



BSS Advisory Committee – Confirmed Notes

BSSAC #92, 23 FEBRUARY 2016, CRT OFFICES, HATTON

Present:

Chair –
BM3 - BM Boatbuilding –
AWCC –
YDSA –
RBOA –
IWA –
BSS Quality & Technical Manager –
BSSTC Chair –
NABO –
CRT –
EA –
BM1 – BM Executive Interests –

TBA –
IIMS –
ABSE –

Co-opted & Others:

BSS Manager –

Apologies:

BM2 – BM Hire Boats –
RYA Executive Interests –
Broads Authority –

92.1 Apologies and introductions

92.1.1 Apologies are as listed above. Members welcomed ***** the new TBA rep and welcomed back ***** the original TBA rep.

92.2 Notes of last meeting

92.2.1 The unconfirmed notes of the last meeting, *Doc 11, BSSAC #91* were accepted as accurate.

It was noted that the action at 91.12.2 requesting information from Calor Gas about the LPG cylinder test regime was outstanding.

BSS Office

92.2.2 Matters arising

92.2.2.1 *91.2.2.1 – Gas Safety Trust research funding* - the BSS Manager reported that the scope of the research is to widen and may move away from examiners in order that a more full data set can be collected and vulnerable boating sectors targeted. The BSS Manager is to engage with some specific Fire and Rescue Services and then report back to the Trust.

92.2.2.2 *91.2.2.2 – Tenanted boats* – The BSS Manager updated members that CRT are to look at what they refer to as the 'Peer to Peer' issue on London Canals. The project has been signed off and ***** has been tasked with putting a team together to start looking in to this. He proposes to form a working group and would like to have some BSS boat user stakeholder involvement, The wider context and associated issues concerning tenanted boats and vulnerable live-aboard boaters will form part of any BSS engagement. At the moment it is planned that the BSS Manager will be on the group and one local examiner representative. Any boat user rep interested to be part of this initiative should be make themselves known.

92.2.2.3 *91.2.2.3 - BSS Risk Management Process – continuous improvements* – the BSS Manager reported that the consultant is finalising his drafts of the three activity streams, a) a 200 word explanation of the process b) the production of a vertical flow process diagram c) a risk matrix tool to help clarify where the issue sits within the ALARP scale and so better identify the level of any risk at play, and any necessary risk management measure to be employed.

The joint BSSTC/AC working group is scheduled to meet on 21 March and the product of the sub-group's efforts will be a refined draft process document and other documents that will be provided to the full BSSTC and, once endorsed or further refined, the documents they will arrive at BSSAC before moving on the BSSMC complete with recommendations.

92.2.2.4 *BSS hire boat requirements changes* - Members acknowledged that they had received notification of the BSS media release announcing that the proposed BSS hire boat requirements changes had maintained stakeholder support through the consultation and so will be implemented as set out in the consultation, with the main exception being the decision to implement the revised BSS hire boat requirements from April 2017, twelve months later than proposed in the consultation.

It was re-affirmed that the BSS will be publishing the new/amended checks in detail in April 2016 on its website and that hire operators are urged to adopt the new requirements as soon as practicable, leading up to the implementation date.

Member organisations were requested to consider promoting the information, especially if the organisation has links to hire operators. It was noted that if the two initiatives do not coincide then up to three of the new BSS hire boat checks will likely not be implemented until the Hire Boat Code (HBC) is in place as a licensing condition.

It was confirmed that training to the new hire boat requirement will be offered to all existing BSS Examiners. The training would not be mandatory, leaving examiners free to choose if they wish to examine hire boats.

92.2.2.5 *Hire Boat Code development* - Members heard that 10 hire companies are taking part in the BETA testing of the 'simplified' stability testing facility. The aim is to receive feedback on the web facility and supporting information to assess if the average hire operator can reasonably apply the testing and achieve accurate self-certification and at what level of instruction or support.

The BSS Manager reported that since BSSAC last met the powered boat HBC has not moved further forward towards consultation. It is envisaged that a meeting of the AINA/BM/MCA group leading the revision of the HBC will meet in late March to review the outcome of BETA testing, finalise the revised draft of the Code and agree the consultation process. Consultation on the revised HBC is still envisaged during late Spring 2016. It is anticipated that MCA will lead the consultation. It was agreed that the implementation of the HBC and the amended BSS hire boat requirements at the same time would be a very good thing.

92.2.2.6 *BSS Hazardous Boat Notification procedure review* - At the last meeting members agreed the new BSSAC work item. The BSS Office team have scoped the task and it will proceed once the new member of the BSS Team starts in early April. Engagement with, and support from the navigation authorities is critical to the success of the project and so the mid-year project completion date will be somewhat dependent on Navigation Authority inputs.

It was reported that the recruitment process for an additional member of the BSS Office team to work alongside the BSS Quality and Technical Manager (whilst he is running down to retirement on a shortened week) had not run smoothly and so the person in place is delayed by around nine months.

92.2.2.7 *BSSAC Terms of Reference and Members' Code* – members noted BSSMC ratification and receipt of the final documents.

92.3 To note actions arising from BSSMC #87

92.3.1 *BSS hire boat requirements* - The Chair reported that BSSAC recommendations concerning the BSS hire boat requirements were accepted, including the implementation date. There was some concern about how representative some of the consultation responses may have been but in view of the good efforts made to seek responses and the long term engagement with the hire trade on this subject, taken overall, the management committee accepted the responses as sufficient statistically and approved the recommendations.

92.3.2 *Environment Agency request for assistance in relation to construction and equipment standards for houseboats supplied by shore-based electricity/gas* – The Chair introduced the subject and the EA rep explained that the Navigation Authorities may be exposed as no standards cover this class of vessel against which they could expect those boats to be looked at and declared compliant in order to issue a registration. He said that the EA are looking at the Scheme to potentially produce a scoping paper that would use case studies to illustrate that risk within the framework and identify who the key players might be, to help us take that forward

Members provided good input to the planned BSS activity to undertake a case study looking at available standards for houseboats supplied by shore-based electricity, natural gas or LPG and the pertaining legal framework. It was emphasised that BSS should be seeking to identify current good practice rather than attempting to write a code.

92.4 Nominations for BSSAC Chair's position

92.4.1 In line with the Terms of Reference, the chairmanship temporarily rested with the BSS Manager and nominations for the BSSAC Chair's position were sought and none were forthcoming. The position of the current Chair to remain in post for the forthcoming year was ratified unanimously.

92.5 Review of BSSAC membership and membership types

92.5.1 Members agreed that the balance of the committee remains appropriate. There was a short discussion about a number of small user groups emerging however members did not identify any changed circumstances in the past year to warrant any alteration to the current membership or membership types.

The Chair referred to his review of the contribution of members and in particular the IMarEST examiner body which currently has a place but who have not been in attendance and have not communicated concerning the absence. It was agreed that the Chair would write to IMarEST and seek comment on their future intentions in respect of taking full and useful part in the committee.

Chair

92.5.2 An application by NABSE to join BSSAC was acknowledged and it was agreed to place this on hold and that further contact will be made in the event a vacancy for a BSSAC examiner body representative arises.

92.6 Carbon Monoxide safety on boats improvement project

92.6.1 The risk arguments for/against a BSS advice check for CO alarms on private boats – The Chair referred to the additional meeting support document [*Doc 11, BSSAC #92*] which he had authorised because it was agreed that it might be better if members had a paper in advance with all of the details set out.

The paper explains the current draft BSSTC position not to recommend a BSS requirement for CO alarms for private boats and the associated recognition of the difference in approach between hire boats and private boats. A mandatory requirement is warranted for hire boats with solid fuel stoves because hirers may not be responsible for the full control of the risks to which they may be subjected whereas private boat owners have that responsibility.

It was reported that the risk arguments either way are finely balanced and BSSTC are still considering the risk review arguments for and against a possible BSS requirement for CO alarms on boats and that the arguments may shift slightly following the improvement measures being developed concerning the risk management process – for example.

Members acknowledged receipt of *Doc D1* and a brief discussion took place about human factor causes of incidents and the fact that the primary focus of BSS requirements is boat equipment. The Chair said that he found the paper helpful in crystallising what the issues were and in his view that the Scheme is about taking primary action to prevent something unfortunate happening whereas alarms are a secondary course of action to tell you that something has gone wrong and you should do something about it. He considered that the Scheme should, of course, encourage

the installation of alarms but not make them mandatory.

The BSS Manager hoped that the item served to illustrate the robustness of the risk review process and its detailed and challenging nature. He said he believed that this subject is one of the most challenging subjects put through.

92.6.2

The proposed 'trusted messenger' status of BSS Examiners – The Chair introduced the subject, stating his belief that the BSS Examiner role enhancement submission is wholly supportable, will have support from management committee, already has support from the parliamentary group and is directly advocated in a recommendation from the Marine Accident Investigation Branch.

Extensive debate took place mostly concerning the tone and positioning of the supporting paper, no member objected to the initiative in principle at the meeting. The Chair believed that if this barrier can be removed then the initiative can move ahead very quickly.

It was recognised that in fact there were two elements being proposed one concerning examiners looking to see whether there is a CO alarm on-board, assess its suitability and to press the test button – this aspect requires consistency of approach; however the 'trusted messenger' role would involve examiner discretion.

Amendments to the paper were requested to incorporate members' comments and concerns. Accordingly, the paper is to be amended along the following lines:

BSS Secretariat

- a) Emphasis on the 'role change' aspect is to be changed to 'role enhancement' to underline that examining boats against published checking procedures will remain the core function of BSS Examiners.
- b) References to disciplinary enforcement is to be reduced to the minimum and added emphasis provided on the application examiners professional discretion drawing on the training to be provided.
- c) The fact that the three block policy professional indemnity insurances already cover examiners for any policy initiative as part of their BSS examining activities is made clear in the amended paper and the insurance providers invited to comment formally on the proposal.

Members were asked to indicate their support for this amended submission or otherwise provide comments by Tuesday 8 March or at the latest by the end of Monday 14 March. Note that it will be presumed that members have no objection to the proposals contained in the amended paper going forward to BSSMC if no comments are received by the end of 14 March.

All

92.7 Report from BSSTC Chair

92.7.1

The BSSTC introduced support paper [Doc C1, BSSAC #92] referring to the CO alarm on private boat paper and saying that BSSTC will be working on this during the year. He expressed his support for the initiative to record CO alarms on boats, because BSSTC needs good statistics.

He referred to the important ongoing work to review and improve the BSS Risk Management Process and its relevance to the CO alarm question.

He said that the final BSS hire boat requirements ECPs will be with BSSAC soon and as members have seen these before there shouldn't be too many surprises, but obviously the detail is there to be double checked. He said that that work is continuing now with a focus toward examiner training material. He requested that members talk to relevant reps on BSSTC to glean a more detailed appreciation of the work that is going on, so as to smooth the endorsement of the final versions.

The BSSTC Chair described the challenge being met by BSSTC members to achieve full confidence concerning the proposed new check for slip-resistant surfaces found on hire boats to have slip-resistant integrity. He expressed the view that this and the associated training of examiners (& hire operators) as to what constitutes degradation to an extent that the surface no longer has sufficient slip-resistant qualities, is both feasible and will remove subjectivity to a great extent. He explained that concerning the slip-resistant surfaces check, the training material will focus on 'depth', i.e. an understanding of the non-slip surfaces, and the actual non-slip properties; as well as 'width', i.e. looking at all the different types of non-slip surfaces

that can be presented.

He referred to the outcome concerning flame supervision devices and the risk review outcome not to increase the coverage of checks to include a test of the effectiveness of the devices.

- 92.7.2 A debate took place concerning the planned introduction of the 230V AC Safe Isolation Procedure. It was positioned as a measure introduced by the BSS Office in support of their legal duties to not subject examiners to unacceptable risk. The role of BSSTC is to agree the text of the planned Examination Checking Procedures annex

In essence the boat owner, or his representative, will need to isolate the boat from any hook-up and have the inverter switched off, and the circuit will be tested with a socket tester to ensure the safe working environment for the examiner. In carrying out this procedure, any earth or reverse polarity determined will be made known to the owner by way of a BSS Warning Notice. Not all sockets will be checked and the examiner will always proceed with caution when carrying out the BSS electrical system checks.

- 92.7.3 The BSSTC Chair also referred to the comparative LPG tightness testing project ongoing and the intention to form the BSSTC subcommittee for electrical issues. Lastly the BSSTC Chair referred to the Draco fuel tank appeal that divided BSSTC members and led to a majority view moving the issue forward.

92.8 Quarterly BSS Quality Management Activity Report

- 92.8.1 The Chair requested an update on the situation with regard to introducing the BSS in the Lake District. The BSS Manager reported that he had just sent an open letter to Lake District National Park Authority (LDNPA) members to support a meeting of authority members to take place tomorrow where this subject is on the agenda. He said that he had been informed about the meeting late last week and that the LDNPA Executive recommendation is not to participate in the Boat Safety Scheme, but rather to rely upon third party liability insurance for boats on their water. The intention of the BSS Manager's open letter is to add commentary to the report by the LDNPA executive. It wasn't in any way controversial.

The BSS Manager reminded members that LDNPA had not taken up an offer from the Broads Authority to attend the Broads for a day, where they would have taken them through how the Broads manages this area of risk, and how they believe Navigation Authorities have the liabilities in this general area. The two consider themselves to be very much a sister organisations. He said that the best we can hope for is that the authority won't decide tomorrow and will seek the additional information identified as missing from the Executive's recommendation.

- 92.8.2 The BSS Quality and Technical Manager, referring to the financial year end situation said that the BSS is on target this year to meet financial plans. The agreed business plan for next year has been submitted. Three headline figures there are we'll be turning over shortly under £500,000, spending round about £150,000 on contractors.

- 92.8.3 The BSS Quality and Technical Manager reported the start of a fairly lengthy development programme with IT developers for the development of an 'app' for Salesforce. He said this is being developed and designed with the help of a small group of examiners and that the intention is to support examiners on their smartphones or pads report BSS examinations in real-time.

- 92.8.4 Referring to support *Doc F1*, the BSS Manager reported concerning research project at Cranfield University, for which BSS are putting in £15,000 per year for two years. The idea is that BSS contributes towards improving the CO situation from a design point of view.

There is a delayed start to the project however the PhD position is filled with Cranfield's preferred candidate, who is already an MSc graduate at the university and who is to start in April. The first phase of research will be at the most basic level of CO production from fossil fuels (solid/liquid/gas) and then how relatively confined spaces, such as boats, caravans or tents, 'react' to that. The next stage will be the applied, 'real world' element and see what can be done to address any issues.

It was agreed that it would be good for project leader Roland Wessling to provide updates for members once some initial findings are identified and for him to attend a BSSAC meeting to present project outcomes.

The BSSTC Chair requested that the league table of BSS faults be included in BSS Quality Management reports.

92.9 Report from the BSS Manager

92.9.1 The BSS Manager introduced the annual report of incidents [*Doc B1, BSSAC #92*]. He said that more reports will likely be added as they are collected. He referred to the CO fatality that came to light a matter of days ago, relevant to an incident that took place in October of last year.

Attention was drawn to petrol incidents and hire boats incidents and the severity of them, bridge collisions especially. He said that it has been a reasonable year overall in terms of the fire incidents. He said the BSS Office review had not identified activity beyond the planned activity that we have in place already.

Comments from members recorded include the emphasis from the causal data of the influence of boater behaviour and the necessary emphasis on hire boat hand-over.

It was pointed out prior to the meeting by the BM1 rep that table A5 requires a correction.

It was acknowledged that reporting of incidents by CRT staff had improved albeit that there were pockets where improvements had not been made. The BSS Office as requested to provide with a briefing on this subject in advance of the forthcoming BSSMC meeting.

BSS Office

The BM1 rep asked that the numbers of boats subject to the incident report be included, because if the number altered significantly then the assessment of the number of incidents recorded might change.

The IWA rep identified that conflagration figure had increased and asked if this figure could be broken down and any trends as to why identified.

92.10 Items for BSSMC

92.10.1 The BSS Examiner 'Trusted Messenger' initiative and associated BSSAC comments and concerns.

92.11 Dates of the remaining 2016 BSSAC meetings, at Hatton

The following dates are confirmed - #93 Tuesday 7 June, #94 Tuesday 15 November

92.12 Any other business [AOB]

92.12.1 The ABSE rep raised the subject of the consistency of application of BSS requirements by some examiners and especially boats being failed after previously being passed. He said that not only does it upset the clients but there seems to be little or no feedback when such incidents are reported to the BSS Office.

The BSS Manager responded that examiner consistency is the number one priority, but that remedial actions are dependent on evidence. He referred to the back-drop of an improved situation as illustrated by the fact that in 2008 the number of formal complaints received in that year was 27 and that this number of complaints led to the removal of three examiners for failing to apply the checks appropriately and the formal cautioning of five others.

In 2015 11 formal complaints were investigated and no examiner removed, two were formally cautioned and one resigned before case review. No action was taken concerning four of them and four are still ongoing with one examiner scheduled to attend a case review on 15 March. In the context of 20,000 BSS examinations the BSS Manager considered the proportion of complaints to be low.

He said that the number of examiner on examiner complaints is also quite interesting. It is now running at about 45% compared to 19% in 2008.

He said that concerning examiner on examiner complaints the BSS does immediately need the owner's co-operation and acceptance that there is a formal process to be applied, because only then can the BSS Quality Control Assessor visit the boat.

If no permission for access is granted then the examiner complaint is investigated informally and it is accepted as intelligence and the examiner monitored. The information is used partly to determine field assessments, partly to support focussed discussions. This activity leads to the build-up a portfolio of evidence that pushes the BSS in a certain direction with the examiner concerned.

The ABSE responded that no boat owner is formally going to complain that he's got his BSS Certification. The owner will only complain of the fact that his boat's been failed when it passed last time.

There followed anecdotes of examiners examining boats, failing them and never hearing from the owner again and then finding passes recorded on Salesforce by another examiner. In response, the BSS Manager displayed on the screen photos and documentary evidence of such an examiner complaint; the examiner who issued the BSS Certification provided evidence of the remedial works carried out by the owner to meet full BSS compliance.

The ABSE rep said that, accepting some of what has been said, examiners do not get feedback. The BSS Manager said that he could not commit to responding back to the examiners who do give the information as though they are the complainant. He said that process is between the boat owner, the Navigation Authorities, the BSS and the examiner who may be complained about. The role of examiners is to feed us with intelligence to allow the processes to kick in.

The YDSA rep said he was aware of a problem in the Avon area some years ago involving two or three examiners, one in particular who reputedly would issue the certificate for £50 in the pub. Now he and the other two either got kicked out or they jumped before they were pushed, and the problems go away. He said that this supports the fact that the process does work.

The IIMS rep said that there was a consistent level of non-compliance that is not getting addressed. The BSS Manager agreed and said that the planned Examiner Development Strategy looking to ensure examiner consistency will look in detail at every aspect influencing this aim. He referred to that fact that the entry level qualification has been raised significantly in recent years and that this should help improve consistency.

The Chair described the BSS as the regulatory body for the examiners. It is, therefore, governed by a whole raft of guidelines and legislation about what you can and can't say about individuals. The BSS cannot say anything about individuals until the point where action has been taken against them. Even then, the BSS may be constrained about identifying the individual.

92.12.2 The BSS Manager reported that ***** , previously a long-standing surveyor rep on BSSTC had died recently and his widow had asked anybody interested about the service of remembrance planned should make contact with her through the BSS Manager.