

Conditions of Hire Vessel Licence

All vessels which are capable of carrying up to 12 passengers which are used for Hire on a Commercial basis on water situated within the Local Authority geographical area covered by Westmorland and Furness Council and the Operators thereof are required to be licenced on an annual basis by Westmorland and Furness Council under the powers of the Public Health Act Amendments Act 1907.

Definitions

1. The term 'Vessel' includes all types of craft whether power driven, sailed or manually propelled.
2. The term 'Council' means Westmorland and Furness Council.
3. The term 'Proprietor' means the person or company offering the vessel/s for Hire.
4. The term 'Licensed Operator' means duly licenced by the Council for the purposes of hiring vessels to the public.
5. The term 'Boat Inspector' means an individual or Company employed by the Council to inspect vessels for hire for the purposes of obtaining a Licence.
6. The term 'Person/s' shall mean the person/s hiring the said vessel.
7. The term 'RYA' means the Royal Yachting Association.

General Conditions pertaining to all vessels

1. The proprietor must demonstrate that a suitable and sufficient assessment of the risks associated with this activity has been carried out and that any significant findings of that assessment have been acted upon. A copy of the assessment/code of safe working practise/operating procedures and any stability test data must be provided to the Council.
2. Vessels can only be offered for hire at or from a Commercial premises or land either owned by the proprietor or where the proprietor has the written consent of the landowner – a copy of such letter must be provided.
3. Vessels can only be released for hire by a person who is a currently Licenced Operator.
4. All vessels licenced by the Council shall be insured by the proprietor at all times when in use against third party risk and a copy of the insurance documents provided to the Council.
5. All vessels licenced by the Council shall be kept in a good, sound and safe condition to the satisfaction of the Council's Boat Inspector.
6. All vessels licenced by the council shall be clearly marked with an identification number and/or name along with the name and contact telephone number of the Boat Operator. This shall be permanently affixed in a conspicuous position on the pleasure boat or vessel in figures/letters not less than 25mm in height and 20mm breadth.
7. The proprietor must demonstrate that a suitable and sufficient system is in place and is operated, to ensure that proper records are kept which show how many vessels have been hired at any time, the number of persons on-board, the expected time of return and emergency procedures to be implemented on the failure of a vessel or vessels to return.

8. The maximum number of persons to be carried on any vessel shall not be exceed the number permitted by the Council's Boat Inspector. The maximum number shall be prominently displayed on or in the vessel. If is it not practical to display on or in the vessel (Paddleboards ect.) the maximum number shall be prominently displayed at the point of hire.
9. The proprietor/Licenced Operator shall ensure that all persons are suitably clothed for the activity partaken, taking into account weather conditions so may necessitate to use of wetsuits, suitable footwear ect.
10. Suitable buoyancy aids or life-jackets complying with the relevant British and European Standards or approved by the Department for Business, Energy and Industrial Strategy must be issued to every person hiring a pleasure boat or vessel sufficient in number for the hirer and all passenger. Every effort is to be made to ensure that a properly adjusted buoyancy aid or life-jacket be worn at all times by members of the public when on the water including posting suitable notices and information at the point of hire bringing this requirement to the publics attention. The Buoyancy aids and/or Lifejackets must be serviced and maintained in accordance with manufacturers requirements and service records produced if requested.
11. All persons shall be sufficiently briefed by a Licenced operator prior to departure from the point of hire in relation to use of the vessel and the lake/water. This briefing should be include vessel familiarisation, emergency procedures, navigation hazards ect.
12. All persons operating vessels are required to comply with all byelaws regulations and restrictions statutory or otherwise which may apply to the vessel or use of the lake/water for which it is Licensed.
13. A suitable safety boat must be available at all times and may only be crewed by suitably qualified members of staff – RYA Safety Boat or equivalent. The Safety Boat will be governed by the Lake Byelaws and must adhere to the speed limits. The only exception to the limits will be if the incident includes a threat to life.
14. No vessels shall be let for hire in weather conditions that may pose a threat to the safety of those on board.
15. No vessels licenced by the Council shall be hired to any person or persons apparently under the influence of alcohol or drugs.
16. No vessel shall be left unattended at anchor nor shall any vessel be moored at a public jetty for longer that the permitted waiting limit. Failure to comply with either of these conditions could result in the vessel being towed away and charges being incurred.
17. Persons hiring vessels and their passengers are not permitted to swim or dive from any vessel and the Boat Operator shall draw this to the attention of the hirer and their passengers, including posting suitable notices and information at the point of hire.
18. The Council's Boat Inspector will issue and adhere to each vessel a sticker to confirm the boat has passed the annual inspection which must not be removed during the term of the licence. If the sticker becomes detached for any reason from a vessel, it may not be used for hire to the public until the Boat Inspector has re-inspected and attached a replacement sticker, this to be done at the expense of the Boat Operator.
19. If any change occurs in the ownership or any particulars of the vessel hereby licensed during the period of the licence, notice of such change shall be given immediately to the Licensing Section.

Conditions specific to different types of vessels

1. Kayak (Closed Cockpit)

1.1 No kayak hereby licensed shall be hired unless the proprietor has the appropriate qualification as certified by British Canoeing; or that they are operating under the supervision of a qualified instructor and that supervision is in accordance with the regulations of British Canoeing.

1.2 Every kayak hereby licensed shall be fitted with the appropriate buoyancy air bags.

2. Sit on top Kayak/Canoe and Canadian Canoes (Open Cockpit)

2.1 The sit on top kayak/canoe or Canadian canoe covered by this licence shall not be hired to any person or persons under the age of 16.

2.2 Every Canadian Canoe hereby licensed shall be fitted with the appropriate canoe buoyancy blocks or float bags

3. Sailing Dinghies (Open Cockpit)

3.1 The sailing dinghy covered by this licence shall not be hired to any person or persons under the age of 16

3.2 No sailing dinghy hereby licensed shall be hired unless the hirer has the appropriate qualifications as certified by the RYA; or that they are operating under the supervision of a qualified instructor and that supervisor is in accordance with the regulations of the RYA.

3.3 Every sailing dinghy hereby licenced will at all times carry the following equipment:

3.3.1 One lifebuoy of a type complying with the relevant European standard and of a size not less than 610mm in diameter attached to a suitable length of floating line

3.3.2 One bailer or bucket capable of displacing at least 1.2 litres of water

4. Windsurf Board

4.1 No board hereby licensed shall be hired unless the person has the appropriate qualifications as certified by the RYA; or that they are operating under the supervision of a qualified instructor and that supervision is in accordance with the regulations of RYA

5. Sea Cycles and Water Bikes

5.1 The aggregate weight of persons permitted to be carried on any sea cycle, water bike or similar craft hereby licensed shall not exceed 249.5 kilograms on any sea cycle. That single person's weight shall not exceed 127 kilograms on any water bike

5.2 A notice stating the maximum number of persons permitted to be carried in the form of "Licensed to carry persons – total maximum permitted weight 249.5 kilograms" (sea cycles) or "Licensed to carry one person – maximum permitted weight 127 kilograms" (water bike) shall be prominently displayed on the craft so as to be visible to those boarding it

- 5.3A plaque of at least 152mm in width by 76mm in height shall be affixed in a prominent position in every craft hereby licensed bearing the following wording in black or red letters on white background – “DANGER – DO NOT STAND UP, CHANGE PLACES OR SWIM FROM CRAFT” or similar wording that conveys the same message or intended meaning
- 5.4 No person apparently under 1.22 metres tall may act as a rider with the pedals in either model

6. Stand up Paddleboards (SUPs)

- 6.1 The SUP covered by this licence shall not be hired to any persons under the age of 16
- 6.2 The hirer should be issued a tether/leash and instructed in their use and of their importance of attaching the SUP, the primary floatation support, and its importance in enabling their ability to retrieve it
- 6.3 The safety briefing should highlight the dangers of injuries relating to un-expected dismounts in shallow water (less than chest deep)

7. Rowing Boats and Rowing Dinghies

- 7.1 The rowing boats and rowing dinghies covered by this licence shall not be hired to any person or persons under the age of 16
- 7.2 Every Rowing Boat and Rowing Dinghies hereby licenced shall carry the following equipment:
- 7.2.1 One lifebuoy of a type complying with CE Standard EN 14144 and of a size not less than 610 millimetres in diameter
 - 7.2.2 One bailer or bucket capable of displacing at least 1.2 litres of water
 - 7.2.3 2 metres of rope secured to the bow of the boat
- 7.3 Every boat hereby licenced shall be fitted with the following:
- 7.3.1 Oars with rowlocks of the ‘pin’ type or alternatively with oars of a type capable of being secured to the boat or vessel by some other means to the satisfaction of the Councils Boat Inspector
 - 7.3.2 Rubber bow protectors to the satisfaction of the Councils Boat Inspector
 - 7.3.3 A plaque of at least 150mm in width by 75mm in depth shall be affixed in a prominent position in every pleasure boat covered by this licence bearing the following wording in black or red letters on white background
“DANGER – DO NOT STAND UP, CHANGE PLACES OR SWIM FROM BOAT”
Or similar wording that conveys the same message or intended meaning

8. Mechanically Propelled Vessels (Includes Electric)

- 8.1 The mechanically powered vessels covered by this licence shall not be hired to any persons under the age of 16
- 8.2 Every vessel hereby licenced under 5 metres in overall length must carry the following equipment:
- 8.2.1 One lifebuoy of a type complying with CE Standard EN 14144 and of size not less than 610 millimetres in diameter
 - 8.2.2 One bailer or bucket capable of displacing at least 1.2 litre of water
 - 8.2.3 One dry Powder (or suitable alternative) fire extinguisher, which shall be regularly serviced and inspected in accordance with the manufacturer’s direction, of not less than 1kg capacity with directions for use in accordance with the manufacturer’s instructions prominently displayed thereon

8.3 Every vessel covered by this license of over 5 metres in overall length shall carry the following equipment:

8.3.1 Two lifebuoys of a type complying with CE Standard EN 14144 and of a size not less than 610 millimetres in diameter attached to a suitable length of floating line

8.3.2 One automatic or manual bilge pump, and a bailer or bucket capable of displacing at least 1.2 litres of water

8.3.3 Two dry Powder (or suitable alternative) fire extinguishers, which shall be regularly serviced and inspected in accordance with the manufacturer's directions, of not less than 1kg capacity with directions for use in accordance with the manufacturer's instructions prominently displayed thereon

8.4 A stream powered propulsion engine installation may be used provided that:

8.4.1 Pressure systems are of appropriate design and should have a current "Pressure System Inspection Certificate" issued by a recognized competent person. A written scheme of examination describing the exact nature of the installation should be covered for all risks by a current insurance policy

8.4.2 In the case of a dual fuel installation no flame failure device should be necessary provided the boiler, when in use, is being constantly attended

8.5 LPG powered engines

8.5.1 All LPG powered propulsion engines must comply with The Liquid Petroleum Gas Association Code of Practice No. 18, Safe use of LPG as propulsion fuel for boats, yachts and other craft

8.5.2 Conversions of engines to dual fuel operation, where LPG constitutes one of the fuels used, is not considered appropriate

8.6 An electrically powered propulsion engine may be used provided that:

8.6.1 The installation complies with the applicable, and to *The Institution of Electrical Engineers (IEE) Regulations* for the electrical and electronic equipment of ships as is appropriate to the size of the installation

8.6.2 The arrangement of batteries, including in particular their stowage and adequate ventilation, should comply with the IEE regulations – Section 15

8.6.3 A manually operated master switch, which can be operated from the steering position, should be fitted. It should be capable of cutting off the electrical supply to the propulsion motor

8.6.4 The motor and controlled compartments should be adequately ventilated

9. Bare Boat Charter – (larger vessels with accommodation)

9.1 No bare boat charter vessel shall be hired to a person or persons under the age of 18 years

9.2 Vessels will only be hired to persons who hold a relevant RYA qualification; only qualified persons are allowed to take charge of the vessel

9.3 The proprietor/Licensed Operator must ensure that all clients are made aware of The Byelaws

9.4 Every vessel covered by this license shall carry the following equipment –

9.4.1 Two lifebuoys of a type complying with CE Standard EN 14144 and of a size not less than 610 millimetres in diameter attached to a suitable length of floating line

9.4.2 One automatic or manual bilge pump, and a bailer or bucket capable of displacing at least 1.2 litres of water

9.4.3 Two dry Powder (or suitable alternative) fire extinguishers, which shall be regularly serviced and inspected in accordance with the manufacturer's instructions prominently displayed thereon

9.4.4.1 1 auxiliary engine of sufficient power to move the vessel in a safe manner