

FITNESS FOR PURPOSE POLICY RECOMMENDATIONS PAPER

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INTRODUCTION

When tourism industry leaders met representatives of national and local government at a special Seminar in October 2001 one of the key areas they identified where improvement was needed was in the quality of the tourism accommodation on offer to visitors. Quality is important because English businesses need to be able to compete on the world stage with businesses in other countries. The customer who has had a poor quality experience in England may decide for that reason not to return, and may also limit new business by passing on negative impressions to their friends.

While a great deal of progress had been made in simplifying, and publicising, quality standards for accommodation, there was still a problem with places which were quite inadequate - not "fit for purpose". We decided to work together to identify ways in which the existing law could be better enforced to ensure that someone travelling in England could enter any accommodation in reasonable confidence that it would be fit for the purpose it was intended. The emphasis of this work was to be on the needs and expectations of the customer but it would achieve its objectives by using existing law more effectively, identifying if necessary and for the future areas where the law might have to be changed.

The Secretary of State, Tessa Jowell, and the Chair of the Local Government Association Tourism Executive, Sir Ron Watson, set up a small team to identify action which could be taken by Government and local authorities and to report back to the next Seminar. This paper sets out the recommendations of that group which was chaired by the Department for Culture, Media and Sport (DCMS) and which included representatives from the Local Government Association (LGA), the English Tourism Council (ETC) and others from across central Government. The Local Government Association also took advice from tourism and public protection specialists.

The recommendations paper was presented for discussion and endorsed at the Seminar between Government and industry which was held on 31 July 2002.

AIMS OF FITNESS FOR PURPOSE

From the outset what has become known as the "Fitness for Purpose" initiative has drawn on the ideas and thinking of leading local authorities. The majority of the regulation affecting English tourist accommodation is "owned" by Government departments other than Department for Culture, Media and Sport, and most of it that is related to the standard of the facilities and services offered by the premises is enforced by local authorities. More detailed information about the current enforcement regime is given at annex E (page 39).

We recognise that local authorities bring a great deal of expertise and professionalism to bear in taking enforcement action associated with the regulation of premises. Nearly all local authorities have signed up to the Enforcement Concordat, which promotes enforcement best practice for all regulation (see annex E). We also recognise that certain of the relevant regulatory regimes eg. fire, are already being reviewed and will be encompassing some of the principles suggested in this paper eg. of self assessment.

In that context, Tessa Jowell and Sir Ron Watson charged the Fitness for Purpose working group with exploring what could be done to meet the original main high level objectives of Fitness for Purpose which had been agreed at the October 2001 industry seminar. They were to create a framework within

which to place the excellent work already taking place which would be:

- **Customer-focussed:** to provide the customer with a firmer assurance that the hotels and restaurants within them that they used would be fit for purpose ie. fit to be trading
- **Industry focussed:** to take a lighter enforcement touch to well-run businesses that were complying with necessary regulations and to take a more robust approach to those businesses that consistently failed to comply by providing them with help to improve, but ultimately requiring them to close if they failed to do so.

The intention was to create an initiative which would be one part of the drive for better overall quality, and would be flexible to accommodate future changes in regulation.

THE FIVE KEY AREAS WHERE WE RECOMMEND CHANGE UNDER FITNESS FOR PURPOSE

- **MAKING STANDARDS CLEAR:** We recommend that the **Local Government Association convened Task Force** working closely with the **Department for Culture, Media and Sport, English Tourism Council and Small Business Service**, should prepare a catalogue of Fitness for Purpose minimum standards (Recommendation 5). It should be prepared by January 2003 and should set out clearly the minimum standards across the board that the law requires of hotels and the restaurants within them, and which local authorities signing up to the Fitness for Purpose initiative will enforce. We suggest that the **Local Government Association** should organise Fitness for Purpose pilots with help from the **Department for Culture, Media and Sport, English Tourism Council and others**, and if the pilots are successful, encourage as many local authorities as possible to adopt Fitness for Purpose. If successful, we suggest that the catalogue of standards should be distributed by **local authorities** participating in the initiative to all the businesses they inspect. We suggest that no new award or designation should be created to show accommodation is “Fit for Purpose”. (Recommendation 18)
- **BETTER EDUCATION:** We recommend that **local authorities** adopting the Fitness for Purpose initiative should give accommodation providers advice on how to get on the ladder for accreditation under the National Quality Assurance Standards operated by the English Tourism Council, AA and RAC, possibly through adoption of an existing practice of establishing a special unit to provide consultancy advice to businesses on regulatory compliance. Through this unit, participating local authorities might identify and target non-compliant businesses for educational support. We suggest that **Local Business Links** and **Local Business Partnerships** should use the catalogue of Fitness for Purpose minimum standards to educate and inform tourism businesses and that regional branches of the **British Hospitality Association** should use it to lead quality improvement groups for the same purpose. (Recommendations 5, 7 and 9)
- **COORDINATION OF INSPECTION:** In **each local authority area** adopting Fitness for Purpose, we recommend that Environmental Health Officer teams should be organised so that one official, whom we provisionally call the **designated adviser**, should have responsibility for coordinating all inspections for a single accommodation premises, including those for fire. It would be their responsibility, to ensure so far as possible (i) a holistic approach to assessing the overall Fitness for Purpose of each premises and (ii) that the business is not inundated with different inspections in a short time frame (iii) that any form filling is rationalised and minimised where possible. We suggest that the **designated adviser** should meet monthly with the **Tourism Officer** to identify businesses which are known to be advertising or trading but have not been inspected, and to exchange information about failing businesses and the measures that must be taken to address their failings (Recommendations 1 and 10).
- **BUSINESS SELF-ASSESSMENT:** We recommend that **local authorities** adopting the Fitness for Purpose initiative should use business self assessment, enabling compliant businesses to assess themselves, and so diverting scarce local authority resource to the worst premises. (Recommendation 12)
- **BETTER CONSUMER PROTECTION:** We recommend that **industry leaders and Ministers** should encourage the public to complain to Environmental Health Officers or Tourist Information

Centres when things go wrong. We suggest that **local authorities** should develop more robust links between trading standards officers and Tourist Information Centres to ensure swift and firm correctional action is taken where necessary when dealing with complaints. We recommend that the Department for Culture Media and Sport should engage with the Office of the Deputy Prime Minister about legislating to prevent confusion between Houses of Multiple Occupation and tourist accommodation. We also recommend that the **Department for Culture, Media and Sport** should remove the eight bed/four bedroom exemption from the Tourism (Sleeping Accommodation Price Display) Order 1977 to require small hotels and guest houses to display their prices. We understand that under the proposed Fire Regulatory Reform Order, the Office of the Deputy Prime Minister is already intending to remove the six bed rule exemption for fire regulation enforcement. All self-employed persons will be under a duty to assess safety of staff and guests. (Recommendations 17, 19 and 20).

EXECUTIVE SUMMARY OF ALL RECOMMENDATIONS

We conclude that many local authorities are already making sensible use of their enforcement powers to tackle the most serious problems and to limit the burden of inspection and reporting for well organized businesses. Nevertheless, there are some important changes that could be made which could have resource implications for local authorities in particular and which will take time to organise and implement. For this reason we suggest that the Fitness for Purpose recommendations below are implemented in three phases. Phase 1 runs from August 2002 to January 2003 and should lay the foundations for pilot work. Phase 2, running from January to December 2003, is the pilot phase. We suggest that recommendations to be implemented in phases 1 and 2 will make existing regimes more robust and will not require legislative change. Phase 3, intended to run from January to July 2004, is the consultation phase during which the policy should be reviewed in the light of pilot evaluation and consultees' comments. We also suggest that recommendations requiring either legislative change, or more formal consultation, before they are taken forward, are addressed during phase 3. A more detailed project plan for future work is set out on page 10.

For each recommendation below, we indicate the phase during which we suggest it should be implemented.

General

- **Recommendation 1:** we recommend that within each local authority, Fitness for Purpose is “owned” by the Tourism Officer where one exists who should take the lead in (a) formalising links between tourism officers and enforcement officers and (b) ensuring that tourism and enforcement activities are coordinated to the benefit of the local community, the tourism industry and its customers. *Phase 1*
- **Recommendation 2:** we recommend that the Local Government Association and Local Authorities Coordinators of Regulatory Services should set up a Fitness for Purpose task force, composed of local authority lead officers in tourism and enforcement, to prepare Fitness for Purpose excellence models. We recommend that these models should draw upon existing best practice and be based on the recommendations 5-20 below. The task force should also work out the detailed cost implications of each of these models, and the areas where cost savings can be made. We further recommend that the models are presented to Ministers as options for pilots and that the Task Force, working with the Fitness for Purpose working group, should work out evaluation methods for pilots. We suggest that the task force should have the support of a Department for Culture, Media and Sport-funded tourism consultant in developing the excellence models. *Phase 1*
- **Recommendation 3:** We recommend that the Local Government Association, in partnership with Department for Culture, Media and Sport, should work to determine a package of performance indicators as incentives for local authorities to adopt the Fitness for Purpose excellence models. *Phase 2*
- **Recommendations 4:** (a) We recommend that Department for Culture, Media and Sport, the Local Government Association and the British Hospitality Association should submit a joint Invest to Save Budget bid in round 6 in 2003 if the Local Government Association convened Fitness for Purpose task force identifies the need for additional funding for pilots, restructuring or set up costs. *Phase 2*

(b) We further recommend that these bodies should seek a source for the 25% funding required under the Invest to Save Budget process eg. From industry or from RDA/Regional Tourist Board funding agreements. *Phase 2*

Policy Aim: Making compliance easier for all and giving non-compliant businesses more help to improve

Guidance and Education

- **Recommendation 5:** (a) we recommend that the Fitness for Purpose Task Force, in consultation with the English Tourism Council quality standards team, and with the support of the consultant, should produce a short catalogue of Fitness for Purpose minimum standards for participating local authorities to distribute to all businesses that they inspect. We recommend that the Task Force should include in the standards catalogue what else can and should be done by businesses by way of best practice to get them on the ladder for accreditation under the National Quality Assurance Standards operated by the English Tourism Council, AA and RAC. We suggest that the catalogue should not duplicate the extensive guidance already available such as the English Tourism Council's Pink Booklet and Small Business Service literature, but refer businesses on to those documents for detailed advice. *Phase 1*
(b) We recommend that the Small Business Service and the Task Force should jointly consider how to encourage Local Business Links and Local Business Partnerships to use the Fitness for Purpose standards catalogue to educate and inform tourism businesses. *Phase 2*
(c) We further recommend that the Fitness for Purpose catalogue should be made available to businesses through each Regional Tourist Board. *Phase 2*
(d) We suggest that the English Tourism Council should require National Quality Assurance Standards assessors, who already offer valuable quality improvement advice during inspections of premises, to offer more advice specific to attaining the next National Quality Assurance Standards rating. *Phase 1*
- **Recommendation 6:** (a) We recommend that the Pink Booklet update planned for 2003 should go ahead, and that it should be updated thereafter every two years. We suggest that the update should take account of the introduction of Fitness for Purpose and reinforce the scheme with those businesses who use the Booklet. *Phase 2*
(b) We recommend that the groups currently reviewing the role of the English Tourism Council should consider who will take on this work if the English Tourism Council's role changes. *Phase 1*
- **Recommendation 7:** We recommend that the Local Government Association and the Local Authority Coordinators for Regulatory Services should encourage the educational role played by most local authority inspectors and promote it to all local authorities as best practice. We suggest that the Task Force should consider the cost/benefits of wider adoption by local authorities of the existing practice of setting up a unit to provide consultancy advice to businesses on regulatory compliance (which could have a specialist tourism component). We recommend that through this unit, non-compliant businesses are identified, with the assistance of the Tourism Officer, and targeted for educational support. *Phase 1*
- **Recommendation 8:** We recommend that the Small Business Service should place Fitness for Purpose within the context of the Enforcement Concordat. *Phase 1*
- **Recommendation 9:** we recommend that regional branches of the British Hospitality Association should lead quality improvement groups that will use the Fitness for Purpose standards catalogue (see recommendation 5) to educate and inform local businesses. We suggest that this might be best

placed in the context of the work of the Best Practice Forum and by using regional links already established via the British Hospitality Association's local hotel association members. *Phase 1/2*

Joined up and flexible approach to inspection

- **Recommendation 10:** (a) We recommend that Fitness for Purpose should enable local authorities to adjust their enforcement regimes to achieve better coordination between different inspectors. *Phase 1: Exploration; Phase 2 implementation.*
(b) we suggest that steps towards one single inspection should be incremental; the benefits of a more coordinated approach to inspection should first be assessed before the further step of one inspector performing every inspection in a single visit is reexamined. *Phase 1.* In the meantime, we recommend that the Department for Culture Media and Sport explore the possibility of the delegation of fire officers' powers to local authority inspectors during the current phase of consultation on the Fire Regulatory Reform Order *Phase 1*
(c) However, we suggest that local authorities who have not already done so should look at whether food and environmental health inspections can be combined now. *Phase 2*
(d) We recommend that local authorities should organise Environmental Health Officer teams so that one designated adviser has responsibility for coordinating all inspections for a single premises, including those for fire. We also recommend that the designated adviser should ensure rationalisation of paperwork and reduction in form filling where possible. We suggest that the designated adviser should meet monthly with the Tourism Officer to exchange information about failing businesses and the measures that must be taken to address their failings *Phase 2*
(e) We suggest that environmental health officers and Fire Officers should, where it does not already happen, on first inspecting a new business, be alert to the possibility of the business subsequently submitting an application for a licensable activity under the new alcohol and entertainment licensing regime when it is introduced. That may potentially save troubling the business with a further inspection once the licence application is subsequently submitted to the local authority. *Phase 2*
- **Recommendation 11:** we recommend that the Local Government Association and the Local Authorities Coordinators of Regulatory Services should work with local authorities to coordinate "Home authority" principles being applied to larger hotel chains who should be offered the option of receiving all advice from the local authority in which they have their headquarters. *Phase 2*

Policy Aim: To take a lighter touch to enforcement for compliant businesses

- **Recommendation 12:** we recommend that the Task Force should define a model for, and calculate the savings to be made by, wider adoption by local authorities of self assessment by compliant businesses. *Phase 2*

Policy Aim: Taking a more robust approach to badly run businesses

- **Recommendation 13:** We recommend that all local authorities who have not done so already should consider with Regional Tourist Boards whether the local market can sustain the promotion of only National Quality Assurance Standards inspected accommodation, plus certain branded accommodation to be decided at their discretion. (We suggest that the branded accommodation

might ultimately be defined as accommodation carrying English Tourism Council's brand quality marque if that is developed). *Phase 1*

- **Recommendation 14:** We recommend that the designated adviser in the local authority should follow up enforcement activities involving tourism businesses to ensure that any improvement needed is continuous and meets the Fitness for Purpose standards, and that the Task Force should calculate the additional costs of this approach. *Phase 2*
- **Recommendation 15:** We recommend that local authorities do not need additional powers to close businesses for continual non-compliance on grounds lesser than a severe threat to public health.
- **Recommendation 16:** We recommend that local authority Tourism Officers and Regional Tourist Boards should work together to compile lists of all accommodation businesses advertising in their areas via all known advertising routes. We suggest that those lists should be compared with the lists of businesses already known to the local authority, and where legislation requires it, that the local authority should take swift action to inspect those businesses of which they had not previously been aware. We suggest that the Task Force should calculate any likely cost implications of this approach. *Phase 2*

Policy Aim: Giving customers a firmer assurance that the hotels and restaurants within them that they use will be of a basic minimum standard

- **Recommendation 17:** We recommend that the Department for Culture, Media and Sport should explore with DTI the possibility of "pure" Houses of Multiple Occupation being removed from the tourism sector by adjusting legislation as part of the DTI review of regulation applying to Houses of Multiple Occupation (see annex E page 44). We suggest that premises should be allowed to switch between House of Multiple Occupation and tourism use to allow them to remain economically viable, but that they should not be allowed to mix use. *Start in Phase 1*
- **Recommendation 18:** (a) We recommend that under England marketing arrangements currently being drawn up, a strategy is devised for more active promotion to accommodation providers and customers of the National Quality Assurance Standards where that does not already happen. We recommend that specific Fitness for Purpose badges and awards are not developed. *Phase 1/2*
(b) We suggest that, under the same arrangements, customers should be told generally how to recognise whether a business is Fit for Purpose and the increased levels of quality they can expect from National Quality Assurance Standards accredited accommodation. *Phase 2*
(c) we suggest that, where it does not already happen, Trading Standards should take prompt and rigorous action in response to complaints about accommodation businesses that are (i) offering a product different to that they are advertising or (ii) displaying out of date and conflicting quality grading badges. We suggest that the Task Force should calculate the possible costs of making this approach more robust. *Phase 1/2*
- **Recommendation 19:** (a) We recommend that in their tourism accommodation promotional literature local authorities and Regional Tourist Boards should urge customers to complain to the local authority when things go wrong with health, food, fire and trading standards matters. We suggest that the local authority designated adviser for the business should then ensure that the local authority or the appropriate body takes swift and robust action to investigate the problem. We suggest that any possible additional costs arising from this approach should be calculated by the

Task Force. We further suggest posting of a message to customers on the Watchdog/“UK’s Worst” programme website about how to complain. *Phase 2*

(b) We recommend that National Quality Assurance Standards Area Centres should not attempt to deal with complaints about health and safety, food hygiene, fire safety and trading standards issues, but should instead forward them to the appropriate local authority Environmental Health Department within five working days and inform the consumer by letter of that action. We suggest that the local authority should ensure that swift action is taken to investigate the problem and a reply sent back to the customer within the timescale set out in the local authority service standards for responding to complaints. That reply should be copied to the Area Centre to assess any effect on the business’s National Quality Assurance Standards accreditation.
Phase 1

- **Recommendation 20:** We recommend that the Department for Culture, Media and Sport should move to alter legislation to remove the eight bed/four bedroom exemption from the Tourism (Sleeping Accommodation Price Display) Order 1977 and to place responsibility for action on complaints about non-compliance with Trading Standards. *Start in phase 1* (We understand that under the proposed Fire Regulatory Reform Order, the Office of the Deputy Prime Minister is already intending to remove the six bed rule exemption for fire regulation enforcement. All self-employed persons will be under a duty to assess safety of staff and guests.)

KEY BENEFITS OF FITNESS FOR PURPOSE

Benefits

- Fitness for Purpose makes full use of existing legislation and resources rather than trying to recreate them. It will formalise best practice and allow its dissemination to all local authorities
- Potential reduced compliance effort for business – dovetails with the current Government review of services for small business.
- Better coordination should make what exists already more cost-effective and less burdensome to business.
- By ensuring that business get the basics right, Fitness for Purpose will provide a platform from which cosmetic and subjective quality issues beyond that can be developed.
- The customer will get an assurance that basic problems will be acted on promptly, properly investigated and properly dealt with
- The joined up approach is consistent with the desire by Government to cut through red tape.
- Businesses will get more help to comply with regulation
- There should be less opportunities for business misrepresentation leading to customer confusion

BACKGROUND TO FITNESS FOR PURPOSE

Origins of Fitness for Purpose

In recent years a number of documents such as the Government's strategy document "Tomorrow's Tourism" published in 1999, the Local Government Association's document on the challenge of tourism in regeneration, and the English Tourism Council's resorts policy document have called for improvements in standards which are crucial to the future success of tourism in England and which should be a fundamental component in every aspect of the tourism product. And the Tourism Initiative Group in a report presented by Alan Britten of the English Tourism Council to the Secretary of State said "England should become a sustainable world class tourism destination, building on the quality of our unique assets."

A report by the Tourism Initiative Group which set out the Fitness for Purpose idea was presented to Government by Alan Britten of the English Tourism Council. The Tourism Initiative Group were established at the instigation of the Secretary of State to set out a programme for the modernisation and restructuring of the tourism industry at the Hartwell seminar in October 2001 (a list of members of the Tourism Initiative Group is at annex C page 35). The Tourism Initiative Group argued that local authorities should be required to provide a unified Fitness for Purpose inspection, based on existing statutory obligations, and that businesses that repeatedly failed to meet minimum Fitness for Purpose standards should be closed. That would not undermine, but would complement the National Quality Assurance Standards (see annex G page 50).

The industry were concerned about the overall damage done to the English sector by the existence of poor quality premises in the market-place. The standard for Fitness for Purpose was intended to be in line with legal requirements and below the present National Quality Assurance Standards Grade 1* (for hotels) and 1◇ (for guest accommodation). The premise was that to address poor quality, then first the basic minimum standards dictated by regulation needed to be got right. There would then be a firm basis on which to build on the quality of the products on offer via the National Quality Assurance Standards.

The Secretary of State agreed with the industry at the Hartwell House seminar, that it is was imperative that Government sought to put in place the "Fitness for Purpose" approach to standards and safety regulation, which they had suggested should give the customer a firmer assurance that any hotel or restaurant within it they entered in England, would meet minimum standards and be a suitable place for customers to patronise.

Scope of, and approach to, Fitness for Purpose

Potentially Fitness for Purpose could have encompassed all regulatory controls that affect hotels and the restaurants within them and which are customer-facing ie. Food hygiene and Environmental Health, GM food, Food Price Marking and labeling, Planning (including heritage building consents and requirements and disability requirements), Fire Safety, Taxation, and Licensing.

The working group decided that the initiative should concentrate mostly on those legal requirements that are actively enforced on a regular basis and which have most immediate effect on the safety and

enjoyment/experience of the consumer ie. food hygiene, health and safety and fire safety. (A summary of the operation of those enforcement regimes is at annex E page 39 onwards.) However, the customer-focused aim of Fitness for Purpose is essentially about consumer protection, so other regulatory controls such as price marking and trading standards will play a part too. Concerns about other aspects of regulation affecting hotels and restaurants are being addressed in other ways eg. by the Planning Green Paper and by a separate piece of work by Department for Culture, Media and Sport to assess the implementation of recommendations in the Better Regulation Task Force report on the regulation of hotels and restaurants published in June 2000.

Fitness for Purpose aims to help in particular smaller businesses who may not have the infrastructure or ability that larger businesses have to comply with regulation, and by whom the burden may be felt hardest. It should also benefit larger businesses which consistently comply with requirements, by reducing the amount of regulatory inspection and documentation. We have taken the view that in adjusting enforcement regimes, most effort should be focussed on helping businesses to comply where possible, and that closure should be a last resort where non-compliance has been particularly severe.

Fitness for Purpose is initially intended to apply in England only, although take-up by Wales and Scotland would ensure less fragmentation across Britain and less confusion for the customer and could be considered.

What the initiative is not

The aim is not to create a new grading scheme for levels of quality or service and Fitness for Purpose is not primarily aimed at addressing subjective or cosmetic issues. It is the Government's intention that industry initiatives and the development of the National Quality Assurance Standards should continue to deal with those. However, Fitness for Purpose is ultimately about quality in the sense that well thought out legislation which is fully complied with should ensure a minimum level of quality that is safe. Its customer focused objective is essentially about consumer protection at the lowest end.

Fitness for Purpose does not at this stage cover holiday parks, self catering, visitor attractions or stand-alone restaurants. It only relates to hotels, guest houses, B&Bs etc and the restaurants and dining facilities contained in them. That includes all accommodation where food is served. The intention is to consider whether extension of the Fitness for Purpose approach to other sectors of the industry is appropriate after piloting has taken place in the accommodation sector.

It is not intended that the initiative should place additional burdens on businesses that may already have been adversely affected by foot and mouth disease and the events of 11 September. On the contrary, the intention is to reduce the burden on businesses that are already proven to be complying. For English business, there is no intention at present to introduce a statutory certification scheme for hotels such as exists in Northern Ireland and is being suggested in Wales. We believe that substantial improvements can be made to the way that existing regulation is imposed and enforced, without introducing additional hurdles.

Evidence of need for the initiative

Detailed and consistent data that confirm the extent of the legislative breaches/problems that is envisaged that Fitness for Purpose should address are not available. Data across the industry are not robust and the full extent of accommodation stock is not known. Therefore the full extent of the ratio between good and bad businesses cannot be known. Levels of complaint cannot be taken as scientific measures of problems, as for instance, people may complain direct to the operator, or simply not go

back. Local authority enforcement statistics exist, but they cannot be taken as indicators of the extent of problems.

However, most of our consultees agree that they have seen extensive evidence of poorly run businesses. The British Hospitality Association say that bad businesses that are brought to their attention are often unsafe. Customer surveys, such as those conducted by the British Tourist Authority and the London Tourist Board, indicate that a significant number of customers are less than satisfied with the standards they encounter - see more detailed examples at annex D (page 37). Many of the issues complained about relate to cosmetic or subjective quality and therefore the intention is that the existing National Quality Assurance Standards (see annex G page 50), rather than Fitness for Purpose, should address those. Nevertheless, the English Tourism Council analysis at Annex D (page 37) of complaints received, and other anecdotal evidence eg. Individual complaint letters provided to Department for Culture, Media and Sport by London Tourist Board, and the content of the "UK's Worst" programmes broadcast in April about hotels and restaurants, suggest that there are businesses operating that do not meet even the basic minimum legal criteria. The concerns seem mainly to be with sub-standard accommodation in parts of London and some resorts.

In addition, the Food Standards Agency's second annual Consumer Attitudes to Food Survey, published on 11 February 2002, revealed that 12% of people interviewed had experienced food poisoning in the past 12 months as a result of food eaten in the UK, and that 71% of those people believed that their illness had been caused by food eaten outside the home. The Food Standards Agency's £20 million food hygiene campaign was launched on 11 February 2002 with the aim to reduce cases of food poisoning in the UK by 20% by 2006.

In summary, while the evidence is largely anecdotal, the perception of businesses operating which fall below legal standards is strong enough to raise questions about why that might be so - particularly when local authorities as a rule have well-developed enforcement practices - and of what can be done to stop this.

Adverse reaction to Fitness for Purpose

During our research, we have encountered many in the tourism sector who are strong advocates of a statutory certification scheme for accommodation providers - such as has existed in Northern Ireland since 1948 and as is being proposed in Wales- as a means to address poor quality.

Fitness for Purpose seeks to ensure that minimum legal requirements are met, thereby providing a firm basis from which quality can be developed using the National Quality Assurance Standards schemes, but it does not directly seek to address quality beyond that. Therefore there are likely to be those who advocate a statutory certification scheme who will say that it does not go far enough.

However, the Government has no plans at present to introduce such a scheme. While statutory certification is not entirely ruled out, the Government wishes first to see what can be done via a voluntary approach to quality grading (fully revised as recently as 1999) and by the full use of the existing regulatory regime to address the poorest quality premises. In this way progress can be made without introducing additional burdens for the majority of well-run businesses. The Better Regulation Task Force and Small Business Service have both advised strongly against the idea of such additional burdens being imposed. In addition, while those in favour of a statutory scheme argue that it is in place in many other Western countries from which inbound tourist will be traveling, the fact is that in most cases no licences have ever been removed once granted eg. In Northern Ireland and Belgium. In addition, potentially there would be a large cost involved in setting up and running such a scheme, and it is not practical to include quality matters in statute.

Some suggested reasons why businesses are not currently complying with regulation

There are many reasons why businesses do not comply and the list below is not exhaustive. However, suggestions about why some businesses are not complying which have emerged from our consultation include:

- Insufficient resources to carry out effective enforcement activity: It may be that there are not enough environmental health officers employed by local authorities in areas with high density of tourism premises. Some local authorities may find it difficult to attract Environmental Health Officer staff.
- Areas with tourist accommodation infrastructure which is inadequate: Problems in accommodation standards, although not necessarily legal compliance problems, can relate for instance both to eg. 19th century buildings which are costly to adapt for modern needs, and to late 20th century buildings (which may have been part of modern exploitative developments which were never built with a great concern for the need to be Fit for Purpose) which often have budget and returns as a prime motivator for renovation. In these areas, improvement may be limited by the structure of buildings (for example, very small bedrooms) and the high cost of upgrades and maintenance. However, we are not including here old traditional buildings that provide a “heritage” based experience.
- Business Ignorance: businesses may not understand what they have to do to comply fully with regulation and to be Fit for Purpose. This may be because the local authority do not know they exist and therefore do not communicate with them or inspect them.
- Part-time operators: for instance, businesses that may only open at weekends in busy seaside resorts.
- Business apathy: some businesses may not want to comply and may have no regard for the customer’s welfare.

DISCUSSION OF POLICY AIMS AND RECOMMENDATIONS

Policy Aims: Make Compliance Easier For All And Give Non-Compliant Business More Help To Improve

Guidance And Education

If businesses are to be expected to adhere to regulatory requirements, then they need access to clear guidance on how to do so. It is acknowledged that the amount of regulation and guidance about them may be confusing for business. This may be a cause of problems in targeting the correct information, which may mean that some business are not getting enough information. The group of London officers assembled by London Tourist Board that we consulted agreed that businesses, especially micro and small establishments, may not understand what they have to do to comply fully with regulation. They suggested that the feasibility of “one stop shops” be explored to provide clear advice and guidance on what operators are required to do by law and how they go about it.

We are aware that trade associations such as the British Hospitality Association and the Restaurant Association provide regulatory guidance for their members, and that some consultants make a living out of advising businesses on this. There will continue to be a role for those bodies in educating business, since we have been told that different businesses trust different routes of information. However, in the first instance it is Government’s job to provide basic accessible guidance on the regulations they introduce for those who do not wish to pay for a specialist service.

Written guidance: The Better Regulation Task Force have suggested that while some good written regulatory guidance had been prepared eg. by the Health And Safety Executive, there was too much of it and it was not all in one place which was unhelpful and confusing.

The Pink Booklet for accommodation providers, which seeks to pull together all the main regulations affecting hotels, was published by the English Tourism Council in June 2000. We understand that the Pink Booklet has been well-received by accommodation providers. The English Tourism Council are due to undertake an update of the Pink Booklet in 2003 (although the role of the English Tourism Council is currently under review). The Local Authorities Coordinators of Regulatory Services suggest that the Pink Booklet could prove a useful tool in implementing Fitness for Purpose, and that guidance notes produced by themselves and the Local Government Association could be used to supplement it. However, it has also been put to us that at present the Pink Booklet may not have as much impact as it should if it has penetration rates limited largely to those businesses that have been inspected under the National Quality Assurance Standards scheme.

Educational role of local authority enforcement officers: It has been put to us that within the statutory framework for their work, enforcement officers in different local authorities will take a different approach take to their role in the education of business. The indication is that many local authorities take a proactive role in this, while others, perhaps because of resource constraints, may play a lesser role.

Local Business Links and Local Business Partnerships: There are currently 45 Local Business Link franchises which provide a consultancy role to business, supporting them through their lifecycle. Local Business Links work with, among others, Regional Development Agencies, Learning and Skills Councils, and Local Chambers of Commerce. The Small Business Service oversee Local Business Links and some of them have specialist components. Bolton Local Business Link, for instance, have

established a Tourism Business Forum, with business to business communication principally through dedicated pages on the Bolton Tourism website.

The Small Business Service encourage Local Business Partnerships between local authorities and local businesses to help the latter comply with regulation. Eg. The Richmond in Business Partnership has recently been launched, focusing on food and restaurant businesses. Local Business Partnerships are funded partly by local authorities and partly by the Small Business Service, and can facilitate larger businesses buddying smaller businesses with which they are not in direct competition to further the economy of a region. A Local Business Partnership newsletter goes out to all partnerships and members. The Small Business Service also aim in future to use a website as a discussion forum and to arrange quarterly meetings with Local Business Partnership coordinators. There is an annual Local Business Partnership conference. The Small Business Service will be undertaking a promotion programme to 150 local authorities not currently engaged in Local Business Partnerships.

Currently Local Business Links and Local Business Partnerships have low penetration rates of around 5%. However, the Small Business Service have set targets to increase that.

Guidance And Education: Findings and Recommendations

It seems to us that someone must now address the lack of clear guidance about the minimum standards which must be met by any business trading as a hotel with food service. We have carefully considered who is best placed to do it and conclude that the most practical way forward is for a group of those directly involved in enforcement of the existing law, under the auspices of the Local Government Association, and assisted where necessary by the Department for Culture, Media and Sport and the relevant Government Departments, to prepare a catalogue of Fitness for Purpose minimum standards for distribution by local authorities to all the businesses they inspect. Therefore, in light of all the above, we recommend:

Recommendation 5: (a) we recommend that the Fitness for Purpose Task Force, in consultation with the English Tourism Council quality standards team, and with the support of the consultant, should produce a short catalogue of Fitness for Purpose minimum standards for participating local authorities to distribute to all businesses that they inspect. This will set out clearly the minimum standards across the board that must be complied with by hotels and the restaurants within them to be designated Fit for Purpose (these will constitute the current minimum regulatory standards). We recommend that the Task Force should include in the standards catalogue what else can and should be done by businesses by way of best practice to get them on the ladder for accreditation under the National Quality Assurance Standards operated by the English Tourism Council, AA and RAC (this might make use of work already begun by the English Tourism Council on best practice). It is likely to involve in the initial stages the pulling together into one place of any simplified written guidance on legislative requirements and best practice for customers that has already been produced by individual local authorities and of material linked to the Stepping Stones initiative. We suggest that the catalogue should not duplicate the extensive guidance already available, such as the English Tourism Council's Pink Booklet and Small Business Service literature, but refer businesses on to those documents for detailed advice. *Phase 1*

(b) We recommend that the Small Business Service and the Fitness for Purpose Task Force should jointly consider how to encourage Local Business Links and Local Business Partnerships to use that Fitness for Purpose document to educate and inform tourism businesses about both Fitness for Purpose minimum standards and quality improvement methods beyond. We suggest that mechanisms might include both existing links and special seminars/forums targeted at hotels and guest houses. *Phase 2*

(c) We further recommend that the Fitness for Purpose catalogue should be made available to businesses through each Regional Tourist Board. *Phase 2*

(d) We suggest that the English Tourism Council should require National Quality Assurance Standards assessors, who already offer valuable quality improvement advice during inspections of premises, to offer more advice specific to attaining the next National Quality Assurance Standards rating. *Phase 1*

Recommendation 6: (a) We recommend that the Pink Booklet update planned for 2003 should go ahead, and that it should be updated thereafter every two years. We suggest that the update should take account of the introduction of Fitness for Purpose to reinforce the scheme with those businesses who use the Booklet.

Phase 2

(b) We recommend that the groups currently reviewing the role of the English Tourism Council should consider who will take on this work if the English Tourism Council's role changes. *Phase 1*

Recommendation 7: We recommend that the Local Government Association and the Local Authority Coordinators for Regulatory Services should encourage the educational role played by most local authority inspectors and promote it to all local authorities as best practice. We suggest that the Task Force should consider the cost/benefits of wider adoption by local authorities of the existing practice of setting up a unit to provide consultancy advice to businesses on regulatory compliance (which could have a specialist tourism component). We recommend that through this unit, non-compliant businesses are identified, with the assistance of the Tourism Officer, and targeted for educational support. eg. an educational visit from the designated adviser (see recommendation 10(d)) might be triggered by issue of an improvement notice.

Phase 1

Recommendation 8: We recommend that the Small Business Service should place Fitness for Purpose within the context of the Enforcement Concordat to reinforce the practices many local authorities are already adopting (e.g. of providing inspected businesses with clear differentiation between best practice and legal requirements). *Phase 1*

Recommendation 9: we recommend that regional branches of the British Hospitality Association should lead quality improvement groups that will use the Fitness for Purpose standards catalogue (see recommendation 5) to educate and inform local businesses on the minimum standards and on methods for quality improvement. We suggest that this might be best placed in the context of the work of the Best Practice Forum and by using regional links already established via the British Hospitality Association's local hotel association members. *Phase 1/2*

Impact

Benefits:

- Under Fitness for Purpose, all businesses should have easy access to clear guidance and advice about the legislation with which they need to comply, and about how to do that. Businesses that have difficulty complying because they do not understand the requirements should receive all the advice and assistance they need, thus providing every opportunity for them to comply. Effectively, businesses should be clear about what they have to do to be "Fit for Purpose" and the new Fitness for Purpose catalogue should encourage them to think in a holistic way about the standards of all aspects of their business, and to think about how they can improve quality beyond the minimum requirements..
- An updated Pink Booklet will ensure that hotel businesses can have access to a document that sets out all basic relevant legislative requirements in one place without the need for additional research and/or consultancy fees.
- Under Fitness for Purpose, failing businesses will be specifically targeted for educational help and support.

Costs:

- Changes to responsibilities and structures within local authorities may involve costs that cannot be offset elsewhere. For example, the setting up of a Regulation Advice Unit at Kirklees and a scheme devised in Lewisham to target Bed and Breakfast premises involved the cost of employing staff to act as advisers to business. We suggest that these costs, and any possibilities for offsetting them, should be worked out in more detail by the Fitness for Purpose Task Force. No funds have as yet been identified to meet these costs.
- The current Pink Booklet cost £21,640 to produce. 20,000 copies were produced and the unit cost was therefore £1.08. Appropriate funds will be needed to produce an update and they will need to take account of the hope for an increased circulation under Fitness for Purpose.
- There would be costs associated with design, production, printing and distribution of the Fitness for Purpose catalogue which could be worked out precisely by the Fitness for Purpose task force during phase 1 of the project, based on the number of businesses it is intended to target. No funds have as yet been identified to meet this cost.

Joined Up And Flexible Approach To Inspection

Currently the key enforcement and inspection regimes on which Fitness for Purpose is concentrating, that is, fire, food and health and safety, are usually carried out by different officers. Officers of the local fire authority carry out enforcement of fire regulation, and environmental health officers at the local authority carry out enforcement for food and health and safety matters although these latter two will often be done by different officers. More detail is set out about the current enforcement context at annex E (page 39).

The National Council of Hotel Associations argue that dealing with one enforcement officer who can answer all questions would be preferable to business. We have heard the argument that micro businesses in particular might appreciate a more “joined-up” approach to enforcement as this should cut down the amount of time they need to spend with inspectors. However, Better Regulation Task Force findings were that small businesses such as Bed and Breakfast accommodation, might not appreciate a joined-up approach to inspection if that led to the amount of information they were given in one visit being too much to absorb comfortably. The British Hospitality Association agree that this may be the case for the smallest operators.

In addition, we have been told that generally larger businesses are more capable of dealing with a range of people and may offer a larger range of facilities that need to be inspected, and so will value the specialist expertise that individual inspectors can bring.

Environmental health officers have told us that their training makes them technically competent to inspect on both food and health and safety matters. We also understand that some local authorities have found it sensible to allocate a single inspector for small businesses and have suggested that this is a practice that Fitness for Purpose could facilitate. The Local Authorities Coordinators of Regulatory Services have told us that certain types of combined inspections are already conducted by some local authorities, for example, food hygiene and health and safety where possible. However they advise that it must be considered that extensive technical expertise would be required to carry out **all** elements of an inspection, and that significant alterations would have to be made to primary legislation to allow that to happen. They suggest that coordinated visits from enforcing officers could be explored, although they also echo the point that under certain circumstances that may result in too much information being relayed to a business at one time.

In the light of these comments, the Fitness for Purpose working group sought further views on the question of whether one inspector performing all basic food, environmental health and fire inspections in one visit is feasible and desirable. The Office for the Deputy Prime Minister told us that they had difficulty seeing how that would work. They did not see it as reasonable to expect an environmental health officer to deal with fire issues in the same expert way, and with the same level of expertise as a fire safety officer, although they recognised the expertise of environmental health officers. They told us that as things stand, the law dictates that fire inspections must be undertaken by fire officers. However, within the proposed fire safety law reform (see annex E page 42), they are considering the issue of how far a Fire Authority may authorise others to act on their behalf in future.

Advice from Environmental Health Officers on the Local Government Association group is that they feel that a more coordinated approach to inspection would be a better approach under Fitness for Purpose for making compliance easier than setting up a system of single inspections. The group of London consultees assembled by London Tourist Board agreed that rather than having a single inspector, a better way forward in their view would be enhanced co-operation and co-ordination of visits, where practicable and appropriate.

The results of a survey of Cumbrian tourism businesses' views on whether they would welcome joined-up or separate inspections are given at annex D (page 38).

On the subject of coordination within the local authority under Fitness for Purpose, the Local Authorities Coordinators of Regulatory Services argued that there must be clarification as to which section within a local authority would determine whether a premise is Fit For Purpose. That is, would it be an enforcing officers, and if so which, or would it be a Tourism Officers? They suggested that Fitness For Purpose could be administered as a Tourism Industry Standard, so that an officer involved from the tourism side could gather together and assess information from the enforcing officers. In that case, they said that care must be taken that there were no breaches of confidentiality with regard to confidential business information.

Joined up and flexible approach to inspection: findings and recommendations

In the context of all the above, we felt that there was enough evidence to suggest that a more joined-up approach to enforcement inspection was likely to be the key to a better enforcement regime. Such a regime might deliver benefits for business by helping them to comply with regulation and by reducing its burden. It seemed to us that the concept of one inspector performing all inspections was problematic and it was less clear whether this would cause as many problems as it solved for business. Currently it is precluded by primary legislation and opinion is divided about whether it is the right approach. Therefore we make the following recommendations:

Recommendation 10: (a) We recommend that Fitness for Purpose should enable local authorities to adjust their enforcement regimes to achieve better co-ordination between different inspectors. Some recommendations for how this could be achieved are indicated below, and these should form the basis for the Task Force's formation of models in Phase 1 and pilots in Phase 2. *Phase 1: Exploration; Phase 2 implementation.*

(b) we feel that the case is not yet proved for the benefits of one inspector performing every inspection on a premises in a single visit. Therefore we suggest that steps towards one single inspection should be incremental and that the benefits of a more coordinated approach should first be assessed before this further step is reexamined. In the meantime, we recommend that the Department for Culture Media and Sport explore the possibility of the delegation of fire officers' powers to local authority inspectors during the current phase of consultation on the Fire Regulatory Reform Order. *Phase 3*

(c) However, we suggest that local authorities who have not already done so should look at whether food and environmental health inspections can be combined now to achieve cost savings and better joined up enforcement. *Phase 2*

(d) We feel that in order to achieve the aims of Fitness for Purpose, better communication and co-ordination is essential between enforcement and tourism officers within local authorities, to create a more joined up team who share information about tourism businesses. Therefore we recommend that local authorities should organise Environmental Health Officer teams so that one designated adviser has responsibility for coordinating all inspections for a single premises, including those for fire, to ensure (i) a holistic approach to its overall Fitness for Purpose (ii) that the business is not inundated with different inspections in a short time frame (iii) that paperwork and form filling are rationalised and reduced where possible. We suggest that the designated adviser should meet monthly with the Tourism Officer to exchange information about failing businesses and the measures that must be taken to address their failings
Phase 2

(e) we suggest that environmental health officers and Fire Officers should, where it does not already happen, on first inspecting a new business, be alert to the possibility of the business subsequently submitting an application for a licensable activity under the new alcohol and entertainment licensing regime when it is introduced. That may potentially save troubling the business with a further inspection once the licence application is subsequently submitted to the local authority. *Phase 2*

Recommendation 11: we recommend that the Local Government Association and the Local Authorities Coordinators of Regulatory Services should work with local authorities to coordinate “Home authority” principles being applied to larger hotel chains (see example given for Southwark at annex F page 48) who should be offered the option of receiving all advice from the local authority in which they have their headquarters. *Phase 2*

Impact

Benefits:

- Local authority tourism and enforcement teams should build up a greater knowledge of local tourism businesses and be able to use that knowledge to target their resources at those that are non-complaint.
- Business should suffer less disruption by a better coordinated approach to their inspection.
- Joined-up inspection should lead to greater trust and dialogue being built up between individual local businesses and local authorities.
- The administrative burden and the amount of red tape for small business should be reduced.
- The joined-up approach would sit well with the Government’s Modernising Government agenda.
- Businesses will benefit from having their Fitness for Purpose judged in a holistic way rather than by a piecemeal approach which may concentrate on one area in isolation.

Costs:

- Changes to responsibilities and structures within local authorities may involve costs that cannot be offset elsewhere.
- However, cost savings may be made if local authorities streamline inspection visits and make less (although potentially longer) visits to each premises. Additional costs might also be offset by adoption of self assessment such as in the Arun District Council self assessment model (see annex E page 46 and further discussion at recommendation 12 below).

Policy Aim: Taking a “lighter touch” to enforcement for compliant businesses

Discussion

We feel that recommendations 10 and 11 above should not only make compliance easier for all, but should reduce the administrative burden, in particular for compliant businesses, and reduce the amount of red tape. However, we wished to explore whether more could be done to target enforcement resource at the worst premises and thereby at the same time taking a “lighter touch” to compliant businesses.

Operation of the current risk assessment system: we have discovered that a risk-based approach to enforcement is already taken by local authorities, in accordance with Food Standards Agency and Health and Safety Executive guidance/codes of practice. (A more detailed account of the current enforcement regime and risk assessment system in operation is given at annex E page 39). Indeed, the Health and Safety Executive told us that in their view the Fitness for Purpose objectives of taking a lighter touch to well-run businesses and a more robust approach to the bad ones, was already in place in practice.

The Local Authorities Coordinators of Regulatory Services have also told us that local authority enforcement activity should already be commensurate with the risks and hazards posed by a breach of legislation. That is in accordance with the Enforcement Concordat (see annex E page 44), which the vast majority of local authorities have signed up to, as well as the various codes of practice and guidance on enforcement. Inspections are already carried out on a risk assessed basis for food hygiene and health and safety, that is, the ‘better’ the premises are, the less frequently inspections are carried out. (We understand that in 2003, the effectiveness of the Enforcement Concordat will be assessed by the Audit Commission under their “best value” indicators.)

We also learned of further “lighter touch” practices that were already being considered. In the new draft food Code of Practice inspection rating scheme, currently under consideration at the Food Standards Agency, bed and breakfast accommodation need not be included in a planned inspection programme if it does not offer lunch or dinner, although they must be subject to an alternative enforcement strategy not less than once in any 36 month period.

Self-assessment for compliant businesses: We have also been told of a “lighter touch” approach being operated by Arun District Council. They operate a “3CA” system for enforcing health and safety compliance for local businesses – Commercial, Compliance, Consultancy, Audits (see more detailed case study at annex F page 46). It is based on supporting local businesses to undertake self-assessment of risk, leading to a process of “self-regulation”. Under the system, the local authority provide advice and assistance and undertake audits to ensure that self-assessments are correct, rather than policing risk.

Arun District Council have told us that they have found that the risk ratings of businesses participating in the scheme have decreased, enabling resources to be targeted at higher risk premises and those not participating in 3CA. Southwark also operate a similar scheme (see annex F page 48) and we have been told that the Chartered Institute of Environmental Health strongly supports the concept of business self-assessment. Fire regulation enforcement is also moving towards self assessment as set out in the Fire Regulatory Reform Order – see annex E page 42. Under the proposals for reform, a hotelier would not have to apply for a fire certificate, but prepare one risk assessment covering the

safety of all occupants. There would not be separate fire safety requirements under licensing law. There would be one fire safety regime and one enforcing authority - the fire authority.

However, the group of London officers whom we consulted that were convened by London Tourist Board argued that there was a danger that self assessment would dilute the whole ethos of Fitness for Purpose as it undermined an independent assurance that all properties were “Fit for Purpose”.

Taking a lighter touch to enforcement for compliant businesses: Findings and Recommendations

We feel that taking the existing risk based approach to enforcement a step further where possible will provide benefits for enforcers and for business. We do not feel that self-assessment will undermine the concept of Fitness for Purpose if a business has had to “prove” it is fit before a lighter approach is taken. The concept of self-assessment does not mean that a business will never receive another inspection from an inspector. We therefore make the following recommendation:

Recommendation 12: we recommend that the Task Force should define a model for, and calculate the savings to be made by, wider adoption by local authorities of self assessment by compliant businesses. This should be further developed as part of Fitness for Purpose in the pilot phase. *Phase 2*

Impact

Benefits:

- scarce local authority resources can be diverted from compliant businesses and concentrated on the worst premises. (NB: The Fitness for Purpose Task Force will need to address the question of what constitutes a compliant business; that is, how many inspections are needed over how long a period before a business that has demonstrated that it is maintaining compliance can be deemed to have deserved a “lighter touch” under new enforcement regimes.)
- Red tape and administrative burden should be reduced for complaint premises. (The British Hospitality Association have confirmed that they feel that the self assessment approach should lessen the burden on business rather than increase it).

Costs:

- Self-assessment should bring cost savings which may be used to offset additional costs necessitated by other aspects of the Fitness for Purpose approach. Certainly the cost savings should allow the diversion of staff resources from compliant to non-compliant businesses.

Policy aim: to take a more robust approach to badly run businesses

Discussion

Promotion, marketing and branding of local tourism businesses: It has been suggested to us that withdrawal of promotion from badly run business might be one way of taking a more robust approach to them, and to encouraging their improvement in quality. In Fitness for Purpose terms, a badly run business is one that is not complying with minimum legal and other requirements. However, the aim of Fitness for Purpose is to provide a strong minimum legal standards base from which to drive up quality, and therefore it obviously dovetails with the National Quality Assurance Standards schemes (see annex G page 50).

We understand that over 200 local authorities already operate an “inspected only” approach to promotion of local tourism businesses. That means that they will only promote those businesses who are accredited under the National Quality Assurance Standards schemes. London Tourist Board argue that that approach cannot be used in London as many hotels are branded and therefore do not feel it necessary to opt-in to the National Quality Assurance Standards system. However, we have been told that other destinations have branded accommodation, and yet do this. For instance, we understand that Chester City Council may adopt a line proposed by Windsor and Maidenhead at the Best Value Historic Cities Forum for inclusion in their promotion brochure viz:

“In our quality assured only schemes, we will recognise nationally branded accommodation that offers a consistency of quality understood by the customer due to brand advertising and in-house quality checks”.

The English Tourism Council are also exploring the viability of a “brand quality marque” - an accreditation scheme aimed at assessing the quality control procedures and performance awards of branded accommodation and awarding a marque for those coming up to scratch. If considered a feasible way forward by the English Tourism Council and the industry, and if endorsed by Government, that could mean that branded accommodation would be seen as meeting customer quality expectations in a manner equivalent to accommodation assessed under the current National Quality Assurance Standards.

However, we understand that the “inspected only” approach has limitations in terms of marketing and lack of accommodation supply. It has been put to us that while in many local authority areas, the local authority provides a local, sub regional and/or national marketing route, this is only essential for businesses in, for instance, rural areas or less popular destinations. We have been told that in some local authorities, it is not deemed possible to remove non-National Quality Assurance Standards premises from promotional literature because there is a known shortage of accommodation and therefore a reluctance to exclude that which has not been inspected from literature. The advertising revenue from such business may pay for, or at least subsidise, the promotional literature for the destination, which the local authority might not be able to afford to produce otherwise. We also understand that the approach may not work in those circumstances where premises have a route to market other than via local authority promotional literature, for example, via the Internet or promotion by ferry companies. Indeed, it is in London and certain resorts, where most problems that Fitness for Purpose is intended to address are thought to exist, that multiple routes to market are offered.

The British Tourist Authority policy since February 2001 has been to promote any accommodation establishment providing that it meets national tourism body minimum standards in the country in which the property is situated. However, that does not mean that a property has to be inspected by a

national tourism body, which creates problems in implementation because of a need to decide how to determine whether an establishment does meet minimum standards. They will also promote establishments that belong to reputable marketing consortia and individual establishments that they know are good.

Closure of premises: An original aim of Fitness for Purpose was to see what could be done within a more robust approach to badly run business, to close down those that consistently failed to comply with necessary legislation. However, the Local Government Association, based on advice from their group, argue that local authority enforcement officers already have enough powers to close down premises where that is warranted, that is when there is a severe danger to health. (Examples of serious danger to health which might currently warrant closure include infestation by rats, very poor structural condition, and poor equipment including serious accumulations of refuse, serious drainage defects or premises which seriously contravene the Food Hygiene Regulations.) The Local Government Association say that the expertise and judgment of local authority officers should continue to be trusted in deciding when closure should happen. Therefore in their view there is no need for additional legislation to increase environmental health officers powers.

The Local Authorities Coordinators of Regulatory Services also argue that it should only be expected that enforcers will require closure of a premises in serious situations. Rather than just requiring bad business to close, they would prefer that enforcement action is taken to ensure improvement or change that might result in a business closing (possibly voluntarily). The group of London officers assembled by London Tourist Board also supported the view that closure should be a last resort.

Taking a more robust approach to badly run businesses: Findings and Recommendations

We accept that an “inspected only” approach may not work or be appropriate in every area, but we feel that the approach has merit, not least in the light of the number of local authorities that have already adopted it. We also accept that permanent closure of businesses that consistently fail to adhere to the minimum requirements but that are not a serious risk to public health may be inconsistent with the ethos of better regulation. In light of the above, we make the following recommendations:

Recommendation 13: We recommend that all local authorities who have not done so already should consider with Regional Tourist Boards whether the local market can sustain the promotion of only National Quality Assurance Standards inspected accommodation, plus certain branded accommodation to be decided at their discretion. (We suggest that the branded accommodation might ultimately be defined as accommodation carrying English Tourism Council’s brand quality marque if that is developed). *Phase 1*

Recommendation 14: We recommend that the designated adviser in the local authority should follow up enforcement activities involving tourism businesses to ensure that improvement is continuous and meets the Fitness for Purpose standards, and that the Task Force should calculate the additional costs of this approach. *Phase 2*

Recommendation 15: We recommend that local authorities do not need additional powers to close businesses for continual non-compliance on grounds lesser than a severe threat to public health. Local authorities believe they have enough powers already to close businesses and do not wish additional powers to close businesses on lesser grounds.

Recommendation 16: We recommend that local authority Tourism Officers and Regional Tourist Boards should work together to compile lists of all accommodation businesses advertising in their areas via all known advertising routes. (eg. By searching for hotels in their area on the Internet; by asking ferry companies to provide a list of the businesses that they promote). We suggest that those lists should be compared with the lists of businesses already known to the local authority, and where

legislation requires it, that the local authority should take swift action to inspect those businesses of which they had not previously been aware. We suggest that the Task Force should calculate any likely cost implications of this approach. *Phase 2*

Impact:

Benefits:

- Routes to market for businesses that are not National Quality Assurance Standards accredited, nor otherwise deemed to be “quality” establishments, may be limited, which may persuade them to join the scheme or increase their quality.
- Areas for improvement identified by local authorities will be rigorously pursued with a view to improvement rather than closure.
- Lists of tourism businesses held by local authorities should be more comprehensive and those that were previously unknown can be targeted for inspection.

Costs:

- there may be some additional cost if the process of identifying previously unknown businesses is time consuming and cannot be easily absorbed.
- there may be some additional cost if the identification of previously unknown businesses leads to an increased number of inspections.
- Whether either set of additional costs may be offset by savings made by adopting self-assessment for well-run businesses (see recommendation 12 above) should be estimated by the Fitness for Purpose Task Force and tested during piloting.

Policy aim: to give customers a firm assurance that the hotels and restaurants they use will be of a basic minimum standard

Discussion

One way to ensure that customers are not led to poorly run businesses may be to operate an inspected-only policy (see page 28 above). However, there are other issues to be considered:

Branding Fitness for Purpose: A number of local authorities operate non-statutory awards for businesses as part of their promotional/educational work. The Royal Borough of Windsor and Maidenhead, for instance, has been running a successful Food Safety Award for 27 years which encourages and rewards local businesses that improve their hygiene and safety. In principle, Fitness for Purpose could encompass a national “brand” applied to local awards schemes for good and improving hotels, possibly at the higher end of the scale linked to a lighter touch inspection. We understand that Tendring District Council have charged an application fee for such an award, but that there is now quite a low take-up rate.

However, we have been told that there is strong feeling by local authority officers consulted by the Local Government Association that Fitness for Purpose should not be used in any form of branding to the public as they feel that it suggests adequacy rather than quality. Potentially that would undermine the National Quality Assurance Standards. While a Fitness for Purpose “badge” would give customers the basic assurance that is its aim, it would also be confusing when set against the existing quality scheme badges and might give hotel proprietors a lower Government endorsed standard to aim for. It has been put to us that Fitness for Purpose should not be communicated to business in such a way as to be seen as a Government-endorsed excuse to opt-out of the National Quality Assurance Standards scheme for hotels, which would be self-defeating and lead to a reduction in the overall quality of the English product to a standard lower than that for other destinations.

The Local Government Association suggest that Fitness for Purpose could be developed as a “brand” aimed at local authorities. They suggest that Fitness for Purpose branding could be placed on tourism business awards schemes, written guidance to tourism businesses and specialist tourism business partnerships. However, the Local Government Association also argue that it should not be included in promotional material aimed at the consumer.

The National Council of Hotel Associations argue too that the customer already thinks that any business operating and taking money is “Fit for Purpose”. They suggest, therefore, that we must be very careful under Fitness for Purpose not to send out the wrong messages.

Houses of Multiple Occupation: are defined as hotels, bed and breakfast accommodation and self-catering flats that are in business primarily to house the homeless, asylum seekers or students. They may meet legal and other minimum standards, but they are not generally suitable for tourist accommodation. Annex E (page 44) sets out the rules governing Houses of Multiple Occupation.

Some House of Multiple Occupation proprietors may “top up” business by letting to tourists and we understand that there is currently nothing to stop them from doing so. We understand that that practice

is especially prevalent in London, although it will also happen elsewhere. The customer may therefore have a difficult time differentiating between what is a tourist hotel and what is a House of Multiple Occupation when making a booking. The National Council of Hotel Associations have suggested to us that Houses of Multiple Occupation should not be allowed to use the term “hotel” in their literature or advertising, as that may lead to the customer unwittingly choosing accommodation in which they would not wish to stay.

The group of London officers assembled by London Tourist Board also believe that this “mixed” use will lessen the visitor experience for the tourist. They felt that Fitness for Purpose had potential to exacerbate the situation by driving more operators underground, thereby increasing the amount of unknown stock that gained tourism-related business through the internet, ferry operators and passing trade.

It has been further put to us that the problem is not one of premises switching between tourism and House of Multiple Occupation use, but one of the two uses being mixed. The Office of the Deputy Prime Minister have suggested that this may be an enforcement problem, rather than a legislative one, although it might be possible to legislate so that accommodation providers registered and de-registered as Houses of Multiple Occupation with local authorities at different times of the year depending on the different type of clientele in residence.

Complaints handling: When customers have bad experiences, they should complain directly to the local authority environmental health or trading standards department where the incident took place. Local authorities are obliged to respond to complaints from the public about food hygiene and hotel standards. The Local Government Association argue that the public are the “eyes and ears” of environmental health officers who act on complaints to safeguard the public. Also, the consumer complaints website www.consumercomplaints.org.uk directs consumers to their local trading standards authority and ensures that the complainant provides sufficient information on trading standards related complaints. The National Council of Hotel Associations have suggested that it can be very difficult to track complaints and that there are too many layers of bureaucracy in dealing with them.

Trading Standards investigate complaints about “misrepresentation” by business. For instance, such a complaint might be that a hotel was advertising that it had a swimming pool when it did not. We feel that vigorous action in response to such complaints is one way to lessen the opportunity for customers unwittingly to choose accommodation that does not live up to their expectations.

The National Council of Hotel Associations have also told us that they feel that there are problems with old quality grading badges under the National Quality Assurance Standards scheme. They suggest that Trading Standards may sometimes have been reluctant to work with the Regional Tourist Boards to ensure that old signs from previous quality schemes are removed.

The English Tourism Council have undertaken a brief review of complaint procedures that relate specifically to health and safety issues which are handled by Area Centres who administer the National Quality Assurance Standards (see annex G page 50). They are also currently undertaking an extensive review of the operation of Area Centres to identify the best way of delivering a quality assurance system which meets the needs of visitors, participating businesses, and other key stakeholders.

Exemptions to regulation: There are currently a number of exemptions from regulation in operation (see annex E page 43), which are applied to accommodation providers who offer fewer than a certain number

of beds. The English Tourism Council estimate that currently 70% of the market operates with three beds or fewer. It has been put to us that these exemptions stop the worst premises from ever being inspected.

Giving customers a firmer assurance that the hotels and restaurants within them that they use will be of a basis minimum standard: Findings and Recommendations

We agree that it would be counterproductive to do anything that is likely to undermine the National Quality Assurance Standards scheme, since the aim of Fitness for Purpose is to provide a firm basis upon which they might be used to build quality. It should be the expectation in all areas that the law has been used to ensure that all accommodation is fit for purpose. We conclude that the basic firmer assurance of safety delivered by Fitness for Purpose needs to be communicated to the customer in a general way so as to raise confidence in the English product but so as not to allow confusion with the National Quality Assurance Standards. We also accept that there is a problem in continuing to allow mixed House of Multiple Occupation and tourism use of accommodation. Therefore, we make the following recommendations:

Recommendation 17: We recommend that the Department for Culture, Media and Sport should explore with the Office of the Deputy Prime Minister the possibility of “pure” Houses of Multiple Occupation being removed from the tourism sector by adjusting legislation as part of the review of regulation applying to Houses of Multiple Occupation (see annex E page 44). We suggest that premises should be allowed to switch between House of Multiple Occupation and tourism use to allow them to remain economically viable, but that they should not be allowed to mix use. *Start in Phase 1.*

Recommendation 18: (a) We recommend that under England marketing arrangements currently being drawn up, a strategy is devised for more active promotion to accommodation providers and customers of the National Quality Assurance Standards where that does not already happen. We recommend that specific Fitness for Purpose badges and awards are not developed, as these may cause confusion with National Quality Assurance Standards badges and will send the wrong message to the consumer. *Phase 1/2*

(b) However we suggest that, under the same arrangements, customers should be told generally how to recognise whether a business is Fit for Purpose and the increased levels of quality they can expect from National Quality Assurance Standards accredited accommodation. *Phase 2*

(c) we suggest that, where it does not already happen, Trading Standards should take prompt and rigorous action in response to complaints about accommodation businesses that are (i) offering a product different to that they are advertising or (ii) displaying out of date and conflicting quality grading badges. We suggest that the Task Force should calculate the possible additional costs of making this approach more robust. *Phase 1/2*

Recommendation 19: (a) We recommend that in their tourism accommodation promotional literature local authorities and Regional Tourist Boards should urge customers to complain to the local authority when things go wrong with health, food, fire and trading standards matters. We suggest that the local authority designated adviser for the business should then ensure that the local authority or the appropriate body takes swift and robust action to investigate the problem. We suggest that any possible additional costs arising from this approach should be calculated by the Task Force. We further suggest posting of a message to customers on the Watchdog/“UK’s Worst” programme website about how to complain. *Phase 2*

(b) In order to improve the system in relation to health and safety, food hygiene, fire and trading standards complaints, we recommend that National Quality Assurance Standards Area Centres should not attempt to deal with complaints about National Quality Assurance Standards accredited accommodation that relate to

those issues. They should instead forward them to the appropriate local authority Environmental Health Department within five working days and inform the consumer by letter of that action. (Other quality related issues will continue to be dealt with in the approved manner.) We suggest that the local authority should then ensure that swift action is taken to investigate the problem and a reply sent back to the customer within the timescale set out in the local authority service standards for responding to complaints. The local authority should ensure that the response is copied to the Area Centre so that any effect on the National Quality Assurance Standards accreditation can be measured. *Phase 1*

Recommendation 20: We recommend that the Department for Culture, Media and Sport should move to alter legislation to remove the eight bed/four bedroom exemption from the Tourism (Sleeping Accommodation Price Display) Order 1977 and to place responsibility for action on complaints about non-compliance with Trading Standards. We feel that the increased consumer protection delivered by that will far outweigh the minimal additional burden created for business. We also feel that by this method, local authorities will also have more opportunity to identify previously unknown businesses. *Start in phase 1* The office of the Deputy Prime Minister also advise that under the proposed Fire Regulatory Reform Order, the six bed rule for fire inspection would also be abolished. All self employed persons will be under a duty to assess safety of staff and guests.

Impact:

Benefits:

- The customer will have more information available to them about the standards they can expect and about to whom to complain if things go wrong.
- The customer should gain an assurance that their complaint will be taken seriously and if appropriate, acted on.
- The information gleaned from complaints should allow local authorities to target badly run businesses for education and improvement.
- Removal of the exemption for price display will increase consumer protection and place a minimal additional burden on business (and removal of the six bed rule for fire should also deliver increased consumer protection).
- Customers should not be presented with confused, contradictory and out of date quality grading badges.
- Tourist customers should have less chance of unwittingly taking accommodation in a premises being used as a House of Multiple Occupation.

Cost:

- there may be resource implications for local authorities if the number of properties to be inspected or the number of complaints to be investigated is increased.
- Whether these costs can be offset by savings elsewhere eg. by increased self assessment, should be estimated by the Fitness for Purpose Task Force and tested during piloting.

PEOPLE INVOLVED IN FITNESS FOR PURPOSE AND RESEARCH

Members Of The Tourism Initiative Group Who Recommended The Fitness For Purpose Approach

The paper produced by the Tourism Initiative Group was presented to Government by Alan Britten of the English Tourism Council. Members of the group were:

Bob Cotton	Chief Executive, British Hospitality Association
Sue Garland	Deputy Chief Executive, British Tourist Authority
Ken Gayard	Hoseasons
Nicola Hayward	Seaview Hotel
Paul Hopper	Director General, London Tourist Board
John R Lee	Association of Leading Visitor Attractions (for Chief Executive, Robin Broke)
Dorothy Naylor	Chief Executive, North West Tourist Board
Veronica Palmer	Director General, Confederation of Passenger Transport
Ros Pritchard	Chief Executive, British Holiday and Home Parks Association
Ian Reynolds	Association of British Travel Agents
Paul Sabin	Leeds Castle
Jane Shulver	English Association of Self-Catering Operators
Richard Tobias	Chief Executive, British Incoming Tour Operators Association
Sir Ron Watson	Tourism Executive Chair, Local Government Association

The organisations they had consulted were

- English Tourism Council board members
- English Heritage
- The Country Land and Business Association
- The Countryside Agency
- The Historic Houses Association
- The National Trust

Fitness For Purpose Working Group Members

Simon Broadley	Department for Culture, Media and Sport
Mary Burguieres	Local Government Association
Martin Couchman	British Hospitality Association
Tim Crowhurst	Department for Culture, Media and Sport
Valerie Curtis (Chair)	Department for Culture, Media and Sport
Jane Glastonbury (Secretariat)	Department for Culture, Media and Sport
Dr Jim Howell	Department for Environment, Food and Rural Affairs
Liz Robertson	English Tourism Council
Steve Smith	Small Business Service
Catriona Stewart	Food Standards Agency
Lesley Storer	Office of the Deputy Prime Minister (fire)

Local Government Association “virtual” group members

Public Protection:

Gary Stevenson	Head of Environmental Health, Eastbourne Borough Council
David Lunn	Chief Executive, Royal Borough of Windsor and Maidenhead
Jonathan James	Environmental Health Manager, Royal Borough of Windsor and Maidenhead

Tourism:

Stephen Godsall	Director of Leisure and Tourism, Bournemouth Borough Council
Richard Bifield	Tourism Manager, Telford and Wrekin County Council
Geoffrey Bennette	Director of Leisure Services, Bolton Metropolitan Borough Council

OTHER CONSULTEES OF THE WORKING GROUP MEMBERS INCLUDE:

Health and Safety Executive
National Council of Hotel Associations
Cumbria Tourist Board
Peter Hampson, Director of the British Resorts Association
Tourism Management Institute
Angela Tanner, Principal Environmental Health Officer, Arun District Council
Bob Carpenter, Tourism Officer, London Borough of Camden
John Tiffney, Local Government Association consultant on Public Protection (formerly Head of Environmental Health at Mole Valley District Council)
Sir Ron Watson, Chair of the Local Government Association Tourism Executive
Jenny Morris, Chartered Institute of Environmental Health
Sutton Borough Council
A group brought together by London Tourist Board to give a London view including the Association of London Government, the Chartered Institute of Environmental Health, Local Authorities Coordinators of Regulatory Services, London Borough of Greenwich and the London Fire Authority.

Research Conducted By The Fitness for Purpose Working Group

Other research conducted by the Department for Culture, Media and Sport and the Local Government Association in preparation for this paper includes accompanying environmental health officers from Sutton Borough Council on food hygiene and environmental health inspections; examination of documents such as the Restaurant Association members handbook; Sutton Borough Council's internal enforcement policy literature; the English Tourism Council's Pink Booklet; Food Standards Agency and Health and Safety Executive public information leaflets and/or codes of practice for respectively food hygiene and health and safety inspections; the draft Regulatory Reform Order for fire; among other information made available to us.

INDICATORS OF NEED FOR THE FITNESS FOR PURPOSE APPROACH

English Tourism Council summary of customer complaints received by the ten Regional Tourist Boards between 3 April 2000 and 31 March 2001.

A total of 5,114 complaints were received over a 12 month period. These complaints were divided up into 39 categories. 85.4% of these complaints have been summarised in the categories below. The remaining 14.6% of complaints were divided up between a further 18 different categories.

Health and Safety: 343 complaints fell into the Health and Safety categories. These represent 6.7% of the total complaints.

Cleanliness: 1,245 complaints fell into the cleanliness categories. These represent 25% of the total complaints.

Facilities: These complaints cover the décor and maintenance and the room size. 942 complaints were received. These represent 18.4% of the total complaints.

Service: This category of complaints ranges from assault and sex crimes through to cancellation procedures and lack of staff. 1,205 complaints were received. These represent 23.4% of the total complaints. Of these the largest proportion related to the attitude of the staff/management (12.1%), followed by food/drink service (5.0%)

Misrepresentation: 330 complaints fell into this category, which represented 6.5% of the total complaints.

Food: 275 complaints were received about food. These represent 5.4% of the total complaints.

It is therefore clear that the most significant proportion of complaints in the period related to quality issues. While only 6.7% relate to health and safety issues, that should not in anyway underpin the importance of those complaints as many of them were potentially life-threatening. In addition, 6.5% fell within the area of misrepresentation which may therefore have fallen within the remit of Trading Standards. Therefore, in all, potentially 13.2% of complaints received by Regional Tourist Boards in the period 3 April 2000 to 31 March 2001 were about matters that Fitness for Purpose is intended to address.

London Tourist Board Analysis of London housing stock and overseas visitor satisfaction

London Tourist Board say that there is no definite figure for the size of London's accommodation stock. Their records suggest that there are at least 1,572 establishments providing a total of 162,073 bed spaces, although they think the true figure is likely to exceed that. Almost all of that stock is in the serviced sector to which Fitness for Purpose is intended to apply. London Tourist Board say that in areas such as Victoria, King's Cross, Paddington and Earl's Court, there are a large number of small, independent, often indefinite quality budget hotels, guesthouses and bed and breakfast providers. 42% of the known

stock is assessed under the National Quality Assurance Standards scheme. London Tourist Board figures from survey of overseas visitors who rated their accommodation as average, poor or extremely poor are as follows:

Year	Value for money	Quality of service	Quality of room
1998	61%	44%	55%
1999	59%	41%	49%
2000	62%	40%	48%
2001	56%	35%	41%

While these figures do not shed light on the amount of housing stock in London on which Fitness for Purpose might have an impact, they do indicate that a significant proportion of overseas visitors do not feel that their experience in London has been any better than average. We do not know specifically if these visitors were put off from returning to England because of their experience, but the figures are an indicator of room for quality improvement.

Cumbria Tourist Board Survey of local businesses about inspection preference

We have heard conflicting opinions as to whether businesses would appreciate all inspections being conducted by one single inspector. Cumbria Tourist Board agreed to survey local businesses to ascertain their view. Of 53 Bed and Breakfast accommodation providers who responded, some 38 (that is, 71.7%) said that they would prefer separate inspections to joined up inspections. Of 79 accommodation providers defined as hotels/guesthouses/inns, some 51 (that is, 64.6%) said that they would prefer separate inspections to joined up inspections. In total, that means that 89 out of 132 business that responded, or 67.4%, said that they would prefer inspections by separate inspectors rather than by one single inspector.

LEGISLATIVE AND ENFORCEMENT CONTEXT

A number of regulatory enforcement and inspection schemes apply to hotels and the restaurants within them, for example building regulation, the three main enforcement regimes involving regular inspection that are relevant to Fitness for Purpose are those for health and safety, food and fire.

Health And Safety

Local authority inspectors enforce health and safety law. Most health and safety concerns relate in the first instance to protecting the workforce of a hotel rather than its customers, although there will be occasions where both are affected). Local authority inspectors have the right to enter any workplace without giving notice, although notice may be given if the inspector thinks it appropriate.

Frequency of inspection is dependent upon the perceived risk. Inspectors may offer guidance to proprietors when inspecting premises. They may serve improvement notices and take action if there is a risk to health and safety which needs to be dealt with immediately. Action taken will depend on the nature of a breach and be based on the principles set out in the Health and Safety Commission's Enforcement Policy Statement. In most cases action is either:

- Informal - where the breach is relatively minor, the inspector will tell the premises owner what they must do to become compliant.
- Improvement notice - where the breach of law is more serious. The notice will set out what needs to be done, why and by when. The time period to improve is at least 21 days to allow appeal to a Magistrates Court. The inspector can take further legal action if the notice is not complied with within the specified time period. Remedial action required by an improvement notice is suspended while an appeal is pending.
- Prohibition notice - where there is risk of serious personal injury, the inspector may serve a prohibition notice prohibiting an activity either immediately, or after a specified time period, until remedial action has been taken. There is a right of appeal to a Magistrates Court.
- Prosecution - the inspector may decide it is also necessary to initiate a prosecution, informed by the principles in the Enforcement Policy Statement. Failing to comply with an improvement or prohibition notice, or a court order, carries a fine of up to £20,000 and/or 6 months' imprisonment (Lower court maximum) or unlimited fine and/or 2 years imprisonment (Higher Court maximum).

Enforcement Of Food Safety And Standards Legislation By Local Authorities

Under the Food Standards Act 1999, the Food Standards Agency have a package of statutory powers to strengthen enforcement of food standards, and to ensure national objectives are delivered. The 1999 gives the Food Standards Agency powers to:

- Set standards of performance in relation to enforcement of food law
- Monitor the performance of enforcement authorities
- Require information from local authorities relating to food law enforcement and inspect any records
- Enter local authority premises, to inspect records and take samples
- Publish information on the performance of enforcement authorities
- Make reports to individual authorities, including guidance on improving performance
- Require enforcement authorities to publish these reports and state what action they propose in response

Local Government role: the 1999 Act gives local authority enforcement officers wide powers to inspect any stage of the production, manufacturing, distribution and retail food chain. Food premises are inspected at a frequency dependent upon risk. Frequency of inspections can vary from once every 6 months to once every 5 years. Enforcement officers also have the power to take samples of food for testing to ensure compliance with food legislation.

Local authorities have a responsibility to investigate any food complaints passed on to them by consumers. Enforcement officers have powers to take action against a food premises which does not comply with food law. This enforcement action can range from issuing warnings and improvement or prohibition notices, to instigating prosecutions. The courts can inflict heavy penalties for non-compliance, including the closure of a business where conditions are particularly bad.

The Local Authority Coordinating Body for Regulatory Services provide one link between local food enforcement and central Government, giving advice and guidance to local authorities as well as advising the Food Standards Agency on food enforcement issues.

Working with local authorities: The way the Food Standards Agency work with local enforcement authorities is set out in the Framework Agreement on Local Authority Enforcement, and an Enforcement Liaison Group has been set up to strengthen links between the Food Standards Agency and local authorities. The Food Standards Agency monitor the enforcement performance of enforcement authorities, and there is an audit scheme in place.

Transparency and effectiveness: The Food Standards Agency wish to see greater transparency about standards in food businesses so that consumers can identify good and bad premises and can make an informed choice at local level, and plan to draw up a central UK register of food business convictions and prohibited persons. The Food Standards Agency have commissioned a Food Law Enforcement Research programme to help meet their priorities of raising standards in food businesses and of protecting consumers through effective and consistent local authority enforcement.

Fire Safety Precautions

In England, the Fire Regulations and the Fire Precautions Act 1971 are the responsibility of the Office of the Deputy Prime Minister and are enforced by the fire authorities.

Fire precautions legislation deals with general fire precautions which include:

- means of detection and giving warning in case of fire;
- the provision of means of escape;
- means of fighting fire;
- the training of staff in fire safety; and
- the removal and reduction of risk.

The Fire Regulations also include a requirement to undertake an assessment of the fire risks.

The Health and Safety at Work etc Act 1974 and regulations made under it cover the provision of process fire precautions which are intended to prevent the outbreak of a fire or minimise the consequences should one occur. Matters falling within the scope of the 1974 Act include the storage of flammable materials, the control of flammable vapours, standards of housekeeping, safe systems of work, the control of sources of ignition and the provision of appropriate training. These precautions are enforced by inspectors from the Health and Safety Executive or the local authority.

Between them, the Fire Regulations and the Management of Health and Safety at Work Regulations 1992 (as amended) require employers to:

- carry out a fire risk assessment of their workplace (they must consider all their employees and all other people who may be affected by a fire in the workplace and they are required to make adequate provision for any disabled people with special needs who use or may be present at their premises);
- identify the significant findings of the risk assessment and the details of anyone who might be especially at risk in case of fire (these must be recorded if more than five people are employed);
- provide and maintain such fire precautions as are necessary to safeguard those who use their workplace; and
- provide information, instruction and training to their employees about the fire precautions in their workplace.

Enforcement Of The Fire Regulations: In most workplaces, the local fire authority enforces the Fire Regulations and the parts of the Management of Health and Safety at Work Regulations 1992 dealing with general precautions for the safety of people in case of fire.

Other requirements for preventing fires occurring and for taking measures to reduce their severity, under the Health and Safety at Work etc Act 1974 and the 1992 Regulations, are enforced by the Health and Safety Executive or the local authority, depending on the activity in the premises.

For workplaces which are subject to the Fire Regulations, if the fire authority considers that any provision of the Regulations has not been complied with in respect of the workplace or the employees who work there, they can serve an enforcement notice requiring the employer to improve their fire precautions. Failure to comply with an enforcement notice is a criminal offence. Employees must be given a reasonable amount of time to comply and can appeal (within 21 days) against the notice to a Magistrates' Court. If an appeal is lodged the notice will be held in abeyance until the courts have heard the appeal and either upheld the notice, cancelled it or amended it.

An employer, or other person, found guilty by a court of either failing to comply with the terms of an enforcement notice, or of placing employees at serious risk by failing to comply with the Fire Regulations, may be sentenced on summary conviction, to a fine not exceeding the statutory maximum; or on indictment, to a fine or up to two years' imprisonment, or both.

An inspector appointed by the Fire Authority can close, or restrict the use of, any hotel, guesthouse etc. anywhere except a private domestic dwelling, if he or she have reason to believe that the property/premises constitute a risk to public safety or to those who are there.

The Fire Regulatory Reform Order: In July 2002, the Office of the Deputy Prime Minister issued a consultation paper setting out in detail the Government's proposals for reforming fire safety legislation in England and Wales. (Responsibility for fire safety is devolved to Scotland and Northern Ireland).

The aim of the reform is to simplify, rationalise and consolidate existing fire legislation. It will provide for a risk based approach to fire safety allowing more efficient, effective enforcement by the fire service.

The key proposals are:

- So far as possible, the reform should create one simple fire safety regime applying to all buildings to which the public might resort
- The regime should be risk assessment-based with responsibility for the fire safety of people in and around premises resting with a defined responsible person
- There should be no separate formal validation mechanism for higher risk premises. Fire authorities would base their inspection programmes on their assessment of the premises they considered to present the highest risk
- There should be a duty to maintain those fire precautions required under Building Regulations which are for the use and protection of the fire brigade
- There will be a new statutory duty on fire authorities to promote community fire safety, for powers of entry for the investigation of fires, and for a power to take away samples for testing.

The proposals will affect employers and virtually all those who are responsible for buildings to which the public may have access. For employers, the proposals should not impose significant additional burdens since they recreate requirements which already exist under the Fire Precautions (Workplace) Regulations 1997, as amended. Some self-employed people will be brought within the regime but many of these will already be subject to licensing requirements or the Health and Safety at Work etc Act 1974. Under that Act they will already be responsible for safety of people on their premises. The proposals merely clarify their specific responsibilities in respect of fire.

The removal of multiple and overlapping fire safety provisions and their replacement with a single fire safety regime will constitute the reduction of a significant burden. The Office of the Deputy Prime Minister will also be removing the burden of the need to apply for fire certificates.

The Office of the Deputy Prime Minister propose to incorporate the fire safety regime into the proposed alcohol and entertainment licensing arrangements, so that licences would no longer contain conditions setting out specific fire safety requirements. Instead there would be a general condition requiring compliance with the new Fire Safety Order. The Fire Safety law would be enforced by the fire authority, but they would be expected, before agreeing the risk assessment, to

take into account other linked risks that may be drawn to their attention by the licensing authority as part of a statutory consultation process. The fire authority would also be required to consult the licensing authority before taking any enforcement action (though, as now, failure to do so would not invalidate the enforcement action).

The Six - Bed-Space Rule And Other Exemptions From Regulation

Currently certain exemptions apply to hotels based on their size. The four main exemptions are:

- The “six-person test” or "six bed-space" rule exempting accommodation businesses with room for six paying guests or fewer from the need to pay non-domestic rates. To qualify, the use of a property to provide visitor accommodation must be *subsidiary* to its use as a private residence.
- Most premises with six or fewer bed-spaces are also not required to take specific precautions against fire or to have a fire certificate under the Fire Precautions Act 1971. This does not apply, however, if guests are housed below the ground floor or above the first floor, and Local Fire Authorities have powers to restrict the use of premises (including closing them if necessary) if they consider there is a serious risk to life. Premises with six beds or less are required to carry out a risk assessment if they employ staff. Self employed persons are required to carry out a risk assessment under the Management of Health and Safety at Work Regulations 1999, of all risks which include fire.

The “six-bed rule” is designed to assist the provision of extra accommodation capacity in popular visitor destinations, such as Cumbria, in peak periods. Only those who offer accommodation as a subsidiary use of their property benefit from the exemptions. The rationale for the rule is that it is designed to avoid placing a disproportionate burden on householders who set aside only part of their houses for bed-and-breakfast use, thus enabling them to provide extra capacity in popular tourist areas during peak periods.

- The three-bedroom exemption from the requirement to register with the local authority as a food business.
- The eight-bed/four bedroom exemption from the requirement to comply with the Tourism (Sleeping Accommodation Price Display) Order 1977.

These exemptions, particularly the one applying to business rates, have prompted complaints over many years from small hoteliers with seven or more bed-spaces on the grounds that they allow smaller accommodation providers an unfair competitive advantage. Critics of the six-bed rule argue that it is widely and routinely abused by operators who either conceal the number of bed-spaces they offer, or flout the “subsidiary use” test. Complaints tend to come mainly from larger seaside resorts and areas such as the Lake District where concentrations of small hotels exist side-by-side with operators offering B&B accommodation in their private homes. However, others, including many Regional Tourist Boards, argue that the removal of these exemptions would threaten the existence of much-needed visitor accommodation in many areas where capacity is limited, particularly rural areas.

The Office of the Deputy Prime Minister advice that under the proposed Fire Regulatory Reform Order, the six bed rule would no longer apply and that all premises would need to undertake self assessment.

The eight-bed/four bedroom exemption from the requirement to comply with the Tourism (Sleeping Accommodation Price Display) Order 1977 has been under review following general consultation. There have been calls, in particular by the Tourism Consumer Group, for this exemption to be abolished. The Department for Culture, Media and Sport now suggest that that should happen on the

basis that the increase in consumer protection that such a measure would deliver would significantly outweigh the negligible additional burden that would be placed on business because of it.

The Enforcement Concordat

The Enforcement Concordat was published by the Cabinet Office in March 1998 and became the benchmark for reasonable enforcement practice. It applies to England, Wales and Scotland. Adoption of it is voluntary, but by October 2001 96% of central and local Government enforcement authorities had signed up to it. It sets out the best practice principles of enforcement and its objective is to promote business friendly enforcement of regulations. Its emphasis lies in encouraging enforcement officers to give clear simple advice to business before resorting to formal enforcement. Local authorities have to submit implementation plans to the Local Government Association, although no central scrutiny is done to check on the success in implementing them. They can vary widely in quality and there is no central mechanism for checking compliance with the principles.

In November 2001 a research report commissioned by the Cabinet Office, Small Business Service and the Department for Trade and Industry was prepared on the impact of the enforcement concordat on business in Great Britain by the London School of Economics. That showed that many local authorities believe they are achieving the Concordat commitment to helping business comply with regulations, although some businesses perceived that a minority of local authorities retained a prosecution focused approach. The perception by business was that the regulatory burden had increased over the previous three years and that the Concordat had not reduced the burden. Business felt that their regulatory and compliance costs had been increasing, but the main concern was understood to be with what they had to do to comply with standards rather than with actual enforcement activities.

The report's conclusions emphasised the need for those working at a local level to develop their commitment to the Concordat, encouraging enforcement officers to implement it on the ground, taking into account that the majority of businesses are SMEs and therefore less likely to be equipped to understand and engage with enforcement organisations. The LSE report concluded that Local Business Partnerships were having little effect on contributing to change in the burdens of regulatory enforcement on small business.

Legislation On Houses Of Multiple Occupation

Background: The industry, particularly tourist accommodations providers in certain seaside resorts and popular visitor destinations, have been concerned for some years about the damaging effect of petty crime and anti-social behaviour by residents in Houses of Multiple Occupation, especially of the "DSS hostel" variety.

Current Legislation: The Housing Act 1996 gave local housing authorities strengthened discretionary powers to set up House of Multiple Occupation registration schemes, including powers to enforce higher safety and management standards in Houses of Multiple Occupation. The intention of the legislation was to tackle problems in accommodation used as people's permanent residence, but some local housing authorities appeared to be using the new powers to increase regulation of short-stay tourist accommodation, both serviced and self-catering. The vagueness of the definition of a House of Multiple Occupation in the 1996 Act has contributed to this uncertainty.

In respect of fire, if a House of Multiple Occupation proprietor were to top up business by letting to tourists he may technically be operating as a hotel or boarding house therefore may, subject to any exemptions, come under the certification requirements of the Fire Precautions Act 1971 ie. Were the Fire Authority to be made aware of this, enforcement action would be taken. It is an offence under the 1971 Act to operate as a hotel/boarding house without a valid fire certificate.

Licensing Scheme: The present Government gave a manifesto commitment in 1997 to introduce a mandatory House of Multiple Occupation licensing scheme when Parliamentary time allowed. A consultation paper by the then Department for the Environment, Transport and the Regions (now the Office of the Deputy Prime Minister) in 1999 recognised that if a licensing scheme was to be effective, it would be essential that it made clear which properties required a licence. It was accepted that the existing definition of Houses of Multiple Occupation was too vague for a licensing scheme, and that a more precise alternative was required.

The paper suggested two possible approaches :

- i) the first would be to define specifically each category to be included;
- ii) the second would be to have a wide but precise definition and then specifically exempt the types of property that should be outside the scope of the scheme.

The second approach was favoured with a broad definition and specific exclusions, one of which would be for tourist accommodation. At the time, the consultation paper stated that mandatory licensing would cover bed and breakfast type accommodation, hostels, ex-hotels etc housing those with no other home.

Tourism Definition: Following publication of the consultation paper in 1999, a possible definition of tourist accommodation was drafted by Department for Culture, Media and Sport legal advisers. This stated :

“Tourist accommodations” - premises used wholly or *mainly* to accommodate persons whose main or only residence is elsewhere and who remain at the premises for periods not exceeding 17 days and where those periods do not exceed in the aggregate [] days in any period of 6 months.”□

Although no regulatory route has yet been found to achieve the Houses of Multiple Occupation Registration scheme (a Private Member’s Home Energy Conservation Bill was going to be used as the vehicle but that has fallen through) the Office of the Deputy Prime Minister remain committed to removing bona fide tourist accommodation from House of Multiple Occupation licensing. In light of feedback received during the Fitness for Purpose research phase, the Department for Culture, Media and Sport now consider that the optimum situation may be for the licensing scheme should operate to allow switching between House of Multiple Occupation and tourism use, but so as to prevent a mixture of the two uses at any one time. We will pursue that possibility with the Office of the Deputy Prime Minister.

LOCAL AUTHORITY CASE STUDIES

1. ARUN DISTRICT COUNCIL

Background

Arun has 1.5 environmental health officers covering a total of 3,600 total businesses. There is a Butlins Resort within its boundaries. In 2002 they will be targeting larger hotels for inspection.

The "3CA" system

Arun's 3CA system of regulation enforcement (Commercial, Compliance and Consultancy Audits) was initiated in 1994 and has been amended and updated several times since. It is currently being revised to make it more user friendly for small business. The 3CA manual is being re-designed so that it includes only the information that small businesses need in order to comply. This is in response to feedback from small business owners who felt overwhelmed by the larger version of the manual which included a lot of background material on legislation.

The 3CA system involves an Environmental Health Officer

- initially visiting a business
- conducting a health and safety audit/inspection of the premises
- providing the owner with a 3CA manual
- giving a quick initial report/assessment which is followed up with a letter
- assisting the owner creating an action plan which prioritises which aspects of health and safety they should begin to address. This is key for smaller businesses that may feel overwhelmed and not know where to start.
- Highlighting points of good practice
- Providing the business with a customer response card for feedback

At Arun, a separate "food team" carries out the same 3CA process for food safety. Arun do not think that the inspections could be joined up as that might lead to the proprietor being too overloaded with information on one day.

Arun's biggest problem is lack of staff. Therefore, the underlying rationale for 3CA is for a system which makes it easier to comply, makes it easier for a lighter touch to be taken to good businesses, and makes it easier for the bad businesses to be readily identified.

Inspections and enforcement

In 2002 Arun have identified larger hotels as their priority for inspection. Because of limited staff numbers, they have to make decisions about on what to concentrate in a given year. Smaller hotels will not be included as they are a lower risk over all. Food safety inspections in Arun are carried out more regularly than health and safety inspections, in line with Food Standards Agency guidelines.

Arun take a strong line on enforcement and have carried out a number of successful prosecutions against businesses for health and safety violations. Examples of two prosecutions against tourist accommodation are a large hotel where a worker on the golf course was injured by equipment, and a caravan site where a child almost drowned. Arun would never prosecute for cleanliness issues (dirty bathrooms, bed linen) as those are considered to be "quality" issues.

Complaints procedure

Arun are piloting a complaints procedure based on a scoring framework, so that they can deal with complaints consistently. The scoring framework allows officers to decide if a complaint falls within their remit and if it is significant enough to warrant investigation.

The framework categories include:

- whether the complaint falls within an area of enforcement
- is there an imminent risk?
- are vulnerable people involved (old, young)?
- have there been other/similar complaints with the premises/proprietor?
- has the business been inspected recently?
- are the premises coming up for a licence?
- what was the premises' previous risk score?
- is there evidence to support the complaint?
- what was the type of injury?

In response to every complaint, Arun will send either a standard letter, or one specific to the complaint, depending on its nature. Where appropriate they will either investigate the specific complaint or do a full risk inspection.

2. LONDON BOROUGH OF SUTTON

Sutton Borough Council have only a small amount of tourist accommodation and already seem to be employing some of the basis principles of Fitness for Purpose in that they are performing some joined-up enforcement work and they taking their role in educating businesses to comply and/or improve very seriously. The Council also appears to be reasonably well resourced in terms of environmental health enforcement.

The primary objectives of the Council's regulatory services are :

- to be a fair and effective regulator
- to provide customer orientated services
- to provide advice, and promote good standards where the regulatory controls are insufficient
- to develop and make the best use of staff, and to make use of other resources
- to work with others and develop effective partnerships in achieving the above.

The Council is a signatory to the Enforcement Concordat. Included in the term "enforcement" are advisory visits and helping with compliance as well as licensing and formal enforcement action. By adopting the Concordat they commit themselves to these polices and procedures which contribute to best value, and they provide information and statistics to show that they are following them.

The aims of their enforcement policy are therefore to :

- provide clear guidance to all enforcing officers
- ensure consistent enforcement that is proportionate to the risks involved
- provide an element of flexibility to recognise officer judgment through not being over prescriptive
- provide equal treatment for all

Sutton believe that prevention is better than cure. This actively involves working with business,

especially small and medium-sized businesses. They encourage businesses to seek advice or information from them. Wherever practical, they effectively co-ordinate enforcement services to minimise unnecessary overlaps and time delays. Any enforcement action should be proportionate to the risks involved. They expect officers to exercise judgment in individual cases and have arrangements in place to promote consistency. These include effective liaison arrangements with other authorities and enforcement bodies, such as the Local Authorities Coordinators of Regulatory Services. Enforcement officers generally have sufficient expertise to provide across-the-board advice and inspection (ie Food and Health & Safety), but tend to concentrate on the known risk area. Inspections are resource intensive and officers tend to keep returning to businesses until they are “clean”. Sutton recognise that many other local authorities may not have adequate resourcing for this approach.

Enforcement

Enforcing Officers exercise discretion in the use of the range of powers. In assessing what enforcement action to take, an officer considers :

- the company or individual’s response to the visit of the officer
- their record of compliance
- the result of inspection or visit and gravity of the offences noted

If evidence is found of legal contraventions, there is a choice of enforcement options:

- **Informal Action** - Sutton will normally use this option where there is no major risk from contraventions and there is reasonable confidence that the business or individual will take the right corrective action. They will minimize the cost of compliance for businesses by ensuring that any action that they take is proportionate to the risks. As far as the law allows, they will take account of the circumstances of the case and the operator’s conduct when considering action. They take particular care to work with small businesses so that they meet their legal duties without unnecessary expense, where practicable.

Sutton try to provide written advice on good practice, industry guidance or technical information where there is a need to help in meeting requirements. They also try to put any advice simply and clearly and confirm in writing when asked or when necessary, explaining why any remedial work has to be done and over what timescale. They distinguish clearly between legal requirements and best practice advice and produce a Newsletter for Businesses on eg. new legal requirements, revisions, best practice etc.

- **Formal Actions** – including use of formal notices; prohibitions; formal cautions; prosecutions; making orders; fixed penalty notices; works in default; seizure and detention; injunctions.

3. LONDON BOROUGH OF SOUTHWARK

Southwark’s Environmental Health Manager feels that good businesses are generally “self-regulating”. Inspections within Southwark are based on risk both for food safety and health and safety at work. High risk establishments are visited more frequently. Southwark have been active in working with Local Business Partnerships and have worked jointly with the Local Business Link giving specific advice to the hospitality sector.

Southwark feel that bigger businesses also tend to be “self-regulating” and less in need of scrutiny. Southwark have worked with Home Authority/Lead Authority Partnership Schemes for food safety, food standards and health and safety at work. This arrangement avoids duplication of work and inconsistency of enforcement where a company may have multiple outlets throughout the country. For

example, the head office of a large chain of supermarkets was based in Southwark until late last year, but has outlets in hundreds of local authority areas. Southwark, as the home authority, have given advice and support to their head office and this has been networked across the supermarket's organisation.

Southwark suggest that this kind of work can also be extended to trade associations either within the borough or across borough boundaries. They suggest that Home Authority/Local Authority Partnerships might lessen the burden on compliant businesses and help others to improve.

Southwark feel that by far the most important issue to address quality is workplace training. Many jobs in the catering and hospitality sector employ unskilled or low-skilled workers. Lack of understanding of English can inhibit training opportunities and short-term staff may have no prior experience of food handling, hygiene, etc. Such issues also have an impact on general Health and Safety risk. Crucially, this is a management issue and managers need to be motivated to ensure that all their staff, particularly those at the lower end of the employment ladder, receive adequate training.

Southwark feel that additional measures to exclude 'rogues' might be to ensure that they excluded from award schemes or participating in area promotions. They feel that peripheral development areas such as those on the edge of established tourist destinations and those that are becoming new visitor destinations might be good areas for fitness for purpose pilots.

NATIONAL QUALITY ASSURANCE STANDARDS FOR ACCOMMODATION AND THE NATIONAL ACCESSIBLE SCHEME

The National Quality Assurance Standards for serviced accommodation was launched in late 1999. The three inspecting bodies in England: the English Tourism Council, AA and RAC, all began to rate accommodation according to identical standards. Independent awards are made by each of the organisations. This gives visitors simple, clear information for the first time and helps eliminate the confusion that previously existed about their different awards

Hotels are awarded from one to five stars, representing progressively higher levels of service, quality and facilities provided. Guest Accommodation, which includes bed and breakfasts, guesthouses, inns and farmhouses, is awarded ratings of one to five diamonds which are based almost entirely on the level of quality provided. Similar National Quality Assurance Standards exist for Self-Catering Accommodation and Caravan Parks, Hostels, Campus Accommodation and Holiday Villages.

In addition to National Quality Assurance Standards, accommodation providers have the opportunity to participate in the National Accessible Scheme under which they may be rated according to their accessibility to disabled users. For serviced and self-catering accommodation this now includes standards for impairment relating to: Mobility (4 levels), Hearing (2 levels) and Visual (2 levels).

STEPPING STONES

The English Tourism Council's "Stepping Stones" initiative is designed to help those accommodation providers that would like to achieve the standards set out in the National Quality Assurance Standards, but who either do not know how to, or if they do, feel that it is too big a step for them to contemplate. Stepping Stones aims to bridge the gap.

Stepping Stones is also a quality initiative aimed at local authorities that may be looking to develop or implement a strategy which addresses the issue of quality and the tourism experience in their area. It outlines an approach for hotels, guest accommodation, self-catering and holiday, camping and touring parks, and boats, among others, eventually to achieve a national star or diamond rating. The National Quality Assurance Standards is the ultimate goal for accommodation in England for it is this standard which consumers recognise and trust.

How Stepping Stones works

Stepping Stones is a practical process which can be implemented over a given time scale (maximum 3 years). It offers a minimum consistent basic set of acceptable local standards for a transitional period of time until the National Quality Assurance Standards is achieved. This stepped process enables the industry at a local level to build upon this minimum standard, raising quality levels to and above the National Quality Assurance Standards minimum. It also builds the information base for tourist boards and local authorities.

Stepping Stones is not an alternative to the National Quality Assurance Standards. It is a structured and planned process of transition. It is designed to ensure that national standards are not compromised, and that some of the barriers that exist to achieving them can be broken down. That ensures that those

establishments who have not quite reached the national standards will be given a realistic short-term goal. It offers help to those operators who do not reach the National Quality Assurance Standards by giving them time to invest in their product and eventually move up to the National Quality Assurance Standards.

The Stepping Stones 'toolkit' provides practical ways in which the ultimate aim of an National Quality Assurance Standards can be achieved even in areas where current participation in National Quality Assurance Standards is low. The stepped approach it offers is tailored to suit the particular circumstances of the local area in question, and methods for how the local authority can implement the initiative are outlined. Regional Tourist Boards also play an important role in advisory capacity, assisting local authorities with their expert knowledge and advice eg. workshops, seminars. The English Tourism Council work closely with the Regional Tourist Boards in order to monitor and evaluate the take-up and development of Stepping Stones and to review it where required. The English Tourism Council also work very closely with local authorities offering advice and guidance about Stepping Stones.