

The Broads Authority Commercial Paddling Scheme

Operator Conditions

This document sets out the Broads Authority Commercial Paddling Scheme Operator Conditions that need to be satisfied if a concessionary toll is to be granted by the Broads Authority.

The following definitions apply: -

“the Authority”	means the Broads Authority
“the Operator”	means the person or body to which the Broads Authority Commercial Paddling Scheme Concessionary Toll has been issued.
“the Vessel”	means a canoe, kayak or paddleboard tolled under the scheme
“Concessionary Toll”	means the appropriate annual toll within a scale of tolls, currently in force in any year, as prescribed by the Authority pursuant to Section 26 of the Harbours Act 1964
“Rescue Vessel”	means a Vessel, whether mechanically powered or not, used for the purpose of recovering hire Vessels.

The Conditions

1. A Vessel must 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 Toll 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 hold and maintain an adequate Adventure Activities Licensing Authority’s (AALA) licence if providing licensable activities.
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 frequently than annually. This must include documented arrangements for the recovery of hirers in the event of significantly deteriorating weather conditions.

(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 and details of the lead member of the party.
 - (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 agreement.
9. (a) 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.
- (b) 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**)
- (c) Operators of paddle boards shall supply a leash to prevent the hirer becoming separated from the paddle board
10. Vessels shall be fitted with flotation so that the craft, empty of equipment and occupant but filled full of water, as near as practicable floats parallel to the surface in flat water, and is capable of supporting the occupants whilst holding on to it.
11. (a) Vessels and equipment must be maintained in sound condition and inspected prior to the issue for each hire period.
- (b) The Operator must record in writing and retain records of all inspections, carried out under paragraph 11 (a)
12. Each Vessel is to be marked on the exterior of the vessel with the Operator's name and also be uniquely numbered.
13. On each vessel the Operator must display on each side of the bow a valid toll plaque.
14. Vessels shall only be operated in MCA Category A waters.
15. (a) 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 by the public. 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 Academy of Surf Instructors.

- (b) 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.
16. (a). The Operator must ensure that before using a Vessel all members of the hire party are given:
- (i) An appropriate briefing which must include advising the hirer of:
Zones, routes, obstacles, commercial vessels, bridges, rules of the navigation and where necessary provide a map showing access, egress, distances, locations of specific hazards and prominent features and emergency access points and contacts.
 - (ii) A proper demonstration on how to fit, wear and use the buoyancy aids or lifejackets provided with the Vessel.
 - (iii) An instruction on how to safely board and leave the Vessel and the need for keeping the Vessel stable at all times.
- (b) The Operator must record in writing and retain details of all briefings, demonstrations, and instructions given under paragraph 16 (a).
- (c) The Authority will be entitled to carry out sample audits of the handover arrangements referred to in paragraph 16 (a).
- (d) (i) Paddleboards shall not be hired individuals intending to paddle alone
- (ii) 16 (d)(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
17. If any changes occur in the ownership or particulars of any Vessel during the toll period, the Operator must give written notice of such change(s) to the Authority within 14 days of the change(s).
18. (a) The Operator must report to the Broads Authority and the appropriate local 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.
- (b) For the purposes of paragraph 18(a), an accident means an incident resulting in loss of life, or major injury, or serious damage to property or another vessel
- (c) For the purposes of paragraph 18(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
19. The Operator must maintain a Rescue Vessel for the recovery or rescue of their Vessels
20. The Authority may suspend or revoke the concessionary toll 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, whereby the full commercial toll will become due.
21. The Toll plaques issued under this concession 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 concessionary Toll.
22. The concessionary toll is personal to the Operator and is not transferable except with the written permission of the Authority.
23. 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.