

# **Derby City Council**

## **Pleasure Boat & Boatman**

### **Licensing Policy**

(Version 3 \*\* 2021)

Consultation Document

<b>SECTION</b>	<b>CONTENTS</b>	<b>PAGE</b>
1	INTRODUCTION	3
2	SCOPE OF THE POLICY	3
3	PLEASURE BOAT – APPLICATION	4
4	BOATMAN – APPLICATION	4
5	RENEWAL	6
6	DETERMINATION	6
7	COMPLIANCE & ENFORCEMENT	7
8	OFFENCES	8
9	REVIEW OF POLICY	8

## **1. Introduction**

- 1.1 Under section 94 of the Public Health Acts Amendment Act 1907 (The Act) local authorities may grant upon such terms and conditions as they may think fit for licenses for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels and may charge for each type of licence such annual fee as appears to them to be appropriate.
- 1.2 The principal purpose of Pleasure Boats & Boatman licensing is to protect the public and promote public safety. The Council will carry out its licensing function in that context and will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.
- 1.3 The draft policy will undergo consultation with relevant agencies, professional bodies and stakeholders to ensure that the criteria is fair to all and to ensure the safety of passengers is not compromised.

## **2. Scope of the policy**

- 2.1 The purpose of this policy is to provide clear guidance to applicants on how the Council administers its licensing functions under the Act and how decision making will be approached. The Act also allows the local authority to set terms and conditions as appropriate.
- 2.2 This policy is intended to apply to commercial vessels operating with a skipper or crew and which is intended or adapted for the carriage of

passengers. This policy is not intended to cover canoes, kayaks, white water rafts, bell boats, dragon boats or similar, as such vessels are covered by guidance issued by the National Sports governing bodies.

### **3. Pleasure Boat – Application**

#### **3.1 Application Process**

3.2 The applicant must complete the application form in full and return it to the licensing office with the relevant documentation, namely:

- Full survey carried out by a suitable qualified marine surveyor confirming the vessels suitability for the intended purpose;
- Signed declaration of compliance with 'Sound Practice, Safe Waters Inland Waters Small Passenger Boat Code'  
<https://www.gov.uk/government/publications/inland-waters-small-passenger-boat-code>
- A recreational craft directive (RCD) for brand new boats or a Boat Safety Scheme Certificate for older boats
- Public Liability Insurance Certificate (£5 million minimum)
- Plan of the boat (with location of safety equipment and exit routes)
- Confirmation of training/experience level of skipper/crew members
- Fee

### **4. Boatman - Application**

#### **4.1 Guidance**

4.2 An applicant must be:

- 18 years of age or over

- Not suffer from any illness or disability which could affect his/her fitness to assist in the charge of the pleasure boat for hire.
- Hold a relevant qualification that confirms the individual's levels of competency in operating a vehicle within the designated waters

#### 4.4 Application Process

4.5 The applicant must complete the application form in full and return it to the licensing office with the relevant documentation, namely:

- Evidence of a relevant vessel handling certificate (see 4.6 for criteria)
- Basic Disclosure from the Disclosure Barring Service (within 1 month of issue)
- Medical Certificate (see 4.7 for criteria)
- Signed declaration – Inland Waters Small Passenger Boat Codes
- Passport sized photograph
- Fee

4.6 Acceptable training certification:

- MCA Boatmaster's Licence for a local passenger vessel (BML) grade 3 or 2 for the appropriate area;
- British Waterways Boatmanship Licence;
- National Community Boats Association Certificate in Community Boat Management;
- Waterman's Licence issued by a competent authority for the appropriate area, where available;
- Royal Yachting Association (RYA) Powerboat (level 2) with 12 months relevant experience;
- RYA Inland Helmsman's certificate with 12 months relevant experience.

4.7 Acceptable medical certification:

- Group 2 standard

- ENG1 – set maritime and coastguard agency for sea going vessel
- ML5 – seafarer
- CAA - commercial pilots licence medical certificate
- HSE - diving medical certificate.

## **5 Renewal Process**

- 5.1 Applicants will be sent a renewal reminder approximately three months before the licence expires. However, the responsibility for renewal remains with the licence holder and no further reminder will be issued.
- 5.2 Please allow up to 10 working days for your renewal application to be processed. It is the responsibility of the licence holder to apply in plenty of time to renew the licence.
- 5.3 If a licence lapses the holder cannot operate, navigate or use a vessel until the relevant licence has been issued.

## **6 Determination**

- 6.1 Each application will be considered on its merit and may be referred to the Licensing Committee where necessary.
- 6.2 As part of the determination process, conditions will be specified and attached to a licence.
- 6.3 If an application is refused, appeal may be submitted to Southern Derbyshire Magistrates' Court, 27 St Mary's Gate, Derby, DE1 3JR in accordance with Section 94(7) of the Act.

## 7 Compliance & Enforcement

- 7.1 The Licensing Team will have primary responsibility for monitoring that operators and boatpersons comply with the terms and conditions of the relevant licences.
- 7.2 Any complaint lodged by members of the public, businesses, customers or other operators will be investigated by the Licensing Team. Where breaches may have the potential for causing serious harm, prosecution may be an option.
- 7.3 Any licence may be suspended or revoked by the local authority whenever it decided that suspension or revocation is necessary or desirable in the interests of the public safety.
- 7.4 When consideration is given as to whether a licence should be suspended or revoked, the delegated officer/ sub committee will take into account:
- the 1907 Act
  - this policy and the Communities, Environment and Regulatory Services Enforcement Policy
  - the evidence available
  - the interests of the public, in particular any public safety issues
  - representations and representations of operators and boatperson
  - any relevant history.
- 7.5 The operator / boatperson will be provided with a written copy of the delegated officer/ sub committee decision, facts and reasons together with the licence holders right of appeal contained in Section 94(7) of the Act.

## 8 Offences

- 8.1 Every person who acts in contravention the provisions of Section 94 of the Act shall be liable to a penalty not exceeding level three on the standard scale.
- 8.2 The licence holder shall not be guilty of an offence by reason of his failure to comply with such conditions in Section 94(3)(b) if it is shown that there is reasonable excuse for the failure.

## 9. Review of Policy

- 9.1 It is the intention that this policy will be reviewed every three years or more frequently if appropriate.

<b>DOCUMENT CONTROL</b>			
Version	Date	Description	Officer
V1	December 2020	1 <sup>st</sup> DRAFT	AMR
V2	17/12/2020	2 <sup>nd</sup> DRAFT	AMR
V3	/01/2020	Consultation Document	AMR