

**What is your organisation or group's name?**

Durrants Holiday Cottages

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**Do you have any comments on the structure or clarity of the Draft Guidance?**

The intent of the draft guidance is welcome. However, the section on unfair commercial practices under the DMCC Act 2024 presents significant risk to the short-term holiday let sector, particularly regarding the role of agencies. Some of the proposed measures could undermine the fundamental structure of why we are set up as an agency. Property owner privacy for one is a huge factor and quite often the reason an owner will come to an agent is to stay hidden in the background where customers are concerned.

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**Do you have any comments on the illustrative examples of commercial practices applying the prohibitions? Are there any areas where you think additional examples could usefully be reflected in the Draft Guidance?**

In respect of mandatory versus optional charges within the holiday let industry. Industry specific examples which may, but perhaps should not, fall within the 'viable in practice' bracket are Dog friendly properties - an additional fee is charged for bringing dogs  
Optional extra charge for linen - guests may bring their own, but if they want it provided it will cost more Both the above are optional, however I would be concerned that due to the context, and the consumer expectation, there needs to be clarity that the position in 9.20 of the guidance does not apply. Further guidance on holiday let specific examples confirming the argument of viability (treating an optional charge as a mandatory charge) does not include situations as the above where the consumer may be likely to select the optional extra due to the nature of the service but that is not a certainty (ie fewer dogs than the maximum number allowed)

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**Do you have any comments on the Draft Guidance on the 'drip pricing' provisions in the DMCC Act (found in the 'Material pricing information' section of Chapter 9 of the Draft Guidance), including the illustrative examples? In particular, are there any specific pricing practices that have not been included in the 'drip pricing' illustrative examples which you think it would be helpful to include, and if so, what should such further guidance specifically cover?**

The main concern here is regarding security deposits. All of our properties request a security deposit, although the amount varies by property, this amount is held on the card used to pay the balance with (or card details obtained if the balance is paid for by BACS). The amount required is on our communication but is not included within the headline cost of how much it will be to stay at the chosen property. A security deposit is only retained when damage or additional cleaning occurs, this is then clearly communicated with the guests and an agreed amount withheld from them. If the security deposit is considered mandatory, and therefore needs to be included in the headline price, there is concern that this will mislead the guest into thinking their holiday is more expensive than it is. The extra payment is only held where there are problems following the stay and in the majority of cases nothing is held and the money held is released. As long as the security deposit is fully described to guests during the booking process then I do not believe it needs to be included in the headline cost. Further guidance is needed to help account for the charging of damage deposits that are 100% refundable and confirmation that they are not to be within the drip pricing requirements.

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**Do you have any comments on the Draft Guidance on the banned practice relating to fake consumer reviews (found in Annex B to the Draft Guidance)?**

All of the points raised relating to fake reviews I wholly agree with and welcome the changes being suggested.

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**Do you have any other comments on topics not covered by the specific questions above? If so, the CMA requests that respondents structure their responses to separate out their views in relation to each of the Draft Guidance's chapters**

The biggest issue/concern for me and my business is the proposed requirement for agencies to disclose the full contact details of property owners at the invitation to purchase stage. This raises serious concern about privacy of our owners, security, and the viability of the whole agency model. As an agent we provide essential services to our owners such as guest screening, dispute resolution. Owner contact details being out there for all to see could increase the risk of fraud and phishing attacks in my opinion. If customers can contact owners direct there is the real concern that they may then book directly and cut us out of the loop, thus threatening the viability of our business and demeaning the model of an agent working in short term lets. I ask that you recognise the role of us an agent and the work we do to protect both owners and customers and allow us to continue working as an intermediary without being forced to disclose owner details. Within the self-catering tourist industry there is a pivotal role for holiday booking agencies, who act on behalf of individual providers to market and promote their properties. 3.14 of the guidance does include 'agents' within the broad definition of

traders, though there is no explicit definition of this term. And part g of 9.11 explicitly says that where agents act on behalf of another person then that other person's contact details need to be provided (subject of course to the principles of context and limitations of the means of communication). This means that s.230 of the DMCC Act could require the information of the owner (including the owner's contact details) to be presented at the invitation to purchase stage on the our booking website. This leads to the following practical issues:

1. Owners who instruct agencies to market their property do so because they do not wish to have consumer facing engagement. They have specifically appointed the agent to answer queries on their behalf and manage the booking process, has been common practice in the travel industry and is also expected by the consumer.
  2. Making contact details of owners accessible, including email addresses, would result in each individual owner's email becoming the target of harvesting bots and result in: a. A large increase in spam for the owners undermining their confidence in the industry which is vital for the UK economy (particularly in rural and coastal communities); and b. The increased risk of scam holidays with malicious actors claiming to be the owners of the properties through spoofed email addresses.
  3. If agents are required to disclose the exact address of the property on the public facing website, this would provide criminals with both the exact property address and the days and nights when it is not occupied as the calendar will also be available.
  4. Furthermore, if owner details are provided at the invitation to purchase stage, a consumer may contact the owner to make a direct booking. This would damage the integrity of the agent/owner relationship and goes against the owner's wishes to utilise agency services to market their property. The agent will have invested significant sums of money in generating the enquiry yet will not be paid any commission if the guest contacts the owner direct.
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