



Professional Association of Self-Caterers UK

COVID NEWSLETTER

25 February 2022 Issue 98

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PASC UK SOCIAL MEDIA

Please follow PASC on Twitter **@PascUK** AND on Facebook **@pascukltd**
This is where the latest news between newsletters gets posted.

WHERE TO FIND PREVIOUS ITEMS COVERED IN PREVIOUS NEWSLETTERS

The 2022 news items are now indexed at the bottom of the 17 December newsletter and can be downloaded from www.pascuk.co.uk

COMMENTARY

We need to start with an apology, we had no power from Saturday morning until Wednesday morning and as a consequence we are still catching up with the backlog. Most of the calls and emails relate to what to do if guests want to cancel/can't get to us and are looking for a refund. The bulk of this is answered in the sections that we have published on this, but if you have any further questions, please send them in and we will answer asap. We have repeated these sections below in the middle of the newsletter.

Restrictions continue to be lifted in all parts of the country. Restriction directly affecting self-catering in a punitive sense are long gone now, and the various English/Scottish/Welsh Governments are tidying the details. Albeit at different paces. Hopefully by the Centenary of the PASC UK Covid Newsletter we will be able to say that apart from maintaining high standards of cleanliness in our properties, the Covid crisis has passed.

The shocking events in Ukraine will have long lasting impacts but first and foremost our thoughts are to all those affected. Just as we emerge from one major crisis, we are now in another.

Energy prices will continue rise as a result of the crisis in Ukraine, some speculate that pump prices will shortly exceed £1.80 per litre. Those that have commercial tariff utility bills and are PASC UK Members should contact the PASC UK Buying Club and see what prices they can fix supplies at going forwards. You can check out how this works by going to watch the recorded webinars on the Buying Club and Energy Bills on the webinars tab on the PASC UK Website.



We are getting really close to making our first staff appointment. Hopefully we will be able to do this in next week's newsletter. This is an important step for us and will enable us to allocate resources to get the PASC UK Members area and system up and running. We have some exciting developments in hand for that.

If you are in Southwest England, please can you take five minutes to fill in the survey below? This really does help us lobby on your behalf. On 22 March the Chancellor will announce his

Spring Forecast Statement, so we will need this solid up to date data in order to continue to lobby for Government support going forwards. Many thanks in advance.

We are still chasing through outstanding subscriptions, so if you get a notification, please let us know if you are intending to renew or not as soon as you can? Thanks.

Many thanks Alistair

URGENT SURVEY FOR SOUTHWEST NEWSLETTER READERS TO CONTRIBUTE TO

We are working with other tourism partners across the Southwest region, in undertaking another business impact survey to collect more hard evidence regarding the impact of Covid-19, what the key issues are and what support businesses need for their future survival and growth. The survey evidence is being gathered across the Southwest and will be shared with Government, local MPs and Councillors to lobby for future sector support.

Examples of where we present this data are at the All-Party Parliamentary Groups that we meet with and have covered in recent newsletters, and PASC UK has also been asked to submit data and a report to the Hospitality APPG on maintaining the VAT rate at 12.5%.

We appreciate your continued support with this. Please click on the link below. Responses are completely confidential, (no individual businesses will be identified in the survey results).

<https://survey.sogosurvey.com/r/unqrTd>

The survey closes midnight Monday 28th February 2022. We want to reach as many businesses as we can across the region, so please feel free to share this link to your colleagues.

NFU ACTION GROUP FOR COVID CLAIMS

Good news for some Members that had NFU Mutual policies during Covid and were refused cover. There is now a collective action group. This does not cover all NFU Mutual policies but definitely worth checking to see if you had the relevant clause in your policy that was in place at the time.

Those members with the relevant NFUM insurance policies who would like to join the Penningtons Manches Cooper action group, should contact the law firm via the web link below as soon as possible. NFUM policies were not included in the FCA challenge; the NFUM wording is narrowly different from the contracts that were judged defective by the Courts, and their customers were left without a judgment that specifically covers their claims.

There is no cost to joining the group and lawyers Penningtons Manches Cooper are acting on a “no win no fee” basis. <http://www.penningtonslaw.com/BI-claims> This means that if the claim is successful the solicitors acting will take their fees from any settlement.

To qualify for the group action policyholders should look out for this specific clause in their policies which was offered to hospitality businesses:

‘Endorsement’ in the Policy Schedule entitled “Hospitality Business Interruption Cover Extension – Income”, which many of you will have in your policies. The endorsement typically includes the following wording:

“Action of Competent Authority - Prevention of Access
WE [i.e. NFU] will pay for loss of INCOME arising from an incident in the

immediate vicinity or within a one mile radius of the PREMISES where access is hindered or prevented by the action of any civil or statutory authority or by order of the government or any public authority for more than 24 consecutive hours.”

Those policyholders with this clause who wish to join the group **should act with some haste as the NFUM is due to respond to the letter before action by 20 March 2022.**

Please contact James Garner, at james@godwickhall.co.uk who is a long-standing PASC UK member and has been leading the group action on behalf of the Wedding Venues Services Group.

SELF-CATERING AGENCY MEMBERS ZOOM MEETING UPDATE

PASC UK Self-Catering Agency Members have been invited via email to a private zoom meeting to discuss the various Government interventions in the sector.

If you have not received an email, with a Doodle poll to fill in for your availability, and wish to take part as an agent, please email chair@pascuk.co.uk

Subjects include:

- The upcoming Statutory Registration Consultation
- The new rules on how many days let owners must meet to comply with the forthcoming Business Rates Rules in England, and how that might be checked and implemented
- The threats of additional taxes and regulation in Wales.
- New Fire Safety Rules coming into effect for self-catering

UPDATE ON CLOSED WELSH GOVERNMENT CONSULTATION.

On Tuesday 22nd February the first of the Consultations into self-catering in Wales closed. Thanks to all those that fed in and downloaded copies of the suggested answers and comments provided by the WTA and PASC UK.

We will now try to work as closely as possible with the Welsh Government to ensure that there are as few unintended consequences as possible.

WALES WORKING GROUP GOING FORWARDS

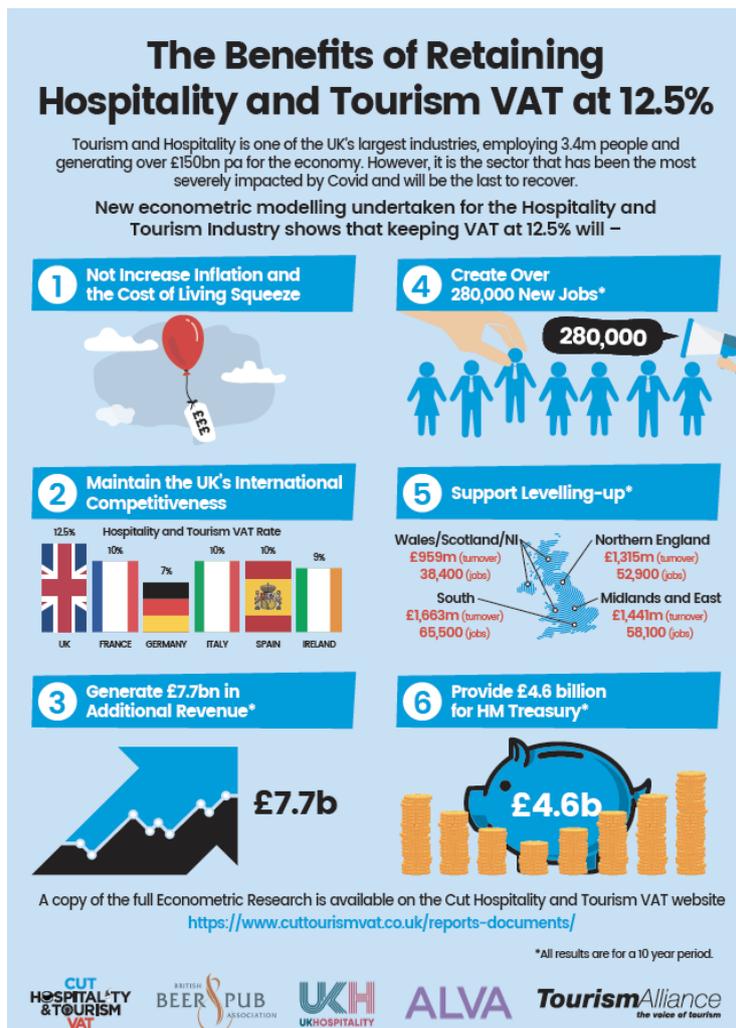
We still have two further consultations live in Wales and the threatened spectre of a Tourism Tax. We will therefore be re-convening with the working group to run through these and will be asking Welsh Members for further input into these consultations.

More on this shortly.

To see the information on these consultations and the Tourism Tax please refer to the 18 February newsletter.

PASC UK CONTRIBUTES EVIDENCE ON VAT TO TOURISM & HOSPITALITY APPG

On Monday night PASC UK (via a zoom link in the car as no signal or power at home) gave evidence in support of retaining the VAT rate at 12.5%. Other associations, business and MPs were present. UKHospitality is the Secretariat for this APPG, and they will be providing the summary notes, which we will make available shortly.



It almost exactly a month until the chancellor will make public any decision on this, so we have a month of intense lobbying at all levels to try to make this happen.

UK Hospitality have usefully provided some links to help both show your support and to get word out.

You can get involved by following these three easy steps:

1. **Order your campaign bundle:** You can download posters and stickers from our main campaign page here and print them yourself. <https://bit.ly/36yzODD>
2. **Decorate your venue:** Posters should be put up in your most customer facing areas, whilst stickers can be put on anything from menus to cup holders to key card holders. Be creative and show our sector off!

3. **Share your work online:** We're desperate to see what you've been up to! Upload pictures of your decorated venues to your social media channels using **#VATsENOUGH**

REMOVAL OF COVID RESTRICTIONS IN ENGLAND

(This is England only at the moment, will advise when confirmed for Wales and Scotland).

As you will no doubt be aware, most of the remaining COVID-19 guidance in England ended yesterday. This means that businesses no longer need to (although they are still voluntarily able to) do things such as:

- Asking people to show proof of negative testing or asking them to check-in
- Keeping records of customers, visitors, and staff for 21 days to support NHS Test and Trace

As such, all businesses in England can remove any NHS COVID-19 QR code posters.

Businesses that have records of customers, visitors, and staff that they have collected to support NHS Test and Trace are being asked to delete this data in a secure way (e.g., permanently deleting electronic files and shredding paper documents) in order to comply with GDPR obligations.

The venue data held by NHS test and trace will be held for an initial six-month period prior to review in order to ensuring records are available for accountability and organisational need. At the end of this review period, any personal data will be deleted, or records anonymised. If there is a future obligation to retain personal data beyond eight years, they will inform the business and update their privacy notice.

<https://www.gov.uk/guidance/carrying-out-covid-19-status-checks-at-your-venue-or-event>

CONFUSION OVER EV CHARGING STATION GRANTS

The new Workplace Charging Scheme comes into effect from April 2022. On the surface it looks positive for grant support for installations at self-catering businesses. It even says

Small accommodation businesses (B&Bs, holiday lets (where employees are present etc)) and registered charities will be able to claim the WCS grant (up to £14,000), allowing employees and fleet drivers to recharge their electric vehicles.

However..... it then goes on to say...

Site eligibility

Applicants must have designated off-street parking facilities with spaces **dedicated for staff and/or fleet use** that are suitable for charge point installations. **All parking must be designated to the applicant**, although the rest of the car park may be shared with other organisations.

Each site must:

- have a minimum power supply of 3kW to each individual socket that is not diminished by their simultaneous use

- have no more than one socket installed for each accessible parking space
- be for staff and/or fleet use

There is a good blog page here on the Rolec Website: <https://bit.ly/3BQWq2J> which gives some good information. PASC UK Members can also get discounts on Rolec Chargers.



As part of the work going into the updated EV Charging Paper, we should first thank Members for the huge amount of information that you have sent in. We need to sort and collate all of this and hope to have it available as an updated report in a couple of weeks.

We are still in conversations with OLEV about how possible future grants that may be applicable for businesses such as self-catering operations. There is no timescale on this currently.

It also looks like that all installations from July on will need to be smart chargers, so not just a free to use.

As with all Grants, the devil is in the detail and in many cases the cost of supply and installation rises when Grants are available. We should have more information for next week's newsletter.

STORMS AND GUEST CANCELLATIONS



The most common calls and email this week are inevitably around cancellations that are resulting from the storm warnings and what to do about them.

Questions relating to refunds have to be answered in the context of 2 things:

1. Your terms and conditions
2. What is reasonable for the consumer

If your terms and conditions are unreasonable, (for example by stating that there will be no refunds in any circumstances), then you are likely to be in a more vulnerable position as a self-caterer (because such a clause is likely to be void – as such a position is not reasonable).

In all of these situations your Terms and Conditions are your backstop position, you can still be flexible and give a refund regardless. However, it is worth looking at your obligations before deciding to give anything away.

On the basis that your terms and conditions are reasonable and don't address the specifics, then here is some guidance and FAQ's:

Q1: What is the position of the holiday let is not available for letting as has no power for heating, lighting and cooking?

A1: The owner should refund under these circumstances, and then claim on their Business Interruption Insurance (BII) if they have it. See bottom of this section for more on BII).

Q2: What is the position if guests do not want to travel, do we have to give a refund?

A2: As always it depends...here are some examples:

- a) if you are in the red area, and the warning is red for the time of the stay (where Govt advice is not to travel), the guest has an argument that they cannot fulfil the contract. However, unless you are required to be closed (and you can otherwise perform your obligations in relation to making the property available), there is no obligation to give a refund. You may like to do this as a gesture of goodwill, but this is the type of risk that can be covered by travel insurance.
- b) If the guest can reasonably travel, and wants to cancel anyway as overall the weather looks be a bit grim? This is sometimes called disinclination to travel. The guest would only be entitled to a refund if your terms and conditions allow a completely flexible cancellation option (and are otherwise generally reasonable in relation to cancellations).

If you are open and ready for guests your part of the contract can be fulfilled. It is unlikely (unless your terms and conditions are unreasonable) that a court would award any kind of refund in these circumstances other than a nominal one – for example in relation to a welcome gift (to the extent that this was not perishable).

Q3: A tree blows down across your private drive to your property, what is the situation?

A3: If the tree is blocking access to your property, then we would suggest that you make every effort to ensure the property can otherwise be enjoyed (for example by providing another means of access or assisting with luggage whilst awaiting the blockage to be cleared). It wouldn't be reasonable to leave it if the guest was then, for example required to walk 200m up your driveway. But access is not really hindered (perhaps a bit less convenient), then talk of refunds is not necessary.

Q4: The main public road en route to the property is blocked, or the train or bus service is cancelled, and the guests cannot get to our property, what is the situation?

A: This is similar for road closures, train cancellations, missed ferries. It is something that the guest should bear the risk and is why travel insurance exists. If you can accept the guests, then the risk lies with the guest. This is pretty much the same as snow, if your entrance is accessible and your property is ready, this is not your fault (or risk).

Q5: The cleaners can't get in and not all the cottages will be able to be cleaned properly. Do we have to refund the guests?

A: If you cannot make the property available to the guest at the described standard, then it is likely you would be obliged to give a refund. Your terms and conditions would probably be deemed unreasonable if you were to provide for anything different in them. It's a bit more complicated as to whether delaying access to your property would also give rise to a right to a refund (for example if your cleaners are delayed by a day). A stay of 2 nights where check-in is delayed by 24 hours is probably going to be looked at differently to a stay of a week. Our advice here is to put yourself in the position of the guest and think about what is reasonable in the circumstances.

Q6: The linen delivery cannot get through, so no made-up beds or towels, do we have to give a refund?

A: Can you provide alternative towels or linen? Maybe the cost of buying replacements at short notice is better than having to cancel the guest (and such a mitigating step may be welcomed by your insurers (if you have cover for business interruption). Remember any business interruption claim will ask you about whether you attempted to mitigate your losses. If you have described the property as 'beds made up ready for guests with fluffy towels for the bathrooms' and cannot provide linen and towels, this is definitely refund territory, just as an inability to supply heating, lighting etc.

Q7: What kind of options can we offer the guests?

Q8: If the red warnings only last for a day, it may be possible that the guests may still want to come for a reduced stay, say two nights instead of three, or six instead of seven. Reducing the price proportionally would be fair in these circumstances.

Q9: Do we have to stand by our Terms and Conditions?

A9: It depends... you cannot vary your Terms and Conditions to the disadvantage of the guests, but you can vary them to your disadvantage, by giving a proportion of the value of the holiday back or refunding or moving the holiday that under your T's and C's at this late stage would be non-refundable. Your T's and C's are your backstop position and don't stop you being flexible with guests.

Q10: How can I protect my business against these kinds of cancellations.

A10: If you have a decent Business Interruption Insurance (BII) extension to your business holiday let policy it should cover you for some of the above losses. (Recent newsletters have listed policies that are more belt and braces than the cheaper ones which would be able to offer this).

BII should cover situations such as you have had to offer refunds as you have no power or water. However, it won't cover the guest not wishing to travel.

With climate change becoming more visible, these policies are a must to protect our businesses.

You may also be able to claim something from your power supplier, (this would be Western Power Distribution in SW England, not EDF for example). If you are due for any compensation from them, it gets paid to your energy billing company and then credited off your bill.

IMPACT OF RISING COSTS ON SELF-CATERING PRICES REPEAT

Airlines have a clause in their terms and conditions that allows for surcharges but, even then, there are limitations on this as any term still must be reasonable.

On the basis that few self-catering businesses have such a clause, and it is impossible to retrofit a new clause into a contract without the customer's agreement, there is little that businesses can do except to make sure that they get the pricing of any unlet periods right to minimise the impact to their income.

In terms of solutions such as having heating systems that cap the temperature, there are no legal requirements related to how warm a property has to be. However, that said, Public Health England has published guidance that says that residential properties should be maintained at a temperature of at least 18C to protect the health of the occupants. So, while in theory you could set the temperature to what you want, all businesses have a duty of care to their customers and a customer could argue that you are not exercising your duty of care if you do not set the thermostat to at least 18C.

In terms of the Equalities Act, there is only really an issue if someone informs you that they have a medical condition that requires a temperature higher than 18C and you refuse to do anything about it. It's like if someone in a wheelchair asked a B&B owner if they could have their breakfast in their room because dining room was up some stairs, and the owner says "no" – the problem is not the location of the dining room, but that the owner refuses to take reasonable steps to mitigate the problem.

We have been asked numerous times this week if it is possible to 'surcharge' a guest due to the rising costs covered in the commentary. The simple answer is no. You have entered a contract with the guest to supply a given stay for a stated amount of money. That's a simple contract, and one of the strongest elements of law. They can't offer to pay you less nearer the time, and you can't charge them more.

What can you do?

Firstly, we can all look at the remaining availability that we have this year and increase prices to cover the increased costs. Whilst some will say 'my prices are as high as they can be' everyone should be looking at increasing prices for remaining availability. The more that raise their prices the less that this will be an issue. We remain astonishingly good value on a per person per night basis.

Secondly, try and make sure that all that can be switched off between bookings is, just running enough heating to comply with your insurance. We do have a dilemma that we are urged to leave windows open between stay and perhaps this should just be the morning of the changeover, to give properties time to warm up again, rather than longer.

Thirdly, we know we nag on about this, but greening your business is a great long-term investment. Mega insulation can mean that heating requirements are minimal. Low energy lighting is still by no means the norm. Boilers need servicing to operate at full efficiency.

Finally, it is only reasonable to ask 'those guests' (we all have them) who turn up the heating and open the windows rather than adjust the thermostat to be more responsible and to turn the

heating down. We don't want them to be cold, but they should not waste our money, or limited resources, when all the public know what has happened to energy bills and is happening to the environment.

NEW REVISED CLEANING PROTOCOLS V5

All three Country specific versions are available under the Covid-19 Tab on the new website. England, Scotland and Wales are covered.

Between the old website and the new website over 12,000 copies of the updated version have already been downloaded, taking the total to more than 135,000.

It is a positive review with sensible changes and written in any easy-to-understand way. We strongly recommend that they are read in their entirety, so that the whole context and the necessity to write an updated risk assessment is fully understood.

We are providing a single document for **Self-Catering Covid Cleaning Protocols V5** in each of England, Scotland and Wales.

This includes

- The Cleaning Protocols
- The Risk Assessment
- Cleaning checklist
- FAQ's

As always with the Cleaning Protocols, these are free to all. Earlier versions have been downloaded from the PASC UK website over 120,000 times and have done much to convince Government of the sectors commitment to Covid security.

Some key changes:

- Owners should follow current Government guidance on issues such as physical distancing and face coverings
- Properties that have been cleaned and disinfected in line with the protocols should be available for immediate occupation, and there is no requirement for leaving properties fallow for 72 hours
- Individual operators should decide on whether guests should strip the beds / laundry themselves. If operators/cleaners remove them (following protocols on good handling of linen, not shaking, PPE if required), then it could be argued that this may actually be more "controllable"
- A common-sense approach should be taken to the washing of crockery/cutlery, based on what cleaners find when assessing property at changeover
- PHS does not recommend Steam/UV-C light/ULV fogging between guests as standard practice
- And much more....

The Protocols can be found on www.pascuk.co.uk

MEMBER BENEFITS SUMMARISED

To carry out the lobbying work that we do on behalf of the Sector we need funding. 90% plus of this funding comes from Membership Subscriptions.

Members will get.

- Access to Telephone Support
- Prompt email support
- Access to Members Benefits and Discounts. (Buying Group Membership details below)
- Members only Webinars, (Including ask the Chair sessions)
- Book Surgery Appointments with the Chair
- Specific Discounts on key products
- PASC UK Guides to reducing Business Rates
- Hard Copy of the Visit England Pink Book
- Special Interest Papers (EV Charging, Third Party Services at Holiday Lets, Privacy and Cookie Policies etc)

What will be available to non-members?

- The PASC UK Covid newsletters
- Email support when available. (Members support comes first).
- Free Webinars
- Cleaning protocols
- Some General interest Papers, (Cancellation Policies, what to do if Guests gets Covid etc)

We are currently making major investments in supporting you better and all this cost's money, these include.

- A new Website
- The largest ever National Report on Self-Catering in the UK, broken down by country
- Sponsorship of the Visit England Pink book, to help promote the safe and legal aspects of our sector
- Membership fees to the Tourism Alliance, UK Hospitality and Wales Tourism Alliance
- Surveys and reports to use data-based arguments to win support for the sector

If you have not yet joined PASC UK, please consider joining NOW. Details below the Buying Club information. <https://bit.ly/3ptd4RU> Thanks.

BUYING CLUB MEMBER BENEFIT FOR PAID PASC UK MEMBERS

We are really pleased to announce a partnership with Purchasing for Business.

More details on the new PASC UK website here: <https://bit.ly/3ptd4RU>

This is a Buying Club, it's free to join if you are a paid up PASC UK Member. There will be no additional fee for Members to join the Club.

SUPPORT LOBBYING BY JOINING PASC UK

There is a huge amount of work and lobbying to do to help support you all in the self-catering sector. We don't ask very often, however, if we are to fight on so many fronts, we simply need more funds. There are thousands of you that have had the benefit of this newsletter and the lobbying done on behalf of the sector.

We are now asking that as many of you as possible join PASC UK. The fight is on so many fronts, and we get much better results when we engage proper legal advice and proper PR firms to assist with campaigns. Memberships to other organisations that provide common lobbying, information feeds and support also cost many thousands of pounds a year.

Membership fees are as follows: All per annum.

- Single cottage £70
- 2 – 4 Units £125
- 5 – 10 Units £200
- 11 + Units £300

For companies like cleaning firms, or industry support companies, Trade Membership is £200, and you will get a listing in the Trade Directory on the new website.

Members get telephone support and priority email support.

You can join here, simple form, takes 2 mins, and you'll get an invoice, payable by BACS or Credit Card.

Just click on this link to go to the joining page: <https://www.pascuk.co.uk/join-us/>

Thank you

RECORDINGS OF PASC UK WEBINARS

These can now all be found on the new website at: <https://www.pascuk.co.uk/webinars/>

HOW TO REDUCE YOUR BUSINESS RATES BILL

Many of you have been waiting for me to finish updating the Business Rates paper that enables you to make a self 'check' on your Business Rates Bill.

Please bear in mind:

- The Business Rates Papers are only available to paid up Members.
- The reduced rates negotiated by PASC UK only apply to England and Wales
- The reduced rates negotiated by PASC UK for self-catering are only currently available to Businesses that have 3+ units on one hereditament.
- It will take a while to work through the backlog as each Members needs to have a run through, before applying their "Check".
- We will be in touch directly to arrange these short sessions.

Our apologies that this has taken longer than anticipated.

PASC UK MEMBERS LOGO



Please only display if you are a fully paid-up Member. You can get a copy by sending an email to admin@pascuk.co.uk Thanks.

MEMBER RENEWALS

Huge favour to ask of regulars, when you get your renewal through, please pay it. The logistics of chasing waste hugely valuable time that could be spent doing far more useful things for all. If you don't want to renew, all you have to do is say so.

ABOUT PASC UK

Full details of all the activities that PASC UK undertakes can be found on the new website, under the About Tab on the homepage. www.pascuk.co.uk

NEW 2021 INDEX

2021 New Items and which Newsletter they can be found here:

<https://www.pascuk.co.uk/covid19-newsletters/>

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- **Recording of PASC UK Buying Club Webinar Repeat 18 Feb Newsletter**
- **Some tips for those on residential energy supplies 18 Feb Newsletter**
- **PASC UK Recruitment Update 18 Feb Newsletter**
- **PASC UK Renewals 18 Feb Newsletter**
- **Update on most pressing Welsh Government consultation 18 Feb Newsletter**
- **Wales Working Group, and self-catering Consultations in Wales 18 Feb Newsletter**
- **How to try and locate business support grants in England 18 Feb Newsletter**
- **Business support from local Enterprise Partnerships 18 Feb Newsletter**
- **Insurance Update with more options and info 18 Feb Newsletter**
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- **Lifting of remaining restrictions in England 11 Feb Newsletter**
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- **Welsh Government bans smoking in Self-Catering 11 Feb Newsletter**
- **Wales Working Group, and self-catering Consultations in Wales 11 Feb Newsletter**

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- Welsh Government bans smoking in Self-Catering 11 Feb Newsletter
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Can be found on Newsletter 17 Dec here: <https://www.pascuk.co.uk/covid19-newsletters/>

Wishing each and every one of you all the best during these trying times, and please Stay Safe.

Best regards

Alistair Handyside MBE

Executive Chair
The Professional Association of Self-Caterers UK
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DISCLAIMER

We are in completely uncharted territory here, and any suggestions that we make are merely that and you should carefully consider your own business policies, and if necessary, consult with your Professional Advisors. PASC is your lobbying Association, not a legal service. In addition, please be very wary of some of the advice given on internet communities, blogs and social media. There appear to be thousands of experts out there where my understanding is that there are very few.

To that end, any information you get from any source you must double check. I will always try and put the actual link to the information in the newsletters so that you can read and assess yourselves. These are unprecedented times, please take exceptional care.