



LICENSING COMMITTEE
5 November 2020

ITEM 05

Report sponsor: Tracey Blackwell, Interim
Director of Public Protection & Streetpride
Report author: Angela Rawson, Team Leader,
Licensing

Boat & Boatman Licensing

Purpose

- 1.1 The report provides an outline of Section 94 Public Health Acts Amendment Act 1907 (the Act) relating to the licensing of pleasure boats and/or vessels and boatmen and the steps required to adopt such legislation.

Recommendation(s)

- 2.1 That the Committee note the content of the report and approve referral to Full Council for adoption of the Act.

Reason(s)

- 3.1 The legislation would allow the Council to take ownership of the licensing of vehicles/vessels, and the boatmen in charge of them. The administration of the regime would be incorporated into the business of existing licensing department thereby ensuring that such activities are carried out in a safe and controlled framework.

Supporting information

- 4.1 The information in this report gives the Committee an awareness of the requirements should a request be made for the use of pleasure boats/vessels for carrying the public along designated parts of the River Derwent.
- 4.2 In the interest of public safety, consideration should also be given to the appetite for risk to the council, both financially and reputationally, to allow for regulatory control over those using the waterways as a safeguard to the public using the service.
- 4.3 Section 94 of the Public Health Acts Amendment Act 1907 gives local authorities the power to grant licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and grant licences to persons in charge of or navigating such vessels.
- 4.4 The Act allows the local authority to grant those licences upon such terms and conditions as they may think fit and to charge (for each type of licence) an annual fee as appears appropriate.

- 4.5 Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public; provided that the existence of the power to suspend or revoke the licence is plainly set out in the licence itself. It is recommended that such licences be granted annually.
- 4.6 It is a criminal offence to contravene any provision of S.94 of the Act and the maximum penalty for such an offence on conviction in the Magistrates Court is a fine of £1000.
- 4.7 The Local Authority may charge for each type of licence a fee that is deemed to be appropriate by them. If the recommendation is adopted, the authority would then be able to set its own fees as it deems appropriate. As with other licensing regimes, fees must be reasonable and based on cost recovery for administering the licences.
- 4.8 The Licensing Committee are asked to support and refer the request to Full Council for the required legislation to be incorporated into the Constitution. Council would then be asked to defer the decision making and fee setting process back to the Licensing Committee and relevant officer for administration and compliance.

Public/stakeholder engagement

- 5.1 At the appropriate time, consultation with the relevant parties will be commenced with the responses being referred to the relevant meeting.

Other options

- 6.1 None set out.

Financial and value for money issues

- 7.1 Not applicable for the purpose of this report.

Legal implications

- 8.1 As set out in the report Section 94 of the Public Health Acts Amendment Act 1907 provides the power to license pleasure boats and boatmen. Schedule 1, Paragraph B18 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) states that this licensing function is non-executive and should be with the Licensing Committee.

Climate implications

- 9.1 None directly arising from this report.

Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Lucie Keeler, Solicitor	23/10/20
	Michael Kay, Head of Service	23/10/20

Background papers:	None
List of appendices:	None