



Canterbury City Council

Commercial River Craft

Policy Statement

**Adopted by Policy and Resources Committee on
18 April 2018**

This document incorporates the findings and advice of an independent expert

If you would like a copy of this document in a different format such as Braille, audio or large print, or in another language please contact Customer Services on 01227 862 000

Contents

- 1.0 Introduction**
- 2.0 Purpose of the policy**
- 3.0 Review of the policy**
- 4.0 Legislation and conditions**
- 5.0 Pleasure boats and punts**
- 6.0 Types of licence that may be applied for**
- 7.0 The renewal process**
- 8.0 Delegation of functions**
- 9.0 Enforcement actions / options**
- 10.0 Disability awareness training**
- 11.0 Safeguarding awareness training**
- 12.0 Fees**
- 13.0 Compliance and enforcement**
- 14.0 Offences**
- 15.0 Canterbury City Council as the licensing authority**

Appendices

- A Declaration**
- B Exercise and delegation of functions**
- C Enforcement concordat**
- D Fees**
- E Application audit form
Application forms**
- F Summary of current licence holders
Maps of moorings, routes and sales / touting areas**
- G Licence conditions for:**
 - operators
 - boats and punts
 - boatpersons and chauffeurs
- H Incident reporting form**
- I SMS requirements**
- J Code of Conduct
Navigation and rights of way**

1.0 Introduction

1.1 *Canterbury City Council is situated in the County of Kent, which contains 12 district councils and one unitary authority.*

The council area has a population of 158,000 (ONS 2014) making it one of the largest in the county in terms of population. In terms of area it is also one of the largest, covering 31,056 hectares. The council area is rural with a central city and two coastal towns. There are also a number of larger villages and other smaller rural settlements. The area is a major tourist attraction and a world heritage site and has four universities in the City of Canterbury.

It is vital that the council balances the numerous competing demands on the facilities it is responsible for, in a fair and open way and endeavours to enhance the attributes of a very popular area by providing venues / opportunities for businesses, events, markets, concessions, street trading, charitable collections, busking etc.

The three urban areas, the rural villages and settlements are shown on the map here.

Map of Canterbury City Council District



1.2 Equality Act 2010

The council has an Equality and Diversity Policy on its website. The policy statement reads:

Canterbury City Council recognises that the diversity of our communities is a huge asset that should be valued and seen as one of the district's great strengths.

As one of the largest employers in the Canterbury district and one of the main providers of local services, the council is committed to providing equality of opportunity and tackling discrimination, harassment and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for all sections of the community and our workforce is an integral part of this commitment.

Canterbury City Council will not tolerate less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnic or national origin, disability, marital or civil partnership status, pregnancy or maternity status, sexual orientation, gender reassignment status, responsibility for dependents, religious or other beliefs, socio-economic status, or any other reason which cannot be shown to be justified.

2.0 Purpose of the policy

2.1 This policy sets out Canterbury City Council's (the council) framework and approach for the management of the licensing regime relating to the boats and punts operating in the district. The council's paramount consideration of every aspect of the licensing regime is public safety. In addition to this, the policy and conditions promote relationships between operators and ensuring proper behaviour on the river and its environs.

Through the licensing regime the council aims to regulate the:

- number of operators
- location of operators' boarding / staging areas
- location of operators' sales, touting and promotional staff
- marketing behaviours
- number of vessels permitted
- certification of vessels as fit for use
- types of boats and punts permitted
- application and enforcement processes
- training, development and competences of boatpersons / chauffeurs
- interaction of the operators with:
 - a. the public
 - b. other operators
 - c. officers.

The scheme will promote:

- transparency of processes and explain the rights of the applicants
- quality experiences for the public
- safe vessels navigated by skilled boatpersons / chauffeurs

- good management of businesses by competent operators.

The licensing regime's management of the scheme will:

- be a timely, robust but equitable service to applicants and licence holders
- work with operators in conjunction with the Canterbury and Stour Waterways Association to prevent nuisance caused to the public and / or other operators, boatpersons / chauffeurs
- reduce the cost to the public purse on the management of the licensing scheme
- support small businesses and employment opportunities
- use lawful, enforceable, reasonable and proportionate conditions
- take a robust stance in the discharge of its duties and responsibilities in accordance with the overarching principles.

The council recognises the high importance of the operators' businesses to the local economy, employment opportunities and the character of the area by providing a very popular and enjoyable experience to visitors.

The council must ensure that the business activities do not cause nuisance or annoyance to people in the area or unreasonable demands on the resources of the council as a result of poor relationships between licensed operators.

This policy will guide the council when it considers applications and inform applicants of the criteria against which applications will be considered.

The council recognises Canterbury and Stour Waterways Association (CASWA) as the appropriate consultation body to represent the generic interests of licence holders within the district. It is of course open to individual licence holders to engage, consult etc directly with the licensing authority.

3.0 Review of the policy

- 3.1 It is the intention that this policy will be reviewed every three years or more frequently if deemed necessary in consultation with CASWA.

4.0 Legislation and conditions

- 4.1 The Public Health Acts (Amendment) Act 1907 (the 1907 Act) and the conditions contained in this policy and attached to the relevant licences, will provide direction for the management and enforcement of the licensing regime.

Every type of applicant will be required to complete a declaration (see Appendix A) and submit it with the relevant application form that they have read and understood both the policy, and the relevant conditions, in respect of their application.

5.0 Pleasure boats and punts

- 5.1 Section 94 of the 1907 Act allows Canterbury City Council to grant licences in such terms and conditions as it thinks fit in relation to pleasure boats for hire or pleasure boats to be used for carrying passengers on inland waters.

The licensing scheme applies to both Canterbury city centre and to the lower tidal reaches of the Stour within the Canterbury administrative district.

6.0 Types of licences that may be applied for

6.1 An applicant may apply for the following types of licence:

i. an **operator's licence** – this licence allows a person, partnership or company to run a business and provide boat / punt trips on designated areas of the river, market their business and make sales / tout in specified areas.

The council is not looking to extend the current number of operators' licences in the city on public safety grounds. If a new application is submitted, the applicant must demonstrate in their application that any increase would have no adverse public safety issues. Each application must be considered on its individual merits.

i. A **boatperson / chauffeur licence** - this is a licence issued to an individual to navigate a vessel once they have demonstrated in their application that they possess the appropriate qualifications, competences and knowledge to do so; there is no limit as to the number of licences that may be issued.

i. A **vessel licence** – this a licence issued in respect of each vessel if the applicant can demonstrate that the vessel is fit for purpose and suitable for use on the Stour river.

The council is not looking to extend the current number of boat / punt licences operating in the city centre on public safety grounds. If a new application is submitted to increase the number of vessels or change the type of boat / punt, the applicant must demonstrate in their application that any increase would have no adverse public safety issues.

The number of vessels permitted is the maximum number of boats / punts that an operator may have on the water at any one time; this does not prevent an operator licensing more vessels than their permitted operating number to give them flexible use of licensed boats / punts in their fleet.

The council will consider all forms of pleasure boats, powered and unpowered, offered for hire with or without a boatperson / chauffeur, in particular:

- boats
- punts
- canoes, kayaks etc

this list is not exhaustive and the council will retain the absolute discretion as to whether an operation requires licensing or not.

The council will consider the following factors as to whether a business requires a licence

- public safety
- sales / touting, marketing issues
- any other relevant factor.

Whether a business / operation requires licensing will be decided in accordance with the delegated powers.

The duration of each type of licence is one year. It is open to applicants to apply for licences with longer periods of duration, up to a maximum period of five years with the annual fee being paid by 28 February of each year. It is open to the applicant to pay for the entire duration of the licence on application or in accordance with an agreed payment plan..

Failure to renew the relevant licence will mean that the

- operation must cease (operators' licence)
- boatperson / chauffeur cannot navigate (boatperson / chauffeur)
- boat cannot be used (boat licence)

until the relevant licence has been renewed.

Applications are considered, granted, refused, processed etc in accordance with the delegations detailed in Appendix B.

6.2 Applications must be submitted in writing; electronic or hard copy applications are permitted (see Appendix E).

6.3 If an application is granted, licences may be collected from the council offices two working days after the application was submitted.

6.4 Licences will not be issued until the relevant certificates / documentation have been produced:

- operators' licence – insurance certificate
- boatpersons / chauffeurs licence – qualification certificate and / or details of competences and knowledge
- boat / punt – a valid hull inspection certificate.

7.0 The renewal process

7.1 Applicants must apply for the renewal

- of operators' licences by 28 February on year of renewal
- at least 14 days before the expiration date of a boat or boatpersons / chauffeurs existing licence.

Any licence that is renewed will be dated from the expiration date of the existing licence.

If a licence lapses the holder cannot operate, navigate or use a vessel until the relevant licence has been issued.

7.2 If a renewal application is granted, licences may be collected from the council offices two working days after the application was submitted.

8.0 Delegation of functions

8.1 Delegation is detailed at Appendix B.

9.0 Enforcement actions / options

9.1 All forms of warnings, cautions, decisions to withhold / suspend / revoke a licence are delegated to the Head of Safer Neighbourhoods, officers senior to the Head of Safer Neighbourhoods, the Licensing Sub-Committee and the Licensing Committee.

The Head of Safer Neighbourhoods may nominate the Enforcement Manager to discharge this function on his / her behalf.

Overall the council will apply the enforcement concordat.

10.0 Disability awareness training

All holders of operators and boatpersons / chauffeurs licences will complete a council approved disability awareness course or demonstrate that they an appropriate level of disability awareness knowledge and competences.

11.0 Safeguarding awareness training

11.1 All holders of operators and boatpersons / chauffeurs licences will complete a council approved safeguarding awareness course or demonstrate that they an appropriate level of safeguarding awareness knowledge and competences.

11.2 All holders will be required to obtain a basic criminal records' check via gov.uk or equivalent to provide evidence that they are a 'fit and proper person to hold a licence'. If there is a short delay of up to 14 days in the submission of a criminal records check, as an interim measure, an applicant may submit a statutory declaration stating whether they have any criminal convictions, cautions, reprimands etc and if they do, provide details of those criminal convictions, cautions, reprimands etc. If a false declaration is made, the matter will be considered in accordance with the Enforcement Concordat.

<https://www.gov.uk/request-copy-criminal-record>

12.0 Fees

12.1 The council is permitted to charge an annual fee as 'appears to the authority as appropriate' – Section 94(1) of the 1907 Act. See Appendix D for schedule of fees.

The council has set the fees in order to recover the costs of the administration, compliance and enforcement of the licensing regime. The Local Government (Miscellaneous Provisions) Act 1976 and 1982 and the case of Hemmings give clear guidance that licensing regimes are entitled to recover all costs incurred, which includes:

- i. Business Support Officers
- ii. Licensing Officer
- iii. Head of Safer Neighbourhoods
- iv. Enforcement Manager
- v. Legal Officers
- vi. Senior Officers

- vii. Finance Officers
- viii. Enforcement Officers
- ix. Computer hardware and software
- x. Paper, postage, supplies etc
- xi. Councillors
- xii. Meetings
- xiii. Hearings
- xiv. Drafting, publication, consultation of policy and fees
- xv. Training of councilors and officers
- xvi. Expert advice
- xvii. Engineers
- xviii. Audits

this list is not exhaustive.

'Force majeure'

The council will consider excusing operators the liability for fees when an extraordinary event or circumstance beyond the control of the licence holders occurs, eg war, strike riot, crime or an act of God such as hurricane, flood, drought etc.

13.0 Compliance and enforcement

13.1 The enforcement team will have primary responsibility for monitoring that operators and boatpersons / chauffeurs comply with the terms and conditions of the relevant licences.

13.2 Any complaint lodged by members of the public, businesses, customers or other operators will be investigated by the enforcement team and officers will obtain best evidence via statements, photographs, visual evidence etc. The licensing regime will refer to CASWA when appropriate.

If a complaint is lodged by an operator, the complainant will be expected to provide evidence, eg statements, photographs, audio, visual evidence etc to support that complaint.

Any complaint lodged by an operator or boatperson / chauffeur must be justified for enforcement action to be considered.

13.3 Any licence may be suspended or revoked by the local authority whenever it decided that suspension or revocation is necessary or desirable in the interests of the public or deemed necessary to manage the licensing regime when merited by the individual seriousness of an offence or for repeated offences.

13.4 When consideration is given as to whether a licence should be suspended or revoked, the delegated officer / committee will take into account:

- the 1907 Act
- this policy, in particular the enforcement concordat
- the evidence available
- the interests of the public, in particular any public safety issues

- representations of operators and boatperson / chauffeur
- any relevant history.

Any decision will be reduced to writing together with the facts and reasons for the decision.

The operator / boatperson / chauffeur will be provided with a written copy of the decision, facts and reasons together with the licence holders right of appeal. See Appendix E for the Application Audit Form.

13.5 Appeal right- Section 94(7) of the 1907 Act

Any person aggrieved by the withholding, suspension or revocation of a licence of any licence may appeal to the magistrates' court after the expiration of two clear days of the decision. The aggrieved person must give 24 hours written notice of such an appeal and the ground to the justices' chief executive of the court.

The court has the power to make such order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt.

14.0 Offences

14.1 Every person who acts in contravention of the provisions of Section 94 of the 1907 Act shall be liable to a penalty not exceeding level three (Stone's Justices' Manual).

The licence holder shall not be guilty of an offence by reason of his failure to comply with such conditions in Section 94(3)(b) if it is shown that there is reasonable excuse for the failure.

14.2 If a conviction is recorded for any offence by an operator or boatperson / chauffeur, the officer with delegated authority / committee, will consider whether the operator's licence should be revoked. The council will consider suspension and revocation when offences are considered by the licensing authority to be 'serious' and / or 'repeated' offences; each matter will considered on its individual merits.

14.3 The council will take into account, when considering whether any action should be taken against an operator, as to whether the actions of an employee / boatperson / chauffeur were outside the directions and supervision of the operator, ie ' they were on a frolic of their own'.

15.0 Canterbury City Council as licensing authority

15.1 Association of Inland Navigation Authorities (AINA)

The council will obtain membership of the AINA.

15.2 Weir and sluice operations

All three operators in Canterbury city centre have a good working relationship with Engineering Services at CCC. They all contact Engineering Services direct should they have any issues regarding sluice operations at Millers Field (aka Abbots Mill) and the Causeway (aka Deans Mill).

The sluices in Canterbury are Grade 2 listed structures and the site at Millers Field is a Scheduled Ancient Monument site. Major engineering changes to these sluices are therefore not feasible.

A detailed risk assessment for operating the river sluices was completed by CCC Engineering Services in May 2017.

Responsibility for maintenance and operation the river sluices rests with CCC Engineering Services.

Sluice gate adjustments are either undertaken by the on call Duty Engineer, which is a 24hr - 365 days a year service, a member of CCC Engineering Services or Serco is tasked to carry out the work.

Clearly any changes will principally be dictated by changes in river and / or weather conditions and reducing flood risk, although there may be other factors which influence their settings, e.g. civil engineering works at some point on the river.

River tour operators are informed in advance of sluice gate adjustment and maintenance works are arranged for when the operators are not working, usually very early morning. Operators will be advised of planned works in advance.

Contact numbers for all three operators are included in CCC's Duty Engineer's handbook. The only time the gates are adjusted without prior warning is to reduce the risk of flooding.

15.3 **Limits on operator and vessel numbers**

Because the navigation has capacity limitations within the city centre, it is necessary to place a limit on the number of operators and vessels trading within this area. Applications / requirements for operations outside the city centre will be considered on a case-by-case basis on their individual merits.

This assessment has been made mindful of the currently established businesses. Therefore, the following limits are:

- within the bounds of the city licensing area between Westgate Grove and Abbey Mill
 - operating companies 3
 - vessels (rowing craft / punts) 18
 - maximum permitted beam widths:
 - Canterbury River Boat Tours Ltd XX metres
 - Canterbury Punting Company XX metres
 - Canterbury River Navigation Company XX metres
- Canterbury and Stour Waterways Association to provide measurements*

- from Grove Ferry 3.4 miles East to Pluck's Gutter and 6.2 miles West to Fordwich
 - operating Companies 2
 - vessels 2.

The council acknowledges that there are material differences between the operations and licences will be tailored to reflect individual operators businesses.

15.4. **Licence application process**

The council's application process is detailed at Appendix 'E '.

Applicants must submit the following when making an application:

- relevant application form
- declaration for form stating that they have read and understood the policy and relevant licence conditions
- supporting documentation, eg copy of operator's company safety management system, boatperson's / chauffeur's qualification, RYA Inland Waterways Certificate / BSS certificate for powered craft (if appropriate), public liability insurance certificate for a recommended minimum of £5,000,000
- relevant fee.

15.5. **Auditing**

The licensing authority will undertake formal audits of the commercial vessel operations on the river. The aims of the audits are two-fold:

- a. to satisfy CCC that the terms of the licences are being complied with
- b. to establish if the terms and conditions of the licences are meeting the needs of the stakeholders.

There should be two audits per year, one of which is planned and announced and one of which is conducted on ad hoc and with no prior notice.

The licensing authority will prepare an audit plan in February of each year.

The planned audits should be agreed with each operator and announced in advance with a short list of the intended areas of auditing. For example SMS, crew training, incidents.

Each audit activity should result in a written audit report, together with any agreed corrective actions and time scales.

The council will use a template checklist to assist in the audit thereby ensuring (a) consistency and (b) matters are within the knowledge and competences of the officer. If necessary, the licensing authority may engage an appropriate expert to address a matter outside the officers' knowledge and competences.

Unannounced audits will be conducted at any time and without prior notice. This might be aimed at general operations, safety and courtesy during periods of high

commercial activity. On arrival officers will ascertain from the operator as to whether the audit will unduly interfere with operation of the business and if it does, the officer(s) will rearrange the audit visit.

15.6 Incident report

Incidents involving near misses, collisions, injury and / or damage to other vessels or the river infrastructure must be formally reported to CCC Licensing Enforcement Department as soon as possible, or within 48 hours in any event or on the Monday following an incident on a Friday, Saturday or Sunday for further action as necessary.

An incident reporting form is attached at Appendix 'H'.

In the event of needing to provide supporting evidence of incidents etc, operators may wish to consider the use of 'dash cams' mounted discretely on vessels.

15.7 Communication

The council will provide timely communications to the commercial boat operators of any matter that may affect the operation of their business. These may be in form of website information and general announcement, email and SMS messages.

Navigation notices (email, SMS)

- These include planned, ad hoc, necessary weir adjustments, hazards etc eg fallen trees, building scaffolding, river works etc.

Bi-annual communications (email, website)

- A bi-annual summary issued at the start and end of each season and containing at least the following topics:
 - general state of the navigation including repairs, maintenance, bank work etc.
 - summary of Incidents and the outcomes
 - achievements and special events
 - reviews of licence fee and charges
 - other topics as required.

15.8 Emergency rendezvous points (RVP's)

Incidents that occur resulting in injury or worse have the following negative outcomes:

1. distress and trauma for those directly affected and third parties.
2. potential negative publicity and damage to reputation of businesses involved.
3. negative publicity and reputation for the local area and tourism.

The Safety Management Systems and associated licence conditions are aimed at maintaining and improving a safety culture. This should include an established

means of engaging quickly and accurately with the 'Blue Light Responders' should the need arise. This is particularly relevant where access to many parts of the River Stour, both urban and rural, may be difficult.

CCC will engage with operators and the Kent Fire and Police Emergency Planning departments to establish a simple system of emergency Rendezvous Points mutually recognised and assessed by the operators and the Fire and Rescue Services where the best possible access for assistance is identified.

16.0 Canterbury and Stour Waterways Association (CASWA)

The council acknowledges that CASWA is the recognised consultative body to consult with, contact etc in respect of any matters affecting licence holders. The licensing regime will contact any future licence holders directly if they are not members of the Association.

CASWA will endeavour to resolve matters involving its members before the licensing authority becomes involved, eg minor collisions, mooring points, number of boats etc.

If:

- issues arise that cannot be resolved by the Association, or
- a matter involves non-members or
- the licensing authority considers that an issue is serious, criminal, in the public interest etc.

The council is the primary regulatory authority. CASWA may resolve non-serious matters within the Association. The council will require to be made aware of any such matters and reserves the right to investigate any issue should it deem this appropriate.

The council, as the Licensing Authority, retains the absolute discretion to intervene or assist in any matter as it thinks fits in accordance with the Enforcement Concordat (Appendix C).

Appendices

Appendix A

Declaration

Name of applicant	
Address	
Contact Mobile telephone numbers Landline number e-mail address	
Date	
Type of application	<ul style="list-style-type: none">• Operator licence• Boatperson / chauffeur licence• Vessel licence <p><i>(Delete as appropriate)</i></p>
Policy and conditions	I hereby declare I have read and understood the boats and punts policy, including the licence conditions If you have not read the documentation, please state your reason(s):

--	--

Appendix B

Exercise and delegation of functions (including enforcement)

All decisions on licensing matters will be taken in accordance with the following scheme of delegation aimed at underlining the principles of timely efficient and effective decision making.

Matter to be dealt with	Policy and Resources Committee	Licensing Committee	Licensing Sub-Committee	Head of Safer Neighbourhoods	Licensing Officer	BSU Officer
Adoption of Policy	All cases					
Amendment / removal / addition of conditions				All cases in consultation with Licensing Co Chairmen		
Number of operating licences that may be issued				All cases in consultation with Licensing Co Chairmen		
Whether a business or operation requires licensing				All cases in consultation with Licensing Co Chairmen Grant or refuse		

Application for an operators' licence				All cases in consultation with Licensing Co Chairmen Grant or refuse		
Application for a boatpersons / chauffeurs licence				All cases Grant or refuse	Grant only	Grant only
Application for an extra vessel licence				All cases Grant or refuse		
Application for transfer of a vessel licence				All cases Grant or refuse	Grant only	
Application for renewal of an operators' licence				All cases	If no change to current licence	
Application for renewal of a boatperson / chauffeur licence						Grant only if no change to current licence
Application for renewal of a vessel licence						Grant only if no change to current licence
Appeal against grant or renewal of a vessel licence			All cases			
Variation applications				All cases		

Fees		Assistant Director or referral to Licensing Committee All cases				
All forms of warnings, cautions, withholding, suspension, revocation of operator, boatperson / chauffeur and vessel licences				All cases Suspension or revocation in consultation with Licensing Co Chairmen		
Repetitive grant / renewal applications submitted within 12 months of previous application				All cases in consultation with Licensing Co Chairmen		

This form of delegation is without prejudice to officers referring an application to a supervising officer or to the Licensing Sub-committee if it is considered appropriate by the delegated officer in the circumstances of the particular application submitted.

The above table does not affect any statutory right for a person to lodge an appeal to the Magistrates' Court if a person is aggrieved by a decision to withhold, suspend or revoke a licence in accordance with Section 94(7) of the 1907 Act. An appeal may be lodged after the expiration of two clear days of the decision and provided that the applicant has given 24 hours' written notice of the appeal and the ground(s) of the appeal.

Any costs awarded by the court are recoverable summarily as a civil debt.

Appendix C

Enforcement concordat

- 1** The initial contact between the licensing authority and licence holder / business will normally be informal with the provision of advice, guidance and support.
- 2** Enforcement action can include the following progressive approach to achieve compliance:
 - verbal advice which may be documented
 - written advice
 - verbal warning which will be documented
 - written warning
 - formal caution
 - suspension
 - revocation
 - prosecution.

The individual circumstances of the breach of the legislation / conditions will determine the entry level of enforcement.

All actions will be considered in accordance with the requirements of the Human Rights Act 1998 and on its individual merits.

- 3** When prosecution is being considered, the relevant enforcement bodies will, on a case-by-case basis, decide which is the lead authority to prosecute any alleged offence.

Regard will be taken of the Code of Practice made under Section 10 of the Prosecution of Offences Act 1985 and guidance issued by the Crown Prosecution Service. Due consideration will be given to any guidance and / or advice issued by government, local authority, association and other professional and technical bodies.

Statements will be provided as evidence from one agency to another as necessary.

Before deciding whether to prosecute the following factors will be considered:

- the seriousness of the alleged offence
- the history of the person / business concerned
- the willingness of the business / individual to prevent a reoccurrence of the problem and the level of cooperation with council officers, police and / or other agencies
- whether it is in the public interest to prosecute
- the realistic prospect of conviction
- whether any other action (including a formal caution) would be appropriate
- the views of the complainant and other parties with an interest in prosecution.

The licensing authority takes a proactive stance towards proper regulation of, and enforcement of the provisions of the legislation.

The licensing authority will normally take the lead on issues including:

- noise and nuisance
- production and display of relevant licences and documents
- breaches of policy / licence conditions.

Other breaches of the Act will be dealt with either directly or jointly as indicated above. The licensing authority will give full cooperation to any other agency in carrying out their investigations.

Appendix D

Fees

IMPORTANT

The Council incurs costs in discharging its duties as the licensing authority. Following consultation with operators, it was agreed that they would prefer to be charged a single operating fee per annum rather than have this broken down to costs per item, boat person etc. and not to have a street trade licensing regime to cover marketing activity. Consequently each company will be charged an inclusive fee for an operators licence, set in consideration of the nature and size of the operation and associated sales and marketing activity.

The fee set is subject to the Council's annual greater budgeting exercise in terms of necessary inflationary related uplift.

The Head of Safer Neighbourhoods has the discretion to:

- a. take into account motorised eco-friendly vessels
- b. agree payment schedules.

**Appendix E
Application audit form
Application forms**

<p>COMMERCIAL RIVER CRAFT</p> <p>APPLICATION AUDIT FORM</p>



Section 1 – Application	Case Ref:
Date Application Received	Date: _____ Initials: _____
Applicant	Name Address Contact number
Type of Licence <i>Please tick</i>	Operator <input type="checkbox"/> Boatperson / chauffeur <input type="checkbox"/> Vessel <input type="checkbox"/>
Type of Application <i>Please tick</i>	New <input type="checkbox"/> Renewal <input type="checkbox"/> Replacement <input type="checkbox"/> Variation <input type="checkbox"/> Detailed <input type="checkbox"/> Other <input type="checkbox"/>
Section 2 - Checklist	

<p>Application form completed correctly</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Action taken:</p> <p><input type="checkbox"/> Application returned to applicant</p> <p><input type="checkbox"/> Other: <i>please detail</i></p>
<p>Correct Fee Paid</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Fee paid £</p> <p>Action taken: <i>please detail</i></p>
<p>Disclosure (CRB) certificate Must be less than 3 months old</p>	<p>Original produced <input type="checkbox"/> Certified copy produced <input type="checkbox"/></p> <p>Date of certificate:</p> <p>Relevant Offence(s): Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other offence(s): Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Section 3 – Enquiries</p>	
<p>Type:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p>
<p>Section 4 – Decision</p>	
<p>Officer – grant or referral</p>	<p>Date: _____ Initials: _____</p> <p><input type="checkbox"/> Granted</p> <p><input type="checkbox"/> Referred to HSN Date: _____</p> <p>Details:</p>
<p>HSN – grant, refusal or referral</p>	<p>Date: _____ Initials: _____</p>

	<input type="checkbox"/> Granted <input type="checkbox"/> Granted with condition(s) <input type="checkbox"/> Referred to Licensing Sub-Committee Reasons: <input type="checkbox"/> * Notice of refusal or imposition of conditions served Date: *Note; The applicant has a right of appeal to the Magistrates' Court against imposition of conditions or refusal. The applicant has 21 days to lodge an appeal from the when the applicant was given notice of the decision. Notice must include decision, reasons for decision and right of appeal.
Licensing Sub-Committee	Date: _____ Initials: _____ <input type="checkbox"/> Granted <input type="checkbox"/> Granted with condition(s) <input type="checkbox"/> Notice* of refusal or imposition of conditions served Date: *Note: The applicant has a right of appeal to the Magistrates' Court against imposition of conditions or refusal. The applicant has 21 days to lodge an appeal from the when the applicant was given notice of the decision. Notice must include decision, reasons for decision and right of appeal.
Appeal to Magistrates' Court	<input type="checkbox"/> Date appeal notice lodged: <input type="checkbox"/> Legal Officer instructed: <input type="checkbox"/> Court hearing 1 date: <input type="checkbox"/> Court hearing 2 date: <input type="checkbox"/> Court hearing 3 date:
Section 5 – Administration	

	<p>Date: _____ Initials: _____</p> <p><input type="checkbox"/> Acolaid entry completed</p> <p><input type="checkbox"/> Checked by Licensing Officer</p> <p><input type="checkbox"/> Licence printed</p> <p><input type="checkbox"/> Licence copied for records</p> <p>Date licence issued: _____</p> <p>By: Post <input type="checkbox"/> Collection <input type="checkbox"/></p> <p><input type="checkbox"/> Certificate produced - Insurance /</p> <p><input type="checkbox"/> Documents Anited</p> <p><input type="checkbox"/> Bank details redacted</p> <p><input type="checkbox"/> Disclosure certificate destroyed</p> <p><input type="checkbox"/> Spreadsheet updated</p>
--	--

Public Health Acts (Amendment Act) 1907 – Section 94

Application for Pleasure Boat Operators Licence

Please write in block capitals and in black ink – this will assist when the form is copied.

I hereby make application to Canterbury City Council for grant / renewal (please delete) of a pleasure boat licence pursuant to the above act.

Note: the term boat includes boats, punts, canoes, kayaks etc.

Applicant’s details (block capitals)

Applicant(s)	Date of birth	Home address	Business address email address website	Telephone no(s) home mobile business

Address of premises at which boats will normally be berthed / operating mooring(s)

.....

.....

Details of pleasure boat (dimensions in metres)

1 Name / number.....

Make Model..... Year built

Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

2 Name / number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

3 Name / number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

4 Name / number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion

Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

5 Name / Number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

6 Name / number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description
Type and HP of engine (if applicable)
Number of passengers Number of crew

7 Name / number.....

Make Model..... Year built
Length Breadth..... Depth moulded
Draught Colour..... Means of propulsion
Material of construction General description

Type and HP of engine (if applicable)

Number of passengers Number of crew

8 Name / number.....

Make Model..... Year built

Length Breadth..... Depth moulded

Draught Colour..... Means of propulsion

Material of construction General description

Type and HP of engine (if applicable)

Number of passengers Number of crew

Insurance

Are you the holder of a current third party and passenger liability insurance policy to cover a recommended minimum sum of £5 000 000 which insures you against liability for any damage which may be caused? Yes No Other sum £

If 'Yes' enclose with your application documentary evidence that you hold such insurance

If 'No' state what steps you are taking to obtain such insurance

.....

I / we declare that I have read and understood the policy and licence conditions and agree to observe and perform them and that the information given by me on this application is correct to the best of my knowledge and belief.

I / we fully understand that the withholding of relevant information or any false or misleading statement may result in the refusal or revocation of the licence and/or prosecution.

Signature(s)

All applicants to sign

Date

It is agreed that an officer authorised by Canterbury City Council may inspect the vessels which are the subject of this application before any licence is granted.

The cost of any independent surveyor required to be used by the council as part of the application process will be charged to the applicant as an additional fee.

Please enclose appropriate licensing fee(s) with completed application.

The personal information held on this form will be used for the purposes of licensing and enforcement and protection of public funds and will not be disclosed outside of Canterbury City Council, Local Government Departments and other Government agencies.

Any information sent with this form relating to individuals is accepted on the understanding that those persons agree to the use of the information in this way.

Business Support Unit, Canterbury City Council, Military Road, Canterbury CT1 1YW

Public Health Acts (Amendment Act) 1907 – Section 94

Application for Boatperson's / Chauffeur's Licence

Applicant's details (block capitals)

Full name of applicant

Date of Birth Email address

Home address

.....

.....

Daytime telephone number

Have you previously held a boatman's / chauffeur's licence? If yes, please give details

.....

Have you been convicted of any offence of being in charge of / navigating a pleasure boat or forfeited, surrendered, had revoked or been refused to renew a boatman's licence? If yes, please give details.

.....

.....

.....

Do you hold a certificate of boat handling competence issued by a nationally recognized body? If yes, please give details and a copy of the certificate

.....

If no, please provide details / evidence of your equivalent training, competence and experience

.....

.....
.....
.....

Declaration

I declare that to the best of my knowledge and belief I am not suffering from any illness, disease or disability which could be likely to make it unsafe for me to be in charge of a vessel let for hire and carrying passengers and I further declare that I am qualified for the type of licence for which I have applied.

I understand that the licence, if granted, may be suspended or revoked, or endorsed by the licensing authority whenever they shall deem such suspension, revocation, or endorsement to be necessary or desirable in the interest of public safety or in the event of any breach of the said conditions.

I understand that any licence issued remains the property of the council at all times.

I enclose the fee of £

I have read and understood the Commercial River Craft Policy including the licence conditions contained in Appendix G.

Signature of Applicant

Date

Please return to: Business Support Unit, Canterbury City Council Military Road, Canterbury CT1 1YW

Appendix F

Summary of current licence holders Maps of moorings, routes and sales / touting areas

No.	Operator	Mooring sites	Expiry Date	Boats Plate No. and Name / Reference
1	Grove Ferry River Trips Mr Peter Dale and Mr Glynn Rees	Grove Ferry Inn, Upstreet (private mooring)	31.03.18	1 Ellen Mary
2	Canterbury River Boat Tours Ltd Mr Adrian Mills Mr Carey Miles	The Ducking Stool (private mooring) Millers Gardens, Canterbury (Canterbury City Council mooring)	31.03.18	2 Olympia 3 Black Pearl 4 Marlowe 5 Duck Spotter 6 Dozy Joe 7 Olympia 2 8 Friars Ferry
3	Canterbury Punting Co. Mr Ashley Dalton	Suits 3-4, 22 Stour Street, Canterbury (KCC public mooring) Application for Beerling Hall pending	31.03.18	9 NNNSB 10 NBB 11 NSB 12 NNSB Application for a fifth boat pending
4	Canterbury River Navigation Company Mr Rodney Macleod	Westgate Grove, Canterbury (public mooring)	31.03.18	13 A 14 B 15 C 16 D 17 E 18 F

5	Fordwich River Tours Co Ms Julie Anne Richardson, Mr Peter Sean Saunders and Mrs Karen Saunders	Fordwich Town Hall (private mooring)	31.03.18	19 Ethelbert
----------	--	---	----------	--------------

River Stour in Canterbury City

**Grove Ferry River Trips
Mooring and sales marked with a**



Canterbury River Boat Tours Ltd

Mooring and sales marked with a



Sales area only marked with



Canterbury Punting Co

Mooring and sales marked with a



Sales area only marked with a



Canterbury River Navigation Company

Mooring and sales marked with a



'A' board marked with a



Fordwich River Tours
Mooring and sales marked with a



Appendix G
Licence conditions for:
operators
vessels
boatpersons and chauffeurs

An operators, vessel or boatpersons / chauffeurs licence may be suspended or revoked if the council considers it necessary or desirable in accordance with Section 94(2) Public Health Acts (Amendment) Act 1907

Boatpersons / chauffeurs licences are granted for a period of one year

Operators / vessel licences shall be granted for one / two / three / four / five year(s)
(Delete as appropriate)

All licences remain the property of Canterbury City Council at all times.

An applicant may as part of your application, tick only the conditions that apply to that licence holder. The council reserves the right to add any condition that is considered to be appropriate.

1.0 Operators

Operators will provide a Safety Management System (SMS) based on the relevant scope and content of the Inland Waterways Small Passenger Boat Code. The SMS will address company policy, vessel equipment, conditions and boatperson / chauffeur training and qualification. The SMS requirements are summarised at Appendix 'I'.

Operators are recommended to carry public liability indemnity insurance of a minimum cover of £5,000,000. State amount if less than recommended amount
£

The operator's licence and insurance policy must both be in the same name of the person(s) or company.

The operator shall notify the council prior to any change in the policy or on the expiry or determination of the policy.

The operator shall produce the policy together with the current premium receipt and full policy details to the council before the licensing authority issues the licence.

All pleasure boat operators and boatpersons / chauffeurs shall meet the relevant standards set out in the Maritime and Coastguard Agency's publication:

*'Sound practice, safer waters:
Inland waters small passenger boat code'*.

(The MCA small passenger boat code).

The safety of passengers must be the operator's first concern. Operators may not let their boats for hire or carry passengers for hire in their boats in bad weather or river conditions when any reasonable and experienced operator, having proper consideration for the safety and comfort of his passengers, would not do so.

1.1 Company Policy

The company policy statement should include following:

- company name and brief description
- type, description and numbers of vessels including passenger capacity
- geographical scope of operation
- periods and hours of operation
- commitment to the safety of passengers and crews
- commitment to the maintenance and good appearance of the vessels
- commitment to formal training and certification
- commitment to environmental protection
- commitment to consideration and courtesy to all river users
- managing director's signature.

1.2 Duty Manager / Company Spokesperson

Whilst passenger carrying operations are underway there must be a 'Duty Manager / Company Spokesperson' available who is both empowered to represent the company and make tactical decisions should circumstances dictate. The Duty Manager must be contactable and be aware of the approximate location of craft under his or her control including the numbers of passengers on each trip; it is noted that not all operators will be able to give precise numbers on every trip.

1.3 Display of licence and conditions

The operator's licence and conditions shall be prominently displayed for viewing by passengers or available on request:

- in the operators' booking office
- on a marketing stall
- on the business / company's website.

1.3.1 Sales / touting areas

Neither operators or their representatives shall enter any other operator's sales / touting zone to engage in underhand, inappropriate or unethical sales practices etc. Operators and staff may invite different operators or staff into each other's sales / touting zones to speak to each other.

All licensed operators may make sales via the internet, social media, telephone etc.

All licensed operators may issue promotional material, eg flyers, leaflets, advertising, newspaper promotions etc to the public in Canterbury city centre providing they do not harass or cause a nuisance to anyone and in places such as public houses, restaurants, hotels, visitor centres, museums, car parks etc with the premises / land owner's permission.

CASWA will develop a Code of Practice to ensure that each operator's staff is behaving appropriately when handing out flyers in the Canterbury city centre. This includes taking all reasonable responsibility for matters concerning litter.

Each sales / touting zone is defined as follows

- (i) **Canterbury River Boat Tours Ltd** operating and sales from the Weavers Bridge. The area permitted on the bridge is restricted to 50% of the span of the Weavers Bridge from the Weavers Cottage side of the bridge and extending from the railings to the edge of the pavement. The public must have clear unimpeded access to the remainder of the bridge and views of the river. The operator is also permitted to make sales at staging points.

The operator and its staff must not impede the public from viewing the river from the bridge.

The operator is permitted to use a lectern and four advertisement boards in the sales / touting zone.

Staff are permitted to leave the designated sales / touting pavement area in order to manage large groups and / or allow members of the public to view the river.

- (ii) **Canterbury Punting Company** operating and sales from public steps in Water Lane adjacent to 22 Stour Street, the Water Lane Coffeehouse and a designated street trading pitch on the High Street.
- (iii) **Canterbury River Navigation Company** operating and sales from Westgate Grove steps in Westgate Garden adjacent to Westgate Grove and adjacent to the Wincheap Park and Ride Car Park. The operator is permitted to place two 'A' boards by Westgate Towers.
- (iv) **Fordwich River Tours Company** operating and sales from Fordwich.

- (v) **Grove Ferry River Trips** operating and sales from Grove Ferry River Trips' vessel.

1.3.2 The operator, or any member of staff or anyone associated with the operator shall not remove, destroy or steal the promotional material of any other operator or interfere with the marketing or advertising arrangements put in place locally, nationally and globally by any other operator. Any criminal allegation of criminal damage or theft should be reported to the police for investigation.

No promotional material or advertising which has the effect of confusing or misleading a member of the public by appearing to provide a service similar to another operator's service shall be permitted. It is recommended that all promotional material, logos, style / layout / branding etc is submitted to CASWA for agreement. If CASWA cannot resolve issue, the matter will be referred to Head of Safer Neighbourhoods when there is a material change in design, logo etc to avoid any duplication, similarity etc of another operators' material. The Head of Safer Neighbourhoods has the discretion to reject the any altered, new material, uniforms etc if it replicates or is so similar to another operators' material, uniforms etc.

Neither the operator nor members of the operator's staff shall

- (i) obstruct the path of the public
- (ii) make reference to a competing operator in a detrimental manner, city centre operators may explain to potential customers the very different experiences offered by each of the operators, ie rowing / punting, commentary etc
- (iii) call out or hawk for business within 20 metres to other operator's designated sales zones
- (iv) act in anything other than a courteous and professional manner
- (v) cause a nuisance or annoyance to the public
- (vi) pester / badger members of the public to buy a tour
- (vii) approach a prospective customer who is in discussions with a competing operator's staff
- (viii) solicit business from pre-booked individuals or group parties that are with another river tour operator.
- (ix) operators are not permitted to use operatives, employees, etc to canvass away from the designated sales / touting spaces in Canterbury City centre.

1.4 Operations after dark

The normal permitted hours of operation shall be 09.00 to 22.00 hours.

It is recognised that as a popular tourist attraction Canterbury City centre has great aesthetic qualities when viewed from the river after dark. Operating after 22:00 is permitted when:

1. details of the tour are recorded in writing by the operator or duty manager
2. total number of authorised night tours must not exceed one vessel or 50% of each operator's fleet
3. vessels must show a white light at the vessel stern

4. operators are responsible for the safe and courteous behaviour of their passengers
5. boarding and disembarkation must be undertaken with adequate lighting and assistance.

1.5 Incident report

Operator licence holders or the duty manager are responsible for the submission of any incident reporting form to the licensing authority's enforcement officers (see Appendix H).

1.6 Boatpersons / chauffeurs training

All operators must have a structured programme of training for their boatpersons / chauffeurs in all relevant forms of boat handling and any relevant Health and Safety procedures.

A copy of the programme and supporting documentation must be submitted with operators' application form.

The Head of Safer Neighbourhoods is delegated with authority to assess the suitability of the programme and whether it is sufficient to meet any public safety interest considerations.

1.6.1 All operators are required to provide a training programme for the boatperson / chauffeurs.

Boatpersons / chauffeurs applying for their first licence must complete the following phases before a licence will be issued:

- Phase 1 – a period of observation deemed appropriate by the operator of a qualified boatperson / chauffeur operating a vessel (with or without passengers)
- Phase 2 – a period of operation deemed appropriate by the operator as a boatperson / chauffeur under the tuition of a qualified boatperson / chauffeur (without passengers)
- Phase 3 – a period of operation deemed appropriate by the operator as a boatperson / chauffeur under the tuition of a qualified boatperson / chauffeur (with passengers).

The licensed boatperson / chauffeur tutoring must have held a boatpersons / chauffeurs' licence for at least two years.

1.6.2 The operator licence holder must certify that:

New applicant

- a) the applicant boatperson / chauffeur has completed each phase and
- b) that it is appropriate for the applicant boatperson / chauffeur to progress to the next phase.

The operator must certify in the boatperson's / chauffeur's individual training / development log that the boatperson / chauffeur is competent to crew, navigate and operate a boat on their own. The boatperson / chauffeur must submit the log book with their application for a boatperson / chauffeur licence.

Renewal applicant

Boatpersons / chauffeurs applying to renew their boatperson / chauffeurs licence must be assessed annually by the operator.

The operator must certify in the boatperson's / chauffeur's individual training / development log that the boatperson / chauffeur is competent to crew, navigate and operate a boat on their own. The boatperson / chauffeur must submit the log book with their application for the renewal of a boatperson / chauffeur licence.

1.7 Nuisance

Operators must make sure that:

- their boatpersons / chauffeurs respect the people who live and work on each side of the river and do not cause them nuisance
- boatpersons / chauffeurs shall not drop litter over the side of the boat and shall also take all reasonable endeavours to prevent passengers from dropping litter overboard.

1.8 Change of ownership / transfer of a boat, punt etc

If the operator of a pleasure boat, punt etc in respect of which a licence has been granted by the city council, transfers his / her interest in the boat, punt etc to a person other than the operator whose name is specified in the licence, he / she shall within 14 days after such transfer give notice in writing thereof to the council specifying the name and address of the person to whom the boat has been transferred.

If the transferee is another operator, the transferee cannot use the vessel until:

- a) it has been authorised by the council and
- b) the use of the vessel does not exceed the maximum number of vessels that may be used by the licence holder.

2.0 Boats

2.1 The numbers of licensed boats / punts to operate at any time on the river are:

- **Canterbury River Boat Tours Ltd** – seven boats
- **Canterbury Punting Company** – four punts (application pending for a fifth punt)
- **Canterbury River Navigation Company** – six punts

- **Fordwich River Tours Company** – one boat
- **Grove Ferry River Trips** – one boat.

2.2 Maintenance and inspection

- 2.2.1 It is necessary for the vessels to be subject to periodic inspection and maintenance for which records must be kept and form part of the licensing conditions.

Each vessel, irrespective of category, is subject to the following maintenance and inspection routine supported by simple record keeping:

Daily inspection

Daily inspection for watertight integrity, presence of mandatory equipment, hull or structure damage, general cleanliness and presence of dead weed etc. Some defects may be observed and in need of attention however, unless judged safety critical, they may be deferred but recorded until the next maintenance opportunity. Recording can be completed on a weekly basis.

Annual out of water inspection and maintenance

Close inspection of hull integrity above and below the waterline for weakness, points of potential water ingress and damage. Condition and security of all fixtures and fittings including passenger seating and helm positions. Condition of mooring ropes and mooring equipment, boat pole, baling bucket. Rectification and repair as necessary including general appearance and finish.

Three / five year survey

All vessels are subject to a tri-annual formal Out of Water Survey by a qualified Marine Surveyor. Rectification work must reflect the needs of the annual inspection and any observations raised by the marine surveyor. In respect of GRP vessels the period between inspections is five years.

The council may, waive or reduce any requirement or restriction on account of the special circumstances of any vessel in relation to its type of construction, standard of equipment and the trade in which it is engaged, at its absolute discretion.

- 2.2.2 If a licensed vessel is damaged on or below the waterline and it requires repair to make sure that passengers are safe, the operator shall notify the council in writing immediately or within three working days together with the reason for any delay.

The vessel shall not be used for carrying passengers until the repairs have been completed and the council has received a certificate as to the vessel's river / seaworthiness from the operator.

- 2.2.3 All repairs to licensed vessels, except minor ones, should be carried out by a competent boat builder. Examples of minor repairs included varnishing, sanding, fixing screw fittings, trims and boat chains.

- 2.2.4 All licensed vessels shall be kept free from oil and refuse at all times.
- 2.2.5 Where a motorboat is required to carry additional fuel, it shall be stored safely in appropriate containers. No loose cans of flammable fuel must be carried in the vessel in any circumstances.
- 2.2.6 No boatperson / chauffeur or passenger may use a naked flame on a licensed vessel when the vessel is let for hire or there are passengers on board.

2.3 Equipment

Each vessel to carry the following equipment (list will be tailored to each operator's business on issue of the licence):

1. Serviceable mooring ropes and / or straps
2. One spare 10 metre rope
3. Mobile telephone
4. Waterproof torch
5. Whistle and / or air horn
6. Mud weight or anchor (Category 'C' Waters)
7. Life Jackets for passengers and/or children who make such a request
8. Means of baling
9. White light at rear of craft for authorised night operations
10. Lifebelt and throw line (Optional for Category 'A' Waters)
11. Basic domestic type first aid kit.
12. Emergency response procedure.

2.4 Number of passengers and crew

The boats / punts operating in Canterbury City Centre shall not carry more than the number of passengers allowed by the vessel's licence plus two boatpersons / chauffeurs / trainee boatpersons / chauffeurs are included. If a third person is aboard the vessel as a crewmember, the number of passengers permitted must reduce to accommodate crew members. A child up to one year of age is not deemed to be passenger for the purpose of the calculation.

- 2.4.1 The limitation defined in 2.4 does not apply to operators
 - operating motor boats in Fordwich and Grove Ferry in respect of staff and crew, ie they are permitted 12 passengers plus more than two members of crew and
 - for the Canterbury River Navigation Company – six adults or equivalent.

Canterbury and Stour Waterways Association to provide relevant wording.

- 2.4.2 The operator or boatperson / chauffeur in charge of a vessel must allow an authorised officer of the city council or a police officer to board the vessel at any reasonable time to inspect the vessel, its condition and any equipment and crew. In all, apart from exceptional circumstances eg suspected criminal offence, serious safety issue etc, officers will provide the operator, duty manager or boatperson / chauffeur with the reason(s) for wishing to board the vehicle. If a reason is not

provided at the time of boarding, the reason will be provided subsequently at an appropriate time by the licensing authority.

2.5 Licence plate

The boat's licence plate issued by the council shall be displayed on a conspicuous part of the vessel stating:

- (i) the name of the owner of the boat
- (ii) that the boat is licensed to carry no more than the maximum permitted number of passengers specified on the licence.

2.6 Towing of boats and punts

The boat shall not be used for towing with a rope or other towing device for any other vessel or craft except in cases of emergency.

3.0 Boatpersons and chauffeurs

3.1 Each application for a boatperson or chauffeur licence will be considered on its individual merits and if an applicant does not have formal qualifications, then it is open to the individual to satisfy the licensing authority that they have the necessary skills, knowledge, experience etc to be granted a licence.

All boatpersons / chauffeurs in control of a licensed boat shall be aged 17 or above.

3.2 Suitable qualifications

Boatpersons / chauffeurs must have an appropriate level of competence and relevant practical experience of the waterways in the Canterbury administrative area before being allowed to crew a boat. The relevant certificates and training / development log must be submitted with the boatperson's / chauffeur's application form.

3.2.1 Maritime and Coastguard Agency (MCA) Boat Master Licence

This structured national licence is relevant to powered craft operating in UK inland waters and carrying more than 12 passengers. This licence framework does however cater for alternative qualifications relevant to vessels carrying up to but not exceeding 12 passengers (see below). Whilst in principle it could be applied to small unpowered craft, it is felt that the scope of the licence and the training necessary to achieve it bears little relevance to the unpowered operations on the River Stour.

3.2.2 Royal Yachting Association (RYA) Qualifications

Qualifications for powered operations on inland waterways;

- Powerboat 1
- Powerboat 2 and the
- Inland Waters Helmsman's Certificate (IWHC)
- Inland Waterways Small Passenger Boat Code – stipulated qualification
- Inland Waterways Association Certificate of Boat Management

- RYA Day Skipper – Practical Certificate
- RYA Inland Waterways Helmsman Certificate
- RYA Powerboat Level.

The recommended licence for this is the IWHC for the carriage of fare paying passengers. Again, this qualification does not map well to the needs of unpowered craft on a UK Category A or B waterway. It is however suitable for small powered craft.

Notwithstanding the nationally recognised qualifications, all the vessels in operation within the scope of CCC Licensing Authority are one-person operation. Therefore, each vessel must be under the command of a boatperson / chauffeur who is fully trained and is qualified to take out fare paying passengers.

3.2.3 **Company training and qualification scheme**

Unpowered craft operating commercially on the River Stour within the CCC licence authority boundaries each have an approved internal training scheme pertinent to their operation. The training scheme, which must be formally recorded in order to track trainees' progress, must be supported by an adequate assessment and examination process addressing at least the following topics:

- basic boat structure knowledge
- mooring and unmooring
- passenger boarding, disembarkation and general welfare
- needs of passengers of restricted mobility
- basic first aid knowledge
- manoeuvring in conditions of varying wind, flow and weather
- local knowledge including places of restricted vision and 'pinch points'
- appreciation of and courtesy towards the needs of other river users
- emergency Rendezvous Points and summoning aid in an emergency.

The formal assessment must be carried out by the holder of an operators' licence or boatperson / chauffeur who can demonstrate that they have the practical experience relevant to the company operations. The assessment must be recorded and a signed Certificate of Competency issued on company headed paper which will be evidenced to CCC as part of the licensing conditions necessary to operate commercially on the River Stour.

3.3 **Crew identification**

Boatpersons / chauffeurs and crews of vessels must be identifiable to their passengers, the general public and to the emergency services.

A practical and appropriate standard dress code must be adopted for each company. Standard dress is not required for theme-dressed events, eg Halloween, Christmas etc.

The licences will have the name, individual photograph and company name displayed on it.

Boatpersons / chauffeurs should also carry the CCC boatpersons / chauffeurs licence on their person but not so that their ability to safely navigate their craft is impaired, eg a lanyard around the neck with a licence card attached can become caught up with the boat pole and / or oar activity.

3.3.1 **General**

No boatperson / chauffeur shall operate the boat or prepare it for a trip if they are under the influence of alcohol or drugs. No-one taking medication which impairs their ability to navigate shall crew the boat.

Boatpersons / chauffeurs shall not:

- behave in a way which causes annoyance or nuisance to other boatpersons or other persons
- use threatening, abusive or threatening words or behaviour
- endanger their passengers.

4.0 General navigation, constraints and procedures

4.1 River State and weather conditions

River and weather conditions are a key factor in determining a window of criteria for safe navigation. Such criteria are however difficult to quantify given the varying depths and widths associated with the physical feature of the river bed and its course within the CCC licensing jurisdiction area. This is an area of complexity driven by a number of variables some of which may be subjective.

Operators may take the valid view that different types of vessel and operating areas will dictate a variation in their assessment of safe operating conditions.

There are however a number of steps that can be taken on a risk assessment basis to provide a 'safe to operate' or 'go / no go' signal. The following are recommended as mandatory steps necessary to determine safe conditions.

4.2 Daily river condition and weather assessment

A daily BBC area weather forecast easily obtainable on line will provide a good assessment of predicted conditions on an hourly basis if required.

Operators will be familiar with the consequences of previous heavy overnight rain manifesting in high water and / or fast flow conditions. This will be particularly noticeable in narrow confines, bridge holes and other pinch points.

If a flow meter is installed at any point in the CCC licensing area then there is scope to utilise this reading. However, a flow reading at the flow meter location may need to be interpolated to a different reading and criteria at various key points elsewhere on the river.

4.3. Changes in weather river conditions

Conditions may well change as the day progresses. The Duty Manager and boatpersons / chauffeurs are required to maintain a constant eye on weather

changes and other information is essential in order to continually risk assess any deteriorating conditions.

4.4 Quantifiable operating limitations

Based upon the above, the ultimate responsibility for declaring safe operating conditions rests with each operator. Such criteria shall be risk assessed and supported by appropriate and visible quantifiable criteria and declared as part of the licence application.

Notwithstanding the above, operators must assess the river conditions for safe operation before the start of each day's operations and expect to update this assessment during the day should conditions change. Boatpersons / chauffeurs are expected to provide relevant updates to the Duty Manager.

4.5 Weir and sluice operations

Operators are not permitted to make any adjustments, alterations or movements to weir plates or settings.

4.6 Passenger boarding and disembarkation points

Passenger boarding points may be in the form of a landing stage, jetty or steps leading down from the bank. By implication boarding points include disembarkation points. Boarding points may be owned by CCC, the operator or a riparian owner who has leased or granted access to the operator.

Irrespective of ownership, the following criteria must be met by the operators:

1. secure and sturdy installation for walk ways and platforms
2. secure cleats, bollards or mooring rings suitable to secure the vessels in use
3. non-slip surfaces wherever reasonably possible
4. secure hand rails for steps and platforms other than for boarding access wherever reasonably possible
5. closure of public access to boarding points whilst unattended
6. weekly inspection including any necessary rectification to assure the continued integrity of boarding points.

4.6.1 Current boarding points are:

Canterbury River Boat Tours Ltd	The Ducking Stool and Millers Gardens
Canterbury Punting Company	Water Lane
Canterbury River Navigation Company	Westgate Grove and disembarking at White Hall Meadow
Fordwich River Tours Company	Fordwich Town Hall
Grove Ferry River Trips	Grove Ferry Public House

Note: Application pending for Canterbury Punting Company for Beerling Hall.

4.6.2 Passenger boarding, loading for stability and disembarkation

Passengers are to be briefed, guided and assisted by competent crew during boarding and disembarkation operations.

Loading of passengers is to be conducted and supervised such that the vessel remains stable and secure throughout.

4.6.3 **Passenger briefing**

It is likely that the boatpersons / chauffeurs communicate extensively with their passengers.

It is a requirement that there are a few mandatory safety points that must be communicated. These are as follows:

1. remain seated
2. keep heads and hands within the confines of the vessel whilst in confined areas and bridges.
3. if a passenger feels unwell to inform the boatpersons / chauffeurs as necessary
4. respect the environment by not discarding rubbish into the river.
5. any other relevant safety information and guidance.

4.6.4 **Stability whilst under way**

In the interests of safety, vessels are to be loaded such that they maintain an even keel both fore and aft and abeam when underway.

4.7 **Navigation and rights of way**

Navigation and rights of way are detailed as a Code of Practice at Appendix J. *Canterbury and Stour Waterways Association to provide relevant wording in the Code.*

Appendix H Incident reporting form

This form made be replaced with form drafted by the

Canterbury and Stour Waterways Association

Incident Reporting Procedure

Incidents to be reported as soon as possible and in any event within 48 hours

Accident / Incident Report Form
(continue on separate sheet if necessary)

Operator	Contact details	Date

Vessel name / number	Boatperson / chauffeur
Other vessel(s) Involved	Operator

River state:	Weather conditions:
Time of event:	Location:
Passengers / injuries:	Witnesses:

Details, sketches, supporting information, video etc

--

Photographs and / or details of dash cam recording

--

Any subsequent actions taken

--

Name:	Signed:	Date:

Appendix I Safety Management System (SMS) requirements

A Safety Management System (SMS) based on the Inland Waterways Small Passenger Boat Code (IWSPBC - The Code) is relevant and contributes to safety.

There is a need to tailor the scope and content of the SMS to the types of vessel in use and the waterway conditions in which they operate. This aligns to the principle of The Code which is used nationally by many varied operations and is adapted for and by each operation.

The principle of The Code therefore is to provide a framework within which each Company responds to as pertinent to their operation. It is not intended to be a rigid prescriptive format but needs to be addressed appropriately.

The code as adapted by each operator must be assessed by the licensing authority or other independent assessor as being fit for purpose.

The code addresses three main sections

- company policy
- vessels and manning / crew including training each of which is sub-divided into relevant topics. Mindful of the River Stour and the current businesses, these are summarised as follows:

Company policy

This is a statement of intent aimed at declaring the operator's business, scope of operations, number and type of vessels and a commitment to the relevant sections of The Code. This section should be standard for all operators irrespective of the type of operation.

The policy statement needs to be succinct and to the point and should include at least the following:

- a. company name and brief description
- b. type, description and numbers of vessels including passenger capacity
- c. geographical scope of operation
- d. periods and hours of operation
- e. commitment to the safety of passengers and crews
- f. commitment to the maintenance and good appearance of the vessels
- g. commitment to formal training and certification.
- h. commitment to environmental protection.
- i. Commitment to consideration and courtesy to all river users.
- j. managing director's signature.

Vessels and maintenance

Currently there are five different types of vessel in use on the River Stour:

- a. Narrow wooden punts
- b. Wide wooden punts
- c. GRP Rowing boats
- d. GRP electric launch
- e. Converted narrow boat with diesel
- f. Canoes, kayaks etc.

Within this part of The Code there is a limited relevance to non-powered categories 'a-c' above. Punts tend to have a traditional design and construction rather than formal standards. They are however generally of simple but sturdy construction. Category 'd' on the other hand, the electric launch, dictates a wider scope of relevance and on-board equipment. This Report concludes that, subject to certain maximum limitations (See Section 6), the current types and design of vessel are suitable for operations on the River Stour within the bounds of the CCC Licensing area.

It is necessary for the vessels to be subject to periodic inspection and maintenance for which records must be kept and form part of the licensing conditions. The following maintenance and inspection routine supported by simple record keeping is required:

Daily Inspection

Daily inspection for watertight integrity, presence of mandatory equipment, hull or structure damage, general cleanliness and presence of dead weed etc. Some defects may be observed and in need of attention however, unless judged safety critical they may be deferred but recorded until the next maintenance opportunity.

Annual Out Of Water Inspection and Maintenance

Close inspection of hull integrity above and below the waterline for weakness, points of potential water ingress and damage. Condition and security of all fixtures and fittings including passenger seating and helm positions. Condition of mooring ropes and mooring equipment, boat pole, baling bucket. Rectification and repair as necessary including general appearance and finish.

Three / Five Year Survey

All vessels are subject to a tri-annual formal Out Of Water Survey by a qualified Marine Surveyor. Rectification work must reflect the needs of the Annual Inspection and any observations raised by the Marine Surveyor.

Each vessel to carry least the following equipment (the list may be amended with the approval of the Head of Safer Neighbourhoods on application of the operator):

- a. serviceable mooring ropes and / or straps.
- b. one spare 10 metre rope
- c. mobile telephone
- d. waterproof torch
- e. whistle and/or air horn
- f. mud weight or anchor (Category 'C' Waters)
- g. life jackets for passengers and / or children who make such a request
- h. means of baling
- i. white light at rear of craft for authorised night operations
- j. lifebelt and throw line (Optional for Category 'A' Waters)
- k. basic domestic type first aid kit.
- l. emergency response procedure.

Persons in command of a vessel on the river must be formally trained and qualified.

Boatperson / chauffeurs and crew of vessels must be identifiable to their passengers, the general public and to the emergency services. A practical and appropriate standard dress code must be adopted for each company. Boatpersons / chauffeurs should also carry the CCC licence on their person but not so that their ability to safely navigate their craft is impaired. Eg a lanyard around the neck with a licence card attached can become caught up with the boat pole and / or oar activity.

Whilst passenger carrying operations are underway there must be a 'duty manager' available who is both empowered to represent the company and make tactical decisions should circumstances dictate. The duty manager / company spokesperson must be contactable and be aware of the location of craft under his or her control including the numbers of passengers on each trip.

IWSPBC Vessel Type Applicability

To be up-dated by the Canterbury and Stour Waterways Association

In addition to a Company Policy Statement, it is recommended that operators should summarise the following topics as relevant within their SMS:

IWSPBC Topic	Narrow Wooden Punts	Wide Wooden Punts	GRP Rowing Boats	Powered Vessels
Construction and Structural Strength	Yes	Yes	Yes	Yes
Weathertight Integrity	N/A	N/A	N/A	Yes
Waterfreeing Arrangements/Deck Drainage	N/A	N/A	N/A	Yes
Machinery	N/A	N/A	N/A	Yes
Electrical Installation	N/A	N/A	N/A	Yes
Steering Gear/Steering Position	Secure and Non Slip	Secure and Non Slip	Secure and Non Slip	Secure and Non Slip
Stability	Inherently stable	Inherently stable	Inherently stable	Yes - By Design Std
Bilge Pumping/Draining	Simple baler	Simple baler	Simple baler	Yes
Freeboard	Minimum of 10 cm with full passenger load	Minimum of 10 cm with full passenger load	Minimum of 25 cm with full passenger load	Yes - By Design Std
Life Saving Appliances	N/A	N/A	N/A	Yes
Fire Safety	N/A	N/A	N/A	Yes
Fire Fighting Appliances	N/A	N/A	N/A	Yes
Communications Equipment	Mobile Telephone	Mobile Telephone	Mobile Telephone	Mobile Telephone
Navigation Lights	White light at stern for night use	White light at stern for night use	White light at stern for night use	Port, Stbd and Steaming if night ops are intended
Miscellaneous Equipment	Torch, Emergency Response Procedure	Torch, Emergency Response Procedure	Torch, Emergency Response Procedure	Torch, Emergency Response Procedure
Anchors and Cables	Mooring Ropes/Straps plus 1 *10m rope for Emergency Use	Mooring Ropes/Straps plus 1* 10m rope for Emergency Use. Mud Weight	Mooring Ropes/Straps plus 1* 10m rope for Emergency Use. Mud Weight	Mooring Ropes/Straps plus 1 * 10m rope for Emergency Use. Anchor c/w chain & rope

	Mud Weight			
Accommodation	N/A	N/A	N/A	N/A
Protection of Personnel	Non-Slip Footwear	Non-Slip Footwear	Non-Slip Footwear	Non-Slip Footwear. Life Jackets available for pax.
First Aid Kit	Yes	Yes	Yes	Yes
Prevention of Pollution Policy	Yes	Yes	Yes	Yes

**Appendix J
Code of Conduct
Navigation and rights of way**

Code to be up-dated by the Canterbury and Stour Waterways Association

1 The navigation right of way is given to craft travelling downstream but with extreme caution in narrow and restricted vision locations such that craft already committed to the limited navigation space have RoW.

2 **Bridge navigation and pinch points**

The River Stour within Canterbury has a number of identifiable bridges and pinch points which constitute a navigation hazard because of limited width and visibility. Furthermore, it is possible that up to three operators may be navigating this section at any one time.

Going from Water Lane (West) to Abbey Mill (East) these are:

3 **Water Lane to Grey Friar's Island and East Bridge**

This stretch has limited width and a tendency towards higher flow rates. It is also the boarding and disembarkation point for a punt operation.

In order to be able to bring vessels to a safe stop the vessels may on occasions navigate astern. Other users are requested to be aware of this hazard and for all parties to jointly alert their presence and take precautions in the spirit of standard collision regulations. Alerting other users may be achieved by simply shouting 'Ahoy'.

The eastern end of Grey Friar's Island is a point of interest for tourists and used by more than one operator. It is sometimes referred to as 'The Funnel' and is an established stopping point and / or turning point for different types of craft within which there is little room for manoeuvring.

Operators are requested to be mindful of each other's needs and be prepared to announce arrival in the vicinity (Shouting 'Ahoy' should be adequate) and / or hold station whilst other craft complete their visit and manoeuvring.

Similarly, craft stopping at this point are requested to be aware that others may be wishing to pass and/or occupy this position.

Craft travelling upstream are recommended to hold station on the east side of East Bridge until access is available.

4 **Greyfriars Bridge to Eastbridge**

This section of the River Stour includes a sharp 45 degree corner with protruding masonry just above water level. This constitutes a navigation hazard with transverse flow, limited visibility and unpredictable windage.

Craft travelling downstream will normally navigate on the right hand side of the river and as such be furthest from the concrete protrusion. The river flow however will tend to push them onto the opposite wall. Boatpersons / chauffeurs will seek to avoid this hazard by tending towards the centre of the channel. Meanwhile, craft navigating upstream in the opposite direction will similarly be taking evasive action to avoid the protruding masonry also by tending towards the centre of the channel. Both upstream and downstream traffic will co-incidentally be anticipating other craft as yet unseen. Boatpersons / chauffeurs will seek to manoeuvre at slow speed in order to minimise the effects of this corner. In mitigating these risks, irrespective of upstream or downstream traffic, there are two potential outcomes:

- a) The direction of water flow will tend to push (or 'ferry glide') downstream vessels over to the opposite side of the river towards the wall and will need to move towards the centre of the channel to combat the transverse flow.
- b) Craft navigating upstream will expect to navigate on the right hand side but will need to tend towards the centre of the channel as they approach the corner in order to avoid the protruding masonry.

Possibly exacerbated by windage and high flow rates, this may well result in all craft being in the centre of the channel and in unavoidable contravention of traditional navigation rules, in a blind spot. The worst outcome in these circumstances is a collision and / or possible injury.

Operators are asked to consider and advise if, in order to minimise the risks, there is a universal agreed understanding that the normal rules of navigation are suspended whilst navigating at this point on the River i.e. by passing starboard to starboard. Furthermore, when approaching this corner, either upstream or downstream, boatpersons / chauffeurs announce their presence by shouting

'Ahoy - Green To Green'.

This announcement is one that would be made by vessels under power in similar circumstances and displaying a green light to starboard.

The two tunnels underneath St Thomas's Hospital are quite different in that the left hand tunnel (going downstream) is quite wide and fairly generous in head height whilst the right hand tunnel has limited width and head height.

Traditionally the left hand tunnel is used by rowing boats and the right hand tunnel is used by punts. This configuration is maintained mindful of the need for caution at the downstream exit where the flow from both tunnels meet at the jetty of a rowing boat operator.

5 King's Bridge to Blackfriars' Bridge

As stated above and adjacent to the 'Ducking Stool', there is a jetty which serves as both a vessel mooring and a passenger embarkation point. Vessels are moored

facing upstream and the flow tends to push them into the left hand bank adjacent to the jetty. As in other parts of the River, there is an unpredictable wind effect given the canyon like nature of the surrounding buildings.

Nevertheless, this is a point of restricted width. Operators are requested to be mindful of both the need to moor vessels close in to the bank and a requirement to navigate slowly and with care.

Blackfriars Bridge cannot be safely navigated by more than one vessel at a time. Boatpersons / chauffeurs are requested to keep a sharp lookout and be prepared to hold station. Vessels going downstream have the RoW however, due allowance must be made for vessels travelling upstream who are committed to navigating the bridge. In such cases there is adequate 'lay by' space either side of the bridge which can be utilised for this situation.

6 Black Friars Channel

East of Blackfriars Bridge is a long restricted section of the River known as the Blackfriars' Channel. This section also has a tendency for unpredictable gusts of wind.

Blackfriars Channel cannot be safely navigated by more than one vessel at a time, particularly if one is a rowing boat. Boatpersons / chauffeurs are requested to keep a sharp lookout and be prepared to hold station. Vessels going downstream have the RoW however, due allowance must be made for vessels travelling upstream who are already committed to the Channel. In such cases there is adequate 'lay by' space at either end of the Channel which can be utilised for this situation.

7 Vessels going astern

On occasions and where there is a fast stream and limited width, it is necessary for some punts to go astern with the flow in order to be able to bring the vessel to a rapid stop should a hazard become evident and / or another vessel approach upstream.

Faced with a reversing punt, from a distance it is not immediately evident that the punt is going astern. This is particularly relevant when one or two boatpersons / chauffeurs may both be facing in opposite directions. Therefore, it is required that a simple white board (15cm x 15 cm / 6in by 6in) be displayed at the stern of reversing punts to provide advanced warning to other river users of this stern first manoeuvre.

8 Staggering departures

It is recognised that charters of large parties and / or busy periods may dictate the need or result in more than one vessel navigating 'in convoy'. This will potentially cause severe congestion particularly at the various pinch points within the city centre sections. Operators are asked to consider wherever possible, staggering departures in an effort to mitigate this problem.

9 Emergency stops and general requirements

Navigating with due care and good lookout should alleviate the need for emergency stops. Operators will be aware that executing emergency stops even in moderate

flow conditions can result in injuries to arms, wrists and shoulders of boatpersons / chauffeurs.

Such outcomes are unacceptable to the individuals concerned, the reputation of the operating companies and the image of the Canterbury tourist image.

10 Boatpersons / chauffeur shall not use mobile phones while in control of a boat carrying passengers unless in the case of an emergency.

Boatpersons / chauffeurs shall not propel a boat carrying passengers by walking on foot on the riverbed and pushing or pulling by hand in order to facilitate navigation on the waterway unless in an emergency.

Boatpersons / chauffeurs shall not carry any paying passenger who is visibly under the influence of alcohol or drugs.

No boatpersons / chauffeurs shall operate the boat or prepare it for a trip if they are under the influence of alcohol or drugs. No-one taking medication which impairs their ability to navigate shall crew the boat.

Boatpersons / chauffeurs shall not:

- behave in a way which causes annoyance or nuisance to other boatperson / chauffeur or other persons
- use threatening, abusive or threatening words or behaviour
- endanger their passengers.

11 **Environmental**

Vessel operations must be conducted within a stated environmental policy. Recommendations are as follows:

1. avoid damage to banks and structures
2. avoid disturbance to wildlife
3. powered vessels must not create wash that damages the environment
4. passengers must not discard rubbish overboard
5. all waste materials and rubbish must be disposed of through CCC approved disposal and recycling arrangements
6. spillages should be reported to the Environment Agency.