

A G E N D A

Regulatory Committee

Date: **Tuesday, 16th March, 2004**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

*Pete Martens, Members Services,
Brockington, 35 Hafod Road, Hereford
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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt,
G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 3rd February, 2004.	1 - 4
5. LICENSING ACT 2003. To receive a verbal update about the latest developments in respect of the Licensing Act, 2003.	
6. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND - PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION To consider options for addressing the loss of parts of public footpaths ED5 and ED6 in the parish of Eardisland. Wards: Golden Cross with Weobley	5 - 12
7. PLEASURE BOAT LICENCES To consider implementing revised conditions and fees for Pleasure Boat Licences as issued by the Local Authorities Environmental Health and Trading Standards Licensing Unit.	13 - 34

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

8. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND - PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION

35 - 36

To consider further issues relating to any proposals for creating new sections of public footpaths ED5 and ED6 in the parish of Eardisland, as detailed in the preceding report.

(THIS ITEM IS LIKELY TO REVEAL ANY TERMS PROPOSED OR TO BE PROPOSED BY OR TO THE AUTHORITY IN THE COURSE OF NEGOTIATIONS FOR A CONTRACT FOR THE ACQUISITION OR DISPOSAL OF PROPERTY OR THE SUPPLY OF GOODS OR SERVICES)

Wards: Golden Cross with Weobley

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- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Regulatory Committee held at Brockington, 35 Hafod Road, Hereford on 3rd February 2004 at 2.00 pm.

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig P. Jones CBE (Vice-Chairman)

Councillors: Mrs S.P.A. Daniels, J.W. Edwards, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin

In attendance: Councillors P.E. Harling and R.M. Wilson

40. APOLOGIES FOR ABSENCE

Apologies for were received from Councillor G.W. Davis

41. NAMED SUBSTITUTES

Councillor J.W. Edwards substituted for Councillor G.W. Davis

42. DECLARATIONS OF INTEREST

There were no declarations of interest made.

43. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th December 2003 be approved as a correct record and signed by the Chairman.

44. THE LICENSING ACT 2003

The Legal Practice Manager said that guidance from Central Government about the transfer of liquor and other such licensing from the Magistrates Court to the Council from April 2003 had still not been issued. Preparation for the transfer was continuing by Officers and a series of training events would be held during February and March for Members and for Officers. When guidance had been received from the Government, any necessary changes would be made to the draft policy and it would be issued for public consultation.

45. RECENT APPEALS ARISING FROM DECISIONS BY THE REGULATORY COMMITTEE.

The Legal Practice Manager said that following the decision by the Committee not to grant extensions of the Public Entertainment Licences in respect of King Charles II, Broad Street, Ross-on-Wye and Time Nightclub, Commercial Road, Hereford, the applicants had lodged appeals with the Magistrates' Court. The Court had found in favour of the applicants and the Council would be liable for costs in the sum of £500 plus VAT in respect of King Charles II and £2,000 plus VAT in respect of Time Nightclub. He asked the Committee to give very careful consideration to such applications in future and the likely implications arising if they decided to refuse to grant the licensing hours requested.

46. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND – PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION

The Committee considered a report about the alternative options for addressing the loss of parts of public footpaths ED5 & ED6 in the parish of Eardisland. The Director of Environment said that the loss had arisen through erosion by the River Arrow and that there was a danger of further erosion. Some remaining sections of the paths were now inaccessible as a public right of way. He advised on the powers available to the Council under the Highways Act 1980 to re-establish the routes or to create alternative routes.

The Head of Engineering and Transportation provided the Committee with further details about the footpaths and outlined the discussions that had taken place with local land owners. He said that although it would be possible to provide an alternative route, this could prove to be financially unviable and that there was also a danger of further erosion leading to the loss of the alternative in future years.

Having considered the options available, the Committee decided to carry out a site inspection with a view to further discussing the matter at its next meeting.

RESOLVED: That further consideration be given to the alternative options regarding the loss of parts of footpaths ED5 and ED6 at Eardisland following a site inspection and consultations with the interested parties involved.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF PROCEEDINGS OF EXEMPT INFORMATION**47. FOOTPATH ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND**

The Committee considered a report about the potential amount of compensation payable to Land Owners if it was decided to create new sections of public footpaths ED5 and ED6 in the parish of Eardisland.

The meeting ended at 2.30pm

CHAIRMAN

Document is Restricted

FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND – PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION

Report by: Head of Engineering and Transportation

Wards Affected

Golden Cross.

Purpose

To consider the most appropriate option for addressing the loss of parts of public footpaths ED5 and ED6 in the parish of Eardisland.

Key Decision

This is not a Key Decision

Recommendation

THAT

- 1) no further action be taken to implement the creation and extinguishment proposals for public footpaths ED5 and ED6 shown on Plan in Appendix 1 to this report on the grounds that the revised route would not be sustainable or economically viable;**

and

- 2) the Committee gives further consideration to the Alternative Option 1 described in this report following a site visit and consultations.**

Reasons

Parts of the existing public footpaths have been lost through erosion by the River Arrow or else are in danger of erosion. Some remaining sections of the paths are now inaccessible from a public right of way. The Council has powers under the Highways Act 1980 to re-establish a route for the public on foot by creating new lengths of public footpath.

Considerations

1. Public Footpaths ED5 and ED6 in Eardisland follow, for part of their lengths, the bank of the River Arrow. In three sections the paths have suffered serious erosion and have been 'lost' into the river. This has prevented public access along substantial sections of the paths and has led to significant local demand for the Council, as Highway Authority, to take action to restore public access to the riverside route.

2. The path passes through Arrow Bank Caravan Park. For several years the route of the path shown on the Definitive Map of Rights of Way has been partially obstructed by some caravan pitches within the site and has been subject to gradual erosion. An alternative “permissive” path has been way-marked through the site avoiding any pitches and some of the erosion points. The Council assisted in establishing this non-statutory alternative route.
3. With an increase in the extent of erosion, particularly during the severe winter of 2000, key points of access to the path were lost. The Council used its powers under the Road Traffic Regulation Act 1984 to introduce a temporary closure order on the path for public safety. That Order has since expired but is no longer required because the path has ceased to exist in law at some points.
4. Following the loss of access to the route, the Council received several representations from local residents and path users requesting action to restore the public footpaths. The paths had provided a local amenity walk with pleasant views across the river.
5. The Council initiated investigations into the possibility of recreating a public right of way on foot to restore public access along this section of the riverside. A report from the Council’s former consultants, Halcrow, provided advice on the potential rate of future erosion of the river bank and the estimated costs of re-instatement work. Their report concluded that one section of path could not be reconstructed and that bank restoration elsewhere could cost in excess of £90,000. In any event, these sections of former path no longer exist in law. The rate of erosion is difficult to assess but could be in the region of 100 to 250mm per year. The landowner has suggested a much faster rate of erosion.
6. As an alternative to reinstating the former line of the path, a scheme has been prepared which would create new sections of public footpath to “by-pass” the lost sections whilst staying close to the riverbank. The new sections would be 5 metres wide, allowing for at least 20 years of use before they were in turn eroded away by the river. The short “stub ends” of path remaining up to the eroded sections would be extinguished, leaving a single, continuous public path. The proposals are illustrated on the plan attached as Appendix 1, and have formed the basis for consultation with land-owners and other interested parties.
7. Because of the potentially complex legal nature of these proposals and recent relevant cases, a number of questions were put to Counsel regarding these issues. Counsel advice confirms that once part of a path falls into a river, then that part of the path ceases to exist, leaving ‘stub-ends’ at the bankside.
8. Under Section 26 of the Highways Act 1980, Herefordshire Council as Highway Authority has powers to create a Public Right of Way where it appears to the authority that there is a need for one.
9. Under Section 118 of the Highways Act 1980, the Council has powers to extinguish public rights of way where it appears that a way is not needed for public use.
10. There are three landowners affected by the proposals, all three of whom have been formally consulted. Two of the landowners concerned have stated that they are happy to donate land for the footpath provided that the footpath is restored along its length and not merely in their field (The Mound) and that the bank is strengthened to prevent further erosion. However, the proposals do not include bank strengthening, which is not considered to be a sustainable solution.

Further information on the subject of this report is available from
SUSAN WHITE, PUBLIC PATH ORDER OFFICER on 01432 260571

11. The other landowners, who own and operate Arrow Bank Caravan Park, replied through their solicitors that they will oppose the creation order.
12. Under Section 28 of the Highways Act 1980, if a public footpath is created the landowner may be entitled to compensation if it is shown that the value of an interest in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of his land. The authority making the order shall pay compensation equal to the amount of the depreciation or damage.
13. The land over which the proposed route will pass has been valued by the District Valuer. The valuation is contained in the accompanying confidential report. There is provision within the relevant legislation for any valuation by the Highway Authority to be contested by an application to the Lands Tribunal.
14. In addition to any costs arising from compensation, some works would also be required and are estimated to cost in the region of £1,500.
15. The total potential costs of the scheme are significant, particularly for a route that is likely to be subject to further erosion and which is of purely local significance.
16. Eardisland Parish Council has responded to the consultations for these specific proposals by stating that they consider the matter should be decided between Herefordshire Council and the land-owners. However, they do not consider that the proposed diversions are far enough away from the river bank to prevent the same scenario happening again and they point out that the actual walked route of the path has been in existence for some 25 years (the Parish's estimate) and is different to what is proposed. The Local Member, Cllr J Goodwin, supports this response. The existing way-marking of the permissive route has not been provided for the 25 years suggested by the Parish Council but use of the route could have taken place before the signs were installed.
17. The representative of the Ramblers Association has suggested that a more sensible approach would be to create public footpath rights on the alignment of the current waymarked route, with some associated realignments where the path passes through or close to areas of erosion.
18. The Open Spaces Society supports the proposals and is keen to see the path reinstated.
19. In view of the potential costs, limited life and lack of expressed support for the proposal in this form, there are insufficient grounds to recommend pursuing the scheme.
20. Under Section 26 of the Highways Act 1980 the Council has the power to make creation orders but it does not have a duty to do so. Failure to take any further action on this matter would mean that the existing path would be unusable due to erosion. The public would still be able to walk those sections of the paths not eroded, if they wished, provided they do not commit trespass in doing so.
21. However, there would be the option of investigating the viability of an alternative scheme as described in Alternative Option 1 below.

Financial Considerations

The potential costs of compensation together with the works necessary to lay out new paths and extinguish existing paths would have to be financed from within the Council's annual

Further information on the subject of this report is available from
SUSAN WHITE, PUBLIC PATH ORDER OFFICER on 01432 260571

revenue budget for the maintenance of Public Rights of Way. This budget is under severe strain and it would be necessary to reduce or cease other maintenance and promotional projects to release the necessary funding.

Alternative Options

Alternative Option 1 – Create a public footpath on or close to the alignment of the current way-marked route

The Council has supported a non-statutory route for access on foot through the caravan park for many years. This route avoids some of the worst erosion risks and does not currently physically interfere with existing caravan pitches. The route also uses an existing footbridge across a ditch which would otherwise need the installation of a new bridge on the line of the Definitive Footpath. The suitability of the existing bridge for public use would need to be established and incorporated into final cost estimates for the physical path works required. It is not likely that these costs would exceed the £1,500 estimated for the original proposal.

The Council could use the powers available under Section 26 of the Highways Act 1980 to create a public right of way following this route, with some adjustments at either end where erosion remains a potential problem. The "redundant" sections of the existing public footpath would be extinguished under Section 118 of the Highways Act 1980 as they would no longer be required for public use.

Evidence from former users of paths ED5 and ED6 suggests that these paths were popular with residents of and visitors to the village of Eardisland. The Parish Council had previously requested that Herefordshire Council should "do all that is legally possible to get the footpath reopened". There is no alternative route available to paths ED5 and ED6 offering comparable levels of convenience and enjoyment.

The Council would still be liable to pay compensation to land-owners adversely affected by the proposals but these costs could be substantially less than those associated with the previous proposal if the interference with caravan pitches is avoided. Further investigations would be required to establish the potential for expansion of the site facilities within existing permissions and the impact this could have on the route of a new footpath.

If Members are minded to pursue this option, it is recommended that a site visit be arranged and that formal consultations be repeated on the basis of the revised scheme.

Alternative Option 2 – Extinguish the remaining "stub ends" and inaccessible sections of public footpaths ED5 and ED6 under Section 118 of the Highways Act 1980 as being no longer required for public use.

This proposal would lead to strong objections with a high probability of a Public Inquiry, incurring significant costs for the Council. This option is not recommended.

Risk Management

It is likely that an Order for the scheme as proposed would be opposed by one or more landowners, leading to a Public Inquiry and additional demand on existing staff resources. The financial implications could have a significant impact on the existing Public Rights of

Further information on the subject of this report is available from
SUSAN WHITE, PUBLIC PATH ORDER OFFICER on 01432 260571

Way Service.

If the Council decides to take no action, there is likely to be continuing pressure on the Council for action but there is only a small risk of successful challenge to such a decision.

Consultees

Prescribed organisations as per annexe E of Department of the Environment Circular

Local Member, Cllr J Goodwin

Eardisland Parish Council

Landowners;

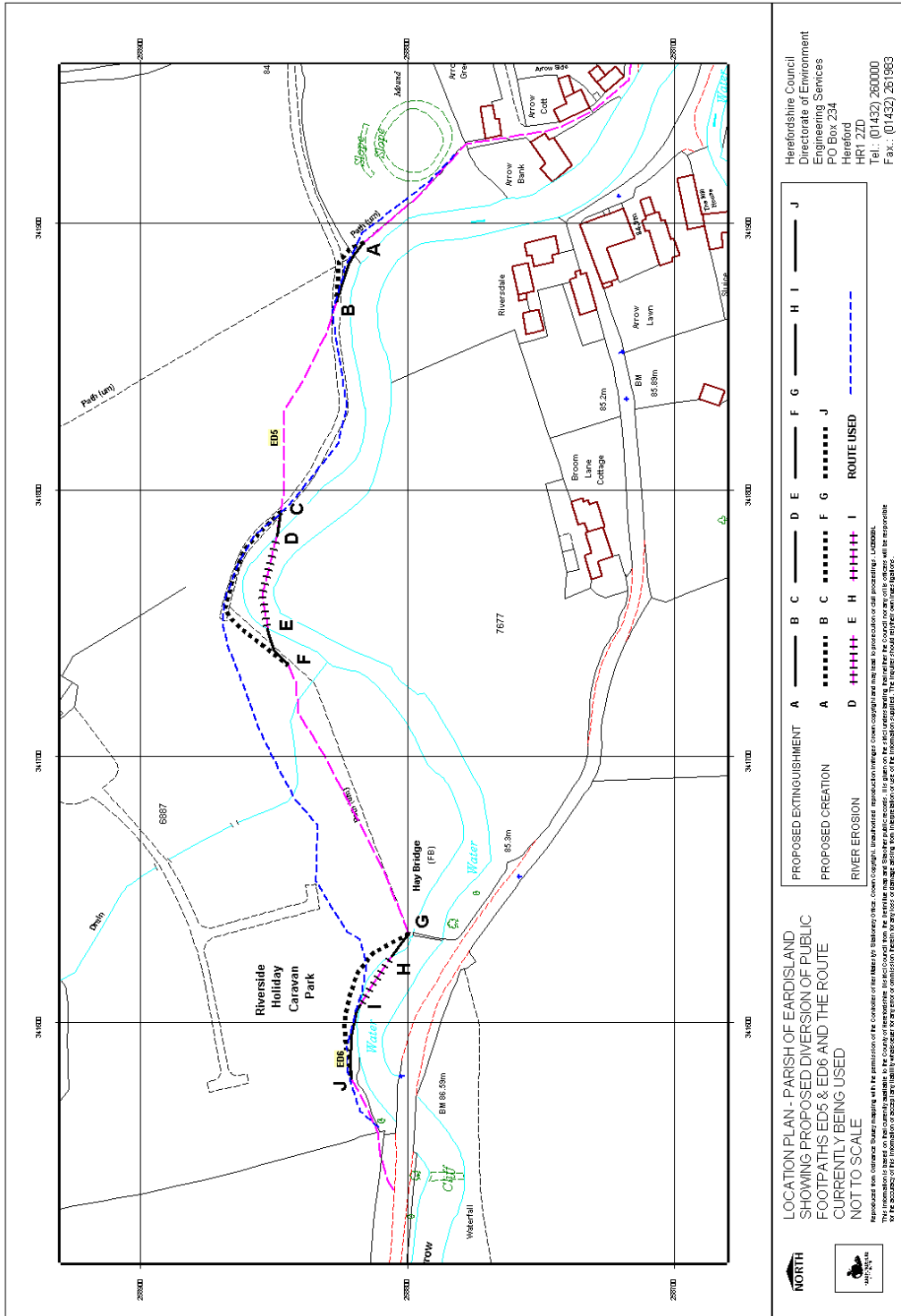
Mr & Mrs McCarthy

Dr & Mrs Ingham and Mr Goodchild

Background Papers

Order Plan D345/125-5/6(v)

Halcrow Report: Public Rights of Way – Eardisland Footpaths ED5 and ED6 (part)



Herefordshire Council
 Directorate of Environment
 Engineering Services
 PO Box 234
 Hereford
 HR1 2ZD
 Tel.: (01432) 260000
 Fax: (01432) 261983

LOCATION PLAN - PARISH OF EARDSLAND
 SHOWING PROPOSED DIVERSION OF PUBLIC
 FOOTPATHS ED5 & ED6 AND THE ROUTE
 CURRENTLY BEING USED
 NOT TO SCALE

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REPORT TO RENEW THE LICENCE CONDITION AND FEES FOR PLEASURE BOAT LICENCES – PUBLIC HEALTH AMENDMENTS ACT 1907

Report by: Head of Environmental Health and Trading Standards

Wards Affected

Countywide

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Purpose

1. To consider implementing revised conditions and fees for Pleasure Boat Licences as issued by the Local Authorities Environmental Health and Trading Standards Licensing Unit.

Legislation

2. The Public Health Acts Amendment Act 1907 (as amended) empowers the local authority to licence both the operation of pleasure boats to be let for hire to members of the public, or to be used for carrying passengers for hire, and the persons in charge of or navigating such boats.

Section 94(1) The local authority may grant upon such terms and conditions as they

may think fit licences for pleasure boats and pleasure vessel 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.

- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
- (3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry permit to be carried passengers for hire in any pleasure boat or vessel unless-
- (a) the boat or vessel is so licensed and the licence is not suspended; and
 - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied

- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for a person in charge of or navigating such a boat or vessel
- (5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form "Licensed to carry persons".
- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding level 3 on the standard scale but a person shall not be guilty of an offence under this subsection by reason of a failure to comply with such conditions as are mentioned in subsection (3) (b) of this section if it is shown that there is a reasonable excuse for the failure.
- (7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional court held after the expiration of two clear days after such withholding, suspension, or revocation: Provided that the person so aggrieved shall give twenty –four hours written notice of such appeal, and the ground thereof, to the clerk, and the court shall have power to make such order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt.
- (8) No Licence under this section shall be required in respect of pleasure boats and pleasure vessels on any inland waterway owned or managed by the British Waterways Board.

Background

3. Since reorganisation the Council has used the licence conditions from each of the predecessor authorities.

4. The new Licence conditions are a combination of the previous conditions and the requirements as stated below:

- i) The Marine and Coastguard Agency Codes and Regulations
- ii) The Byelaw made under section 172 of the Public Health Act 1875 by the Rural District Council of Ross and Whitchurch with respect to Pleasure Boats and Vessels
- iii) The Association of Inland Navigation Authorities Codes and Guidance
- iv) The Recreational Craft Regulations 1996
- v) Regulations issued by the Royal Yachting Association

Further information on the subject of this report is available from
 SUSAN LAUGHLAND, ACTING LICENSING MANAGER on 01432 261675 01432 260571

- vi) Regulations issued by the Adventure Activities Licensing Authority
 - vii) Regulations issued by the Health and Safety Commission
5. The Environment Agency and major providers of pleasure boats for hire have been consulted.
6. An advert had been placed in the Hereford Times and Ross Gazette on the 11th March 2004, with a request for representations to the Council by 19th March 2004.

Issues

7. To replace the existing annual Boat Proprietor's Licence with an annual Boatman Licence and an annual Pleasure Boat Licence. The Pleasure Boat licence will consist of 6 categories:

Category (a) Rowing boats/Rowing Dinghies/Canadian Canoes

Category (b) Mechanically Propelled Boats

Category (c) Single Canoes/Kayaks

Category (d) Sea Cycles/Water bikes/Similar Craft

Category (e) Sail Boards

Category (f) Sailing Dinghies

Individual conditions will be attached to each category and the categories will be stipulated on the licence. No Pleasure Boat Licence can be obtained without a current Boatman Licence.

8. To revise current fees charged for Pleasure Boats to:

Fee for Boatman Licence	£85
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Fee for Pleasure Boat Licence	£10 per passenger
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Options

9. It is for the Regulatory Committee to decide

- (a) To adopt the proposed Boatman and Pleasure Boat Licence Conditions and fees as Council Policy

Further information on the subject of this report is available from
 SUSAN LAUGHLAND, ACTING LICENSING MANAGER on 01432 261675 01432 260571

- (b) To refuse to adopt the proposed Boatman and Pleasure Boat Licence Conditions and fees as Council Policy
- (c) Or to reach some other conclusion

Recommendation

That the proposed Boatman and Pleasure Boat Licence Conditions and fees be adopted



Category (a)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
STANDARD CONDITIONS ATTACHED TO ROWING BOATS, ROWING DINGHIES
AND CANADIAN CANOES**

The following conditions are attached to Licences For Rowing Boats, Rowing Dinghies and Canadian Canoes Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the '**Licensing authority**').

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any canoe to which this licence applies shall not exceed the number specified in the licence applying to such canoe.
2. An Identification number and /or name of the canoe shall be permanently affixed in a conspicuous position to the hull of the pleasure boat in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in breadth.
3. A Notice stating the maximum number of persons permitted to be carried in the form of "Licensed to carry.....persons" together with the licence-holder's name shall also be prominently displayed.
4. All pleasure boats hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Council's Boat Inspector.
5. All pleasure boats hereby licensed shall have sufficient built-in buoyancy to maintain the canoe and passengers afloat in the event of a capsize or accidental holing.
6. All pleasure boats hereby licensed shall be insured at all times when in use against third party risks.

7. No pleasure boats hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of those on board.
8. No pleasure boats hereby licensed shall be hired to person or persons under the age of 14 years.
9. No pleasure boats hereby licensed shall be hired to person or persons apparently under the influence of alcohol or drugs.
10. A suitable buoyancy aid or life-jacket complying with the relevant European standard shall be formally offered to all persons hiring pleasure boats. Suitable notices and verbal information for the purpose of bringing this facility to the attention of all persons shall be provided at the point of hire. As far as is reasonably practicable, the licence holder shall insist that children under the age of 16 years and all non-swimmers shall wear a buoyancy aid or life-jacket. A;; persons hiring a canadian canoe must wear a buoyancy aid or life-jacket at all times when on the water.
11. Every pleasure boat hereby licensed shall carry the following equipment with the exception of canadian canoes insofar as (a) below is concerned:
 - a) One lifebuoy of a type approved by the Department of Trade and Industry of a size not less than 24 inches (610mm) in diameter with a buoyancy line of at least 33 feet (10metres) attached with a minimum breaking strain of 250 lbs (115kilos);
 - b) One bailer or receptacle capable of displacing at least 2 pints (1.2 litres) of water, such bailer to be secured to the boat by a nylon line or lanyard; and
 - c) 6 feet (2metres) of rope secured to the bow of the boat.
12. Every pleasure boat hereby licensed with the exemption of canadian canoes insofar as (a) below is concerned shall be fitted with the following:
 - d) oars with rowlocks of the “pin” type or, alternatively, with oars of a type capable of being secured to the boat by some other means to the satisfaction of the Council’s boat inspector; and
 - e) rubber bow protectors to the satisfaction of the Council’s Boat Inspector.
13. A plaque of at least 6 inches (150)mm in width by 3inches (75mm) in depth shall be affixed in a prominent position in every pleasure boat hereby licensed bearing the following wording in black or red letters on a white background:

“DANGER – DO NOT STAND UP, CHANGE PLACES OR SWIM FROM BOAT” or similar wording that conveys the same message or intended meaning.

14. A comprehensive first aid kit shall be available at the point of hire at all times.
15. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
16. The licence-holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many pleasure boats have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of a boat to return.
17. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
18. If any change occurs in the ownership or any particulars of the pleasure boats hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing section.



Category (b)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
LICENSING OF PLEASURE BOATS
CONDITIONS ATTACHED TO LICENCES FOR MECHANICALLY PROPELLED
BOATS OR VESSELS (“MOTOR BOATS”) LET FOR HIRE**

The following conditions are attached to Licences For Mechanically Propelled Boats or Vessels (Motor Boats) Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the ‘**Licensing authority**’).

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any motor boat to which this licence applies shall not exceed the number specified in the licence applying to such boat.
2. An identification number and/or name of the motor boat shall be permanently affixed in a conspicuous position to the hull of the boat in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in breadth.
3. A notice stating the maximum number of persons permitted to be carried in the form of “Licensed to carry persons” together with the licence holder’s name shall also be prominently displayed on the motor boat.
4. All motor boats hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Council’s Boat Inspector.
5. All motor boats hereby licensed shall have sufficient built-in buoyancy to maintain the boat and passengers afloat in the event of a capsize or accidental holing.
6. All motor boats hereby licensed shall be insured at all times when in use against third party risks.

7. No motor boat hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of those on board.
8. No motor boat hereby licensed shall be hired to any person or persons under the age of 16 years.
9. No motor boat hereby licensed shall be hired to any person or persons apparently under the influence of alcohol or drugs.
10. All engines in the motor boat hereby licensed must be sufficiently silenced and properly suppressed to meet required standards.
11. A suitable buoyancy aid or life-jacket complying with the relevant European standard shall be formally offered to all person hiring motor boats. Suitable notices and verbal information for the purpose of bringing this facility to the attention of all persons shall be provided at the point of hire. As far as is reasonably practicable, the licence-holder shall insist that children under the age of 16 years and all non-swimmers shall wear a buoyancy aid or life-jacket.
12. Every motor boat under 16 feet (5 metres) in overall length hereby licensed shall carry the following equipment:
 - a) one lifebuoy of a type approved by the Department of Trade and Industry of a size not less than 24 inches (610mm) in diameter with a buoyant line of at least 33 feet (10 metres) attached with a minimum breaking strain of 250lbs (115 Kilos);
 - b) one bailer or receptacle capable of displacing at least 2 pints (1.2 Litres) of water, such bailer to be secured to the dinghy by a nylon line or lanyard; and
 - c) one dry powder (or suitable alternative) fire extinguisher, which shall be regularly serviced and inspected in accordance with the manufacturer's directions, of not less than 1.4kilos (3lbs) capacity with directions for use in accordance with the manufacturer's instructions prominently displayed thereon.
13. Every motor boat over 16 feet (5 metres) in overall length hereby licensed shall carry the following equipment:
 - a) two lifebuoys of a type approved by the Department of Trade and Industry of a size of not less than 610mm (24 inches) in diameter with a buoyant line of at least 33 feet (10 metres) attached with a minimum breaking strain of 250lbs (115 kilos);
 - b) one bailer or bucket capable of displacing at least 1.2 litres (2 pints) of water, such bailer to be secured to the boat by a nylon line or lanyard, or a manual bilge pump; and
 - c) two dry powder (or suitable alternative) fire extinguishers, which shall be regularly serviced and inspected in accordance with the manufacturer's directions, or not less than 1.4 kilos (3 lbs) capacity each with directions for

use in accordance with the manufacturer's instructions prominently displayed thereon.

14. In the case of motor boats hereby licensed which have an exposed propeller shaft such boats shall be fitted with a suitable shaft cover to the satisfaction of the Council's Boat Inspector.
15. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
16. The licence-holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many motor boats have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of a motor boat to return.
17. A comprehensive first aid kit shall be available at the point of hire at all times.
18. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
19. If any change occurs in the ownership or any particulars of the pleasure boats hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section, Environmental Health and Trading Standards, PO Box 233, Hereford HR1 2ZF



Category (c)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
STANDARD CONDITIONS ATTACHED TO PLEASURE BOAT LICENCES – SINGLE
CANOES AND KAYAKS**

The following conditions are attached to Licences For Single Canoes and Kayaks Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the '**Licensing authority**').

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any canoe to which this licence applies shall not exceed the number specified in the licence applying to such canoe. This maximum number shall be prominently displayed at the point of hire.
2. An Identification number and /or name of the canoe shall be permanently affixed in a conspicuous position to the hull of the canoe in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in breadth.
3. A Notice stating the licence holder's name shall be prominently displayed at the point of hire.
4. All canoes/kayaks hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Council's boat inspector.
5. All canoes hereby licensed shall have sufficient built-in buoyancy to maintain the canoe and passengers afloat in the event of a capsize or accidental holing.
6. All canoes hereby licensed shall be insured at all times when in use against third party risks.
7. All canoes hereby licensed shall not be hired to any person under the age of 18 years where instruction or tuition is provided, other than for the safe use of

- equipment, unless accompanied by a parent or guardian throughout their participation.
8. No canoe hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of those on board.
 9. No canoe hereby licensed shall be hired to person or persons apparently under the influence of alcohol or drugs
 10. No canoe hereby licensed shall be hired unless it is used and operated under the supervision of a qualified instructor and that supervision is in accordance with the regulations of the British Canoe Union.
 11. Not more than eight canoes shall be under the supervision of any one instructor at the same time.
 12. A suitable buoyancy aid or life-jacket complying with the relevant European standard shall be issued to each person afloat and all reasonable steps shall be taken so that each person wears a buoyancy aid or life-jacket at all times when on the water.
 13. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
 14. The licence-holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many canoes have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of a canoe to return.
 15. A comprehensive first aid kit shall be available at the point of hire at all times.
 16. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
 17. If any change occurs in the ownership or any particulars of the canoes hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section Environmental Health and Trading Standards P.O. Box 233 Hereford HR1 2ZF



Category (d)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
LICENSING OF PLEASURE BOATS
CONDITIONS ATTACHED TO LICENCES FOR SEA CYCLES, WATER BIKES AND
SIMILAR CRAFT LET FOR HIRE**

The following conditions are attached to Licences For Sea Cycles, Water Bikes and Similar Craft Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the '**Licensing authority**').

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any sea cycle, water bike or similar craft to which this licence applies shall not exceed the number specified in the licence applying to that craft, i.e. the number of individual seats fitted.
2. Those persons aggregate weight shall not exceed 550lbs or 39 stones on any sea cycle. That single persons weight shall not exceed 280lbs or 20 stones on any water bike.
3. A notice stating the maximum number of persons permitted to be carried in the form of licensed to carry & persons total maximum permitted weight 550lbs or 39 stones (sea cycles) or licensed to carry 1 person maximum permitted weight 280lbs or 20 stones (water bike) shall be prominently displayed on the craft so as to be visible to those boarding it.
4. A plaque of at least 6 inches (150mm) in width by 3 inches (75mm) in height shall be affixed in a prominent position in every craft hereby licensed bearing the following wording in black or red letters on white background.

DANGER DO NOT STAND UP, CHANGE PLACES OR SWIM FROM CRAFT or similar wording that conveys the same message or intended meaning.

5. No person apparently under 4 feet tall may act as a rider with the pedals in either model.
6. An identification number and/or name of the craft shall be permanently affixed in a conspicuous position on the craft in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in width.
7. A notice stating the licence-holders name shall be prominently displayed at the point of hire.
8. All sea cycles and water bikes hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Councils boat inspector.
9. All sea cycles and water bikes hereby licensed shall have sufficient built-in buoyancy to keep the passengers afloat in the event of capsize or accidental holing.
10. All sea cycles and water bikes hereby licensed shall be insured at all times which in use against third party risks.
11. No sea cycles and water bikes hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of the user.
12. No sea cycle or water bikes hereby licensed shall be hired to any person or persons under the age of 14 years unless supervised by a competent adult.
13. No sea cycle or water bike hereby licensed shall be hired to any person or persons apparently under the influence of alcohol or drugs.
14. A stock of protective clothing shall be available at the point of hire for the use of persons hiring sea cycles and water bikes.
15. A suitable buoyancy aid or life-jacket complying with the relevant European standard must be issued to every person hiring a sea cycle or water bike and the licence-holder shall insist that they be worn at all times when on the water.
16. A suitable and sufficient rescue boat shall be available and on site at all times.
17. The licence holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that significant findings of that assessment have been acted upon.
18. The licence holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many sea cycles and water bikes have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of the craft to return.
19. A comprehensive first aid kit shall be available at the point of hire at all times.

20. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
21. If any change occurs in the ownership or any particulars of the craft hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section, Environmental Health and Trading Standards, PO Box 233, Hereford HR1 2ZF.



Category (e)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
LICENSING OF PLEASURE BOATS
CONDITIONS ATTACHED TO LICENCES FOR SAILBOARDS LET FOR HIRE**

The following conditions are attached to Licences For Sailboards Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the '**Licensing authority**').

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any sailboard to which this licence applies shall not exceed the number specified in the licence applying to such sailboard.
2. An identification number and/or name of the sailboard shall be permanently affixed in a conspicuous position on the sailboard in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in breadth.
3. A notice stating the licence-holder's name shall be prominently displayed at the point of hire.
4. All sailboards hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Council's Boat Inspector.
5. All sailboards hereby licensed shall have sufficient built-in buoyancy to maintain the board and passengers afloat in the event of a capsize or accidental holing.
6. All sailboards hereby licensed shall be insured at all times when in use against third party risks.
7. No sailboards hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of the user.

8. No sailboard hereby licensed shall be hired to person or persons under the age of 14 years unless supervised by a competent adult.
9. No sailboard hereby licensed shall be hired to any person or persons apparently under the influence of alcohol or drugs.
10. A stock of protective clothing shall be available at the point of hire for the use of persons hiring sailboards.
11. A suitable buoyancy aid or life-jacket complying with the relevant European standard must be issued to every person hiring a sailboard and the licence-holder shall insist that they be worn at all times when on the water.
12. A suitable and sufficient rescue boat shall be available and on site at all times.
13. No sailboard hereby licensed shall be hired out by a sailboarding school unless it is used under the supervision of a qualified instructor and that supervision is in accordance with the appropriate regulations of the Royal Yachting Association.
14. No more than six persons shall be under instruction by one qualified instructor at any one time.
15. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
16. The licence-holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many sailboards have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of a sailboard to return.
17. A comprehensive first aid kit shall be available at the point of hire at all times.
18. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
19. If any change occurs in the ownership or any particulars of the sailboard hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section, Environmental Health and Trading Standards, PO Box 233, Hereford HR1 2ZF



Category (f)

**PUBLIC HEALTH ACTS AMENDMENT ACT 1907
LICENSING OF PLEASURE BOATS
CONDITIONS ATTACHED TO LICENCES FOR SAILING DINGHIES LET FOR HIRE**

The following conditions are attached to Licences For Sailing Dinghies Let for Hire issued by the Head of the Environmental Health and Trading Standards on behalf of Herefordshire Council (the '**Licensing authority**').

All conditions must be complied with fully and to the satisfaction of the licensing authority. Failure to comply with any condition is failure to comply with the licence and may result in prosecution and revocation of the licence.

Clarification or further information regarding these conditions may be obtained from the Licensing Unit on (01432) 260105.

1. The maximum number of persons permitted to be carried on any sailing dinghy to which this licence applies shall not exceed the number specified in the licence applying to such dinghy.
2. An identification number and/or name of the sailing dinghy shall be permanently affixed in a conspicuous position to the hull of the dinghy in figures/letters not less than one inch (25mm) in height and three quarters of an inch (20mm) in breadth.
3. A notice stating the maximum number of persons permitted to be carried in the form of "Licensed to carry persons" together with the licence holder's name shall also be prominently displayed.
4. All sailing dinghies hereby licensed shall be kept in good, sound and safe condition to the satisfaction of the Council's Boat Inspector.
5. All sailing dinghies hereby licensed shall have sufficient built-in buoyancy to maintain the dinghy and passengers afloat in the event of a capsize or accidental holing.
6. All sailing dinghies hereby licensed shall be insured at all times when in use against third party risks.

7. No sailing dinghy hereby licensed shall be let for hire in rough weather conditions which may pose a threat to the safety of those on board.
8. No sailing dinghy hereby licensed shall be hired to any person or persons under the age of 14 years.
9. No sailing dinghy hereby licensed shall be hired to any person or persons apparently under the influence of alcohol or drugs.
10. A suitable buoyancy aid or life-jacket complying with the relevant European standard shall be issued to each person using the dinghy and as far as is reasonably practicable, the licence-holder shall insist that each person shall wear a buoyancy aid or life-jacket at all times when on the water.
11. Every sailing dinghy hereby licensed shall carry the following equipment:
 - a) one lifebuoy of a type approved by the department of trade and Industry of a size not less than 24 inches (610mm) in diameter with a buoyant line of at least 33 feet (10 metres) attached with a minimum breaking strain of 250lbs (115 Kilos);
 - b) one bailer or receptacle capable of displacing at least 2 pints (1.2 Litres) of water, such bailer to be secured to the dinghy by a nylon line or lanyard; and
 - c) 6 feet (2 metres) of rope secured to the bow of the dinghy.
12. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
13. The licence-holder must demonstrate that a suitable and sufficient risk assessment of this activity has been carried out and that the significant findings of that assessment have been acted upon.
14. The licence-holder must demonstrate that a suitable and sufficient system is in place and is operated to ensure that proper records are kept which show how many sailing dinghies have been hired out at any time, the expected time of return and the emergency procedures to be implemented on the failure of a dinghy to return.
15. A comprehensive first aid kit shall be available at the point of hire at all times.
16. No person shall be permitted to navigate or be in charge of any pleasure boat hereby licensed unless that person is duly licensed for such a purpose under the Act.
17. If any change occurs in the ownership or any particulars of the sailing dinghies hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section, Environmental Health and Trading Standards, PO Box 233, Hereford HR1 2ZF

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