

Navigation Committee

14 January 2021

Agenda item number 11

Changes to Hire Boat Licencing Conditions

Report by Head of Safety Management

Purpose

This report explains the proposed changes to the Hire Boat Licencing Conditions following a review of the risk management system to ensure compliance, using a risk-based approach.

Broads Plan context

As the harbour and navigation authority, the Broads Authority is responsible for maintaining the navigation area. Its powers include health and safety provisions.

1. Introduction

- 1.1. The Broads Authority is the licensing authority for boat operators who provide boats for hire within the Broads executive waters. Hire Boat licenses are issued under Section 94 of the Public Health Acts (Amended Act) 1907 and Sections 12 & 40 of the Broads Authority Act 2009.
- 1.2. A license is granted for vessels that are let for hire or used for carrying passengers, subject to conditions being met as set out in the various schedules.
- 1.3. Licensing charges made by the hire boat operators allow the Authority to employ a Licensing Officer on a part-time basis (7.4 hrs). The role of the Licensing Officer is to audit the hire boat operators to ensure they meet the standards required under the licencing conditions and the hire boat code.
- 1.4. At the end of December 2019, British Marine and the Association of Inland Navigation Authorities (AINA) launched a consultation on proposed changes to the Code for the Design, Construction and Operation of Hire Boats, better known as the Hire Boat Code. The Hire Boat Code was developed by British Marine and AINA to help ensure the continued safe operation of hire boats on inland waterways. It provides the framework for safe business operations, clarification of operators, and navigation authorities and users responsibilities. It also helps businesses by consistent application of licensing requirements through inland navigation authority waterways in the UK.
- 1.5. It was envisaged that the final version of the Hire Boat Code would be completed by October 2020, but this has been delayed by COVID-19.

2. Review of Hire Boat Licensing Conditions

- 2.1. Following the end of the first COVID lockdown in June, the Broads saw a huge increase in visitors. Many of these were new to boating with varying degrees of knowledge or experience of boat handling within a tidal system. This lack of experience and awareness of boating etiquette led to high numbers of water related incidents.
- 2.2. While the Broads is a relatively safe environment for boating, this year there have been five fatal accidents, albeit not all related to boating incidents. The Marine Accident Investigation Branch (MAIB) are currently investigating one of the fatalities. As part of their investigation they are focusing on hire boat licensing and powers within the Broads Authority Act 2009 and the Hire Boat Code.
- 2.3. There are 66 hire boat operators licensed on the Broads, ranging from large fleet operators to single hire operators (Appendix 1).
- 2.4. At present, all hire boat operators are audited every 3 years on a rolling programme. It may be necessary to visit them sooner if we have received a complaint from a member of the public, notified of an accident or Ranger intervention. All new licence applications are visited by the Hire Boat Licensing Officer to ensure they meet the required conditions of the licence before it is granted.
- 2.5. There is no formal framework in place to measure compliance of hire boat operators against the requirements of the hire boat licencing conditions, or actions recorded to improve performance. To ensure the Broads are measuring compliance effectively, we are proposing to introduce a system using a risk-based approach, with a traffic light system that identifies poor, reasonable and good performance (Appendix 2).
- 2.6. At the initial stage of introducing the risk-based approach scheme, we will need to carry out a desk top risk assessment and place all hire boat operators into a risk category based on previous history. This will allow the Hire Boat Licensing Officer to concentrate on high and medium risk hire boat operators and take any necessary steps to ensure they are meeting the hire boating licensing conditions. All risks are managed to ensure they are reduced 'As low as reasonably practicable' (ALARP).
- 2.7. Our aim is to ensure that all hire boat operators fall within the Medium (Amber) to Low risk (Green) risk rating category. Any hire boat operator identified as High risk (Red) will be required to carry out improvements. We will provide a written report highlighting any failings, and will provide information and advice on how they can achieve compliance with the licencing requirements. Hire boat operators may be subject to enforcement action if improvements are not made. The risk rating categories will determine how frequently they are audited to ensure they are complying with the Hire Boat Licensing Conditions.
- 2.8. The new Senior Ranger (Compliance and Safety) will assist with follow-up visits where improvements have been identified and help to gather evidence and prepare prosecution files when required.

3. Risk implications

- 3.1. The advantage of a risk-based system is that available resources can be targeted to those businesses that most need them, raising standards, reducing risks and improving the safety on our waters.

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[Broads Plan](#) strategic actions: 4.3

Appendix 1 - Hire and passenger boat operators

Appendix 2 - Risk-based approach matrix

Appendix 1 – Hire and passenger boat operators

Name	Licence Type	No of Craft
Barnes Brinkcraft	Hire	Large Fleet
Herbert Woods	Hire	Large Fleet
Norfolk Broads Direct (Day Launch)	Hire	Large Fleet
Richardsons	Hire	Large Fleet
Ferry Marina	Hire	Large Fleet
Broom Boats Limited	Hire	24
Silverline Marine	Hire	23
Bridgecraft	Hire	20
Waveney River Centre	Hire	20
Phoenix Fleet	Hire	15
Wroxham Boat Hire	Hire	14
Maycraft	Hire	13
Thorpe Pleasure Craft Ltd	Hire	11
Simpsons Boatyard	Hire	10
Sutton Staithe Boatyard	Hire	10
Martham Boats	Hire	9
Pacific Cruisers	Hire	9
Waveney River Tours	Hire	9
Sanderson Marine Craft Ltd	Hire	8
Summer Craft Ltd	Hire	8
Wayford Day Boats (Mark King)	Hire	8
Martham Ferry Services	Hire	7
Norfolk Boat Hire	Hire	7
H E Hipperson Ltd	hire	6
Riverside Rentals	Hire	6
Whispering Reeds	Hire	6
Bank Boats	Hire	4
Barrett, NC	Hire	3
Horning Pleasurecraft	Hire	3

Name	Licence Type	No of Craft
JB Boats	Hire	3
Norfolk Yacht Agency	Hire	3
Weeds, Alison (Bridge Stores)	Hire	3
Bass Online	Hire	2
Cooper, Michael	Hire	2
JAT Properties Ltd	Hire	2
Kingline Cottages (Ellis-Frost Marine Ltd)	Hire	2
Bramley, Robin	Hire	1
Buck, Mr L	Hire	1
Fencraft Ltd	Hire	1
Hack, Philip	Hire	1
Jenkins, James	Hire	1
King, Helen	Hire	1
Lodge, Andrew	Hire	1
Norfolk Mead Hotel	Hire	1
Rowan Craft Ltd	Hire	1
Russell Marine Ltd	Hire	1
Thwaites, Matthew	Hire	1
Wells, Mrs Carol	Hire	1
Whitwood, Martin	Hire	1
Withers, Jan	Hire	1
Yare View Hire Boats	Hire	1
Broads Authority	Passenger	3
How Hill Trust	Passenger	3
Norfolk Wildlife	Passenger	2
The Fairhaven Garden Trust	Passenger	2
Beccles Lido Ltd	Passenger	1
Broadland Charters (Pam Waters)	Passenger	1
Griffiths, Allan	Passenger	1
Napthine, Timothy	Passenger	1

Name	Licence Type	No of Craft
Norfolk Wherry Trust	Passenger	1
RSPB	Passenger	1
Salhouse Broad	Passenger	1
Scragg, David	Passenger	1
Warrell, Ross	Passenger	1
Wherry Yacht Charter	Passenger	3

Appendix 2 – Risk based approach matrix

Performance	Definition	Risk Rating Score	Action
Poor	<ul style="list-style-type: none"> • There is a history of non-compliance • There is a general failure of compliance across a range of licensing issues • Witnessed a dangerous activity/occurrence • Poor condition of vessel likely to cause harm to persons/environment. • No documented risk assessments • No BSS/Toll • Complaints of a high-risk nature 	High	Consider formal action: <ul style="list-style-type: none"> • Prosecution • Seize Vessel/s • Suspend Operators Licence • Suspend Vessel Licence • Improvement letter with timescale
Reasonable	The majority of issues found are adequately addressed with only minor omissions.	Medium	Improvement letter with timescales.
Good	Full compliance across the whole range of licensing conditions.	Low	Compliant letter.