

North Devon Council Boatman Licensing Conditions

Limitations on Operation

The Boatman's Licence may be endorsed to give limitations with regard to the area of operation, category of craft or other service at the discretion of the Examining Officer.

Medical Certification and Medical Conditions

- Approved medical certification is required on the grant or renewal of a licence. Where a licence holder reaches the first anniversary of their licence renewal after their 65th birthday approved medical certificates will be required annually and must be forwarded to the Council.
- Holders of a Boatman's Licence must advise the Council of any deterioration of their health that may affect their capabilities of handling a vessel, or passing of a future medical examination.
- Where there is any doubt as to the medical fitness of a licence holder, the Council may require the licence holder to undergo a further medical examination by a doctor appointed by the Council.
- Where there remains any doubt about the fitness of any applicant or licence holder, the Licensing Sub Committee of the Council will review the medical evidence and will make any final decision in light of the evidence provided.

First Aid Certification

First Aid Certificates are deemed valid for five years, however applicants may wish to be mindful that completion of refresher training every three years may remove the necessity to undertake full training. The following first aid certification is approved:

- Elementary First Aid Certificate.
- RYA Small Craft First Aid Certificate.
- Certificate issued by the ambulance service or a voluntary society following the successful completion of a first aid course approved by the Health and Safety Executive. This course must be adapted to have extra emphasis on the treatment of hypothermia and casualty evacuation.

Badge

All licensed boatman must wear the badge issued to them by North Devon Council when loading and unloading passengers.

Safety Management System

All operators should hold and keep under review a documented Safety Management System (SMS) to ensure that best practice is adhered to at all times. Attention is drawn to the Inland Waters Small Passenger Boat Code, which contains advice on the setting up of a SMS (para 2.6 and annex 4). The system should contain:

- The operators Health and Safety protection policy.

- Documented lines of communication between those with responsibilities in the operation. This should contain a clear statement to the effect that the skipper has final authority for the safety of the vessel.
- Procedures for the safe operation of the vessel. This can include but not be limited to, equipment testing checklists, bunkering checklists, pre-departure checklists, passenger safety briefing.
- Operators to ensure that their passengers/hirers are fully conversant with the usage and stowage position of all safety appliances onboard and the wearing of lifejackets is to be demonstrated. Verbal instructions must be given to all passengers and hirers as per recommendations. The stowage position of the lifejackets to be clearly marked and readily accessible.
- Emergency response procedures.
- Accident reporting procedures.
- Crew training records/records of musters and drills carried out.
- Instructions for the use of LSA, FFA, Navigational and safety equipment carried.
- Maintenance records including services records for LSA, FFA, engines, electrical installation, etc.
- All licensed boatmen are required to leave ashore with a reliable person, the number of passengers onboard, separated into males, females and children under sixteen years of age. Details of where these records are kept and the shore contact, are to be left with the Harbour Master. For self-hires, the licensed hirer will be required to record the name of the persons using the craft, separated into males, females and children. This information is to be retained by the hirer until the hire is complete. Alternative methods approved by the MCA will be accepted by the Commissioners.

Mooring

That every Boatman or another person in charge of a Pleasure boat or Vessel on arriving at a mooring place shall moor the boat or vessel in such a position and in such a manner as to prevent any risk of injury to any other boat or vessel at such a mooring place or obstruction to the safe and convenient access to such boat or vessel or to the safe and convenient embarkation or disembarkation of persons therein or therefrom or to the safe and convenient mooring or un-mooring thereof or the safe and convenient departure thereof.

Capacity

That the Boatman in charge of any Pleasure Boat or Vessel shall not at any time cause or suffer to be carried therein a greater number of persons than the number of persons for which the Pleasure Boat or Vessel is licensed by the Council to carry.

Conduct

That every Boatman or another person in charge of a Pleasure Boat or Vessel shall at all times while in charge thereof conduct himself in an orderly manner and with civility and propriety towards every person seeking to hire or hiring or being carried for hire in such a boat or vessel.

Where there is a question of the competency of any boatman, i.e. through complaints received by North Devon Council, the Council reserve the right to re-test the competency of a licensed boatmen through its assessment framework at any time.

Safety and Equipment of Pleasure Boat or Vessel

That a Boatman or another person in charge of a Pleasure Boat or Vessel shall not suffer any person or persons to embark therein for the purpose of being carried for hire unless the boat or vessel is in every part thoroughly sound and in complete repair and is properly furnished with all gear, tackle, machinery, apparatus or appliances and other requisites for the safe navigation and management thereof on accordance with the licence issued by the Council.

Suspensions and Revocation

In particular licence may be suspended or revoked:

- In the case of any licence if the licensee fails to observe or comply with any of the terms or conditions under which the licence is granted.
- In the case of misconduct by a boatmen, when in charge of or navigating a vessel.

Penalties Appeals etc.

- Every person who acts in contravention of Section 94 of the Public Health Acts Amendment Act 1907, shall, for each offence, be liable on summary conviction to a penalty not exceeding level 3 on the standard scale.
- Any person deeming himself aggrieved by the withholding, suspension or revocation of any licence may appeal to a Magistrates 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 ground 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.
- The suspension of the licence will be reported to the Licensing Sub-Committee of the Council, which may lift or confirm the suspension or revoke such licence.
- The licensee will be notified of the time and date of the meeting and be given the opportunity to be heard by Licensing Sub-Committee.

NOTE: The Council do not assume the responsibility of testing the accuracy of the representations upon which this Licence is granted, nor do they warrant by this Licence the safety of any boat or the competency of any Boatmen. This Licence in no way exonerates the Licensee from responsibilities which would otherwise fall on him for wrongful acts or defaults or for the employment of incompetent persons or the use of any unsafe or insufficiently equipped boat or vessel.