

LICENSING COMMITTEE



Report subject	To agree a draft Pleasure Boat and Boatperson Policy for public consultation
Meeting date	7 December 2023
Status	Public Report
Executive summary	<p>The licensing of pleasure boats and boatperson licences is currently outside the scope of any policy.</p> <p>The draft policy as presented will provide a clear framework for the determination of any applications.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft Policy document, agree any necessary amendments and then agree to send the document out for public consultation for a period of 6 weeks in 2024.</p>
Reason for recommendations	<p>The Council under the Public Health Acts Amendment Act 1907 has the power to grant licences for pleasure boats and pleasure vessels which are let for hire or be used for carrying passengers, and also to license the person in charge of or navigating such boats and vessels.</p>

Portfolio Holder(s):	Kieron Wilson, Portfolio Holder for Housing and Regulation
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Council, as the Licensing Authority, has the power to grant licences for the operation of Pleasure Boats and for Boatpersons. These should only be granted to persons whom we are satisfied are competent and capable of handling such a boat/ vessel.
2. In relation to vessels, the licensing authority must ensure that they are safe for the passengers or users.
3. The Council is responsible for issuing licences for boats/vessels that operate within inland waters only which include Poole Christchurch Harbours. Licenses are issued to Class B and Class C boats. These are defined as follows: -
 - a. Class B are crewed by a bosun and take no more than 12 paying passengers,
 - b. Class C are boats that are 'self drive' and are hired out.
4. Currently within the BCP Council area we issue licenses as follows:

Class B boats	19
Class C boats	28
Boatperson	3

5. There are exemptions to the requirement to hold a boatperson licence for those who hold a qualification approved by the Maritime and Coastguard Agency (MCA)
6. Currently licences are issued in line with previous legacy Council processes and conditions.
7. In line with good practice, we require clear policy which outlines the requirements for such licences and how applications will be determined.

Consultation

8. The committee is now asked to consider the draft policy presented to them and determine what changes if any they require prior to the document being presented for public consultation which will be hosted on the Councils consultation web platform have your say. [Have Your Say Bournemouth, Christchurch and Poole \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

9. All current licence holders, the local harbour master, and boat inspectors will be contacted via email to inform them of the consultation and to encourage comments.
10. The consultation will run for 6 weeks. Once complete responses will be collated and presented to committee for determination of a final policy.

Options Appraisal

11. Members are asked to consider the draft policy and
 - a. Agree the draft policy and direct consultee list as presented **or**
 - b. Agree any amendments to the draft policy and consultee list **and**
 - c. Agree to public consultation for 6 weeks of the agreed draft policy.

Summary of financial implications

12. The funding for the preparation and consultation of this policy will come from within existing budgets and there are no financial implications arising from this report.

Summary of legal implications

13. There is no requirement to produce such a policy however good practice dictates that the provision of a policy will improve the application process and reduce the risk of complaint or appeal against refusal or revocation.
14. However, it should be noted that as with any decision or policy made by a Public Body, that decision or policy could be challenged by way of a Judicial Review Application to the High Court on grounds of illegality, irrationality and/or procedural unfairness. If such a challenge is made the Court has the power to quash all or part of a policy. In addition, significant costs could be incurred in defending any challenge. Whilst the risk of challenge will be mitigated as far as possible such a challenge could still be made.

Summary of human resources implications

15. There are no human resources implications arising from this report.

Summary of sustainability impact

16. By ensuring regular maintenance and inspection of boats/vessels we are supporting fuel efficiency which goes some way to reducing emissions which impact on air and water.

Summary of public health implications

17. Public safety will be supported by ensuring the boats/vessels are maintained in good order and anyone in charge or passengers meets the required standard for knowledge, and fitness.

Summary of equality implications

18. This is the first step in considering the policy and to approve public consultation. No decision will be undertaken regarding the policy until the consultation is complete and fully considered.

19. An Equality Impact Needs Assessment is being completed during the entire process and will be duly considered by the Equality Impact Assessment Panel prior to the outcome of any decision.

Summary of risk assessment

20. Passenger transportation of any means requires high standards to be achieved to protect public safety.

21. This policy sets out the standard expected for all boats/vessels and boatpersons who fall within the licenced regime administered by BCP Council.

Background papers

The Public Health Acts Amendment Act 1907 [Public Health Acts Amendment Act 1907 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1907/111/contents/enacted)

Licensing for Boats and Boatperson guidelines [SWRPA boat guidelines](#)

Sound practice, safer waters (Inland Waters Small Passenger Boat Code) [XXXX_SBC_V10 \(publishing.service.gov.uk\)](#)

Appendices

Appendix 1 – Draft Pleasure Boat and Boatperson Policy 2024