

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 4 December 2019**

Subject: Proposed Licensing Scheme for Boat Hirers**1. Purpose**

- 1.1** To update the Committee on the proposed licensing scheme for Boat Hirers, report on the consultation process and seek the Committee's agreement to adopt the resolution to licence boat hirers.

2. Recommendations

- 2.1** It is recommended that the Committee:-

- (i) adopt the resolution to licence Boat Hirers and the proposed conditions at appendix 1; and
- (ii) delegate authority to officers to determine a revised fee for West Dunbartonshire Council for licences for boat hirers.

3. Background

- 3.1** The Committee previously granted authority to officers to advertise the proposed resolution for a licensing scheme for Boat Hirers. This was following a Marine Accident Investigation Board ("MAIB") report into a small passenger ferry that sank within Loch Lomond's waters. The MAIB found that there was no effective regulatory oversight of small passenger vehicles within Loch Lomond.
- 3.2** No responses were received to the consultation that was publically advertised from 1 October to 30 October 2019 in the Dumbarton Reporter. The consultation was also advertised online on the Council's website. There was previously a public consultation in 2016 where several responses were received. However, following the responses received further discussions with neighbouring authorities were required. Parties that previously responded to the original consultation were also written to, updating them of the proposals to re-advertise the proposed boat hirers scheme and conditions. Notwithstanding that there were no responses to this consultation; a number of issues were raised in the consultation responses at that time that Officers have considered.

4. Main Issues

- 4.1** The main concerns/areas from the initial consultation responses are as summarised below:-

4.2 Need for Multiple Licences

- 4.2.1** As outlined in the previous reports to this Committee, Stirling and West Dunbartonshire Councils propose to delegate power to each other to grant boat hirer licences in their parts of Loch Lomond. Argyll and Bute Council have previously said that any boat hirer operator, who picks up passengers from within Argyll & Bute Council's area will still require a licence from them. This caused concern with operators who believe that one licence would help minimise the burden on operators rather than one licence for West Dunbartonshire or Stirling Council, and a separate licence from Argyll and Bute Council. However it is the current position that in principle, discussions are ongoing to now allow a delegation between all the authorities. This hasn't been formally agreed at the time of writing. If agreed, this would mean only one licence is required to operate throughout the waters of Loch Lomond regardless of which Local Authority area passengers were picked up.

4.3 Fees

- 4.3.1** There was a concern amongst operators that if the fee level and the cost of complying with proposed licensing conditions is too high, it may not be economically viable to run such boats commercially. The current fee for a Boat Hirers licence is set at £1,423 for a three year period. The fee for this category of licence was agreed by the Licensing Committee following an assessment of the cost of providing such a licence, thereafter subject to annual inflationary increases. Stirling Council have previously stated that they would be willing to adopt the same fee as West Dunbartonshire Council. Argyll and Bute currently charge £251 for a one year licence that further reduces in cost on an annual basis.

Comments

The Committee will be aware that a civic licensing fee review is underway, and the current fee for boat hirers will be considered by officers and fully reported on. In addition, if the delegation between all authorities is agreed then officers will consider the level of fee that would be proposed to be charged by all authorities. This would ensure consistency between the three authorities regardless of the place of application. There is likely to be a reduction in the West Dunbartonshire Council fee.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** The current fee for a Boat Hirers licence is set at £1,423. The fee for this category of licence was agreed by the Licensing Committee following an assessment of the cost of providing such a licence, thereafter subject to

annual inflationary increases. There is likely to be a reduction in the West Dunbartonshire Council fee.

7. Risk Analysis

- 7.1 There would be a reputational risk for the Council if it fails to use powers to regulate activities that could cause harm to citizens or businesses.

8. Equalities Impact Assessment (EIA)

- 8.1 An equalities impact assessment identified that a licensing scheme would take account of the need to ensure the safety of people with disabilities or age related infirmities. These issues should be considered by the operator of such a licence rather than particular conditions being incorporated within conditions at this stage.

9. Consultation

- 9.1 The proposed resolution for a licensing scheme for boat hirers was publically advertised in a local newspaper and also online.

10. Strategic Assessment

A licensing scheme will improve the wellbeing of communities and protect the welfare of vulnerable people.

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Date: 18 November 2019

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Appendix: Proposed licensing scheme conditions for boat hirers.

Background Papers: Report on the investigation of the foundering of the small passenger ferry Vixen in Ardlui Marina, Loch Lomond Marine Accident Investigation Branch, June 2013.

Reports to the Licensing Committee - 28 August 2013, 20 April 2016, 19 April 2017 and 4 September 2019.

Wards Affected: All