

# Broads Authority

18 March 2022

Agenda item number 9

## Safety on the Broads

Report by Director of Operations

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### Purpose

To amend the Authority's Hire Boat Licensing Conditions to adopt fully the new Code for the Design, Construction and Operation of Hire Boats (Hire Boat Code of Practice) for implementation from 1<sup>st</sup> April 2022 and to update Members on the impact of the additional safety measures implemented in 2021. Members are also asked to consider whether the Authority should go further in raising safety standards on the Broads by requiring all hire boat operators to achieve accreditation under British Marine's Quality Accredited Boatyard Scheme in time for the start of the 2023 season.

### Broads Plan context

4.3 Implement, promote and monitor measures to maintain and improve safety and security for the navigation and boats.

### Recommended decision

- i. Approve the amended wording contained within the Authority's Hire Boat Licensing Conditions in Appendices 2, and 3 such that the Code for the Design, Construction and Operation of Hire Boats is incorporated in full; and,
  - ii. Consider including the requirement in the Conditions that all operators are accredited under British Marine's Quality Accredited Boatyard in time for the start of the 2023 season.
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## 1. Introduction

- 1.1. It is vitally important that the Broads Authority, the Boat Safety Scheme, British Marine and local hire boat operators learn from any accidents that take place on inland waters and continue to drive-up safety standards. The Department of Transport’s Marine Accident Investigation Branch (MAIB) investigated the capsizing of the Breakaway V on the River Bure on 19 July 2003. This was one of the key factors that led to the Broads Authority promoting a Private Bill through Parliament to give it the powers to licence hire boats, introduce compulsory third-party insurance and other safety measures.
- 1.2. While the Broads is generally a safe boating environment tragically in 2020/21 there were seven fatalities, five related to boating, with one incident which is again the subject of a MAIB investigation. The Chief Executive and key officers have fed back comments on the factual content of the draft report to the Chief Inspector and the final report is expected to be published in the next two months. Officers are of the view that this further MAIB investigation and the feedback from the hire boat helm questionnaires (See Appendix 1) should prompt further action by the Authority, working with the industry, to raise safety standards.
- 1.3. Members will be aware that the Authority has already acted to improve safety on the Broads as follows:
  - Increased Ranger staff and patrols between April & November maintaining a 7-day launch presence on the network to encourage safety. Started in 2020/21 Season.
  - Increased the Hire Boat Licensing Officer time from 1 day a week to 3 days to allow for more auditing, investigation and licensing compliance checks. Effective from December 2021.
  - Delivered a suite of free online instructional videos, developed in conjunction with the Broads Hire Boat Federation, RNLI, Maritime Coastguard Agency, and the British Canoeing to provide free safety advice and instruction.
  - Increased the number of ‘Super Safety Events’ where by random spot checks are conducted for vessels on our waters. These multi-agency events help educate boaters in a variety of safety issues from boat handling, speed as well as looking for vessel defects, non-wearing of buoyancy aids and hazards boat issues.
  - Developed closer ties with third party organisation relating to hire boats and safety, with regular meeting with Broads Hire Boat Federation, RYA, British Marine, Norfolk

and Suffolk Boating Association, as well as Broad Beat, Coastguard and the Drowning Prevention Forum.

Appendix 1 contains an analysis of the effectiveness of these measures.

- 1.4. The next step is to adopt fully the amended Code for the Design, Construction and Operation of Hire Boats into the Authority's Licensing Conditions (Hire Boat Code of Practice).

## 2. Code for the Design, Construction and Operation of Hire Boats (the Hire Boat Code of Practise) Version 2: 2021

- 2.1. A revised Hire Boat Code of Practice has been in development by the Association of Inland Navigation Authorities (AINA) and British Marine since 2014. At the end of December 2019, British Marine and AINA launched a consultation on proposed changes to the Code which ran from 16 December 2019 to 9 March 2020. The 33 responses were considered at a meeting of the Hire Boat Working Group meeting on 15 July 2020. The improved Code is designed to bring enhancements to current safety measures and is regarded as a minimum standard for hire boat operation and an excellent foundation for companies to work with.

- 2.2. The introduction to the Code has the following useful summary.

“This Code of Practice is for licensing and/or navigation authorities and anyone who hires out boats for leisure use on Britain's inland waterways. It is mandatory on navigations that have the necessary legal powers, including all those managed by the Canal and River Trust, Broads Authority and Environment Agency. The Code of Practice has been produced jointly by the Association of Inland Navigation Authorities, and British Marine with support from the Maritime and Coastguard Agency. It supersedes the earlier versions of the code and has been consulted upon. The Code of Practice sets down the basic principles of safe operation of all types of craft hired to members of the public and makes clear the responsibilities of each of the parties involved. Hire operators and licensing authorities must be able to provide evidence of compliance with the Code of Practice. Hire boat operators, their staff, contractors or people working on their behalf should be mindful of their duties under the Equality Act and ensure compliance with the requirements of that Act.”

- 2.3. Publication of the revised Code was delayed at the request of the Marine Accident Investigation Board following the tragic events of Ferry Marina's hired vessel 'Diamond Emblem 1', on 19 August 2020, when a woman sadly lost her life at Great Yarmouth.
- 2.4. On 27 October 2020, the Chief Inspector of Marine Accidents made the following recommendation to the AINA:

2020/129 Revise the Code of Practice for Hire Boats to include:

“A requirement for in-water trial, before handover, to assess the competence of those expected to drive the boat, irrespective of their previous experience or length of hire of the vessel (3.3.4).”

AINA subsequently accepted that recommendation and the Code was amended accordingly.

Para 3.3.3 of the Revised Hire Boat Code (HBC), headed Handover Procedures, states the following:

“Whether the boat is a large well-equipped cruiser designed to provide living accommodation for several weeks, a simple day-boat or sailing boat, it is essential that before the hire operator gives control of the boat to the hirer, a systematic and documented handover procedure, appropriate to the type of boat, length of hire and its area of operation, is followed. An in-water trial is an integral and important part of the handover process. It is essential that the briefing, demonstration and assessment of the hirers ability is done by a suitably experienced member of the hire operator’s staff who can deal confidently with any questions the hiring party may have.”

(Note: Authors of this report underlining)

- 2.5. The Revised Code of Practice ([HBC V2 Final \(9\).pdf](#)) was published in April 2021 and widely shared across the hire boat industry.
- 2.6. Version 2 of the HBC has a number of significant changes:
  - The Code of Practice is intended to be mandatory on navigations that have the necessary legal powers, including all those managed by the Canal and River Trust, Broads Authority and Environment Agency.
  - All hire boats (this now includes hired sailing craft) must have adequate stability for the numbers of persons using the boat and the area of operation and must follow the requirements set out in the Code and provide a completed Stability Compliance Declaration (SCD) upon entry into hire service.
  - All hire boat operators must provide a systematic and documented handover procedure, appropriate to the type of boat, length of hire and its area of operation.
  - An in-water trial is an integral and important part of the handover process. The in-water trial is a requirement for all hire boats, including day craft hire.
- 2.7. The Hire Boat Code of Practice is regarded as the minimum standard hire operators are expected to reach and the Code details the roles and responsibilities for the hire operators, the hirer and the Licensing Authority. The Code is designed to bring constant improvements to the hire boat sector.
- 2.8. The Broads Authority is the Hire Boat Licensing Authority, under the Public Health Acts Amendment Act 1907, with these powers being granted under the Broads Authority Act 2009.

- 2.9. The hire boat licensing is carried out in accordance to 'Conditions' the Broads Authority publishes and due to the changes now incorporated into Version 2 of the HBC, we need to amend the Conditions. There are three documents that require amendments
- Hire Boat Licensing Guidance Notes
  - Hire Boat Licensing Conditions
  - Hire Boat Operator Licensing Conditions
- 2.10. The latter two documents have been added as appendices and members are asked to read and approve the changes. These changes bring the Authority's Licensing Conditions and terminology into line with the Code for the Design, Construction and Operation of Hire Boats (Hire Boat Code of Practice) Version 2: April 2021.

### 3. Quality Accredited Boatyard Scheme (QAB)

- 3.1. British Marine is the trade association for the UK leisure, superyacht and small commercial marine industry. Its 1,500+ members come from a broad range of businesses including boat builders, chandlers, brokers, marinas, passenger boats and engineers.
- 3.2. British Marine runs a Quality Accredited Boatyard Scheme (QAB) and accreditation indicates that hire boat operators are committed to quality, providing recognition for their operations, and giving potential customers a label, they can trust. The Scheme provides clear expectations to customers when they are booking their hire boat experience. The clear criteria operators are assessed against provides a method of benchmarking, and can assist operators develop their businesses.
- 3.3. The QAB assessments are carried out every three years with random inspection during the 3-year cycle.

QAB assessment criteria includes:

- Health and safety.
- Legal requirements.
- The Hire Boat Handover scheme.
- Assessment of an operator's website and brochure.
- Arrival and departure procedures.
- Customer service procedures – onshore and when customers are away from the boatyard.
- Boatyard facilities; car parking, reception, toilets, etc.

All British Marine members offering hire boats are required to be accredited under the QAB scheme.

- 3.4. Where a hire boatyard is QAB accredited it makes the work of the Broads Authority's licensing staff significantly easier when inspecting the yard for conformity with the Broads Authority licensing conditions.
- 3.5. If the Authority is to put public safety as one of its top priorities and its ambition to drive up standards across all companies hiring out craft on the Broads then one option is to amend the Authority's Licensing Conditions such that all operators are required to have the British Marine Quality Accredited Boatyard accreditation (QAB). This additional third-party inspection of all aspects of the businesses' operation would give greater certainty that the critical safety procedures are in place are being implemented and they are independently audited.
- 3.6. The Broads Authority is a Licensing Authority for hire boats, and by virtue of section 40 of the Broads Authority Act 2009 it has powers under section 94 of Public Health Acts Amendment Act 1907 to licence hire boats. The Broads Act 2009 section 12 (2) (b) also provides the Authority with the power to apply additional standards in relation to vessels for hire.
- 3.7. The Quality Accredited Boatyard scheme is open to British Marine Members at a discounted rate and non-members at a competitive rate. The National Scheme has assisted many operators, large and small (small holiday property lets offering the use of a single motor boat) by providing them with advice and guidance on operating their ventures safely, helping drive up standards.

#### Quality Accredited Boatyard Scheme costs

	Member Fees	Non-Member Fees	Costs per year if divided over a three-year period
Initial QAB cost	£384	£492	£128/£164
Subsequent cost	£252	£324	£84/£108

## 4. Conclusion

- 4.1. The Broads Authority's Port Marine Safety Code (PMSC) [Port Marine Safety Code \(broads-authority.gov.uk\)](https://broads-authority.gov.uk) formalises the duties and responsibilities of Officers and Members and under the PMSC the Broads Authority is deemed to be a 'Competent Harbour Authority'. The additional safety measures implemented in 2021, following the events of 2020, are driving up the safety within the Broads, but as always continuous improvements need to be made. The recent changes to the Hire Boat Code of Practice is a good example of this and the Broads Authority Safety Team will continue to work with the Hire Boat companies and safety organisations to ensure compliance and safety standards continue to see improvements.
- 4.2. If members were minded to go further in raising safety standards on the Broads by requiring all hire boat operators to achieve accreditation under British Marine's Quality

Accredited Boatyard scheme, then The Broads Act 2009 section (3) details the process, including consultation with those representing boating interests, publishing the Authorities intentions in a newspaper as well as online and designating the 'appointed day'.

Author: Rob Rogers

Date of report: 21 February 2022

Background papers: Navigation Committee paper [13 January 2022](#), [14 January 2021](#) & [15 April 2021](#), [Broads Authority papers 20 November 2020](#)

[Broads Plan](#) strategic actions: 4.3

Appendix 1 - Analysis of the Effectiveness of Safety Measures

Appendix 2 – Hire Boat Licensing Conditions

Appendix 3 – Hire Boat Operator Licensing Conditions

# Appendix 1 – Analysis of the Effectiveness of Safety Measures

## On-Line Animated Videos

Nine (9) animated safety videos have been developed which have been viewed over 50,000 times on the Authority's YouTube channel during the 2021 season. Results from the Hire Boat Questionnaire show that 62% of those who were asked had watched them, with 52% doing so prior to arriving for their holiday hire period.

The Canals and Rivers Trust (CART) and the Environment Agency (EA) have contacted the Broads Authority, praising the initiative and asking permission to use the scripts and animations in order to produce their own on-line safety programme.

The 2021 videos are currently being refreshed ready for the new season, with new content being added as well as amendments following feedback from partners and the public. A new animation is being added to educate visitors on how to deal with incidents and accidents and the contents of the paddlesports video is being significantly expanded as this is an increasingly popular activity on our waters.

An additional safety message for 2022 is the '*Don't go Overboard – boating and alcohol, don't mix*' campaign with logo merchandise being distributed to hospitality businesses and boatyards, this included beers mats and the popular floating keyrings. New signage is also being installed at popular paddlesport launching locations detailing safety elements to be aware of and informing that other craft are using the same waterspace.

The Authority will continue to use the Broadcaster visitor magazine as a vital way to communicate boating safety messages as we know that 87% of Hire Boat Questionnaire respondents had received a copy.

## Hire Boat Helm Questionnaires

During the 2021 summer season Rangers asked hired craft helms, selected at random, to complete a questionnaire, these forms were also available from the Authority's website and some hire companies signposted their customers to the feedback forms. 588 responses were completed and the purpose of the questionnaire was to gauge key aspects of the hirers experience from confidence to helm the hired craft to their experience of the hand-over from their operators.

A full safety update paper, including more analysis of this questionnaire will be presented to 14 April Navigation Committee, but the key headline findings of the hirer questionnaire are:

- 47% of responders reported that the on-board handover (demonstration of controls, functionality of equipment etc) was less than 20 minutes.
- The majority of responders did have an 'in-water' trial, although 25% stated that they had had no in-water trial and a further 13% stated that the in-water trial was 10 minutes or less.
- For those craft with dual helm controls (in cabin and from an elevated outside position) 31% said they had been shown how these controls work.



The Hire Boat Helm questionnaires will be used during the 2022 season with Rangers again being set specific quotas to provide a good specimen sample of responses. The information will assist the Authority in identifying areas where further improvements to hire boat operations is required.

### **Ranger Patrolling**

With the addition of a Senior Ranger (Compliance & Safety), to assist Rangers with the detailed paperwork required to bring a byelaw prosecution (needed to get Rangers back out on patrol and not stuck chasing paperwork) and the extra (4) seasonal Rangers to allow for a seven-day patrolling, the on-water presence, the public visibility of the Rangers, increased in 2021/22. Although overall, we did not significantly over exercise our powers in relation to navigation offenses, the impact of a significant Ranger presence acted as a suitable deterrent and saw boating safety incidents reduce in number when compared with the previous year.

A key part of the Rangers' duties is not only to uphold byelaws but drive up boating standards and one way this is done is by 'Super Safety Events'. These Rangers events 'pop up' on busy or popular stretches of water and often include partnering organisations like the Coastguard, RNLI, Broads Beat and Drowning Prevention Organisations. A Super Safety Event gives the Authority engagement opportunities and allows for safety messaging and other safety checks to be randomly carried out (speeding, hazardous boat checks, life jacket education and other matters observed that require Ranger intervention).

## Appendix 2

# Hire Boat Licence Conditions

A Licence will be issued under Section 94 of the Public Health Acts Amendment Act 1907 (reference Section 40 of the Broads Authority Act 2009).

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

The following definitions apply to the Conditions:

“the Authority” means the Broads Authority

“Vessel” means any vessel listed in the Schedule

## The Conditions

1. Each Vessel must comply with the Code for the Design, Construction and Operation of Hire Boats produced jointly by the Association of Inland Navigation Authorities, and British Marine with support from the Maritime and Coastguard Agency.
2. 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.
3. The hire boat operator will ensure that the ~~boat~~-vessel
  - is suitable for the waters on which it is to be used and the conditions likely to be encountered.
  - conforms to relevant construction, equipment, stability and condition standards
  - is properly maintained
4.
  - 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.
5. Any vessel offered for hire with gas-fuelled equipment must have a Gas Safety (Installation and Use) Certificate.

6.
  - a. Any mechanically powered Vessel and sailing Vessels (over 6m LH) which, following the issue of this Licence, is changed in a way (defined in paragraph 6(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 or distribution of ballast or where permanent weights of more than 3kg per metre of hull length are added or removed.
7. A Personal Flotation Device of an appropriate size and type, complying with the relevant ISO standard and fit for purpose must be provided for each member of the party.
8. 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.
9. Any Vessel with a minimum freeboard height greater than 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.
10. 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.
11. This Licence must not be altered, damaged or defaced in any way.
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.
13. 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.
14. This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.
15. This Licence will remain in force, unless previously suspended or revoked, for a maximum period of one toll year 1 April – 31 March following year.
16. 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.

## Appendix 3

# Hire Boat Operator Licensing Conditions

This document sets out the Hire Boat Operator Conditions that need to be satisfied if a licence is to be granted by the Broads Authority. The licence will be issued under Section 94 of the Public Health Acts Amendment Act 1907, and (Section 40 of the Broads Authority Act 2009). Each licence will enable the operator to let for hire, or use for carrying passengers for hire, the vessels listed in a Schedule. Attention is drawn throughout to the attached hire boat operator notes for guidance.

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. Each Vessel must comply with the Code for the Design, Construction and Operation of Hire Boats produced jointly by the Association of Inland Navigation Authorities, and British Marine with support from the Maritime and Coastguard Agency.
2.
  - 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.
3. The Operator must hold and maintain throughout the period of this Licence
  - a. 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.
4. 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.

5. The Operator must not hire any Vessel which is mechanically powered to any persons under 16 years of age.
6. 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.
7.
  - 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.
  - 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.
8. 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.
9. The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this Licence.
10.
  - a. The Operator must ensure that before using a Vessel the Skipper is given:
    - i. A systematic and documented handover procedure, appropriate to the type of boat, length of hire and its area of operation is followed. 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 instruction to advise those on board the Vessel in the use of the buoyancy aids or lifejackets.
  - b. The Operator must record in writing and retain details of all briefings, demonstrations, and instructions given under paragraph 10.a.
  - c. The Authority will be entitled to carry out sample audits of the handover arrangements referred to in paragraph 10.a.

11. 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).
12.
  - a. 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.
  - b. For the purposes of paragraph 12.a., an accident means an incident resulting in loss of life, or major injury, or serious damage to property or another vessel, or involves:
    - i. explosion
    - ii. fire
    - iii. capsizing of a power-driven craft or boat, or
    - iv. pollution causing significant harm to the environment
  - c. For the purposes of paragraph 12.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
13. This Licence must not be altered, damaged or defaced in any way.
14. 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.
15. 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.
16. 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.
17. This Licence will remain in force, unless previously suspended or revoked, for a maximum period 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.