BOATMASTER AND PLEASURE BOAT LICENSING

2026 TO 2031

Author: STEVEN GREENER, LICENSING MANAGER **Published:** [DATE PUBLISHED]

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Version Number	Purpose / Change	Author	Date
1.0	New PolicyPolicy	Steven Greener	

Corporate Plan 2025-28

Council ambition	Linked?
Working for a prosperous future *We want to ensure the best possible local economy, with opportunities for our residents to succeed and achieve*	Yes
Healthier, safer communities *Residents should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing*	Yes
A greener and cleaner environment *It's important to everyone that we look after our environment*	No
Restoring the Council to good health *We will place our Council on a sound financial footing and ensure resilience – delivering the service our residents deserve and expect*	Yes
We ♥ Castle Point *We will help create and maintain the best possible place to live in, work in and visit*	Yes

Name: **JANETTE PARKER-EAST, ASSISTANT DIRECTOR OF ENVIRONMENTAL HEALTH, LICENSING & COMMUNITY**
Approved by: **LICENSING COMMITTEE**

ROLES AND RESPONSIBILITES:
Lead Member and Committee responsible for approving the PolicyPolicy.

- **CLLR R. SAVAGE**
- **LICENSING COMMITTEE**

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1. Introduction

1.1. Castle Point Borough Council operates a licensing scheme for certain pleasure boats/vessels, certain hired pleasure vessels and Boatmaster operating within the Borough using Section 94 of the Public Health Acts Amendment Act 1907.

1.2. The Council must be satisfied that the pleasure boat or vessel which is the subject of the application is in good condition, seaworthy and contains all the necessary safety equipment.

1.3. The Council must also be satisfied that the skipper (persons or operators who assist in the charge and navigation of pleasure boats, craft or vessels) is considered a 'fit and proper person' to operate a business and control a boat or vessel.

Legislation

1.4. The Policy is underpinned by the following legislation:

a) The Public Health Acts Amendment Act 1907
b) Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998
c) Merchant Shipping (Small Commercial Vessels and Pilot Boats) Regulations 2004

1.5. The Policy has been prepared with due regard to the following codes of practice and guidance:

a) The Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure. Operating from a Nominated Departure Point (Maritime and Coastguard Agency)
b) Marine Guidance Note MGN 280 (Maritime and Coastguard Agency)
c) Inland Waters Small Passenger Boat Code (Maritime and Coastguard Agency)
d) Code for the Design, Construction and Operation of Hire Boats (British Marine/AOIA)

1.6. Section 94 of the Public Health Acts Amendment Act 1907 (the Act) enables the Council to attach conditions deemed appropriate to promote the objectives for licensing pleasure boats or vessels and for those in charge of or navigating such boats and vessels. The Council may charge such annual fee as appears to it to be appropriate.

1.7. The Act does not provide any specific guidance on the prerequisites for gaining a licence. The purpose of this Policy is, therefore, to provide a clear and transparent guide for all parties as to the standards to be attained and adhered to in relation to the licensing of pleasure boats or vessels and Boatmaster in the Borough.

1.8. The Inland Waterways and Categorisation of Waters Guidance[1] is used as the criteria for the issue of a boat or Boatmaster's licence. However, the Maritime and Coastguard Agency (MCA) Code does not apply this to some types of hire such as hired boats. This Policy therefore sets out the standards that will be applied in the licensing of such boats as outlined in paragraph 2.1.

Definitions

Term	Meaning
Authorised officer	An officer of the licensing authority authorised in writing to carry out licensing duties in relation to the licensing of boats, Boatmaster and small commercial vessels.
Authorised person	A person who by reason of relevant professional qualifications, practical experience or expertise is authorised by the certifying authority to carry out examination of licensed or certified vessels.
The Council	Castle Point Borough Council
Category C Waters	Tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time.
Category D Waters	Tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time.
Commercial Use	Use in the course of business for private gain or profit.
Competence Test	An examination of a person's skill and ability to operate a vessel together with an assessment of their knowledge of the local maritime area and regulations.
Daylight	One hour before sunrise until one hour after sunset.
Designated person	A person designated by the Authority to oversee the examination and certification of vessels under the Nominated Departure Point (NDP) Code of Practice.
Favourable weather	Wind, sea and visibility conditions which are deemed by the skipper to be safe for a small vessel to operate in.
Licensing Authority	The Council
Nominated Departure Point (NDP)	The designated point of departure of the vessel as specified on the vessel's certificate.
Passenger	Any person carried on a vessel except: • a person employed or engaged in the business of the vessel; • a person being carried in the event of an emergency;

[1] Inland waterways and categorisation of waters - GOV.UK

Term	Meaning
	• a child under one year old.
To sea	Beyond Category D Waters or Category C Waters if there are no Category D waters.
A suitably qualified marine surveyor	A surveyor would typically be: • A qualified marine surveyor with recognised professional credentials. • A member of a relevant professional body (for example, the International Institute of Marine Surveying (IIMS), Yacht Designers & Surveyors Association (YDSA), or a similar recognised organisation). • Experienced in surveying small passenger vessels, pleasure boats, inland waterway craft, or commercial vessels as appropriate. • Familiar with relevant Maritime and Coastguard Agency (MCA) standards and codes.

Role of Castle Point Borough Council

1.9. The Council's Licensing Committee (the "Committee") is responsible for discharging the Council's statutory licensing and regulatory function. The Committee determines and approves the Council's Policy in relation to the licensing of small commercial vessels. Any significant revisions or amendments to the Policy must be approved by the Committee.

1.10. The Committee will also, where appropriate, consider contraventions of the law, the Council's bye-laws, conditions of the licence and/or codes of practice and may take such action as it considers necessary in order to protect the public. This may include cancellation, suspension and revocation of licences and certificates. This function may be carried out by a sub-Committee of the Licensing Committee in accordance with established procedures.

1.11. Any person aggrieved by a decision of the Licensing Committee (or sub-Committee) has the right to appeal to the Magistrates' Court within 21 days of notification of the decision.

Delegated Powers

1.12. Certain functions of the Licensing Committee may be carried out by an authorised officer of the Council under delegated powers. This is outlined within Appendix 3.

The Council's Objectives

1.13. Section 94 of the Act does not explicitly list "licensing objectives" in the modern sense. Instead, it sets out the purpose and conditions under which local authorities may issue licences for pleasure boats and Boatmaster.

1.14. Accordingly, the Council will assess all applicants using the following objectives:

A Protect Public Safety

1.15. To ensure that pleasure boats, vessels and operators licensed under this licensing regime operate in a manner that protects the safety of passengers, other water users and the general public. This includes allowing authorities to suspend or revoke licences whenever necessary in the interests of public safety.

B Ensure Vessels are Safe, Seaworthy, and Suitable for Hire

1.16. To ensure that all licensed pleasure boats and vessels are safe, fit for purpose, regularly inspected, and compliant with recognised marine safety standards (such as those set or issued by the Maritime Coastguard Agency (MCA) and Association of Inland Navigation Authorities (AINA) Inland Waters Small Passenger Boat Code).
The Council must verify structural integrity, passenger capacity, safety equipment and any other factors necessary for safe operation.

C Ensure Operators (Boatmaster) are Competent and Fit

1.17. To ensure that individuals in charge of or navigating licensed vessels possess appropriate skills, competency and medical fitness to operate safely and responsibly. This includes ensuring that Boatmaster comply with all licence conditions designed to maintain safety standards.

D Prevent Unsafe or Unlicensed Commercial Activity

1.18. To prevent the operation of unlicensed vessels or the hiring of boats without the required licences, and to prohibit the carrying of more passengers than permitted. This objective ensures that only compliant operators and vessels engage in commercial passenger services, protecting both consumers and public waterways.

E Promote Responsible and Lawful Operation

1.19. To ensure that licence holders conduct their operations in a responsible, lawful and safe manner, following all conditions set by the Council, including obligations under equality and safety legislation.

Monitoring and review of Policy

1.20. This Policy will be reviewed every 3 years or when legislation changes and the Policy requires amendment.

2. **Pleasure Boat Licence**

In Scope:

2.1. The Council may issue a Pleasure Boat Licence to a vessel or boat operating in the UK which:

a) Does not go to sea;
b) Carries no more than 12 passengers;
c) Is let for hire; or
d) Is used for carrying passengers for hire.

2.2. The Maritime Coastguard Agency (MCA) Code confirms the classification of inland waters and in addition the Merchant Shipping Notice MSN 1837 (M) Amendment 2 and the Merchant Shipping (Categorisation of Waters) Regulations 1992 define certain areas to be taken as not being 'at sea'.

Types of Licences

2.3. There are two distinct classifications under the general heading of 'Pleasure Vessel or Boat', these are:

a) Skippered

All pleasure vessels or boats operating commercially with a skipper or crew and which carry no more than 12 passengers.

b) Bare boat

All pleasure vessels or boats which are self-drive hire craft where there is no work activity being carried out by those hiring the vessel and the skipper and crew is provided by the hirer.

Out of Scope:

2.4. Vessels which would otherwise fall under this Policy and go to sea are required to be licenced by the Maritime Coastguard Agency (MCA) and on the grant of such a licence would be exempt from the requirements to hold a licence under this Policy.

3. Boatmaster's (Skipper's) Licence:

In Scope:

3.1. Anyone working and helping to run passenger-carrying pleasure boats must have a Boatmaster's (Skipper) Licence.

3.2. Classes of vessels permitted under a Boatmaster's (Skipper) Licence are:

a) Class A - Under 20ft in length;
b) Class B - 20ft but less than 40ft in length; and
c) Class C - 40ft but less than 85ft in length.

Out of Scope:

3.3. If an individual holds a valid Boatmaster's Licence (minimum Tier 1 Level 2), issued by the Maritime Coastguard Agency (MCA) then they will not be required to apply for a Boatmaster's licence from the Council.

4. Application process of Boatmaster's (Skipper's) & Pleasure Boat licences

Boats

4.1. On first application and renewal for a Pleasure Boat licence, the applicant must complete the application form in full and return it with the relevant fee to The Licensing Department, Castle Point Borough Council, Kiln Road, Benfleet, Essex.

4.2. In addition to the application form the following must be provided before the application can be fully considered:

a) A full survey on initial application carried out by a suitably qualified marine surveyor confirming the suitability of the vessel to be used for the proposed activities and area of operation. Each year following the initial application the vessel will need to be inspected, again by a suitably qualified marine surveyor, to ensure that the requirements, dependant on the operational area of the vessel.
b) A plan of the vessel showing the location of the safety equipment stored on-board.
c) Proof of insurance cover giving minimum liability of £5 million per annum.
d) Details of experience, qualifications and training of skippers and crew members. Any amendment to crew or staff, the Council must be notified within 72 hours of the amendment.

Boatmaster (Skipper)

4.3. Should an individual not hold a Boatmaster's Licence, issued and regulated by the MCA, then they will require a Boatmaster's (Skipper's) licence from the Council.

Application criteria

4.4. In order to qualify applicants must:

a) Be 18 years of age or over;
b) Not suffer from any disease or physical disability which could affect their fitness to assist in the charge of pleasure boats, vessels or craft let for hire. This must be certified by the applicants own GP; and
c) Hold a relevant qualification that confirms the individuals' level of competency in operating a vessel within the categorised waters in which they work.

Supporting documents

4.5. On first application and renewal application to be deemed valid, enabling an individual to apply for and receive a Boatmaster's Licence, they should ensure that the following requirements are submitted as part of their application:

a) Completed application form.
b) An appropriate qualification as outlined within Section 7 of the Solent & Southern Harbour Masters' Association (SASHMA) Guidance.

   The Council will also accept those qualifications as set out in Annex 3 of MSN 1853, which can be found on the MCA website (via www.gov.uk and search MSN 1853 or The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015, Structure and Requirements).

   Certain qualifications as detailed within Annex 3 of MSN 1853 limit the holder to certain categorised waters.

   Where this is relevant, any licence that is issued will be limited to the categorised waters to which the qualification relates.

   Qualifications differing from those stated within MSN 1853 and Section 7 of the SASHMA guidance will be considered when determining whether an application is valid.

c) Application fee (please note the Council does not accept cash or cheques, payment can be made by card). Please note: Application fees are non-refundable.

d) An up to date (less than 28 days since issue) Basic DBS (Disclosure Barring Service) Certificate.
e) Passport sized photograph, which must include the seafarers name in BLOCK LETTERS and the signature of a doctor, bank official, established civil servant, school teacher or someone of similar standing should endorse the back of the photograph as certification that the photograph is a true likeness of the name of the applicant.
f) An appropriate qualification in Personal Survival, First Aid and Fire Safety training which has been undertaken with an approved MCA training provider. The ancillary training syllabi can be found in appendix 8 of MSN 1853, which can be found on the MCA website (via www.gov.uk by searching MSN 1853, The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015, Structure)
g) Any person wishing to have charge of a vessel fitted with Very High Frequency (VHF) radio must produce a certificate of competence and authority to operate a VHF radio .
h) An approved Basic Sea Survival Course Certificate.
i) An up to date (less than 28 days since issue) ML5 or ENG1 medical certificate or equivalent as prescribed in regulation 26.4 of the Inland Waters and Small Passenger Boat Code. Merchant Shipping Notices provide details of General Practitioners who will issue Medical Certificates complying with MCA requirements.

Fee associated with the application

4.6. The Council will charge a fee to cover the reasonable costs of administering and enforcing its licensing scheme. Fees will normally be reviewed annually.

4.7. If a licence is surrendered or cancelled, the Council may, at its discretion, refund part of the licence fee. Refunds will be calculated pro-rata on the basis of any whole months remaining prior to expiry of the licence.

4.8. The current fees can be viewed on the Council's website.

Renewal process

4.9. Prior to the expiry of a licence, the licence holder must submit a new application for consideration.

5. Consultation

5.1. Under Section 94 of the Public Health Acts Amendment Act 1907, the legislation does not impose any statutory duty on a council to consult any external body or person before granting, suspending, or revoking a

pleasure-boat or Boatmaster's licence however best practice suggests we should consult with some responsible authorities.

5.2. The following responsible authorities are consultees under Section 94 of the Public Health Acts Amendment Act 1907:

Maritime and Coastguard Agency (MCA)
Anchor Court, Keen Road, Cardiff, CF24 5JW
uksr@mcga.gov.uk | +44 (0) 20 3908 5200

Harbour Masters or Port Authorities
recreation@pla.co.uk

The Chief Officer Essex Police
Marine Unit (via the Licensing Team)
Essex Police, Blyth's Meadow, Braintree, Essex, CM7 3DJ
licensing.applications@essex.police.uk | Telephone: 101

Essex County Fire and Rescue Service
Rayleigh Weir Community Fire Station,
500 Rayleigh Road, Benfleet, Essex, SS7 3TR
southeastgroupsdp@essex-fire.gov.uk or eastareacommand@essex-fire.gov.uk | Telephone: 01376 576000

The Local Planning Authority
Planning Services, Place & Communities Directorate
Castle Point Borough Council, Kiln Road, Benfleet, Essex, SS7 1TF
planning@castlepoint.gov.uk | Telephone: 01268 882200

Environmental Health
Castle Point Borough Council, Kiln Road, Benfleet, Essex, SS7 1TF
Environmental_Health@castlepoint.gov.uk | Telephone: 01268 882200

Ward Councillors
Castle Point Borough Council, Kiln Road, Benfleet, Essex, SS7 1TF
democraticservices@castlepoint.gov.uk

6. Determination process of Boatmaster's (Skipper's) & Pleasure Boat licences

6.1. In normal circumstances the Council will determine each application after considering the documentation supplied; the results of the DBS check (where applicable); and the Council's Policy.

6.2. In some circumstances an application may be referred to the Licensing Sub-committee for a decision.

6.3. In these circumstances the applicant and the Council may invite any persons who support their case to attend the Licensing Sub-committee. These persons will be given the opportunity to address the Sub-committee during the hearing.

6.4. Prior notice will be given to both the applicant and those persons who will be attending the hearing at least 5 working days prior to the date of the hearing.

6.5. Where the matter is referred to the Licensing Sub-committee the determination will be longer. The applicant will be informed in writing that their application has been referred to the Licensing Sub-committee and the date that the hearing will be held.

6.6. If a licence application is refused the applicant will be given written confirmation detailing the reasons for refusal, along with the right of appeal.

Timescales

6.7. In normal circumstances applications will be processed, considered and determined within the following time scales:

a) Boat Licence – within 21 days;
b) Boatmaster's (Skipper's) Licence – within 21 days;

Tacit Consent

6.8. Tacit consent does not apply to applications under Section 94 of the Public Health Acts Amendment Act 1907 where public safety, public health, or public order could be affected. The consent will be granted once all aspects of the application is considered.

Length of consent

6.9. A Boatmaster's (Skipper's) Licence will be valid for 3 years from the date of issue.

6.10. A Pleasure Boat Licence will be valid for 1 year from the date of issue.

General Conditions

6.11. The Council may attach conditions to the grant of a Boat Licence. Licence conditions will be reasonable and proportionate and will generally be attached where the Council believes they are required in the interests of public safety. The Council's current conditions appear at Appendix 4 and Appendix 5.

Advisory: These are the Council's standard conditions applicable to all licensed vessels. Where necessary, the Council may impose additional specific conditions to a

licence if there is a demonstrable safety requirement which reasonably needs to be met.

7. How the Council makes its decision

Possible outcomes following an application

7.1. If the Council determines the application before the end of the determination period, the Council may either:

a) Grant the licence in respect of any or all of the purposes specified in the application; or
b) Grant the licence and impose additional conditions; or
c) Refuse the application.

Imposing additional conditions

7.2. When the Council grants a licence, it may impose reasonable conditions in addition to those published within this Policy considered on a case by case basis.

7.3. There is an expectation these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions.

7.4. Conditions imposed by the Council shall be proportionate and tailored to the application on a case by case basis.

Appeal process

7.5. Any person deeming themselves aggrieved by the withholding, suspension or revocation of any licence may appeal to a Magistrates' Court held following the expiration of two clear days after such withholding, suspension or revocation; provided that the person so aggrieved shall give twenty-four hours written notice and the ground thereof, to the clerk of the Court. The courts shall have power to make such order as they think fit and to award costs. Such costs are recoverable summarily as a civil debt.

8. Enforcement

8.1. Where offences occur, conditions are breached, or a complaint has been received, the Council will investigate and take appropriate action in accordance with the Environmental Health and Licensing Enforcement Policy.

8.2. Failure of a Boatmaster or Operator to comply with the conditions of a licence may give rise to suspension or revocation of the licence and/or to the prosecution of a licence holder.

8.3. The Council may suspend or revoke a licence at any time that it is in the interest of public safety to do so. Any action taken will be in accordance with the Council's Environmental Health and Licensing Enforcement Policy.

Appendices

APPENDIX 1 – Map – Category “D” Waters for Summer and Winter Boatmen

APPENDIX 2 – Application process map

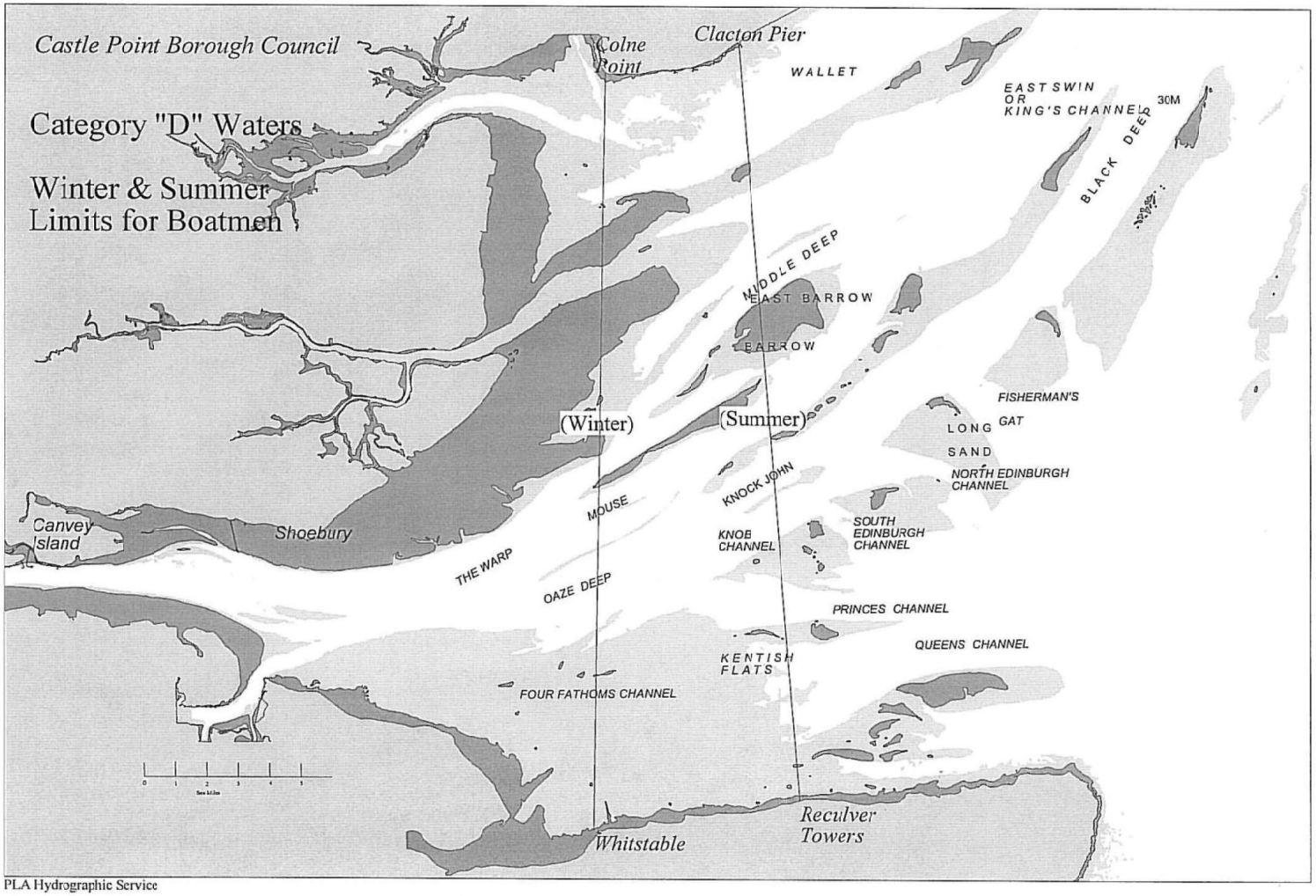
APPENDIX 3 – Scheme of Delegation

APPENDIX 4 – Conditions attached to Boat Licence

APPENDIX 5 – Conditions attached to Boatmaster’s Licence

APPENDIX 6 – Additional licensing guidance

APPENDIX 1 - MAP

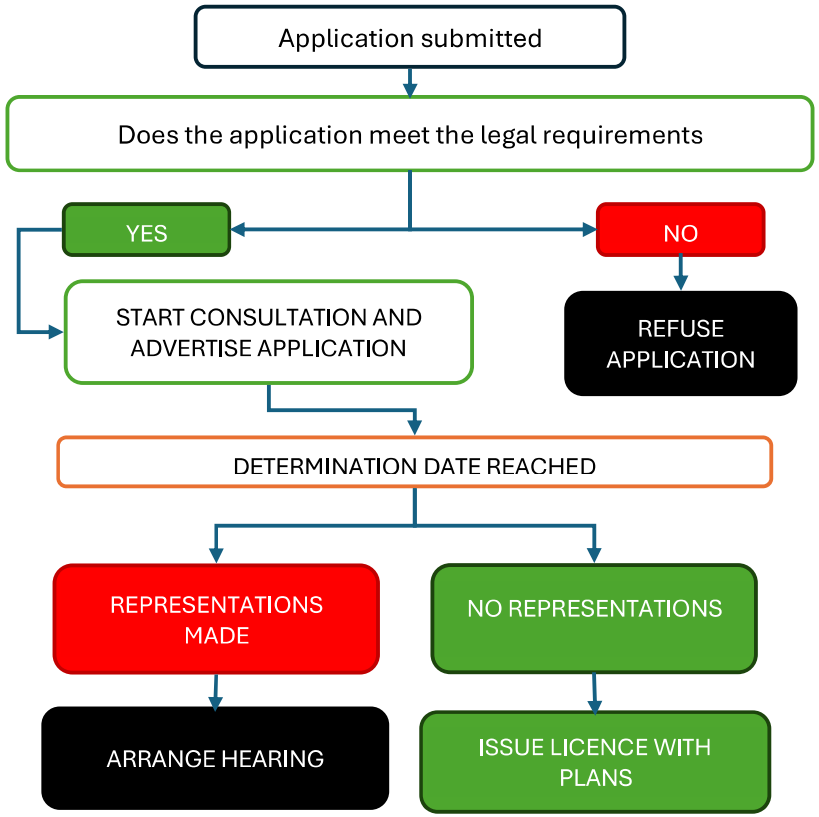


Source: https://www.gov.uk/transport/waterways-maritime

APPENDIX 2 – PROCESS MAP

Application Process	
Application Type:	**New Pleasure Boat or Boatmaster's (Skipper's) Application**
Legislation:	Section 94 of the Public Health Acts Amendment Act 1907
Application submission type:	via post, email or online
Start date of consultation:	Day application submitted
Required documentation as part of the application:	☐ Application form ☐ Group 2 or ML5 medical ☐ Pass a **competency assessment** (often based on the **MCA Inland Waters Small Passenger Boat Code**) ☐ Basic DBS Certificate ☐ 2 passport type recent photos of the applicant ☐ Supporting documentation (Insurance & Proof of Right to Work & DBS certificates) ☐ Fee
Public Consultation period:	No statutory consultation period
Consultees:	☐ Maritime and Coastguard Agency ☐ Harbour Masters or Port Authorities ☐ Essex Fire Service ☐ CPBC Environmental Health ☐ CPBC Planning ☐ Essex Police ☐ Ward Councillors
Public Notice required:	NO
Newspaper Article required:	NO
Officer Checklist	☐ Any representations in consultation period

Flowchart



If contested hearing required within 20 days beginning with the day after the end of the period during which representations may be made

Licence Duration:

3 years for Boatmaster's applicants **under the age of 65 and annually** for applicants **aged 65 or over**, subject to a valid medical certificate (e.g., **ENG1** or **ML5**).

1 year for Pleasure Boat Licence (April to March)

APPENDIX 3 – DELEGATED POWERS

This scheme outlines the delegation of functions under the 1982 Act (as amended), the council's constitution and scheme of delegation, and relevant statutory guidance. It ensures efficient decision-making while maintaining transparency and accountability.

Function	Full Council	Licensing Committee	Sub-Committee	Officers
Adoption of Policy	✓ (can delegate)	✓	✗	✗
Setting of fees	✓ (can delegate)	✓	✗	✗
Application (or renewal) for a Pleasure Boat licence– non contested	✗	✗	✗	✓
Application (or renewal) for a Boatmaster's (Skipper's) Licence– non contested	✗	✗	✗	✓
Application (or renewal) for a Licence – contested	✗	✗	✓	✗
Determination of frivolous or vexatious representations	✗	✓ (in consultation with Chair or Vice Chair)	✗	✓

Delegation to officers is typically to the Licensing Manager, Assistant Director, or equivalent.

Decisions involving public interest or contested applications are retained by elected members.

This scheme will be reviewed periodically and updated in line with legislative changes.

APPENDIX 4 - CONDITIONS ATTACHED TO PLEASURE BOAT LICENCE

1. Limit of Operational Area
The licence covers licensable activities within the Castle Point Borough Council administrative boundary.

2. Restrictions on Operation
The vessel may only be used for the carriage of passengers between 1 April and 31 March in any year and during the period from one hour before sunrise and one hour after sunset.

The vessel may only be used for the carriage of passengers in favourable weather conditions i.e. wind, sea and visibility conditions which are deemed by the skipper to be safe for the vessel to operate in.

3. Construction and Seaworthiness
All boats shall be subject to regular examination as set out in the Council's Policy. The examination shall be carried out by an authorised person approved by Council. The vessel must be inspected out of the water at least once every five years.

The surveyor or authorised person shall provide a detailed report on the structural condition of the hull, the structural fastenings and the vessel's safety equipment. The survey shall include a brief examination of propulsion machinery and electrical and pumping installations but only in so far as these affect the seaworthiness of the craft. In carrying out the examination the surveyor or authorised person will be guided by the relevant provisions of the Inland waters small passenger boat code.

The Council may waive or reduce any requirement or restriction on account of the special circumstances of any boat in the trade in which it is engaged.
The Council's licensing scheme in no way exempt a vessel from compliance with any relevant statutory requirements of the Department for Transport or Maritime and Coastguard Agency.

4. Insurance
All licensed boats shall carry public liability and third party insurance with minimum indemnity cover of at least £5 million per annum.

5. Equipment
The equipment shall be maintained in good order and will be inspected annually by an authorised person. Where a higher standard of equipment is required for any boat by reason of any statutory order or any requirement of the Department for Transport or the MCA, such higher standard shall be applied.
When the boat or vessel is let for hire or used for the carriage of passengers it shall:

1. Be kept free from oil, refuse and fuel spillages;
2. Not carry any loose cans of petrol on board under any circumstances; and
3. Not be used for towing any other boat or craft, except in cases of emergency.

6. Safety Lanyard Cord
In vessels which are designed or adapted for the installation of a safety lanyard cord ("kill cord"), the skipper of the vessel should wear the cord at all times in accordance with Royal Yachting Association (RYA) safety guidelines when operating the vessel wherever and whenever possible. In the event a lanyard cannot be used the boat should be operated at the slowest safe speed for the estuary and at least one other person on board should be aware of how to stop the engine immediately.

7. Information in Vessel
A laminated or waterproof copy of the boat licence must be displayed in a prominent place in the vessel where it can be readily seen by passengers and kept on display at all times during the term of the licence.

8. Accidents and Damage
Any accident, collision, grounding or damage which adversely affects the safety of the vessel shall be reported to the Council within 24 hours or (where the incident occurs at a weekend) before the end of the next working day. 'Near misses' must also be reported as these may indicate potential safety problems and help to avoid future accidents.

9. Suspension or Revocation of Licence
The Council may suspend or revoke the licence of any vessel on the following grounds:

- That the vessel has suffered damage which renders it unsafe for public use;
- Failure to comply with the provisions of the Public Health Acts Amendment Act 1907;
- Failure to comply with a condition of the licence;
- Failure to comply with any bye-law; or
- That the action is necessary or desirable in the public interest.

Any person aggrieved by a decision of the Council to suspend, revoke or to refuse to renew a licence may appeal to a Magistrates' Court. Any appeal must be made within 21 days of notification of the Council's decision.

APPENDIX 5 – CONDITIONS ATTACHED TO BOATMASTER'S (SKIPPER'S) LICENCE

1. Period of licence
A Boatmaster's (Skipper's) Licence will be valid for 3 years from the date of issue.

2. Medical examination
A medical examination will be required at the following intervals:

a) On initial application;
b) Every five years to age 65; and
c) Annually after age 65.

Holders of a Boatmaster's (Skipper's) Licence must notify the Council in writing within seven days of any deterioration in their health that may affect their capabilities of handling a vessel.

3. Vetting of applicants
An applicant for a Boatmaster's (Skipper's) Licence must produce a criminal conviction certificate issued under section 112 of the Police Act 1997 (a Basic Criminal Disclosure). Once a licence has been granted, the licence holder will be required to produce a new certificate every three years.
The holder of a Boatmaster's (Skipper's) Licence must notify the Council in writing within seven days of any criminal conviction, caution or other offence incurred during the period of the licence.

4. Passenger safety
Prior to the commencement of any hiring, a licensed skipper must give a formal safety briefing to all passengers on the vessel.

The safety briefing must include:

a) an explanation of the location and use of safety equipment such as life crafts, lifejackets, lifebuoys and the procedures to be followed in the event of an emergency;
b) procedures for the recovery of a person from the water, location of firefighting equipment advice on the weather and sea conditions likely to be encountered; and
c) procedures for safe embarkation/disembarkation when entering and leaving harbour

Safety cards will be considered an acceptable way of providing the above information.

5. Accidents
A licensed boatmaster (Skipper) must report any accident or damage to the vessel within 24 hours (or, if the accident occurs at a weekend, before the end of the next working day) and make the vessel available for inspection by an authorised officer of the Council or an authorised person.

6. Alcohol and drugs

A licensed boatmaster (Skipper) or crew member must not under any circumstances operate a licensed vessel when under the influence of alcohol and/or drugs. If alcohol is provided for consumption by passengers on board the vessel, this must be authorised by way of a premises licence issued by the local licensing authority under section 18 of the Licensing Act 2003 or a Temporary Event Notice given under section 100 of the Licensing Act 2003.

7. Qualifications and certificates

Where a person has been granted a Boatmaster's (Skipper's) Licence on the basis of an existing Skipper's Certificate issued by another authority, they must notify the Council in writing within seven days of any suspension or revocation of that certificate by the issuing authority. In such circumstances, the Council may suspend or revoke the person's Boatmaster's (Skipper's) Licence or may require them to undertake a competence test.

8. Identity badge

When in charge of a vessel, a licensed boatmaster (Skipper) must wear prominently on their person or prominently display on the vessel an identity badge issued by the Council.

9. Conduct

A licensed boatmaster (Skipper) must behave in a civil and courteous manner to passengers and must provide such reasonable assistance as passengers may require, particularly when boarding and leaving the vessel.

10. Suspension or revocation of licence

The Council may suspend, revoke or refuse to renew the licence of any licensed boatmaster (Skipper) on the following grounds:

a) Failure to comply with the provisions of the Public Health Acts Amendment Act 1907;
b) Failure to comply with a condition of the licence;
c) Failure to comply with any Council harbour bye-law;
d) Conviction for a criminal offence which, in the opinion of the Council renders the licence holder unsuitable or unfit to hold a licence; or
e) That the action is necessary or desirable in the public interest.

Any person aggrieved by a decision of the Council to suspend, revoke or to refuse to renew a licence may appeal to the Magistrates' Court. Any appeal must be made within 21 days of notification of the Council's decision.

APPENDIX 6 – ADDITIONAL LICENSING GUIDANCE

The spectrum of different vessels which may be licensed makes a 'one size fits all' approach impractical. The following guidance is provided to assist in determining what factors to consider during the licensing process.

Beach floats or pedaloes

- Licence the operator.
- Restrict area of operation (e.g. not allowed in areas of strong tidal currents or waterways).
- Operator to provide safety boat, the skipper of which is to be licensed, or means of retrieving floats or pedaloes.

Surfboard or bodyboard hire

- Licence the operator.
- Encourage operator to provide safety boat, the skipper of which is to be licensed, or have alternative means of retrieving surfers.
- Restrict area of use to within visual range of operator and/or lifeguard if practicable.
- All participants to wear buoyancy aids or life jackets.

Canoes or stand up paddleboards (SUPs)

- Licence the operator.
- SUP operators should be encouraged to adopt the British Stand Up Paddleboard Association (BSUPA) code of conduct.
- Operator to provide safety boat, the skipper of which is to be licensed.
- All participants to wear buoyancy aids or life jackets.
- Canoes to have sufficient internal buoyancy to remain afloat when filled with water.
- Canoe or SUP to have leash, handrail or rope (as appropriate) to which participant can hold onto in the event of entering the water or capsize.
- Restrict area of operation (e.g. not allowed in areas of strong tidal currents, weirs or waterways).

Power surfboard

- Licence the operator.
- Restrict use to areas free of bathers.
- Users to wear life jackets or buoyancy aids.

Windsurf or sail board

- Licence the operator, who should be Royal Yachting Association qualified.
- Operator to provide safety boat, the skipper of which is to be licensed.
- Participants to wear life jackets or buoyancy aids.
- Each board to carry some form of safety signalling device (e.g. radio or other apparatus).
- Restrict use to areas free of bathers.

Hovercraft

- Licence the operator, who must hold a Certificate of Competence by the Hover Club of Great Britain Limited.
- Operator to provide safety boat, the skipper of which is to be licensed.
- Users to wear life jackets or buoyancy aids.
- Fan(s) to be safely screened.
- Each craft to be fitted with control system which automatically throttles back
- Hold a Hovercraft registration certificate, plus Civil Aviation Authority
- (CAA) Hovercraft Safety Certificate or Maritime and Coastguard Agency (MSA) hovercraft operating permit.
- Restrict use to areas free of bathers.

Self-drive motorboats

- Licence the operator.
- Operator to provide safety boat, the skipper of which is to be licensed.
- Restrict to areas free of bathers.
- Motorboats to be fitted with propeller safety guard and all participants to wear buoyancy aids or lifejackets.
- Every user to be given safety instruction prior to taking control of the craft, to include areas of use, means of attracting attention in case of difficulty, navigational orientation (e.g. explanation of buoyage in the area etc.) and Collision Regulations.

Personal water craft (PWC) e.g. jet ski, flyboard

- Licence the operator.
- Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers to use the same designated area).
- Operator to provide safety boat, the skipper of which is to be licensed.
- Users to wear life jackets or buoyancy aids.
- Every user to be given safety instruction prior to taking control of the craft.

Water skiing

- Operator and each boat to be licensed.
- Operator should hold British Waterski and Wakeboard (BWSW) Coach Licence and conform to British Waterski and Wakeboard codes of practice.
- At least 2 people in the boat when towing a person on skis (driver and observer).
- Boat driver should hold at least Ski Boat Driver Level 2 or equivalent.
- Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers to use the same designated area).
- Area of take-off and drop off to be marked and direction of circulation to be specified.
- Every participant to wear life jacket or buoyancy aid.

Parascending or parasailing

- Operator and each boat to be licensed.
- Boat skipper to be licensed.
- At least 2 people in the boat (driver and observer) when towing a person.
- Every participant to wear life jacket or buoyancy aid.

- Restrict to areas absolutely free of bathers.

Kite surfing

- Operator to be licensed.
- Operator to provide safety boat, the skipper of which is to be licensed.
- Restrict to areas free of bathers.
- Participants to wear life jacket or buoyancy aid.

Water taxi carrying no more than 12 passengers

- Licence the boat and skipper.

Notes

Operators should be required to display notices stating “No person should attempt to use one of these craft unless he or she can swim at least 40 metres fully clothed”.
Safety boats: where a safety boat is required it must either be afloat or ready for immediate launch.

Lifejackets and buoyancy aids used in UK waters should be:

- CE / UKCA (CEN) approved
- Built to CEN/ISO standards (e.g. EN ISO 12402 series)

and Marked with:
CE mark (EU standard – still widely used) or UKCA mark (UK conformity)