



LICENSING COMMITTEE

28 January 2021

ITEM 7

Report sponsor: Samantha Dennis, Director of Public Protection & Streetpride
Report author: Angela Rawson, Team Leader, Licensing

Boat & Boatman Licensing Policy

Purpose

- 1.1 The report asks members to consider the proposal for the introduction of a Boat & Boatman Licensing Policy following adoption of Section 94 Public Health Acts Amendment Act 1907 (the Act) by Full Council on 25 November 2020. The report requests implementation of the Policy following a 4-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 4-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 changes to the draft policy following any minor responses to the consultation, to the Head of Service for Licensing and the Licensing Manager in consultation with the Chair of Committee.
- 2.3 That the Committee approve the fees as set out in Paragraph 4.7 of the report.

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 would be 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 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.
- 4.4 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 £1000.
- 4.5 A licensing policy has been prepared outlining the responsibilities of the applicant together with the procedural requirements for licensing both pleasure boat and Boatman. This is set out at Appendix 1.
- 4.6 The Local Authority may charge for each type of licence a fee that is deemed to be appropriate by them. As with other licensing regimes, fees must be reasonable and based on cost recovery for administering the licences.
- 4.7 It is proposed that the fees are set as follows, and will be reviewed annually:
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| Grant/Renewal of Pleasure Boat Licence | £194.00 |
| Grant/Renewal of A Boatman's Licence | £201.00 |
- 4.8 The Licensing Committee is asked to approve the draft Policy set out at Appendix 1 to be released for a 4 week consultation period and should there be no objections, allow the draft Policy to become the final approved 'Boat & Boatman Licensing Policy' by default.
- 4.9 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 transitioned into the Licensing Team in readiness for receipt of any early seasonal applications.

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 It is envisaged that the cost for implementation and maintenance of this licensing function will be covered by the proposed licence fees. Fees will be evaluated 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	Lucie Keeler, Solicitor	13/01/21
Finance	Amanda Fletcher	12/01/21
Service Director(s)		
Report sponsor	Samantha Dennis, Service Director	14/01/21
Other(s)	Michael Kay, Head of Service	06/01/21

Background papers:	None
List of appendices:	1) Draft Boat & Boatman Licensing Policy