



East  
Northamptonshire  
Council

## Policy and Resources Committee – 4 November 2013

### Introduction of Boat Licensing

#### Purpose of Report

To determine if the Council should introduce a boat licensing scheme across East Northamptonshire.

#### Attachment(s)

Appendix One – Consultation responses

Appendix Two – Equalities Impact Assessment

Appendix Three – Map of Canal and River Trust Waterways

#### 1.0 Background

- 1.1 The Public Health Act Amendment Act 1907 allows local authorities to grant licences for pleasure boats and pleasure vessels to be let for hire or used for carrying up to 12 passengers. This does not apply to rivers and canals operated by the Canals and Rivers Trust (CART). CART does not cover any piece of water within the District of East Northamptonshire. At Appendix three is a map of the rivers covered by The Canals and Rivers Trust and of the waterways within our District.
- 1.2 The key aim of licensing would be to ensure all boats hired to the public are safe and that everyone operating a boat hire business meets the same safety standards, so as to create a level playing field for all operators.

#### 2.0 Boat Licensing

- 2.1 There is a developing trade on the River Nene for hiring of boats, from canoe hire to narrow boat holidays. This is a growing industry and there are proposals for further businesses to be established on our waterways. The intention of the licensing scheme would be to licence those that operate in our District, not those that simply pass through our waterways.
- 2.2 The Boat Licensing legislation requires adoption prior to East Northamptonshire Council being able to implement a licensing scheme. Once it has been adopted, a regime would need implementing which would include full consultation, conditions for licences to be established, area of water to be covered, setting of fees and charges and publication of the proposals. This would take a considerable amount of time and resource to establish. As with similar proposals, it is presented to the Policy and Resources Committee to establish if there is initial approval for a boat licensing scheme prior to developing a scheme in full.
- 2.3 In areas operated by CART, businesses operating boats for hire have to apply to CART for a business licence. In waters that are not covered by CART, where local authorities have adopted the above provisions, licences for boats for hire have to be applied for. Boats that carry over 12 passengers are licensed by the Maritime and Coastguard Agency; this applies in all areas of the UK.
- 2.4 In addition to the business licences, boats that use waterways whether for domestic or commercial use require a boat registration with the Environment Agency. This registration ensures the boat is safe to use; it does not extend to the use of the boat, it ensures it is of safe construction.

2.5 In establishing what other authorities do in terms of licensing when not covered by CART it was found the adoption of this power is sporadic. No other authorities in the County administer a boat licensing scheme. North Devon, Southampton, Gateshead, Colchester, Bury, Wyre, Medway, North Lincs, Welwyn Hatfield and Chichester all administer schemes. The schemes tend to be where there is an associated tourism trade.

2.6 Charges by those that operate schemes are included below for members' information:

<b>Council</b>	<b>Charge for boats for hire</b>
North Devon	£110.51 – capacity of vessel 1 to 2 persons £132.51 – capacity of vessel 3 to 6 persons £154.51 – capacity of vessel 1 to 2 persons
Southampton	£300.00
Colchester	£65.00
Wyre	Pleasure Boat Licence (plus Marine Surveyor's fee) £64.00
Medway	Annual pleasure boat licence £125.00
North Lincs	Pleasure boat licence is £60.00
Chichester	Pleasure boat licence £156.00

2.7 Using the methods adopted for setting other discretionary fees, we estimate our fee would be around £150 a year for an operator's boat licence. Any income generated would then be used to administer the licensing scheme. It would also be the intention to charge per business not per boat to ensure a fair and equitable fee. Currently there are 10 operators active in the area.

### **3.0 Consultation**

3.1 It was recognised at an early stage that this would have a significant impact on those currently operating boat hire businesses along the River Nene. As such, we held a meeting to discuss the introduction of a licensing scheme with businesses. For those that could not attend, visits were made to them to discuss the proposals and notes were taken. Some businesses completed a short questionnaire. Only one business has not been involved in the consultation despite several efforts to engage with them.

3.2 The consultation responses are summarised in Appendix one, and are from businesses that currently operate boat hire businesses within our district. The consultation responses were in the main supportive of a licensing system as it would mean that they all have to meet the same standards of safety. It would also prevent rogue businesses setting up along the river and creating unfair competition. All of the businesses spoken to had high standards of safety and as such felt they would comply with any licensing regime introduced. Their main concerns were the cost of a proposed system and the impact this would have on their business. All of the businesses spoken to were relatively new, in a growing industry and were very small, so a further fee might have a significant impact on their operation.

3.3 The businesses felt that the licensing regime could be used as a marketing tool to show the high standards their business meets with respect to safety and would see it as a stamp of approval. If this was coupled with some promotion of the scheme, businesses felt this would also be an advantage to them.

3.4 This report is asking members whether they would like officers to pursue this process based on our initial consultation. If members decide to pursue boat licensing, then a proposed scheme would be developed and a full consultation would take place.

### **4.0 Equality and Diversity Implications**

4.1 The equalities impact assessment is attached and has not highlighted any equalities issues associated with this policy.

## 5.0 Legal Implications

5.1 There are legal implications arising from the report and we would be required to consult fully with our legal service on any proposed scheme. Legal advice has been sought at this stage to ensure the powers are still in place and could be applied to East Northamptonshire.

## 6.0 Risk Management

6.1 The only risk relates to businesses that may choose to relocate outside of our area to avoid the need for licensing.

## 7.0 Financial Implications

7.1 There are financial implications associated with this report. The Council could raise a further £1,500 a year from additional income, which would offset the administration costs of operating the scheme. The financial implications of introducing this scheme are based on current activity levels.

## 8.0 Corporate Outcomes

- 8.1 The Corporate Outcomes affected by this policy are:
- Good Quality of Life Safe – through ensuring the safety of those hiring boats on the river
  - Effective Management – through managing our licence requirements effectively.
  - High Quality Service Delivery – ensuring the service provided is of a high quality and valued by our customers.
  - Knowledge of Customers and Communities – through consultation with respect to these proposals

## 9.0 Recommendations

9.1 Members are recommended to adopt the boat licensing provisions of the Public Health Acts Amendment Act 1907.

9.2 Members are recommended to approve the introduction of a boat licensing scheme for prescribed waterways in East Northamptonshire.

<b>Legal</b>	Power: Public Health Acts Amendment Act 1907				
	Other considerations:				
<b>Background Papers:</b>					
<b>Person Originating Report:</b> Julia Smith Health Protection Manager ☎01832 742066 ✉jsmith@east-northamptonshire.gov.uk					
<b>Date: 8 October 2013</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)

## Appendix One

**What do you think about East Northamptonshire Council licensing boats for hire on the Nene?**

Understand the importance of health and safety and think this should be recognised.  
It will show that business reach the required standard

Already operate to a very high standard.

Can't argue with it if it brings everybody up to the same standard.

A good idea as it will create an authorised hire business.

Good thing if it achieves the outcome intended.

**What impact will licensing boats for hire have on your business?**

Time resource for inspection is ok, but the fee will have an impact.

Don't mind additional visits but concern about cost of licence.

We have high standards already but the cost of licence would be an issue for us.

Inspection not a problem any additional costs as a not for profit organisation would be a concern.

**If we charged for licences, what would be the best way to do this, per vessel or per business?**

Cost per licence should be per business not per vessel.

Per business

Per business

**What inspections etc. are you already subject to?**

British Canoe Union do annual approval of businesses registered with them.

British Marine Federation members which costs a fee and submit information to them. Visit once for accreditation then can drop in at any time.

Environment Agency register the boats and waste oil transfer.

Quality and tourism is a yearly inspection.

Environment Agency and inspect our own boats.

British Canoe Union and adventure licence

**Is there any guidance or trade associations whose guidance you already apply?**

Boat code

We consult Canoe England

BCU guidelines

**Any other information etc. you think we need to consider?**

Would like to be involved in any group taking this forward.

Like the idea of using the licence as recognition of safety and would be good to link to tourism and ENC website etc.

The high standards we currently operate to.

Licence could be used to market the business.



**EIA Initial Screening Form – Committee decision**

1. Decision being taken:	Boat Licensing introduction
2. Name and Job title / role of person completing Initial Screening:	Julia Smith, Health Protection Manager
3. What is the main purpose of the Service or Policy under discussion?	Boat Licensing – to ensure businesses that operate boats for hire reach the required safety standards.
4. List the main activities of the Service or Policy under discussion	Licensing of: - Boat for hire operators
5. Who are the main beneficiaries of the Service or Policy under discussion?	Public and Boat Hire Businesses
6. How is the success of the Service or Policy under discussion measured?	Thorough the issuing of licences, increase in safety standards and complaint levels about businesses.
7. Are equality monitoring systems for the Service or Policy under discussion in place?	No

**8. Use the following table to indicate using a ✓:**

- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls			✓	
Men/Boys			✓	
Transgender people			✓	
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			✓	
<b>Race/Ethnicity:</b>				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	
People from other ethnic groups			✓	
People who do not have English as their first language			✓	
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	
Other health problems or impairments ( <i>please specify if appropriate</i> )			✓	
<b>Age:</b>				
Older People (60+)			✓	Increased protection on the river.
Children and Young People (see guidance for definition)	✓			
<b>Religion/Belief:</b>				
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	
Sikh			✓	
Other religion (including holding no belief)			✓	
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups ( <i>please specify</i> )			✓	
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?	N/A			
b) What is the level of impact?	N/A			
10. Could you minimise or remove any negative impact that is of low significance?	N/A			
11. Could you improve a positive impact of the decision?	No			
12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does?	No			
Head of Service signature				
<b>Date of Initial Screening:</b>	08/10/2013			

## Appendix Three

### Waterways that are the responsibility of the Canals and Rivers Trust

