

**Derby City Council**

**Responses to consultation on Pleasure Boat/Vessel & Boatperson Policy Review**

**No comments were made to sections: (keep relevant sections)**

- 1 Introduction
- 2 Scope of the Policy
- 3 Pleasure Boat/Vessel – Application
- 4 Boatperson – Application
- 5 Renewal
- 6 Determination
- 7 Compliance & Enforcement
- 8 Offences
- 9 Review of Policy

## Section 1 – INTRODUCTION

| Ref No. | Paragraph  | Summary of Respondents Comments  | Authority's Appraisal of Comments         | Authority's Response       |
|---------|--|--|---|----------------------------|
| 1       | 1.1-1.3<br>Outline of the purpose for the policy being public safety | Agree with policy in principle (protecting public/promoting public safety). Suggest move to a risk management approach | Will be considered as part of this review | No changes to this section |

## Section 2 – SCOPE OF THE POLICY

| Ref No. | Paragraph                      | Summary of Respondents Comments  | Authority's Appraisal of Comments  | Authority's Response     |
|---------|--------------------------------|--|--|--------------------------|
| 1       | 2.1-2.2<br>Scope of the Policy | All power boats should be regulated, scope does not limit to boats for hire. | No authority to manage power boats. Policy relates to passenger boats/vessels. Including boats for hire would result in a change in legislation and the Council has no authority to do this. | No changes to the policy |

## Section 3 – PLEASURE BOAT/VESSEL – APPLICATION

| Ref No. | Paragraph  | Summary of Respondents Comments  | Authority's Appraisal of Comments  | Authority's Response |
|---------|--|--|--|----------------------|
| 1       | 3.1<br>Pleasure Boat/Vessel Application process – requirements | Signed declaration to comply with Sound Practice, Safe Waters Inland Waters Small Passenger Boat Code should be deferred to the Boatperson | This specific requirement is the responsibility of the Boat Operator. The Sound Practice, Safe Waters Inland Waters Small Passenger Boat Code attaches to vessel and not the Boatperson. | No changes to policy |

|  |                   |   |   |  |
|--|-------------------|---|---|--|
|  | Fee requirement   | Consider fees to be excessive in comparison with other licensing authorities                                  | Fees are evaluated annually and are formulated to ensure full cost recovery. It is not unusual for fees to vary between Local Authorities | Unless the Council wishes to subsidise the fees in which case there has to be a public interest justification - No changes proposed                    |
|  | Period of Licence | Licence should be issued for 4 years with annual requirement for insurance and Boat Safety Scheme certificate | Consideration given to extending longevity of licence to 4 years.   | Amend to policy to read 'to 4 years' in Section 6 Determination (with notification of changes within 7 days should any of the pre requirements lapse ) |

#### **Section 4 – BOATPERSON – APPLICATION**

| <b>Ref No.</b> | <b>Paragraph</b>                                   | <b>Summary of Respondents Comments</b>   | <b>Authority's Appraisal of Comments</b>   | <b>Authority's Response</b>  |
|----------------|--|--|--|--|
| 1              | 4.2<br>Boatperson Application process requirements | Request move to risk assessment basis and remove the need for Group 2 medical by utilising a declaration of fitness. | Considered logistics of the responsibilities of the Boatperson. The Boatperson is required to be medically fit. A declaration can be introduced which must be signed by their GP | Replace wording in policy to read medical declaration signed by GP.                |
|                | Requirements for DBS                               | Request for removal of DBS requirement   | Requirement remains for Boatperson only <u>not</u> cabin staff.  | No changes proposed - considered part of the propriety test to ensure safeguarding |
|                | Period of Licence                                  | Longevity of licence should be extended to 5 years   | Consider 3 years a reasonable period of time with the requirement to present   | Amend Section 6 policy to read '3 years' subject                                   |

|  |           |  |  |   |
|--|-----------|--|--|---|
|  | Fee level | Consider fees to be excessive in comparison with other licensing authorities | <p>medical declaration and DBS every year on the anniversary of grant</p> <p>Fees are evaluated annually and are formulated to ensure full cost recovery. It is not unusual for fees to vary between Local Authorities</p> | <p>to annual DBS and medical</p> <p>Unless the Council wishes to subsidise the fees in which case there has to be a public interest justification - No changes proposed</p> |
|--|-----------|--|--|---|

### **Section 5 – RENEWAL PROCESS**

| <b>Ref No.</b> | <b>Paragraph</b> | <b>Summary of Respondents Comments</b> | <b>Authority's Appraisal of Comments</b> | <b>Authority's Response</b> |
|----------------|------------------|--|--|-----------------------------|
| 1              |                  | No concerns                            | N/A                                      | No changes proposed         |

### **Section 6 - DETERMINATION**

| <b>Ref No.</b> | <b>Paragraph</b>            | <b>Summary of Respondents Comments</b>  | <b>Authority's Appraisal of Comments</b> | <b>Authority's Response</b>         |
|----------------|-----------------------------|---|--|-------------------------------------|
| 1              | 6.3<br>Grant/renewal period | Comments regarding longevity of licence | Considered in detail in section 3 and 4  | Amended 6.2 to reflect any changes. |

### **Section 7 – COMPLIANCE & ENFORCEMENT**

| <b>Ref No.</b> | <b>Paragraph</b> | <b>Summary of Respondents Comments</b> | <b>Authority's Appraisal of Comments</b> | <b>Authority's Response</b> |
|----------------|------------------|--|--|-----------------------------|
|----------------|------------------|--|--|-----------------------------|

|   |  |  |            |                     |
|---|--|--|------------|---------------------|
| 1 |  | No comments other than highlighted above | No comment | No changes proposed |
|---|--|--|------------|---------------------|

### **Section 8 – OFFENCES**

| <b>Ref No.</b> | <b>Paragraph</b>            | <b>Summary of Respondents Comments</b>                | <b>Authority's Appraisal of Comments</b>  | <b>Authority's Response</b> |
|----------------|-----------------------------|---|---|-----------------------------|
| 1              | responsibility for offences | Acting contrary to the laws should rest with operator | Licensing Authority has power under relevant legislation for sanctions which will remain under its responsibility | No changes proposed         |

### **Section 9 – Review of Policy**

| <b>Ref No.</b> | <b>Paragraph</b>                                | <b>Summary of Respondents Comments</b> | <b>Authority's Appraisal of Comments</b> | <b>Authority's Response</b> |
|----------------|---|--|--|-----------------------------|
| 1              | 3 year review or more frequently if appropriate | No comment                             | N/A                                      | No changes proposed         |