

Navigation Committee

20 October 2022

Agenda item number 9

Licensing all craft let for hire on Broads waterways

Report by Director of Operations

Purpose

To seek the Committee's views on the proposal to bring further safety improvements by expanding the Hire Boat Licensing Conditions to include ALL craft let for hire.

Broads Plan context

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

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1. Introduction

- 1.1. The principle aim of the Broads Authority Act 2009 was to improve safety on the Broads; it replaced the interim 2006 Boat Safety Scheme byelaws and introduced compulsory third-party insurance, and unified hire boat licensing.
- 1.2. Section 40 of the 2009 Act states that from the appointed day it provides the Authority with the ability to use powers within the Public Health Amendment Act 1907, relating to pleasure boats or pleasure vessels for section 94 of the 1907 Act.
- 1.3. The Public Health Act Amendment Act 1907 Section 94 (1) states that the Authority *"may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate."*

- 1.4. From 1 April 2022, the Broads Authority Hire Boat Licencing Conditions were amended to fall in line with the Hire Boat Code; the Code is co-owned and developed by the Association of Inland Navigation Authorities (AINA) and British Marine (BM) and this change saw sailing craft for hire *above 6m_{LH} included within the code.

*LH. Length of the boat from the forward side of the stem at gunwale level to the aftermost point of the watertight hull, measured parallel to the loaded waterline as defined with BS EN ISO 8666

2. Broads Authority Paddling Scheme (BAPS)

- 2.1. The Broads Authority Paddling Scheme (BAPS) was originally introduced to provide an incentive to get young people out on the water through reduced tolls for canoes and kayaks owned by youth groups operating in the voluntary sector. To join, the group had to be registered with the Council of Voluntary Youth Services or be a Scout or Guide Troop.
- 2.2. In June 2000, the BAPS was extended to include commercial operators and those offering tuition, to support the establishment of the Canoe and Stand-Up Paddle Board (SUP's) Hire Network. Since then the Authority has supported the growth of paddle sports, by providing improved access, coordinated bankside management, and the development of paddle trails and publications, highlighting the best places to visit for these activities.
- 2.3. The BAPS scheme works very well for the voluntary/charity/youth sector, and supports the Authority's policy of encouraging entry-level, young people, and disadvantaged groups into the sector and should therefore be continued with the offered discounts.
- 2.4. However, it is now considered that the financial incentive for commercial operators is inappropriate and with the recent rapid expansion of the commercial activity there is an urgent need for greater oversight of the operations. In the interests of public safety, it is considered that ALL hire operators of non-powered pleasure craft should be included in a licensing scheme.

3. Licensing ALL hired craft

- 3.1. 2020 saw high demand for access to our waterways and many new users were introduced to paddle sports, particularly stand-up paddle boards and canoeing and many of these new users have remained active on our waters.
- 3.2. This increase in paddle sports has seen a rise in hire operators, and although we currently offer them access to the BAPS scheme, this is voluntary and not what the scheme was essentially set up for.
- 3.3. A new commercial scheme is being developed, and it will follow many of the safety principles endorsed by the current Commercial Paddling Scheme (appendix 1) such as stated capacity numbers for the craft, vessel registration, appropriate toll, checking the suitability of hirer (alcohol and drugs), provision of personal floatation device and

appropriate tethers (leg or waist for SUP's). However, it will also go further and incorporate features from the Hire Boat Code, such as a documented hand-over, in-water trials, safety induction, and other key water safety elements. Under this scheme hire operators will also be regularly audited with random spot checks to ensure adherence to the licensing conditions is maintained and to check safety standards are being followed and improved upon.

- 3.4. The overall ambition will be to have ALL craft let for hire within Broads waterways under a mandatory Broads Authority Licensing scheme. The plan is for this to be extended to include vessels let for Airbnb and Houseboats let out for short- or long-term tenants. The priority for 2023 will be to focus on non-powered craft like SUPs, kayaks, canoes, and pedal-powered water craft.

4. Finances

- 4.1. The companies hiring non-powered craft that are not subject to any Broads Authority licensing are being catalogued and the intention is that commercial operators currently in the BAPS will be migrated to a new non-powered craft let-for-hire licensing scheme.

- 4.2. The current BAPS scheme will remain open to voluntary, charity, or youth groups, with discounted concessions, remaining for those who meet the criteria, to allow further incentives and encouragement to this entry-level water sport.

- 4.3. The proposed charges for the new scheme for the commercial non-powered (paddle or pedal) craft let for hire are:

(i) the private canoe toll, currently £37.78 per vessel

(ii) a £5 licensing fee for each craft within the licence and

(iii) a £25 per operator's licence fee

This fee will support the additional cost needed to manage the safety, licencing, and compliance of this sector of the hire fleet.

NB: For operators with an existing Hire Boat Licence (powered or sail), an additional licence will not be required.

5. Conclusion

- 5.1. The Broads Authority Paddling Schemes (BAPS) strategy was designed to increase the paddling sector and encourage more participation at this entry-level and good progress has been made to date, but with this popularity, there has been a proliferation of safety issues and incidents. Licensing and the associated checks and balances that this brings is a proactive and supportive way to manage these risks.
- 5.2. Subject to the views of Members the plan is to introduce the licensing changes for non-powered craft let for hire from 1 April 2023.

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Background papers:

[Broads Plan](#) strategic actions: 4.4

Appendix 1 – The Broads Authority Commercial Paddling Scheme – Operator Conditions

The Broads Authority Paddling Scheme Commercial Operator Conditions

This document sets out the Broads Authority Paddling Scheme (BAPS) 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 Paddling Scheme Concessionary Toll has been issued.
“the Vessel”	means a canoe or kayak tolled under the BAPS 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
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.
 - (a) Vessels shall only be operated in MCA Category A waters.
 - (b) Condition 14(a) does not apply in respect of operators who have gained permission in writing from the Authority and the Great Yarmouth Port Company to operate in non 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 by the British Canoe Union / Canoe England to undertake this role.
 - (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 based on Health and Safety Executive guidance set out in the "Glasbury Protocol for River Craft Hire Companies" ref IGN6.17 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).

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.