

<b>Proposed Operator Conditions</b>		
<b>1</b>	<b>a. The Operator must hold and maintain throughout the period of this licence current Public Liability Insurance cover with a minimum indemnity of two million pounds. b. The Operator must, when required by the Authority to do so, make a self-declaration regarding this insurance in relation to any vessel.</b>	
No. of respondents	Main Issues	BA proposed changes
17	A small number of respondents suggested that the limit of cover was a little high.	No change proposed, the level of insurance as this level is comparable to that set for private boat owners.
<b>2</b>	<b>The Operator must not cause or permit any vessel to be let for hire in weather conditions which, at the time of the commencement of the hire, are likely to pose a threat to the safety of those on board the Vessel.</b>	
No. of respondents	Main Issues	BA proposed changes
10	One operator indicated concern about quantifying the term "unsuitable weather". Some indicated that the risk assessment should include weather as a factor.	No change proposed.
<b>3</b>	<b>The Operator must not hire any Vessel which is mechanically powered to any persons under 16 years of age.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	Some operators were surprised that the specified age was only 16 years. Most insurance policies held by operators stipulated an age limit of 18 or 25 years.	No change proposed. It is the Authority view that 16 years is adequate.
<b>4</b>	<b>The Operator must not hire a Vessel to any person or persons who are, or appear to be under the influence of alcohol or drugs at the time of the commencement of the hire.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	Some operators indicated that this was difficult to prove.	No change proposed. The Broads Authority will support a subjective view on the basis of safety.
<b>5</b>	<b>The Operator must on a regular basis carry out suitable and sufficient assessment of the risks associated with the activity of hiring vessels. The frequency of this assessment will depend on the nature of the risk but must be no less than annually. In addition: a. The Operator must act upon the findings of any such assessment where a risk is identified. b. The Operator must ensure that these assessments are fully documented and readily accessible for inspection by an authorised representative of the Authority.</b>	

No. of respondents	Main Issues	BA Proposed Changes
11	Some operators felt that a risk assessment frequency of annually was too high. One indicated that risk assessments would not occur at peak periods.	No change proposed. It is the view of the Authority that risk must be assessed and that operators would be in breach of their duty of care if they do not.
<b>6</b>	<b>The Operator must keep proper records which show:</b> <b>a. When any Vessel has been hired out.</b> <b>b. The number of persons carried.</b> <b>c. The expected time of return.</b> <b>d. The emergency procedures shall be implemented on the failure of a Vessel to return.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	The majority of operators do not want prescribed forms to record this data as they have systems already in place.	No change proposed.
<b>7</b>	<b>The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this Licence.</b> <i>Could you foresee this as a problem</i>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed.
<b>8</b>	<b>a. The Operator must ensure that before using a Vessel the skipper is given:</b> <b>(i) An appropriate briefing in accordance with British Marine Federation (BMF)/Association of Inland Navigation Authorities (AINA) /Maritime and Coastguard Agency (MCA) Code for the Design and Construction and Operation of Hire Boats, Part 1, Section 5.2 Handover procedures (September 2009).</b> <b>(ii). A proper demonstration on how to fit, wear and use the buoyancy aids or lifejackets provided with the Vessel.</b> <b>b. The Operator must instruct the Skipper to advise those on board the Vessel on the use of the buoyancy aids of lifejackets.</b> <b>c. The Authority will be entitled to carry out sample audits of the handover arrangements referred to in paragraph 8(a).</b> <b>d. The Operator must record in writing and retain details of all briefings and demonstrations given under paragraph 8 (a).</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	Operator's report that handovers are documented and comply where appropriate with booking agency requirements, there is little desire to have the BMF	No change proposed. The Authority views record keeping as an important part of any safety management system. Such a system must accord with audit requirements.

	Handover Audit Scheme as a licensing condition.	
<b>9.</b>	<b>If any changes occur in the ownership or particulars of any Vessel during the term of the Licence, the Operator must give written notice of such change(s) to the Authority within 14 days of the change(s).</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
<b>10</b>	<b>The Operator must report to the Broads Authority, in writing, and as soon as is reasonably practicable, (and in any case within seventy-two hours of the Operator becoming aware of it), the occurrence of any accident of a type as defined in the Statutory Instrument no S.I.881/2005 Merchant Shipping (Accident and Investigation) Regulations 2005, involving any Vessel operated under this Licence. An accident is defined as an incident resulting in personal injury or serious damage to property or any other vessel.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	One operator made representation regarding the ability for the operator to know when an incident has happened. Another that this should be confined to major incidents only.	No change proposed. The Authority is content that the operator should provide such information when they become aware of an accident. The gravity of the accident should be considered with minor accidents being logged locally.
<b>11</b>	<b>This Licence must not be altered, damaged or defaced in any way.</b>	
No. of respondents	Main Issues	BA Proposed Changes
10	No main issues.	No change proposed
<b>12</b>	<b>This Licence or a true copy of it may be displayed for public view at the premises from which any Vessel is hired but must be removed from public display in the event that it is suspended, renewed or has expired.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>13</b>	<b>The Authority may suspend or revoke this Licence in the event of any breach of these conditions if the Authority considers it is necessary or desirable in the interests of the public.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	One operator suggested that a meeting must be held between the operator and the Authority before any License	No change proposed. The Authority will follow the published enforcement policy

	is revoked. Another recommended arbitration in the event that a license is being considered for revocation.	which aims to have a proportionate approach to infringements and would start with guidance and information, only when continued non-compliance could licenses be revoked.
<b>14</b>	<b>This Licence must be returned to the Authority within 7 days if:</b> <b>a. The Operator has ceased the activity for which the Licence has been granted or,</b> <b>b. The Authority has revoked the Licence.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	One operator suggested that 30 days would be more appropriate.	No change proposed.
<b>15</b>	<b>This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____.</b> <i>It is proposed that the licensing year will run from the 1<sup>st</sup> April each year for a period of 12 months, to include any licensing in the annual tolls renewal and therefore reduce the administrative burden and ultimately costs to the operator.</i>	
No. of respondents	Main Issues	BA Proposed Changes
11	Some comments were made relating to a wish for the licence to run for more than one year as it was seen that a yearly licence may involve extended documentation on re-application.	No change proposed. The purpose of a yearly licence was to reduce the administrative burden both on the Authority and the operator, re-applications for licence renewals will be sent out with the toll renewal documentation with simple self declarations regarding modifications and stability with regard to the vessels in the operator's fleet. This will be included on the tolls application forms.
<b>16</b>	<b>The Licence is personal to the Operator and is not transferable.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	Some operators asked for clarification on when transfer would be possible.	No change proposed. Guidance will be included in the notes to give some examples when transfer of a licence would be allowed although it is expected that the decision would depend on individual circumstances.
<b>17</b>	<b>The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interest of the public to do so. Such variations will have effect as and when specified by the Authority.</b>	

Consultation on any changes to conditions will be subject to consultation with the BMF, BHBF and Day Boat Association.		
No. of respondents	Main Issues	BA Proposed Changes
11	Some concern was expressed regarding the adequacy of consultation.	No change proposed. Any changes to licensing conditions would be subject to consultation and the Authority would need to demonstrate that any changes were reasonable.

<b>Proposed Vessel Conditions</b>		
<b>1</b>	<b>Each vessel must comply with the construction and equipment standards imposed or having effect to the Authority under section 12 (2) (b) of the Broads Authority Act 2009.</b> <i>This condition relates to the requirement for a Boat Safety Scheme certificate for powered craft.</i>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>2</b>	<b>Each vessel must be in maintained in sound condition.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>3</b>	<b>a. Each Vessel is licensed to carry the number of persons indicated against that Vessel in the Schedule.</b> <b>b. The number of persons that the Vessel is licensed to carry must be conspicuously displayed on the Vessel using a notice or notices provided by the Authority.</b> <b>c. A Vessel must not carry any number of persons in excess of that permitted by this Licence.</b>  <i>Operators will be required to carry out a stability and loading test or calculations where appropriate, to ascertain the passenger carrying capacity of their vessels.</i>	
No. of respondents	Main Issues	BA Proposed Changes
13	Respondents were largely content with this requirement, however, there were representations made that related to whether the loading limit should be in weight Kg rather than the number of people in order to accommodate the makeup of the Hire Party. There was also concern raised that there was not a suitable method for carrying out stability testing, and that the current testing regime did not have realistic criteria set for conditions found on inland waterways. Some operators did not appear to know exactly what was required.	No change proposed. The Guidance notes will be augmented with specific reference to the Hire Boat Code and the stability testing regimes defined therein. The Authority is content that the stability and loading tests as defined in the Hire Boat Code are robust and applicable to inland waters, the code and the stability and loading test have been developed jointly by the British Marine

		Federation, AINA and the MCA, largely by the industry for the industry. The Hire Boat Code has been published since summer 2009 and stability and loading testing was verified on the Broads using typical Broads boats. The stability and loading tests give an output of both how many people the vessel may carry and also the total maximum loading in Kg, this will enable the operator to determine how much luggage may be carried in addition to the specified no of people.
<b>4</b>	<b>Any vessel offered for hire with gas-fuelled equipment must be fitted and maintained in accordance with HSE, Gas Safety (Installation and Use) Regulations 1998 and hold a current Landlords Gas Safety Certificate.</b> <i>This is required under the GS (IU) R regulations, do you foresee any problems with this condition.</i>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues. One operator indicated “yes” to this question but did not provide any reason.	No change proposed
<b>5</b>	<b>a. Any mechanically powered Vessel which, following the issue of this Licence, is changed in a way defined in paragraph 3b must be subjected to a stability and loading test of a type approved by the Authority before the Vessel is offered for hire, and the results of the test must be submitted in writing to the Authority within 28 days of the test being carried out.</b> <b>b. “Changed” means:</b> <b>(i) Changed in engine type, or internal or deckhouse arrangement or</b> <b>(ii) Subject to a change in the amount of distribution of ballast or permanent weights of more than 3kg per metre of hull length.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
<b>6</b>	<b>A buoyancy aid or lifejacket, of an appropriate size and type, complying with the relevant European standard and fit for purpose must be provided for each adult or child carried on board the Vessel.</b> <i>This condition now requires the mandatory issue of life-jackets.</i>	
No. of respondents	Main Issues	BA Proposed Changes
11	Largely supported. Issue raised related to small boats which have no lockers to store lifejackets when not used.	No change proposed. The issue was discussed at length through the auspices of the Broads Authority with the Broads Hire

		Boat Federation. It was concluded that safety concerns outweighed inconvenience.
<b>7</b>	<b>Any mechanically powered Vessel, must be fitted with a bilge pump which is appropriate in size to the Vessel or carry one bailer or bucket in either case with a capacity of at least 1.2 litres ( 2 pints) of water.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	Concern raised that there was no appropriate and cost effective method to provide such a device.	No change proposed. It was not considered that in this context cost was a substantive issue.
<b>8</b>	<b>Any vessel with a minimum freeboard height greater or equal to 1 metre must have the facility to enable persons to re-board the vessel from the water in the event of falling overboard. This may be a fixed boarding system or a temporary system that could be deployed when required e.g. boarding ladder, step.</b>	
No. of respondents	Main Issues	BA Proposed Changes
11	One operator felt that this would make wheelchair access impossible. Another indicated that it would cause problems but did not elaborate.	No change proposed. The risk assessment should incorporate the carriage of people who use wheelchairs and appropriate measures put in place to enable recovery of a person-overboard.
<b>9</b>	<b>Any Vessel with an exposed propeller shaft or other exposed moving parts within the passenger or accommodation area must be fitted with a suitable guard.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>10</b>	<b>This Licence must not be altered, damaged or defaced in any way.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>11</b>	<b>This Licence or a true copy of it may be displayed for public view at the premises from which any Vessel is hired but must be removed from public display in the event that it is suspended, renewed or has expired.</b>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
<b>12</b>	<b>The Authority may suspend or revoke this Licence in the event of any breach of any of these conditions if the Authority</b>	

<p><b>considers it necessary or desirable in the interests of the public.</b></p> <p><i>The Authority may suspend or revoke this Licence in the event of any breach of any of these conditions if the Authority considers it necessary or desirable in the interests of the public.</i></p>		
No. of respondents	Main Issues	BA Proposed Changes
12	Clarification was sought regarding the difference between the Operator and Vessel Licence and the minimum period the licence could be re-established or re-issued. Further questions were raised about who would be authorised to revoke a licence.	No change proposed. This condition is replicated from the operator conditions in order that a licence relating to a specific vessel could be revoked rather than the overall licence to the operator. After a licence had been revoked the operator would need to re-apply for the licence, the Authority would issue the licence as soon as was practicable. The decision to revoke a licence would ultimately be made by the Director of Waterways which could only occur after due process as set out in the Authority's enforcement process. An appeals process will be in place and open for all to avail themselves.
13	<p><b>This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.</b></p> <p><i>Do you envisage any problems with this condition?</i></p>	
No. of respondents	Main Issues	BA Proposed Changes
12	One operator has suggested that 30 days would be more appropriate	No change proposed. 7 days is considered appropriate and shows a reasonable level of concern about a cited issue.
14	<p><b>This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____.</b></p> <p><i>It is proposed that the licensing year will run from the 1<sup>st</sup> April each year for a period of 12 months, this is in order to include any licensing in the annual tolls renewal and therefore reduce the administrative burden and ultimately costs to the operator. Do you envisage any problems with this condition?</i></p>	

No. of respondents	Main Issues	BA Proposed Changes
12	Although a minority of operators suggested a longer period for the licence.	No change proposed. The purpose of a yearly licence was to reduce the administrative burden both on the Authority and the operator, re-applications for licence renewals will be sent out with the toll renewal documentation with simple self declarations regarding modifications and stability with regard to the vessels in the operator's fleet. This will be included on the tolls application forms.
15	<p><b>The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interests of the public to do so. Such variations will have effect as and when specified by the Authority.</b></p> <p><i>Is this a problem?</i></p> <p><i>Consultation on any changes to conditions will be subject to consultation with the BMF, BHBF and Day Boat Association</i></p>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
	<b>Costs</b>	
	<p><b>Operators Licence – It is proposed that the Operators Licence will be for a cost of £18.00.</b></p> <p><i>Do you envisage any problems with this condition?</i></p>	
No. of respondents	Main Issues	BA Proposed Changes
	A minority of operators have suggested that this fee is an additional expense that should be taken from the toll fee.	No change proposed. The costs of licensing are a requirement and the associated administrative cost covered.
	<p><b>Vessel Licence –</b></p> <p><b>It is proposed that the cost of a vessel licence will be £5.00p per vessel.</b></p>	

	<i>Do you envisage any problems with this condition?</i>	
No. of respondents	Main Issues	BA Proposed Changes
	A minority of operators have suggested that this fee is an additional expense that should be taken from the toll fee.	No change proposed. The costs of licensing are a requirement and the associated administrative cost covered.
	<b>Implementation</b>	
	<b>All Hire Boat licensing will be implemented on 1 April 2010.</b> <i>Is this introductory date acceptable and achievable?</i>	
No. of respondents	Main Issues	BA Proposed Changes
	No main issues.	No change proposed