

Report sponsor: Samantha Dennis, Director of Communities

Report author: Angela Rawson, Team Leader, Licensing

Boat & Boatman Licensing Policy

Purpose

- 1.1 The report asks members to consider the proposal for the review of the existing Boat & Boatman Licensing Policy following its commencement in April 2021. The report requests implementation of the reviewed Policy following a 12-week consultation of the attached policy document.

Recommendation(s)

- 2.1 That Committee consider the draft Boat & Boatman Policy attached at Appendix 1 and release for a 12-week consultation period, following which the Policy will be approved as drafted should there be no objections received.
- 2.2 That the Committee delegate authority to make minor changes to the draft policy following any responses to the consultation, to the Head of Service for Licensing and the Licensing Manager in consultation with the Chair of Committee.
- 2.3 Major changes to the Policy will remain the responsibility of this Committee with any minor changes being provided as an update to members at the next sitting.

Reason(s)

- 3.1 The legislation allows the Council to make provisions to licence vehicles/vessels, and the boatmen in charge of them within the City of Derby. The administration of the regime has been incorporated into the business of the existing licensing department thereby ensuring that such activities are carried out in a safe and controlled framework.

Supporting information

- 4.1 Under Section 94 of the Public Health Acts Amendments Act 1907, Derby City Council has the responsibility for licensing the use of pleasure boats/vessels for carrying the public within the City of Derby, together with the Boatmen in charge of those vessels.

- 4.2 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.
- 4.3 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 consider 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.
- 4.4 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 up to £1000.
- 4.5 A licensing policy was prepared outlining the responsibilities of the applicant together with the procedural requirements for licensing both pleasure boat and Boatman. This was introduced in April 2021.
- 4.6 The Local Authority may review the Policy at any time and as the Policy has now been operational for over a year, it is felt an appropriate time to review the current policy, together with the practices and procedures that underpin the Policy.
- 4.7 The Licensing Committee is asked to approve the consultation document set out at Appendix 1 to be released for a 12-week consultation period for comment.
- 4.8 Should objections be received during the consultation period, it is proposed that they be considered by officers and that any minor changes to the Policy are approved after consultation with that Chair of this Committee. This will enable the Boat & Boatman Policy to be expediently reviewed and transitioned into the Licensing Team in readiness for receipt of applications. Any major changes will be brought back to this Committee for a final decision.

Public/stakeholder engagement

- 5.1 Full public consultation with the responses being referred to a further meeting of this Committee if necessary.

Other options

- 6.1 None set out.

Financial and value for money issues

- 7.1 It is envisaged that the cost for implementation and maintenance of this licensing function will be covered by the proposed licence fees. Fees are reviewed on an annual basis to ensure cost recovery is maintained.

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	Olu Idowu	13/06/2023
Finance		
Service Director(s)		
Report sponsor	Samantha Dennis, Service Director	09/06/2023
Other(s)	Michael Kay, Head of Service	12/06/2023

Background papers:	None
List of appendices:	Appendix 1 - Boat & Boatman Licensing Policy Consultation Document