

ISLE OF WIGHT COUNCIL

**PLEASURE VESSEL/BOATS & BOATMAN
LICENSING POLICY**

Document Information

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1. Purpose of the Policy

- 1.1 The purpose of this policy is to provide clear guidance to applicants, surveyors and licensing officers on the level of compliance required before a licence can be issued.
- 1.2 This Policy has been produced following consultation with relevant agencies, professional bodies and licence holders to ensure that the criteria detailed below is fair to all operators and the safety of the passengers is not compromised.

2. Legislation

- 2.1 Under section 94 of the Public Health Acts Amendment Act 1907 (The Act) local authorities may grant upon such terms and conditions as they may think fit for licenses for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the 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. The only exception to this requirement is for boats or vessels licensed under any regulations of the Board of Trade.
- 2.2 The Act does not provide any specific guidance on what is required to be achieved prior to the licence being issued for either pleasure boats, pleasure vessels or those individuals in charge of or navigating such vessels. The Act allows each local authority to set the terms and conditions which they feel are appropriate for their area.

3. Guidance and Background

- 3.1 This Policy has been created using the following guidance documents and regulations including but not limited to;
 - Solent and Southern Harbour Masters Association Licences for Boats and Boatmen Guidelines (SASHMA Guidelines) ;
 - Maritime and Coastguard Agency's guidance Inland Waters Small Passenger Boat Code (the MCA Code);
 - Merchant Shipping (Categorisation of Waters) Regulations 1992;
 - Marine Guidance Notes (MGN) 469
- 3.2 In addition to the guidance/regulations, advice has been obtained from local chartered marine surveyors and other members of the marine industry.
- 3.3 The Council is a member of the Solent and Southern Harbourmasters Association (SASHMA) and the Council will look to apply the SASHMA Guidelines to the consideration of any application for a boat or boatman's licence under this policy.
- 3.4 The SASHMA Guidelines apply the MCA Code as the criteria for the issue of a boat or boatman's licence. However, in relation to boats the MCA Code does not apply to

certain types of hire (i.e. bareboat charters) and this policy seeks to provide clarity on the criteria that the Council expects to be met in order for a licence to be granted for those vessels to which it applies

4. Licensable Pleasure Vessel/Boat Definition

4.1 Vessels operating in the UK which:

- do not go to sea;
- carry no more than 12 passengers;
- are let for hire;
- are used for carrying passengers for hire.

4.2 The MCA Code confirms the classification of inland waters and in addition the Merchant Shipping Notice MSN 1837 (M) Amendment 2 and the Merchant Shipping (Categorisation of Waters) Regulations 1992 define certain areas to be taken as not being 'at sea'. This includes waters inside the Isle of Wight within an area bounded by lines drawn between the church spire, West Wittering, to Trinity Church, Bembridge, to the eastward and the Needles and Hurst Point to the westward ([Appendix A](#))

4.3 Vessels which would otherwise fall under this policy and go to sea are required to be licenced by the Maritime and Coastguard Agency and on the grant of such a licence would be exempt from the requirements to hold a licence under this policy.

4.4 There are two distinct classifications under the general heading of 'Pleasure Vessel/Boat', these are:

(i) Skippered

All pleasure vessel/boat operating commercially with a skipper or crew, and which carry no more than 12 passengers.

(ii) Bare boat

All pleasure vessel/boat which are self-drive hire craft where there is no work activity being carried out by those hiring the vessel and the skipper and crew is provided by the hirer.

5. Application Process & Compliance Criteria - Boats

5.1 On first application and renewal for a Pleasure Boat licence, the applicant must complete the application form in full and return it with the relevant fee to The Licensing Department, Isle of Wight Council, Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH.

5.2 In addition to the application form the following will need to be provided before the application can be fully considered:

- (i) A full survey on initial application carried out by a suitably qualified marine surveyor confirming the suitability of the vessel to be used for the proposed activities and area of operation. Each year following the initial application the vessel will need to be inspected, again by a suitably qualified marine surveyor to ensure that the requirements, dependant on the operational area of the vessel, as detailed within section 7 of the SASHMA Guidelines are fully compliant.

- (ii) A plan of the vessel showing the location of the safety equipment stored on-board.
- (iii) Proof of insurance cover giving minimum liability of £5 million.
- (iv) Provide details of experience/qualifications/training of skippers and crew members

6. Application Process & Compliance Criteria – Boatman

If an individual holds a valid Boatmasters Licence (minimum Tier 1 Level 2), issued by the Maritime Coastguard Agency (MCA) then they will not be required to apply for a boatman's licence via the Council.

6.1 Should an individual not hold a Boatmasters Licence, issued and regulated by the MCA, then they will require a boatman's licence from the Council. In order to qualify applicants must:

- Be 18 years of age or over
- Not suffer from any disease or physical disability which could effect his or her fitness to assist in the charge of pleasure boats, vessels or craft let for hire
- Hold a relevant qualification that confirms the individuals level of competency in operating a vessel within the categorised waters to which they work

6.2 For an application to be deemed valid, enabling an individual to apply for and receive a boatman's licence from the Council, they should ensure that the following requirements are submitted as part of their application:

- (i) Completed application form
- (ii) An appropriate qualification as outlined within Section 7 of the SASHMA Guidance. The Council will also accept those qualifications as set out in Annex 3 of MSN 1853, which can be found on the MCA website or in www.gov.uk (search MSN 1853, The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015, Structure and Requirements. Certain qualifications as detailed within Annex 3 of MSN 1853 limit the holder to certain categorised waters. Where this is relevant, any licence that is issued will be limited to the categorised waters to which the qualification relates to. Qualifications differing from those stated within MSN 1853 and Section 7 of the SASHMA guidance will be considered when determining whether an application is valid.
- (iii) Application fee (please note we no longer accept cheques, payment can be made by card or cash) NB: Application fees are non-refundable.
- (iv) An up to date (less than 28 days since issue) Basic Disclosure (Disclosure Barring Service Certificate).
- (v) Passport sized photograph, which must include the seafarers name in BLOCK LETTERS and the signature of a doctor, bank official, established civil servant, school teacher or someone of similar standing should endorse the back of the photograph as certification that the photograph is a true likeness of the name of the applicant

- (vi) An appropriate qualification in Personal Survival, First Aid and Fire Safety training which has been undertaken with an approved MCA training provider. The ancillary training syllabi can be found in appendix 8 of MSN 1853, which can be found on the MCA website or in www.gov.uk (search MSN 1853, The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015, Structure and Requirements.
- (vii) Any person wishing to have charge of a vessel fitted with Very High Frequency (VHF) radio must produce a certificate of competence and authority to operate a VHF radio
- (viii) An approved Basic Sea Survival Course Certificate
- (ix) A ML5 or ENG1 medical certificate or equivalent as prescribed in regulation 26.4 of the Inland Waters and Small Passenger Boat Code. Merchant Shipping Notices provide details of General Practitioners who will issue Medical Certificates complying with MCA requirements.
- 6.3 With reference to point 6.2 (ii) of the policy, current licence holders who do not possess an appropriate qualification as outlined within Section 7 of the SASHMA Guidance or Annex 3 of MSN 1853 will be required to obtain such a qualification no later than 31 December 2019 or upon renewal of the boatman licence, whichever is sooner.
- 6.4 The Isle of Wight Council may suspend or revoke a licence at any time whenever they deem such suspension or revocation to be necessary in the interest of the public.
- 6.5 A boatman's licence will be valid for 3 years from the date of issue.

7. Determination

- 7.1 In normal circumstances the Licensing Department will determine each application after considering the documentation supplied; the results of the DBS check (where applicable) and the Council's Policy Relating to the Relevance of Convictions.
- 7.2 In some circumstances officers may refer an application to a panel of senior officers or to the Licensing Committee for a decision.
- 7.3 In these circumstances the applicant and the Council may invite any persons who support their case to attend the Panel or Licensing Committee. These persons will be given the opportunity to address the Committee during the hearing.
- 7.4 Prior notice will be given to both the applicant and those persons who will be attending the hearing at least 10 working days prior to the date of the hearing.
- 7.5 In normal circumstances applications will be processed, considered and determined within the following time scales:
- Boat Licence – within 14 days;
 - Boatman Licence – within 14 days;

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- 7.6 Where the matter is referred to the Licensing Committee the determination will be longer. The applicant will be informed in writing that their application has been referred to the Licensing Committee and the date that the hearing will be held.
- 7.7 If a licence application is refused the applicant will be given written confirmation detailing the reasons for refusal, along with the right of appeal.

8. Enforcement

- 8.1 Where offences occur, conditions are breached, or a complaint has been received, the Council will investigate and take appropriate action in accordance with the Regulatory Services' Enforcement Policy.
- 8.2 Failure of a boatman or operator to comply with the conditions of a licence may give rise to suspension or revocation of the licence and/or to the prosecution of a licence holder.
- 8.3 The Council can suspend or revoke a licence at any time that it is in the interest of public safety to do so. Any action taken will be in accordance with the Regulatory Services' Enforcement Policy.

9. Departure from Policy

- 9.1 Any departure from this Policy must be justified in writing and approved by a member of the Regulatory Services Management Team.