

 Health & safety

 Fire safety

 Smoking

 Food safety

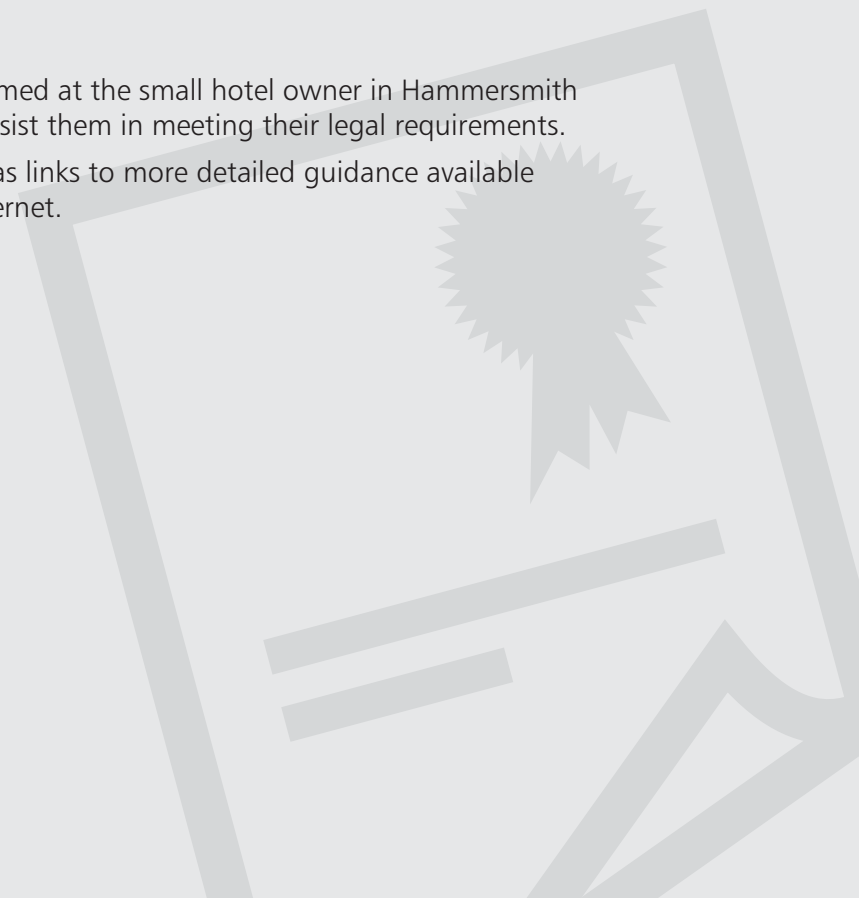
 Trading laws

 Licensing

The good hotelier's guide

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This guide is aimed at the small hotel owner in Hammersmith & Fulham to assist them in meeting their legal requirements. Each section has links to more detailed guidance available free on the internet.



Health and safety policy

If you employ five or more employees in your business you must produce a health and safety policy. The HSE booklet 'An Introduction to Health and Safety' gives further advice on the requirements and provides a template suitable for use by small businesses to produce their policy. A copy can be downloaded from:

hse.gov.uk/pubns/indg259.pdf

Risk assessment

Health and safety legislation requires that a suitable and sufficient risk assessment is carried out of the hazards in your workplace that have the ability to cause harm to employees, hotel guests and others who might be present on the premises. The HSE booklet Five Steps to Risk Assessment gives further advice on the requirements. A copy can be downloaded from:

hse.gov.uk/pubns/indg163.pdf

Electrical safety

Electrical installations should be tested regularly to reduce the risk of deterioration leading to danger. You should have your electrical installation inspected and tested by a competent person, for example a member of the Electrical Contractors

Association (ECA) or The National Institute Contractors for Electrical Inspection Council (NICEIC). Details can be found on their websites:

eca.co.uk/findamember/search.asp

niceic.org.uk

Your arrangements for electrical safety should also include the testing of portable appliances such as kettles, lamps and televisions provided for the benefit of guests. The HSE leaflet 'Maintaining Portable Electrical Equipment in Hotels and Tourist Accommodation' gives more details. A copy is downloadable free from:

hse.gov.uk/pubns/indg237.pdf

Gas safety

The Gas Safety (Installation and Use) Regulations 1998 requires that gas installations including appliances and pipe work are maintained in a safe condition. It is recommended that regular inspections are carried out by a 'Gas Safe' (formerly CORGI) engineer. Details of registered engineers in your area can be found on their website:

gassaferegister.co.uk

or by calling **0800 408 5500**.

For gas leaks and other emergencies call **0800 111 999**.

Legionella control

Hotels usually provide a large number of showers and for that reason your risk assessment should consider the risk from legionella bacteria. These bacteria can grow in water tanks and pipe work in buildings if water is not stored and distributed correctly. Legionnaires' disease is caused by inhaling fine droplets of water infected with the legionella bacteria.

The risk is usually controlled by ensuring that hot and cold water are stored at the correct temperatures in covered tanks and by the regular disinfection and descaling of shower heads. Further information can be found in the HSE's leaflet Legionnaires' Disease-Essential Information for Providers of residential accommodation.

Also available on the HSE's website:

hse.gov.uk/pubns/indg376.pdf

Duty to manage asbestos

If you own or manage a hotel you have a duty to manage asbestos that may be present in the building. The HSE booklet 'Manage Buildings? You Must Manage Asbestos' gives further guidance on the requirements.

A copy can be downloaded from the HSE's website:

hse.gov.uk/fit3street/asbestosleaflet.pdf

Work at height

The Work at Height Regulations 2005 apply to all work at height where there is a risk of a fall liable to cause personal injury. You should consider all work practices in your risk assessment that might involve work at height such as cleaning, especially window cleaning and maintenance operations.

The use of a ladder can only be justified for low risk operations where the works are of short duration or the existing features of the site cannot be altered. A brief guide to the regulations can be downloaded on the HSE's website:

hse.gov.uk/pubns/indg401.pdf

Your risk assessment should also consider possible falls from height from windows etc. by vulnerable occupants, for example children. Where the risk exists, it is recommended that window restrictors are fitted limiting window openings to 100mm.

Fire risk assessment

New legislation in 2006 meant that the Fire Authority ceased to issue fire certificates for premises and existing certificates are no longer valid. Instead, fire safety has adopted the approach of risk assessment. A number of guides are available on how to carry out a fire risk assessment which describe the means of detection of a fire, the methods of raising the alarm, the types of fire fighting equipment, exit routes, lighting, signage, and the maintenance and testing of equipment. The guide applicable to hotels and guest houses is 'Fire Safety Risk Assessment - Sleeping Accommodation' (ISBN 978 1 85112 8174). This is available as a hard copy (price £12) or can be downloaded free from:

communities.gov.uk/documents/fire/pdf/151339.pdf

Further guidance on fire safety arrangements for people with disabilities is also available in a supplementary document 'Means of Escape for Disabled People' (ISBN 978 1 85112 8737), which is available as a hard copy (price £5) or can be downloaded free from:

communities.gov.uk/documents/fire/pdf/322721.pdf

To help you carry out a fire risk assessment, the tourism organisation 'Visit England' has commissioned a simple fire risk assessment template to help smaller businesses. You must read the information in the template carefully and ask yourself the questions it suggests in order to identify any risks. This will help you form an action plan and when those actions have been dealt with record the date this was done.

This template will help you follow the recognised steps in conducting a fire risk assessment and showing compliance with the legislation. This is not the only way to show compliance with the Fire Safety Order, however, for most smaller properties it should be sufficient and will enable records of the 'significant findings' to be made.

The template can be downloaded at:
fire-assessments.co.uk

Smokefree legislation

The Health Act 2006 made smoking illegal in most enclosed or substantially enclosed workplaces and public premises and required signage to that effect to be displayed at the entrances to these premises.

Regulations made under that Act allow for certain rooms in hotels and guest houses to become 'designated bedrooms', exempt from the smoke-free requirements. Designated bedrooms must be designated in writing by the person in charge of the hotel. They must be totally enclosed from the rest of the building with a self-closing door and marked as a room where smoking is permitted.

Further guidance on the Act and Regulations can be obtained from the smoke-free website:

smokefreeengland.co.uk

This website also has the facility to download or order the appropriate signage to be displayed at entrances to the hotel.



Food safety regulations

The most important food hygiene regulations for your business are:

- Regulation EC no. 852/2004 on the hygiene of foodstuffs.
- Regulation EC no. 178/2002 General Food Law.
- The Food Hygiene (England) Regulations 2006.

These set out the basic requirements for all aspects of your business, from your premises and facilities to the personal hygiene of your staff.

Registering your business

During the course of our inspections we often find businesses that have changed ownership but have not notified us. It is a legal requirement to tell us if this is the case and within 28 days of this occurring.

This also applies if you have changed the type of foods that you produce for example from a continental breakfast to a traditional cooked breakfast or evening meals.

The good news is that we do not charge for registering your business. A form can be downloaded from our website:

lbhf.gov.uk

Other useful websites:

food.gov.uk

Accurate descriptions

You want to maximise your business marketing to the right customers, but descriptions of services, accommodation or facilities must be accurate. This includes any indications of the provision, nature, location and time of any services, accommodation or facilities provided. A description can be given verbally, in writing, by illustration or by implication. It may appear in websites, brochures, etc.

Correct prices

The price of rooms should be made known to potential customers, as should the price of any service offered, such as access to TV channels. Such prices should include VAT or any automatically added service charge.

You must make it clear if meals are included in the room price. A list of prices (inclusive of service charges and VAT) should be prominently displayed where customers could order food or drinks (for example in the room when using room service or a mini-bar). If you charge more than your advertised price, this is likely to be an offence. If you have a bar selling wine or certain spirits they must be sold in specific quantities.

Membership and claims of approval

Ensure any claim of membership of, or approval by, an organisation used for commercial advantage by your business is true and authorised by them. You can only display any form of trust or quality mark, or equivalent logos, if your business has been allowed to do so.

Website management

Your website is your selling window. You must declare who the business owner is and give a physical contact address. Statements must not mislead. An omission could be regarded as misleading if the consumer would not have booked had they known of the omitted information at the time of booking. Examples may include renovation works taking place at a particular time.

If you process booking payments through the website there are some specifics you need to follow:

- Display the steps to consumers of how a contract is completed prior to booking.
- Ensure terms and conditions are clear and easily available.



- Clearly describe how consumers can correct/amend details prior to contract completion if they have made an error.
- Inform consumers how their booking and payment details shall be handled by your business.
- Your VAT number must be displayed.

Where food is provided

You must not falsely describe food, or mislead as to the nature, substance or quality of the food being served. An example of misdescribed food would be food described as home cooked which was factory produced. An example of food of a misleading nature would be watered down whisky. There are specific requirements in relation to the indication of genetically modified and irradiated foods.

Bedroom furniture and equipment supplied

All bedding and furniture supplied in your rooms must be fit for purpose and fire-resistant. Equipment supplied must be safe, for example an electric kettle or hairdryers must satisfy the electrical safety requirements; for non-electrical accessories these must not present a reasonably foreseeable danger to a user.

Unfair competition

There are laws in place to protect your business by prohibiting misleading business-to-business advertising. These also restrict how businesses compare their products with competitors. Take care with any marketing you may carry out should you compare your facilities, accommodation and services.

Cancellation fees

Visit England strongly recommend all accommodation providers to have a cancellation procedure in order to avoid any problems with cancellation, curtailment and no-shows. This should be made clear on any publication, advertisement or website.

If a guest cancels a booking or checks out early, they are in breach of the booking contract they have with proprietors. If a proprietor cancels a booking that you have already accepted, the proprietor is in breach of contract.

Useful websites

askcedric.org.uk

bis.gov.uk

oft.gov.uk

opsi.gov.uk

Or contact H&F Trading Standards:

T: 020 8753 1081

E: trading.standards@lbhf.gov.uk

Premises licences

The supply of alcohol is one of the licensable activities operated by the council under The Licensing Act 2003. Application forms for a Premises Licence can be downloaded from the council's website at:

**[lbhf.gov.uk/directory/
environment_and_planning/
environmental_health](http://lbhf.gov.uk/directory/environment_and_planning/environmental_health)**

The site contains details of the fees and guidance on completing the application. The sale of alcohol also requires a Designated Premises Supervisor to be specified who must also hold a Personal Licence. Other licensing activities under that Act include the provision of music, dancing, entertainments and the late night sale of refreshment.

Visit London

This leaflet has been produced by Hammersmith & Fulham Council in consultation with Visit England, the largest, the largest provider of quality assessment in England, awarding ratings to more than 23,000 accommodation businesses in 2008. If you would like further details of how to participate in their award schemes and the benefits associated with it, visit their website at **qualityintourism.com**.

Benefits include free access to their information website **accommodationknowhow.co.uk**.

If you would like any part of this document interpreted into your own language, or produced in large print or braille, please telephone 020 8753 1082.

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