

COLCHESTER BOROUGH COUNCIL
PUBLIC HEALTH ACT AMENDMENT ACT 1907 SECTION 34
CONDITIONS RELATING TO PLEASURE BOATS AND VESSELS

GENERAL LICENCE CONDITIONS

1. A licence is required for commercial pleasure vessels under 24m in length which do not carry cargo, do not carry more than 12 passengers and undertake voyages which are neither more than 15 miles from the place of departure nor more than 3 miles from land.
2. A vessel shall be equipped and maintained to licensed standards at all times whilst operating for hire and an authorised officer of the licensing Authority or a Police Officer shall be permitted to board the vessel at any reasonable time to inspect its condition and compliance with licensing requirements.
3. A vessel shall carry not more than the number of passengers stated in the licence. The name of the licensee, the licensing authority and the permitted number of passengers shall be conspicuously displayed in a position visible to passengers in letters and figures not less than one inch in height and three quarters of an inch in breadth.
4. All mechanically powered pleasure boats or pleasure vessels covered by this licence shall not be hired to any persons under the age of 16 or any person who is not suitably experienced to handle the craft as assessed by the hirer. He/she shall not put the vessel to sea unless weather conditions and forecast for the operating area and duration of voyage are favourable.
5. The licensee shall report any accident which affects, or may affect, the structural integrity of the vessel in writing to the licensing authority within 7 days. The vessel shall not be operated under a local authority licence following such an accident until such time as an authorised agent of the licensing authority has carried out a survey.
6. The Licensing Authority is entitled to suspend or revoke the licence for failure to comply with the conditions or safety requirements of the licence, or otherwise in the interests of the public.
7. The proprietor must demonstrate that a suitable risk assessment has been carried out and that the significant findings of that assessment have been acted upon. A copy of the assessment/code of safe working practice along with a copy of the company insurance and any stability test data must be provided.

8. All pleasure craft and vessels covered by this licence shall not be hired or operated by any person or persons obviously under the influence of alcohol or drugs.
9. The proprietor must demonstrate that a suitable and sufficient system is in place, and which is operated, to ensure that proper records are kept which show how many boats have been hired at any time, number of passengers carried, the expected time of return and emergency procedures to be implemented on the failure of a boat to return. A suitable safety boat must be available at all times and must be crewed by suitably qualified staff who have completed an appropriate or equivalent level of training and experience in local hazards to the satisfaction of the local authority or have other arrangements in place for rescue agreed with the local authority.
10. If any changes occur in the ownership or particulars of the pleasure vessels hereby licensed during the currency hereof, notice of such change shall be given forthwith to Colchester Borough Council, Licensing Department, 33 Sheepen Road, Colchester, Essex, CO3 3WG Telephone: 01206 282222 .

VESSEL CLASSIFICATION AND AREAS OF OPERATION

The licence shall state the class of vessel and operating limits as follows:

- a) Restricted – Craft operating solely within the River Colne upstream of and including Alresford Creek.
- b) De restricted – Craft operating within the River Colne and seaward of Alresford Creek within an area no more than 3 miles from land and within 15 miles of the point of departure.

Note: If you wish to operate in an area further than 3 miles from land or 15 miles from the point of departure, you will need to licence your boat with the Department of Transport.

VESSEL CONDITION

A current full condition survey report confirming suitability for intended use and valid for insurance purposes, must be produced for inspection by the licensing authority as follows:

- a) On application for an annual licence;
- b) On application for renewal of an annual licence;

- c) After any accident which impairs, or may impair, the structural integrity of the vessel.

Surveys must state the period for which they are valid and be carried out by a surveyor who holds appropriate specific professional Indemnity Insurance who is either

- a) A member of the Yacht Designers and Surveyors Association;
- b) A member of the Royal Institution of Naval Architects at not less than Associate level;
- c) A member of the Institute of Marine Engineers at not less than Associate level;
- d) Any other Marine Engineer approved by the licensing authorities.

The vessel shall be subject to inspection by an authorised agent of the local authority as follows:

- a) Annually for general condition and service of the machinery, electric's, accessories and safety equipment;
- b) After any accident which impairs, or may impair, the efficiency of the machinery, electric, accessories or safety equipment;

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For the purpose of this section the authorised agents of the local authority are:

- 1) French Marine Motors Ltd, 61 & 63 Waterside, Brightlingsea, Essex, CO7 0AX;
- 2) West Mersea Marine Ltd, 128 Coast Road, West Mersea, Colchester, Essex, CO5 8NA;
- 3) Moffatt Marine Ltd, 6 Churchgate, High Street, Thorpe-le-Soken, Clacton on Sea, CO16 0DY;
- 4) A member of the Institute of Marine Engineers at not less than Associate level;
- 5) Any other Marine Engineer approved by the licensing authorities.

Note: Applicant/Licensees are responsible for arranging all inspections and are required to meet all costs incurred.

KAYAKS

1. No canoes (kayaks) hereby licensed shall be hired to a person or persons under the age of 12 years, unaccompanied or unsupervised by an adult, unless they hold a current suitable qualification or have relevant experience as assessed by the hirer.
2. The maximum number of persons to be carried on any kayak shall not exceed the number permitted. This maximum number shall be prominently displayed at the point of hire. In addition, an identification number in accordance with that specified by the local authority shall also be displayed on the kayak.
3. Every canoe (kayak) hereby licensed shall be fitted with built in buoyancy sections or alternative means of buoyancy.

SAILING DINGHIES

1. No Sailing Dinghies hereby licensed shall be hired to a person or persons under the age of 16 years unless they hold a current suitable sailing qualification or have relevant experience as assessed by the hirer.
2. The maximum number of persons to be carried on any Sailing Dinghy shall not exceed the number permitted. This maximum number shall be prominently displayed on or in the Sailing Dinghy. In addition, an identification number in accordance with that specified by the local authority shall also be displayed on the sailing dinghy.
3. Every Sailing Dinghy hereby licensed will at all times carry one bailer or bucket capable of displacing at least 1.2 litres of water, unless the craft is designed so as not to require one.
4. Every sailing dinghy hereby licensed shall be buoyant to the satisfaction of the Local Authority's Boat Inspector.

ROWING BOATS AND ROWING DINGHIES (Including open canoes)

1. The maximum number of permitted persons to be carried on any vessel shall not be exceeded. This maximum number shall be prominently displayed on or in the boat. In addition, the name of the licence holder, an emergency contact number and an identification number in accordance with that specified by the Local Authority shall also be displayed on the boat.

2. The pleasure boat or vessel covered by this licence shall not be hired to any person or persons under the age of 16 years unless they have suitable experience as assessed by the hirer.
3. Every pleasure boat hereby licensed shall carry the following equipment:
 - (a) Either one lifebuoy of a type complying with the relevant European standard and of a size not less than 610 millimetres in diameter (except open canoes) or suitable buoyancy aid.
 - (b) One bailer or bucket capable of displacing at least 1.2 litres of water unless the boat is designed such that this is not needed.
 - (c) 2 metres of rope secured to the bow of the boat.
4. Every boat hereby licensed shall be fitted with oars with rowlocks of the 'pin' type or alternatively with oars of a type capable of being secured to the boat or vessel by some other means to the satisfaction of the Council's Boat Inspector (except open canoes).
5. A plaque of at least 300 mm in width by 75 mm in depth shall be affixed in a prominent position in every pleasure boat covered by this licence bearing the following wording in black or red letters on a white background:

"WARNING - STANDING UP WILL EFFECT THE STABILITY OF THE BOAT"

or similar wording that conveys the same message or intended meaning and an understanding of the safety briefing.

MECHANICALLY POWERED BOATS OR VESSELS

1. The maximum number of persons to be carried on any mechanically powered boat shall not exceed the number permitted. This maximum number shall be prominently displayed on or in the boat. In addition, an identification number in accordance with that specified by the local authority shall also be displayed on the boat.
2. All mechanically powered pleasure boats or pleasure vessels covered by this licence shall not be operated to any persons under the age of 18. Persons operating the boat must be able to demonstrate competency for the appropriate vessel or hold one of the following qualifications:-
 - MCA Boats master's Licence for a passenger vessel grade 2;
 - RYA Coastal or Day skipper with 12 month's relevant experience;
 - RYA Powerboat level with 12 month's experience.

3. Persons operating the boat should be medically fit bearing in mind that he or she is responsible for passengers in the case of emergency. A medical fitness certificate or a completed declaration of fitness confirming that he/she does not suffer from the following medical conditions:-

- (a) Epileptic seizures/disturbance of the state of consciousness (other than simple syncope);
- (b) Coronary Thrombosis or heart surgery;
- (c) Problems with heart rhythm, disease of the heart or arteries;
- (d) Blood pressure controlled by drugs;
- (e) Diabetes controlled by insulin;
- (f) Stroke or unexplained loss of consciousness in the last five years;
- (g) Severe head injury with continuing effects;
- (h) Parkinsons Disease or Multiple Sclerosis;
- (i) Mental or nervous problems in the last two years;
- (j) Alcohol or drug addiction in the last two years;
- (k) Profound deafness rendering use of telephone or radio impossible;
- (l) Double or tunnel vision;
- (m) Malignant brain tumour in the last five years;
- (n) Any other condition which would cause problems regarding your fitness to navigate a vessel.

3. Every pleasure boat or pleasure vessel hereby licensed under 5 metres in overall length must carry the following equipment:

- (a) Either one lifebuoy of a type complying with the relevant European standard and of a size not less than 610 millimetres in diameter or suitable buoyancy aid;
- (b) One bailer or bucket capable of displacing at least 1.2 litres of water;
- (c) Where the craft has an inboard engine it must be provided with one dry powder (or suitable alternative) fire extinguisher, which shall be regularly serviced and inspected in accordance with the manufacturer's directions, of not less than 1 kilo capacity with directions for use in accordance with the manufacturer's instructions prominently displayed thereon;

4. Every pleasure boat or pleasure vessel covered by this licence of over 5 metres in overall length shall carry the following equipment:

- (a) For each person on board one DoT Approved Lifejacket or alternatively inflatable type lifejacket complying with the requirements of BS 3595 of 1981. Inflatable lifejackets should contain not less than 89 Newtons of inherent

buoyancy for adult lifejackets. Each lifejacket is to be marked with the boat name or number;

- (b) QTY 2 life buoys attached to 18m lines;
- (c) First Aid Kit clearly marked and located;
- (d) QTY 6 Red distress flares. QTY 2 Approved Smoke Floats. All to be within the expiry date;
- (e) Marine VHF Transceiver and an additional portable broadcast receiver capable of receiving weather forecasts;
- (f) Compass of approved maritime standard;
- (g) Chart/Charts of operating areas;
- (h) Main anchor, appropriate to size of vessel, complete with chain or rope, together with an emergency anchor;
- (i) Tow-line of appropriate size for vessel;
- (j) Buoyant heaving line;
- (k) Boat hook;
- (l) Emergency steering bar or other means of control in event of main steering failure;
- (m) Tool kit to suit vessel's machinery;
- (n) Bucket with lanyard;
- (o) 2 gallon Foam or CO² Fire Extinguisher to be maintained according to maintenance instructions, number appropriate to size of vessel;
- (p) Radar reflector mounted as high as possible;
- (q) Water resistant torch;
- (r) Navigation lights and sound signals in accordance with the Merchant Shipping (Distress Signals and Prevention of Collision) Regulations 1989;
- (s) A means of pumping bilges, by hand at a rate of 15 gallons per minute;
- (t) An engine spares kit comprising pump impeller and gasket, spare elements for each fuel filter, spare drive belts and appropriate hose clips;

Note: Authorised agents will inspect the vessel for the following:

For Safety Requirements which all licensed vessels must be provided with, refer to all of point 4 (Safety Requirements)

Testable Item (Notes)

- General Engine Installation (The engine to be securely fixed on engine beds; mountings to be in good order, ancillary equipment (i.e. alternator, starter motor, pumps etc) to be properly secured. All drive belts to be in good condition.
- Fuel Tank and Fuel Filters: (to be in an accessible position; to be well-secure, no excessive corrosion; no leaks at connection.
- Fuel pipes: (to be of either copper or steel' no excessive corrosion, no leaks; well-secured. Flexible piping to be Lloyds approved armoured pipes.
- Water Pipes: Both salt and freshwater; all terminations and hose clips to be checked and be in good condition.
- Seacocks and Engine Filter: To be in good free condition; pope connections to be checked.
- Exhaust Piping: To be in good condition and well-secured; no leaks; exhaust outlet to be checked; pipe to be lagged where appropriate.
- Battery: Check that it is installed securely with adequate ventilation.
- Wiring: To be in good general condition and well-secured; terminations to be checked.
- Engine and Gearbox Couplings: (ensure that all bolts are tight).
- Propeller Shaft and Intermediate Shafts: Check general condition.
- Inner Sterntube and Bearings: Check that there is no excessive wear or leaks.
- Propeller: Check for general condition and that it is adequately secured in a recognised way (i.e. with lock nut, split pin, or lock tab).
- Outer Sterntube and Bearings: Check that there is no excessive wear.
- Rudder: Check for securing and no excessive wear in bearings.

In order to facilitate the inspection and minimise costs applicants should ensure that the boat is properly prepared with equipment laid out as appropriate. The boat must be either out of the water, or on a slip or scrubbing post and clear of water or in the vicinity of a crane.

OPERATIONAL STANDARDS FOR BOAT HIRERS

1. Handover procedures are essential to ensure sufficient information and instruction are provided to the person/s controlling the boat to ensure them to safely undertake the trip. It is therefore required the hire operator gives control of the boat to the hirer a systematic and documented handover procedure, appropriate to the type of boat and its area of operation, is followed. This will cover topics which include:-
 - (a) Equipment
 - Gas and electric appliances, and sanitary facilities
 - (b) Using the boat
 - Steering, stopping and mooring
 - Awareness of navigation hazards (e.g. tidal flows, commercial traffic)
 - Speeds limits
 - Restrictions to navigation notified by navigation or harbour authorities, or the MCA.
 - (c) Safety Equipment
 - Life jackets
 - Lifebuoys, throwlines etc.
 - (d) Briefing material

The handover should be supported by briefing material (a "Boat Manual") left in the boat which provides full information on:

 - Personal safety
 - Safe use of appliances fitted in the vessel
 - Safety on the move

- Safety equipment and its use
 - Navigation rules, including speed limits, speed, giving way, etc
 - Mooring (where and how)
 - Dealing with fouled propellers, going aground, etc
 - Navigation features and hazards such as currents, low tide etc
 - Detailed reference information on how the boat works
 - Contact information including for emergencies
- (e) Communications
- Using the contact material in the boat manual
- (f) Dealing with emergencies
- Man overboard
 - Breakdown
 - Use of fire extinguishers / blankets
 - Emergency contact details
 - Recording and reporting

Note: It is essential that the briefing is done by a competent and experienced member of the hire operator's staff who can deal confidently with any questions the hiring party may have.

2. During or at the completion of the handover briefing, the hire operators must decide whether the hirer and his/her party are sufficiently competent to be allowed to take the boat out. Reasons for not doing so include:-
- Inability of the skipper(s) to demonstrate adequate control
 - Perceived impairment through drink or drugs

- Inadequate resources available to the party to control children safely or supervise persons with special needs.

Note: If the decision is made not to permit the boat to go out, this should be recorded in the handover documentation. Throughout the handover process, the person giving the instruction should take account of any qualification or previous experience professed by the skipper(s), however this should only be recognised as an opportunity to accelerate the briefing, not dispense with it.

3. At the conclusion of the hire period the hirer should have the opportunity, where practicable, to report back to the hire operator on any problems or incidents that occurred. Hire operators must be aware of the statutory duty to report certain types of accident involving the use of hire craft to the Marine Accident Investigation Branch.
4. The handover process is an essential element of delivering a safe boat trip to the hirer. It is important that an audit trail of its delivery is maintained. This will include:
 - Booking terms and conditions
 - Booking confirmation
 - Customer log sheet. The record of when the hirer and his party arrived and departed, party member names, delivery of handover.
 - Boat acceptance form. A record of the handover and the hirers' and skippers' written acceptance of it.
 - Accident/incident reports and records of any other customer feedback.