

[ask the experts]

Questions on restaurant rights

WHAT A CHEEK

? I was charged for tap water. I'd have expected to pay for bottled water but not for tap water. Surely it was a mistake?

Unfortunately not. Restaurants can't force you to buy bottled water but, surprisingly, they might charge for tap water, on the grounds that they have to serve it and wash the glasses. Our colleagues on *The Good Food Guide* would like to see more places providing tap water on request, without fuss – and without charge.

POOR FOOD

? What should I do if the food I order isn't up to scratch?

Don't wait until the meal's finished. Raise it with staff as soon as possible to give them a reasonable chance to set things right. If you're still unhappy, you can claim that the restaurant has breached its contract

HOME SICK

? I was sick after eating out. What should I do?

You should report it to the Environmental Health Office; its officers investigate complaints about the quality, hygiene and safety of food. Go to www.food.gov.uk/enforcement/yourarea/ to find your local one.

Doctors must report suspected cases to the Environmental Health Office, so if you're ill enough to go to your GP, the incident will be reported automatically.

CARD DETAILS

? When I booked a table, I was asked for my credit card details. Can a restaurant do that?

Yes. When you make a booking, you are in fact entering into a contract. Restaurants can charge you if you fail to turn up, as compensation for their loss (it usually works out to less than the price of the meal).

Restaurants can charge you if you fail to turn up after you've booked

with you, made either when you booked or when you ordered if you hadn't made a prior booking. You should deduct the cost of the item in question, and leave your name and address, or pay but say you are 'paying under protest' and will be claiming back the value of the substandard item. Follow up your action with a letter as soon as possible.

You don't have to give details but a restaurant is within its rights to refuse your booking if you don't; some won't hold your table unless you do give them.

SMOKING RULES

? What's happening about smoking in restaurants?

Smoking in restaurants or other places serving food is likely to be banned in England



Do I have to pay the service charge?

? I've just dined in a top-class restaurant. The food was good but the service was a letdown. Could I have refused to pay the service charge?

Where a compulsory charge is clearly shown on the menu or near the entrance, you must pay it. But you can deduct the amount from the bill if the service isn't of a standard reasonable for the type of restaurant – explain why you are doing so. For inclusive prices, deduct a reasonable sum (10 per cent, for example).

An 'optional' charge may be automatically added; it's up to you whether you pay.

Be careful you're not tricked into paying twice for service when you pay by card. Bills are often left 'open', letting you enter your own total. Check that service isn't already included before adding a voluntary amount (commonly, a tip of 10 to 12.5 per cent).

Which? thinks service charges should be included in the price of the meal, so as to avoid hidden extras when you get the bill.

from 2007 (it's already banned in Ireland; Scotland and Wales are expected to follow suit). The ban could be extended to all licensed premises: no decision had been reached at the time we went to press.

In the meantime, restaurants don't have to offer smoke-free dining. If they do, and you ask for a table in a non-smoking area but are bothered by other people's smoke, you could claim a discount for reduced enjoyment if the restaurant can't find you a table that's suitable.

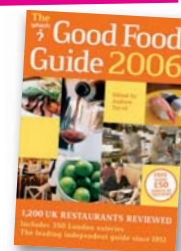
WHEELCHAIRS

? Are restaurants breaking the law if they don't make access for wheelchairs easier?

Under the Disability Discrimination Act, restaurants must make reasonable adjustments so that doorways and toilets are wheelchair-accessible. But they're not required to make changes which are impractical or beyond their means. See our December 2005 report.

See 'Campaigning by you', p67, for how to find places that are wheelchair accessible.

BOOK OFFER



Buy *The Which? Good Food Guide 2006* for £14.40 – a discount of 10 per cent. See p23.

FURTHER INFORMATION

For more on your rights when eating out:
Food Standards Agency
www.eatwell.gov.uk