounds to conclude that the applicant does not have sufficient authority to comply with Condition 1. The applicant should therefore either be the owner, leaseholder or a person delegated the authority to operate the business in accordance with a Permit. That person must be able to make and give effect to decisions about the operation of the premises and must be able to authorise any expenditure necessary to comply with the conditions of a Permit.*
- The use of the premises for which a permit is granted must comply with relevant planning permissions and use classification.*
- Particular attention should be given to relevant legislation on: Planning; Building Regulation; Housing (including the lawful accommodation of guests and staff); Population Management; Fire Safety; Health & Safety; Environmental Health and Food Hygiene. An application may be refused on the grounds that insufficient provision has been made with regard to the health, safety and wellbeing of guests.*

2. The total number of visitors accommodated at the premises, and the number of persons accommodated in individual bedrooms, or in other areas of the accommodation, must not at any time exceed the numbers specified on the permit for the premises.

- An applicant must declare the maximum number of persons for whom they wish to provide sleeping accommodation at any time. This number will be shown on a permit.*
- All persons aged ten years or more, including those to be accommodated in temporary beds, must be included in the application. Exceptions may be allowed, as set out in the Tourist Law (for more information about exceptions please contact the Quality Development Team).*
- A detailed schedule of the individual units of sleeping accommodation to be provided for visitors must be included with each application. This must identify each room by name or number and set out the maximum proposed sleeping capacity of each room, suite, or other unit of accommodation. The schedule will be published on any permit granted.*

3. The premises specified in a permit must not be used to provide permanent accommodation for a person at any time, or to provide long-term accommodation for a guest other than in accordance with Condition 4.

- The sole purpose of a boarding Permit is to allow for the legal accommodation of visitors for reward under the provisions of the Tourist Law. A Permit does not confer or imply any right to use premises for any purposes other than those allowed in Guernsey Law. The*

accommodation specified on a valid permit should not be used as the main, ordinary or permanent residence of any person, including license holders, or for long-term letting to non-visitors.

4. Occupancy of Premises:

Serviced Accommodation

A significant majority of the accommodation must be occupied by or available for occupation by visitors at all times. The remainder can be used to accommodate other guests or staff provided that:

- a) They are lawfully accommodated.**
- b) The period of accommodation of any individual does not exceed 5 consecutive months.**
- c) Such usage does not detract from the enjoyment, safety or wellbeing of visitors or detract from the quality standard awarded to the premises.**

Non-Serviced Accommodation

Between April and October inclusive, a significant majority of the accommodation must be used, or available, for occupation by visitors. The remainder of the accommodation can be used to accommodate other guests. Between November and March inclusive up to 100% of the accommodation specified in the permit can be used to accommodate other guests. When accommodating such persons, the permit holder must ensure at all times:

- a) They are lawfully accommodated.**
- b) The period of accommodation of any individual does not exceed 5 consecutive months.**
- c) Such usage does not detract from the enjoyment, safety or wellbeing of visitors or detract from the quality standard awarded to the premises.**

The Committee applies the following definitions in relation to condition 4 above:-

- **Visitor:** - *a person accommodated for reward who is not normally resident in Guernsey and is in the Island for the purpose of a holiday or for the purpose of his business or employment, provided that in the latter case he has not been in the Island for an aggregate period of more than 10 days in any 30 day period or 90 days in any 12 month period.*
- **Guest:** - *a person, other than a visitor, who is accommodated for reward, or a person visiting the premises for any other purpose (such as using a bar, restaurant, leisure, or conference facilities).*
- *Where Guests other than Visitors are to be accommodated in premises operating under permit, this must be done in accordance with Housing, Population Management and Planning Legislation.*
- *For serviced accommodation, "staff" may include staff directly employed by and at the premises, as well as their spouse or partner and children.*

- *Non-serviced accommodation (including self-catering units) must not be used to accommodate staff of the business without the appropriate planning permission.*
5. **A permit holder must maintain the premises at the quality standard required for the star rating awarded by the Committee at all times, and must apply the Code of Practice for Boarding Permit Holders whenever the accommodation is occupied.**
 - *The Committee grades premises operated under permit. The minimum acceptable standard for the grant of a Boarding Permit is One Star. Assessment of premises for a rating is carried out by independent assessors. More information about quality grading can be found at the end of this document.*
 - *Different quality standards may apply, according to the category and type of accommodation.*
 - *The Committee has a Code of Practice for Boarding Permit Holders that is in part a statement of best practice. The Code and the quality standard provide benchmarks against which the Committee will assess complaints received about accommodation from a visitor or guest.*
 - ***All** staff should be made aware of the Code, especially those working front of house. The Code should also be brought to the attention of all visitors and other guests, (perhaps by exhibition alongside a Boarding Permit or by inclusion, or reference to it, in visitor and guest information).*
 6. **A permit holder must provide information that the Committee may reasonably require from time to time about the use and operation of premises and it must be provided in the format as may be reasonably requested.**
 - *Information requested may include: details relevant to processing applications; performance indicators (including actual and projected occupancy levels); evidence required for the investigation of complaints and/or the grading programme; staffing levels and the provision of staff accommodation.*
 7. **A permit holder must maintain a register of ALL visitors and guests accommodated in the premises, which must, as a minimum, contain a record of the date of arrival, length of stay, and the stated reason for staying, for each person. Registers must be kept for a minimum of two years and be made available to the Committee for inspection on demand.**
 - *The requirement to maintain a register for inspection by the Committee is separate to any other statutory obligation to maintain a register of guests.*

8. **A permit holder must notify the Committee, in writing, as soon as practicable of any material alterations (proposed or actual) to the premises and/or the operation of the premises, the partial or complete closure of the premises and changes in the ownership or management that have a bearing on who is named on the Permit.**
- *Such alterations may include:*
 - *Change of ownership.*
 - *A change to the maximum number of persons to be accommodated or to the number of persons to be accommodated in individual bedrooms or suites etc.*
 - *Structural works to be carried out whilst visitors or guests are being accommodated.*
 - *Other changes that might affect the quality of stay for visitors.*
 - *Changes to the permitted period of operation.*
 - *A temporary closure of the premises, caused by unforeseen circumstances.*
- NB The nature or extent of such changes could result in a permit being reviewed, suspended, or revoked. Premises must not operate without a valid permit.*
9. **A permit holder must hold Public Liability Insurance cover, provided by a recognised insurer, in the sum of at least two million pounds throughout the permit period.**
- *This is a legal requirement under Health and Safety legislation.
For more information contact the Insurance Division of the Guernsey Financial Services Commission. (Tel.712706).*
10. **The permit must be displayed in clear public view in the main entrance of the premises. Where premises comprise several individual units of accommodation with separate entrances, a copy of the permit must be displayed in each room or unit.**
- *This is a legal requirement under the Tourist Law – for premises where there is no public entrance the permit should be clearly displayed in a prominent position within the unit of accommodation.*

Why must I sign a declaration?

All applicants must agree to a declaration that the information provided in the application is correct, and that they undertake to operate the premises legally, and in accordance with the conditions attached to any Permit granted to them.

It is an offence to make a false statement with intent to obtain the grant of a Permit.

The Inspection and grading of accommodation.

The Committee is empowered to grade and describe Permit premises as it considers appropriate. Inspectors appointed by the Committee are empowered by Law to enter and inspect premises in respect of which a permit has been granted at all reasonable times, subject to producing identification.

Accommodation will be assessed and graded against the criteria of the quality standard relevant to the type of accommodation, and a star rating will be recommended for confirmation by the Committee. Under a long standing arrangement with industry, the reasonable costs incurred by an assessor in grading an establishment are met by the accommodation provider – this includes the cost of accommodation and food and any other charges incurred in testing facilities and services.

The assessment may also result in the recommendation of additional awards for the establishment – these include Gold or Silver Accolades, Breakfast and Guest Dining Awards. Assessment results will be confirmed by the issue of an annual grading certificate by Marketing & Tourism.

Definition of Terms

For the avoidance of doubt, the Committee applies the following definitions to the terms used in the Conditions above and/or as published on a Permit.

Minimum quality standard

This is the minimum level of provision required for the grant of a permit, as published by the Committee. Premises overall must be clean, safe and legal, and the physical attributes of the buildings, fixtures, fittings, furnishings and equipment provided must meet the minimum levels required by the approved grading scheme which is liable to change over time to match increasing visitor expectations.

Non-serviced visitor accommodation:

*Premises let on a self-catering basis, providing sleeping accommodation and/or lodging, but not board, and where such guest services as are required for compliance with a Permit are provided **between periods of guest occupancy**.*

The Permit holder:

The person or legal entity to whom a permit is granted.

The Premises:

The buildings and the curtilage of a property named on a Boarding Permit.

Serviced visitor accommodation:

Premises or part of a premises generally offering sleeping accommodation and board or board and lodging, and where the guest services required for compliance with a permit are delivered during, as well as between, periods of guest occupancy.

A Visitor:

*Any person accommodated for reward who is not normally resident in Guernsey **and** who is in the Island for the purpose of a holiday or for the purpose of business or employment, provided that in the latter case he/she has not been in the Island for an aggregate period of 10 days in any 30 day period or 90 days in any 12 month period.*

A Guest:

Any person, other than a visitor, who is accommodated for reward; or a person visiting the premises for any other purpose (such as using a bar, restaurant, leisure, or conference facilities). Where guests other than visitors are to be accommodated in premises operating under a permit, this must be done in accordance with Housing, Population Management and Planning Legislation.

For serviced accommodation Permit holders, “staff” may include staff directly employed by and at the premises, as well as their spouse or partner and children. Non-serviced accommodation Permit holders (including self-catering units) must not be used to accommodate staff of the business without the appropriate planning permission.

Contact Us

If you have any questions, or need any further Information or advice, please contact:

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