

Draft Pleasure Boats and Boatperson Licensing Policy

2024 - 2029

**Public Protection
Licensing**

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1. Purpose Statement

- 1.1 Bournemouth, Christchurch and Poole Council (BCP Council) operates a scheme for the licensing of pleasure boats and boatpersons operating within Bournemouth, Christchurch and Poole under Section 94 of the Public Health Acts Amendment Act 1907 (The Act).
- 1.2 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.
- 1.3 This policy is intended to apply to - boats or vessels operating with a boatperson or other appropriately qualified skipper, and which is intended or adapted for the carriage of up to 12 passengers in inland water.
- 1.4 This policy is not intended to cover canoes, kayaks, white water rafts, bell boats, dragon boats or similar, as these vessels are covered by guidance issued by the National Sports governing bodies.

2. Who the policy applies to

- 2.1 The policy applies to applicants for boatperson, or pleasure boat licences, existing licence holders, licensing officers, partner agencies, councillors and members of the Licensing Committee to provide clear guidance on the requirements which must be met before a licence can be issued.

3. Approval process

- 3.1 During the five-year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 3.2 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its this policy. Once finalised the policy is presented to the Full Council for ratification.

4. Links to Council Strategies

- 4.1 This policy supports the BCP Council Corporate Strategy the objectives of which are:
 - Sustainable Environment
 - Dynamic Places
 - Connected Communities
 - Brighter Futures
 - Fulfilled Lives
- 4.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
 - Corporate Plan
 - People Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

- 4.3 The key objective of the policy is the protection of public health and safety. Public safety is at the heart of the licensing regime and this aspect of the Policy will generally take precedence over other licensing considerations.

5. Policy Consultation

- 5.1 The Act does not require a Council to publish a policy, however it is good practice to do so to ensure fairness and consistency.
- 5.2 Before determining this policy, the Licensing Authority consulted with the following persons: -
- Maritime and Coastguard Agency
 - Poole Harbour Master
 - Owners and skippers of vessels licensed under BCP Council's current licensing scheme.
 - Boatperson licensed under BCP Council's licensing scheme
 - General public
 - Royal Yachting Association
- 5.3 The views of all these persons or bodies were given appropriate weight when the policy was determined. We believe that we have made reasonable efforts to consult an appropriate range of representatives and individuals in determining this policy.
- 5.4 There is no statutory requirement for consultation of this policy and as such it is for each Licensing Authority to determine the extent of the consultation it should undertake. In this case it was determined that a 6-week public consultation hosted via the council's consultation platform would be sufficient.
- 5.5 Fees are set by the BCP Council and are intended to provide full cost recovery of the licensing function.

6. Background information

- 6.1 Bournemouth, Christchurch and Poole Council (BCP Council) is located in Dorset on the South Coast. It is the 12th largest Unitary Council in England with a population of nearly 400,000 residents. The BCP area is predominantly urban with associated suburban areas, beaches, harbours, quay sides, open spaces, parks and gardens.
- 6.2 It has long established road and rail links to London, the Midlands and the Southwest and benefits from an international airport and a thriving freight port for commercial shipping, as well as an important destination for passenger and vehicle ferries and cruise vessels. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 6.3 It is one of the Country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, music and arts festivals.
- 6.4 Poole harbour is Europe's largest natural harbour, and it is a thriving mecca for watersports enthusiasts. With over a dozen yacht clubs and marinas, the harbour is alive with all types of craft and the appeal of safe sailing attracts all ages and abilities keen to get on the water.
- 6.5 Christchurch harbour entrance is known as 'The Run' and is flanked by Mudeford Quay to the north and Mudeford Sandbank to the south. Christchurch Quay and Quomps lie in the upper

reaches of the harbour.

7. The Policy

- 7.1 Under section 94 of the Act 1907 local authorities may grant licences for pleasure boats and pleasure vessels for hire or to be used for carrying passengers for hire. Licences may also be granted to the Boatperson(s), in charge of or navigating the boats and vessels and may charge for each type of licence such annual fee as appropriate.
- 7.2 The principal purpose of Pleasure Boats or Vessels and Boatperson 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.
- 7.3 All licence holders are expected to comply with the requirements of the Equality Act 2010 in the operation of their business.
- 7.4 Terms used within the policy are defined within the glossary in Appendix A.

8. Pleasure boat or vessel application requirements

- 8.1 Anyone wishing to operate a Class B or Class C pleasure boat/vessel must complete the application form in full and return it to the licensing office with the relevant documentation from the list below:
- A full survey on initial application carried out by a suitably qualified marine surveyor or authorised boat inspector confirming the suitability of the vessel to be used for the proposed activities and area of operation.
 - Signed declaration of compliance with Sound Practice, Safe Waters Inland Waters Small Passenger Boat Code.
 - Public Liability Insurance Certificate (£5 million minimum).
 - Plan of the boat (with location of safety equipment and exit routes or access for disabled persons).
 - Confirmation of training or experience level of Boatperson or other appropriately qualified skipper.
 - Written confirmation of satisfactory survey of the underwater hull
 - Fee.
- 8.2 Pleasure boat/vessel licences will be valid for 1 year from the date of issue and cannot be transferred or backdated.
- 8.3 Licences included conditions which must be met throughout the period of licence (Appendix B)

9. Boatperson application requirements

- 9.1 A Boatpersons Licence applies to persons/operators who are in charge of or assist in the navigation of pleasure boats, craft or vessels to be let for hire or be used for carrying passengers for hire.
- 9.2 To qualify for a Boatpersons Licence applicants must
- Be over 18 years of age.
 - Hold a relevant medical certificate as detailed below.

- Hold relevant certification that confirms the individuals' level of competency in operating a vessel within the categorised waters to which they work.

9.3 Applicants must complete the application form in full and return it with the necessary documentation from the list below: -

- Evidence of a relevant vessel handling certificate (see 9.4 for criteria).
- Basic Disclosure from the Disclosure Barring Service (dated within 1 month of application).
- Medical Certificate (see 9.5 for criteria).
- Signed declaration – Inland Waters Small Passenger Boat Codes.
- Passport sized photograph.
- A valid First Aid Certificate - must have been issued within 5 years of application (see 9.6 for criteria)
- A certificate of competence and authority to operate a VHF radio
- Basic Sea Survival Course Certificate
- Fee.

9.4 Acceptable training certification:

- Applicants will have a full knowledge of all statutory rules, regulations and byelaws applicable to navigation on the water or waters for which the licence is required. New applications must therefore be endorsed by the Harbour Master to confirm that the applicant has fulfilled the requirements of the Harbour Commissioners to operate safely within Poole or Christchurch Harbour

9.5 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.

9.6 First Aid Certificate standard:

- Elementary First Aid Certificate,
- RYA Small Craft First Aid Certificate,
- Certificate issued by the ambulance service or a voluntary society following the successful completion of a first aid course approved by the Health and Safety Executive which must be adapted to have extra emphasis on the treatment of hypothermia and casualty evacuation.

9.7 Boatperson licences will be valid for 3 years from the date of issue and cannot be transferred or backdated.

9.8 Licences included conditions which must be met throughout the period of licence (Appendix C)

10. Renewal process

10.1 Applicants will be sent a renewal reminder approximately two months before the licence expires. However, the responsibility for renewal remains with the licence holder and no further reminder will be sent.

10.2 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.

10.3 If a licence lapses the holder cannot operate, navigate or use a vessel until the relevant licence has been applied for and issued.

10.4 For Pleasure Boats every 5 years written confirmation will be required of written confirmation of satisfactory survey of the underwater hull.

11. How to use this Policy

11.1 This policy is a guidance document for applicants, officers and members to assist the decision-making process in determining applications and renewals for pleasure boat and boatperson licences.

11.2 Each application will be determined on its own merits in accordance with this policy and the following documents: -

- The Public Health Acts Amendments Act 1907 [Public Health Acts Amendment Act 1907 \(legislation.gov.uk\)](#)
- Licensing for Boats and Boatperson guidelines [SWRPA boat guidelines](#)
- Sound practice, safer waters (Inland Waters Small Passenger Boat Code) [XXXX_SBC_V10 \(publishing.service.gov.uk\)](#)

12. Roles and responsibilities

12.1 The Licensing Committee or Sub-Committee are responsible for determining Policy content and will oversee the revocation or suspension of licences following complaint investigation by Licensing Officers.

12.2 Licensing Officers will determine applications in accordance with this policy.

12.3 Licensing Officers will investigate any complaints and refer relevant matters to the Licensing Committee/Sub Committee.

13. Enforcement and sanctions

13.1 Any complaint lodged by members of the public, businesses, customers or other operators will be investigated by the Licensing Team.

13.2 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.

13.3 When considering whether a licence should be suspended or revoked, the delegated officer or subcommittee will consider:

- The 1907 Act.
- This policy

14. Further information and evidence

Further information relating to this policy and the decision-making process can be found follows: -

[BCP Council – Democracy](#)

[Equality, diversity and inclusion \(bcpcouncil.gov.uk\)](#)

[Pleasure boat licence \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

[Waterman licence \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

Appendix A – Glossary of terms

Appendix B – Standard Conditions for pleasure boats licences

Appendix C – Standard Conditions for boatpersons licences

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Appendix A

Glossary of terms

This section explains the key terms used in the policy statement. These terms are all defined in the Public Health Acts Amendment Act 1907 and Guidance from the Maritime and Coastguard Agency. This glossary is only intended to clarify the general meaning of each of the terms. This list is not exhaustive nor are the definitions legally comprehensive.

Boatperson (waterman or boatman)	Any person licensed by BCP Council as a Boatperson following examination by and endorsement from the Harbour Master. Permitted to be in charge of a pleasure boat/vessel within Inland Waters for the purpose of letting it out for hire to members of the public, or to be used for carrying passengers for hire.
Class B inland water (areas within Christchurch Harbour)	Rivers and canals where the depth of water is generally 1.5 metres or more and where the significant wave height could not be expected to exceed 0.6 metres at any time
Class C inland water (Poole Harbour and areas within Christchurch Harbour)	Tidal rivers, estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time
Class B pleasure boat	Boats operating commercially with a skipper or crew, and which carry no more than 12 passengers
Class C pleasure boat	Boats that are self-drive hire craft where there is no work activity being carried out by those hiring the vessel and the skipper and crew is provided by the hirer
Inland Water	There are 4 categories, for the purposes of this policy licences are issued in Category B and C waters.
Pleasure Boat and vessel	Vessels operating in the UK which: <ul style="list-style-type: none">• do not go to sea.• carry no more than 12 passengers.• are let for hire.• are used for carrying passengers for hire.



PLEASURE BOATS (CLASS B) SKIPPED CRAFT CONDITIONS OF LICENCE

1. The Licensee undertakes that the hull of the boat or vessel is sound, that the boat or vessel is stable, that its equipment is complete and in good condition, and that it is sufficient for use as a pleasure boat or vessel.
2. The Licensee undertakes that in all these respects the boat or vessel shall be maintained in an equal state of efficiency while it plies or is used for hire.
3. The Licensee shall cause a statement of the fare or fares to be demanded and received from the persons using or carried for hire in such boat to be supplied to the appropriate Committee of the Council, and also to be clearly exhibited in some conspicuous position on or near the boat.
4. The number of passengers carried in any boat shall not, at any time, exceed the number shown opposite the name or number of such boat in the licence. For the purposes of this condition a child over the age of 12 months shall count as one passenger.
5. The official number shall have been painted on the outside of both sides of the bow and shall be not less than 4 inches in height and readable at a distance of 100 feet.
6. The name of the Owner and the number of persons the boat is licensed to carry in the form 'Licensed to carry ... persons' shall be shown in letters and figures not less than one inch in height and three-quarter of an inch in breadth, on a conspicuous part of the boat.
7. The person in charge of the boat shall permit any person duly authorised by BCP Council to examine and inspect the boat and its equipment at any time and any recommendations made following such inspections shall be complied with.
8. Buoyancy jackets shall be made available for hirers of such licensed boats on request.
9. The boat shall be kept clean and free from oil refuse and no oil, petrol, grease or oil refuse shall be deposited from the boat in the rivers.
10. Boats operating after sunset should be fitted with the statutory navigation lights and have lights fitted to life jackets.
11. Every engine in the boat shall be fitted with an efficient silencer.
12. The boat shall at all times when let for hire be furnished with lifesaving jackets, lifebelts or other form of lifesaving apparatus of a type approved by the Department of Trade sufficient for all the persons on board and any such apparatus other than a lifesaving jacket designed for wear by an individual shall be fitted with a rope or other attachment which could be grasped by a person in the water.
13. Means of extinguishing fire from oil or petrol including one or more efficient chemical fire extinguishers, which shall be of a foam or powder type approved by the Department of Trade and shall be carried in the boat in easily accessible positions.
14. A licensed boatperson or skipper with an appropriate commercially endorsed licence shall oversee each boat carrying passengers for hire.
15. The owner of the boat shall take out and shall during the currency of this licence

maintain with an Insurance company and for an amount to be approved by BCP Council a policy of insurance, providing cover against any claim by any passenger or other third party which may arise because of the operation of the boat and shall on demand produce such policy and all receipts for premiums. N.B. Insurance cover of at least £5,000,000 for any one accident must be provided.

PLEASURE BOATS (CLASS C) SELF-DRIVE HIRE CRAFT CONDITIONS OF LICENCE

1. The Licensee undertakes that the hull of the boat or vessel is sound, that the boat or vessel is stable, that its equipment is complete and in good condition, and that it is generally sufficient for use as a pleasure boat or vessel.
2. the Licensee undertakes that in all these respects the boat or vessel shall be maintained in an equal state of efficiency while it plies or is used for hire.
3. No boat shall be hired or let to any person under the age of 14 years old unless accompanied by a person who is 18 years over.
4. No boat shall be hired or let to any person who is or appears to be drunk or otherwise incapacitated nor to any person whom the person in charge does not reasonably believe to be competent to operate the pleasure boat.
5. A safety boat must be provided which is ready to respond to an emergency involving the pleasure boat for recovery of any person in danger. The safety boat must carry appropriate rescue equipment to deal with such emergencies.
6. The number of passengers carried in any boat shall not, at any time, exceed the number shown opposite the name or number of such boat in the licence. For the purposes of this condition a child over the age of 12 months shall count as one passenger.
7. The name of the Owner and the number of persons the boat is licensed to carry in the form 'Licensed to carry ... persons' shall be shown in letters and figures not less than one inch in height and three-quarter of an inch in breadth, on a conspicuous part of the boat.
8. The person in charge of the boat shall permit any person duly authorised by BCP Council to examine and inspect the boat and its equipment at any time and any recommendations made following such inspections shall be complied with.
9. Buoyancy jackets shall be made available for hirers of such licensed boats on request.
10. The boat shall be kept clean and free from oil refuse and no oil, petrol, grease or oil refuse shall be deposited from the boat in the rivers.
11. Boats operating after sunset should be fitted with the statutory navigation lights and have lights fitted to life jackets.
12. Every engine in the boat shall be fitted with an efficient silencer.
13. The boat shall at all times when let for hire be furnished with lifesaving jackets, lifebelts or other form of lifesaving apparatus of a type approved by the Department of Trade sufficient for all the persons on board and any such apparatus other than a lifesaving jacket designed for wear by an individual shall be fitted with a rope or other attachment which could be grasped by a person in the water.
14. Means of extinguishing fire from oil or petrol including one or more efficient chemical fire extinguishers, which shall be of a foam or powder type approved by the Department of Trade and shall be carried in the boat in easily accessible positions.
15. A licensed boatperson or skipper with an appropriate commercially endorsed licence shall oversee each boat carrying passengers for hire.
16. The owner of the boat shall take out and shall during the currency of this licence maintain with an Insurance company and for an amount to be approved by BCP Council a policy of insurance, providing cover against any claim by any passenger or

other third party which may arise because of the operation of the boat and shall on demand produce such policy and all receipts for premiums. N.B. Insurance cover of at least £5,000,000 for any one accident must be provided.

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BOATPERSON CONDITIONS OF LICENCE

1. The Licence Holder must notify the Council in writing of any change of address or contact details by email within 7 days.
2. The licence holder must notify the Council in writing of any change in medical condition which may affect their ability to safely navigate a boat/vessel such as
 - a. Epileptic seizures / disturbances of the state of consciousness (other than simple syncope)
 - b. Stroke or unexplained loss of consciousness
 - c. Severe head injury with continuing effects
 - d. Parkinson's disease or Multiple Sclerosis
 - e. Mental or nervous problems
 - f. Alcohol or drug addition
 - g. Profound deafness - unable to use telephone or radio.
 - h. Double or tunnel vision
3. The Licence Holder shall, within 7 days of the date of being arrested, charged or summonsed for any alleged criminal offence disclose to the Council in writing, particulars of each alleged offence and which court the proceedings are pending.
4. Maintain First Aid training certification with refresher training every 3 years.