

# Boats and Boatpersons Licensing Process and Procedures

## Introduction

Colchester Borough Council operates a licensing scheme for pleasure boats/vessels, hired pleasure vessels and boatperson's operating within the Borough.

If you wish to apply to operate a pleasure boat/vessel, the Council must be satisfied that it is in good condition, seaworthy and contains all the necessary safety equipment. The Council must also be satisfied that the persons/operators who assist in the charge and navigation of pleasure boats, craft or vessels to be let for hire or be used for carrying passengers for hire are safe and suitable.

Applications for licences will be processed in line with the Process and Procedures

### 1. Purpose of this document

1.1 The purpose of the document is to provide clear guidance to all parties on the standards and competencies that must be met before a pleasure boat/vessel licence or a boatperson's licence is issued.

### 2. Relevant Legislation

2.1 Section 94 of the Public Health Acts Amendment Act 1907 enables the Council to 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 such annual fee as appears to them to be appropriate.

2.2 The Act does not provide any specific guidance on the prerequisites for gaining a licence. The purpose of this document therefore is to provide a clear and transparent guide for all parties as to the standards to be attained and adhered to in the relation to the licensing of pleasure boats/vessels and boatpersons in the Borough.

2.3 The [Inland waterways and categorisation of waters - GOV.UK](#) is used as the criteria for the issue of a boat or Boatperson's licence. However, in the MCA Code does not apply to some types of hire such as hired boats. This document therefore sets out the standards that will be applied in the licensing of such boats.

### 3. Suspension and Revocation

3.1 A pleasure boat/vessel licence and a Boatperson licence may be suspended or revoked by the Council at any time if it is deemed that such action is necessary and desirable in the interests of the public.

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## **4. Right of Appeal**

4.1 Any person deeming himself aggrieved by the withholding, suspension or revocation of any licence may appeal to a Magistrates' Court held following 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 and the ground thereof, to the clerk, and the courts shall have power to make such order as they think fit, and to award costs; such costs to be recoverable summarily as a civil debt.

## **5. Public Register**

5.1 The Council displays on its website a register giving details of the pleasure boat/vessel name, company owner, the licence number and the number of Boatperson licences held against it.

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## Pleasure Boat/Vessel Licence

### 6. Licensable Pleasure Vessel/Boat Definitions

- 6.1 Pleasure boats/vessels licensed by the Council must satisfy the following criteria –
- be less than 24 metres long
  - carry no more than 12 passengers
  - operate only in categorised waters (i.e. do not go to sea)
  - are used for carrying passengers for hire
- 6.2 There are two categories of pleasure vessel/boat -
- **Skipped** – all pleasure boats/vessels operating commercially with a skipper or crew, and which carry no more than 12 passengers.
  - **Hired boats** - all pleasure boats/vessels which are self-drive craft where there is no work activity being carried out by those hiring the vessel and the skipper and crew is provided by the people who rent/hire the vessel.
- 6.3 Where a licence is granted for a pleasure boat/vessel, it shall remain in force for up to one year.
- 6.4 The type of boat licence issued and its associated conditions will depend upon the category/use of the boat. The Council issues a Licence to Let Boats for Hire for those applicants who fall into the categories outlines in paragraph 11.2 below.

### 7. Class of Vessel and Operating Limits

- 7.1 The boat licence will state the class of vessel and operating limits as follows:
- **Restricted (Category A & B)** – Vessel operating solely within the River Colne, the River Stour, or another inland water/boating lake.
  - **De restricted (Category C)** – Vessel operating on the River Colne, or on the River Blackwater. This must be within an area of no more than 3 miles from land, and within 15 miles of the point of departure.

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**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. No licence is required in respect of pleasures boats/vessels on any canal owned or managed by the British Waterways Board.

## 8. General Conditions

- 8.1 Pleasure boats/vessels must always be equipped and maintained to licensed standards at all times whilst operating for hire and an authorised officer of the Council shall be permitted to board the vessel at any reasonable time to inspect its condition and compliance with licensing requirements.
- 8.2 Pleasure boats/vessels must carry not more than the number of passengers stated on the licence.
- 8.3 Before the boat/vessel is used for the purpose of carrying passengers for hire, the name of the licensee and the words 'licensed to carry' together with the number of persons it is licensed to carry must be painted on the boat/vessel 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 boat/vessel.
- 8.4 At all times whilst operating under a Council Licence for the area of operation, the pleasure boat must be under the command of a person holding a Boatperson's Licence. The Boatperson must not put the boat/vessel to sea unless weather conditions and forecast for the operating area and duration of voyage are favourable. For the purposes of this licence 'favourable weather' means wind, sea and visibility conditions which are deemed by the skipper to be safe for a small vessel to operate within the limits applied to it; or in any other case means conditions existing throughout the journey in which the effects, whether individually or combined, of swell, height of waves, strength of wind and visibility cause no hazard to the safety of the vessel, including handling ability.
- 8.5 The licensee must ensure all pleasure boat trips have adequately trained first aiders in case of an emergency as defined within "Inland Waters Small Passenger Boat Code.
- 8.6 The licensee must report to the Council any accident which affects, or may affect, the structural integrity of the boat/vessel verbally within 72 hours and in writing within 7 days of the incident occurring. The boat/vessel must not be operated under its licence following such an accident until such time as an authorised agent of the Council has carried out a survey and confirmed that satisfactory repairs have been carried out. The Licensee shall bear the cost of each, and every inspection carried out by the authorised agent.
- 8.7 The licensee of the boat/vessel must maintain Public Liability Insurance which shall

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be in accordance with the requirements of the Merchant Shipping Act 1979 or any statutory amendment, modification or re-enactment thereof or any regulations or orders made thereunder and shall produce evidence of such insurance as a part of the application process and as and when requested by the Council. The Public Liability must not be less than £5m.

- 8.8 If any changes occur during the duration of the licence, in the ownership or particulars of the licensed boat/vessel, notice of the changes must be given within 7 days to Colchester Borough Council, Licensing Department, 33 Sheepen Road, Colchester, Essex, CO3 3WG Telephone: 01206 282222 or by emailing [food.team@colchester.gov.uk](mailto:food.team@colchester.gov.uk)
- 8.9 The licence, or a copy, must be displayed in a conspicuous position on the boat/vessel.

## 9. Vessel Condition

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

- 9.1 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 –
- on initial and annual renewal applications; and
  - after any accident which impairs the structural integrity of the vessel
- 9.2 The survey report must state the period for which it is valid and must be carried out by a qualified marine surveyor or other competent person who has been authorised by the Council and who hold appropriate specific professional indemnity insurance.

For the purpose of this section the authorised agents of the Council are:

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

## 10. Safety Requirements for Pleasure Boats/Vessels

- 10.1 Essential Safety requirements for pleasure boats are detailed in the Maritime and Coastguard Agency's [Inland waterways and categorisation of waters - GOV.UK](#) (

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[www.gov.uk](http://www.gov.uk) which is provided to provide a national benchmark for safety standards which must be followed and adhered to.

## Small Hired Pleasure Boat/Vessel Licence (Licence to Let Boats for Hire)

### 11. Definitions

11.1 No person shall let for hire or reward any vessel that falls within small vessel categories A, B (without the necessary experience or qualifications) or without having first obtained a licence from the Council (Licence to Let Boats for Hire).

11.2 This licence covers -

**Small vessel Category A** - Small boats hired out, not in charge of a licensed Boatperson, excluding beach and other craft referred to in Categories B and C, suitable only for operations in sheltered waters or close to the shore.

**Small vessel Category B** - Hire Boats capable of a speed of 17 knots or over whether or not in charge of a licensed Boatperson (such as water ski tow boats).

**Small vessel Category C** - Craft other than those listed in Categories A and B of the type operated from the beach (such as Personal Water Craft (PWC), e.g. jet ski's, pedalos, kayaks, floats and other such craft adapted to go in the water) hired out and not in charge of a licensed Boatperson.

### 12. Conditions of licence

#### Operating Parameters

12.1 **Normal Weather** - Close to shore, limits to be determined by the licensing authority.  
**Rough Weather and Very Rough Weather** - Not to operate

Boats within these categories must operate under the Guidelines contained in The MCA Inland Waters Small Passenger Boat Code (see annex 1). Some of these are set out below, but for the full guidelines, the annex should be consulted.

#### Persons in Charge

12.3 It is the responsibility of the Licensee that no motor boat, mechanically propelled boat or sailing boat is let for hire or reward unless a competent person is placed in charge by the licence holder and remains in charge for the duration of the hire period. Such competent person should hold a nationally recognised qualification for the activity

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concerned, i.e. water sports instructors certificate. Towing craft should have a minimum of two crew at all times, one to navigate and one to watch the tow.

- 12.4 Inflatable tows should be capable of supporting 110% of the manufacturers maximum weight limit with any one separate inflatable compartment punctured or deflated.
- 12.5 Persons under 8 years old should be accompanied by an adult at all times. In the case of boats let for hire where the competent person is remote from the boat, then the licensee must ensure that the competent person maintains visual contact with the hired craft at all times, and provide a means of immediate rescue in the event of an accident.
- 12.6 The licensee must ensure that hirers are provided with sufficient information about the craft and its equipment to enable it to be used safely and that hirers are competent for the intended operation.
- 12.7 The licensee must report the Council in writing all incidents that have or could have led to injury within 7 days of the incident occurring.
- 12.8 All hired out pleasure boats/vessels covered by this licence must not be hired to any persons under the age of 16, not suitably experienced to handle the craft as assessed by the hirer or under the influence of alcohol or drugs.

## Personal Watercraft

- 12.9 In addition, to the above, in the case of Personal Watercraft (PWC) the licensee must ensure that the hirer is aged 16 years or older, and is in possession of a valid driving license, an appropriate marine qualification, or nationally recognised qualification for the activity involved. No person under 8 years old should be allowed to accompany the hirer. The PWC must not be hired for towing activities

## Kayaks

- 12.10 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.
- 12.11 The maximum number of persons to be carried on any kayak must not exceed the number permitted. This maximum number must be prominently displayed at the point of hire. In addition, an identification number in accordance with that specified by the Council must also be displayed on the kayak.
- 12.12 Every canoe (kayak) hereby licensed must be fitted with built in buoyancy sections or alternative means of buoyancy.

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## Sailing Dinghies

- 12.13 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.
- 12.14 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 Council shall also be displayed on the sailing dinghy.
- 12.15 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.
- 12.16 Every sailing dinghy hereby licensed shall be buoyant. ~~to the satisfaction of the Council's Boat Inspector.~~

## Rowing Boats And Rowing Dinghies (Including Open Canoes)

- 12.17 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 Council shall also be displayed on the boat.
- 12.18 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.
- 12.19 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.
- 12.20 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).



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- 12.21 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.

## 13. Boat Hirers

- 13.1 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

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## (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.

13.2 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.

13.3 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.

13.4 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.

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- Accident/incident reports and records of any other customer feedback.

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## Boatperson's Licence

Any person having charge of a boat for the purposes of carrying passengers for hire must be in possession of a boatperson's licence issued by the Council.

### 14. Boatperson

- 14.1 A boatperson's licence applies to persons/operators who assist in the charge and navigation of pleasure boats, craft or vessels to be let for hire or be used for carrying passengers for hire.
- 14.2 In order to qualify the relevant documentation must be provided to the Council indicating that you are safe and suitable to hold a boatperson's licence.
- 14.3 Where a boatperson's licence is granted, it shall remain in place for up to three years. The Council may issue a licence for a shorter period of time where appropriate and indicated by your right to remain in the UK.
- 14.4 In order to be licensed you must –
- Be at least 18 years of age.
  - Have the right to live and work in the UK.
  - Have obtained and continue to 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 2 with 12 month's experience.
  - Be medically fit to operate a vessel. In order to satisfy this criterion, the Council will require applicants to undergo a medical examination with a registered GP at the following intervals;
    - On initial application and thereafter every five years until age 65
    - Annually after age 65

**Note** - Where an applicant can produce current documentary evidence of medical fitness, e.g. Seafarer's Medical Certificate (ENG1) or MCA Medical Certificate (ML5), the Council may, at its discretion, exempt the applicant from the requirement to undertake a medical examination.

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## Application and Renewal Process

### Pleasure Boat Licence

The following documentation must be supplied to the Council -

1. A current full condition survey report confirming suitability for intended use and valid for insurance purposes. The survey report must state the period for which it is valid and must be carried out by a qualified marine surveyor or other competent person who has been authorised by the Council and who holds appropriate specific professional indemnity insurance.
2. A plan showing the location of safety equipment stored on the boat/vessel.
3. Provide details of the skipper and crew members.
4. The completed application form.
5. The correct fee.

### Small Hired Pleasure Boat/Vessel Licence (Licence to Let Boats for Hire)

The following documentation must be supplied to the Council -

1. A current full condition survey report confirming suitability for intended use (if applicable) and valid for insurance purposes. The survey report must state the period for which it is valid and must be carried out by a qualified marine surveyor or other competent person who has been authorised by the Council and who holds appropriate specific professional indemnity insurance.
2. The completed application form.
3. The correct fee.

### Boatperson Licence

The following documentation must be supplied to the Council -

1. Proof that you 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 2 with 12 month's experience.

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2. The completed application form.
3. The correct fee.
4. A medical certificate.
5. A valid passport, birth certificate or other proof of your right to live and work in the UK.
6. Two passport sized photographs.

**Note** - On renewal of a licence, the items at point 5 above do not have to be supplied unless you have limited right to remain in the UK