

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

PUBLIC HEALTH ACT AMENDMENT ACT 1907

PLEASURE BOATS AND BOATSMENS LICENCES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the licensing of pleasure boats and boatmen together with their respective conditions following the consultation exercise. A copy of the original proposed conditions can be found at Appendix E of this report. A copy of the amended conditions after consultation can be found at Appendices B, C and D of this report.
- 1.2 To agree the amended licence, fees and conditions.

2. BACKGROUND INFORMATION

- 2.1 Section 94 of the Public Health Acts Amendment Act 1907 authorises Local Authorities to grant licences for pleasure boats, which are used for carrying passengers for hire. In addition a licence can be issued for persons in charge of navigating such vessels.
- 2.2 Legislation empowers Local Authorities to grant a licence, adding conditions as it may think fit and may charge a fee as appears to be appropriate. The legislation covers any boat or craft with the capacity of up to 12 persons. The Maritime and Coastguard Agency (MCA) regulate all craft beyond this capacity.
- 2.3 This report seeks to implement the licensing of pleasure boats and boatmen within North Lincolnshire.
- 2.4 Whilst the Authority offers advice for such licences on the North Lincolnshire Council website, there are no guidelines, application forms, fees or conditions in place to enable the Licensing Division to implement such licences.
- 2.5 In considering an application for a pleasure boat, it should be inspected by a suitably qualified surveyor. It is the intention of the council that such an inspection should be carried out before licensing. Any costs for the assessment of suitability for pleasure boats or the competency of boatmen applications will be met by the applicant.

- 2.6 It is suggested that both pleasure boat and boatsmen licences be issued for a period of 12 months, commencing on the day of issue by the Authority.
- 2.7 Conditions to be attached to each type of licence are attached to this report at Appendix B for pleasure boats, Appendix C for Boatsmen and Appendix D for restricted Boatsmen.
- 2.8 The fee scales for issuing licences for the financial year 2008/09 are recommended as follows;

Pleasure Boat Licence	£60
Boatman Licence	£60
Restricted Boatman Licence	£60
Replacement Licence	£15

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To approve the Boatsmen Licence, Pleasure Boat Licence, respective conditions and recommended fee following consultation.
- 3.2 Option 2 – To amend the Boatsmen Licence and Pleasure Boat Licence, respective conditions and recommended fee following consultation.
- 3.3 Option 3 – to reject the Boatsmen Licence and Pleasure Boat Licence, respective conditions and recommended fee following consultation.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 - The Boatsmens Licence conditions and Pleasure Boats Licence conditions have been amended to take into consideration improved safety and protection of the public after consultation.
- 4.2 Option 2 – The Licensing Committee will have the opportunity to consider the amended licence and conditions and to discuss any amendments they feel are necessary after consultation.
- 4.3 Option 3 – To reject the amended licences and conditions after consultation would mean persons would be operating unregulated, therefore there would be a risk to the public with regards safety issues.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY,IT)**

5.1 Financial

5.1.1 It is not expected at this present time that there will be a great number of applications received for such licences.

5.1.2 It is not expected there will be any staffing, property or IT implications.

5.2 Statutory

5.2.1 Public Health Act Amendments Act 1907

5.2.2 Local Government, Planning and Land Act 1980, Section 185 (for the adoption of Byelaws)

5.3 Environmental and Other

5.3.1 Consideration must be given to legal requirements with;

5.3.1.1 The Environment Agency

5.3.1.2 British Waterways

5.3.1.3 Maritime and Coastguard Agency

5.3.1.4 Inland Waterways

6. **OUTCOMES OF CONSULTATION**

6.1 Consultation has been carried out and resulted in one response from which it was decided to amend the conditions to include the requirement for applicants to produce specified certificates to support their application. This response is attached to this report at Appendix A.

7. **FURTHER INFORMATION**

7.1 To assist in the explanation of the categories of waters and the relevant rivers and waterways within North Lincolnshire, further information will be available upon request.

8. RECOMMENDATIONS

- 8.1 That the request for the Licensing of Pleasure Boats and Boatsmen be approved with the amendments following consultation, and that the fee structure as set out in Paragraph 2.8 of this report be approved.

SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

Cottage Beck Road
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DN16 1XB
Author: Linda Marshall
Date: 10 October 2008

Background Papers used in the preparation of this report: -
Compliance and Enforcement Documentation.

Mr A. Gardiner
11, Normanby Road
Thealby
N. Lincs DN15 9AD

Dear Mr Bramhill

Thank you for the opportunity to comment on your proposals regarding the Boatmans Licence & Pleasure Boat Licence.

The application for a Pleasure Boat Licence at point 3, should I think require the applicant to produce a MCA Small Passenger Vessel Code survey certificate, this will ensure the vessel is compliant to all safety requirements for that specific category of water. It would also identify a degree of commitment from the applicant. Categories of water are A,B,C & D, these are explained on the MCA web site.

The application for a Pleasure Boat Licence at point 9, "furnished with all items of safety equipment as required at the time of inspection" should I think read "furnished with all items of safety equipment as required by the MCA code of practice for Small Passenger Vessels at all times". This would put the responsibility to maintain the vessel & its safety equipment, & keep it up to date with the requirements onto the operator of the vessel; therefore the Council would not be responsible for informing them (the operator) of any changes within the MCA requirements.

The application for a full or restricted Boatmans Licence point 2, I think that all applicants should be required to provide an MCA ML5 Medical Certificate; this would provide an unbiased method of assessment & has to be completed by the applicants GP. A specific form as this would create a consistency in what could be a grey area. Again this form can be found & downloaded on the MCA web site.

I hope these points are helpful to you.

Yours sincerely, Alan Gardiner.

A. Gardiner
22/9/08

30 SEP 2008

CONDITIONS FOR THE ISSUING OF A PLEASURE BOAT LICENCE

1. The licensee shall take out (and maintain during the licence period) insurance cover for each vessel to which the licence relates, against liability to passengers and third parties. The licensee shall produce evidence of this insurance, which shall be a minimum cover of £2,000,000. The licensee shall not reduce the amount or the extent of the cover at any time during the term of the licence.
2. The licensee shall be required to produce satisfactory proof of the vessels seaworthiness.
3. The licensee shall hold a current Maritime and Coast Agency (MCA) Small Passenger Vessel Code Survey Certificate, this will ensure the vessel is compliant to all safety requirements for the specific category of water. Current certificates shall be produced to an authorised officer of the Council upon request.
4. The licence and conditions or a copy thereof shall at all times be kept prominently displayed on the vessel.
5. Under no circumstances shall the number of passengers carried exceed the number of passengers for which the vessel is licensed, which shall not be more than twelve.
6. The licensee shall allow the vessel and equipment to be inspected whenever required by the Council or any of its officers or agents or any police officer.
7. The licensee shall forthwith notify the Council of any change in his address or in the name of the ownership of the vessel.
8. The licensee shall observe, perform and comply with the relevant provisions of any act of Parliament and of any order, byelaw or regulation from time to time in force in respect of pleasure boats and boatmen or generally in respect of boats, navigation or otherwise.
9. All vessels hereby licensed shall be kept in good, sound and safe condition. The vessel shall at all times when carrying passengers for hire be furnished with all items of safety equipment as required by the MCA code of Practice for Small Passenger Vessels at all times.

The Council reserves the right to modify, alter, revoke and add to the conditions herein specified should it be deemed desirable in the public interest to do so and such variations shall have effect as and when specified by the Council.

THE COUNCIL DOES NOT WARRANT BY THIS LICENCE THE SAFETY OF ANY VESSEL. NEITHER DOES THE GRANTING OF THIS LICENCE REMOVE FROM THE LICENSEE RESPONSIBILITY FOR WRONGFUL ACTS OR DEFAULTS OR FOR THE EMPLOYMENT OF INCOMPETANT PERSONS OR FOR THE USE OF AN UNSAFE OR INSUFFICIENTLY EQUIPPED VESSEL. THE COUNCIL RESERVES THE RIGHT TO SUSPEND OR REVOKE THIS LICENCE WHENEVER THEY SHALL DEEM SUCH SUSPENSION OR REVOCATION NECESSARY OR DESIRABLE IN THE INTERESTS OF THE PUBLIC.

NORTH LINCOLNSHIRE COUNCIL

CONDITIONS FOR THE ISSUING OF A FULL BOATMAN'S LICENCE

1. When applying for a Full Boatman's Licence an applicant must:
 - a) be 18 years of age or over and
 - b) have full knowledge of all statutory rules, regulations and byelaws applicable to navigation on the water or waters for which the licence is issued.
2. An applicant must provide an Maritime and Coast Agency (MCA) ML5 Medical Certificate completed by the applicants own General Practitioner, to show they are not suffering from any disease or disability which could make it unsafe for them to be in charge of a passenger vessel. The Council reserves the right at its discretion to require the applicant to have a medical examination at any time.
3. The applicant is required to notify the Council of any change in their physical or mental health which would be likely to make it unsafe for the applicant to be in charge of a passenger vessel.
4. The applicant must be acquainted with the various rules and regulations pertaining to passenger carrying vessels.
5. The applicant must be qualified by reason of experience in the navigation of such boats or vessels to handle the vessel competently and to the satisfaction of the Council.
6. The person in charge of every vessel carrying passengers shall record the numbers of all passengers and crew on board and make arrangements for that record to be left ashore for use in case of emergency.

The Council reserves the right to modify, alter, revoke and add to the conditions herein specified should it be deemed desirable in the public interest to do so and such variations shall have effect as and when specified by the Council.

IT IS EMPHASISED THAT A LICENCE ISSUED BY THE COUNCIL IS LOCAL IN NATURE AND DOES NOT RELIEVE BOAT OWNERS OF THEIR RESPONSIBILITY TO COMPLY WITH ALL STATUTES REGULATIONS AND BYELAWS WHICH MAY AFFECT THEM

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CONDITIONS FOR THE ISSUING OF RESTRICTED BOATMAN'S LICENCE

1. When applying for a Restricted Boatman's Licence an applicant must:
 - a) be 18 years of age or over and
 - b) have full knowledge of all statutory rules, regulations and byelaws applicable to navigation on the water or waters for which the licence is issued.
2. The applicant must be qualified by reason of experience in the navigation of such boats or vessels to handle the vessel competently and to the satisfaction of the Council.
3. An applicant must provide an Maritime and Coast Agency (MCA) ML5 Medical Certificate completed by the applicants own General Practitioner, to show they are not suffering from any disease or disability which could make it unsafe for them to be assist in the charge of a passenger vessel. The Council reserves the right at its discretion to require the applicant to have a medical examination at any time.
4. The person responsible for the hiring of the vessel carrying passengers shall record the numbers of all passengers and crew on board and maintain a record ashore for use in case of emergency.

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3. The licensee shall ensure that the appropriate bodies certify all safety equipment and installations. Current certificates shall be produced to an authorised officer of the Council upon request.
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