
SAFETY IN SELF-CATERING TOURIST ACCOMMODATION

A practical guide to legislation for self catering accommodation providers

*Produced by Pembrokeshire County Council in conjunction with
Mid and West Wales Fire Brigade*



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INTRODUCTION

- 1 This guide gives advice on safety related aspects and legislation which is of particular relevance to self-catering tourist accommodation. The guide focuses on premise structure and maintenance, outdoor safety issues, fire precautions, upholstered furniture, electrical and gas appliances. Guidance is also given regarding trade descriptions relevant to the letting of accommodation. It does not cover safety or descriptions of premises such as hotels, guest houses, bed and breakfast accommodation and hostels, where legislation may vary.
- 2 Self-catering accommodation falls within the enforcement remit of the Local Authority for Health and Safety and Trading Standards (paragraphs 33 – 68), and the relevant team within Pembrokeshire County Council can be contacted for specific advice on any topic within this guide. (See Further Information and Guidance)

HEALTH AND SAFETY

- 3 Accidents can ruin lives and damage your business, through having staff off work, damaged equipment, higher insurance costs and a bad reputation.
- 4 Accidents statistics from the Health and Safety Executive (HSE) for the UK, for the period 1994/95 to 1998/99 show that accidents reported under the heading of ‘Campsites and other short-stay accommodation’ totalled 1 fatality, 597 non-fatal injuries to employees and 1666 non-fatal injuries to members of the public. It should be noted that these totals are those recorded under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR 95) and surveys show that only about a quarter of accidents are reported.

General legal considerations

- 5 Most accommodation covered by this publication will involve a work activity (ie at least one person will be employed for example on cleaning or maintenance work) and therefore be subject to the Health and Safety at Work etc. Act 1974 (HSW Act) and subsidiary legislation. This legislation imposes duties in respect of the health and safety of everyone involved in managing the accommodation.
- 6 The two requirements detailed below coupled with the requirements for a risk assessment explained in paragraphs 7 – 11 are closely related and can be considered together:
 - (i) Section 2 (2)(a) of the HSW Act requires employers to provide and maintain plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;

- (ii) Section 3 of the HSW Act requires employers to conduct their undertakings in such a way that, so far as is reasonably practicable, people who are not employees i.e. guests, are not exposed to health and safety risks. **It also imposes a similar duty on the self-employed towards themselves and other people.**

Risk assessment

7 The Management of Health and Safety at Work Regulations 1999 require employers to make a suitable and sufficient risk assessment of:

- the health and safety risks to which their employees are exposed while at work; and
- the health and safety risks to other people resulting from or in connection with the employers' work,

in order to identify the measures needed to comply with health and safety legislation.

The same duty is placed on self-employed people in respect of their own health and safety and that of other people.

8 Persons responsible for any accommodation will need to do the following:

- look for the hazards i.e. anything that can cause harm
- decide who may be harmed and how
- assess the level of risk
- identify appropriate and adequate precautions; and
- record your findings. If you have fewer than five employees you do not need to write anything down, though it is useful to keep a written record of what you have done.

9 The assessment allows you to identify any extra measures that you need to take. You don't need to overcomplicate the process, for most accommodation premises the hazards are few and simple. You probably know already if, for example, you have steps that are awkward or steep garden terraces that are unsuitable for children. If so, check that you have taken what precautions you can to avoid injury.

10 The following list is not exhaustive but it is particularly important to go through the risk assessment process for the hazards listed below, which are relevant to self-catering accommodation:

Slips, trips and falls (paragraph 12)

- Is the accommodation and grounds designed to eliminate these hazards?

Transparent or translucent surfaces (paragraphs 13 - 16)

- Is glass in your property adequate for the use which it is being put?

Work equipment (paragraphs 17 -18)

- Is equipment provided suitable and safe for use?

Hazardous substances (paragraph 19 - 20)

- Can the use of existing chemicals be eliminated, or safer substitutes used?
- Are all chemicals stored in a safe manner?
- Do you know if the accommodation or external buildings contain asbestos and what condition the asbestos is in?

Water

- Are swimming pools, ponds, troughs, water butts etc. protected from small children? A separate booklet on swimming pool safety is available free of charge from Pembrokeshire County Council.

Play equipment (paragraph 21)

- Is the play equipment suitably located, and of sufficient standard?
- What maintenance checks are carried out?
- Is an impact-absorbing surface required?

Fire (paragraphs 22 - 25)

- Have adequate fire precautions been taken?

Upholstered furniture (paragraphs 39 -49)

- Is all furniture provided in the accommodation compliant with the Furniture and Furnishings (Fire) (Safety) Regulations?

Electricity (paragraphs 50 - 58)

- Is all electrical equipment safe and adequately maintained?

Gas safety (paragraphs 59 - 62)

- Are all new and second-hand gas appliances installed correctly and checked for safety on an annual basis?

- 11 Any hazards which can not be controlled but may pose a risk to young children, disabled persons or the elderly should be brought to the attention of any customers prior to booking.

Slips, trips and falls

- 12 The majority of injuries are a result of slips, trips and falls, so particular attention should be paid to ways to prevent them. Ensuring good housekeeping, regular maintenance and repairs can reduce risks. In particular:
- floor coverings should be appropriate to the environment
 - floor surfaces should be kept free from obstructions and be suitably lit

- holes and defects in floor coverings should be repaired promptly, particularly those on staircases
- floor coverings, particularly rugs and mats, can become lifted or rucked-up and pose a tripping hazard. Where this may happen it is important to stick or fasten down these raised areas
- stairs and steps can present a hazard to everyone. They should be in a safe condition, kept free of obstructions and well lit. A secure and substantial handrail should be provided and maintained where there are more than 2 steps. Every open side of a staircase/steps should be securely fenced. As a minimum the fencing should consist of an upper rail at 900 mm or higher and a lower rail
- check for stability of any piles of firewood or building materials
- pathways should be suitably maintained. Barriers should be provided across all significant changes in level throughout the grounds, especially where young children may be staying in the accommodation.

Transparent or translucent surfaces

- 13 Transparent or translucent surfaces in doors, gates, walls and partitions should be of safety materials or be adequately protected against breakage in the following cases:
- in doors and gates, and door and gate side panels, where any part of the transparent or translucent surface is at shoulder level or below
 - in windows, walls and partitions where any part of the transparent or translucent surface is at waist level or below, except in glasshouses, where people are likely to be aware of the presence of glazing and avoid contact.
- 14 Safety materials (i.e. safety glass, polycarbonates or glass blocks) are not required in narrow panes up to 250mm wide measured between glazing beads.
- 15 As an alternative to the use of safety materials, transparent and translucent surfaces may be adequately protected against breakage. This may be achieved by means of a screen or a barrier that will prevent a person coming into contact with the glass if he or she falls against it.
- 16 A transparent or translucent surface should be marked where necessary to make it apparent. Where it is needed, marking may take any form, provided it is conspicuous and at a suitable height.

Work equipment

- 17 The Provision and Use of Work Equipment Regulations 1998 cover the safety of work equipment and includes an employee's own equipment and equipment used by a self-employed person e.g. cleaner or gardener who works at your self-catering accommodation from time to time.

- 18 As an employer you are required to:
- make sure that equipment is suitable for its use especially if it is to be used in wet conditions
 - make sure equipment is properly installed and safe to operate
 - give proper training and instructions on use of the equipment
 - make sure equipment is maintained and in good repair, and
 - provide equipment that conforms to EC product safety directives.

Hazardous substances

- 19 Hazardous substances likely to be encountered in self-catering accommodation are cleaning materials (e.g. bleach) and general maintenance materials such as paints and adhesives. Such substances will carry warning labels and under the Control of Substances Hazardous to Health Regulations 2002 (COSHH) you are required to carry out an assessment. Disposing of the product safely and changing to safer products is the preferred option. Where this is not practical, additional controls must be introduced. This may be achieved by keeping the substances in labelled containers in locked cupboards, with suitable ventilation, and providing suitable Personal Protective Equipment (PPE) such as gloves, goggles etc. together with adequate training for users.

Asbestos

- 20 The Control of Asbestos at Work Regulations 2002 (CAWR) introduce an explicit duty to manage asbestos in premises. This important legislation tackles the biggest occupational health killer in the UK – asbestos-related disease. Of the 3,000 people currently dying each year from such diseases 25% have once worked in the building and maintenance trades and often would have worked unknowingly on or near to asbestos containing materials (ACMs).

You are most likely to come across asbestos in these materials:

- sprayed asbestos and asbestos loose packing - generally used as fire breaks in ceiling voids;
- moulded or preformed lagging - generally used in thermal insulation of pipes and boilers;
- sprayed asbestos - generally used as fire protection in ducts, firebreaks, panels, partitions, soffit boards, ceiling panels and around structural steel work;
- insulating boards used for fire protection, thermal insulation, partitioning and ducts;
- some ceiling tiles;
- millboard, paper and paper products used for insulation of electrical equipment. Asbestos paper has also been used as a fire-proof facing on wood fibreboard;
- asbestos cement products, which can be fully or semi-compressed into flat or corrugated sheets. Corrugated sheets are largely used as roofing and

wall cladding. Other asbestos cement products include gutters, rainwater pipes and water tanks;

- certain textured coatings;
- bitumen roofing material; and
- vinyl or thermoplastic floor tiles.

The new duty requires those in control of premises to manage the risk from asbestos by taking the following steps:

- Find** You must check if materials containing asbestos are present in the accommodation or external buildings
- Condition** You must check what condition the material is in
- Presume** You must assume the material contains asbestos unless you have strong evidence that it does not
- Identify** If you are planning to have maintenance or refurbishment of the building carried out or the material is in poor condition, you may wish to arrange for the material to be sampled and identified by a specialist
- Record** Record the location and condition of the material on a plan or drawing
- Assess** You must decide if the condition or the location means the material is likely to be disturbed
- Plan** Prepare and implement a plan to manage these risks

Decide what to do

Minor damage	Good condition
<p>The material should be repaired and/or encapsulated</p> <p>The condition of the material should be monitored at regular intervals. Where practical the material should be labelled</p> <p>Inform the contractor and any other worker likely to work on or disturb the material</p>	<p>The condition of the material should be monitored at regular intervals</p> <p>Where practical the material should be labelled</p> <p>Inform the contractor and any other worker likely to work on or disturb the material</p>
Poor condition	Asbestos disturbed
<p>Asbestos in poor condition should be removed. This work must be carried out by someone trained and competent to carry out the task.</p>	<p>Asbestos likely to be disturbed should be repaired, sealed, enclosed, or removed. This work must be carried out by someone trained and competent to carry out the task.</p>

Play area safety

21 The following controls should be considered for all play areas:

Location

- Direct access from the play area to car parks, ponds, sheds and other hazards etc. should be restricted by barriers.
- The play equipment should be secure against vandalism.

Layout/Design

- Sufficient 'circulation' space should be provided adjacent to equipment.
- Dog fouling should be prevented by fencing and self-closing gates, signs, etc.

Equipment

- All new equipment should conform to BS EN 1176, Playground Equipment – parts 1 -7. Whilst these standards are not mandatory, they represent good practice and may be referred to in any legal action.
- Suppliers should provide written confirmation of compliance with this standard.
- Wherever possible an independent post-installation check of new sites should be undertaken. The Royal Society for the Prevention of Accidents (RoSPA) operates such a scheme. (See Further Information and Guidance).

Surfaces

- The maximum vertical falling distance on any piece of play equipment should not exceed 3 metres.
- Where the fall height exceeds 0.6m, an impact-absorbing surface should be provided. Turf and topsoil is appropriate up to 1m. Over 1m additional protection is required i.e. sand, bark, or resilient matting.
- All impact absorbing surfaces must comply with BS EN1177: 1997. The materials must be properly prepared for use in children's playgrounds.
- If loose fill surfaces are provided, allowance should be made for regular cleaning, maintenance and replenishment.

Inspection and Maintenance

- A comprehensive and documented inspection and maintenance programme should be implemented.
- Reputable manufacturers or suppliers, or independent organisations such as ROSPA offer certified inspections.
- Full records of inspections should be kept.
- If serious defects that put safety at risk are discovered during inspection, they should be corrected without delay. If this is not possible, the equipment should be secured against use e.g. immobilisation or removal.

Until equipment is repaired and released for use, access by the public should be prevented.

Fire safety

- 22 The requirements of the Fire Precautions Act 1971 do not apply to self-catering accommodation and therefore a Fire Certificate is not required, however you should still take proper fire precautions. You may be liable if a guest is injured in a fire and you have not provided adequate precautions.
- 23 Advice concerning fire safety matters is contained in a selection of pamphlets, which are available from the local fire brigade. (see Further Information and Guidance)
- 24 Good housekeeping and sensible fire precautions will reduce the possibility of a fire occurring. Poor housekeeping, carelessness and neglect not only make the outbreak of fire more likely, but will help a fire to spread more rapidly.
- 25 As a general rule the following advice will apply to all types of living accommodation.
- (i) Ensure electrical and gas appliances are regularly serviced and in safe working order. More details are included in the section on product safety.
 - (ii) Ensure that adequate power points are available for the needs of the tenants. The use of multi-socket adapters should be discouraged as these devices could lead to overloading if used incorrectly.
 - (iii) Ensure that adequate guards are provided for heating appliances and open fires. Where gas cylinder type space heaters are used care should be taken in the siting and guarding of the appliances, particularly where children are likely to be present. Spare or used cylinders should be securely stored outside the premises. It is strongly advised that extra advice is sought from the local fire brigade on the use of these heaters.
 - (iv) Provide a suitable smoke alarm for the premises and ensure that it is correctly situated and maintained in accordance with the manufacturer's instructions. Where accommodation is on more than one storey, there should be at least one smoke alarm on each floor. Ideally all of these alarms should be interconnected. Smoke alarms should be positioned in circulation areas and be within 7m (horizontally) of the doors to rooms where the fire is most likely to start (e.g. kitchen or living room) and within 3m (horizontally) of bedroom doors. Each smoke alarm should be fixed to the ceiling at least 300mm from any wall or light fitting; a central position is preferable. Units designed for wall mounting should be fixed between 150 and 300mm below the ceiling. Smoke alarms should not be fixed next to or directly above heaters or air conditioning units. Monthly

checks should be carried out to ensure that the alarms are in good working order (press the test button) and on a yearly basis the inside of each smoke alarm should be vacuumed out to ensure dust is not blocking the sensor.

- (v) Ensure that suitable fire fighting equipment is provided for the risk involved. In small premises a lightweight fire blanket suitable for dealing with small fires involving cooking fat or oils and fires in clothing should be provided. In larger premises consideration should be given to the provision of water type extinguishers, giving regard to the fire risks involved and the extent of the premises. Fire extinguishers should be sited close to an exit and not adjacent to the risk. The local fire brigade will advise you on fire fighting equipment for your premises.
- (vi) Where cooking facilities are provided, the use of conventional chip pans should be discouraged in preference for a deep fat fryer fitted with an effective temperature operated safety device.
- (vii) The owner of every establishment, regardless of its size, is responsible for minimising the risk of fire breaking out and for protecting the lives of residents or guests. You should therefore inform each guest of the appropriate fire precautions and procedure to be taken when they move into the premises. Appropriate written instructions detailing the correct address and method of calling the fire brigade should be provided. This is particularly important where foreign visitors are unfamiliar with the UK emergency services telephone system.
- (viii) In accommodation where smoking is permitted ensure that adequate ashtrays are provided. Consider the use of safety type ashtrays that are currently available.
- (ix) Where electric blankets are provided ensure they are adequately tested in accordance with the manufacturer's instructions and that guests are fully aware of the safety implications.
- (x) Ensure that suitable arrangements are in place for the regular removal of rubbish and ensure that large accumulations are prevented.
- (xi) You must provide a means of escape in case of fire. For a one or two storey building you should ensure that each habitable room either opens directly onto a hallway or stairs leading to the entrance, or that it has a window or door through which escape could be made. An inner room whose only escape is through an outer room (access room) is at risk if a fire starts in the outer room. Inner rooms should never be used as bedrooms. Windows will normally provide the only alternative means of escape; it is therefore essential that at least one window is readily openable from the inside and large enough to allow an average person to pass through with ease. For larger buildings, or ones with basements, the local fire brigade should be consulted for advice. All

means of escape routes should be kept clear and unobstructed, with doors easily and immediately openable from the inside.

- (xii) Provide suitable fire safety instructions and literature for guests. Published pamphlets from the local fire brigade may prove useful for this purpose.

First aid and accident procedures

- 26 The following measures should be in place in the event that an employee, contractor working at the premises or a visitor using the accommodation or associated facilities sustains an injury.
- 27 Employers must have adequate first aid provisions for employees, including, at the very least, a first aid box and a person appointed to take charge of first aid arrangements. Premises that are high risk or have a large number of employees should have a member of staff properly trained to provide first aid.
- 28 You have no responsibility for administering first aid to guests or the public at large, although it would be an expected outcome of any risk assessment that first aid material is provided in the accommodation and that guests are advised of the contact details for local medical facilities.
- 29 It is important that accident information is recorded in sufficient detail for statutory and civil liability purposes. It is good practice to record near misses and non-injury accidents. In all cases an investigation should take place to enable corrective action to be taken.
- 30 Some accidents are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

Where an accident to a member of public arises out of or in connection with your work activity and that person is taken from your premises by whatever means (taxi, ambulance, private car) to a hospital then it is reportable.

A fatal or major injury, including that resulting from an act of physical violence, to an employee at work or self employed person working at your premises is also reportable.

An injury to an employee at work or self employed person working at your premises which results in them being unable to work or perform their normal duties for more than 3 consecutive days is also reportable.

A new reporting procedure is now in place which offers a facility to report all such occurrences to a single point, the Incident Contact Centre (ICC) based at Caerphilly. You can now report incidents to the ICC by the following means:

- by telephone (0845 300 9923)
- by fax (0845 300 9924)

- via the internet (www.riddor.gov.uk)
- by post (ICC, Caerphilly Business Park, Caerphilly CF83 3GG)
- by e-mail (riddor@natbrit.com)

Guidance particularly on the definition of major injury and the keeping of records, is contained within HSE information leaflet HSE 31(rev1).

LIABILITY

Your liability to employees

- 31 The Employers' Liability (Compulsory Insurance) Act 1969, requires every employer to have insurance to cover his/her liability for any bodily injury or disease sustained by an employee at work.

If you employ at least one person (even if part-time), you are required to take out and maintain employers liability insurance cover with a minimum of £5 million for any one claim. A copy of the insurance certificate must be displayed at the premises so that it can be read by your employees.

Public liability

- 32 There is no legal requirement to take out public liability insurance but it should be considered particularly as the public are becoming claim conscious. It covers liability to guests and others for injury, loss & damage. This cover is usually required as part of any grading scheme.

PRODUCT SAFETY

- 33 This section of the guide has been prepared to assist Holiday Property Owners, Letting Agents and other interested parties to comply with existing product safety legislation. It is not exhaustive, but it does try to cover most aspects of applicable Consumer Protection legislation. In particular advice is given on the safety of:

- upholstered furniture
- electrical appliances
- gas appliances
- other consumer products

- 34 Most of the laws covering product safety are derived from the Consumer Protection Act 1987 (CPA). This states that where goods are "supplied", in the course of a business, to consumers certain safety standards must be met.

- 35 The meaning of “supply” given in the CPA includes doing any of the following, whether as principal or agent:
- hiring or lending of goods
 - providing the goods in exchange for any consideration other than money
 - providing the goods in (or in connection with) the performance of a statutory function
 - giving the goods as a prize or otherwise making a gift of the goods.
- 36 The “supply” of goods in the CPA refers only to supplies in “the course of a business” and whether or not someone is “in business” will depend upon the facts in each case.
- 37 Where goods are “supplied” as part of the letting of accommodation, specific trading standards safety regulations will apply (see below). Therefore, it is important that the contract between the property owner and the managing agent identifies the scope of responsibilities of all the parties in relation to those goods.
- 38 Agents may be liable for the safety of goods provided in let holiday accommodation, if the contract identifies them as the “supplier” of those goods.

Upholstered furniture

Scope

- 39 The Furniture and Furnishings (Fire) (Safety) Regulations 1988, as amended, control the safety of upholstered furniture supplied to consumers. These Regulations were introduced to reduce the number of deaths and injuries caused by the toxic fumes that are given off when some upholstery materials burn.
- 40 The definition of “furniture” includes furniture of any description which contains upholstery and which is intended for use in a dwelling. For example:
- three piece suites and arm-chairs
 - beds, head-boards, mattresses (of any size)
 - sofa-beds, futons and other convertibles
 - nursery and children’s furniture (including pushchairs and prams)
 - loose and stretch covers for furniture
 - scatter cushions and seat pads
 - pillows
 - garden furniture which is suitable for use in a dwelling
- 41 These Regulations *do not apply* to:
- sleeping bags
 - bed clothes (including duvets)

- loose covers for mattresses
- any furniture made before 1 January 1950
- pillowcases
- curtains
- carpets

Requirements

- 42 Upholstered furniture generally must have:
- covers which resist ignition from a match flame test
 - covers which resist ignition from a smouldering cigarette test
 - filling materials which pass an appropriate ignitability test
 - permanent labelling to show compliance
- 43 Since 1st March 1990, all new furniture sold for private use has had to comply with these regulations.
- 44 Since 1st March 1993 all upholstered furniture supplied with let holiday accommodation has had to comply with the regulations.
- 45 All furniture manufactured after 1st March 1988 should by law have had a permanent label attached when new. When furniture is supplied second-hand the presence of a permanent label is not mandatory. However, you are advised only to buy and supply furniture which bears such a label with rented accommodation.
- 46 Mattresses, divans and bed bases are not required to bear this type of label. However, compliance with the ignitability tests may be shown by a label stating compliance with BS 7177. This label has a blue border with white lettering and black cigarette and flame symbols.
- 47 Pre-1950's furniture is exempt from the Regulations

Labelling

- 48 As stated above you should check to see that a permanent label is present as this is the best way to show compliance. Most furniture should have a label stating at least the following:-

CARELESSNESS CAUSES FIRE

Batch/ID NO:ID No: AX1234

**To comply with the Furniture and Furnishings
(Fire) (Safety) Regulations**

This article does (or does not) include a Schedule 3
Interliner

All foams, fillings and composites have been tested to ensure compliance
with the relevant ignitability test

All covers and fillings have been tested to ensure that
they are cigarette resistant

All covers have been tested to ensure that they are match resistant
Further details are available from your retailer

- 49 If in doubt as to whether the furniture included in your premises meets the requirements of these regulations, for example it has been re-upholstered, contact the Trading Standards Team for further advice.

Electrical appliances and installation

Scope

- 50 The Electrical Equipment (Safety) Regulations 1994 apply to all electrical equipment which operates between 50-1000V AC and 75-1500 DC. This includes mains voltage equipment connected to 230V or 110V supplies. To put it in plain English, if you plug it in it's covered by these regulations.
- 51 The regulations apply to electrical equipment which is "supplied" as part of the letting of accommodation. Electrical goods that are provided with let accommodation must be safe. Typical items include kettles, toasters, TV's, table lamps etc. The Plugs and Sockets (Safety) Regulations 1994 also requires that plugs must comply with BS1363, have sleeved live and neutral pins and be fitted with a correctly rated fuse.

Safety of Electrical Equipment

- 52 There is no specific legal requirement for regular routine testing of electrical equipment. Nevertheless, if you are an employer the Electricity at Work Regulations 1989 requires that the electrical installation is of an adequate design and construction and is maintained 'so far as is reasonably practicable' to avoid danger to all who use the premises.
- 53 By concentrating on a simple inexpensive system of looking for visible signs of damage or faults and putting them right you will prevent most electrical hazards from occurring. Around 95% of faults or damage can be found by visual inspection. The things you are looking for on the equipment, the cable and plug, after disconnecting it, are signs of:

- damage to the cable covering e.g. cuts, abrasion (apart from light scuffing);
 - damage to the plug, e.g. the casing is cracked or the pins are bent;
 - non-standard joints including taped joints in the cable;
 - the outer covering (sheath) of the cable not being gripped where it enters the plug or the equipment. Look to see if the coloured insulation of the internal wires is showing;
 - equipment that has been used in conditions where it is not suitable, e.g. a wet or dusty outhouse;
 - damage to the outer cover of the equipment or obvious loose parts or screws;
 - overheating (burn marks or staining).
- 54 Some faults cannot be seen just by looking, particularly lack of continuous earth's. For some equipment the earth is essential to safety. Therefore all earthed equipment, and most leads and plugs connected to equipment, should also have an occasional combined inspection and test to look for these and other faults. Combined inspection and testing should be carried out:
- where there is reason to suspect the equipment may be faulty, damaged or contaminated but this cannot be confirmed by visual inspection; and
 - after any repair, modification or similar work to the equipment, when its integrity needs to be established.
- 55 If you wish to have your electrical systems tested professionally, you should ensure that those doing the work are competent.
- 56 It is recommended that a record is kept of all the testing and maintenance that has been carried out.
- 57 All electrical equipment should be complete and carry all necessary warnings.
- 58 Where necessary for safe use, instructions should be available.

Gas appliances

- 59 All new and second-hand gas appliances must be safe and come with instructions when they are sold. If you purchase gas cookers etc. from reputable sources, you should not encounter problems relating to the safety of the appliance.
- 60 Each year about 30 people die from carbon monoxide poisoning caused by poorly installed or badly maintained gas appliances and flues. The Gas Safety (Installation and Use) Regulations 1994, were introduced to protect you and your guests.
- 61 Since 31st October 1994 it has been a legal requirement for owners of rented properties to ensure that gas appliances, including LPG cabinet heaters, are

checked for safety including where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness. These checks should be carried out at least every 12 months and records kept of the test dates, defects and remedial action taken. Owners must also make this information available to tenants on request.

- 62 You should be aware that only businesses registered with CORGI (Council for the Registration of Gas Installers) are permitted to carry out installation and maintenance of gas appliances. You should ask your maintenance agent to see their current CORGI registration certificate, and check they are registered for the correct group of equipment.

Other products

- 63 The General Product Safety Regulations 1994 require all other goods not mentioned above, which are “hired out” with the accommodation to be reasonably safe. For example non-upholstered furniture (eg dining table and chairs) should be stable and sturdy, and ironing boards, clothes dryers etc., should not have sharp edges that could cause injury in normal use.
- 64 You are advised to regularly check such goods, keep records of such checks; and make sure instruction or warning labels are present to allow the safe use of products where appropriate.

OTHER RELEVANT LEGISLATION

- 65 The following legislation, whilst not safety related, is relevant for owners and managing agents of self-catering holiday accommodation and is therefore briefly detailed for completeness.

Trade Descriptions

- 66 The Trade Descriptions Act 1968 requires all descriptions of goods and services, given in the course of a trade or business, to be accurate, whether given verbally, in writing, by illustration or by implication. Written descriptions would include those stated on orders and invoices. It would also include details provided in any advertisements, brochures or web pages. You should therefore take steps to ensure that any description which is made in relation to the letting of the accommodation, is accurate and is updated as necessary.

Package Travel

- 67 The Package Travel Regulations regulate “packaged holidays”. A packaged holiday is one where several travel-related components are combined, for example travel arrangements combined with accommodation, or accommodation combined with a leisure activity. Most providers of self-catering holiday accommodation will be unaffected by these regulations.

However if you offer holiday accommodation combined with a holiday activity e.g. diving or sailing courses or organised tours or events, these regulations may affect your business and you should contact the Trading Standards Team for further information and advice.

Unfair Terms in Consumer Contracts

- 68 The Unfair Terms in Consumer Contracts Regulations 2000 and the Unfair Contract Terms Act 1977 make it a legal requirement not to impose terms or conditions in a contract which are “unfair”. A contract term is regarded as unfair if, contrary to good faith, it causes a significant imbalance in the rights and obligations of the parties to the contract, to the detriment to the consumer.

GETTING IT RIGHT

- 69 Failure to comply with any of the legal requirements outlined in this guide is a criminal offence. The owners of let holiday accommodation who are in business and supply associated goods may be liable for any infringements. However, if all reasonable steps are taken to:

- regularly check properties and their contents
- ensure that goods supplied are examined and certified as safe
- ensure descriptions are accurate
- that adequate records are maintained

then compliance should be achieved.

- 70 Managing agents with direct or indirect control over accommodation and its contents may also be liable for infringements. Again, if such agents can show that the precautions described above are in place then a defence should be available to them.
- 71 There are different penalties for offences under the legislation discussed. The maximum penalty is a fine of £20,000, or six months imprisonment, or both.

FURTHER INFORMATION AND GUIDANCE

This guide is not exhaustive and cannot cover every circumstance. If you require any further advice on the subject of this guide or any other related matter contact:

Health and Safety

Pembrokeshire County Council, Public Protection Division,
County Hall, HAVERFORDWEST, SA61 1TP.

Tel - 01437 775631

e-mail: health&safety@pembrokeshire.gov.uk

www.pembrokeshire.gov.uk

Trading Standards

Pembrokeshire County Council, Public Protection Division,
County Hall, HAVERFORDWEST, SA61 1TP.

Tel - 01437 776209

e-mail: tradingstandards@pembrokeshire.gov.uk

www.pembrokeshire.gov.uk

Mid and West Wales Fire Authority, Fire Safety Department, Western Area
Command Head Quarters, Merlin's Hill, HAVERFORDWEST, SA61 1PG.

Tel – 01437 762131

e-mail: mail@mawwfire.gov.uk

Health and Safety Executive, Government Buildings, Ty Glas, Llanishen,
CARDIFF, CF14 5SH

Tel – 029 2026 3000

e-mail: hseinformationsservices@natbrit.com

HSE Books, PO Box 1999, SUDBURY, Suffolk, CO10 6FS.

Tel – 01787 881165

www.hsebooks.co.uk

RoSPA, Edgbaston Park, 353 Bristol Road, Edgbaston, BIRMINGHAM, B5 7ST.

Tel – 0121 2482000

e-mail: help@rospa.co.uk

CORGI (The Council for Registered Gas Installers), 1 Elmwood, Chineham
Business Park, Crockford Lane, BASINGSTOKE, Hants, RG24 8WG.

Tel – 01256 372200

www.corgi-gas.co.uk

National Inspection Council for Electrical Installation Contracting (NICEIC)

Vintage House, 37 Albert Embankment, London, SE1 7UJ.

Tel – 020 7564 2323

e-mail: enquiries@niceic.org.uk

Electrical Contractors Association (ECA)

8 Earlswood Road, Cardiff Business Park, Llanishen, CARDIFF, CF14 5GH

Tel – 029 2074 7103

www.eca.co.uk