

# **Guidelines for licensing a marine activity in Padstow Harbour**

Produced by Padstow Harbour Commissioners

01.04.2022

## Contents

Guidelines for licensing a marine activity in Padstow Harbour .....	1
1.0 Introduction .....	3
2.0 Key requirements.....	6
3.0 The Domestic Safety Management System .....	7
3.1 Health and Safety Policy .....	7
3.2 Drug and alcohol policy .....	7
3.3 Licences to operate according to any National Law or code .....	8
3.4 Suitability of vessels.....	8
3.5 Adoption of standards of national bodies .....	8
3.6 Statement of business operation and emergency procedures (/ method statement).....	9
3.7 Risk assessment .....	10
3.8 Minimum manning .....	10
3.9 Qualifications .....	11
3.10 Incident reporting procedure .....	14
3.11 Public Liability Insurance (PLI) .....	14
4.0 Checklist for operating licences .....	15
5.0 Appendices.....	16
Appendix 1 – list of guidelines, codes and laws referenced .....	16
Appendix 2 – list of local knowledge required for local knowledge endorsement .....	18
Appendix 3 – PHC Incident and Near Miss Reporting Procedure .....	19

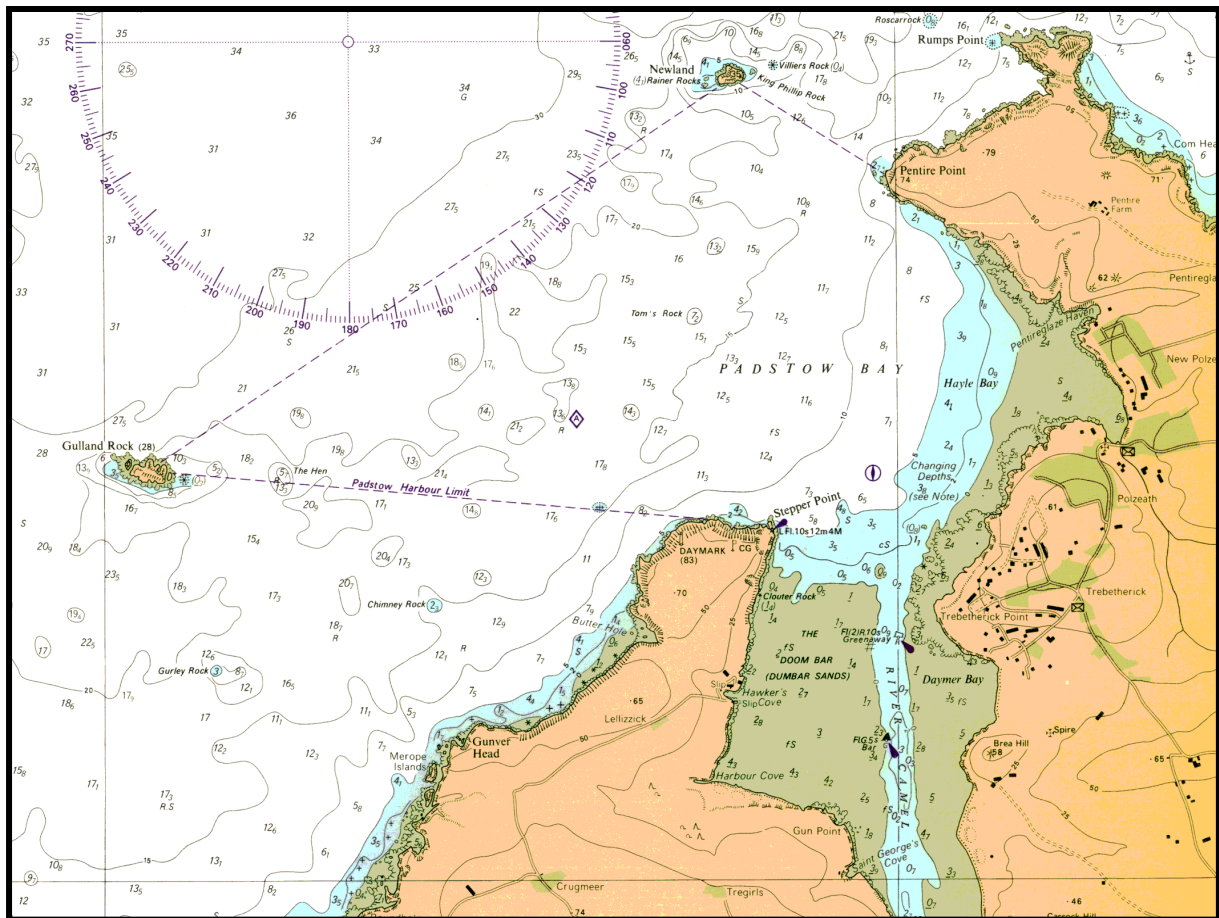
## Glossary of Abbreviations and Acronyms:

- **AALA** - Adventure Activities Licensing Authority
- **BWSW** - British Waterski and Wakeboard
- **DSMS** – Domestic Safety Management System
- **FFP** – Fit for Purpose
- **IWSPBC** - Inland Waters Small Passenger Boat Code
- **LKE** – Local Knowledge Endorsement
- **MCA**- Maritime Coastguard Agency
- **MOB** – Man Overboard
- **MGN** – Marine Guidance Note
- **MSN** – Merchant Shipping Notice
- **PLI** – Public Liability Insurance
- **PHC** – Padstow Harbour Commissioners
- **RYA** – Royal Yacht Association
- **STCW** – Standards of Training Certification and Watch Keeping
- **WSA** - Water Skills Academy

## 1.0 Introduction

These guidelines have been produced to assist marine businesses operating in Padstow Harbour in obtaining licences to operate from Padstow Harbour Commissioners (PHC).

Geographically, Padstow Harbour extends from Stepper Point to the outside of Gulland Rock to the outside of Newland Rock and to Pentire Point, and then up the Camel Estuary as far as the tide flows to Polbrock Bridge and up the River Allen, as shown on the map below:



The waters around Padstow are categorised as follows (as per MSN1827):

- To sea: beyond a line from Stepper Point to Trebetherick Point
- Category D waters: within a line from Stepper Point to Trebetherick Point
- Category C waters: within a line from Gun Point to Brea Hill
- Category 6 and 5 waters (operating 3 or 20 miles from a Nominated Departure Point) are 3 and 20 miles respectively from the Category D waters line
- Category 4 operations and beyond operate 20 and 60 miles from a safe haven, with the Category D waters line being the safe haven

These guidelines are built upon the Public Health Act [Amendment Act 1907], MCA codes, historical rules used in Padstow Harbour, and best practice guidance to produce a comprehensive list of guidelines that are complete, fair and practical and that promote safe use of the Harbour. The codes, laws and other guidelines are listed in Appendix 1, and these should be referred to when applying for a licence.

## 2.0 Key requirements

The requirements for obtaining a licence to operate within Padstow Harbour depends on the type of operation involved, the risks and the impact on other users and the Harbour. Provision of the requirements does not automatically result in a licence being issued. The Commissioners will review annually the numbers of operations within the harbour using a risk assessment process, in order to maintain a safe working port.

The key requirement for any commercial operation is to have a Domestic Safety Management System in place, which includes:

- Licences to operate according to any National law or code.
- A statement of how the business operates, including emergency procedures (method statement).
- A risk assessment containing a minimum set of risks.
- A statement of the minimum manning required to operate.
- Proof of qualifications of both land-based and water-based staff, including a local knowledge endorsement.
- Proof of suitability of any vessels operating, including a minimum set of safety and communications equipment and a vessel survey (if required) or confirmation that appropriate checks have been carried out.
- Proof of Public Liability Insurance appropriate to the activities undertaken.

## 3.0 The Domestic Safety Management System

All operators should provide a documented Domestic Safety Management System (DSMS) to ensure that best practice is adhered to at all times. The Inland Waters Small Passenger Boat Code (IWSPBC) Annex 4 provides further guidance on a Safety Management System.

The Domestic Safety Management System, must include, as a minimum:

- Health and Safety Policy
- Drug and alcohol policy
- Licences to operate according to any National law or code
- A statement of how the business operates, including emergency procedures
- A risk assessment containing a minimum set of risks
- A statement of the minimum manning required to operate
- Proof of qualifications of both land-based and water-based staff, with a local knowledge endorsement (for local knowledge endorsement (LKE) – see Appendix 2)
- Proof of suitability of any vessels operating, including a minimum set of safety and communications equipment as defined in the codes
- Adoption of standards of national governing bodies for specific activities and AALA if users are under 18 years of age
- Procedures for the use of the PHC Incident and Near Miss reporting procedure as shown in Appendix 3

### 3.1 Health and Safety Policy

A health and safety policy in line with Annex 4 of the IWSPBC is required.

### 3.2 Drug and alcohol policy

A policy that includes, as a minimum, a statement that no crew member or operator is to be under the influence of alcohol or drugs while in charge of, operating on, or working with a vessel or commercial operation and the action required if an operator is found to be so, as per the IWSPBC section 3.2.

### 3.3 Licences to operate according to any National Law or code

The following licences are required where applicable:

- MCA licences for vessels putting to sea with more than 12 passengers
- Coded vessel licences (workboats and pleasure) for vessels putting to sea provided by MCA Certifying Authorities
- AALA (Adventure Activities Licensing Authority)

### 3.4 Suitability of vessels

Vessels must be checked periodically according to the codes of practice as the codes dictate, either by competent person within the operation, or by an authorised person as required by the codes.

Where national licences or codes are not relevant, Fitness For Purpose (FFP) Certification to IWSPBC (Inland Waterways Small Passenger Boat Code) for vessels – workboats and pleasure - operating in Inland Waters in Category C and D waters provided by some MCA Certifying Authorities is required.

### 3.5 Adoption of standards of national bodies

Where applicable, operations should be members of recognised national bodies and should adopt their best practice guidelines. Otherwise the Inland Waterways Small Passenger Boat Code must be used (FFP by relevant Certifying Authorities).

Examples of national bodies are RYA, British Waterski and Wakeboard, British Canoeing, British Kitesurfing Association, BSUPA, Water Skills Academy (WSA), AALA for users under 18 years of age.

Proof of membership of the above bodies must be provided.



### 3.6 Statement of business operation and emergency procedures (method statement)

A statement of the main purpose of the operation and how it operates, including the following...

A statement of the emergency, escalation and communication procedures in case of:

- MOB / falling into water from vessel, dock, pontoon or similar
- Collision
- Serious illness
- Capsize or swamping
- Entrapment below the waterline
- Fire / explosion
- Pollution

For skippered vessels: a briefing which should include the location, types and use of safety equipment.

For self-hire (no skipper): a hand-over procedure; a signed agreement between the hirer and operator stating that the hand-over has been performed properly, that any restrictions are understood, that a local knowledge briefing has been understood, and that the location, types and use of safety equipment are understood.

Keeping a record ashore with a responsible shore-based person or with a system, the numbers of passengers (adults and children under 16).

For self-hire vessels, a responsible, competent, shore-based person must be contactable at all times.

Procedures for use of the PHC of the incident reporting procedures.

Instructions for safe operation of vessel.

Instructions for use of life saving equipment and other safety equipment.

Maintenance and service records of vessels and lifesaving equipment (can be kept ashore).

### 3.7 Risk assessment

As a minimum, the risk assessment must cover the following, with mitigating actions:

- Weather and weather restrictions, categorised into wind speed F4 and below, F5-6, F7 and above, significant wave height to be encountered up to 0.5m, 0.5m-1.2m, 1.2m-2m, 2m-4m and above [see MSN1837]
- MOB / falling into water from vessel, dock, pontoon or similar
- Collision
- Hazard avoidance, including swimmers
- Serious illness
- Capsize or swamping
- Entrapment below the waterline
- Fire / explosion
- Exposure to gases / lack of oxygen

Typically, operations should be in fair and favourable conditions in daylight (unless special dispensations given) and in good visibility. Note that operations in wind speed >F5, significant wave height over 2m or in reduced visibility are discouraged, and if these conditions are encountered, a safe return to base should be carried out.

### 3.8 Minimum manning

A statement that provides a minimum manning level for the operation for both shore and water-based personnel, and an action plan if the minimum manning is not in place at any time due to unforeseen circumstances.

### 3.9 Qualifications

A statement of the main qualifications required of the personnel involved is required.

A training record should be kept, showing the level of training achieved by each crew member and shore based competent person, with dates and refresh dates. It is the operator's responsibility to ensure that qualifications remain in date.

The main qualifications required by the codes and PHC are:

- Vessels operating at sea under MCA regulations: according to the Merchant Shipping Regulations for Boatmasters' Licences.
- Passenger Vessels and Workboats (12 passengers and fewer) operating at sea are dependent on category, according to MGN 280 or according to the New Workboat Code, sections 26 (as applicable), **with all certificates to be commercially endorsed**. The rank of qualification shown is the minimum requirement, with qualifications higher in the list being deemed to be higher qualifications.
- Vessels operating in categorised waters C or D, according to IWSPBC section 26: RYA Powerboat Level 2 plus 12 months relevant experience.
- Any transferable qualifications as defined in MSN1853, where the person already has relevant qualifications.
- Powered vessels for hire and sailing vessels with engines rated over 10hp (as per the Padstow Port and Harbour Byelaws 1991), without skipper or crew in categorised waters, i.e. the hirer: RYA Powerboat Level 2 or above.
- Vessels with skipper: skipper to have local knowledge endorsement.

Qualification ranking – the following qualifications are recognised by PHC, and are ranked as follows, with the higher qualifications listed first, as per the New Workboat Code II. Other STCW qualifications relevant to the position aboard can also be accepted:

1. STCW Master <500GT
2. STCW Master <200GT
3. RYA/MCA Yachtmaster Ocean
4. STCW Master <200GT and <150 miles from safe haven
5. RYA/MCA Yachtmaster Offshore
6. MCA Boatmaster's Licence
7. RYA/MCA Yachtmaster Coastal
8. RYA/MCA Powerboat Advanced
9. RYA/MCA Powerboat Advanced Practical (before 01/Jan/2005)
10. RYA/MCA Day Skipper Theory and Practical

11. RYA/MCA Day Skipper Practical

12. RYA/MCA Powerboat Level 2

- Medical fitness:
  - At sea: ML5 minimum, or ENG1
  - In categorised waters: ML5 / CAA Pilot licence / HSE Diving Medical Certificate
  - For vessels for hire without skipper, a signed statement by the hirer of their medical fitness
- For vessels with skipper, one person aboard a vessel: Basic Sea Survival, First Aid, VHF plus any other qualifications required by code or law
- For self-drive, the competent shore-based person to have Basic Sea Survival, First Aid, VHF
- Minimum age for crew / shore based responsible person = 16
- Minimum age for skipper Category C or D waters = 18, Category A or B waters = 17
- Minimum age for Master = 18

**Specific minimum qualifications required by PHC in addition to those required by codes or law, with all certificates to be commercially endorsed and to have PHC local knowledge endorsement (LKE applicable aboard vessels with operating capacity beyond Category C waters):**

Dredger >200GT,

- STCW Master >200GT, ENG1
- Crew: Basic Sea Survival, First Aid, Fire Fighting, ENG 1

Dredger <200GT,

- STCW Master <200GT, ENG1
- Crew: Basic Sea Survival, First Aid, Fire Fighting, ML5

Passenger vessel > 12 passengers,

- MCA Boatmaster.
- Crew: Basic Sea Survival, First Aid, Fire Fighting, ML5

Tug on Category C Waters,

- RYA Powerboat Level 2 with 12 months' experience
- Crew: Basic Sea Survival, First Aid, Fire Fighting, ML5
- General Towing Endorsement as per New Workboat Code 26.7.1 and MGN 468 or Tug Qualifications as per DfT Guide to Good Practice on Port Marine Operations section 12.10 "Tug Crews".
- MCA stability training

## Padstow Harbour Licensing

### Workboat to sea,

- RYA Advanced Powerboat plus 2 years' experience
- Crew: Basic Sea Survival, First Aid, Fire Fighting, ML5

### Boat trips, Deep Sea Angling, Wildlife and Safari Trips,

- In categorised waters: skipper: RYA Powerboat Level 2 plus 12 months' experience, crew to be a Competent Person as deemed by skipper.
- To sea category 6: skipper: RYA Powerboat Level 2 plus 12 months' experience, crew to be a Competent Person as deemed by skipper
- To sea category 5: skipper: RYA Day Skipper Theory and Practical plus 1 years' experience, crew to be a Competent Person as deemed by skipper. (Padstow to be named as the Nominated Departure Point on the vessel licence).
- To sea categories 4, 3: skipper: RYA/MCA Advanced Powerboat plus 2 years' experience, crew to be a Competent Person as deemed by skipper
- To sea Category 2: skipper: MCA Boatmaster's Licence, crew to be a Competent Person as deemed by skipper

### Water Taxi, Night Time Operations,

- RYA/MCA Advanced Powerboat plus 2 years' experience, crew to be a Competent Person as deemed by skipper

### Pontoon Ferry, (Category C waters, Commercial Endorsement & LKE not applicable)

- RYA Powerboat Level 2

### Self-drive Sailboat with engine >10hp, Self-drive Motorboat or RHIB

- RYA Powerboat Level 2
- Signed statement of medical fitness

### Commercial Diving and Dive Tuition

- According to the HSE diving Code of Practice

### Sailboarding, Canoe / Kayak, SUP, Sailboat or Motorboat under 10hp (Category C waters, Commercial Endorsement & LKE not applicable)

- No formal qualifications for Clients, RYA Powerboat Level 2 is advised though
- Signed statement of medical fitness
- Provider: Where applicable AALA as required for Clients <18 years old
- Relevant association qualifications

Water Ski Schools, Sailing School Support Vessels, Motor and Sail Training Vessels (Category C waters, Commercial Endorsement & LKE not applicable)

- Safety Support Vessel, RYA Powerboat Level 2 plus 1 years' relevant experience
- No formal qualifications for Clients
- Signed statement of medical fitness for Clients
- Provider: Where applicable AALA as required for Clients <18 years
- Relevant association qualifications

### 3.10 Incident reporting procedure

A statement of when, how and to whom incidents will be reported and logged within the operation. This must include the PHC incident and near miss reporting procedure (Annexe 3).

Incidents include the following (see MGN 564):

- MOB / falling into water from vessel, dock, pontoon or similar
- Collision
- Damage to vessels rendering them unsafe or requiring a tow
- Capsize or swamping
- Serious illness
- Entrapment below the waterline
- Fire / explosion
- Pollution
- Near misses

### 3.11 Public Liability Insurance (PLI)

All licensed operations must carry adequate passenger and customer liability and third-party insurance, with a minimum liability of £3m. The main operations of the business must be listed with the insurer.

## 4.0 Checklist for operating licences

The following checklist is to help operators ensure they are producing the required information. The numbers refer to the sections of this document:

Requirement	Provided
3.0 Domestic Safety Management System	
3.1 Health and Safety Policy	
3.2 Drug and alcohol policy	
3.3 Licences to operate according to any National law or code	
3.4 Proof of suitability of vessels (licences)	
3.5 Adoption of standards of national governing bodies	
3.6 Statement of business operation and emergency procedures (method statement)	
3.7 Risk assessment	
3.8 Minimum manning	
3.9 Proof of qualifications of both land-based and water-based staff	
3.9 Local knowledge endorsements	
3.10 Incident reporting procedure	
3.11 Proof of Public Liability Insurance	

## 5.0 Appendices

### Appendix 1 – list of guidelines, codes and laws referenced

Public Health Acts Amendment Act 1907

<https://www.legislation.gov.uk/ukpga/Edw7/7/53>

MSN 1837 Categorisation of Waters

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/855605/msn\\_1837\\_-\\_amendment2\\_june\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/855605/msn_1837_-_amendment2_june_2017.pdf)

MCA Inland Waters Small Passenger Boat Code (IWSPBC) / Fitness for Purpose (FFP)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343321/Inland\\_Waters\\_Small\\_Passenger\\_Boat\\_Code\\_COP13.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343321/Inland_Waters_Small_Passenger_Boat_Code_COP13.pdf)

MCA workboat code edition 2 (new workboat code) for vessels operating at sea

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/769826/Workboat\\_Code\\_2\\_FINAL\\_12.18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769826/Workboat_Code_2_FINAL_12.18.pdf)

MCA brown code (old workboat code) for vessels operating at sea

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/828281/browntagged8.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828281/browntagged8.pdf)

MCA yellow code for motor vessels for vessels operating at sea

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/830430/yellow.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830430/yellow.pdf)

MCA blue code for sailing vessels for vessels operating at sea

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835951/blue.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835951/blue.pdf)

MCA MGN280 code for all vessels operating at sea (not to be used for new vessels), due to be reviewed over the next few years [TBC]

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/527970/mgn280.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/527970/mgn280.pdf)



## Padstow Harbour Licensing

MCA red code for vessels operating up to 3 miles from a Nominated Departure Point (NDP), which is 3 miles from the sea / Category D waters line between Stepper Point and Trebetherick Point

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/830938/red\\_code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830938/red_code.pdf)

## Intended Passenger Code

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/764656/Intended\\_PV\\_Code\\_-\\_01\\_January\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764656/Intended_PV_Code_-_01_January_2019.pdf)

## MGN 564 Incident Reporting

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791968/MGN564-Amendment1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791968/MGN564-Amendment1.pdf)

## MSN 1853 Boatmasters' Qualifications et al

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/860287/MSN1853\\_Complete.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/860287/MSN1853_Complete.pdf)

## MGN 468 Voluntary Towage Endorsement Scheme

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/931403/MGN\\_468.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/931403/MGN_468.pdf)

## Department for Transport Guide to Good Practice on Port Marine Operations

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/854521/MCGA-Port\\_Marine\\_Guide\\_to\\_Good\\_Practice\\_NEW-links.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/854521/MCGA-Port_Marine_Guide_to_Good_Practice_NEW-links.pdf)

## Appendix 2 – Local Knowledge Endorsement

After providing evidence of required certification, a PHC Local Knowledge Endorsement Exam and appropriate Qualifying Service Time must be successfully completed before a PHC commercial operators licence can be issued.

The LKE includes but is not limited to, Rules of the Road, Estuary Information, Depths, Drying Heights, Buoyage, Lights, Sea Conditions, PHC Byelaws, and PHC Publications.

### **Qualifying Service Time:**

**High Speed Trips within the estuary (Cat D Waters)** – 200 logged hours as crew and/or supervised skipper\*, to include a minimum of 10 voyages outward from the harbour and 10 voyages inward to the harbour, over the Doom Bar, in varying sea and weather conditions.

**Holders of Day Skipper Theory & Practical and/or Advanced Powerboat Commercially Endorsed Certificate operating predominantly to sea** – 100 logged hours as crew and / or supervised skipper\*, to include a minimum of 10 voyages outward from the harbour and 10 voyages inward to the harbour, over the Doom Bar, in varying sea and weather conditions.

**Holders of a Yachtmaster Commercially Endorsed Certificate operating predominantly to sea** – 40 logged hours as crew and/or supervised skipper\*, to include a minimum of 10 voyages outward from the harbour and 10 voyages inward to the harbour, over the Doom Bar, in varying sea and weather conditions.

\* - Under the supervision of a person authorised by Padstow Harbour Authority.

## Appendix 3 – PHC Incident and Near Miss Reporting Procedure

### **Scope:**

- To define the actions to be taken following a marine accident, incident or dangerous occurrence.
- To help the development of policies and procedures to prevent or minimise the possibility of recurrence.
- To improve the overall safety of the port.

### **Reporting Requirements:**

- The Master of a vessel is required to report details of specific navigational incidents, in which their vessel may be involved, to Padstow Harbour Authority (PHC Byelaws).
- Urgent navigational matters should be reported immediately to the Harbour Master / Padstow Harbour Authority (PHC).
- The Harbour Master will always require a follow up written report in support of the initial verbal advice, for which the form (link below) may be used.
- This form may also be used when reporting Non-Urgent navigational incidents and occurrences, near misses, observations, hydrographic information or matters.

[https://www.padstow-harbour.co.uk/incident\\_and\\_near\\_miss.pdf](https://www.padstow-harbour.co.uk/incident_and_near_miss.pdf)