



Holiday Home Association News

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GDPR Happened: No Self-caterers Arrested

As 25th May approached all of us were deluged with emails pleading to re-approve e-mailing permissions and to read new privacy policies. However, panic wasn't necessary and the Information Commissioner herself went on national radio and offered reassurance to small businesses. "It's nonsense to think the regulator is going to be making early examples of small businesses by levying large fines" she said, adding that the focus will be on the large players and on businesses that are not making efforts towards GDPR compliance.

"We are going to be focused on businesses that deliberately, persistently or negligently misuse data." Said the Commissioner, but made the additional point that "we do have is millions of data subjects – millions of people and users that have new rights, and they can take a complaint against a company to our

office" This is possibly the greatest potential issue for businesses in the holiday home industry, which are mostly small or medium sized. Because people now have new rights they may seek to use them, especially when there is a bone of contention with the agency or owner. Although the Commissioner isn't knocking on your door right now, one of your customer just might be.

In HHA News 137:

- GDPR briefing - fees
- Progress on HH Industry Code
- Pollution and wood-burning
- Building Regs and Fire Report
- HMRC looks at online accom
- Auto-enrolment briefing
- ListenUp! Guide updated
- Beware HMRC impersonators

HHA has a new Logo

Following our change of name, we now have a new HHA logo. We encourage members to add this to their websites – a version will shortly be in the member area of the HHA site, to download.



**THE HOLIDAY HOME
ASSOCIATION**

Burn-out for fashionable wood-burning stoves?

During May it was widely reported that Michael Gove, Secretary of State for Environment, Food, and Rural Affairs, wanted to ban wood-burning stoves. The reality, as is so often the case with exciting headlines, is a bit more complicated! Some of the sensational news reports were exaggerated. Charles Moore, a writer in *The Spectator*, claimed somewhat hyperbolically that *Michael Gove wants to punish those who use wood-burning stoves and possibly even open fires. It would be hard to think of a more direct attack on country life. All houses in the country are cold, and impossibly expensive to keep warm by central heating alone. The cheapest and most cheerful way of heating individual rooms is by burning wood in them.*

The reality is that a consultation has been launched by DEFRA and the Department of Health about a long-term strategy for improving air quality. It is a detailed, scholarly work, that examines the causes of air pollution and the ill-health effects of it, which are considerable. The document looks at all forms of transport, industry, agriculture and even cleaning products used in the home. Of greatest interest to holiday home operators will be the proposals for “domestic burning”. Holiday homes are not mentioned but we can assume that they will be included. This is what is actually proposed:

- *We will legislate to prohibit sale of the most polluting fuels.*
- *We will ensure that only the cleanest stoves are available for sale by 2022*

- *We will give new powers to local authorities to take action in areas of high pollution, bringing legislation into the 21st century with more flexible, proportionate enforcement powers.*
- *We will work with industry to identify an appropriate test standard for new solid fuels entering the market.*
- *We will ensure that consumers understand what they can do to reduce their impact from burning.*

In other words, there is no proposal to ban all wood-burning stoves, rather it is envisaged that there will be a new set of standards for them that require all new ones to be of an efficient design that minimises pollution, and fuel sold for these stoves will have to be cleaner.

(continued next page....)

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Also, biomass boilers, used at some self-catering properties, are to be the subject of an awareness campaign to encourage good practice and efficient design and installation. These boilers are already much less polluting than open fires. They are to be removed from the renewable heat incentive scheme for properties in urban areas on the gas grid.



Wood for use in stoves will need to be dry wood. The woodsure scheme run by the wood fuel industry badges wood as ready to burn if the water content is 20% or lower. It is less than well-known to consumers (although bonfire-makers will recognise this factor immediately) that wet, unseasoned wood contains a lot of water and the burning of unseasoned wet wood causes vastly more particle pollution than dry wood. Nothing is said in the plan about gathering wood for burning, but new powers for local authorities over smoke emissions may impact on this too.

The Stove Industry Alliance has created a standard for stoves called "Ecodesign Ready" in anticipation of new standards, due to be introduced in 2022.



From 2022 stoves will most probably be required to comply with this standard of design (the actual legislation will be proposed later this year).

So, what does this mean for holiday homes?

- If you are planning to install a wood-burning stove, make sure it is Eco-design ready
- Proper maintenance of stoves is essential
- The use of unseasoned timber as a fuel, e.g. logs from the garden or the local forest, may end up being banned, so moving to dry timber that's "ready to burn" would be a good policy.

The Revenue Looks at Online Platforms

Surprise, surprise, HMRC is wondering if all owners who offer their properties through AirBNB and other online platforms declare all their income.

They have published a call for evidence asking, essentially, whether there are ways of raising awareness of tax obligations, and what can be done to make it easier for people to voluntarily pay tax.

They also allude to getting data from the online platforms themselves. In Denmark, there are proposals to agree a deal with AirBNB in which the latter will report all income direct to the tax authorities. In other international examples it has been made possible for owners to declare tax more simply without having to register for the equivalent of self-assessment.

Any scheme introduced by HMRC will be subject to a consultation and The HHA will be looking out for the interests of professional holiday home businesses in this. We support a “level playing field” for everyone, so we want to see online platform users taxed just the same as our members who operate independently or through conventional agencies.

The Dame Reports – Focus on Hi-Rise

Dame Judith Hackett has issued her final report on Building Regulations and fire safety, (following the Grenfell fire) and she has produced a large number of recommendations. However, she has confined her proposals to buildings of 10 or more storeys.

In any change in regulation there is a danger that holiday homes may be affected by the law of unintended consequences but the recommendations do not include proposals that seem likely to affect us. Local authority building control departments are proposed to be renamed as “Building Standards” and to have a slightly wider role, but

There remains scope for the legislative changes that are bound to follow from this report to inadvertently affect us, for example the provisions relating to residents’ having a voice could, if sloppily drafted, affect other areas of accommodation.

Holiday Home Industry Code of Practice Update

The new Code is due to be approved by the HHA Council in mid-June, provided that no legal issues are uncovered by our lawyer, to whom the document has been sent. A new scheme logo is also being worked on currently.

Package Travel Regulations: Draft Guidance Published.

The Business department has produced draft guidance on the new Package Travel regulations. These add little to what is already known but attempt to explain the complex more straightforwardly than hitherto.

If you are considering or actually offering a package holiday option, including add-ons to your accommodation, the Chief Executive can send you a copy of the draft.

HMRC Warns of Scams

Everyone wants a tax refund but HMRC have warned that there has been an increase in attempts to deceive people into revealing financial account information by telephone or online.

If you are due a tax refund you’ll be told by good old-fashioned letter, and not by email or a phone call. Apparently HMRC identified 2,672 “phishing” websites in March alone – sites that pretend to be the HMRC so they can collect your data when you log in.

If you are called by anyone claiming to be from HMRC – be suspicious!

Automatic Enrolment Update

Provided by The Pensions Regulator

For new employers and start up businesses If you've recently become an employer, it's important you don't forget to tell The Pensions Regulator who your nominated key point of contact is.

Research by The Pensions Regulator indicates that employers who provide a key point of contact are more likely to comply with their duties and less likely to be fined. Nominating a contact also means that The Pensions Regulator can keep in touch with helpful reminders.

Nominate a key contact with TPR so that you receive regular emails to remind you what you need to do to comply, and by when.

Choosing a workplace pension scheme?

If you've recently become an employer or thinking about taking on staff for the first time, you will need to consider a number of things, including choosing a suitable workplace pension for your staff. When choosing a scheme, it's important employers consider the costs, whether it will work with the payroll system - but also, what tax relief method it uses. The Pensions Regulator has online guidance to help you understand what you need to look for when choosing a pension scheme, including what tax relief method may be appropriate.

For employers who have already enrolled staff Do you know what your ongoing AE responsibilities are? Making regular payments into your staff's pension

scheme is one of them, and it's important that you comply – it's the law. Employers have a number of ongoing AE responsibilities, including monitoring the ages and earnings of your staff, enrolling them into a scheme and keeping records.

But you are also responsible for ensuring regular contributions are made to your staff's pension. On 6 April, the minimum amounts employers have to pay into workplace pensions increased, and it's important you check that the right amounts are being paid into your scheme on time - don't risk a fine. TPR has online guidance on your ongoing duties, including maintaining contributions here.

Employers, don't forget to tell TPR how you've met your AE duties - find out how today. Over 1 million employers have completed AE, but there are still hundreds of thousands to go. If you're one of these employers, don't forget to tell TPR how you have completed your duties by completing your declaration of compliance. The Pensions Regulator will use its powers where necessary to ensure compliance. Use TPR's declaration of compliance checklist to help you work out you'll need to do.

The GDPR – Fees

Under the old law, many businesses had to register with the Commissioner and pay registration fees. It is no longer necessary to do that, but unfortunately fees still have to be paid.

Confusingly the Information Commissioner's Office has not updated its pre-GDPR guidance booklet, based on draft regulations, but there is some information on their website that helps. Let us turn therefore to The Data

Protection (Charges and Information) Regulations 2018 No. 480, in case you have not been reading them avidly.

The fees are simple enough:

- £40 for micro organisations
- £60 for small and medium-sized organisations
- £2,900 for large organisations.

So, who has to pay and who's a micro?

You have to pay if you're a data controller, i.e. a person or business that "determines the purposes and means of processing personal data". In other words, if you or your business decide what data to collect and how to do it. There are some exemptions – here are ones that might be relevant. If you **only** hold data for these purposes you **don't** have to pay.

- Staff administration
- Advertising, marketing and public relations
- Accounts and records
- Manual, non-computer records
- Your personal private data, e.g. your Christmas card list.

Individual owners will in most cases fall within the exemptions, however larger businesses are probably keeping data for a wider range of purposes. The best way to determine if you need to pay a fee is to use the tool on the ICO website, which is quite hard to find, but available at:

<https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>

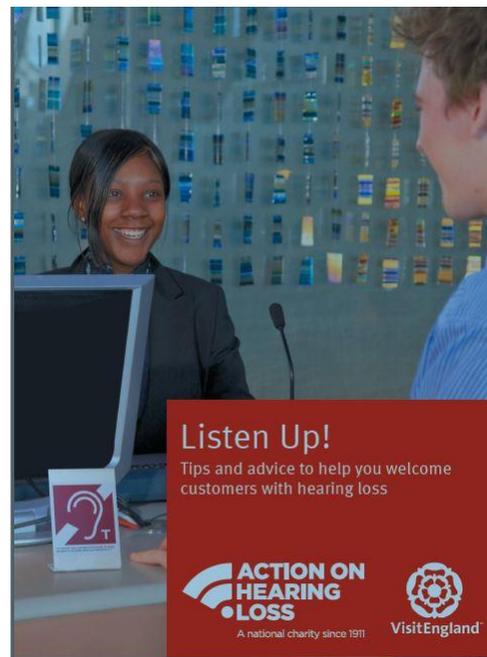
So, how much is it going to cost? Somewhat startlingly, the ICO definition of a "micro" is a business with a turnover under £632,000 per annum, or with 10 or fewer employees.

If you have a turnover of under £36,000,000 or you have fewer than 250 staff, then you're a medium. If you're bigger than that, you can afford £2,900 a year.

The ICO will publish some brief details about you once you have registered.

The fee has to be paid within 21 days of initial registration but if you were previously registered under the Data Protection Act you can start your new period from the anniversary of that registration, so you don't end up paying twice for the same months.

VisitEngland updates ListenUp Guide



VisitEngland has worked with charity Action on Hearing Loss (formerly the RNID) to produce a comprehensive guide to providing for hard-of-hearing guests.

<https://www.visitbritain.org/providing-access-all> (and look for the link)