

Broads Authority Non-Powered Craft for Hire-Operator Conditions

This document sets out the Broads Authority Non-Powered Craft for Hire Operator Conditions that need to be satisfied if an operator's License is to be granted by the Broads Authority. The Licence will be issued under Section 94 of the Public Health Acts Amendment Act 1907 (reference Section 40 of the Broads Authority Act 2009). Each Licence will enable the operator to let for hire the vessels listed in a Schedule.

The following definitions apply: -

“the Authority”	means the Broads Authority.
“the Operator”	means the person or body to which the Licence is to be issued.
“the Vessel”	means a canoe, kayak, paddleboard, pedal craft licensed under the conditions.
“Rescue Vessel”	means a Vessel, whether mechanically powered or not, used for the purpose of recovering hire Vessels.

The Conditions

1. The Operator must ensure that vessels do not carry any number of persons or overall loading in excess of that recommended by the manufacturer.
2. The Operator must hold and maintain throughout the period of this Licence adequate Third-Party Public Liability indemnity insurance cover.
3. 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.
4. The Operator must not hire any 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.
5. The Operator must carry out a 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 frequently than annually. This must include documented arrangements for the recovery of hirers in the event of an emergency.
 - 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.
6. The Operator must keep records which show:
- a. When any vessel has been hired out.
 - b. Details of the lead member of the party.
 - c. The number of persons carried.
 - d. The expected time of return.
 - e. The emergency procedures to be implemented on the failure of a Vessel to return.
7. The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this agreement.
8. 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 member of the party.
- a. Each buoyancy aid or lifejacket provided must be identified with the operator's name and contact telephone number (**Guidance note: this needs to be displayed on the back of the buoyancy aid so as to be visible from the bank when worn**)
 - b. Operators of paddleboards shall supply a leash to prevent the hirer becoming separated from the paddleboard.
9. Vessels shall only be operated in MCA Category A waters.
10. The Operator must ensure that their staff possess the competencies, qualifications and/or experience required for the discharge of their responsibilities. A full list of staff with qualifications and responsibilities must be available for inspection. Any in-house assessments of staff competence must be monitored by persons appropriately qualified to undertake this role. Recognised relevant organisations are British Canoeing, Canoe England, British Stand Up Paddle Association and the Academy of Surf Instructors.
- a. The Operator must ensure that their staff receive refresher training no less than annually, records of all training must be kept and must be available for inspection by the Authority.
11. The Operator must ensure that before using a Vessel all members of the hire party are given:

(i) A systematic and documented handover procedure, appropriate to the type of vessel. Providing instruction on how to safely board and leave the vessel and the need for keeping the vessel stable at all times.

NB: An in-water trial is an integral part of the handover process.

(ii) A proper demonstration on how to fit, wear and use the buoyancy aids or lifejackets provided with the Vessel.

(iii) An appropriate briefing which must include advising the hirer of: zones, routes, obstacles, commercial vessels, bridges, rules of navigation and where necessary provide a map showing access, egress, distances, locations of specific hazards and prominent features and emergency access points and contacts.

a. The Operator must record in writing and retain details of all briefings, demonstrations, and instructions given under paragraph 11 (l).

b. The Authority will be entitled to carry out audits of the handover arrangements referred to in paragraph 11(i).

c. (i) Paddleboards shall not be hired for individuals intending to paddle alone.

(ii) 11 (i) does not apply where the hirer holds the following minimum qualifications:

a) British Stand Up Paddleboard Association - Level 1 Ready to Ride

b) Association of surf Instructors – Supwise Level 1 Enclosed Flat Water

12. If any changes occur in the ownership or particulars of any Vessel during the Licence period, the Operator must give written notice of such change(s) to the Authority within 14 days of the change(s).

13. 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 involving the vessel.

a. For the purposes of paragraph 13(a), an accident means an incident resulting in loss of life, major injury, or serious damage to property or another vessel.

b. For the purposes of paragraph 13(b) Major Injury means:

(i) any fracture, other than to a finger, thumb or toe

(ii) any loss of a limb or part of a limb

(iii) dislocation of the shoulder, hip, knee or spine

(iv) loss of sight, whether temporary or permanent

(v) penetrating injury to the eye

(vi) any other injury leading to hypothermia or unconsciousness

(vii) any other injury requiring resuscitation

(viii) any other injury requiring admittance to a hospital or other medical facility as an inpatient for more than 24 hours

14. The Operator must maintain a Rescue Vessel for the recovery or rescue of their hirers and the vessels
15. The Authority may suspend or revoke the 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.
16. The Licence must be returned to the Authority within 7 days if:
 - a. The Operator has ceased the activity for which the Licence has been granted
 - Or
 - b. The Authority has revoked the Licence.
17. This Licence will remain in force, unless previously suspended or revoked, for a maximum of one toll year 1 April – 31 March following year.
18. The Licence is personal to the Operator and is not transferable except with the written permission of the Authority.
19. 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.

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