

## ROOTS

### RRURAL OPPORTUNITIES FOR ORGANISATIONS IN AGRI-TURISTICAL SYSTEMS 2008/09

#### **Legal requirements to set up a guesthouse or B&B**

In Spain the traditional Anglo-Saxon concept of a B&B, where a family share their home with tourists, is not allowed. The owner of the premises can share the use of his own house with an annexed area dedicated to rented lodging.

Rural accommodation, those establishments or dwellings destined for paid tourist lodging, with or without complementary services, are registered in the Tourist Accommodation Register. These establishments usually have specific features:

- a) They are situated in a rural environment,
- b) They are buildings with an architecture typical of the area or are situated in buildings which maintain active agricultural operations (agrotourism), and
- c) They offer a number of vacancies and rooms for the limited lodging of guests, apart from combining certain infrastructure and basic provision requirements.

There are three layers of legislation concerning Tourism.

1. Legislation on tourist accommodation is the competence of the Ministry of Industry, Tourism and Commerce, but each Autonomous region has its own legislation.
2. The Principality of Asturias decides on the policy for the tourist sector within the Autonomous region, setting its own rules and regulations for rural tourism. It is responsible for planning, coordination and drawing up the directives to regulate the requirements for businesses in the sector. It authorises tourist activities, it manages the Tourist Lodging Register in the Principality as well as keeping a data base and producing statistics on tourism in the Autonomous Region.
3. In accordance with the regional laws, local councils, in their respective areas, dictate local norms on tourism for the protection and conservation of their tourist resources, especially cultural heritage and natural surroundings. Their powers include the granting of licenses to set up tourist establishments and the development of the tourist infrastructure policy within its competences.

Every business involved in the tourist sector is obliged to:

- Provide the services agreed upon in compliance with the legislation in effect.
- Inform clients previously about the services offered by the establishment, conditions and prices.



- Display the category and prices of the services provided in a visible place
- Have Complaint Sheets at the disposal of the clients and provide a copy on demand.
- Bill according to the published prices and in compliance with legislation.
- Have the books and other documents required by law.
- Provide easy access for the disabled to the establishment
- Inform the Administration of the Principality of closure of the business.

### **Types of accommodation.**

Rural Tourism accommodation can be:

- Rural Hotels.
- Village Houses.
- Rural Apartments.

Rural tourism accommodation must be located in a traditional village with a population of less than 500 people, on non-urban land.

Agro-tourism premises, independently of the type of accommodation offered, must be an integral part of a farm, cattle farm or forest and provide services generated by their own quotidian operations.

The owners of rural tourism lodgings, prior to the beginning of their activities, have to obtain authorization to offer lodging from the Autonomous Tourist Board Tourist Lodging Register and have the premises classified.

All rural tourism-lodging establishments are obliged to exhibit a standardized board, showing the category and specialization of the premises next to the main entrance.

The holders of rural tourism lodgings can determine the use of the services and facilities by the lodgers that they consider advisable. They can establish a schedule, the rules, which their clients must obey, the instructions for the use apparatuses at their disposal, and advise on the rational use of resources.

Where norms are set down for guests spending the night on the premises, the Autonomous Tourist Lodging Register must be informed previously and clients should be informed on arrival.

The length of stay should be written on the register card.

The day begins at 5.00 p.m. and finishes at 12.00 a.m. Should a client not leave a room before this time the stay will be extended for another day.

The holders of rural tourism lodgings should take the necessary measures to ensure that, at any given time, there are official Tourist Board Complain Sheets at the disposal of the clients.



Refusal to provide these sheets carries a fine. When the complaint is concerning the price, the client must first pay the bill before receiving the Complaint Sheet.

The holders of rural tourism lodgings should have an effective insurance policy to cover liability in the event of damage or injury to the client, which may be imputable to the holder or dependents with a minimum policy cover of 150,250 euros, with a waiver of not more than 602 euros.

### **Rural Hotels**

Rural Hotels must be traditional Asturian buildings of architectural value  
They may not provide more than 36 beds.

Rural hotels are classified in five categories, identified by stars, based on the quality of their facilities and services and on the fulfilment of the requirements set for hotels in general.

The category of the hotel should be clearly shown on invoices and any publicity for the establishment

**Casas de Aldea** (Village Houses) must be traditional Asturian-style houses standing alone.

Accommodation can be:

- Rented room with breakfast
- Rent of the entire fully serviced premises.

The maximum capacity of village houses is 15 beds, including supplementary beds, in seven rooms maximum.

The establishment may be managed by the owner or by an employee.

Village Houses are classified into three categories identified by "Trisquels"  
The category of the premises should be clearly shown on invoices

In the case of renting a room, the price should include:

- Breakfast
- Daily cleaning of the room, bathroom and common rooms.
- The bed linen must be changed every 3,5, or 7 days according to the category of the establishment. Linen should always be changed for each new client.
- Upkeep.
- Water and electricity supply and the fuel needed for hot water and heating.

When the whole house is rented, the price of lodging should include:

- Daily cleaning of the house, except for the kitchen, unless otherwise agreed, in which case the client will be provided with the necessary tools and basic cleaning products.
- The bed linen must be changed every 3,5, or 7 days according to the category of the establishment. Linen should always be changed for each new client.
- Water and electricity supply and the fuel needed for hot water and heating.



Whatever the type of contract, the following are considered common services included in the price of the lodging.

- a) Swimming pools, green spaces or common gardens, porches or terraces.
- b) Hammocks, swings and furniture in these areas.
- c) Outdoor Parking places, when not with reserved places.
- d) Whichever other complementary services the holders of the establishments consider opportune.

Holders of Casas de Aldea (Village Houses), can offer meal service to its client. However, the acceptance of this service is voluntary and the price should be published previously.

Outsourcing of this service is considered a clandestine restaurant service, as no type of Casa de Aldea, whatever its category, is authorised as a restaurant.

When the holder of a Casa de Aldea offers complementary services such as laundry, parking, safekeeping of values or other similar included in the price of the lodging, the Autonomous Tourist Lodging Register should be previously informed, also, due publicity of the prices should be given and responsibility taken for the services rendered.

Use of these services by the client is optional.

In any case if these services are published as available they should be rendered.

#### Minimum requirements

- a) Village houses, of any category and type of operation, should have the following facilities and minimum equipment:
- b) Drinking water and hot and cold water 24 hours a day, guaranteed supply of electricity, with plugs and light fittings in all the rooms and areas of common use.
- c) An effective waste water disposal system
- d) Public or private refuse collection service. Where the service is not daily In case the refuse should never be in visible places.
- e) Heating.
- f) Medicine first aid kit. According to law in effect
- g) A fire extinguisher on each floor, installed in a visible, easily accessible place
- h) Telephone for the use of the clients. The service can be in the village where the premises are located.
- i) Access for all types of cars to the surroundings of the house, preserving the environment and avoiding visual impact as far as possible.

#### Bedrooms

Guests Bedrooms should have natural light and direct ventilation to the outside or patios.

Access may be through common areas but can never be through another bedroom.

Windows should have shutters or some system to cut out natural light and it should be in harmony with the architecture of the building.

In the case of individual occupation, the rooms should be numbered or have names



and be locked with a key or have some system to allow the client to lock and prevent access to the room.

### Bathrooms

Bathrooms should have direct ventilation or forced ventilation and electric current in places convenient for the client, washbasin, bath tub or at least a shower, toilet, a mirror, towel rack, shelving for wash items and a bath towel and a hand towel for each client.

The bathrooms should be near the bedrooms or en suite.

The living room should be well furnished. When it is shared with the holder, the clients may use it at any time.

### Kitchen

The kitchen should have direct ventilation, be adequately equipped to attend the capacity of the premises and its category

## **Classification Criteria.**

### Location

Casas de Aldea with two or three "trisquels" should not be beside a main road, nor less than one kilometre from a rubbish dump, or any other form of contamination.

Casas de Aldea with three "trisquels" should not be beside a secondary road either.

### Size

The surface of the room, not including the bathroom should be.

Trisqueles	3	2	1
Double room	14m <sup>2</sup>	12m <sup>2</sup>	10m <sup>2</sup>
Single room	8m <sup>2</sup>	7m <sup>2</sup>	6m <sup>2</sup>

In the case of Casas de Aldea with two or three "trisquels" ensuite bathrooms are included in the compute.

The law also states the minimum furniture, the size of the beds, the bed covers, wardrobe and the number of hangers and light fixtures, for each category of guesthouse.

Number of bathrooms

The number of bathrooms in relation to the capacity of the Casa de Aldea.

Trisqueles	3	2	1
One bathroom	3 beds	4 beds	5 beds

Casas de Aldeas with two trisqueles that rent individual rooms should have



bathrooms in at least 50% of the rooms.

Casas de Aldeas with three trisqueles that rent individual rooms should have bathrooms in all the rooms.

The minimum size of the living room in relation to the number of beds is

Trisqueles	3	2	1
M2 per bed	2	2.5	1

The living room, for two trisqueles, should be at least 12m<sup>2</sup>, where as for three trisqueles it should be at least 16m<sup>2</sup>.

### The kitchen

When the whole house is rented the kitchen should be equipped with a fridge, a stove with two flames and an oven, a sink, cupboards, utensils, glasses, dishes, pots, all of which should be in proportion to the capacity of the premises. It should have a washing machine and an iron too, if the holder does not offer a laundry service.

Casas de Aldeas with two trisqueles should also have a microwave that can replace the oven if it has a grill.

Casas de Aldeas with three trisqueles will also have a freezer and vitroceramic cooking range.

### Outdoors

Casas de Aldeas with two trisqueles will have a furnished porch or terrace for the clients' use as well as a parking lot no bigger than 500 m<sup>2</sup>.

Casas de Aldeas with three trisqueles will have a furnished green or gardened area for the clients' use. The furniture will be suitable for the surroundings and the parking lot will be no bigger than 100 m<sup>2</sup>.

In order to have the category of three trisqueles the holder or the person in charge must live permanently in the village where the establishment is located.

Apart from these requirements to have three trisqueles the house must meet at least three of the following criteria:

- It should have access for the handicapped and at least one room equipped for the handicapped-
- The furniture should be native, of excellent quality.
- It should have a fireplace, a television and a library fro the clients' use.
- It should provide a play area for children.

Where these requirements are lacking, two or three trisqueles can be awarded if they are compensated by:

If the building is at least fifty years old, the peculiarity of the building as well as the existence of tradition style outhouses.

The use in the exterior and interior decoration of ethnographical elements of value.

Carrying out cultural, handicraft or traditional rural activities.

### **Rural Apartments**

Rural apartments are the joint blocks or units of lodging. Each one has a bedroom or bedrooms, a kitchen and bathroom, which are in buildings that are traditional Asturian architecture of the area. Furniture, facilities, services and equipment that allow immediate occupation are provided.

#### Classification

There are four categories, identified with keys, depending on the quality of the installations and services.

They are also classified, in blocks and units.

a) Apartment building managed by a single enterprise. The maximum capacity is thirty and six beds.

b) A unit of apartments located in houses or buildings, offering lodgings and managed by a single enterprise. The maximum capacity is fifteen beds.

When the all the lodgings in the same block or unit do not offer the same installations or fulfil the same requirements, the category of the establishment will be that which corresponds to two thirds of the lodgings.

The category should figure in the publicity for the establishment and on the invoices

The bathroom should be equipped with a bath tub or shower at least one meter big, a toilet and a washbasin.

The living room in four and three key apartments can be replaced by green areas or gardens at the clients disposal.

Four and three key apartments should have a parking area with the same number of parking spaces as apartments.

- The procedure to obtain a permit to set up a Rural Hotel, Village House or Rural Apartments.



Apply to the General Director of the Tourist Board, stating personal details and the commercial name of the activity to be carried out and the category of the establishment applied for with the following documents:

- a) Proof of the physical or legal personality of the holder.
- b) Copy of the title that proved the availability of the establishment.
- c) Municipal Opening License .
- d) Technical Project, or plans of the layout of the interior, scale 1/100, showing destiny and surface of each room.
- e) Two photographs of the outer facade of the building.
- f) Report from the City council on the of location of the premises and of the residence of the holder.
- g) List of the rooms, showing the number or name that identifies them, surface, capacity in beds, and services for which they are equipped.
- h) Where applicable, rules and regulations of the establishment.
- i) Copy of the public liability insurance of civil responsibility and of receipt of payment.
- j) Any other document that supports the application

If an agro - tourism establishment is applied for:

Documents to prove the ownership and existence of a farm, cattle farm or forest which the establishment is located in.

Records of the farm, cattle farm or forest operation, showing the calendar of tasks in which the client/guest can take an active part.

Once the request for authorization accompanied by the documents indicated have been received the Tourist Board will start the corresponding proceedings, and once the defects have been corrected the Tourist Inspection, after visiting the establishment, will report on the state and character of the establishment of the facilities and propose the category.

A resolution will be made within three months of the request for authorization. If no notification has been received within this period it is understood that the application been rejected.

Once the permit has been given, the Tourist Board will provide the holder with the





inspection book, the Complaint Sheets and will register the establishment in the Company Register of Tourist Activities

The Tourist Board should be notified previously of any change to the initial establishment or to the conditions under which the authorization was given, together with copies of documentation on the change in order to authorize and register it.

The holders of a rural tourism establishment are obliged to inform the Tourist Board of its opening dates as well as ceasing of the business in order to cancel the inscription in the register.

### **Procedure for Starting up a business**

Apart from the authorization from the Dirección General de Comercio y Turismo del Principado de Asturias to be able to legally start a business within the tourist sector it is necessary to fulfil a series of obligations which generate a series of proceedings that often delay or obstruct the beginning of a business. In order to avoid these drawbacks, the Chambers of Commerce Industry and Navigation and the Public Administration have put into operation "La Ventanilla Única Empresarial" (The Single Business Window) which is a centre for transaction and advise located in the Chambers of Commerce attended by civil servants from the diverse public administrations with competences in the company start ups and experts from the Chambers of Commerce.

For the entrepreneur who wishes to start a business "La Ventanilla Única Empresarial" makes information available on the different aspects on the start up of the company: financing, economic viability of the project, subsidies and grants, taxation, etc. reducing considerably the time spent at the different administrations.

The procedures to be carried out at the different Public Administration bodies are:

#### **In the Town Hall**

##### Municipal permit for a business on the premises.

From the moment a certain premises is chosen to for a business and before making an investment or preparing it, is essential to consult the City council in which it is located, to verify that that particular activity is allowed in that premises. If there is no objection preparation of the premises can begin.

##### Municipal Building License ·

Municipal Opening License, without which a business cannot be opened.

This obligation has been reinforced as a result of the approval of the Law of Tourism. The documentation can vary substantially, depending on the city-planning regulation of each city council.

### Other municipal permits

Whenever it decides must ask for permission to  
The City council should be asked permission to add some element to the outside of the premises. For example, for placing signs

## **Inland Revenue Procedures**

### Declaration of beginning of the activity

When starting up a business, it is obligatory to inform Inland Revenue of commencement of the activity. This should be done in the Tax office that corresponds to the tax address of the business. This form is also used for other questions such as modification or ceasing of the business. Failure to advise the tax office of a business opening is punishable.

### Impuesto de actividades económicas (Tax on Business)

This is a local tax on businesses, sole traders and artists. It is compulsory for all types of business independent of loss or profit. The business should be registered in the Tax office within ten days of opening. At present small companies are exempt but have to register anyway.

### Impuesto sobre Bienes Inmuebles (IBI) (Property Tax)

One has to pay this tax when one is proprietor of the premises. One should register the property in the "Cadastral". The amount of this tax calculates based on that cadastral value. The IBI is paid by the proprietor of the premises. But in some cases, if the premises are rented, the proprietor can transfer total or partial payment to the renter.

### Impuesto de transmisiones patrimoniales (Tax on Property Transfer)

This Tax is paid if the premises where the business is going to be established are bought second hand. If the premises are new VAT is paid and not the Tax on Property Transfer. It is a tax to the Regional Government and is presented within 30 working days from registration of the property in the property registry.

## **Ministry of Labour Procedures**

### Registration in the Social Security.

The business should register with the Provincial Treasury of the Social Security before beginning activity.

### Register in the Special Regime of Self-Employed Workers.

Business people in the tourist sector who work in the company should register in the Special Regime for Independent Workers within 30 natural days from the date of the opening of the business.

In employees are needed they should be registered previously in the Régimen General de la Seguridad Social. To register employees in the Social Security, the company should be registered in the Social Security too.



### Opening of a Place of Work

The Ministry of Labour should be informed of the opening of the work centre, that is to say, of the establishment, within the 30 following days of the beginning of the activity. In addition two books should be requested:

The Registry in which all personnel employed by the company is registered on commencement of employment. It shows the personal data of the workers. The workers have to sign the book at the time they began work in the company.

### Registration Book from the Provincial Inspection of Labour and Social Security.

Whenever there is a visit by a Work Inspector this book and other documents have to be presented. Later the inspector will record his/her agreement with the data reviewed in the visit in the book.

On the other hand the contracts signed with their employees also have to go to the Office of the National Institute of Employment.

### Visit Book

This book is obligatory in every work place. When Work Inspectors carry out inspections they sign and write comments in the book. It should be kept on the premises. Failure to do so carries a heavy fine.