

# Draft Pleasure Boats and Boatperson Licensing Policy

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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 For the purposes of this policy pleasure boats includes motorboats and personal watercraft including jet skis and e-foils.
- 1.4 This policy is intended to apply to anyone wishing to carry out the following activities
  - Hire out a pleasure boat and/or personal watercraft
  - Operate a skippered craft which carries up to 12 fare paying passengers on inland waters only.
- 1.5 This policy does not cover any activity in coastal waters or passenger boats carrying more than 12 passengers, these are regulated by the Maritime and Coastguard Agency (MCA).
- 1.6 The MCA is an executive agency of the Department of Transport. They survey, inspect and enforce standards for ship safety, security, pollution prevention and seafarer health, safety and welfare for boats and ships that operate in our coastal waters.

## **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 12<sup>th</sup> largest Unitary Council in England with a population of just over 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 water sports 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 Mudford Quay to the north and Mudford 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 Tacit consent does not apply to pleasure boat licences, as such you must hold a licence prior to beginning any activities which include hiring out watercraft or operating skippered craft which carry up to 12 fare paying passengers.
- 8.2 The following criteria must be met before a licence will be issued:
  - Applicants must submit a basic DBS for the boat skipper/hiring company or site manager.
  - Applicants must evidence that the boat, vessel or watercraft is constructed and maintained in sound condition. As such it will be subject to annual inspection by an approved boat inspector, the completed inspection form must be submitted to the licensing authority at the time of new application or renewal. This will include written confirmation of an annual survey of the underwater hull.
  - Applicants must provide evidence of suitable public liability insurance in the sum of £5M which is maintained throughout the licence period.
  - For skippered craft, a plan of the boat showing locations of safety equipment, exit routes and access for disabled persons must also be submitted.
  - Applicants must provide the names of anyone who will skipper any pleasure boat. Anyone in charge of a licenced vessel must hold a boatpersons licence issued by BCP Council.

- Anyone hiring out self-drive boats or personal watercraft must provide a safety boat skippered by a licenced boatperson or provide details of alternative means for retrieving hirers in case of emergency.

8.3 Pleasure boat/vessel licences will be valid for 1 year from the date of issue and cannot be transferred or backdated.

8.4 Licences include conditions which must be met throughout the period of licence, different conditions are attached depending on the type of boat, vessel or watercraft being operated see Appendix B for the details for these.

## **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 and must hold a relevant qualification.

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 a relevant first Aid certificate as detailed below.
- Hold an approved boat handling certificate with commercial endorsement in place (minimum RYA Powerboat level 2 with commercial endorsement)
- Basic Certificate from the Disclosure Barring Service (dated within 1 month of application).

9.3 Acceptable medical certification:

- ENG1.
- ML5.

9.4 First Aid Certificate standard:

- MCA Elementary First Aid Certificate,
- RYA 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.

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

9.6 Licences include conditions which must be met throughout the period of licence (Appendix C)

## **10. Renewal process**

10.1 Licence holders will be sent a licence reminder via email approximately two months before the licence expires.

10.2 The responsibility for renewal remains with the licence holder, and no further reminders will be issued.

10.3 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.

10.4 If a licence is not renewed prior to the expiry date it will lapse and the permissions granted will no longer be permitted. This means the operator cannot hire, navigate or use a vessel until the relevant licence has been applied for and issued.

## 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 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- Licensing for Boats and Boatperson guidelines [SWRPA boat guidelines](https://www.swrpa.org.uk)
- Sound practice, safer waters (Inland Waters Small Passenger Boat Code) [MCA/AINA code](https://www.mca.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](https://www.bcp.gov.uk)

[Equality, diversity and inclusion \(bcp council.gov.uk\)](https://www.bcp.gov.uk/diversity-and-inclusion)

[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 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.
Skipper	Any person who holds a boatperson's licence
Category B inland water (areas within Christchurch Harbour excluding 'the Run')	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
Category C inland water (Poole Harbour within the line of the Chain Ferry between Sandbanks and South Haven Point and 'The Run' 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 fare paying passengers
Class C pleasure boat	Boats that are self-drive hire motorised 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 such as motor boat.
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"><li>• do not go to sea.</li><li>• carry no more than 12 fare paying passengers.</li><li>• are let for hire.</li><li>• are used for carrying passengers for hire.</li></ul>

## Appendix B

## **PLEASURE BOATS (CLASS B) SKIPPERED CRAFT CONDITIONS OF LICENCE**

1. The Licensee will ensure that the hull of the boat or vessel is maintained in sound condition and 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 will ensure that the boat or vessel is kept maintained to inspection standard at all times while it plies for trade 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 stated on 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. A licensed boatperson shall oversee each boat carrying passengers for hire.

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

1. The Licensee will ensure that the hull of the boat or vessel is maintained in sound condition and 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 will ensure that the boat or vessel is kept maintained to inspection standard at all times when offered 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 be skippered by a licenced boatman and 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. Boats shall only be permitted to be operated between sunrise and sun set.
10. Buoyancy jackets must be worn by hirers at all times.
11. A licensed boatperson or skipper with an appropriate commercially endorsed licence shall oversee each boat carrying passengers for hire.

## **Personal watercraft**

1. The Licensee will ensure that the personal watercraft is maintained to inspection standard at all times when offered for hire. in sound condition and that it is generally sufficient for use as a pleasure boat or vessel.
2. No watercraft shall be hired or let to any person under the age of 14 years old unless accompanied by a person who is over 18 years old.
3. No watercraft 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 watercraft.
4. A safety boat must be provided which is ready to respond to an emergency involving the watercraft for recovery of any person in danger. The safety boat must be skippered by a licenced boatman and carry appropriate rescue equipment to deal with such emergencies. Where a safety boat is not provided a suitable risk assessment detailing the provisions that have been put in place to secure the safe return of any watercraft hired out including transportation of the hirer back to shore shall be in place
5. The number of passengers carried in any watercraft shall not, at any time, exceed the permitted amount for that individual craft
6. The person in charge of the boat shall permit any person duly authorised by BCP Council to examine and inspect the watercraft and its equipment at any time and any recommendations made following such inspections shall be complied with.
7. The watercraft shall only be permitted to be operate between sunrise and sun set.
8. Any user of hired personal watercraft shall be expected to wear a suitable buoyancy aid at all times.
9. A licensed boatperson or skipper with an appropriate commercially endorsed licence shall oversee each watercraft offered for hire.

## **Appendix C**



## **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 shall, within 7 days notify the Council in writing of any change in medical condition which may affect their ability to safely navigate a boat/vessel or impacts on the validity of a ML5 or ENG1 medical certificate. Such conditions include but are not limited to:-
  - 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 and sea survival certification every 5 years.