



STATUTORY OBLIGATIONS & HELPFUL INFORMATION FOR ACCOMMODATION PROVIDERS

All operators must meet their statutory obligations as applicable including:

FIRE SAFETY	
Detail	On 1 October 2006 there was a major change in UK fire safety legislation with the introduction of the Regulatory Reform (Fire Safety) Order 2005. This requires the 'responsible person' in virtually all workplaces, including hotels, guesthouses and similar premises, to adopt a self-assessment approach to fire safety in the workplace.
Action	<p>The key requirement is that a 'suitable and sufficient' fire risk assessment be carried out if you have five or more employees the fire risk assessment should be recorded. However, we strongly recommend that even if you do not employ five or more people, you should keep a record in case any issues arise concerning your fire safety provisions. Your assessment should be regularly updated and you should keep a copy off-site or online in case a fire does occur, as you will need to prove to your local fire brigade and insurance company that you did produce one.</p> <p>Note: It is also a requirement of Quality Cumbria Assessment Scheme that you demonstrate to the assessor that you have carried out your assessment.</p>
Further info	<p>Disabled Supplement http://www.communities.gov.uk/publications/fire/firesafetyassessmentmeans</p> <p>Sleeping accommodation http://www.communities.gov.uk/publications/fire/firesafetyrisk4</p> <p>Government Fire Safety Guides http://communities.gov.uk/fire/firesafety/firesafetylaw</p> <p>More info https://www.gov.uk/workplace-fire-safety-your-responsibilities</p> <p>Fire Safety Log Book http://www.cumbriafire.gov.uk/services/enforcement/Enforcement.asp</p>
HEALTH & SAFETY IN THE WORK PLACE	
<p>Be protected and keep up to date with issues ranging from, Legionella's, Carbon Monoxide and Asbestos awareness, Landlord Duties, relevant legislation and having the right risk assessment in place.</p> <p>http://www.hse.gov.uk/</p>	

KEEPING A REGISTER OF YOUR GUESTS	
Detail	<p>All serviced and self-catering accommodation premises must keep a record of all guests over the age of 16 (Immigration Hotel Records) Order 1972 (as amended).</p> <p>Note: The 1972 Order above is deemed by the Home Office as being obsolete legislation and it is not enforced. However, while it is still on the books, it is still a legal requirement.</p>
Action	<p>What do I need to record?</p> <p>For all guests, on arrival:</p> <ul style="list-style-type: none"> • Full name • Nationality (you are not legally required to take a guest's home address or contact number) <p>For all who are not British, Irish or Commonwealth guests, on arrival:</p> <ul style="list-style-type: none"> • Passport number and place of issue (or other document which shows their identity and nationality) <p>For all who are not British, Irish or Commonwealth guests, on/before departure:</p> <ul style="list-style-type: none"> • Details of their next destination (including the address, if known) <p>Please Note - Diplomats and their family and staff, do not have to register.</p> <p>What about the form of register?</p> <p>There is no set format for the register. It could be a visitor's book or an exercise book, but you must keep each guest's details for at least 12 months and have the register available for inspection by a police officer or duly authorised person at all times.</p>
DATA PROTECTION GDPR	
Detail	<p>The new General Data Protection Regulation (GDPR) came into force on 25 May 2018 as part of new legislation designed to update and expand the Data Protection Act 1998. Compliance with the GDPR is relatively straight-forward if you are already complying with existing data protection regulations. You need to remember three main things in looking at what changes you need to make to the way you handle and use the personal details of customers when the new regulations come into effect:</p> <ul style="list-style-type: none"> • If you are already complying with the Data Protection Act, you will be complying with 80-90% of the requirements of the GDPR. The GDPR isn't a whole new set of requirements, it simply builds on existing requirements. • The GDPR is designed to give customers more control over the information that companies have on them. If you look at it from the perspective of what you would expect from other companies when you give them your data, you will have a fair understanding of what you should do with your customers' data. • Remember when looking at your storage and use of personal data, this extends beyond things like a person's name, address, phone number and includes images and recordings (i.e., CCTV recordings), comments they have put on your website or notes that you have taken to help staff (e.g., "has a nut allergy", "requires wheelchair access" or "reads The Times").

Further Info	For more information and help guides, go to the Information Commissioner's Office website or call their dedicated small business helpline on 0303 123 1113. Or Gov.uk website https://www.gov.uk/government/publications/gdpr-customer-toolkit-guidance
DATA SECURITY AND CREDIT CARDS	
Detail	The Data Protection Act 1998 says that “appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.”
Action	If you do receive customers’ data, you should follow the standards of the Payment Card Industry Security Standards Council. This Council is a global consortium of all the main card payment companies, including Mastercard and Visa. Its function is to promote standards of data security so as to make it harder for criminals to steal data. These standards are quite demanding, but compliance is mandatory for retailers who accept card payments. The requirements of the Payment Card Industry Data Security Standard are contractual rather than the law of the land but, if you follow them, you will also be meeting the legal requirement. www.pcisecuritystandards.org
Further Info	For further information visit www.ico.org.uk or tel: 0303 123 1113 / 01625 545745 Information on complying with data protection for credit card data can be found on the Payment Card Security Standards Council website. www.pcisecuritystandards.org
TELEVISION LICENCES	
Detail	The TV Licensing Authority says that you should always take out a hotel licence if you are providing televisions for the use of paying guests. While staying on your property, guests are not covered by their home licence. There is one exception, long-term hotel residents (ie those staying over 28 days) are not covered by a hotel licence, they must have an ordinary television licence.
Action	If you offer short-stay accommodation to overnight visitors whether in serviced or self-catering accommodation and have installed television sets in your guestrooms or properties, you should apply for a 'Hotel and Mobile Units Television Licence' (hotel licence) Please note - Despite its name, the hotel licence encompasses accommodation ranging from hotels, guesthouses, bed and breakfasts and inns to holiday cottages, flats and chalets, and even to camping and caravan sites.
Further Info:	Customer Services, TV Licensing, Darlington, DL98 1TL. Tel: 0300 790 6144 www.tvlicensing.co.uk
PERFORMING RIGHT SOCIETY & PHONOGRAPHIC PERFORMANCE LICENCES	
Detail	If you play music at your hotel, bed and breakfast or guesthouse business, or your self-catering guests can do the same, chances are you will need a licence. Many businesses have already purchased licences and are legally covered under the Copyright, Designs and Patents Act 1988, but if you are new to the industry – or need a refresher – here is the information you will need to stay on the right side of the law.
Further info	Many well-meaning accommodation businesses get caught out simply because they don't realise that, in most cases, they must register with both PRS for Music [formerly the Performing Rights Society] and PPL [formerly Phonographic Performance Limited]

	licensing organisations. If you use background music, put on live music events, show films or videos, have TVs or music players in your rooms or use copyrighted hold music on your telephone system, you will most likely need both PRS and PPL licences. Fees differ depending on which licence is required.
Please Note	<p>In 2010, PRS developed an exemption policy for some very small bed and breakfast and self-catering businesses. To qualify, the property must have three bedrooms or fewer in the owner's home, no alcohol licence, offer resident guest facilities only and, for self-catering, the owners must not have another property. If you think this might be relevant for your business, see the full list of requirements on the PRS for Music website.</p> <p>While PRS for Music licences relate to the copyright in the music itself, there is a separate licence issued by Phonographic Performance Limited (PPL) which relates to the actual recording, whether on a CD, tape, record or digitally downloaded.</p> <p>Do I need a PPL licence? Yes: if you play music in public (this includes the non-residential areas of B&Bs where either customers or staff are allowed) from a record, tape, TV, compact disc, video or digital device, you require a licence (although probably not for activities by charitable bodies).</p> <p>The cost of the licence varies according to use. The 2017 Small Residential Hotels & Guest Houses licence fee for the provision of music in the bedrooms of hotels with no more than 25 bedrooms is £59.79 per annum. There are separate fees for the provision of music in public areas of the hotel, such as dining rooms and foyers, and a range of discounts related to the size of the premises.</p>
Action	<p>The most important thing to remember is that both PPL and PRS are there to help companies boost their business through the legal use of music. Do not hesitate to contact either organisation for further assistance.</p> <p>You can obtain more information by contacting PRS for Music Performing Rights Society, tel: 0207 580 5544 www.prsfor music.com and Phonographic Performance Limited licences: contact the PPL information line, tel: 020 7534 1000. www.ppluk.com</p>
LICENCES TO SHOW DVDS	
Detail	<p>Providing films to paying guests without a licence is an infringement of copyright law (the Copyright, Designs and Patents Act 1988). It is a civil, and in some cases, criminal offence to show a film in this manner without the permission of the copyright owner (the film studios) or their representatives (the licensing bodies)</p> <p>The Motion Picture Licensing Company – MPLC represents more than 400 TV and film producers and distributors. If you have TVs in the bedrooms you don't require a MPLC licence. However, if you have a TV in a guest lounge that has access to watching films on any channel then you would need a licence. Please check website for up to date info www.mplcuk.com</p>
Action	A licence permits properties to provide DVDs for guests' use, whether guests are using DVD players, lap tops, games consoles or other portable devices. Properties will be able to hold an unlimited number of DVDs from the represented studios covered by the licence.

Licences are taken out on a different basis depending on the type of guest accommodation:

- Bed and breakfast accommodation, guesthouses, small hotels and boutique hotels are required to take a licence out on a per room basis
- Serviced apartments require one licence per apartment
- Chalets and holiday homes require one licence per chalet/home

GAS & OIL SAFETY

The Gas Safety (Installation and Use) Regulations 1998 are there to protect you and your guests.

Each year there are fatalities from carbon monoxide poisoning caused by poorly installed or badly maintained gas appliances and flues as well as complaints from guests about the safety of gas appliances provided in their accommodation premises. The Gas Safety (Installation and Use) Regulations 1998 are there to protect you and your guests.

They supplement any responsibilities you may have under the Health and Safety at Work, etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The CORGI registration scheme for gas engineers was ended on 1 April 2009 and has been replaced by the Gas Safe registration scheme. It is illegal for any engineer to undertake work under the Gas Safety (Installation and Use) Regulations 1998 unless they are Gas Safe registered.

Duties as an accommodation provider, you are required to:

- ensure all gas fittings and flues are maintained in a safe condition
- ensure an annual safety check is carried out on each gas appliance/flue by a Gas Safe registered engineer (see Registration schemes for gas engineers above for more details)
- keep a written record of the inspection for two years, containing information such as the following:
 - the date of check
 - location and details of the appliance/flue
 - any defects found and action taken
 - a confirmation that the check was made in accordance with the regulations.
- issue a copy of the record to any person staying for more than 28 days, or if the premises is let for 28 days or less, display a copy of the record prominently in the premises.

Duties as an employer:

- You have a duty to ensure that gas appliances under your control are 'maintained in a safe condition so as to prevent injury to any person'. This includes staff or people that you contract to work on your premises (e.g. cleaners)..

All installation, maintenance and safety checks need to be carried out by a Gas Safe registered engineer.

If a tenant has their own gas appliance that you have not provided, then you are responsible for the maintenance of the gas pipework but not for the actual appliance.

	<p>You should also make sure your tenants know where to turn off the gas and what to do in the event of a <u>gas emergency</u>.</p> <p>OIL: There is no legal requirement in the United Kingdom to obtain a landlord safety certificate for oil fired equipment installed within a let property. However, BS 5410 Part 1 requires oil fired appliances to be serviced periodically in accordance with the manufactures instructions. Oil tanks and oil feed pipe work should be checked for general condition and any leaks repaired.</p> <p>Information can be found on OFTEC website https://www.oftec.org.uk</p>
Action	<p>Faulty gas appliances and fittings and blocked flues can put you at risk of gas leaks, fires, explosions and carbon monoxide poisoning. A gas safety check will make sure gas fittings and appliances are safe to use. These checks include:</p> <ul style="list-style-type: none"> • Checking the flue or chimney to make sure the products of combustion (fumes) are being safely removed to outside. • Checking there is an adequate supply of fresh air so the gas burns properly. • Checking the appliance is burning the gas properly. • Checking all safety devices are working properly and shutting the appliance off if a fault occurs. <p>If a <u>Gas Safe registered engineer</u> visits you to safety check your appliances, it is in the interests of your safety to let them into the property. Always ask to see their <u>Gas Safe Register ID card</u> before letting them in.</p>
Further Info.	<p>Gas safety:</p> <ul style="list-style-type: none"> ▪ Gas safety advice line - set up by the Health and Safety Executive to offer telephone advice on gas safety matters. Ring freephone 0800 300 363. (The lines are open 0900-17.30 hrs Monday to Thursday and 0900-1700 hrs Friday) ▪ For further information on the Gas Safe Register visit www.gassaferegister.co.uk ▪ HSE Information: <ul style="list-style-type: none"> ○ INDG238: Gas Appliances. Get Them Checked, Keep Them Safe , free, HSE Books ○ INDG285: Landlords, A Guide to Landlords' Duties: Gas Safety (Installation and Use) Regulations 1998 free, HSE Books ○ Gas safety FAQs - landlords and letting agents
CARBON MONOXIDE SAFETY	
Detail	<p>Carbon monoxide (CO) is a colourless, odourless, tasteless, poisonous gas produced by incomplete burning of carbon-based fuels, including gas, oil, wood and coal. Carbon-based fuels are safe to use. It is only when the fuel does not burn properly that excess CO is produced, which is poisonous.</p> <p>According to the Gas Safe Register, if you offer short-term lets you are technically classified as a landlord and as such, CO regulation applies to you and your property. You are legally required to ensure appliances, pipework and flues are well maintained and serviced every 12 months, and if asked, show that these and any necessary repairs have been undertaken. This is your Gas Safety Record, and you must keep this information for two years.</p>

Action	<p>It's advisable to fit an alarm in every room with a gas appliance – when installing and siting the alarm make sure you refer to the manufacturer's instructions. Typically, audible CO alarms have a battery life of up to 5 years. If you're unsure which alarm to get, you can ask a Gas Safe registered engineer for advice. Make sure that you and your staff know what to do if the alarm sounds. It could also be worthwhile to mention on your website and in your marketing materials that your property is fitted with CO alarms, which can reassure guests.</p> <p>Another important safety measure to mention is barbeques - barbeques give off CO and without an adequate supply of fresh air it can kill quickly with no warning.</p>
Further Info.	<p>If you need help finding a qualified gas engineer, contact the Gas Safe Register, the official list of gas engineers who are qualified to work safely and legally on gas appliances. By law, all gas engineers must be on the Gas Safe Register, the organisation that replaced CORGI. Only use a Gas Safe registered engineer to fit, fix or service your appliances and always check the engineer's Gas Safe Register ID card.</p>
<h3>ELECTRICAL EQUIPMENT & HARD WIRING</h3>	
Action	<p>The Electrical Equipment (Safety) Regulations 1994 require, among other things, that all electrical equipment supplied 'in the course of business' is safe. This applies equally to new and second-hand equipment.</p> <p>The regulations apply to everyone who supplies electrical equipment in the course of their business, regardless of whether or not their business is actually the supply of electrical equipment. The regulations are particularly relevant to self-catering accommodation, as equipment in these premises may not be covered by the Electricity at Work Regulations</p> <p>Although these Regulations require electrical equipment to be safe, unlike for gas appliances there is no specific requirement for annual maintenance. However, to be sure that the electrical equipment in your accommodation remains safe, you are strongly advised to have it checked and serviced regularly by a registered electrician.</p>
Further Info.	<p>The free guidance booklet issued by HSE on the Electricity at Work Regulations gives useful information about checking electrical equipment.</p> <ul style="list-style-type: none"> ▪ INDG231: Electricity and You , free, HSE Books. ▪ Further advice is available from the Health and Safety Executive who are responsible for enforcing the Electrical Equipment Regulations.
<h3>ENERGY PERFORMANCE CERTIFICATES</h3>	
Detail	<p>Energy Performance Certificates are required for building, selling or letting a property. The certificates provide information on the energy efficiency of a building and give a grade from A to G depending on the building's efficiency. Holiday let properties are generally exempt from the EPC requirement because they tend to be provided under a 'Licence Agreement' rather than a 'Tenancy Agreement'.</p> <p>However, Please note: An EPC is required if holiday guests directly cover any energy costs and if the property is let more than 4 months a year.</p> <p>Update May 2018: EPC new requirement for rental properties You may have heard that, from 1 April 2018, there has been a change to the requirements for Energy Performance Certificates. Under the new rules, any property that is being rented to tenants is now required to have a minimum energy performance rating of "E". This means that it is now unlawful to rent a property with an "F" or "G" rating and doing so will risk a fine of up to £4,000.</p>

	<p>However, there is an exemption to the new rules for properties that are being used for holiday lets so the operators of self-catering cottages do not have to worry about this requirement. One area where there may be a problem is if you are letting a property to people on short-term assured tenancy during winter periods or to house temporary workers for short periods. This type of activity would be deemed to be renting and the requirement for the property to have an energy performance rate of at least “E” would apply.</p>
Further info.	<p>For more information on the Certificates and how to get your premises assessed visit the https://www.gov.uk/buy-sell-your-home/energy-performance-certificates</p>
GENERAL FOOD HYGIENE	
Detail	<p>General Food Law Regulation (EC) 178/2002 covers the placing of unsafe or unfit food on the market. You should not place food on the market (that is to sell or supply food, or hold it with intent to supply) which is:</p> <ul style="list-style-type: none"> ▪ unsafe (i.e. injurious to health) ▪ unfit for human consumption, e.g. food that is rotten, 'gone off' or has been subject to considerable contamination would be unfit. <p>The Regulation also covers traceability. You should keep records of businesses which have supplied food to you and any businesses you supply food to</p> <p>The Food Standards Agency guidance says this should include:</p> <ul style="list-style-type: none"> ▪ address of customer or supplier ▪ nature and quantity of products ▪ date of transaction and delivery. <p>This is to help when a food manufacturer needs to co-ordinate a withdrawal of unsafe food. There are offences for breaches of these provisions in the General Food Regulations 2004 (as amended)</p>
Further info.	<p>If you are not sure whether you should register as a food business, you should speak to your local environmental health department for advice alternatively visit the Food Standards Agency www.food.gov.uk</p>
FOOD ALLERGENS	
Detail	<p>It is estimated that around 2% of the population suffer from food allergies and each year some people become seriously ill and even die from extreme reactions to foods such as peanuts, shellfish and eggs.</p> <p>Under the Food Safety Act 1990 and the General Food Law Regulation 178/2002 you are responsible for ensuring that the food that customers eat is safe and the quality is what they expect. This means you should understand exactly what foods can cause problems.</p> <p>New legislation now requires you to provide information to your customers on any of the 14 main allergens that you may serve, this applicable in pre-packaged food and unpackaged food. There is some flexibility on how this info is provided, but as long as there is clear guidance to where customers can get the details on allergens. Printing this on the menu, writing it on a chalkboard or ensuring your staff tell customers when providing the menu or taking orders.</p> <p>Main 14 allergens: cereals containing gluten</p>

	<p>crustaceans, such as, prawns, crab, lobster etc eggs fish peanuts soybeans milk nuts, such as walnuts, almonds, hazelnuts, pecan, brazil, cashews etc celery (and celeriac) mustard sesame sulphur dioxide, found in some dried fruit lupin molluscs, such as clams, mussels, oysters, snails, squid etc</p> <p>Food Labelling</p> <p>You need to provide information to customers on any of the 14 allergens used as ingredients in foods sold without packaging or wrapped on site, this includes homemade produce, such as jams, preserves, biscuits, cakes etc which are in a welcome basket or for the customer to purchase, also produce you are selling to raise money for a charity, everything must have all the ingredients listed as well as a best before date.</p> <p>This information could be written down on a chalk board or menu, or provided orally by a member of staff. Where the specific allergen information is not provided upfront, clear signposting to where this information could be obtained must be provided (i.e. a note on your menu telling customers to ask a waiter regarding the use of allergens in any of the items on the menu).</p> <p>It is therefore very important that your staff are trained and regularly updated on the use of any allergens and homemade produce in food that you serve.</p>
More info	Food Standards Agency – www.food.gov.uk/business-industry/allergy-guide
YOUR LIABILITY TO GUESTS AND THE PUBLIC	
Detail	<p>Under the Occupiers' Liability Act 1957 and Occupiers' Liability Act 1984, the person who controls the premises (the 'occupier') is liable for the physical safety of everyone who comes onto the premises. In some cases, this liability also extends to trespassers and other 'uninvited' guests.</p> <p>Occupiers have what is known as a 'duty of care' to guests and other visitors, and must make sure that the premises are reasonably safe for the purpose for which guests were invited to use them.</p>
Action	<p>You must make sure that the premises are 'reasonably safe'. For example, you should ensure:</p> <ul style="list-style-type: none"> • floors are not slippery • passageways are clear • cables are tucked away • furniture and wall fixtures are secure • guests are acquainted with emergency procedures and the layout of the premises. <p>Note - children! If you have children staying on the premises, you need to make sure the premises are reasonably safe for them, not just for adults.</p>

	You should ensure you have Public Liability Insurance to cover your liability
	Visit www.hse.gov.uk for further information
LIQUOR LICENCE	
Detail	<p>The Licensing Act 2003 (which came into force in late 2005) aims to modernise the various licensing systems (in England and Wales) and produce a system that is simpler for all involved to understand.</p> <p>There are four principles which underpin the Licensing Act and impact on everyone. These are:</p> <ul style="list-style-type: none"> ▪ the prevention of crime and disorder ▪ public safety ▪ the prevention of public nuisance ▪ the protection of children from harm. <p>These principles are the key elements to be addressed by applicants, local authorities, police and other statutory authorities, and objectors to your licence.</p>
Action	<p>If you wish to sell alcoholic drinks you will need a liquor licence. It is an offence to sell intoxicating liquor without one.</p> <p>Providing "free" alcohol to guests You need a licence to sell alcohol – selling includes providing “free” alcohol because it is an incentive to purchase and/or is included in your pricing structure. The fact that you charge the guest for staying in your accommodation means that they are essentially paying for the alcohol that is provided. In other words, the guest has effectively paid a "consideration" for that service, it is not free.</p> <p>PLEASE NOTE: From 01 April 2017 businesses will be obliged to ensure they have purchased alcohol for sale from a registered seller.</p>
Further info.	Further information on all aspects of the Licensing Act 2003 is available on the Department of Culture, Media and Sport website www.culture.gov.uk
PRICE STATEMENTS	
Detail	<p>The Consumer Protection Act 1987 covers all statements of price. It will normally apply to all accommodation providers whether the price is:</p> <ul style="list-style-type: none"> ▪ stated in an advertisement, a brochure, a leaflet or on the web ▪ given in an email or text message ▪ given by letter or orally in person or over the telephone. <p>The Act makes it a criminal offence for accommodation providers, among others, to give guests misleading information on the prices charged for accommodation and any related facilities, services or goods (Misleading Price Indications). The Act also makes it an offence not to do everything reasonably possible to correct a price indication that has subsequently become misleading if it is reasonable to assume that customers will still be relying on the original price information.</p>
Action	<p>In any case, if you offer accommodation as part of a business, you must display a price list in the reception or at the entrance, unless:</p> <ul style="list-style-type: none"> ▪ you have less than four bedrooms and you have less than eight beds ▪ all your customers book in advance.

	<p>The price list must be in a prominent position and be easy to read. It should include the price of:</p> <ul style="list-style-type: none"> ▪ a bedroom for one person (single) ▪ a bedroom for two people (double) ▪ a bed in any other type of room <p>All prices should include VAT and any compulsory service charge. You must make it clear if meals are included in the price</p>
Further info	<p>The Department for Business, Enterprise and Regulatory Reform (BERR, now the Department for Business Innovation and Skills) has published a Pricing Practices Guide - Guidance for traders on good practice in giving information about prices. It gives practical guidance on how to avoid giving misleading prices. www.bis.gov.uk</p>
CREDIT AND CHARGE CARDS	
Detail	<p>Remember that the law changed on the 13th January 2018 so you are no longer able to charge a processing fee for receiving payments via credit or debit card. This includes all payment methods linked to a card, such as PayPal or Apple Pay.</p> <p>This new legislation has been brought in to prevent situations where the customer goes through a booking process only to find that charges are applied right at the end when the customer is about to pay – a practice that was relatively common in some sectors such as the aviation industry. As a consequence, you will now have to either absorb the cost of card payments or increase prices accordingly.</p> <p>There is a quirk in that the new law only applies to purchases made by personal consumers and not to purchases made by businesses. So, if your customer is a business (e.g., a company booking rooms for an away day or someone travelling on business) then you are allowed to charge a card processing fee, provided that it is no more than the cost to you of processing the transaction.</p> <p>However, in this situation it is important to note that a business traveller must be using a business card for you to charge a fee. You cannot charge a card processing fee if the business traveller is using their personal card, regardless of whether they will reclaim the accommodation as a business expense later.</p> <p>There is currently a debate as to whether the new legislation allows you to introduce a 'booking fee' or 'service charge', provided that this charge is applied uniformly regardless of how the payment is made. For example, Deliveroo have recently replaced their 50p card surcharge fee with a 50p service fee, which is applied regardless of whether someone pays by card or with cash.</p> <p>However, this approach is being challenged and the Advertising Standards Authority has pointed out that current legislation requires that all non-optional charges be included in or alongside the advertised price. Therefore, if you were to charge a separate booking fee, you would need to put this alongside your advertised prices and not simply add it to the cost at the end of the booking process.</p>
SMOKING BAN	
Detail	<p>There has been a ban on smoking in enclosed public spaces and places of work (with some exemptions) since 1 July 2007, when the Health Act 2006 came into force.</p>

Action	<p>While smoking is banned from all the public and communal areas of hotels and guesthouses, there are a number of exemptions.</p> <ul style="list-style-type: none"> ▪ Self-contained short-term rental accommodation (holiday cottages/flats/caravans) are not required to be smoke-free but operators retain the right to determine whether to allow smoking in the property. ▪ The private areas of bed and breakfasts and guesthouses are not covered by the ban provided that the areas are not used by any staff (i.e., the laundry may be out of bounds for customers but if a cleaner has to use it, it is covered by the ban). ▪ Designated bedrooms in hotels, guesthouses and bed and breakfasts. To qualify, a designated bedroom must: <ul style="list-style-type: none"> ○ be designated in writing by the person in charge of the premises as being a smoking room ○ be completely enclosed except for doors and windows ○ have a ventilation system that must not discharge into any non-smoking part of the premises ○ have doors to smoke-free parts of the premises that shut mechanically after use ○ be clearly marked as a room in which smoking is permitted. <p>It should be noted there is no legal requirement for an accommodation owner to provide designated smoking bedrooms. Providing such rooms is purely at the discretion of the owner</p>
Further info.	www.hse.gov.uk
BOOKING CONTRACT	
Detail	<p>Once you have accepted a booking from a guest, you normally have to honour the booking. This is because once you have agreed the terms of the booking with a guest (e.g. the dates, accommodation type and price) and then accepted the booking, there is a legally enforceable contract between you and the guest.</p> <p>This applies equally whether the arrangement has been made over the telephone, by fax, by e-mail or in writing. You may change the terms of the booking at a later date, provided you and the guest agree</p>
Action	<p>As a matter of good practice, you should keep a clear, accurate record of the arrangements for each of your bookings. You might also want to have a simple checklist by the telephone or computer, to remind you of the details you need to run through with each guest, e.g.</p> <ul style="list-style-type: none"> ▪ pricing ▪ deposit ▪ cancellations ▪ data protection <p>Although ideally you should confirm all bookings in writing to the guest, this may not be practical. However, you are advised to confirm in writing the booking details for any longer stays, larger groups or more problematic bookings.</p> <p>Cancellation & No Shows key facts:</p> <ul style="list-style-type: none"> • All accommodation providers are strongly recommended to have a cancellation procedure, in order to avoid any problems with cancellation, curtailment and no-shows • If a guest cancels a booking or checks out early, they are in breach of the booking contract they have with you • If you cancel a booking that you have already accepted, you are in breach of the

	<p>booking contract.</p> <p>If you have any detailed questions on cancellations or any problems with a guest, you are advised to seek professional legal advice. Your local trading standards office may also be able to offer guidance.</p> <p>TERMS & CONDITIONS</p> <p>Under the Consumer Law & Rights, ensure terms are enforceable and fair. Many disputes arise as there is a lack of or no legal paperwork in place. Are all terms brought to the attention of the other party? Courts expect every business whatever size to have written contracts in place</p> <p>Please contact your Solicitor and insurer advises, to make sure everything is covered in the contract</p>
TRADE DESCRIPTION	
Detail	<p>The Trade Description Act 1968 relates to advertising your accommodation facilities in a brochure or any form of advertising material including the internet or making false statements about your facilities to the public. Such statements would include quality, amenities or location of the premises. Equally the display of an out of date sign or logo to which premises are not entitled could constitute a false statement.</p> <p><i>(Conditions for Participation in the Quality Cumbria Scheme Using the Quality Cumbria Logo</i></p> <p><i>If you choose for whatever reason, to stop participating in the programme, you must remove all relevant display signage and logos from outside the property, from stationery, brochures and websites including third party directory websites)</i></p>
Action	<p>Ensure your marketing materials are relevant and up to date at all times. The description of your property should be accurate</p>
Further info.	<p>Your local trading standards office is responsible for enforcing this Act and should be able to give you guidance. Email: trading.standards@cumbria.gov.uk</p>
WATER REGULATION ACT 2009	
Detail	<p>The Private Water Supplies Regulations 2009 (the Regulations) will come into force on the 1st January 2010 and will apply to all private water supplies intended for human consumption. This means they apply to water for domestic purposes (e.g. drinking, cooking, food preparation and washing) and water used for food-production purposes. These supplies include:</p> <ol style="list-style-type: none"> 1. Water from a well or borehole or spring, which is supplied from someone other than a Water Undertaker or Licensed water supplier, or; 2. Water supplied by Water Undertaker or Licensed water supplier, which is then further distributed by another person (a “private distribution network”). Examples of private distribution networks will be published in Guidance.
Action	<p>The Regulations require Local Authorities to complete a risk assessment of all Private Water Supplies (PWS) in the first five years after the Regulations come into force, except for supplies to a single non-commercial dwelling (unless a risk assessment is requested).</p> <p>Example risk assessments can be seen on the Government’s official Private Supplies website: www.privatewatersupplies.gov.uk. This site will also be updated with new</p>

	examples and guidance.
Further info	The Private Water Supplies Regulations 2009 can be found on the OPSI web site: http://www.opsi.gov.uk/si/si2009/uksi_20093101_en_1 for England
THE PLANNING SYSTEM	
Detail	Local planning authorities must prepare a local plan which sets planning policies in a local authority area. These are very important when deciding planning applications. Independent planning inspectors must look at all local plan documents that local authorities in England prepare for an examination. The examination is the last stage of the process for producing a local plan. The process should have fully involved everyone who has an interest in the document and they should have had the chance to comment. Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.
Action	With all building work, the owner of the property (or land) in question is ultimately responsible for complying with the relevant planning rules and building regulations.
Further info	More info on the government gateway to planning http://www.planningportal.gov.uk/permission/
DISCRIMINATION, EQUALITY & HUMAN RIGHTS – Deaf Awareness	
Detail	The Equality Act 2010 provides protection against discrimination and promotes equality of opportunity for people who are disabled. 60,000 people are deaf in the UK, (born with no hearing) The hard of hearing (HOH) require hearing aids. The Equality Act defines disability as: 'A physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities'
Action	Main points a deaf/HOH person needs to know or want as a visitor <ul style="list-style-type: none"> • Safety at the chosen accommodation • Good, easy communication with the staff • Enjoy the visit
More info	http://www.equalityhumanrights.com/advice-and-guidance
EQUALITY & HUMAN RIGHTS COMMISSION	
Detail	The Equality and Human Rights Commission promotes and monitors equality and human rights, providing institutional support for the Human Rights Act. The act covers, goods, facilities and service and cannot discriminate against gender, incl pregnancy, non pregnancy, race, religion, disabled etc. Role of EHRC: <ul style="list-style-type: none"> • Advice & Guidance • Raise Awareness • Good practice • Monitor & Evaluate <p>Please note: It is illegal not to accept assistance dogs. Assistance dogs are not pets.</p>

	They are allowed in any property with their owner, they are a working animal, highly trained to allow a person to carry out normal everyday activities
Further info	www.equalityhumanrights.com Tel 0808 800 0082
BIOMASS INSTALLATION REGULATIONS	
Detail	<p>There are a number of regulations relating to the installation of solid fuel heating systems that apply to biomass systems. Many are derived from those originally drawn up for coal and smokeless fuel systems and may be imperfectly suited for modern biomass systems, which can cause difficulties.</p> <p>Details can be obtained from direct.gov website, see below.</p>
More info	<p>www.biomassenergycentre.org.uk</p> <p>More current information will be found on independent business websites that install and maintain Biomass Boilers within Cumbria</p>
DISABLED GUESTS	
Detail	<p>The Equality Act 2010 was introduced to consolidate and strengthen all anti-discrimination legislation (including disability discrimination legislation). The Act builds on the Disability Discrimination Act 1995 (DDA) which gives disabled people rights of access to goods, facilities and services, which includes tourist accommodation, by specifically banning discrimination against people associated with disabled people (e.g. carers, friends and family) and people presumed to be disabled. These rights are enforceable by any individual through the Courts, if necessary.</p> <p>Does the Act apply to me?</p> <p>Yes: if you provide any sort of accommodation, serviced or self-catering, the Act applies to you.</p> <p>How is 'disabled' defined?</p> <p>For the purpose of the law, people with disabilities are all those whose physical and mental impairments have a substantial and long-term adverse effect on their ability to carry out normal, day-to-day activities.</p> <p>This includes those who have cancer, HIV and multiple sclerosis, and those who have other progressive conditions likely to result in an impairment which has a substantial adverse effect. These people become covered by the Act from the time they are diagnosed.</p> <ul style="list-style-type: none"> • Note: A disability may not always be apparent, so it is important not to make assumptions. <p>Allowing Assistance Dogs</p> <p><u>Legal Obligation</u> with regard to the acceptance of assistance dogs. Government guidelines state that “assistance dogs are seen as aids that enable a disabled person to live life more independently. The refusal of service is likely to be discrimination in that the person is treated less favourably for reasons connected with their disability”.</p> <p>This is backed up by the Disability Discrimination Act 1995, which states that service providers should adjust policies that make it impossible or unreasonably difficult for</p>

	disabled people to use the service – such as a ‘no dogs’ policy. Cases of disability related discrimination involving hotels and guesthouses have been successfully taken to court and those who transgress can face fines of between £1,000 and £3,000.
More info	<p>Equality Act: good practice https://www.equalityhumanrights.com/en</p> <p>What the Equality Act means for you https://www.gov.uk/government/publications/equality-act-guidance</p> <p>Tourism for All UK https://www.tourismforall.org.uk/</p> <p>Assistance Dogs UK http://www.assistancedogs.org.uk/law/</p>
CONSUMER RIGHTS ACT 2015	
Detail	<p>Consumer law changed on 1 October 2015, as the Consumer Rights Act came into force. The changes cover:</p> <ul style="list-style-type: none"> • what should happen when goods are faulty • unfair terms in a contract • what happens when a business is acting in a way which isn’t competitive • written notice for routine inspections to be given by public enforcers, such as Trading Standards • greater flexibility for public enforcers to respond to breaches of consumer law, such as seeking redress for consumers who have suffered harm <p>Because of the act, the law will be clearer and easier to understand, meaning that consumers can buy and businesses can sell to them with confidence. On the rare occasions when problems arise, they will be able to sort out disputes more quickly and cheaply. The changes are relevant to all consumers and every business which sells directly to consumers.</p>
More info	https://www.gov.uk/government/publications/consumer-rights-act-2015/consumer-rights-act-2015#businesses
LEGIONELLA’S DISEASE	
Detail	<p>Legionnaires' disease is a potentially fatal form of pneumonia caused by Legionella bacteria. While these bacteria are common in natural water systems, they usually occur in numbers too small to cause health problems. However, in the right conditions these bacteria can multiply quickly and cause a significant health risk.</p> <p>These conditions are where water is maintained between 20–45C, is stored or recirculated, where there is source of nutrients in the water (including rust or scale) and where there are aerial water droplets. This means that water tanks, spas or hot tubs, air conditioning units and showers are the most common places of the bacteria to breed.</p> <p>Legionella is classified as a “hazardous substance” and, therefore, you are required to undertake a risk assessment, and any subsequent remedial actions, in order to protect both your staff and customers.</p> <p>If you have 5 or more employees, you need to record both what assessment and actions you undertook. While it is not a legal requirement to record the assessment and actions if you have fewer than five employees, it is always recommended that you do so in case you are challenged at a later date.</p>

	<p>If you have self-catering property or a B&B with a normal residential water system, this risk assessment will be straight forward as the risk of Legionnaires Disease should not be high. A full specialist assessment is generally only needed if you have a large commercial property or you are uncertain of the property's water system.</p> <p>The main things to check for are:</p> <ul style="list-style-type: none"> •Make sure that any debris is not getting into the system (e.g., ensure any water tanks have a tight-fitting lid). •Make sure that the Hot Water Cylinder is set on at least 60C. •Make sure there is no redundant pipework in which water could become stagnant. •Make sure showerheads are regularly cleaned and disinfected. <p>If you have machinery that contains water such as air conditioning units or a spa/hot tub, then special attention needs to be made to ensure that this is regularly serviced and cleaned.</p> <p>If you operate a property where the water system is not in regular use (e.g., a self-catering property that has long void periods or closes over winter) then additional precautions need to be undertaken to make sure that the water in the system does not stagnate. If your property is going to be vacant for a significant period, you should either drain the system or flush the system before the guests arrive.</p>
More info	Further information on Legionella and how to control it in water systems is available on the Health and Safety Executive website. http://www.hse.gov.uk/legionnaires/
CUMBRIA REFUGE COLLECTION SERVICE	
Detail	Cumbria's district and borough councils are responsible for waste collection services, including household waste, bulky household items and the provision of some recycling services. For further information on household rubbish collections contact your local District / Borough Council
Info	https://www.cumbria.gov.uk/planning-environment/waste-management/servicesincumbria/collection_services.asp
CUMBRIA BUSINESS RATES	
Detail	<p>Business rates are charged on most non-domestic properties, like:</p> <ul style="list-style-type: none"> • shops • offices • pubs • warehouses • factories • holiday rental homes or guest houses <p>You'll probably have to pay business rates if you use a building or part of a building for non-domestic purposes.</p>
Info	https://www.cumbria.gov.uk/Landing_page/business.asp
PACKAGE TRAVEL & LINKED TRAVEL ARRANGEMENTS	
Detail	<p>The new regulations come into force on 1 July 2018 and will impact all businesses that sell two or more of the following "elements" or have arrangements whereby the customer can purchase two or more elements either together from you, or through an arrangement that you have created with another business.</p> <p>The elements are:</p>

	<ol style="list-style-type: none"> 1. Transport 2. Accommodation 3. Motor vehicle hire 4. Other Tourism Service (this can be anything from tickets to an attraction, a meal, a spa treatment or a round of golf) <p>Depending on the circumstances, linking two or more of these elements will either constitute a Package or a Linked Travel Arrangement.</p>
More info	<p>If you believe that you may be selling either Packages or Linked Travel Arrangements, it is important to read and understand the Government guidance to the new regulations. This will give you more detail on your responsibilities under the new legislation and includes a number of case studies to aid interpretation.</p>

Information:

Following our recent Health & Safety Seminar, the local Fire Officer has stressed the importance of how all properties must meet their legal requirements in terms of Fire Safety, as advised in the Statutory Obligations leaflet. Please find attached the HM Government “Do You Have Paying Guests?” fire safety document to support this.

Please note: It is the responsibility of the “Responsible Person” (owner/proprietor) to carry out a Fire Risk Assessment.

The Quality Cumbria Assessor is unable to give a view on the adequacy of the fire safety arrangements you have put in place in your property.

[Disclaimer](#)

Every effort is made to ensure that the information provided on this factsheet including tel numbers, links and website addresses is accurate and up to date, but no legal responsibility is accepted for any errors, omissions or misleading statements. For more information please check Visit Britain Accommodation Know How website <https://www.visitbritain.org/pink-book>

Updated 28th January 2019