

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

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

Fee for Pleasure Boat Licence £10 per passenger

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

- (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