



LICENSING COMMITTEE
14 March 2024

ITEM 05

Report sponsor: Charles Edwards, Director of Communities
Report author: Angela Rawson, Service Manager, Licensing

Boat & Boatperson Licensing Policy Review

Purpose

- 1.1 The report asks members to consider the results of the consultation into the review of the Boat & Boatperson Licensing Policy and approve amendments proposed to the attached policy with immediate effect.

Recommendation(s)

- 2.1 That Committee consider the responses to the consultation documented at Appendix 1 & 2 of this report.
- 2.2 That the Committee approve the amended Boat & Boatperson Licensing Policy at Appendix 3 of this report with immediate effect.

Reason(s)

- 3.1 The legislation allows the Council to take regulatory responsibility for the licensing of vehicles/vessels and the boatmen in charge of them, within the meaning set out in section 94 of the Public Health Acts Amendment Act 1907 (the Act) operating within the City of Derby. The administration of the regime would be incorporated into the business of the existing licensing team thereby ensuring that such activities are carried out in a safe and controlled framework, consistent with licensing practice across all other strands of licensing falling within the remit of the team.

Supporting information

- 4.1 Under section 94 of the Act, if it adopts the provisions application of the Act within its administrative area, the Council assumes responsibility for licensing the use of pleasure boats/vessels for carrying the public, together with the Boatpersons in charge of those vessels.
- 4.2 The Act allows the local authority to grant those licences upon such terms and conditions as it may think fit and to charge (for each type of licence) an annual fee as appears appropriate. Fees are reviewed and based on a full cost recovery basis.

- 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 it considers 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.
- 4.4 It is a criminal offence to contravene the provisions of section 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 principles to be adhered to by successful licence applicants, together with the procedural requirements for licensing both pleasure boat/vessels and Boatpersons. It became effective in April 2021 and since becoming operational, 1 boat licence and 6 Boatpersons licences were applied for in 2022. 1 boat licence and 2 Boatpersons licences were applied for in 2023. A licences were approved and issued.
- 4.6 The Local Authority may review the Policy at any time and as the Policy has been operational for over a year, it was felt an appropriate time to review the current policy, together with the practices and procedures that underpin the Policy.
- 4.7 On 29 June 2023 this Committee released a draft document for a 12 week consultation period. The period for response closed on 27 September 2023. .
- 4.8 One response has been received from Mr Madge the Chairman of the Derby & Sandiacre Canal Trust Limited (Appendix 1).
- 4.9 The response content has been considered by the report author and the Head of Community Safety and Localities and changes incorporated into the proposed policy at Appendix 3.
- 4.10 A summary of those considerations are detailed in Appendix 2 to this report.

Public/stakeholder engagement

- 5.1 Full public consultation was carried out for a 12 week period. The consultation was available on the website of Derby City Council.

Other options

- 6.1 Not to amend the current policy.

Financial and value for money issues

7.1 The cost for implementation and maintenance of this licensing function is covered by the licence fees. Fees are reviewed on an annual basis to ensure full 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	Syma Akhtar	06/03/24
Finance		
Service Director(s)		
Report sponsor	Charles Edwards, Corporate Director	27/02/24
Other(s)		

Background papers:	None
List of appendices:	Appendix 1 – Response from Mr Madge Appendix 2 - Summary of Responses to Consultation Appendix 3 – Boat & Boatman Licensing Policy – Proposed Document