

**Licensing Committee – 17 July 2009****LICENSING OF BEACH FLOATS****Report of Head of Service Salcombe Harbour**

**Statutory Powers: Pier and Harbour Order (Salcombe) Confirmation Act 1954.  
Section 94 of the Public Health Act Amendments Act 1907.**

**Financial Implications:** None.

**Purpose**

To report the issues surrounding the licensing of operators to hire beach floats to members of the public within Salcombe Harbour.

This report supports South Hams objectives retention of the district's character (CP3) and an accessible Council.

**Recommendations**

**That the Licensing Committee RESOLVES to not license operators to hire beach floats to members of the public within Salcombe Harbour unless they can comply with the guidelines for the hire of such craft set out in the Recommendations and Regulations Affecting the Licensing and Operation of Small Craft published by the South West Regional Standing Committee on Safety of Small Craft.**

**Background**

1. South Hams District Council are the licensing authority for hire boats, passenger boats with a capacity of up to twelve passengers and for the boatman's licence to drive or hire such vessels. The authority to do this comes from Section 94 of the Public Health Act Amendments Act 1907. As the Harbour Master, I have delegated responsibility for the day to day administration of these licensing activities.
2. South Hams, like most District and County Councils who have responsibility for licensing small craft, belong to the South West Standing Committee on Safety of Small Craft. This standing committee meet bi-annually to discuss licensing issues and publish guidance to licensing authorities in their publication "Recommendations and Regulations Affecting the Licensing and operation of Small Craft". South Hams takes guidance from this publication.
3. Over the last couple of years there has been an increase in popularity of beach floats. These floats are similar to canoes but the person sits on the float rather than in it. The recommendation published by the South West Standing Committee for the safety of Small Craft is that Local and Harbour Authorities have the power to licence beach floats and in licensing them they should:

- License the operator.
- Restrict the area of operation (e.g. not to be allowed in areas of strong tidal currents or waterways).
- Operator to provide either a safety boat or means of retrieving the beach floats.

### **Safety Concerns over the Licensing of Beach Floats**

4. Having considered the above recommendations published by the South West Standing Committee for the safety of Small Craft and observed first hand the potential dangers of these craft within Salcombe Harbour the Harbour Master believes that it would be irresponsible to license beach floats for use within Salcombe Harbour in areas where the recommendations of the Standing Committee cannot be met.
5. The Harbour geography precludes effective restrictions on an area of operation in the southern part of the estuary, e.g. when hiring from Whitestrand or Southsand Beach. This is because as soon as the beach float leaves the slipway at Whitestrand or the beach at Southsands they are immediately in busy fairways which experience extremely strong tidal streams, particularly during spring.
6. There are areas of the upper estuary, where these craft could be hired safely because the tidal streams are less strong, the density of waterborne traffic is much less and the craft can be kept in view of the operator at all times, allowing recovery to be effected safely and quickly in the vent of an incident. In such cases, where the operator can demonstrate compliance with the guidelines, a license can be issued.
7. There are currently a number of operators and establishments hiring beach floats to members of the public in Salcombe. The Harbour Master is extremely concerned that this practice is inherently unsafe.

### **Port Marine Safety Code**

8. The Port Marine Safety Code aims to promote best practice.
9. Harbour authorities have a duty to take reasonable care, so long as the harbour is open for public use, that all who may choose to navigate it may do so without danger to their lives or property.
  - The concern over the hire of beach floats is that any member of the public could hire one but they may have no maritime knowledge or understanding and in hiring a beach float from a licensed operator, may believe the activity is safe.
  - However in areas of Salcombe Harbour with heavy density of traffic, strong tidal streams and a steep and difficult sea state which occurs when wind is over tide, inexperienced mariners can very quickly get themselves into a potentially dangerous situation.

10. The Port Marine Safety Code requires each harbour authority to hold itself accountable for the discharge of its duties and powers to the standard laid down. It requires the board members of each authority to accept responsibility for ensuring that the authority discharges its duties and powers to that standard. Duties and powers relating to the safety of marine operations in any harbour have been entrusted to a statutory authority. Board members are collectively and individually responsible for the proper exercise of their authority's legal duties

### Risk Assessment

Risk/Opportunity	Issues / Obstacles	Benefits/Mitigation
Licensing operators to hire beach floats in Salcombe Harbour	There are areas of Salcombe harbour where the guidelines of the South West Standing Committee on Safety of Small Craft cannot be complied with	The Harbour Master must be able to licence beach floats on a case by case basis to ensure safe operation of the Harbour for all its users
Fatality from drowning from a beach float.	Members of the public who own their own beach floats gain a level of expertise and understanding if the water. They also are responsible for their own safety. Members of the public who hire a craft from a licensed operator have the right to believe that the hire and operation of a beach float is a safe activity.	By licensing on a case by case basis, the harbour Authority can ensure that the risks to the members of the public are mitigated to an acceptable level.

### Conclusion

11. The licensing of operators to hire beach floats in certain areas of Salcombe Harbour, is, in the opinion of the Harbour Master not a safe activity because it is impossible to comply with the guidelines set out in the Recommendations and Regulations Affecting the Licensing and Operation of Small Craft. This is in direct contravention of the Port marine Safety Code in that the Harbour Authority would not be taking reasonable care of the safety of persons using the harbour for which Harbour Board members are collectively and individually responsible.

Ian Gibson  
Head of Service Salcombe Harbour

Licensing Committee  
 17 July 2009

### Background Documents:

Recommendations and Regulations Affecting the Licensing and operation of Small Craft published by the South West Standing Committee for the safety of Small Craft.

Port Marine Safety Code