

**Broads Authority Act 2009: Consultation on Licensing
Conditions for Powered Hire Boats**

Report by Head of Waterways Strategy and Safety

Summary: This report sets out the proposed Authority response to the consultation on the Code for Design, Construction and Operation of Hire Boats.

The Committee's views are sought on the consultation response, and on the proposed amended licence conditions.

1 Introduction

- 1.1 For many years licensing authorities (including navigation authorities), and the hire boat industry, have been applying standards and regulating hire boats through initiatives such as the Boat Safety Scheme (BSS) and the British Marine Federation (BMF) Hire Boat Handover Audit Service.
- 1.2 The accident to the day-hire boat Breakaway V in July 2003 in which the boat capsized leading to the drowning of one of the occupants was investigated by the Marine Accident Investigation Branch (MAIB).
- 1.3 Amongst the recommendations published in the MAIB's final report, was a proposal that the MCA should form and chair a Working Group of key interested parties including Navigation Authorities and Local Authorities, to develop a Code of Safe Practice for boats let for hire on inland waterways, to include as a minimum, requirements for hire boat construction, stability, fitness for purpose, life saving equipment, and handover procedures.
- 1.4 As a result, the MCA formed a Working Group and Sub-Groups which took forward this recommendation and has led to the publication of the Code for the Design, Construction and Operation of Hire Boats. The Code is freely available on the MCA's website.
- 1.5 The Hire Boat Code is aimed at setting technical and operational standards for powered vessels. The Code is a voluntary Code for Inland Navigation Authorities and Local Authorities to adopt as their standard for vessels that are let for hire without a skipper.
- 1.6 In April 2010, the Broads Authority will implement Section 40 of the Broads Authority Act 2009 which transfers to the Authority (from the relevant local authorities) the power to use section 94 of the Public Health Acts Amendment Act 1907 for the purpose of imposing conditions for the hiring of boats to the public.

- 1.7 In consultation with the Broads Hire Boat Federation, conditions for the licensing of powered hire boats have been developed which have primarily been based on the Hire Boat Code.
- 1.8 Licensing conditions have been limited to powered vessels as the current issue of the Hire Boat Code applies only to powered vessels, it is anticipated that the Authority will develop licensing conditions for unpowered vessels when Part 2 of the Hire Boat Code for unpowered vessels is published.

2 Consultation

- 2.1 The Authority is currently consulting on the proposed conditions for the licensing of powered hire boats and the hire boat operators operating on the Broads Authority navigation area and in adjacent waters.
- 2.2 The Hire Boat Licensing Consultation started on 8 October 2009 and finishes on 7 December 2009, and has been issued to all owners of vessels registered as hire craft on the tolls database.
- 2.3 The consultation has been sent to 196 owners of powered hire craft. Of this number, 27 are members of the Broads Hire Boat Federation, those 27 BHBF members operate some 68% of the registered hire boats on the Broads. 14 of the operators are already licensed under the existing North Norfolk District Council Licensing scheme.
- 2.4 The Broads Authority Boat Safety Management Group is convening on 8 December 2009 specifically to discuss the outcome of the consultation and the outcome of that meeting will be presented to this meeting.
- 2.5 At the time of writing the Authority has received 12 replies to the consultation which has approximately 2 weeks left to run, therefore a verbal update on any additional responses will be presented at the meeting.

3 Consultation responses

- 3.1 Officers met with the Broads Hire Boat Federation on the 2nd November 2009 where the BHBF outlined their proposed responses, however to date the Authority has not yet received a formal response from the BHBF.
- 3.2 The BHBF responses were largely in respect of drafting amendments however there were material issues surrounding both the internal and external licensing plaques. It is believed that the BHBF intend to propose an alternative to the external licensing plaque.
- 3.3 The Day Boat Owners Association have responded to the consultation and their comments are largely supportive of the scheme, but they have registered concern surrounding the issuing and carrying of lifejackets, the size of the interior licensing plaque and the principle of the external plaque.

3.4 All comments received to date have been summarised and are set out in Appendix 1.

4 Proposed Broads Authority response to the consultation

4.1 The drafting changes identified by the BHBF have been incorporated in the licensing conditions and the guidance notes. These amendments are shown as tracked changes in the documents in Appendices 2 and 3.

4.2 These drafting amendments were primarily surrounding the numbering of the guidance notes which have now been amended to tie up with the licensing conditions.

4.3 In response to the concern regarding the size of the internal licensing plaque, it is proposed that this plaque can be made slightly smaller and the new plaque is shown in the guidance notes at actual size. The proposed plaque is 63mm smaller in length and 42 mm smaller in height. The new plaque is now the same height and approximately 10mm longer than the plaque currently issued by North Norfolk District Council for their hire boat licensing scheme.

4.4 It is not proposed that any change be suggested to the external licence plaque until the proposal by the BHBF is considered. However the existing plaque is now shown actual size within the guidance notes see Appendix 3

4.5 The Authority accepts that some hire boat owner may require guiding through the licensing scheme, particularly with respect to risks assessments and stability testing, and officers will duly offer guidance upon request.

4.6 The Broads Authority responses to the feedback from the consultation are set out in the summary of responses see Appendix 1.

5 Implementation

5.1 The final licence conditions, with any proposed amendments agreed by members at the meeting of the Navigation Committee, will be taken to the January meeting of the Broads Authority for decision.

5.2 Following the Broads Authority's adoption of the final scheme, all hire boat operators will be informed of the position, and reminded of the implementation date of 1 April 2010. Toll accounts will be amended accordingly, in order to ensure the administration of the scheme can be introduced alongside the existing system, to maintain a cost effective and simple process.

Background papers: Nil

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Appendices: APPENDIX 1- Summary of consultation responses and Broads Authority response
APPENDIX 2 – Schedule of operator and vessel Licence conditions
APPENDIX 3 – Updated Guidance notes

APPENDIX 1

Proposed Operator Conditions		
1	<p>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.</p> <p>b. The Operator must, when required by the Authority to do so, make a self-declaration regarding this insurance in relation to any vessel.</p>	
No. of respondents	Main Issues	BA proposed changes
2	<p>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.</p>	
No. of respondents	Main Issues	BA proposed changes
10	No Main Issues were expressed	No change proposed
3	<p>The Operator must not hire any Vessel which is mechanically powered to any persons under 16 years of age.</p>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
4	<p>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.</p>	

No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
5	<p>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:</p> <p>a. The Operator must act upon the findings of any such assessment where a risk is identified.</p> <p>b. The Operator must ensure that these assessments are fully documented and readily accessible for inspection by an authorised representative of the Authority.</p>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
6	<p>The Operator must keep proper records which show:</p> <p>a. When any Vessel has been hired out.</p> <p>b. The number of persons carried.</p> <p>c. The expected time of return.</p> <p>d. The emergency procedures shall be implemented on the failure of a Vessel to return.</p>	
No. of respondents	Main Issues	BA Proposed Changes

11	No main issues. The majority of operators d not want prescribed forms to record this data as they have systems already in place.	No change proposed
7	The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this Licence. <i>Could you foresee this as a problem</i>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
8	a. The Operator must ensure that before using a Vessel the skipper is given: (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). (ii). A proper demonstration on how to fit, wear and use the buoyancy aids or lifejackets provided with the Vessel. b. The Operator must instruct the Skipper to advise those on board the Vessel on the use of the buoyancy aids of lifejackets. c. The Authority will be entitled to carry out sample audits of the handover arrangements referred to in paragraph 8(a). d. The Operator must record in writing and retain details of all briefings and demonstrations given under paragraph 8 (a).	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues, operators report that their handovers are documented and comply where appropriate with booking agency requirements, there is little desire to have the BMF Handover Audit Scheme as a licensing condition	No change proposed

9.	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).	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
10	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.	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues. An operator has made representations regarding the ability for the operator to know when an incident has happened.	No change proposed. The Authority is content that the operator should inform the Authority when they are aware of the accident.
11	This Licence must not be altered, damaged or defaced in any way.	
No. of respondents	Main Issues	BA Proposed Changes
10	No main issues.	No change proposed
12	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.	

No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
13	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.	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues. Though one operator has suggested that a meeting must be held between the operator and the Authority before any License is revoked.	No change proposed. The Authority will follow the published enforcement policy which aims to have a proportionate approach to infringements and would start with guidance and information, only when continued non compliance would licences be revoked.
14	This 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.	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues. One operator suggested that 30 days would be more appropriate.	No change proposed
15	This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____.	

<p><i>It is proposed that the licensing year will run from the 1st 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></p>		
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues, although there was some comments relating to the 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.
16	The Licence is personal to the Operator and is not transferable.	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues. Some desire for clarification on when transfer would be possible.	No change proposed. Guidance will be included in the guidance 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.
17	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.	
<p>Consultation on any changes to conditions will be subject to consultation with the BMF, BHBF and Day Boat Association.</p>		

No. of respondents	Main Issues	BA Proposed Changes
11	No main issues although concern was expressed regarding adequate 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.

Proposed Vessel Conditions		
1	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. <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
2	Each vessel must be in maintained in sound condition.	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed

3	<p>a. Each Vessel is licensed to carry the number of persons indicated against that Vessel in the Schedule.</p> <p>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.</p> <p>c. A Vessel must not carry any number of persons in excess of that permitted by this Licence.</p> <p><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></p>	
No. of respondents	Main Issues	BA Proposed Changes
13	<p>Respondents were largely content with this requirement, however, there were representations relating 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. Also there was concern that there was not a suitable method for carrying out stability testing, and the current testing regime did not have realistic criteria set for conditions found on inland waterways. Concern over what exactly was required.</p>	<p>No change proposed although the Guidance notes will be augmented with specific reference to the Hire Boat Code and the stability testing regimes defined therein.</p> <p>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.</p> <p>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.</p>

4	<p>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.</p> <p><i>This is required under the GS (IU) R regulations, do you foresee any problems with this condition.</i></p>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
5	<p>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.</p> <p>b. "Changed" means:</p> <p style="padding-left: 20px;">(i) Changed in engine type, or internal or deckhouse arrangement or</p> <p style="padding-left: 20px;">(ii) Subject to a change in the amount of distribution of ballast or permanent weights of more than 3kg per metre of hull length.</p>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
6	<p>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.</p> <p><i>This condition now requires the mandatory issue of life-jackets.</i></p>	
No. of respondents	Main Issues	BA Proposed Changes

11	Largely supported only issue rose relating to small boats which have no lockers to store lifejackets when not used.	No change proposed, although
7	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.	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues. There was concern raised that there was no appropriate and cost effective method to provide such a device.	No change proposed. There are cost effective methods available and operators could even make their own bailers from plastic milk bottles.
8	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.	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues.	No change proposed
9	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.	
No. of respondents	Main Issues	BA Proposed Changes

12	No main issues.	No change proposed
10	This Licence must not be altered, damaged or defaced in any way.	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
11	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.	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues.	No change proposed
12	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>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>	
No. of respondents	Main Issues	BA Proposed Changes

12	No main issues. Clarification was sought regarding the difference between the Operator and Vessel Licence with respect to this condition and what was the minimum period the licence could be re-established or re-issued, and who would be authorised to revoke a licence.	<p>No change proposed.</p> <p>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.</p> <p>The decision to revoke a licence would ultimately be made by the Director of Waterways which would be after due process as set out in the Authority's enforcement process.</p>
13	<p>This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.</p>	
No. of respondents	Main Issues	BA Proposed Changes
12	No main issues. Although one operator has suggested that 30 days would be more appropriate	No change proposed
14	<p>This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____.</p> <p><i>It is proposed that the licensing year will run from the 1st 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.</i></p>	
No. of respondents	Main Issues	BA Proposed Changes

12	No main issues. Although a minority of operators have 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>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.</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
10	No main issues.	No change proposed

	Costs	
1	Operators Licence – It is proposed that the Operators Licence will be for a cost of £18.00.	
No. of respondents	Main Issues	BA Proposed Changes
12	Operators were largely in agreement with the proposed costs, there was representation that the charges should be included in	No change proposed, as the charges for the licence are only to

	the annual toll.	cover the costs of the licensing scheme.
2	Vessel Licence – It is proposed that the cost of a vessel licence will be £5.00p per vessel.	
No. of respondents	Main Issues	BA Proposed Changes
11	Operators were largely in agreement with the proposed costs, there was representation that the charges should be included in the annual toll.	No change proposed

	Implementation	
1	All Hire Boat licensing will be implemented on 1 April 2010. <i>Is this introductory date acceptable and achievable?</i>	
No. of respondents	Main Issues	BA Proposed Changes
11	No main issues. Largely supported by operators.	No change proposed

Broads Authority

Hire Boat Licence

This Licence is issued under Section 94 of the Public Health Acts Amendment Act 1907 and Sections 12 and 40 of the Broads Authority Act 2009.

The Broads Authority hereby licence the vessels listed in the Schedule for the letting for hire or use for carrying of passengers for hire subject to the conditions set out in this Licence. Attention is drawn to the notes accompanying the Licence.

In this licence the following definitions apply: -

“the Authority” means the Broads Authority

“Vessel” means any vessel listed in the Schedule

The Conditions

1. 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.
2. Each of the Vessels must be in maintained in sound condition.
3. (a) Each Vessel is licensed to carry the number of persons indicated against that Vessel in the Schedule

(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

(c) A Vessel must not carry any number of persons in excess of that permitted by this Licence.
4. 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.
5. (a) Any mechanically powered Vessel which, following the issue of this Licence, is changed in a way defined in paragraph 4 (b), 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) “Changed” means
 - (i) changed in engine type, or internal or deckhouse arrangement or
 - (ii) subject to a change in the amount of distribution of ballast or permanent weights of more than 3kg per metre of hull length
6. European standard and fit for purpose must be provided for each adult or child on board the Vessel and carried on board the Vessel.
7. 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.

8. 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.
9. 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.
10. This Licence must not be altered, damaged or defaced in any way.
11. 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.
12. 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.
13. This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.
14. This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____
15. 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.

The Schedule Signed _____ Dated _____

Broads Authority Hire Boat Operator's Licence

This licence is issued under Section 94 of the Public Health Acts Amendment Act 1907 and Section 40 of the Broads Authority Act 2009.

The Broads Authority hereby licence _____ of _____ to let for hire or use for carrying passengers for hire the vessels listed in the Schedule, subject to the conditions set out in this Licence. Attention is drawn to the notes accompanying this Licence.

In this Licence the following definitions apply: -

“the Authority” means the Broads Authority

“the Operator” means the person or body named above

“the Vessel” means any vessel listed in the Schedule

“Skipper “ means the person identified at the time of the hire as the person to have command of the Vessel during the period of hire.

The Conditions

1. (a) Each Vessel is licensed to carry the number of persons indicated against the Vessel in the Schedule
- (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
- (c) A Vessel must not carry any number of persons in excess of that permitted by this Licence
2. (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.
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 which is mechanically powered to any persons under 16 years of age
5. 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.

6. (a) The Operator must on a regular basis 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 than frequently than annually.
- (b) The Operator must promptly act upon the findings of any such assessment where a risk is identified.
- (c) The Operator must ensure that these assessments are fully documented and readily accessible for inspection by an authorised representative of the Authority.
7. The Operator must keep proper records which show
 - (a) When any Vessel has been hired out
 - (b) The number of persons carried
 - (c) The expected time of return
 - (d) The emergency procedures to be implemented on the failure of a Vessel to return.
8. The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this Licence.
9. (a) The Operator must ensure that before using a Vessel the Skipper is given an
 - (i) 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 (June 2009)(or as subsequently amended)
 - (ii) a proper demonstration on how to fit, wear and use the buoyancy aids or lifejackets provided with the Vessel
- (b) The Operator must instruct the Skipper to advise those on board the Vessel in the use of the buoyancy aids or lifejackets
- (c) The Authority will be entitled to carry out sample audits of the handover arrangements referred to in paragraph 8 (a)
- (d) The Operator must record in writing and retain details of all briefings and demonstrations given under paragraph 8 (a)
10. If any changes occur in the ownership or particulars of any Vessel during the term the Licence, the Operator must give written notice of such change(s) to the Authority within 14 days of the change(s).
11. The Operator must report to the Broads Authority, in writing, and as soon as is reasonable 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 Merchant Shipping Accident and Investigation Regulations 2005 S.I.881/2005, involving any Vessel operated under his Licence.
12. This Licence must not be altered, damaged or defaced in any way.

13. 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.
14. The Authority may suspend or revoke this Licence in the event of any breach of any of these conditions if the Authority considers it is necessary or desirable in the interests of the public.
15. This 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.
16. This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____
17. The Licence is personal to the Operator and is not transferable except with the written agreement of the Authority.
18. 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.

The Schedule

The Vessels to which this Licence applies: -

Signed _____ Dated _____

Hire Boat Licensing Guidance Notes

These notes are to be read in conjunction with the Broads Authority Hire Boat Licensing Conditions.

Background

The Broads Authority obtained powers to license hire craft under provisions in the Broads Authority Act 2009.

The 2009 Act gives the Authority the ability to license Hire Boats under the Public Health Acts Amendment Act 1907.

The hire boat licensing conditions have been developed in consultation with the Broads Hire Boat Federation (BHBF) and are also based on the Code for the Design Construction and Operation of Hire Boats Part 1 "The Hire Boat Code" recently published by the Maritime and Coastguard Agency (MCA) through joint development with the British Marine Federation (BMF) and the Association of Inland Navigation Authorities (AINA).

The Hire Boat Code is available on the Broads Authority Website at:

<http://www.broads-authority.gov.uk/boating/hire-boat-licensing.html>. Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact Charlie Middleton on 01603 756058 or email charlie.middleton@broads-authority.gov.uk

Application

The Authority requires all operators of hire vessels and their hire vessels to be licensed.

The 1907 Act defines a hire vessel as a vessel that is let for hire to the public, and therefore the requirement for licensing does not extend to clubs and/or organisations where members use vessels owned by the club or organisation.

Attention is drawn to the following; The Public Health Acts Amendment Act 1907 makes it an offence for:

Any person to let for hire a boat which is not licensed.

Any person to let for hire a boat which has a licence but the licence has been suspended.

Any person to carry, or permit to be carried, passengers on a boat which is not licensed.

In addition, BA Operator Condition 1(c) and Vessel Condition 3(c) prohibits any person carrying or permitting the carriage of a greater number of persons for hire than the number of persons the boat has been licensed for.

Attention is also drawn to operators who provide accommodation within the package of available facilities includes the use of a vessel. In this instance the vessel will be classed as a hire boat and will therefore be required to be fully compliant with these conditions.

Licensing charges will be levied annually and in addition to the Toll renewal.

All hire boat vessels will be required to conform to the Boat Safety Scheme criteria where applicable.

Although certain licensing conditions are based on the Hire Boat Code, it is recommended that operators conform to the BMF/AINA/MCA Hire Boat Code in full.

~~Draft~~ Licensing Conditions

This section offers guidance on specific ~~draft~~ conditions, and should be read in conjunction with the ~~Consultation Survey Form-Licensing which details the specific draft~~ conditions.

Operator Condition No 1

This condition relates to the schedule which will be issued by the Authority and will detail those boats which are licensed for the operator to let for hire, included in this schedule will be the number of persons that each boat is licensed to carry.

The information on the schedule regarding the number of persons that the vessel is licensed for is based on information that is required from the operator regarding load and stability tests or calculations which have been carried out in relation to the vessel.

Each Vessel or class of vessel will either be required to have completed a stability and loading test or where appropriate, calculations can be used to demonstrate the loading and stability for a given boat or class of boats. [Stability and loading test methods are detailed in the Code for Design, Construction and Operation of Hire Boats, published by the Maritime and Coastguard Agency.](#)

Initially the Authority will provide a schedule of details that the Authority holds on the operators hire boats this can be the basis for the operator to confirm their vessel details.

The results of these tests or calculation must be provided to the Authority when applying for a licence in order that the boat can be licensed to carry the correct number of persons.

As it is proposed that the licenses will be annual, the subsequent re-application for a licence will be included in the annual toll schedule. On this schedule there will be a facility for operators to self declare that the vessels listed within the schedule have not materially changed and their stability and loading characteristics are as previously declared. This is intended to help both the operator and the Authority in the administration of the licensing scheme.

Operator Conditions 2-~~0190~~

These conditions are considered not to require specific guidance, though Risk assessment guidance can be found via the Broads Authority Website:

<http://www.broads-authority.gov.uk/boating/hire-boat-licensing.html>. Alternatively a hard copy of the risk assessment guidance can be obtained from the Broads Authority, please contact Charlie Middleton on 01603 756058 or email charlie.middleton@broads-authority.gov.uk

Operator Condition No 104

This condition relates to the mandatory reporting of accidents, this is a requirement under the Merchant Shipping (Accident Reporting and Investigation) Regulations 2005, which places responsibility on the owner of vessels and the Navigation Authority to report accidents to the Marine Accident Investigation Branch (MAIB).

Operators are therefore required to report to the Authority accidents.

The reporting requirements apply to hired recreational craft, together with boats of less than 8m in length in commercial use on inland waterways.

The following accidents must be reported to the Authority.

Accidents involving or occurring on board -

- i. explosion
- ii. fire
- iii. death
- iv. major injury
- v. capsize of a power-driven craft or boat, or
- vi. pollution causing significant harm to the environment

Major injury means -

- (a) any fracture, other than to a finger, thumb or toe;
- (b) any loss of a limb or part of a limb;
- (c) dislocation of the shoulder, hip, knee or spine;
- (d) loss of sight, whether temporary or permanent;
- (e) penetrating injury to the eye; or
- (f) any other injury –
 - (i) leading to hypothermia or to unconsciousness, or

- (ii) requiring resuscitation, or
- (iii) requiring admittance to a hospital or other medical facility as an inpatient for more than 24 hours.

When an accident occurs, the Operator must send a report to the Broads Authority Head Ranger (Navigation) as soon as is practicable following the accident. This can be either emailed to river.control@broads-authority.gov.uk or by post to

Broads Authority, Broads Control, Dragonfly House, 2 Gilders Way, Norwich NR3 1UB.

Accidents must be reported by the quickest means available and should contain the information below;

Reports of accidents should include as much of the following as possible:

- (a) name of vessel, and Registration number;
- (b) name and address of owners;
- (c) name and address of the master, skipper or person in charge;
- (d) date and time of the accident;
- (e) where from and where bound;
- (f) where geographically the accident occurred;
- (g) part of vessel where accident occurred if on board;
- (h) weather conditions;
- (i) name and registration number of any other vessel involved;
- (j) number of people killed or injured together with their names, addresses and gender;
- (k) brief details of the accident, including sequence of events leading to the accident, extent of damage and whether accident caused pollution or hazard to navigation.

Operator Condition No [112](#) -[145](#)

These conditions are considered not to require specific guidance.

Operator Condition No [156](#)

It is proposed to amend this condition to issue the licence on 1 April and that it will be in force for one year until 31st March the following year, i.e. to be coincident with the annual tolls renewal.

Operator Condition No ~~167~~

This condition is considered not to require specific guidance.

Operator Condition No.178

This Condition is considered self-explanatory and is attached for completeness.

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.

Any proposals to vary or modify conditions will be subject to further consultation with [the British Marine Federation, Broads Hire Boat Federation, and Broads Day Boat Owners Association.](#)~~relevant bodies.~~

Vessel Condition No 1

This condition relates to compliance with the BSS, this is required under section 12 of the Broads Authority Act 2009.

If you operate boats which fall inside the scope of the BSS the Authority requires that vessel to be inspected and certified as compliant with the requirements of the scheme. Evidence of compliance can be either a valid BSS certificate or if the boat is new, a Recreation Craft Directive Declaration of Conformity.

Operators are reminded that vessels are required to be maintained to the minimum standards set out in the scheme for the period covered by the certificate.

Vessel Condition No 2

All vessels let for hire shall be in a sound condition, in that the vessel does not compromise the safety or future safety of the hirers or third parties. An example of a vessel not being in a sound condition would be a boat which has been holed and could be in danger of taking in water in its normal operation.

Vessel Condition No 3

This condition relates to the operator not permitting [to exceed](#) the maximum number of persons to be carried on the licensed vessel, the limit of the total no of persons allowed on the boat will be determined by either a stability test or by calculations where appropriate.

To inform the public how many persons the vessel is licensed for the operator must display in a conspicuous place in the interior of the boat, ie a place where it can be seen by all members of the party, a license plate as shown in figure 1.

The plate will be issued by the Authority when you as an operator have supplied details of stability tests or calculations carried relating to the vessel and have so licensed the vessel. The plate will be in the form of a thermal transfer polyester label, and it is advised that on application to the vessel some thought is given to protecting the plate from vandalism etc, it might be appropriate to fix a clear acrylic cover over the plate to afford some protection from potential damage.

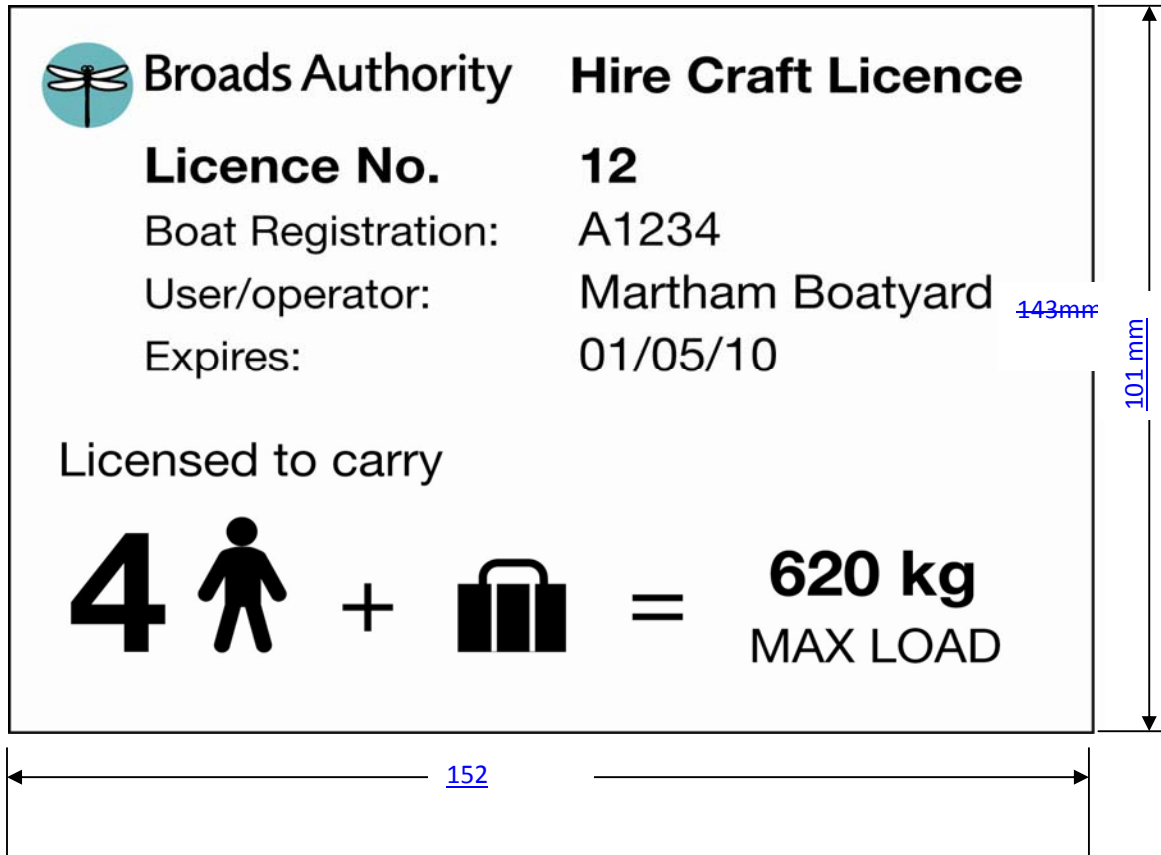
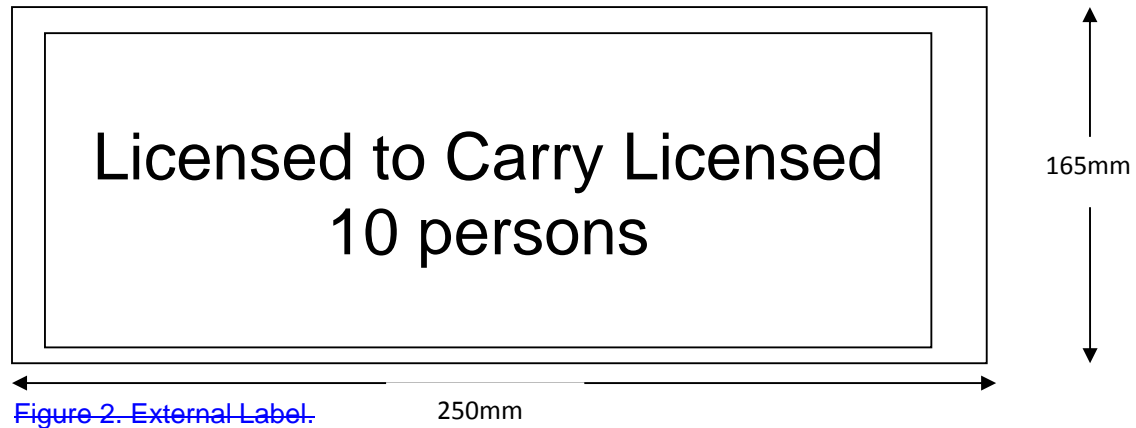


Figure 1. Internal Label. [Actual Size](#)

Please note the information shown on the plate is purely for information and does not relate to any vessel or real loading situations.

Additionally and in accordance with Section 94 of the Public Health Acts Amendment 1907, a further plaque in letters and figures not less than one inch in height and three-quarters of an inch in breadth, must be fixed to a conspicuous part of the boat or vessel, with the number of persons which it is licensed to carry, in the form "Licensed to carry x persons". It is suggested that a conspicuous place could be the transom. Details and dimensions of the plaque are shown in Figure 2 overleaf at actual size. The size of the plaque is 250mm by 165mm.



Licensed
to Carry
10 Persons

Vessel Condition No 4

This condition refers to the legal obligation placed on landlords by the Gas Safety (Installation and Use) Regulations 1988, which apply to operators who operate boats fitted with gas appliances.

You are required to: ensure gas fittings and flues are maintained in a safe condition.

- a. gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
- b. ensure an annual safety check is carried out on each gas appliance/flue. Before any new lease starts, you must make sure that these checks have been carried out within one year before the start of the lease date, unless the appliances on the boat have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- c. have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer;

Health and Safety Executive See leaflet “Landlords. A guide to landlords’ duties: Gas Safety (Installation and Use) Regulations 1998”

- a. keep a record of each safety check for at least two years;
- b. issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant before they move in (in certain cases there is an option to display the record).

The Regulations specify the gas safety matters to be covered. You should not assume that an annual service inspection meets the safety check requirement, or that a safety check will, on its own, be sufficient to provide effective maintenance. Ask the advice of a Gas Safe registered engineer where necessary.

Vessel Condition No 5

This Condition relates to the ongoing assessment of the stability of hire vessels in that once the vessel has been stability tested and declared suitable for a number of persons, any change in arrangement by adding or redistribution of ballast or weight may have some impact on the vessels inherent stability and therefore a “Check Stability Test, as detailed in the “Code for the Construction and Operation of Hire Boats” better known as the Hire Boat Code needs to be carried out. A copy can be found on the Broads Authority Website: <http://www.broads-authority.gov.uk/boating/hire-boat-licensing.html>. Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact Charlie Middleton on 01603 756058 or email charlie.middleton@broads-authority.gov.uk.

This simple test should verify that any such changes in the vessel have not materially affected the stability, and is a test which compares measurements taken at the initial stability test under certain conditions.

Operators are required to ensure that affected vessels pass the “Check Stability Test” before the vessel is let for hire and the results of such test must be copied to the Authority within 28 days.

In the event that a vessel fails a check stability test then a loading and stability test as defined in the “Hire Boat Code”, the results of which must be submitted to the Authority. A copy can be found on the Broads Authority Website: <http://www.broads-authority.gov.uk/boating/hire-boat-licensing.html>. Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact Charlie Middleton on 01603 756058 or email charlie.middleton@broads-authority.gov.uk.

Vessel Condition No 6

This condition relates to the issue of lifejackets to hirers and their party members, it is required under this condition that a life jacket or appropriate buoyancy aid is issued to all members of the party of hirers and that the lifejackets or buoyancy aids are taken on board by the hirers. It is important that as a minimum the nominated skipper of the party receives adequate instruction on how to fit and where necessary operate the life jackets and the

skipper is to be instructed to brief the members of the party in the wearing and use of the aids.

The elementary function of lifejackets and buoyancy aids is to help and support a person who, for any reason, either voluntarily or involuntarily, goes into water. Lifejackets and Buoyancy Aids need regular maintenance checks and should be stored in a dry, well-aired area when not in use. Maintenance and checks shall be in accordance with manufacturers recommendations.

Vessel Condition No 7

This condition relates to the provision of suitable equipment to facilitate the evacuation of water that may enter the vessel. Vessels can either be fitted with a suitable sized bilge pump, or alternatively a bailer or bucket must be provided which has a minimum capacity of 1.2 litres (2 pints).

Vessel Condition No 8

This condition refers to the provision for the operator to provide a method of re-boarding the vessel in the event that persons fall overboard, generally it is recognised that low freeboard boats do not require this facility but all operators are urged to consider providing such a facility on all boats.

However the particular condition applies to vessels where the freeboard of the vessel is equal to or greater than 1 metre, that is to say the distance between the water and the deck or an area where recovery or re-boarding was capable.

Vessel Condition No 9

This condition relates to moving parts which are open to the public within the accommodation area in a vessel and the need to be for these areas to be covered, this has been common practice for many years and reflects the need to ensure that all moving parts are covered to prevent inadvertent contact with them by the hirers.

Vessel Condition No 10

The license schedule must not be altered or defaced or damaged as to mislead the public as to which vessels are licensed and for what period.

Vessel Condition No 11

This condition relates to the display of the schedule of vessels that are licensed to the operator for hire, the operator may wish to display the licence schedule, which will detail

those vessels licensed and for what period, but if the schedule is displayed to the public the schedule must be removed from public display if a license is suspended, renewed or has expired.

Vessel Condition No 12

Relates to the ability of the Authority to suspend or revoke the vessel license, this would only be done if in the Authority's view that it was in the interests of the public. However the suspension and or revocation of the license would be a last resort following a prolonged process of the Authority working with the operator to correct issues relating to permit conditions.

Any such actions relating to enforcement will comply with the Authority's published enforcement policy which states that the general principle of enforcement will be in the first instance advice and guidance. Such actions would initially take the form of a verbal request for the vessel condition to be met which may stipulate a timescale for compliance, this may be followed up by a written enforcement notice detailing the required permit conditions to be met and timescale to comply and then ultimately if conditions were still not met after the time period then the licence may be suspended or revoked in relation to the vessel in question with severity of measures taken subject to risk attached to the particular breach of conditions.

Vessel Condition No 13

This Condition is considered self-explanatory and is attached for completeness.

This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.

Vessel Condition No 14

This Condition is considered self-explanatory and is attached for completeness.

This Licence will remain in force, unless previously suspended or revoked, for a period of one year until _____

It is proposed to amend this condition to issue the licence on 1 April and that it will be in force for one year until 31st March the following year, i.e. to be coincident with the annual tolls renewal.

Vessel Condition No 15

This Condition is considered self-explanatory and is attached for completeness.

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.

Any proposals to vary or modify conditions will be subject to further consultation with relevant bodies.

End