



## Licensing Conditions

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### **Conditions which are attached to the Licensing of a Passenger-carrying Boat and/or Boatman (male/female)**

1. South Hams District Council requires all small commercial craft operating within defined limits to obtain a local authority licence for both the vessel and boatman/operator concerned.
2. The Public Health Acts Amendment Act 1907 Section 94 empowers South Hams District Council to grant licences for passenger-carrying boats or passenger vessels to be let for hire or to be used for carrying passengers for hire or charter and the boatmen or persons assisting in the charge or navigation of such boats and vessels. The administration regarding inspection and examination of craft and people requiring such licences is carried out from the Council's Salcombe Harbour Office for any part of the South Hams.
3. Craft carrying 12 passengers or less may be granted a licence by this Authority, upon the terms and conditions in the application forms and subject to payment of the appropriate fee.
4. Licences will operate from 1st April (or Good Friday, whichever is the earlier) to 31st October in any one year. Any requests for inspections/examinations which are received during the peak season will be dealt with as soon as reasonably practical, but some delays may be unavoidable.
5. All boats and vessels carrying more than 12 passengers or which proceed outside sheltered waters are required by the Merchant Shipping Acts to have a certificate issued by the Maritime and Coastguard Agency. A copy of the current, relevant certification must be produced at the Harbour Office by 1st April 2004, together with proof of appropriate Third Party/Passenger Liability insurance.
6. Following receipt of the forms, the Harbour Office will make arrangements for the boat/boatman tests by the Maritime Officer or his representative at Dartmouth and Newton Ferrers. However, no examinations or inspections will be undertaken until payment is received and all necessary formalities completed to the satisfaction of the relevant examiner. There is an appeal procedure should the licence be refused.
7. **All boats being presented for examination must first have paid all harbour fees and must be displaying the appropriate harbour sticker/disk.**

The following pages detail all the requirements and include notes on general procedure. They should be carefully studied before any application is made.

## **BOAT LICENCE**

1. To apply for a new licence for a boat, you should ensure that the craft is fitted with the minimum amount of safety equipment.
2. An annual hull condition survey is required. This will be carried out by the Council's Maritime Officer or his appointed representative.
3. Any licence holder must report within 24 hours any case of a boat under his control which has suffered damage or deterioration caused by a collision, accident or any other means to the District Council via the Maritime Officer based at the Harbour Office, Salcombe.
4. A notice stating the following information (the recommended height of the letters/figures is 2.5cm but, providing they are clear, they may be smaller):
  - SHDC Licence Number and name of vessel
  - Maximum number of persons to be carried
  - Area of operation
  - Name of owner/operator
  - Lifejackets must be worn at all times
  - Lockers containing the first aid kit, lifejackets and all emergency apparatus should be clearly marked.
5. Insurance cover for third party and public liability claims is required at the level of £1,000,000.
6. Licences will only be granted to residents of the South Hams. Category 1 self-drive hire businesses will require suitable waterfront premises.
  1. Applicants wishing to license a craft for the first time should complete the orange form. Renewals should be completed on the yellow form. Either form should be sent with the appropriate fee, insurance document showing the level of cover and arrangements for passenger logging, if applicable, to the Harbour Office, Whitestrand, Salcombe, Devon TQ8 8BU.

## **BOATMAN'S LICENCE**

Applications for a Boatman's Licence should be made on the blue form which includes a medical statement from your own doctor stating that you are fit to hold such a licence and which should be accompanied by the appropriate fee. No-one under the age of 18 years may apply for a full licence. Applicants must produce birth certificate or other documentation if requested. Application forms should be sent to the Harbour Office, Salcombe who will arrange for the examination by the Council's Maritime Officer or his representative. The Council may require your application to be subject to a Police check. Renewals should be carried out using a white form.

The examination for a Boatman Licence will normally take place in the craft which the applicant proposes to use for hire purposes in the area of the vessel's operation. The examination is graded to allow for the different types of boat and operation. The examination covers local knowledge, the Regulations for Prevention of Collision at Sea, elementary knowledge of compass, seamanship, emergency procedures, boat handling and a simple colour vision eyesight test (see page 6).

### **ASSISTANT BOATMAN'S LICENCE**

Any person over the age of 16 years may apply for an Assistant Boatman's licence by completing the green form. Provided the Council's Maritime Officer or his representative is satisfied that the licence is necessary for the anticipated work of the applicant, the licence may be issued without examination. An Assistant Boatman may only assume control of a licensed hire boat when carrying passengers, or assist in its navigation or management, when under the supervision of a suitably licensed boatman and following the agreement of the Maritime Officer or his representative.

### **OPERATOR'S LICENCE**

Operators' licences cover a particular category of licence which will apply to those offering a wider variety of marine pursuits and will cover self-drive hire businesses as well as the hire/tuition of beach floats and pedaloes, canoes and shoes/skis, surf boards and sailboards.

In all cases, the Operator is expected to be a good swimmer, capable of handling safety craft and must pass an examination on local knowledge. The Operator must provide a safety craft which is afloat or ready for immediate launch and whose safety equipment has been checked by the Council's Maritime Officer or his representative. All craft, of whatever type being offered for hire, must also be checked annually.

It is the responsibility of the licence holder to ensure that all customers wear lifejackets at all times for the duration of the hire. The licence holder, or his representative, must instruct all customers who hire self-drive boats that they must wear lifejackets at all times when on the water.

All customers must wear lifejackets which comply with CEN standards appropriate for the category, or be Maritime and Coastguard Agency approved, and it is the responsibility of the licence holder to supply the appropriate lifejackets for their customers.

The area of operation shall be restricted to 'designated' waters (e.g. within Harbour limits) and to areas free of bathers.

#### **Additional Requirements**

*Canoes:* There should be sufficient internal buoyancy to stay afloat when filled with water. They must be fitted with handrail or rope to which the canoeist may cling in the event of capsize. The Operator must be a British Canoe Union qualified instructor for appropriate area of operation.

*Sailboards:* the Operator should have the relevant Royal Yachting Association certification and each sailboard must carry some form of safety signalling device.

## CLASSIFICATION OF BOATS TO BE LICENSED FOR OPERATION AS COMMERCIAL PLEASURE BOATS

- (a) The local licensing authority may increase, waive or reduce any requirement or restriction on account of any boat in relation to its type of construction, standard of equipment and the trade in which it is engaged.
- (b) Boats which proceed outside sheltered waters, and not being in possession of a Maritime and Coastguard Agency passenger certificate, are subject to Merchant Shipping Act legislation. Advice may be obtained from the District Marine Office, New Fish Market, Sutton Harbour, Plymouth PL4 0LH (01752 266211). Such vessels are still required to provide proof of MCA certification and insurance to the District Council.

### SOUTH WEST CATEGORY 1 – HIRE BOATS

Description Small boats, whether in charge of a licensed boatman or self-drive. Suitable only for operation in sheltered waters or close to the shore in normal weather conditions.

#### Special Restrictions

- (a) Not to be hired for use (or used for the carriage of passengers) except between 1<sup>st</sup> April (or Good Friday, whichever is the earlier) and 31<sup>st</sup> October in any year.
- (b) Not to be hired for use (or used for the carriage of passengers) other than in the hours of daylight (sunrise to sunset).

Equipment to be carried See page 5.

#### Areas of Operation

**Salcombe** – not seaward of a line from Splat Point to Limebury Point  
**Dartmouth** – River Dart within a line from Kettle Point to Battery Point  
**Newton Ferrers** – not seaward of a line from Mouthstone Point due north to Wembury shore.

Please note that the Merchant Shipping Notice M.984 "Use of Liquefied Petroleum Gas (LPG) in Domestic Installations and Appliances on Ships, Fishing Vessels, Barges, Launches and Pleasure Craft - Explosions, Fires and Accidents resulting from Leakage of Gas" must be complied with before a Boat Licence can be issued. The Notice draws attention to the possible dangers which may accompany the use of LPG.

## **SAFETY EQUIPMENT for CATEGORY 1 BOATS**

1. Painter
2. Bilge pump (if practicable) and bailer or bucket
3. Powered or sailing craft: approved alternative means of propulsion (e.g. paddles)
4. Lifejackets available for 100% of passengers and crew. Sufficient number of lifejackets should be provided for children carried in the vessel. Buoyancy aids/lifejackets of 100N CEN 395 are the minimum acceptable. Operators must demonstrate that sufficient lifejackets are available on board every vessel in their control so that all passengers can be issued with a lifejacket.
5.
  - (a) One lifebuoy for boats carrying not more than six persons, otherwise two lifebuoys.
  - (b) Vessels without sufficient internal buoyancy to stay afloat when filled with water must carry approved buoyancy apparatus to support 100% of passengers and crew
6. Notice stating:
  - SHDC Licence Number and name of vessel
  - Maximum number of persons to be carried
  - Area of operation
  - Name of owner/operator
  - Lockers containing the first aid kit, lifejackets and all emergency apparatus should be clearly marked
  - Lifejackets to be worn at all times

The recommended height of the letters and figures on the notice is 2.5cm; however, providing they are clear they may be smaller
7. Anchor and rope (20 metres minimum suitable for use as a tow rope). Certain small craft may be exempt at the discretion of the licensing authority

For craft requiring special endorsements additional equipment is required. Special endorsements will be treated on a case by case basis with the equipment agreed by the inspecting officer.

The Examining Officer may request any additional equipment he deems necessary for specific operational requirements.

Where a higher standard of equipment than that recommended is required for any boat by reason of any statutory order or provision of any requirements of the Maritime and Coastguard Agency, such higher standard shall be applied.

## **EXAMINATION FOR PLEASURE BOATMAN'S FULL LICENCE**

All skippers of commercial craft operations from Salcombe, Dartmouth or Newton Ferrers are required to report to the relevant Harbour Master. However, those with MCA Boatmaster Licence, Class 5 Deck Officer, RYA Yachtmaster (Offshore) or higher qualifications will only be examined on Boat Handling and Local Knowledge. Appropriate insurance documents will also have to be made available.

### 1. BOAT HANDLING

- Where possible, the candidate will be examined on a suitable craft. He must be able to demonstrate to the examiner that he is capable of manoeuvring and handling the boat in different circumstances and conditions
- A simple colour vision eyesight test will form part of the examination

### 2. LOCAL KNOWLEDGE

- Local seamarks, to include buoyage, leading lights, beacons and marks. Accepted local traffic practices, particularly during peak season and regattas
- Local dangers to navigation, particularly at the Harbour entrance
- Depths over the 'Bar', mud banks and shoal waters
- Ability to calculate the approximate heights of tide and a general knowledge of neap and spring tides, together with the tidal streams
- Local safe landing places according to differing weather conditions
- Any other items of local knowledge considered to be necessary by the examiner

### 3. REGULATIONS FOR PREVENTION OF COLLISION AT SEA

Practical knowledge of the international regulations

### 4. COMPASS

- Elementary knowledge of the compass and the effects of metal inadvertently placed close to a steering compass
- Practical ability to steer a compass course and use a compass in poor visibility

### 5. SEAMANSHIP

- Practical ability in knots, bends, hitches and splices
- Practical ability to read, use and understand the local chart
- Knowledge of the times when BBC Shipping Forecasts are issued and an understanding of wind scales and sea states
- Knowledge of distress signals and when they are used, including familiarity with relevant section of Annual Notices to Mariners

### 6. EMERGENCIES

Knowledge of procedures to be followed with ability to instruct passengers on:

- (a) Fire
- (b) Collision
- (c) Abandoning ship or sinking, including use of life saving apparatus
- (d) Man overboard
- (e) Beaching or stranding
- (f) Engine breakdown
- (g) Knowledge of simple First Aid, including artificial respiration.

## **PUBLIC HEALTH ACTS AMENDMENT ACT 1907 – Section 94 (as amended)**

1. The local 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 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.
2. Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public; provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
3. No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel unless (a) the boat or vessel is so licensed and the licence is not suspended; and (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with.
4. A licence under this Section shall not be required for any boat or vessel duly licensed by or under any regulations of the Department of the Environment, Transport and the Regions or for a person in charge of or navigating such a boat or vessel.
5. No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every Owner of such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form of "LICENSED TO CARRY ..... PERSONS".
6. Every person who shall act in contravention of the provisions of this Section shall, for each offence, be liable to a penalty not exceeding level 3 on the standard scale but a person shall not be guilty of an offence under this subsection by reason of a failure to comply with such conditions as are mentioned in subsection (3)(b) of this section if it is shown that there is a reasonable excuse for the failure.
7. Any person deeming himself aggrieved by the withholding, suspension or revocation of any licence under the provisions of this Section may appeal to a petty sessional Court, held after 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 of such appeal, and the grounds thereof, to the Clerk and the Court shall have power to make such order as they see fit, and to award costs, such costs to be recoverable summarily as a civil debt.

Some Authorities have local enabling Acts giving them similar powers.

## **SCHEDULE OF FEES: 2006/2007**

### **PLEASURE BOAT LICENCES (per boat)**

South West Category 1: Hire Boats	£26.00
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### **BOATMAN/OPERATOR LICENCES**

Initial Boatman Licence	£77.00
Renewal Boatman Licence	£20.50
Assistant Boatman Licence	£20.50

A charge of 50% of the appropriate fee will be made in the case of re-examination.

A reduction of 20% will be made in the case of hire boat operators presenting a minimum of six boats for examination at any one time.