

## **Hire Boat Licensing Guidance Notes**

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

### **Background**

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

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

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

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

<http://www.broads-authority.gov.uk/boating/the-broads-act-2009--how-it-affects-you.html>

Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact the Tolls Office on 01603 610734 or email:

[tolls@broads-authority.gov.uk](mailto:tolls@broads-authority.gov.uk)

### **Application**

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

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

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

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

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

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

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

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

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

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

## **Licensing Conditions**

This section offers guidance on specific conditions, and should be read in conjunction with the Licensing conditions.

### **Operator Condition No 1**

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

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

Each Vessel or class of vessel will either be required to have completed a stability and loading test or where appropriate, calculations can be used to demonstrate the loading and stability for a given boat or design class of boats. Stability and loading test methods are detailed in the Code for Design, Construction and Operation of Hire Boats, published by the Maritime and Coastguard Agency. The code also defines "design class" which for ease of reference is as follows.

"Design Class: a design of boat that has all of the following:

- (a) Common hire operator
- (b) Relies on the same Initial Stability Test and Initial Freeboard Test.
- (c) The same hull form.
- (d) The same arrangement of seating, cockpit, decking and superstructure.
- (e) The same location and weight of major masses (e.g. ballast, engines, batteries, fuel and water tanks.
- (f) The same limitations on the numbers of persons and accessible areas.
- (g) The same interior arrangement and outfit.
- (h) The same positions of critical down-flooding openings.

Different sub-classes (or models) may be created where changes are made to (d), (e), or (f) above. The change will require a Check Stability Test to be carried out. If this shows that a fresh Initial Stability Test is required then the boat will be regarded as a new design class."

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

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

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

## **Operator Condition 2**

This condition is not considered to require specific guidance.

## **Operator Condition 3**

This condition applies to all boats let for hire and includes vessels that are available as part of a holiday package such as, for example, a property with a water frontage and the option of the hirers to use a mechanically powered cruiser.

## **Operator Conditions 4-9**

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

<http://www.broads-authority.gov.uk/boating/the-broads-act-2009--how-it-affects-you.html>

Alternatively a hard copy of the risk assessment guidance can be obtained from the Broads Authority, please contact Tolls on 01603 610734 or email:

[tolls@broads-authority.gov.uk](mailto:tolls@broads-authority.gov.uk)

## **Operator Condition No 10**

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

Operators are therefore required to report to the Authority accidents.

When an accident occurs, the Operator must send a report to the Broads Authority Head Ranger (Navigation) as soon as is practicable following the accident. This can be either e-mailed to:

[Broads.control@broads-authority.gov.uk](mailto:Broads.control@broads-authority.gov.uk) or by post to

Broads Authority, Broads Control, Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY.

Accident reports should contain the following information as a minimum:

- (a) name of vessel, and Registration number;
- (b) name and address of owners;
- (c) name and address of the master, skipper or person in charge;
- (d) date and time of the accident;
- (e) where from and where bound;
- (f) where geographically the accident occurred;
- (g) part of vessel where accident occurred if on board;

- (h) weather conditions;
- (i) name and registration number of any other vessel involved;
- (j) number of people killed or injured together with their names, addresses and gender;
- (k) brief details of the accident, including sequence of events leading to the accident, extent of damage and whether accident caused pollution or hazard to navigation.

#### **Operator Condition No 11 -14**

These conditions are considered not to require specific guidance.

#### **Operator Condition No 15**

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

#### **Operator Condition No 16**

This condition is considered not to require specific guidance.

#### **Operator Condition No.17**

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

The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interests of the public to do so. Such variations will have effect as and when specified by the Authority.

Any proposals to vary or modify conditions will be subject to further consultation with the British Marine Federation, Broads Hire Boat Federation, and Broads Day Boat Owners Association.

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#### **Vessel Condition No 1**

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

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

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

#### **Vessel Condition No 2**

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

### Vessel Condition No 3

This condition relates to the operator restricting the number of persons that can be carried on a vessel to a number determined by either a stability test or by calculation where appropriate.

In order to inform the public how many persons the vessel is licensed to carry, the operator must display a license plate as shown in Figure 1 in a conspicuous place inside the boat, ie in a place where it can be seen by all members of the party,.

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

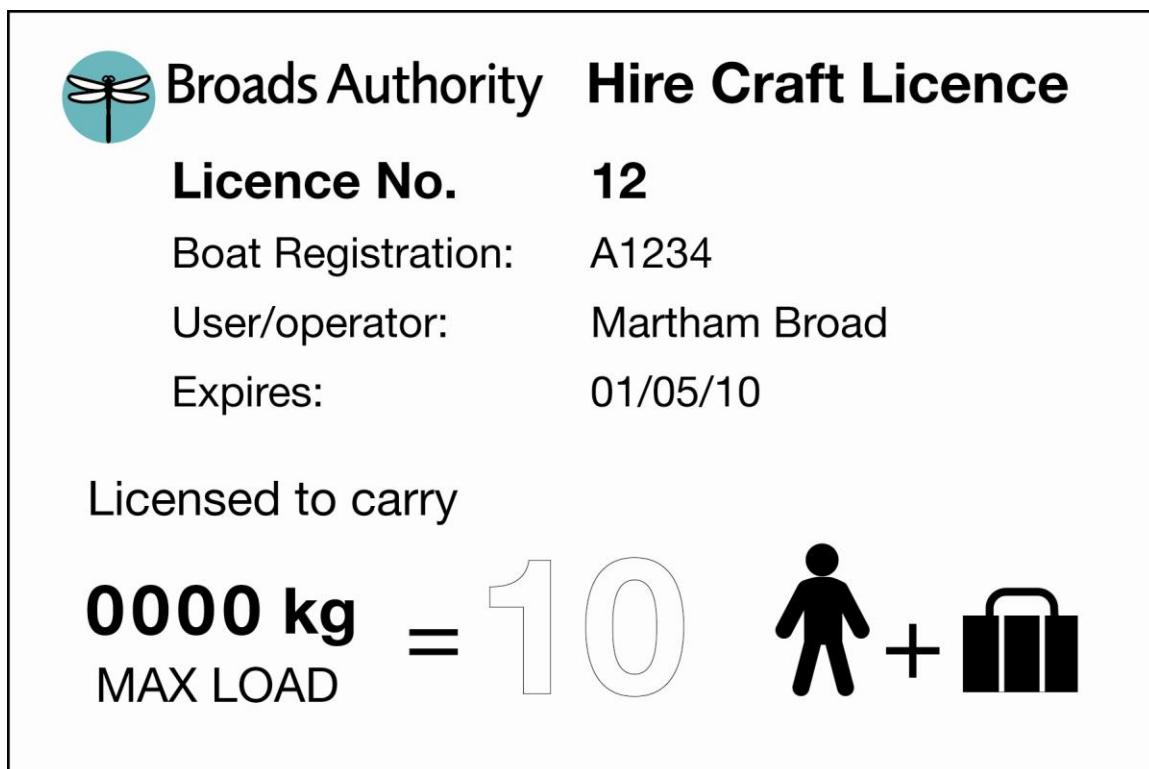
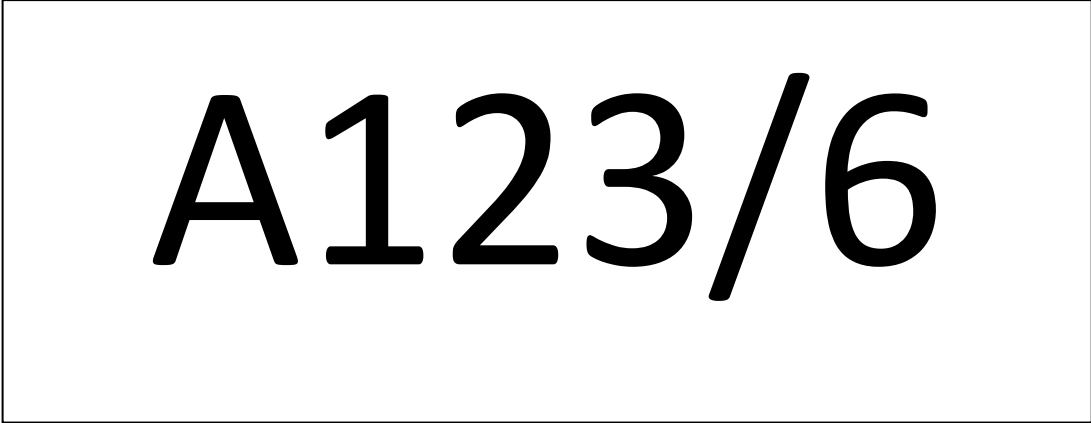


Figure 1. Example of an Internal Label.

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

In addition to the internal label, hire craft must display the maximum number of persons permitted to be carried by the Hire Boat Licence on the transom and adjacent to the Authority registration number. An example is shown in Figure 2 which depicts the Registration Number of the vessel "A123" followed by a suffix that represents the maximum number of people that the vessel is licensed to carry "/6". The additional lettering must be of a size regulated by the Authority Registration Byelaws and will be provided by the Tolls Office when the licence is issued.



A123/6

Figure 2. Example of a Hire Boat Registration Number and Capacity Suffix.

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

#### **Vessel Condition No 4**

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

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

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

#### **Vessel Condition No 5**

This Condition relates to the ongoing assessment of the stability of hire vessels in that once the vessel has been stability tested and declared suitable for a number of persons, any change in arrangement by adding or redistribution of ballast or weight may have some impact on the vessels inherent stability and therefore a "Check Stability Test, as detailed in the "Code for the Construction and Operation of Hire Boats" better known as the Hire Boat Code needs to be carried out. A copy can be found on the Broads Authority Website:

<http://www.broads-authority.gov.uk/boating/the-broads-act-2009--how-it-affects-you.html>.

Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact Tolls on 01603 610734 or email:

[tolls@broads-authority.gov.uk](mailto:tolls@broads-authority.gov.uk).

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

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

In the event that a vessel fails a check stability test then a loading and stability test as defined in the "Hire Boat Code", the results of which must be submitted to the Authority. A copy can be found on the Broads Authority Website:

<http://www.broads-authority.gov.uk/boating/the-broads-act-2009--how-it-affects-you.html>

Alternatively a hard copy of the code can be obtained from the Broads Authority, please contact Tolls on 01603 610734 or email:

[tolls@broads-authority.gov.uk](mailto:tolls@broads-authority.gov.uk).

### **Vessel Condition No 6**

This condition relates to the issue of lifejackets to hirers and their party members. It is required under this condition that a life jacket or appropriate buoyancy aid is issued to all members of the party of hirers. It is important that as a minimum the nominated skipper of the party receives adequate instruction on how to fit and where necessary operate the life jackets and that the skipper is instructed to brief all members of the party in the wearing and use of these aids.

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

### **Vessel Condition No 7**

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

### **Vessel Condition No 8**

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

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

### **Vessel Condition No 9**

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

#### **Vessel Condition No 10**

The license schedule must not be altered, defaced or damaged, so as to mislead the public on vessel licensing.

#### **Vessel Condition No 11**

This condition relates to the display of the schedule of vessels that are licensed to the operator for hire, the operator may wish to display the licence schedule, which will detail those vessels licensed and for what period, but if the schedule is displayed to the public the schedule must be removed from public display if a license is suspended, renewed or has expired.

#### **Vessel Condition No 12**

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

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

#### **Vessel Condition No 13**

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

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

#### **Vessel Condition No 14**

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

#### **Vessel Condition No 15**

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

The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interests of the public to do so. Such variations will have



effect as and when specified by the Authority. Any proposals to vary or modify conditions will be subject to further consultation with relevant bodies.