

POLICY

FOR

**LICENSING OF
PLEASURE BOATS**

Dover District Council is responsible for the licensing of small craft operating on inland waterways in the district and carrying no more than 12 passengers.

Under the provisions of Section 94, Public Health Acts Amendment Act 1907, a local authority for an area may grant, upon such terms and conditions as they may think fit, licences for pleasure boats and pleasure vessels to be let for hire, or to be used for carrying passengers for hire, and 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.

This policy is intended to apply to 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.

The Council have set the following licensing objectives in relation to this function:

1. To ensure safety on board for passengers and crew.
2. To prevent human injury and loss of life, damage to property or damage to the environment.
3. To ensure compliance with applicable statutes, regulations and rules.
4. To ensure proper documentary evidence of risk assessments and safety procedures are in place.

Passengers

For the purposes of this policy, a passenger is any person carried on the vessel other than:

- a) A person employed or engaged in any capacity of the vessel's business.
- b) A person on board the vessel, either in pursuance of an obligation laid upon the Master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the Master or owner nor any charterer could have prevented or forestalled.
- c) A child under the age of one year.

Scope of this Policy

Different safety standards may apply in different types of waters. These waters are defined under the Merchant Shipping (Categorisation of Waters) Regulations 1992 as:

Category A:

Narrow rivers and canals where the depth of water is generally less than 1.5 metres.

Category B:

Wider rivers and canals where the depth of water is generally more than 1.5 metres and where the significant wave height could not be expected to exceed 0.6 metres at any time.

Category C:

Tidal rivers and estuaries and large, deep lakes and locks where significant wave height could not be expected to exceed 1.2 metres at any time.

Category D:

Tidal rivers and estuaries where significant wave height could not be expected to exceed 2.0 metres at any time.

Whilst most waterways in the district would fall into Category A waters, the operator must ensure that their vessel meets the appropriate standard for the waterway in which it operates and that the skipper and crew are instructed as to the operating limits.

Health and Safety

The operator of a vessel is responsible for the health and safety of anyone working on the vessel and of any passengers carried on the vessel. When the operator employs a skipper and/or crew, the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997/2962) apply.

Applying the principles of the health and safety requirements to vessels covered by this code, means that the operator or skipper should take a proactive approach to safety and consider what particular hazards are likely to arise in the context of work activities on board. The goal is to provide, as far as is reasonably practicable, for a safe working environment with crew following safe working practices. Workers must be given appropriate health and safety instruction and information, taking account of the findings of any risk assessment.

The Skipper:

Operators should satisfy themselves that the person in charge of the vessel is competent to handle the vessel and deal confidently with passengers.

In Category A and B waters, the Council would expect the minimum age of the skipper to be 17 years.

In addition the skipper should hold one of the following qualifications or be able to demonstrate competency for the appropriate area.

Appropriate qualifications are:

- MCA Boatmaster Licence 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.
- Royal Yachting Association Powerboat level 2 with 12 month's relevant experience.
- Royal Yachting Association Inland Helmsman Certificate with 12 month's experience.

In Category C and D waters, the Council would expect the minimum age of the skipper to be 18 years. The skipper must be able to demonstrate competency for the appropriate vessel or hold one of the following qualifications:

- MCA Boatmaster's Licence for a local passenger vessel grade 2.
- Waterman's Licence issued by a competent authority.
- RYA Coastal or Day skipper with 12 month's relevant experience.

- RYA Powerboat level with 12 month's experience.

Medical Fitness

The skipper should be medically fit bearing in mind that he or she is responsible for passengers in the case of emergency.

The skipper should hold a medical fitness certificate or should provide a declaration of fitness confirming that he/she does not suffer from the following medical conditions:

1. Epileptic seizures/disturbance of the state of consciousness (other than simple syncope).
2. Coronary Thrombosis or heart surgery.
3. Problems with heart rhythm, disease of the heart or arteries.
4. Blood pressure controlled by drugs.
5. Diabetes controlled by insulin.
6. Stroke or unexplained loss of consciousness in the last five years.
7. Severe head injury with continuing effects.
8. Parkinsons Disease or Multiple Sclerosis.
9. Mental or nervous problems in the last two years.
10. Alcohol or drug addiction in the last two years.
11. Profound deafness rendering use of telephone or radio impossible.

12. Double or tunnel vision.
13. Malignant brain tumour in the last five years.
14. Any other condition which would cause problems regarding your fitness to navigate a vessel.

Such conditions will not preclude a licence being issued but may lead to supplementary medical evidence of the applicant's fitness to skipper the vessel to be required.

The Vessel

Construction and Operation of Vessels

The Maritime and Coastguard Agency and Association of Inland Navigation Authorities have produced the Inland Waters Small Passenger Boat Code.

It is expected that all vessel operations licensed by Dover District Council will adhere to the guidance provided in this code appropriate to the type of vessel and category of waters on which the vessel will be operated.

Copies of the Inland Waters Small Passenger Boat Code can be obtained from the Maritime and Coastguard Agency or downloaded from www.mcga.gov.uk and following the menu to Guidance and Regulation/Inland Waterway.

Licensing:

Each application for a pleasure boat licence will be considered on its individual merits. However, applications that comply with the aims of this policy will be looked on favourably.

Applications for the licensing of any vessel should be accompanied by:

- a) The application form duly completed;
- b) The certificate of sea-worthiness;
- c) Certificate of mechanical fitness;
- d) Appropriate fee.

The Licensing Authority may also specify as a condition of the licence, such safety equipment as must be carried. Such conditions are the minimum standard and more safety equipment may be carried if desired.

The current schedule of safety equipment is attached at Appendix 1.

Enforcement:

Dover District Council will respond to breaches of legislation and policy in accordance with Corporate Enforcement Guidelines and the Licensing Team Enforcement Policy.

The primary aim of any enforcement is to ensure compliance with relevant legislation and policy, taking into account the Code for Crown Prosecutors and Human Rights Act 1998.

The safety of the public is paramount and Dover District Council reserve the right to prosecute without previous enforcement intervention where the breach results in the potential for serious harm to the public.