



BSS Management Committee – Confirmed Notes

BSS MANAGEMENT COMMITTEE #96, THURSDAY 13 DECEMBER 2018, MARY SUMNER HOUSE, LONDON, SW1P 3RB

Present:

Executive Chair
Canal & River Trust
Environment Agency
Association of Inland Navigation Authorities
BSS Manager
User Group Representative
Examiner Body Representative

Chair of the BSS Advisory Committee
Chair of the BSS Technical Committee
BSS Comms Manager
BSS Business & Technical Manager
Broads Authority Navigation Officer

Apologies:

Marine Trade Representative

96.1 Apologies and introductions

As above.

96.2 Notes of last meeting

The minutes of the last meeting were accepted as accurate and no matters arising were raised.

96.3 Report of the Executive Members pre-meeting

The Chair reported a discussion concerning the outcome of the public consultation on introducing mandatory requirements for CO monitors alarms.

The BSS financial position was on track, with a small surplus planned this year.

The BSS Manager was to start phased retirement in April 2019, and the recruitment process for a BSS Manager and the planned BSS Delivery Manager, was partly tied up with the Trust's regional reorganisation.

All examiners are to go through an LPG update course from March 2019.

There was a need for case reviews to be heard in the early New Year by the Executive Panel.

96.4 Proposed CO alarm requirement – consultation responses

Taking account of the favourable outcome to the public consultation and the unanimous support from the support committees, the Committee unanimously approved the CO alarm requirement proposal to start April 1 2019.

The Chair of the BSS Technical Committee commented that it was the culmination of years of work, and whilst responses from the consultation were a little sparse, they were overwhelmingly positive. A key learning was that correspondents expected their own boats to be catered for whereas the checks had to be written for any boat, with advice taken from manufacturers. It was recognised that further work will add clarity to the check text.

The Chair of the BSS Advisory Committee reported unanimous agreement from the Advisory Committee members. He warned that CO alarm activations would happen, and people had to understand that activations from external sources were not false alarms.

It was estimated that 60% of users already had CO alarms on their boats. The comms campaign should make clear the alarms were an aide to self-protect and not particularly a reason to call a helpline.

The Chair thanked everyone for the long journey to get them to this point. There was a supporting communication plan that was also agreed. The aim is to encourage CO alarm uptake more quickly than the date of any BSS examination.

There was acceptance that awareness and education remain key to keeping boaters safe from CO and key to the appropriate use of CO alarms.

96.5 Report of the joint BSS/AINA meeting 20/9

The Association of Inland Navigation Authorities rep relayed that the meeting was well attended by the navigation authorities, with good discussion, and all points on the agenda considered important. There was a range of constructive decisions taken as to the way forward.

The BSS Manager noted there would be a stretch on BSS resource to help move forward the outputs. For example, the planned working group to look at revising the BSS non-private class requirements was supposed to be in place by end of November but this was unlikely to happen until the New Year. The scoping of the exercise was critical and must be restricted if the project is to be manageable. The outcome must protect BSS Examiners from risk of prosecution.

Concerning tenanted boats, the BSSTC Chair said the BSS interest was mostly a strategic issue concerning vulnerable boaters. He went on to say that examiners were struggling on the fringe of licencing issues, and that he looked to navigation authorities to review how to handle enforcement processes, and whether their current levels were appropriate given the situation.

The Environment Agency rep reported that the Environment Agency would next year ask direct questions about whether any part of the vessel was being slept in, and ask about landlord's certificates, but this would only pick filter new boats registering

Chair of the BSS Advisory Committee outlined the difficulty of tenants dropping outside regulatory framework because they did not fit into it, and that boats were excluded from rules which regulated landlords. He felt this was a job for licencing authorities but that other agencies should assist concerning vulnerable boaters, perhaps through the Defra-led initiative.

Members generally felt the AINA route engaging with the Defra-led initiative was the way forward but that AINA were reliant on the Trist's legal team to review AINA's 2011 guidance on Residential Use of Inland Waterways.

The Environment Agency rep noted that all points made to BSSMC had been logged into the Risk Register Defra had asked them to populate. He saw it as a societal issue that had to be owned by government.

He went on that that there was misconception in Govt departments that this was the duty of the BSS, and he and Association of Inland Navigation Authorities rep

agreed that they had to educate the sector. The Chair felt there was a lack of understanding of the role of the BSS.

The Chair summarised that there was tension around this issue, and that the navigation authorities needed the help of Defra to support it. She noted that current solutions were not going to solve all problems and that all vessels were part of different shades of use, and it was difficult for one process to capture them all, especially in London where affordability was driving behaviour. Her view was that work should focus on what can be achieved.

The BSS Manager reported that he and the Trust's Matthew Symonds were to present to the National Fire Chiefs Council to explain the situation and seek further engagement from fire authorities. This would include promoting the model adopted by Dorset and Wilts FRS that is regarded as a successful way of engaging with local residential boat communities.

The BSS Manager also highlighted the London Fire Brigade's £180,000 Gas Safety Trust grant bid to monitor CO on up to 1700 live-aboard boats in London. He was confident the bid was going to be successful.

In the context of helping protect vulnerable boaters, he indicated that both initiatives were likely to add significant data that could help identify the level of risk and point to any need for further action. As well as keeping safe any vulnerable boaters in need of help.

Regarding the question whether the BSS should be further involved with boat emissions, the BSS Manager reported that there had been no strong interest from AINA on this and the conclusion had been to watch and wait. In terms of the Defra Clean Air Strategy, there had been a summer focus on waterways, and AINA met with DfT and there was to be a DfT focus on propulsion engine emissions.

96.6 Report from the Chair of the BSS Technical Committee

The Chair of the BSS Technical Committee referred to the Hire Boat Code update and the fact that BSSTC will continue to have this as agenda item until the project is finalised, because of a degree of direct tie-up with some BSS requirements.

He referred to Non-Private Classes of Boats requirements review and the CO alarm consultation and said that much was being learned from the Examiner Monitoring Project.

He said that the format of the Risk Register was agreed and was now being populated.

The Chair wondered if they could get it built into the Trust's Risk Register hierarchy so there was an oversight of issues being discussed to help with coordination. At the moment the BSS Risk Register will support the management of boat-related risks however the BSS Business & Technical Manager will liaise with the relevant Trust member of staff to see if the register should be included in the hierarchy and wider BSS risks accommodated.

Regarding the private boat ECPs, Chair of the BSS Technical Committee reported an exercise to review these, including the attendant training material, which had been their main activity. There was an internal target deadline of April 2019. They were not looking for work on tenanted boats in the next 6 months.

On LPG tightness, albeit that a new bubble tester test is to be introduced, there had been no fundamental change to the testing procedure, so it remained that over a 2-minute period, there should be no discernible pressure drop. There was not agreement to relax this although British and other standards indicated scope for this. The Examiner Body Representative was disappointed about this solution, which he felt should have been replaced by a traffic light system, which was already used by examiners, and could have been brought into play.

The BSS Manager concluded that they had to be led by the committees and their

membership, and they had not sufficiently convinced the BSSTC members that it was safe to relax guidance, although this did not mean they had abandoned the principle. Further work was envisaged to scale the risk of small gas leaks in confined spaces.

The Chair concluded that this was not perfect, but a step forward.

96.7 Report from the Chair of the BSS Advisory Committee

BSS Advisory Committee Chair apologised for the delay to the Shared Ownership Boats issues and the BSS Manager reassured that there were no complaints or outstanding issues as a result. The meeting with British Marine was anticipated for the New Year, and the BSSAC Chair looked to British Marine to propose how they could advise their members in a helpful way to achieve agreement.

The Chair of the BSS Technical Committee noted the big achievement of 100 BSSAC meetings and the Chair thanked the Advisory Committee for their work. BSS Comms Manager praised the BSS Manager for bringing the Committee together since 2005, and the tremendous work of the Committee.

Regarding Trusted Messenger, the Examiner Body Representative raised the use of the 89% statistic from the Examiner Survey which he felt was being used disingenuously, given that examiners already gave out safety leaflets and would tend to answer yes to questions regarding safety. He reported having suggested a more specific question regarding taking on additional safety activity for no extra remuneration, which would reduce profitability.

The Examiner Body Representative asked for the survey responses. The BSS Business & Technical Manager reported that the provider was concerned that wrong inferences could be made from the data if shared. The Chair asked BSS Business & Technical Manager to check what additional information could be given, such as a breakdown of the responses to each survey question, for transparency.

At AOB at the recent BSSAC meeting the issue of people refilling non-refillable gas bottles at auto gas pumps using an eBay supply kit was raised. The BSS Manager said this illustrated the benefit of two-way BSSAC committee dealings and outlined the complexity of the issue, which the Risk Register should log as a potential risk, but with no clear mitigation. BSS Manager noted that the risk control was with UKLPG who owned operating guidance procedures for Autogas petrol stations but went on to say that UKLPG is an organisation the BSS had recently left because of no perceived benefits. The BSS Manager reported approaching the Chief Executive to ask how to mitigate this risk but with limited success. The BSS Manager outlined that they wanted to be seen as part of the solution, but that a BSS press release alone would not be effective and would potentially merely increase the sale of the kits. He noted that one unofficial gas supplier had been prosecuted for supplying gas for non-refillable cylinders. The BSS Comms Manager blamed this practice on the increasing differential between refilling and legitimately purchasing.

The Chair thanked them for bringing this issue to the table.

96.8 BSS Manager's report

96.8.1 Quarterly report of incidents and accidents recorded

BSS Manager noted that the breakdown of incidents and accidents had been reformatted following feedback from this committee. He listed 3 boat fatalities and informed them of a presentation at National Fire Chiefs Council on 29 January 2019 to attempt to establish a stronger partnership at this level and partly aimed at achieving better data.

The Chair pointed out that Canal & River Trust rep had access to the database about water incidents, which was ground for cross-learning. BSS Manager added that the database focussed on fatalities information which was generally

forthcoming, the Scheme was more interested to achieve detailed information about near misses.

96.8.2 **Examiner Development Strategy update/proposed activity**

Regarding examiner recruitment, BSS Business & Technical Manager noted 80 potential examiners who had gone through first screening and had reasonable CVs who were being updated as to the programme start. The BSS Manager explained that they were outsourcing administration of the course to an outside company to manage the whole training experience through online and attendance training. He cautioned against attracting hundreds of new candidates to come through, in order to maintain quality, although the course cost of £3,000-4,000 may act to limit interest.

On BSS Examiner performance monitoring, they had the same field assessment process for next year with fewer assessments due to the work that had been done on the Examiner Training course.

The first stage of the shift to Salesforce 'Communities' was about to commence. This would make it more user friendly, with an app. This would include an examiner support web facility and a public website facility from the same database to gain greater efficiency and enable them to integrate with Jigsaw on the training scheme to get results back to examiners. Furthermore, answers to low frequency questions would be retained to help with consistency, and they would be able to capture data on the frequency of questions. The update would take place over the next 3 financial years, and it would go live in April. The Chair considered this a necessary transformation.

96.8.3 **Planned BSS Sustainability – office team staffing levels**

The 4-year plan was to introduce a BSS Delivery Manager to deliver the data and form partnerships with relevant contacts including those within the navigation authorities and Fire & Rescue Service, to establish personal relationships to acquire data. This should ease the problem of incidents with few details. Note the Delivery Manager role is much wider than purely boat incident data and focuses on all data needed to make appropriate decisions, including concerning the Examiner Development Strategy.

The Chair of the BSS Technical Committee raised the issue of vulnerable people living on boats which had deteriorated. He noted that they would appreciate support from the navigation authorities to take action in incidents where rules were deliberately flouted. He referred to the Stourport incident two/three years back. The BSS Manager reported that, concerning this incident the CPS did not find enough evidence to prosecute, and that resources of agencies who handled prosecutions were limited. The Chair felt swiftness of action was part of the issue.

The Environment Agency rep reported that they prosecuted someone this year with failure to comply with construction standards. The BSS Manager asked him to take this to Chair of the BSS Advisory Committee and as matter of interest. The Broads Authority rep reported prosecuting a user consistently until they threatened to destroy the vessel, which was a long process.

96.9 **Provisional 2019 BSSMC meetings to be agreed**

Meetings were **confirmed** as on Tuesday 12 March 2019 (#97), and Tuesday 17 December 2019 (#99); both at Mary Sumner House, London SW1P 3RB.

Please add these dates to your calendar.

Meeting #98 will be by reports in July

96.10 **Any other business**

No other business.

Actions list

1. The BSS CO alarm requirement proposal is agreed, the decision to implement from 1 April 2019 can be published, the CO alarm comms strategy is also agreed and can be implemented
2. The BSS should focus on what can be achieved concerning the vulnerable residential boater issue and the other issues aired at the joint BSS/AINA forum
3. The BSS Business & Technical Manager will liaise with ***** at the Trust to see if the BSS Risk Register should be included in the Trust's hierarchy and if wider BSS risks should be accommodated.
4. The BSS Business & Technical Manager will further check with the Scheme's Examiner Survey consultant as to what additional information could be given out, such as a breakdown of the responses to each survey question, for transparency.
5. 2019 BSS meetings were confirmed on 12 March 2019 (#97), and 17 December 2019 (#99);