

Douglas Borough Council
Responses to Consultation Document on Review of Tourism Legislation.

Question 1.

What changes, if any, should be made to the Department's General Powers to promote tourism?

There is no requirement to dramatically change the Department's general powers to promote tourism.

Retain the list in Schedule 1 of the 1975 Act, (subject to the comment below) as complementary to the Enterprise Act. There is a need to retain authority to support voluntary groups and organisations.

Delete paragraph 8 of the Schedule as outdated. Retain paragraph 9 which gives authority for arrangements such as temporary leasing of premises by the Department for specific events.

Question 2.

Is a scheme of compulsory registration of visitor accommodation still necessary?

It is essential to retain compulsory registration of tourist premises in order to maintain minimum standards.

Question 3.

Should the responsibility for registration of tourist premises remain with the Department or be vested in a separate body?

Registration should remain with the Department.

Question 4.

Do you agree that the scope of the registration scheme be simplified and made more flexible?

The scope of the Registration Scheme should be simplified and made more flexible; it appears logical to use the same categories as for grading.

Question 5.

Do you have any views on what measures should be taken to avoid duplication or overlap with other statutory controls?

Other statutory controls should be recognised but they focus on specific activities rather than on standards of accommodation. It is essential to work with the enforcement bodies for other statutory controls and particularly to standardise the terminology used.

Conditions for registration should be focussed on standards. Registration and grading could be carried out in tandem.

Question 6.

Should the present classification of visitor accommodation, for registration purposes, be changed?

The same classifications should be used for registration and for grading.

Question 7.

Should the Department's regulation-making powers include express power to lay down minimum standards for visitor accommodation?

The Department's regulation-making powers should include express provision for minimum standards of visitor accommodation, to be set by the Department.

Question 8.

Do you have any views as to how a review process for refusals or cancellations of registration should work?

The Council has no view on how a review process for refusal or cancellation of registration should be set up.

Question 9.

Should the Department's regulation-making powers include express power to require (a) third party insurance, and (b) compliance with a code of conduct?

The Council supports change to a rolling programme of registration, and the requirement for third party insurance. However a requirement to comply with a code of conduct is not supported as that would be specific to an individual rather than to the standard of accommodation.

Question 10.

Should the Department be able to issue temporary licences to meet demand?

The Department should have power to issue temporary licences, or to allow temporary registration, meet specific demands.

Question 11.

Is a statutory grading system for visitor accommodation needed?

A statutory grading scheme for visitor accommodation is needed; it should be compulsory and cover all categories of accommodation for consistency.

Question 12.

To what categories of visitor accommodation should any grading system apply?

Grading should apply to all categories of visitor accommodation although it is recognised that grading of temporary (e.g. T.T. Homestay Scheme) could potentially increase costs.

Question 13.

Should it be mandatory for all registered accommodation within a given category to be graded?

Grading should be mandatory for all categories and for all accommodation within each.

Question 14.

Should the Department continue to be responsible for the grading of tourist premises, and if not, what body should take it over?

The Department should retain responsibility for grading of visitor accommodation.

Question 15.

Do you have any views on the way in which standards for the grading of visitor accommodation are set?

There should be a detailed schedule of criteria for each class of visitor accommodation. These could be fixed from time to time by the Department, with the Regulations giving an enabling power.

Question 16.

Should any changes be made to the system of appeals to the Tourist Premises Appeals Tribunal in relation to registration?

It is unclear why there have been no appeals against refusal of registration in the last ten years. It is pointless to reappoint a tribunal and instead there should be provision for referral to a person or body outside the Department.

Question 17.

Should any changes be made to the system of appeals in relation to grading?

As with appeals against refusal of registration, grading appeals should be referred to a person or body outside the Department.

Question 18.

Should the Tourist Premises (Provision and Improvement) Act 1977 be repealed?

If the provisions of the Tourist Premises (Provision and Improvement) Act are not being exercised, with the Department preferring to use wider powers of the Enterprise Act, then the former is redundant and should be repealed.

Question 19.

Should any changes be made to Government assistance to the visitor economy?

Retain provisions of 1975 Act to enable assistance to voluntary and trade organisations as well as to businesses, because it is in the interests of the Island as a whole to promote tourism and if voluntary bodies can promote initiatives they should be supported.

Question 20.

Should the Tourist Premises (Compensation for Tenants Improvements) Act 1970 remain in force?

The Tourism Premises (Compensation for Tenants Improvements) Act should be dispensed with. Such matters should be between Landlord and Tenant in civil law.

Question 21.

Should the Hotel-Keepers Liability Act 1964 be amended or replaced to take account of changes in the past half-century?

The Hotel-Keepers Liability Act 1964 should at least be updated to bring values to realistic levels. A requirement for adequate insurance cover (as referred to in Question 9) might render the Act redundant while continuing to protect those using the facility.

Question 22.

Should the Department have the powers to obtain data and statistical information to inform future policy?

The Department should have power to obtain from operators of visitor accommodation a certain level of information, including numbers, length of stay etc., but it must be carefully controlled so as to avoid personal data being recorded.