



## BSS Management Committee – Confirmed Notes

Meeting #93 Thursday 14 Dec 2017, Mary Sumner House, London, SW1P 3RB

**Present:**

Canal & River Trust Rep deputising as Chair  
BSSAC Chair  
BSSTC Chair  
AINA (left before the end)  
Examiner Body Representative  
Marine Trade Representative

User Group Representative  
BSS Manager

**Co-opted & Others:**

BSS Communications Manager  
BSS Quality & Tech. Manager

**Apologies:** - as below

### 93.1 Membership & Apologies

93.1.1 Apologies from Chair BSSMC – Canal & River Trust Rep deputised, Broads Authority Rep, Environment Agency Rep

### 93.2 Confirmation of notes of the previous meeting, and matters arising not otherwise taken on the agenda – [notes only] – (All)

93.2.1 The AINA Rep asked for the notes to be corrected to include the request made at that meeting for the early distribution of the notes that was agreed to at the previous meeting #92. BSSM

### 93.3 Report of the Executive Members pre-meeting [not otherwise taken on the agenda] - (Chair)

93.3.1 The proposed BSS next four-year business plan was discussed  
The headline activities requiring additional resource are as follows:

- a) Essential improvements aimed at ensuring BSS Examiner consistency, as identified in the Examiner Development Strategy.
- b) The Scheme must plan to be resilient to known and possible changes in the BSS Office team during the planning period.
- c) Essential changes to the Scheme's cloud-based facility Salesforce; some planned in support of the above activity, and some enforced.
- d) Additional resourcing of the formal BSS Examiner complaints investigation process is essential.
- e) Investment in boater safety to address the anticipated changed technical and risk environment. For example, new propulsion engine and appliance technologies, increased concerns about air

quality standards and the trend towards boats being used as affordable housing.

- f) Influencing boat owner behaviour is the key to achieving zero deaths, work is planned to benchmark how effective existing BSS awareness initiatives are and identify a route map to ensure their full effectiveness.
- g) The Scheme must plan to be sustainable linked to added line management and staff duties supporting the Trust's standards concerning staff recruitment, skills, development, personal targets and behaviours; as aligned with the Trust's strategic plans.

The draft business plan provided to the BSSMC Exec members was discussed and Exec members favoured approach was a once-only BSS Certification charge rise of £7 (from £29 +VAT to £36 + VAT) from April 2018. This equates to around 24% increase, albeit a customer will only be subject to this once every four years.

The basis of BSSMC Exec favouring this option was that it allowed the planned additional trainee to be brought on stream in the first year of the plan to support the full range of business needs, not least to ensure resilience to planned BSS Office staff changes. This will help ensure a smooth transition.

The decision also supports the principle of fairness in that all BSS Examiner customers during the period will have had equal treatment for the period of the business plan matching the lifespan of a BSS Certification; rather than planning for a proportion to be subject to further increased costs part way through the four-year certification period.

A £7 rise will be the first one in 8 years and may be the only one extended to 16 years, if an additional waterway can be persuaded to participate in the BSS at the start of the 2022 4-year plan.

Looking to 2022, the planned rise over 12 years is about in line with inflation had any compound interest rate price rises been applied on a year by year basis.

At the full BSSMC meeting, the importance of marketing/comms support to explain the cost rise was emphasised. Back reference to the previous price freeze should only be by way of contrast relative to ongoing prices rises and the pressure on costs now. It demonstrates the team's ability to manage costs.

The planned increase in BSS Examiner Registration fees should not be forgotten in any communications

Members were supportive of the planned increase. The BSSAC Chair said that stakeholder reps were anticipating a rise and he suggested an increase was necessary and fully supportable. He advocated that the reasons for the increase should be promoted to boat owners as their general support was needed.

The BSSAC Chair counselled a re-entrenchment to core product work. The BSS Manager saw no mission-creep and a full attention on the published Navigation Authority Agreement (NAA) document. It was agreed that the NAA did not need to be reviewed.

The BSSTC Chair said that he would see better resourcing as allowing the lower priority tech/risk work to be delivered, as the focus has by necessity been on the priority activity. He implored BSSMC not to raid the BSS funds for non-core BSS work.

The deputising BSSMC Chair acknowledged this request and recognised its validity.

The committee noted that the free market may dissuade some examiners from passing on the full price rise to boat owners, however, it was generally acknowledged that some may take the opportunity to increase fees. BSSMC noted that the certification fee is a modest proportion of the overall cost of a BSS examination (average cost £180-200).

A slightly revised plan will be drafted for sharing with all BSSMC members. BSSO

Within this document there will be improved clarity as to the reason for the rise.

Comments from non-Exec members will be considered before deciding on announcements of the agreed plan. BSSMC Ex

93.3.2 BSS Manager apologised for the lack of the provision of July reports and for the late receipt of the notes of the last meeting. The BSSM was given direction to prioritise BSS committee meeting note provision.

It was recognised that the staff shortages and increase in workload had affected the capacity to produce meeting notes. BSSM will explore new means of delivery to meet delivery targets. BSSM

#### **93.4 BSSMC Terms of Reference – draft revision [Doc C1, BSSMC #93]**

93.4.1 A vote of thanks was made by the committee for the work the BSSTC and BSSAC Chairs in producing the proposals.

The paper was accepted subject to a more precise reference to the case investigation role that now includes non-executive BSSMC members on the BSSMC Exec Panel. BSSM

Once the changes have been agreed by the BSSTC and BSSAC Chairs, the draft will be considered ratified and implemented.

#### **93.5 Update on BSS hire boat requirements changes [Verbal Update]**

93.5.1 The interim requirements and checking procedures were introduced in April. Their implementation is being monitored as is their acceptance and the ratification process is underway.

Only a handful of comments have been captured and acceptance by the hire boat sector is general and widespread.

Generally, the implementation has been a success supported by a full quality management and review process.

Final documentation production is in preparation. (See also 93.8.2, concerning shared ownership boats and BSS hire boat requirements).

#### **93.6 Update on the Hire Boat Code revision [Verbal Update]**

93.6.1 A naval architecture practice has now been contracted to help risk assess the proposal to deliver stability assessment based on the BSS static downflooding measurement check X10.7.3.

There is confirmation that boats with overnight accommodation are likely to be low risk, the design of boats used for day hire present more risk and more of a challenge.

The findings will be provided to AINA in advance of a planned meeting early in the new year to draw together proposals for consultation on the introduction of the Hire Boat Code.

### **93.7 Report from the Chair of the BSS Technical Committee [Doc F1]**

93.7.1 There was a general welcome the forthcoming practical boat emissions research study to be undertaken by Building Research Establishment (BRE) at Mercia Marina in Derbyshire.

Emissions testing would help BSSTC members assess whether others, i.e. those in the vicinity of any CO source, are at risk from those potential sources; such as petrol generators or solid fuel stove flue gases.

93.7.2 The Sub-group helping improve the BSS Risk Management Process (RMP) met in May and reviewed a draft revised document developed by the RoSPA consultant. This draft was further refined by RoSPA after the meeting. One change will be the maintaining and scrutiny of a 'risk register' BSSTC members will review the Sub-group draft revised RMP at the forthcoming meeting.

93.7.3 Comparative LPG tightness testing project – as an outcome from the project, proposed changes to the BSS LPG tightness test procedures for manometers and bubble testers have been developed and currently with industry representative for validation. A radically different process with bubble testers is likely.

93.7.4 BSSTC interim review of the 2015 BSS Examination Checking Procedures (ECPs) – at the last BSSTC meeting members confirmed those 2015 ECP items that, in their view, were in need of review. This work is likely to take up a significant part of next year's work for the committee.

### **93.8 Report from the Chair of the BSS Advisory Committee [Doc D1]**

93.8.1 Investigation of complaints including the increase of volume, the efficient handling and administration, and the impact on staff resources and budget was discussed.

In the context of one case reviewed, BSS Management Committee Executive have asked for an amendment to be considered concerning Clause 12.2 of the BSS Examiner Conditions of Registration concerning ensuring examiners co-operate with formal investigations

It is suggested that the clause be amended as follows and that the Examiner Support Website guidance states that any likelihood of delay be brought to the attention of the BSS Manager and specifies a) medical incapacity or b) pre-planned extended holidays or c) any other circumstances agreed in advance with the BSS Manager as reasonable' as acceptable circumstances and overtly disallows any concept privilege against self-incrimination unless co-operation is disallowed by the instruction of a Court.

Clause 12.2 is repeated below for ease of reference.

**12.2 Examiners must co-operate as fully as the circumstances will allow with any BSS investigation including the full and prompt provision of information and responses. Examiners must follow the instructions and guidance as published on the BSS Examiner support website in this respect.**

The BSSMC agreed the principle of the change and asked the BSS Manager to engage with the BSSAC Chair on the precise form of words.

The BSS Manager will also liaise with the BSSAC Chair concerning any need to amend the investigation procedure (BSSQA006) to refer to the fact that non-co-operation may lead to suspension.

BSSM /  
BSSAC

- 93.8.2 BSSAC members discussed the application of the correct set of requirements and associated checking procedures to boats in a variety of uses and in particular boats in shared ownership and use that are subject to BSS hire boat requirements.

The view of the BSS Manager and BSSTC Chair was that risk-review had determined the application of the Hire Boat Requirements 2017 as appropriate in the circumstances where any form of third-party managed shared-use arrangement (including timeshare or shared ownership), because, like hirers, such owners may not be deemed in control of any risks. British Marine had contended this position as unlawful.

An alternative view was apparent that it is for the navigation authority as the duty holder to determine the type of requirements within its acts/bylaws and licensing conditions appropriate for any particular boat. As such is for the owner/operator to ask the examiner to provide that sort of examination/certification to support the registration application.

The legality of BSS maintaining the current position and is being tested with a legal adviser's advice and that legal advice is pending.

It was recognised that this issue has many facets and complexities that may not be possible to sort through BSS advice to BSS Examiner alone. BSSMC asked AINA to grapple with this issue and balance the protection of the examiner with the navigation authorities' duties of care and provide an answer and suitable form of words as instruction for examiners and guidance for owners/operators. This should happen early in the new year.

AINA Rep

- 93.8.3 Members took as read the advice from BSSAC to the licensing authorities concerning the key changes and impacts of RCD II.

It was agreed that the subject should be added to the AINA meeting agenda.

AINA Rep

**93.9 BSS Manager's report:**

**93.9.1 BSS Examiner Development Strategy – project update [Verbal Update]**

- 93.9.1.1 It was reported that enhanced entry criteria for new examiners were introduced in November 2016 and that since then 43 applicants had expressed interest to become examiners. Of the 43, 24 have been accepted and 13 have been rejected and 6 are needing to provide more information. Pending the introduction of the improved training examiner coverage will be monitored to ensure customer service is maintained.

### **93.9.2 Quarterly report of incidents and accidents recorded [Doc E1]**

- 93.9.2.1 The BSSTC Chair noted the increase in the number of fields of data where there was no value (tbc/tba/unrecorded). He said this was not helpful to his members and asked that the navigation authorities, with notable exceptions, to do better in gathering the facts and providing them to the BSS office.

AINA /  
Canal&  
River Trust

### **93.9.3 BSS Quality Management quarterly activity report [Doc H1]**

- 93.9.3.1 The BSS has successfully recruited a replacement Business and Technical Manager to replace the last person who left in June and to replace the current now part-time Quality and Technical Manager. The new person will be coming from the technical department of British Marine and has a good knowledge of the issues that the BSS deals with and a firm grip of the standards making and interpretation processes.

The BM Rep said they were sorry to lose this person, but was pleased that they would be working for the BSS as a benefit to the BSS and to the wider marine sector.

### **93.9.4 BSS financial planning and controls [Verbal report]**

- 93.9.4.1 BSS Quality and Technical Manager informed the committee that the executive had agreed the was financial position was progressing as per the business plan and that there was likely to be a neutral balance by the end of year position, as planned. A summary report will be provided.

BSSO

### **93.10 2018 BSSMC meetings – venue Mary Sumner House Meeting Rooms London, unless otherwise specified**

- 93.10.1 #94, **Friday 16 March 2018 (as amended)** - #95, July 2018 (reports only) - #96, Thurs 13 December 2018

### **93.11 Any other urgent business**

- 93.11.1 The deputising Chair thanked all the members of BSS committees for their immense amount of work during the year. Their efforts are very much appreciated and hugely valuable to the BSS executive and the wider Scheme.
- 93.11.2 Members acknowledged the passing, in October of \*\*\*\*\* aged 65. Members agreed that he will be remembered for his sharp intellect, real insight and a desire to contribute and make boating safer. \*\*\*\*\* served on all three BSS committees in his time, ending up as User Group Representative on BSSMC