

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Tourist Accommodation Licences

RECOMMENDATION

It is recommended that:

1. The conditions of the new Tourist Accommodation Licences, effective 1 July 2017, remain unchanged, and
2. The licence period be three years, from 1 July 2017 to 30 June 2020.

BACKGROUND

The *Lord Howe Island Regulation 2014* states the following:

Licensing of tourist accommodation and other commercial undertakings

(1) A person must not:

(a) provide tourist accommodation or carry on any other commercial undertaking on the Island, or

(b) use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking, except in accordance with a licence granted by the Board for that purpose.

(2) A licensee must not contravene a condition of the licensee's licence.

(3) A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.

Maximum penalty: 50 penalty units.

In early 2014 the Board took the decision to tighten the conditions of the Tourist Accommodation Licences in order to facilitate compliance with licence conditions, particularly in regard to lodges accommodating more people for whom they had licences.

In late 2014 extensive consultation was held between the Board's Administration and the tourist accommodation licence holders regarding the new licence proposed by the Board. The outcome of those consultations is the licence conditions that are currently in place.

CURRENT POSITION

The current licence conditions are considered to be reasonable and appropriate (please refer to the sample licence attached).

The proposed licence period is three years, from 1 July 2017 to 30 June 2020.

RECOMMENDATION

It is recommended that:

1. The conditions of the new Tourist Accommodation Licences, effective 1 July 2017, remain unchanged, and
2. The licence period be three years, from 1 July 2017 to 30 June 2020.

Prepared: Bill Monks, Manager Business and Corporate Services

Endorsed: Penny Holloway, Chief Executive Officer

LICENCE TO PROVIDE TOURIST ACCOMMODATION

In pursuance of Clause 69 of the *Lord Howe Island Regulation 2004* under the *Lord Howe Island Act, 1953*,

“Names”

are hereby granted a licence to provide tourist accommodation at the premises known as

“Accommodation Place”

ABN XXXXXXXXXXXXX

Located on Perpetual Lease number XXX

for the period 1 July 2017 to 30 June 2020, subject to the attached conditions.

Penny Holloway
CHIEF EXECUTIVE OFFICER

For and on behalf of the
LORD HOWE ISLAND BOARD

Conditions of Licence to Provide Tourist Accommodation

1. The nominated place of business for tourist accommodation is at the premises known as "Accommodation Place", Lagoon Road, Lord Howe Island, NSW, 2898.
2. The maximum number of persons which may be accommodated at any one time is "number", excluding children under five years of age.
3. On no account are tourists to be accommodated in staff quarters or any place other than the licensed tourist accommodation.
4. The licensee must maintain an Accommodation Register which captures the following information on persons staying overnight at the premises:
 - a. The name of the premises,
 - b. The number of all persons and the room numbers of all persons so accommodated,
 - c. The numbers of all persons being under five years of age, and
 - d. The dates the persons referred to above arrive at and depart from the premises.
5. The licensee must grant to the Board's Chief executive Officer, Manager Business and Corporate Services, Manager Environment and Community Services, Manager Infrastructure and Engineering Services free access to the Accommodation Register for the purpose of perusing or taking extracts of entries made in the Accommodation Register and will, upon request, supply to him or her a copy of the information listed in Condition 4.
6. The Board's CEO, Manager Business and Corporate Services, Manager Environment and Community Development, Manager Infrastructure and Engineering Services may enter any premises on the lease after the Board has given at least 24 hours written notice (unless the giving of the notice would defeat the purpose of the exercise of this power) of its intention to enter the premises so as to determine whether the licensee is in compliance with the conditions of this licence. The notice must specify the name of the person conducting the inspection and the time of the inspection.
7. The licensee must not obstruct, hinder or interfere with a person authorised in accordance with Condition 5.
8. The licensee must effect and maintain in respect to the premises a public liability insurance policy in an amount of not less than \$10 million, or such other amount as the Board may from time to time require, being the amount which may be paid arising out of any one single accident or event.
9. The licensee must provide the Board, within two business days of the Board's demand, a copy of the insurance policy referred to at Condition 8 above.
10. Except during any period of suspension, a licence continues to be in force until such time as it is cancelled or, in the case of a licence that is granted for a specified term, when that term expires.

11. A licence is not transferable unless the proposed transferee and the Board have consented in writing to the transfer.
12. The conditions of a licence may only be altered, modified, added to or revoked by the Board during the currency of the licence with the written consent of the licensee.
13. Prior to the renewal of a Licence to Provide Tourist Accommodation, the licensee is required to provide a plan showing particulars, including the room numbers, of the premises to be licensed and all staff accommodation and all buildings, and that the room numbers shown on the application must correspond to numbers permanently affixed on the rooms of the premises to be licensed.
14. Breaches of license conditions may result in penalties ranging from a written warning to fines of up to \$5,500 per offence, a reduction in the maximum number of persons which may be accommodated at any one time, suspension of the licence or cancellation of the licence.
15. The official "Licensed Tourist Accommodation" identification plaque supplied by the Board must be displayed in each accommodation unit licensed.