

## POLICY ON TOURISM ACCOMMODATION

### 1. REGULATORY BODIES

Tourism accommodation is a multi-sectoral operation. All accommodation establishments must comply with the standards and requirements on the building code, fire and health regulations and others in addition to those established by Tourism Department. These standards are established by different technical agencies/departments, whose powers are constituted under different statutes and laws. As such the issuance of a license does not absolve the license holder to comply with other laws and obligations imposed by other statutory bodies or government departments.

The **Seychelles Licensing Authority**, established under the *Licenses Act*, is the only body authorized to issue licenses to operators of accommodation establishments. It regulates the business side of the operation under the *Licenses (Accommodation, Catering and Entertainments) Regulations*.

The **Planning Authority** and the **Ministry for Land Use and Housing** are responsible for ensuring compliance with the building code and planning and land use laws and regulations. Its roles and functions are elaborated in various acts, the main one being the *Civil Code of Seychelles, the Town and Country Planning Authority Act* and its subsidiary legislation.

The **Department of Environment** is responsible for monitoring and enforcing compliance with environmental protection laws and regulations. Its powers and functions are very broad and granted under various statutes, the main one being the *Environment Protection Act*. They decide and set the scope and terms of reference for an **environmental impact assessment** (EIA) for a project.

The **Fire and Rescue Services Agency** is responsible for fire safety aspects of all buildings under the *Fire Protection Act*.

The **Ministry of Health** is responsible for occupational health and food safety under the *Occupational Health and Safety Act* and *Food Act*.

The **Tourism Department** is responsible for setting the criteria and establishing standards for tourism service providers; and monitoring the quality of service and comfort of guests.

However, the only way for the Tourism Department to ensure compliance with these standards is by recommending or not recommending the issuance of a license to the SLA depending on the compliance of an establishment to the established standard of service and comfort.

## POLICY STATEMENTS ON TOURISM ACCOMMODATION

### Policy 1

#### **Bed Capacity**

**All new tourism accommodation establishments shall be built within the context of a carrying capacity study and land use plan of the island, taking into account location, site dimensions, density of rooms/chalets per site, and other relevant issues.**

The ministry responsible for land use is the agency to determine whether new sites and locations are suitable or earmarked for tourism purposes. Such development should be implemented within the context of land use plan and carrying capacity studies undertaken.

**1. La Digue**

On La Digue, the size of new accommodation establishments shall be limited to 5 rooms only (10 beds) per developer.

**2. North Mahe (Beau Vallon, Bel Ombre and Glacis)**

Development of new accommodation establishments in the North shall be reserved for Seychellois only and shall be limited to 20 rooms per developer.

Proposals by Seychellois for small establishments exceeding 20 rooms shall be considered on a case by case basis i.e. where justifiable.

Projects already approved will be allowed to proceed.

**3. Mahe (East, South and West) and Praslin**

For the rest of Mahe and Praslin, new accommodation development should be limited to 24 rooms only until a carrying capacity study and land use plan have been adopted. Existing ones which have not yet reached the limit will not be able to extend beyond 24 rooms.

However, projects already approved will be allowed to proceed.

**4. Cerf Island**

Further to carrying capacity study conducted for the island, tourism development on Cerf Island shall be limited to 15 rooms per developer.

Commercial development on Cerf Island shall only be permitted once provision has been made for adequate water supply, electricity and sewage disposal facilities.

5. **Other Islands (not man-made)**

For other islands, the size of establishments shall be limited to 50 rooms (100 beds) only. The objective of this cap is to limit hotel development in Seychelles so as to encourage smaller eco lodges.

Policy 2

**Category**

**The following categories of accommodation licences shall be issued: 1) hotel; 2) guesthouse; and 3) self-catering establishment.**

- (i) The following categories of licences for accommodation shall be issued:

**hotel** means an establishment containing several rooms or suites, supplemented by one or more separate buildings that provides lodging or sleeping accommodation and ancillary food and beverage areas, includes a reception area, to the public for hire, the rate of which is calculated on a daily basis or for reward of any kind whatsoever;

**guesthouse** means an establishment that provides lodging or sleeping accommodation with or without food and drink to the public for hire, the rate of which is calculated on a daily basis, or for reward of any kind whatsoever, in which the common facilities are for the exclusive use of its guests;

**Self-catering establishment** means an establishment that provides lodging or sleeping accommodation to the public for hire, the rate of which is calculated on daily basis, or for reward of any kind whatsoever, in which the facilities and equipment are provided for guests or clients to cook or prepare their own meals.

- (ii) The Tourism Department may also classify establishments according to the following star rating if the economic conditions and operating environment are equitable to all operators.

**One star**

**Two star**

**Three star**

**Four star**

**Five star**

Policy 3

**Ownership/Investment**

**Ownership or investment in accommodation establishment shall be based on the following:**

<b><u>No of keys</u></b>	<b><u>Minimum Seychellois Share</u></b>
<b>1-15</b>	<b>100%</b>
<b>16-24</b>	<b>20%</b>
<b>25 and over</b>	<b>no minimum</b>

#### *Accommodation*

Ownership or investment in establishments of 15 keys (or rooms) or fewer are reserved for Seychellois only. Seychellois only means 100 percent of shares are held by Seychellois citizens.

For establishments between 16 and 24 keys, a non-Seychellois may own up to 80 percent of the shareholding.

For establishments with 25 keys or more, non-Seychellois may own 100 percent but they are encouraged to have Seychellois partners/shareholders.

This policy shall be applicable on Mahe, Praslin, La Digue, Cerf and Seychellois-owned inner islands.

For self-catering establishments, one unit is counted as one key. If a unit has more than one room, the whole unit should be rented as one.

Any investment involving a foreigner shall require the approval of the Seychelles Investment Board.

#### Policy 4

##### **Management Contracts for Small Hotels**

**Management contracts for accommodation establishment of 15 rooms or less shall be reserved to Seychellois only.**

In order to ensure that locals and residents benefit and participate actively in the tourism industry, contracts for management of hotels of 15 rooms or less are restricted to Seychellois only. 'Seychellois only' means that a foreigner is not allowed to enter into a management contract to lease or operate a hotel of 15 rooms or fewer.

Management contracts for foreigners will only be considered for accommodation businesses of 16 rooms and over (including guesthouses and self catering) where there is foreign investment of up to 80 percent.

In such cases:

- i. If a foreigner leases a small hotel of 16 to 24 rooms, the licence will be in the name of the foreigner who will be operating the hotel and be responsible for all administration and management operations.
- ii. The owner will not be involved in the operation of the hotel and will only collect a fixed management fee from the lessee.
- iii. The lessee, who is a foreigner, will become the owner and manager during the term of the lease of all earnings, except the hotel property, and be responsible for all liabilities.

#### Policy 5

##### **Scope of License**

**Hotels are authorized under the same license to operate restaurants and sell alcohol and tobacco products on the premises without paying separate licenses.**

Hotels may operate as many restaurants on the premises and sell alcohol and tobacco products to their clients without paying separate licenses.

Guesthouse establishments may operate a restaurant on the premises for the exclusive use of their in-house guests but must obtain a separate license for Restaurant business from the SLA.

Should restaurants within hotel premises be contracted out to a separate operator, that operator shall pay his/her own separate license.

#### Policy 6

##### **Architectural Design**

**All establishments are required to develop a building concept which blends in and is well-integrated in the natural and cultural landscape and environment of Seychelles.**

The hotel design should be adapted to the climate of Seychelles to reduce energy consumption. The construction of new accommodation infrastructure should also blend with the local landscape. The hotel should be designed by a qualified architect capable of maintaining and upgrading the quality of the built form and of producing details to make each and every resort unique and well-integrated into its site.

Special care must be given to environmental matters, such as energy efficiency considerations, waste management and building finishes, prior to construction works beginning, and build according to Seychelles Sustainable Tourism Label criteria.

A fundamental element in the present policy is the preservation of the natural and physical environment. All new hotel development is being encouraged to adopt measures to protect the environment.

#### Policy 7

##### **Qualification**

**The general manager, human resource manager and chef of an accommodation establishment with 25 rooms or more should have background knowledge and qualifications and expertise which would enable them to successfully manage the business.**

For establishments with 25 rooms or more, the general manager, human resource manager and chef must possess the necessary qualifications and expertise to the satisfaction of the Ministry of Labour and Human Resource Development (MLHRD), Tourism Department and SLA.

For establishments with 24 rooms or less, if the manager is a foreigner, he must possess the necessary qualification and expertise to the satisfaction of MLHRD, Tourism Department and SLA.

Policy 8

**Human Resources**

**Accommodation operators should have a training and human resource development plan and budget.**

The human resource development plan should be in line with the requirements of the ministry responsible for employment.

In cases where expatriates are employed, a proper plan for their replacement should be implemented, again in line with the requirements of the related authorities whenever and wherever applicable.

Policy 9

**Financial Guarantee**

**A bank guarantee of not less than SR 500,000 shall be required with proof submitted to the SLA for operators who do not own the hotel premises.**

Some owners lease their hotels or have management agreements for others to operate. In cases where the operator is a lessee or management company which does not own the licensed premises and its assets, a bank guarantee of not less than SR 500,000 shall be required with proof submitted to the SLA prior to issuance of the license. In such cases the licence shall be issued to the lessee who would be required to furnish such security or financial guarantee.

The guarantee is to ensure any outstanding debts can be recovered in case the lessee ceases operation for whatever reason. A copy of the lease agreement should also be submitted to the SLA and Tourism Department. This is already a requirement in the regulations.

Policy 10

**Domestic Tourism**

**There is no category of license for establishments that cater to locals only but licensed accommodation establishments are encouraged to offer special or concessionary rates to locals and residents.**

All establishments should meet the basic requirements as set in the minimum criteria and locals and residents should enjoy the same standards as foreign tourists. There should be no distinction between domestic and foreign tourists as far as accommodation facilities are concerned and all such establishments shall receive the same type of license.

Policy 11

**Change of Use of Residential Houses**

**Applications for change of use will be considered only for those houses already completed, subject to meeting the criteria.**

**The “fast track” policy to allow unlicensed ones to regularize themselves is no longer applicable. All change of use application must be submitted to the Planning Authority for consideration and approval.**

Applications for change of use will be considered only for houses that have already been completed. Those applications for change of use may be considered provided they meet the set requirements or are modifiable to meet these requirements as set out in the “Policy for Change of Use” below. These criteria have been adopted as the policy for change of use application of private residential house to tourism accommodation.

The “fast track” policy to allow unlicensed establishments to apply directly to SLA to obtain a licence is no longer applicable. All change of use applications must be submitted to the Planning Authority for consideration and approval prior to the issuance of licence by the SLA.

Change of use from residential to tourism- will only be accepted in areas classified as medium and low density residential only, with corresponding plot coverage of 35% and 30%. Same activity will not be accepted in high density residential areas as per land use classification.

**1. Location**

**(a) Density:**

The property on which the house is situated must be of an area of not less than 600 square metres subject to the following conditions.

**i. Plot configuration and topography :**

The plot configuration and topography must be conducive for tourism activity despite the size criteria being met.

**ii. Access to site:**

A gradient of not less than 1.4 for every 40m/50m, 3.5m with lay byes.

**iii. Amenity to the parcel:**

The parcel and surrounding area must be conducive to cater for tourism establishments and must not have within its surroundings and within a radius of 100 m any large scale livestock activities, (poultry and pig fattening) or heavy commercial activities such as mechanical garage and other activities that may cause noise, smell or other visual pollution.

**iv. Parking bays:**

The Department of Transport will use its discretion to decide on this facility. To note that same is dependent on the plot size, configuration, size of proposed developments etc.



- (b) **Access:** All-weather motorable access road to the property must be available.

## 2. **Dimensions**

- (1) For purposes of maintaining standards, the dimension of the house must meet the minimum physical criteria as follows:

Bedroom: 9 m<sup>2</sup> (all bedrooms must have an ensuite bathrooms)  
Bathroom: 4m<sup>2</sup>  
Verandah: should be 2m wide and the same length as the adjacent wall

- (b) **Kitchen (size to be based on number of rooms)**

<u>No of Rooms</u>	<u>Open-plan</u>	<u>Closed-plan</u>
1-3	> 6 m <sup>2</sup>	> 8 m <sup>2</sup>
4 or more	> 8 m <sup>2</sup>	>12 m <sup>2</sup>

## 3. **Other criteria**

If an application for change of use is approved and has more than one bedroom, the whole house should be rented as one unit and cannot rent out rooms individually.

### Policy 12

#### **Courtesy Cars (Chauffeur-Driven)**

**Large hotels shall be allowed to offer complimentary courtesy cars to their clients only in accordance to the Transport Policy.**

Some hotels have been allowed to offer chauffeur driven cars to some of their clients on a complimentary basis. Subject to the Transport Policy, large hotels of 25 rooms and above shall be allowed to have 2 complimentary courtesy cars provided that the specifications set by the Department of Transport are met.

### Policy 13

#### **Vehicles of Staff**

**All establishments are allowed to own and operate their own vehicles including buses for use by their staff only.**

All accommodation establishments are allowed to own vehicles for use by their staff. The vehicles cannot be used to transport their guests or clients or do transfer to and from the airport.

The name and logo that clearly identifies the establishment must be affixed on the vehicles. It should also be clearly labeled that the vehicles are for the hotel staff only.

Policy 14

**Taxi Bays**

**All hotels should provide taxi bays as per the transport policy requirements on the hotel premises to licensed taxi operators.**

All hotels should provide taxi bays as per the transport policy requirements on the hotel premises to licensed taxi operators.

It shall be a condition of approval of the Planning Authority of all new hotels to provide the taxi bays.

Policy 15

**Risk Management Plan and Insurance Cover**

**All establishments should have a risk management plan for risk reduction, disaster preparedness and emergency response. They should also have appropriate insurance cover.**

All licensed accommodation should have a risk management plan for risk reduction, disaster preparedness and emergency response.

All licensed accommodation must also have appropriate insurance cover which includes third party liability and public liability with a premium cover of no less than SR 2 million.

Policy 16

**Statistics/Information**

**All establishments must submit information and statistics to the Tourism Department or National Bureau of Statistics periodically or whenever requested to do so.**

All establishments are required to submit information and statistics periodically or whenever requested to do so by Tourism Department or NBS including occupancy rates and reports of incidents involving clients. They should also keep a log book of their guests at their hotels.

Policy 17

**Standards/Regulatory Bodies**

**All establishments must meet the minimum standards and criteria of all regulatory bodies and relevant government departments/agencies.**

All establishments must meet the minimum standards and criteria of all regulatory bodies which includes but not limited to the ministries responsible for health; land use; environment; the fire safety; the Planning Authority; SLA; and Tourism Department.

Policy 18

**Corporate Responsibility**

**All establishments are encouraged to be good corporate citizen.**

All establishments are encouraged to be good corporate citizen through their involvement in the local community through sponsorship of social activities or local sports clubs. They could also support the local economy through various practices such as buying from local suppliers or contracting out ancillary services where possible.

They are also encouraged to allow local artists and musicians to perform and sell their products at their establishments.

All large hotels should support local district administrations by contributing towards the local projects.

Policy 19

**Information to Public**

**All establishments should convey accurate information to the public and avoid misleading terms.**

All establishments should convey accurate information to the public in advertising or otherwise in any form of media. This includes pictorial representation or use of fine print to alter or obscure material facts.

Policy 20

**Access to the Beach**

**Hotels on the foreshore shall ensure that an appropriate and acceptable public access to the beach be provided and that such access be maintained by the establishments.**

Public access to the beach shall be provided where a hotel is located on the foreshore and it shall be the responsibility of the hotel operator to demarcate as well as to maintain the access. In addition, prominent signs should be placed indicating the rights of access to the beach as well as the responsibilities of the users making use of the access.

Policy 21

**Access to Public Areas**

**All establishments shall allow public access to public areas of the hotel.**

It is the policy of the government that the public should be allowed to enjoy the same facilities as the visitors. Licensed tourism operators should not discriminate between locals and visitors and should allow public access to all public areas of the hotels to bona fide clients. Right of Admission of the hotel management shall nevertheless be maintained.

Policy 22

**Sewage Treatment**

**Large hotels must be connected to the sewer line or provide for own sewage treatment plants.**

Establishments that fall within the existing sewage line/ network must connect to the system. All large hotels that are not within the sewage/network line and cannot be connected to the sewer line by way of extension of the sewer line is required to provide their own Sewage Treatment Plants with zero sea or marsh outfall.

Policy 23

**Non-Compliance**

**Establishments must comply to the set requirements.**

All establishments need a valid license to operate and take in bookings or clients. In order to be licensed all establishments should comply with the criteria and conditions of all regulatory agencies. Should an establishment not meet the criteria and conditions a warning shall be issued; and if after being given sufficient time to rectify such deficiencies, the problem persists the suspension or revocation of licence shall be applied.

*Tourism Department  
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