

## Licensing Committee – 6 March 2019

### Pleasure Boat Licensing – review of licence conditions

#### 1. Purpose of report

To consider amendments to the current licence conditions for pleasure boats.

#### 2. Key issues

- 2.1 Section 94 of the Public Health Acts Amendments Act 1907 empowers the Local Authority to issue licences for pleasure boats subject to such terms and conditions as it sees fit. The current pleasure boat licence conditions are attached as **Appendix 1**.
- 2.2 Two licensed pleasure boat operators have requested that the Council remove the licensing conditions currently imposed in respect of lifejackets being worn by under 16's whilst on board category 2 boats. Copies of their request and supporting information are attached as **Appendix 2**.

#### 3. Recommendation

That the existing Pleasure Boats: Conditions of Licence be replaced with the conditions attached as **Appendix 3**.

#### 4. Policy issues

##### 4.1 How will this affect the environment, social issues and the local economy?

The adoption of the new requirements will support local business and maintain standards of public safety throughout the licensed trade.

##### 4.2 Resource implications

There are none.

#### 5. Further information

- 5.1 Category 2 boats are small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips).
- 5.2 The Council currently imposes on all category 2 pleasure boat licences a number of conditions relating to the equipment required to be carried. Condition 5.2 requires that lifejackets be available for all passengers and crew, that lifejackets must be worn by all children under the age of 16 and that the stowage position of the lifejackets to be clearly marked and readily accessible.
- 5.3 Although the necessity of having access to suitable lifejackets is widely recognised and supported, the requirement to force passengers under the age of 16 to wear them is not. There is in fact no statutory requirement for them to be worn by any passengers of such boats regardless of age or ability to swim.

## Item 6

- 5.4 Following discussions with partner agencies and similar business owners, the common approach is one of retaining the power to enforce the provision of lifejackets but leaving the issuing of them to risk assessment by the boatman in charge of the vessel or at the request of the passengers themselves.
- 5.5 From wider discussion this approach could be considered suitable to the provision of all equipment set out within the conditions, with the boatman conducting a comprehensive risk assessment at the time of licensing and using that risk assessment to determine necessary safety equipment for each journey.
- 5.6 The replacement of the requirement for all passengers under 16 to wear lifejackets with a risk assessment approach recognises the professionalism of those businesses and balances the protection of public safety with the realities of their operating procedures.

### **Appendices:**

- 1 – Current Pleasure Boat Licence Conditions**
- 2 – Requests for review**
- 3 – Proposed Pleasure Boat Licence Conditions**

For further information contact:-

Ian Carter, Licensing Officer

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907, SECTION 94**

**PLEASURE BOATS: CONDITIONS OF LICENCE**

1. **Interpretation**

In these Conditions the following words mean:

**Category 1 Boats** means small boats or craft including canoes/kayaks, pedaloos, personal water craft, beach floats, self-drive motor and rowing boats let for hire whether in the charge of a licensed boatman or not.

**Category 2 Boats** means small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips)

**Council** means Purbeck District Council

**Licensee** means the person named in the Licence

**MCA** means the Maritime and Coastguard Agency

**Navigator** means the person who, whether as Licensee or otherwise, has the charge or control of the Pleasure Boat and includes a person who, being present, is entitled to give orders to the person having charge or control

**Painter** means a line attached to the bow of a pleasure boat for use in towing or making fast

**Pleasure Boat** means the Category 1 or Category 2 boat that is the subject of this licence

**Quoit** means a rescue ring that can be thrown overboard to rescue a person in the water, usually having a long heavy floating line attached to it

**Rough weather conditions** means force 6 or more on the Beaufort Wind Force Scale.

2. **Period of Licence**

The Licence will be for the period 1st April [insert date of Good Friday if earlier] to 31st October 201\* unless the Licence is terminated by the Council earlier.

**3. General**

- 3.1 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person under 14 years of age unless accompanied by a person who is 18 years or over.
- 3.2 The Licensee shall not let or hire or cause or permit the Pleasure Boat (if it is motorised) to be let or hired to any person under 16 years of age unless accompanied by a person who is 18 years or over.
- 3.3 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person who is or appears drunk or otherwise incapacitated nor to any person whom such proprietor does not reasonably believe to be competent to manage the Pleasure Boat.
- 3.4 The Pleasure Boat shall not be used for the carrying of passengers for hire unless the Navigator is licensed by the Council
- 3.5 The Pleasure Boat shall be let for hire in rough weather conditions.
- 3.6 The Navigator shall not allow musical instruments to be played or other similar distractions on or in connection with the Pleasure Boat.
- 3.7 The Pleasure Boats shall be kept free from oil and refuse.
- 3.8 Where the Pleasure Boat is required to carry additional fuel it shall be stored securely and safely in appropriate containers.
- 3.9 The Licensee must provide a safety boat that is ready to respond to an emergency involving the Pleasure Boat for recovery of any persons in danger. The safety boat must carry appropriate rescue equipment to deal with such emergencies.

**4. Operating schedule and operating hours**

- 4.1 The Licensee shall have in place at the point of hire/launch, a record of hire of craft to include
- a) Date and time hired and date and time returned
  - b) Pleasure boat licence number
  - c) Number of persons hiring the pleasure boat and contact details of the hirer.
- 4.2 The Licensee must have and keep under regular review, a documented safety management system (SMS) to ensure that best practice is adhered to at all times. The system should contain:
- The Licensee's health and safety policy.

- Documented lines of communication between those with responsibilities in the operation of the Pleasure Boat.
  - Procedures for the safe operation of the Pleasure Boat. This can include but not be limited to, equipment testing checklists, bunkering checklists, pre-departure checklists, passenger safety briefing.
  - The Licensee must ensure that their passengers/hirers know about the use and stowage position of all safety appliances on board and the wearing of lifejackets is to be demonstrated.
  - Emergency response procedures.
  - Accident reporting procedures.
  - Crew training records/records of musters and drills.
- 4.3 Category 1 Boats are not to be hired for use (or used for the carriage of passengers) except between the times of sunrise and sunset.

**5. Signage and equipment requirements**

- 5.1 The Licensee shall display a plaque issued by the Council displaying the licence number, and maximum number of persons the Pleasure Boat is licensed to carry in a position on the Pleasure Boat that is visible to the public.
- 5.2 The Pleasure Boat shall be provided with the equipment listed below as applicable. Where a higher standard of equipment than required by reason of any statutory order or provision of any requirements by the MCA, the higher standard shall be applied. All equipment must be supplied and carried at all times and be kept in good working order.

Equipment to be provided for Category 1 Boats

1. Painter
2. Bilge pump (if practicable), bailer and bucket
3. Lifejackets available for all passengers and crew. Lifejackets must be worn by all children under the age of 16. The stowage position of the lifejackets to be clearly marked and readily accessible.
4. Powered or sailing craft must provide an approved alternative means of propulsion (e.g. paddles)
5. 1 Lifebuoy for boats carrying not more than 6 persons, otherwise 2 lifebuoys. It must be of a type approved by the Department of Trade and Industry of a size not less than 610mm in diameter with a buoyant

line of at least 18 metres attached with a minimum breaking strain of 115 kilos

6. In addition to lifebuoys, approved buoyant apparatus to support all of the passengers and crew. The buoyant apparatus may include standard MCA lifebuoys and/or have built-in buoyancy (provided that the built-in buoyancy is adequate and suitable grab lines or rails or bilge keels are provided and maintained).
7. A safety notice explaining the emergency procedures shall be provided to persons hiring the craft

Equipment to be provided for Category 2 Boats

All equipment required for a Category 1 Boat together with:

8. (Powered Boats) At least two approved fire extinguishers (If the Pleasure Boat has covered accommodation it must have foam CO<sub>2</sub> or dry powder extinguishers).
  9. Buoyant heaving line at least 30 meters in length with MCA approved rescue Quoit.
  10. Boat hook.
  11. Klaxon, foghorn, or other approved noise signal.
  12. A sufficient first aid kit.
  13. Navigation lights in accordance with current Merchant Shipping Regulations.
  14. Approved orange smoke floats (at least two).
  15. Suitable tool kit.
  16. One water resistant torch.
  17. VHF or mobile phone (the local navigation authority should be consulted in order to establish the most effective form of communication, whether VHF or other means. Emergency procedures for establishing contact in an emergency should be prepared. It should be noted that a mobile phone may be sufficient in some areas, but if mobile phone coverage is poor, alternative means should be agreed
- 5.3 The Council's approved pleasure boat assessor may by written notice to the Licensee require additional equipment as he considers necessary for the specific operational requirements

- 5.4 Any towing boat shall have at least two crew at all times; one to drive and navigate and the other to watch the tow. A tow line must be between 25-30m in length. A method of quick release in an emergency must be available.

**6. Collision and damage reporting requirements**

- 6.1 The Licensee must inform the Council of any collision or grounding of the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours.
- 6.2 The Licensee must inform the Council of any substantial damage caused to the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours. The Licensee shall supply to the Council on request a written specification of the proposed repairs.
- 6.3 If the Pleasure Boat suffers any significant damage or deterioration caused by collision, accident or any other means it shall not be hired to any persons until it has been repaired and the Pleasure Boat has been inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor.

**7. Pleasure Boat Inspection**

The Licensee will upon request make the Pleasure Boat available for an out-of-water inspection by the Council's approved pleasure boat assessor to ensure that the Pleasure Boat remains in a safe and sea-worthy condition.

**8 Public Liability Insurance**

The Licensee shall take out and maintain a Third Party and Passenger Insurance to cover a minimum sum of £5,000,000. The policy document shall be produced on request to an authorised officer of the Council. The Council shall be notified prior to any change in or on the expiry or termination of the cover.

**9. Right of Entry**

- 9.1 Any officer duly appointed by the Council for the purpose shall have full right at all reasonable times to inspect the Pleasure Boat and to enter upon any yard or premises for that purpose. No Licensee or person in attendance shall obstruct or hinder any such officer from making such entry and inspection or otherwise in the execution of his duties in regard to these conditions.
- 9.2 Every Licensee shall, on demand, produce their Licence to any duly authorised officer of the Council.

**10. Suspensions and Revocation**

- 10.1 At any time during a licence the Council may suspend or revoke this licence in the interest of the public safety or if the Licensee fails to observe or comply with any condition.
- 10.2 In the case of suspension, any suspension shall remain in force until the damage or deterioration of the Pleasure Boat is repaired and made good to the satisfaction of the Council. The Council may require the Pleasure Boat to be inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor as a pre-condition of any suspension being lifted.

NOTE: The Council does not assume responsibility for testing the accuracy of the representations upon which this Licence is granted, nor does the Council warrant in granting this Licence the safety of the Pleasure Boat or the competency of any Boatmen. This Licence does not relieve the Licensee from his liability for his acts or omissions or those by his employees, contractors or agents or the use of any unsafe or insufficiently equipped pleasure boat or vessel.



PURBECK DISTRICT COUNCIL  
PUBLIC HEALTH & HOUSING  
14 SEP 2018



13 / 09 / 18

Dear Mr Carter

Following are meeting with regard to the license conditions applying to small ( category B ) passenger boats will you please submit to the Licensing Committee for consideration, alteration to the following regulations:-

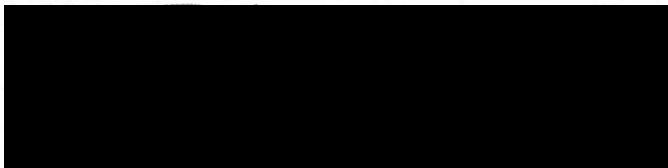
Section 5

Clarification that life jackets are not required to be worn by children under the age of 16 ( research suggests that no other passenger boats are required to do this)

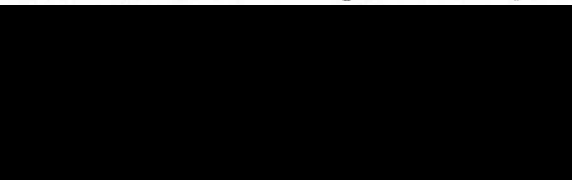
Section 4.2

'The wearing of life jackets is to be demonstrated'. This is not necessary or practical for boats operating in a river providing 45 minute trips. We do not know of any other small passenger boats where this is required or carried out. Life jacket and peribouy locations are clearly shown.

Yours



Wareham Steam Navigation Company



Wareham River Cruises

PURBECK DISTRICT COUNCIL  
PUBLIC HEALTH & HOUSING  
12 OCT 2018



10 / 10 / 2018

Dear Mr Carter

With reference to your letter of 25<sup>th</sup> September. Here is a random list of organisations that provide canal, river and sea trips, in a variety of boat sizes, that do not require children to wear life jackets or provide a drill demonstration of the use of life jackets. Some but not all do have diagrams displayed that show how a life jacket is put on.

Fishing boats ( licensed by Poole Council) operating fishing trips for up to 12 passengers from Poole Quay.

Fowey River Cruises, Devon.

River Dart Steam Railway River Cruises, Devon.

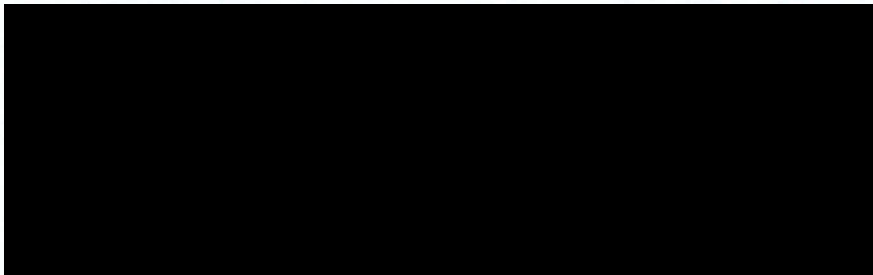
P SWaverley. Various locations around the coast.

The Wey and Arun Canal Trust, Sussex

Chichester Canal Trust.

The Marine and Coast Guard Agency do not require that children wear life jackets or a demonstration is given.

Your Sincerely



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13. A sufficient first aid kit.
14. Navigation lights in accordance with current Merchant Shipping Regulations.
15. Approved orange smoke floats (at least two).
16. Suitable tool kit.
17. One water resistant torch.
18. VHF or mobile phone (the local navigation authority should be consulted in order to establish the most effective form of communication, whether VHF or other means. Emergency procedures for establishing contact in an emergency should be prepared. It should be noted that a mobile phone may be sufficient in some areas, but if mobile phone coverage is poor, alternative means should be agreed

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NOTE: The Council does not assume responsibility for testing the accuracy of the representations upon which this Licence is granted, nor does the Council warrant in granting this Licence the safety of the Pleasure Boat or the competency of any Boatmen. This Licence does not relieve the Licensee from his liability for his acts or omissions or those by his employees, contractors or agents or the use of any unsafe or insufficiently equipped pleasure boat or vessel.