States of Guernsey
Marketing and Tourism

GUIDANCE FOR PERMIT APPLICANTS (Private Dwellings)

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.

How do I apply?

Application must be made online.

Contact Quality Development for more information. Tel: 01481 223274 or email: qualitydevelopment@gov.gg

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.

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 trade partners. 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 for Economic Development. In certain circumstances applications will be referred to the Committee for consideration.

The Tourist Law sets out the matters that must be considered by the Committee in deciding whether 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 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 considered.

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, and 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;

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 private dwelling permit will generally be valid for up to 10 weeks during the period 1st April-31st March annually.

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 in those circumstances the existing permit will cease to be valid.

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

It is illegal to advertise or 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 leaseholder (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 applying 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 status of your property you should check this and ensure that you comply with the required Fire Safety Precautions. 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.

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 validity.

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 - Office of the Data Protection Authority by email: enquiries@odpa.gg

What are "the premises" covered by a Permit?

A Permit normally applies to all 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 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.

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 circumstances.

The Committee may, at any time revoke (cancel), suspend or vary any or all 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 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).

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).

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. This is 12 months longer than any records kept for immigration control purposes.

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 temporary closure of the premises, caused by unforeseen circumstances.

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.

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.

The permit must be displayed 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. Grading and Inspections do not currently apply to private dwellings with a 10-week permit. 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.

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

Quality Development,

Email: qualitydevelopment@gov.gg

Telephone: 01481 223274