

Children's Rights Impact Assessment Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

Introduction

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols when exercising any of their functions. In preparing the Bill and its underlying policy, consideration was given to whether children, or particular groups of children, may be affected. This has informed the analysis of how the Bill impacts children and the articles of the Convention.

What decision are you impact assessing?

This Children's Rights impact assessment (CRIA) considers the effect of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill ("the Bill") on children and their rights under the UNCRC.

The scheme will require visitor accommodation providers to meet certain conditions before they are licensed. If those conditions of a licence are not met, they can have their application refused, or have their licence revoked. The full details of the scheme are set out in the [Integrated Impact Assessment](#).

Gathering evidence and engaging with children and young people

A [public consultation](#) on the proposed scheme was held between December 2022 and March 2023. [Supplementary consultation stakeholder engagement events](#) were held in May 2023. In September 2023, [consumers and residents were surveyed](#) for their views on a statutory licensing scheme for visitor accommodation providers

Given the scope and purpose of the Bill, and the scheme it will create, we have not undertaken any direct engagement with children and young people, as there is no direct impact anticipated.

We have, however, discussed early iterations of the policy with the Children's Branch in Welsh Government, who manage the Children's Rights Advisory Group (CRAG), and agreed the impact of the policy is considered to be negligible, but primarily positive.

We will however continue to monitor the impact of the Bill post implementation and should any unintended or unforeseen impact on children be identified, we will engage directly with children and young people as necessary via established networks with Children in Wales and the Welsh Youth Parliament.

We have also taken into consideration the direct engagement undertaken by the team responsible for the Visitor Accommodation (Register and levy) Etc.(Wales) Act, which

establishes the register of visitor accommodation, upon which the licensing scheme as a result of this Bill will build; and will continue to work closely with them and the Welsh Revenue Authority.

Conclusions from the Children's Rights and Well-being Impact Assessment (CRWIA) screening, completed as part of the development of the Scottish Government's short-term lets licensing scheme legislation, which came into effect in 2022, have also been considered as part of this assessment.

We have considered the impact of the policy underpinning the Bill in a similar way to the Scottish Government, considering the possible impact on children in the following different ways:

- as Visitor Accommodation Providers (VAPs) themselves;
- as children of VAPs;
- as guests or children of guests staying in accommodation in Wales; or
- as residents of local communities and/or neighbours of visitor accommodation in Wales.

As VAPs themselves

To apply for a licence under the scheme, a Visitor Accommodation Provider must first be registered as such under the VARL Act. A person can only be a VAP if they *provide, or offer to provide, visitor accommodation in Wales in the course of trade or business, and are an occupier of the premises at which the visitor accommodation is provided*. "Offering to provide" means advertising the accommodation, and "providing" means entering into a contract to allow people to stay at the accommodation, or, taking a booking.

In England and Wales, a person must be aged 18 or over to legally own or rent a property in their own name, or to apply for a mortgage. The same applies with inheritance, in that where a child or young person inherits real property, it remains in trust and is managed by trustees until the child reaches at least the age of 18. However, children and young people are able to enter into contracts in certain circumstances, and children aged 16 and over are able to be a company director. Consequently, whilst it is technically possible that a child could be a VAP for the purposes of this scheme, the prevalence of this is likely to be extremely limited. The impact on children in these circumstances is therefore considered to be negligible.

As children of VAPs

The licensing of self-catering accommodation may potentially impact on children in the following ways:

- the safety of the home the child lives in;
- the financial impact on their parents or guardians; and
- the presence or absence of guests in their home.

Consideration has been given as to whether parents or guardians of children who currently operate visitor accommodation will continue to do so in a similar or modified way following the introduction of the scheme.

The licence conditions include mandatory requirements for premises, including basic safety matters. This will mean the standards of the premises will be maintained or improved, and in turn this means that they should be fit for the child to live in, where the visitor accommodation is also their home.

In terms of financial impact, under the scheme, a VAP will need to cover the costs of the associated fees, plus any other costs connected with ensuring their visitor accommodation meets the licence conditions, if it is not already at the required standard. Given that the licensing conditions relate to matters which are either already legally required, or are seen as best practice for the sector, VAPs should already be meeting most, if not all, of those conditions.

Some VAPs, including those who are parents or guardians of children, may rely on the income from running visitor accommodation to pay household bills and licensing costs may impact that income. However, the levels of the fees themselves will be kept as low as possible, and set on a cost recovery basis by the licensing authority. Where more substantial costs are incurred to ensure compliance with the licensing scheme, this may impact the household income in the short term, but the improvements in the premises as a result should benefit any children living within them.

It is possible that some non-compliant visitor accommodation providers may prefer to leave the market than comply with statutory requirements. However, there is no significant evidence of the sector contracting as a result of similar licensing schemes having been introduced in other parts of the UK and beyond. Nor has the introduction of landlord licensing in the private rented sector in Wales – including requirements around smoke/carbon monoxide alarms and electrical safety certification – led to any discernible reduction in the overall size of that sector in terms of property numbers in the past decade.

As such, we do not consider the licensing scheme will have a significant adverse impact on income for the vast majority of VAPs. Consequently, we do not anticipate a detrimental impact on the well-being of children in their care. In rebalancing regulatory incentives, the licensing scheme may complement other Welsh Government measures to improve the housing supply, which in turn would benefit children in Wales.

The estimated costs of the licensing scheme are considered further in the RIA.

As guests or children of guests

Guests staying in visitor accommodation with their children, or young people aged 16 or 17 staying in accommodation independently, will be able to check whether the

accommodation is licensed, and have greater assurance that wherever they stay, the accommodation meets the licence conditions.

The cost of the accommodation may be slightly higher if the fees or costs associated with the licence are passed on to guests. However, where those costs are spread across bookings, this should be marginal.

As residents in communities and/or neighbours of visitor accommodation

Children and young people living near premises used as visitor accommodation may benefit from improved maintenance and regulation of those premises. This is particularly true for those in the first phase of the scheme, which will include premises that may otherwise be used as homes or dwellings.

Analysing the evidence and assessing the impact

Taking the above assessment into consideration, in summary, there are no direct impacts on children and young people anticipated because of this Bill, as the underpinning policy is not targeted at children or young people.

In terms of indirect impacts, the results are mixed. There will be varying additional costs for VAPs, depending on their particular circumstances which may marginally reduce household income in some cases.

However, children and young people may benefit from the improvements and/or maintenance of the premises required to comply with licence conditions, either in visitor accommodation where they are staying or in their own home (where that home is located close to, or is also used as, visitor accommodation).

Overall, therefore, the introduction of the licensing scheme, whilst indirect and marginal in most cases, is likely to have an ongoing positive impact on children and young people.

How does your proposal enhance or challenge children's rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation

Article 27 Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.	X		Children who live in homes where their parents or guardians operate a visitor accommodation business could benefit from the statutory licensing scheme as a result of the requirements and conditions of the licence which will help to ensure the premises in which they live should be fit and safe.
Article 31 All children have a right to relax and play, and to join in a wide range of activities.		X	There is a risk that the cost of licensing could be passed onto consumers and may increase the cost to stay in visitor accommodation in Wales, which may impact their ability to visit or engage in the cultural offer in Wales. However, spread across multiple bookings, any increase is likely to be negligible. Similarly, there may be an immediate to short term impact on household income, which may adversely impact families with children whose parents or guardians are VAPs and use their home as visitor accommodation. However, this is likely to be limited to a small number of cases, and is counteracted by the improvements in the premises in which the child lives.

Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.

It is not considered that the Bill will have specific impact upon EU, EEA or Swiss citizens (whose rights are protected by the Citizens Rights Agreements) compared to other persons living in Wales, including those up to the age of 18.

Ministerial advice and decision

The current advice to Ministers is to introduce the Bill in the autumn of 2025, with a summary of the analysis detailed in the Bill's Explanatory Memorandum. Analysis of these impacts have and will continue to be used to shape the design of the Bill and subsequent licensing scheme, including any exemptions and mitigations required. This will inform any future ministerial advice and proposals for Ministers to take decisions on.

This CRIA has been agreed by the Deputy Director for EET Projects, who has oversight of the Bill. The CRIA findings have been agreed by Ministers.

Publication of the CRIA

The CRIA will be published in the autumn of 2025 on the Welsh Government website, following the introduction, and alongside the publication, of the Bill.

Monitoring and Review

The impact of this Bill will be reviewed as set out in the Regulatory Impact Assessment.

Any impacts identified that directly affect children, young people and their rights will, however, be considered further and re-assessed alongside any future regulations or changes in policy.