



ST IVES TOWN COUNCIL

St Ives Harbour licensed pleasure boats code of practice

March 2022

This code supports the St Ives Public Space Protection Order which came into force on the 1st of October 2021 for a period of 3 years and is between the following parties

- Cornwall Council
- St Ives Town Council
- St Ives Harbour
- St Ives Boatmen's Association representing commercial pleasure boat operators

The aim of the code is to ensure that the pleasure boat operators are licensed and granted permission to sell tickets on the Wharf Road and harbour areas of the St Ives seafront, whilst adhering to a set of standards that are designed to make the purchase of boat tickets a safe and pleasurable experience for the customers and visitors to the harbour.

Under the PSPO, any boat wishing to sell tickets, tout or hand out material relating to boat trips or their services, must first secure the permission of Cornwall Council to do so. Permission will be granted, subject to a licence being issued and adherence with the following code. Cornwall Council has delegated the licensing and approval process and the commissioning of enforcement activities, to ensure compliance with the code of practice, to St Ives Town Council.

Timescales

A PSPO is issued for a three year period and is capable of being reviewed and / or extended by the Principal Authority (Cornwall Council). The initial period runs from October 1st 2021 to September 30th 2024. For the avoidance of doubt, the PSPO is capable of being enforced throughout the period and businesses have the ability to trade throughout the period. April 1st 2022 is the date on which the new licencing scheme and enforcement activities will be commenced.

Code of Practice

1. No ticket seller operating for any pleasure boat business shall carry out ticket selling, touting or issue promotional material for that business, in the restricted area (shown on the attached map), unless granted permission to do so by St Ives Town Council. Permission will be granted by way of a licence. One licence will be issued for each business under its trading name. The licence allows one ticket seller to operate at anyone time, for that business and the vessels named on the licence.
2. Priority will be given to existing businesses, which have paid harbour dues and traded in the previous season.

Application

3. The Council's permission is granted following the completion of an application form which should be submitted, together with the fee, photo ID, proof of the business name and ownership, mooring.
4. A £25 annual licence administration fee will apply, to be paid annually at each re-issue date.

Sharing Touts

5. A ticket seller can only sell or tout for other businesses or vessels if:
 - They are one of the other businesses or vessels which have signed and are party to this code
 - Have a commercial mooring in St Ives.

- Are expressly named on the licence

The historical etiquette of passing on trade from business to business can, however continue.

Licence in Principle

6. If an existing business with a mooring, and which is party to the code, does not need a licence at the date of issue, it may elect to apply for a licence in principle which can be approved and held by the Council but not issued until a future date. This might be the date when the vessel is due to be sold or a business which was sharing a ticket seller intends to hire their own seller.
7. There is no requirement to use the licence daily and it will not be withdrawn from a business in the event of any prolonged period, save that the Council reserves the right to withdraw it after a year's inactivity.
8. Upon issue, ticket sellers shall display the licence and their ID badge with the business and their own details clearly displayed at all times. They will present this ID, when requested to do so either by Council officers, the police or a member of the public.
9. Each business shall be allowed to operate only one ticket seller at any one time. The ticket seller representing that business must be clearly identified as being associated with that particular business. The ticket seller must operate from an agreed and identifiable location, adjacent to clear signage, either along the Wharf or within the Harbour as indicated on the attached plan.
10. These locations are as agreed by the Town Council and St Ives Boatmen's Association on the attached map.
11. The locations are recognised as allocated to the named business by the Town Council and cannot be taken over or used by any other person or business. The locations will remain clear for the pleasure boat businesses to re-install their signage or booths at the start of each trading season.
12. In the event of a business being sold by its existing owner, the owner shall notify the Council of the transfer and, upon confirmation, the location and licence to trade there, as set out, will transfer with that business to the new owner. Where a business has an exclusive existing lease or licence to trade on a specific area of Cornwall Council land, the transfer will only be approved where the outgoing owner is also assigning or sub-letting the lease or licence for the land. In all other circumstances, the transfer will be approved, unless upon application Town Council expressly refuse this in writing in which case it shall give reasons.
13. The objective of the PSPO is to reduce the number of booths, signs and ticket sellers along the Wharf. For this reason, the Town Council will issue a maximum number of licences to such businesses. Licences shall be for the full three year period. Following the first issue of licences in March 2022, no further licences shall be issued for the three year period. New licences will only be issued where an existing one has been released.

Transferring licences

14. In the event of a business that holds a licence, selling or replacing a vessel that is named on their licence (and replacing it with another of a different name) but it will be operated for the same purpose and by the same business, the licence will be amended accordingly with no break in permission.

Area of the PSPO

15. The PSPO covers all public land in the restricted area, including Cornwall Council, Town Council and Harbour Land. Licences issued on harbour land will be issued by the Town Council but will also need the approval of the harbour master. The only exception will be where boat operators' businesses are on land or pitches leased from the harbour and subject to rent and other terms and conditions. Those businesses shall still be expected to adhere to this code.
16. The ticket sellers will use best endeavours to ensure that they do not cause hindrance or obstructions to traffic or pedestrians, especially in areas where traffic and pedestrians may be in high volume. They will not obstruct or hinder any member of the public who does not wish to purchase a ticket or receive promotional material.

Advertising and Signage

17. All licensed businesses will have permission to erect **either** an advertising sign or booth at the Sloop end of the Wharf. Advertising signs not to exceed a standard size (up to A1 which is 570 mm x 760 mm) (parasols are also permitted). Booths not to exceed a standard size of no more than 1000 mm wide and 500 mm deep. No licence will be issued until the location and size of the booth / sign have been submitted and agreed, although the Council may, at its absolute discretion, grant a grace period for the replacement of standardised signage. The final date of a grace period will be the 1st July 2022. Any new sign or booth design, issued after the licence has been granted should also be submitted for approval, prior to use.
18. The sign or booth should display the business licence serial number.
19. The Council will grant permission for up to 8 advertising signs at Life Boat Corner, (only 1 per business) for any pleasure boat business, which does not operate from a booth and is no more than A1 in size, subject to the RNLI also granting consent.
20. The Council will also grant permission for up to 8 advertising signs on the Shore Lodge railings and no more than 1 per business, provided that it is no more than A1 in size. Priority will be given to those businesses which do not have booths.
21. Apart from the above arrangements, any other signage or other advertising paraphernalia on display, within the restricted area of the PSPO, shall require the permission of the Town Council. Failure to secure permission will result in its immediate removal and the owner may be liable for a fine.
22. No entrance, pavement or stairwell shall be obstructed by any booth.

Conduct and Etiquette

23. All ticket sellers will agree to conduct themselves to the best of their abilities in a reasonable, polite and courteous manner at all times. They agree not to use aggressive, or overly loud selling techniques. There shall be no dispute, altercation, or confrontation between boat ticket sellers in the restricted area, liable to bring the trade into disrepute. Any incidents reported shall be investigated in full, and if found to be in breach, may result in the immediate withdrawal of the licence for the business that the ticket seller operates for. No ticket seller shall behave or operate in a manner or engage in any behaviour, which would compromise the safety of any member of the public or any other harbour user.

24. Only one businesses' ticket seller will engage with a customer at any one time. Any other staff members of that business are permitted to engage with the public for the purposes of issuing safety briefings and/or lifejackets. Ticket sellers will not offer any promotional material, including leaflets or cards, unless requested to do so by potential customers. The ticket sellers should make reasonable efforts to ensure that all such material is disposed of responsibly, recycled where possible, and not littered on the highway.

The Boatmen's Association

25. Any pleasure boat business, licensed or otherwise, shall be entitled to join the St Ives Boatmen's Association

26. Issue of the licence shall be conditional upon an individual business formally endorsing the code and agreeing to abide by its terms.

27. For the avoidance of doubt, the association shall not have any powers or ability to enforce the terms of the code. But it shall require all members to undertake to follow the code of practice and shall notify the Council of any breach of the code.

28. Complaints identifying breaches of the code should be made in writing to the Town Clerk at St Ives Town Council. The Council undertake that each and every complaint shall be investigated in an open and transparent manner, with the assistance of the Harbour Stakeholder Group and the results, and any necessary action, communicated to any affected persons and to the Chairman of the Association along with the business the complaint relates to.

29. The licensed businesses expect the Town Council to enforce the PSPO and any breaches of it and/or the code in order for the integrity of the code to be upheld and the licence holders' continuing compliance with it. Those businesses signed up to and therefore adhering to the code of conduct reserve the right to withdraw their compliance should the Town Council not actively enforce it.

30. The Town Council, Cornwall Council, harbour master and members of the St Ives Boatmen's Association Chairman shall hold an annual review at the conclusion of each season to review the conditions of the code of practice. The code may be varied or amended through this process by mutual agreement.

31. Licences will be issued for the three year period, save that that failure to comply with the code may result in a boat licence being withdrawn early and/or not being re-issued. The PSPO shall be reviewed at the end of the three years and licences re-issued, subject to the PSPO being extended.

Transferring licences

32. The Council will approve licences transferring upon the sale of any vessel. However, the licences are otherwise not transferrable and cannot be transferred without the Council's permission and under no circumstances for any financial consideration, which shall result in automatic withdrawal.

Decision Making and Appeals

33. All applications and correspondence regarding the code can be made at enquiries@stives-tc.gov.uk or by calling the Town Council's main number.

34. Any business which is not issued with a licence or has a licence withdrawn, is entitled to appeal the decision. The decision shall be reviewed by a licencing panel of the Town Council, in consultation with Cornwall Council and the Harbour Master. The decision of the panel will be final.