



BSS Advisory Committee – Confirmed Notes

BSSAC #98, 5 MARCH 2018, CANAL & RIVER TRUST OFFICES, HATTON

Present:
Chair
BSS Manager & Secretariat
BSS Technical Committee (BSSTC) Chair

AWCC
NABO
TBA

Examiner Body reps:

YDSA
IIMS
NABSE
ABSE

Navigation Authority reps:

Canal & River Trust
Broads Authority

Marine Trade reps:

BM1 – BM Executive Interests
BM2 – BM Hire Boats
BM3 - BM Boatbuilding

Boat User Group reps:

RBOA
IWA

Apologies:

RYA Executive Interests
EA

98.1 Apologies and introductions

98.1.1 Apologies as above. Introductions were extended to ***** of Broads Authority and ***** BSS Business & Technical Manager as it was their first meeting.

98.2 Notes of last meeting

98.2.1 Present list - The reference to the NABSE Rep as both present and absent was queried, and it was accepted that ***** name should have the apology attached.

97.2.3.6 – Wording change agreed 'current IIMS rep'.

97.4.1 – The YDSA and ABSE reps' objected to wording that implied unanimous support for the CoR amendment in principle. It was agreed to amend it to 'majority support'.

97.7.2 - It was accepted that the reference to 'wood burning' stoves would be changed to 'solid fuel' stoves.

97.8.1 - The commencement of GDPR was changed to reflect the correct date, '25 May 2018' instead of 'June 2018'.

Predicting timely notes now that a professional note-taker is to be used, the Chair requested that factual or minor note amendments be submitted before meetings in future, in order to save time.

With the exception of the above amendments, the unconfirmed notes of the last meeting, BSSAC #97, were accepted as accurate. Confirmed notes will be provided.

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98.2.2 Matters arising

Hire Boat Code Development – to be covered in BSSTC Chair's report.

BSS hire boat requirements and shared ownership boats - the IIMS rep described the current system as 2-tier with partially disenfranchised examiners unable to examine boats to the 2002 BSS requirements unless they had been previously trained to do so. The BSS Manager countered that there were currently no requests from examiners to attend 2002 familiarisation training and no complaints from commercial boat customers that they cannot find a qualified BSS Examiner.

The BSSTC Chair stressed the importance of a high-level compromise so as to produce different BSS for different licences, and it was noted that the project to review the BSS requirements for non-private classes was on hold until AINA had agreed the scope of the work more fully. The BSSAC Chair shared the view of BSSMC that defining the categories was extensive work by the navigation authorities. It was suggested that they did not currently have funding or capacity.

Concerning 3rd party managed shared ownership boats being considered by the BSS as hire boats and the associated British Marine challenge. It was reported that BSS legal advice commissioned had now been received and that there was some further investigative work to complete before the position can be clarified.

Examiner 'Trusted Messenger' project update – It was reported that Jigsaw are still transforming their examiner training course into a blended learning facility and an e-learning course to help examiners become Trusted Messengers. The training material would be accessible to boat owners and that this is a key part of the Jigsaw approach. Some frustration was expressed that examiners did not yet have a product to deliver. Efficacy and measurability was discussed, and it was said that whilst any examiner interventions would be measurable, it was stated that the effectiveness of the message was not measurable. Some of the Examiner body reps expressed concern around liability and the risk of delivering a non-standardised message.

AOB – the NABSE rep logged an item about a complaint concerning the BSS press release covering the raising of examiner fees.

98.3 To note actions from the last BSSMC meeting

98.3.1 The Chair reported that at the last meeting, BSSMC agreed an increase in the certification fee which would last for the next four years.

The BSSAC/TC Chairs presented the draft new BSSMC Terms of Reference which were well accepted at December's meeting. An addition concerning non-executive Management Committee members on the Disciplinary Panel had to be shared before ratification of the ToR at the Management Committee meeting March 16.

BSS Examiners co-operating with investigations and changes to the Conditions of Registration were supported in principle although using guidance was discussed. The BSS Manager was also tasked to engage with the BSSAC Chair concerning the BSSQA006 investigation procedure, and the potential for non-cooperation leading to examiner suspension.

Concerning shared ownership boats as covered above. It was stated that the received legal advice regarding British Marine's contention that they were acting outside of the law, was legally privileged.

The guidance BSSAC members had created on RCD2 had been accepted as read by BSSMC and the subject would be added to the AINA agenda.

There was no consistency between navigation authorities in their approach to the licensing questions which would inform what class of BSS examination is appropriate. Complexities meant that the issues would not be

solved in this or the next meeting.

98.4 Nominations for BSSAC Chair's position

98.4.1 There was consensus on the Chair being in place for the next 12 months.
It was suggested that having only one nomination was not positive.

98.5 Review of BSSAC membership and membership types

98.5.1 The Chair introduced the question of whether representation around the table remained appropriate in the context of what the Scheme did.

It was suggested that tenanted boaters, especially in London might benefit from a representative on this committee. The rise in tenanted boats whose residents were not members of associations, leading to significant change in the application of BSS certificates, was emphasised.

The RBOA Rep undertook to ask her Chairman if he could provide information on the current situation in London regarding various aspects of tenanted boats'

Suggestions included that a) The Roving Canal Trader's Association, b) London forum or other groups of tenanted boaters be contacted. It was agreed that the Broads Authority rep could represent NSBA's interests.

The IIMS rep felt examiners had the biggest contact with the group of people who did not tap easily into national groups, and stressed that over half the boaters had no representation on this committee. The Chair noted that Canal and River Trust's Welfare and the Waterways Chaplaincy sought out people who needed help.

The BSS Manager said that the BSS Office did seek out London Boating Forum members for input, and felt that although some boaters went unrepresented on the committee, their views were sought, and that the BSSAC ought to remain national.

In response to a question on boat user group representatives, the BSS Manager clarified that the only reduction was when RYA decided to reduce to just executive interests. Whilst the Chair acknowledged not wanting to make the group larger, and more unwieldy without good reason, he actioned to revisit membership in 12 months' time and discuss traders, tenanted boats, and London Boaters in the meantime.

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Member meeting absences was raised. It was clarified that it was up to the discretion of the representative as to whether to send a proxy in a meeting if they were to be absent.

98.6 Examiner CoR guidance change proposal

98.6.1 Regarding *Doc D1*, the BSS Manager summarised the discussion at last meeting with an in-principle agreement to change the Conditions of Registration. There was a subsequent decision to rely on guidance, which had recently been announced in draft form in the last edition of BSS Examiner News. The draft guidance outlined the reasons justifying delayed co-operation as a) suffering medical incapacity or b) taking a pre-planned holiday, or c) any other circumstance agreed in advance with BSS as reasonable circumstances for a delayed response. An additional reason to be added was that whereas a court order to not divulge information was a reasonable circumstance to a delayed response, and advice from solicitors to say nothing was not.

The legal view was that examiners enter into a contract and must abide by the conditions, enjoy the benefits and accept the responsibilities and activities regulated by the BSS as the authorising body. It was noted that only one examiner in twenty 20 years had failed to respond to an investigation and that

the majority of examiners were found innocent of most allegations.

At the last meeting one examiner body rep said his insurers advised to say nothing. The BSS Manager reported that he had contacted the three main insurance providers. Michael Hall Associates Ltd and Mercia Marine Underwriting both stated it was in their interests that examiners co-operated with BSS investigations. The third company Paul Winter Associates had yet to respond.

There were two clarifications at the meeting; a) that examiners could seek legal advice and b) that although the planned guidance was not a condition of April 1 registration, it would be ideal that guidance was out by this time.

It was agreed that if the third insurer reply was in line with the other two replies, the matter could proceed by email exchange with the examiner body reps, but would otherwise need a small group of people to reword the planned guidance. BSS Secretariat

98.7 Guiding BSS Examiners to stay on the right side of the law – the increase in tenanted boats, etc

98.7.1 *Doc G1* was circulated before the meeting. It set out advice that BSS had already given to examiners in the form of a newsletter. The BSS Manager raised three questions:

- a) Were members happy with the guidance expressed in the newsletter.
- b) Comments were invited on the suggestion for a 'Customer Contract Sheet' optional for completion by examiners and akin to the NABSE document for partners.
- c) Do members have any comments concerning suggestions to address the wider circumstances.

The criterion to take at face value the general level of honesty of boat owners was queried but it was largely agreed that this must be assumed.

On the question of enforcement, the Chair outlined the question of what licence the owner required, which would determine which safety certificate was needed. He posed the question if it was helpful for the examiner to ask questions before the examination, and whether these questions should be recommended by them as a professional body or whether it should come from the scheme.

The following views were shared:

- The types of BSS examinations were confusing to boat owners and raised many questions in forums. Any clarification would be useful.
- The advice from the BSS Office to examiners should be guidance only, to retain examiner freedom to operate their business.
- An additional criterion should be added that if an examiner was asked to carry out a private boat examination, and completed it according to the Scheme's guidance, they should not be liable for any consequence in the event the facts were not correct.
- An additional criterion should be added that examiners should not be placed in the position to identify what type of certification the vessel needed.
- The actual level of risk of prosecution by HSE/Environmental Health officers, was questioned.
- There should be a reporting scheme for examiners to inform the navigation authorities for them to carry out enforcement.

- The navigation authorities should create a category of licence where the owner was declaring themselves liveaboard.
- Members were generally supportive of the suggested Customer Contract Sheet for optional use.
- This problem could be solved by making all examiners eligible to examine all boats with the HSE.

In answer to a question from the BSS Manager, the guidance to examiners published in the recent examiner newsletter was endorsed by members.

The Chair summarised solutions as:

- Amending the BSS website to better promote the categories of BSS examination, and offering this to AINA to link to in from licensing webpages.
- Develop the Customer Contract Sheet for optional use but with an associated recommendation that examiners use this routinely
- Ask BSSMC whether or not to reopen discussions with HSE/Gas Safe Register about excluding the BSS activity from the gas regulations.

BSS Manager

BSS Manager

Chair

98.8 BSS Strategic Plan 2018-22 summary document

98.8.1 *Doc E1* summarises the 4-year plan as agreed by BSSMC. Members were asked for any comments as to the reaction on the ground to the BSS Certification charge increase from April – no comments were received indicating a lack of reaction from the stakeholder constituencies. No comments were received concerning the remainder of the summary document.

98.9 Report from BSSTC Chair

98.9.1 The BSSTC Chair said that due to his leave commitment the BSSTC Chair report will be provided with the notes of the meeting

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Reporting on recent issues the BSSTC Chair listed:

Hire Boat Code - Concerning stability and the interface with the BSS ECPs and the AINA request to look at ECP 10.73 down-flooding to assess if the ECP could cover the stability risk for low risk hire boats. A commissioned naval architect consultancy had recently reported and AINA partially accepted their report. It was now clear that 10.73 was not suitable to cover stability of low risk boats.

It was thought positive that reference to crew areas and the requirement for and associate sign is to be retained, subject to the outcome of a public consultation.

BSS Hire Boat Requirements - The BSSTC Chair was sure enough had been done to educate the hire boat trade about the new ECPs brought in last April. The ABSE rep said he had hire operator customers who claimed they were unaware.

The BSSTC Chair said that the BSS Hire Boat Requirements were due to be ratified at the April BSSTC meeting and that then qualified examiners would receive the final versions in laminated form.

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The need to update the reference on page 3 of the private boat ECPS to the existence of the 2017 BSS Hire Boat Requirements.

The BSSTC Chair referring to a report of the main BSS hire boat faults provided for BSSTC members reported that the highest percentage of failures had been ECPs which were unchanged.

The BMF3 rep reported examiners insisting on slip-resistant surfaces on fleet

of hired narrowboat foredeck should be non-slip, the responsibility of hire operators to determine designated crew areas was confirmed and the BSS Manager offered to speak with individual examiners if requested.

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The ABSE rep reported being unable to fail slip resistant surfaces on checker plate surfaces that had been rendered ineffective after short term use. The report will be shared with the BSSTC members.

CO safety - The BSSTC Chair reported on CO safety issues which had been highlighted by Love for Lydia tragedy. BSSTC were updating their Risk Review and Assessment Paper including looking at any third-party issues around it. He reported a study done by BRE in February into transfer of toxins from generators and engines running between boats looked promising. The study included an assessment of air-change rates and the report will be provided to BSSTC members.

BSS Risk Management Process, is being refined and the latest draft was provided to BSSTC in November and would be on the agenda again in April. The agreed draft would arrive at BSSAC in time for the June meeting. One new feature was the introduction of a live risk-register to capture the issues, which was accountable to committees, and would add transparency.

Incidents and Accidents capturing, which had historically been a BSSTC request, was improving due to new technology. Solid fuel was a re-occurring issue especially with the recent accident in Stone.

Examiner Monitoring Project which involved 14 volunteer examiners wearing 4-gas monitors to assess the atmosphere they were going into. Already 8 activations had been logged. The next challenge was to analyse the data.

LPG tightness testing procedures would be finalised with BSSTC in April.

Availability of a certified flammable vapour alarm, a supplier is developing one that should be affordable in comparison to those alarms certified for commercial sea going vessels.

CO alarm activation - The ABSE rep raised the incident about CO alarm activation caused by a damaged solid fuel stove flue cowl. The BSS Manager confirmed that the incident was being investigated.

Solid fuel stove initiative - The BSS Manager re-affirmed the useful solid fuel stove experts meeting held in London

98.10 Quarterly BSS Quality Management Activity Report

98.10.1 The BSS Manager invited comments on *Doc F1*. Comments were as follows:

- a) The NABSE rep said that target to increase updating boat details was irrelevant to safety and wasted time, although it was contested that it helped to identify boats. Index numbers were cited as particularly useful.
- b) The Salesforce reporting facility should allow for imperial to metric and diesel to petrol conversion.
- c) In answer to a question it was reported that the Cranfield University PhD BSS funding had come to an end as planned in 2016 and some new information will come out of it. Members should anticipate a report of outcomes once the study had come to an end.
- d) It was reported that expressions of interest to attend examiner training stood at 66 applicants, 18 were rejected due to lack of formal qualifications or experience, 40 applicants who met criteria were on standby. Training completion was due to begin pilot testing from June and delivery commencing in July August.
- e) The planned survey of all examiners was being worked up using a

consultant. This will partly provide clarity on the range of skills and a broad-brush age demographic and on planned improvements supporting communication.

98.11 Report from the BSS Manager

98.11.1 Annual report of incidents and accidents recorded, and inferences drawn

– The BSS Manager apologised that the report had not been sent out in advanced of the meeting. He said that the document was completed with the notes of this meeting. The following findings were noted:

- a) Number of inland waterways incidents is down in 2017 from previous years Fire and CO events down from 92 2016 to 69 last year. The drop is not thought to be associated with a lack of reporting. Coastal incidents up
- b) Death of a Jersey boater in 2017 but no CO deaths in UK up until then
- c) Electrical fire incidences down
- d) Flammable vapour events up, to 7, and reasons for increase sought
- e) Hire boat tables showed 27 incidents in 2017, 3 fires on inland hire crafts, and propeller injuries
- f) There are concerns that boaters or even hire operators locking escape route doors from the outside was becoming a feature. Blocking bikes, plants, padlocks, was commonplace.

Initiatives looking forward include the solid fuel stoves experts report and working with partners to look at electrical causes.

From anecdotal information, there appears an increase in weed hatch sinking incidents a cause of having the boat re-bottomed but not re-ballasted was suggested.

The Trust personnel's swift reaction to the Stone incident was praised, but the BSSTC Chair cautioned against prioritising crisis management over prevention and felt the unknown data should be 5% rather than 20%.

98.12 Items for BSSMC

98.12 1 The Chair moved to resolve and then give Conditions of Registration Guidance as a completed task to BSSMC, with types of examination and avoiding unlawful activities.

98.13 Confirmed dates of the remaining BSSAC meetings

98.13.1 The dates were noted.

98.14 Any other business [AOB]

98.14.1 The NABSE rep said he had formally complained that on the reverse of the recent BSS press release announcing the increase in BSS certification costs was an exposure of the business model examiners may choose to employ, and a recommendation to find the cheapest examining rate available. The BSS Manager said that he had received the complaint and that he was considering this issue and will reply.

BSS Manager