



BSS Advisory Committee – Confirmed Notes

BSSAC #101, 5 MARCH 2019, CANAL & RIVER TRUST OFFICES, HATTON

Present:

Chair
BSS Manager & Secretariat
BSS Business and Technical Manager

Navigation Authority reps:

AINA
EA

Examiner Body reps:

YDSA
IIMS
NABSE
ABSE

Marine Trade reps:

BM1 – British Marine Executive Interests
BM2 - British Marine Hire Boats
BM3 - British Marine Boatbuilding

Boat User Group reps:

RBOA
IWA
AWCC
TBA

Apologies:

BSSTC Chair
Broads Authority
Canal & River Trust
NABO
RYA Executive Interests

101.1 Apologies and introductions

As noted above.

101.2 Notes of last meeting

101.2.1 100.10.1, at page 7, a typo - 'a near-fatality incident caused by a gas cartridge picnic stove ~~caused fatalities~~'. The Chair took the minutes as accurate and accepted, excepting the necessary amend.

Matters arising

101.2.2 100.13.1 - The BSS Manager referred to the RBOA rep's concern at the last meeting about boat users refilling non-refillable gas cylinders at Autogas stations. The BSS Manager had an action to engage on this subject with Calor Gas and UKLPG's technical officer.

He reported that Calor were already concerned. UKLPG's published guidance last October 2018 covered refilling non-refillable gas cylinders, stating that non-refillable cylinders could only be filled in a dedicated filling plant by a gas supplier or authorised contractor. There were legal obligations the Autogas stations were under when they allowed cylinder filling. The Energy Institute published Red Guide and the Petrol Retailers Association promoted this to their members.

On the back of these concerns, UKPLG will hold a meeting with Petrol Retailers Association, engaging with interested parties, to discuss how to limit the risk to a minimum.

This was escalated and put on the BSS Risk Register after the last meeting and BSSTC members will review at the April meeting.

There was discussion on the best way to proceed, and concerns expressed that addressing the issue too directly may advertise the practice, or drive users to hide the practice. The BSS Manager said he would test their own Trading Standards contact to see if they could influence the removal of adapter kit on eBay,

101.2.3 100.7.3 - An IIMS rep raised minutes from the last meeting detailing that the BSS Business and Technical Manager was to ask the survey consultant to furnish full details of the Examiner survey, which they were still awaiting. The BSS Business and Technical Manager expressed caution about attempting to interpret raw survey data, as this was the domain of experts. He agreed to request suitable information from the consultant.

101.2.4 Hire Boat Code development - The BSS Manager reported that the BSS role has been limited to supporting stability and other specific code development aspects.

A BM1 rep relayed that MCA had pulled back from offering to run the public consultation and reported that BSS had been identified as being able to offer a suitable online facility.

The Chair enquired about the resource implications. The BSS Manager responded that using AINA's website would cut costs, however, BSS would commit £3,500-£4,000. He relayed that BSSMC had given an amber light at the last meeting and would likely give the green light at the next meeting, next week.

The NABSE rep highlighted that money the Scheme accrued from certification sales will be used to support a website for the hire industry who represented a small percentage of those contributing. He asked whether the Scheme would highlight this spend to users. Other members were concerned about budget resources that would be spent and distraction it would present. The BSS Manager outlined that hire operators contributed to BSS funding through the certification of hire craft, and that there would be an advantage for BSS to resolve this, as it would ensure the Hire Boat Code would underpin the published BSS hire boat requirements.

The Chair deemed it less than satisfactory but concluded that MCA having stepped back left the navigation authorities with work that needed finishing. The pragmatic solution was to ask people who could best finish it to do it. This spend outside of the BSS arena had to be noted in order for it to be clawed back later, but the principle was to be relayed to the BSSMC. The Chair promised to express concern to the BSSMC that money was to be spent outside the Scheme, albeit pragmatically.

101.2.5 BSS hire boat requirements and shared ownership boats - A BM1 rep reported an upcoming multi-stakeholder meeting on 20 March with Navigation Authorities, Department of Business, Enterprise and Skills, Trading Standards, RYA and British Marine, to deliberate these areas of previous conflict. The Chair asserted that they would await a report from this meeting before discussing again.

There was a question about the RCD and ownership and private boats. A BM1 rep summarised that boat use was changing, moving to a rental basis, so they had to ensure the rules were future-proof. The NABSE rep asked if the meeting would create a formal definition.

The BSS Manager commented that the meeting scope was originally focused on RCD2 and the associated need to review Licensing Authority conditions, but the agenda had now been widened to include the concept of hire boats having BSS from day-one, and shared ownership boats being considered the same as hire boats.

A BM3 rep enquired if there would be a report. The BM1 rep stated the meeting might be a secret meeting but it would help them understand how to implement things in the correct way.

The Chair reminded members that from the last meeting, no examiner body reps reported difficulty with this issue and, as such, the Scheme continued to operate effectively.

101.3 **To note actions from the last BSSMC meeting**

The BSS Manager relayed the following points from the last BSSMC meeting:

- 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 BSS Requirements proposals to start April 1 2019.
- The implementation plan was also agreed and there was acceptance that awareness and education remain key to keeping boaters safe from CO and

key to the appropriate use of CO alarms.

- Concerning the outcomes of the joint BSS/AINA meeting and the need to address tenanted boat risks and any associated pressure to amend BSS boat class changes; BSSMC members generally felt the AINA route engaging with the Defra-led initiative was the way forward but that AINA were reliant on the Trust's legal team to review AINA's 2011 guidance on Residential Use of Inland Waterways. The BSSMC Chair's view was that 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.
- The EA rep reported that EA had prosecuted an owner last year for failure to comply with construction standards. The AINA rep also reported the Broads Authority prosecuting a user for the same reason.

101.4 Nominations for BSSAC Chair's position

The chairmanship of the committee temporarily passed to the BSS Secretariat. The BSSAC Chair was unanimously reappointed.

101.5 Review of BSSAC membership and membership types

The Chair said that no applications to join the Committee had been received and asked members present if boating communities were appropriately represented.

The BSS Manager relayed that they were relying on members to bring views of tenanted boaters to the table. RBOA had represented this group well at a previous meeting. The Chair noted this was raised last year, and the committee felt there was no obvious group representing people who were living in tenanted boats who could be approached, and that tenants were adequately represented. The RBOA rep noted the RBOA represented boat owners but they supported tenanted boaters. It was noted that the NABO rep had also previously contributed well on this subject.

The IIMS rep estimated that many waterway user groupings were not represented at this meeting, but that Examiners may have the best understanding of any issues.

The NABSE rep enquired about tenanted boat usage increasing. It was relayed that in the last several years boat owners had to declare and comply with a non-private tariff, but the problem was owners who did not comply. It was reported that they relied on bankside navigation authority teams to recognise these. The BM1 rep raised reports from London of unregistered boats sinking with tenants on board.

The risk of borrowed boats was raised. It was reported that some insurance companies were specifying that a qualified or competent person must be on the boat.

101.6 BSS CO alarms for boats

101.6.1 *BSS Requirements update* – The BSS Manager explained that since BSSTC agreed the ECPs in January 2019, there had been some minor changes. At a recent YDSA meeting surveyor concerns were voiced regarding one aspect of check 6.4.3.

The concern was about the requirement that carbon monoxide alarms be located '*...at high level, but 150mm below ceiling height*'. It was explained that the height requirement was to represent alarm maker's instructions, which all referred to placing CO alarms high. However, it was felt that this specified detail may, if an examiner were to come across an alarm at 151mm below ceiling height, bring a conflict, alarm instructions might be unavailable, and there was knowledge that the CO alarm protect generally wherever they are placed.

The solution agreed by CoGDEM was to remove the height requirement from the first check at 6.4.1 and instead rely upon improved guidance within the CO Safety on Boats booklet and through a handout being circulated to examiners and boat clubs promoting the changes. The amended guidance would exactly match installation instructions as published within the controlling standard EN 50292.

The proposed late change was presented to BSSTC and full consensus achieved to make the change. The Chair asked if members were content with this specific change.

A BM3 rep raised that surveyors had expressed concerns over the ECPs which had already gone to BSSTC and BSSAC. He asked what had gone wrong with the process. The BSS Manager responded that they were not given full advice by CoGDEM and that BSSTC were always guided by competent body advice. The IIMS rep stated that these were the same questions raised by him in November 2018. The BSS Manager said that refinements always occur leading up to final implementation and said that the outcome was fully supportable and that the right outcome had been reached albeit late in the day.

Concerning *Doc D3*, the draft ECP Appendix extract, it was agreed to rework Figure 2 to bring it in line with Figure 1 and to further emphasise what is and what is not an accommodation space. The Chair emphasised that the 10m measurement requirement from the CO alarm to any door linking accommodation spaces, was about audibility.

With these amends, the BSS CO alarm requirements 6.4.1-6.4.4 could go forward to BSSMC for ratification.

- 101.6.2 *How members can help with the implementation plan* - The BSS Manager noted they were delayed promoting the requirements but that they would see press releases and a dedicated web facility. An IWA rep suggested the IWA published it in their magazine and on their website. An AINA rep said they would put it on their website. The BSS Manager encouraged all user groups to publicise the news. The press release would be available next week and the hard copy the week after.

BSS Manager

101.7 Examiner Development Strategy update/proposed activity, including training course update, Trusted Messenger update and BSS Office/BSS Examiner Service Level Agreement review

- 101.7.1 The BSS Business and Technical Manager reported that there were a good number of examiner candidates wanting to take the initial BSS Examiner training course. Concerning the development of that course, he reported that the relationship with Jigsaw had broken and they had now engaged The Bratton Group. There was an enquiry about contractual obligation and re-assurance provided that no financial impact had been suffered. It was reported that training new examiners would begin in November.

The examiner training course development was further discussed. The BSS Business and Technical Manager noted that it would be a blended approach with training in all aspects of being an examiner being online and furthered at attended training. This would allow practice, the dissemination of complex subject material, and further ongoing assessments. The ABSE rep emphasised the importance of underpinning foundational knowledge.

The Bratton Group had furnished the BSS office with a high-level Business Requirements Document that sets all aspects of project development and delivery.

It was reported that the number of Field Assessments would need to be reduced because of training course development/delivery resourcing.

Desktop monitoring had affected by a squeeze on resources. It was reported that the BSS Delivery Executive role had been advertised and that this would deliver reports to help identify inconsistencies.

Salesforce was changing from one iteration to another and BSS would switch to Salesforce 'Communities' this year at some point. Examiners would be able to tailor login pages with space for broadcasting essential messages. The BSS Business and Technical Manager noted that there would be examiner training on this delivered by the BSS Salesforce consultants – Ceterna.

- 101.7.2 *BSS Examiner Service Level Agreement review* - It was agreed Service Level Agreement review would be commenced via email. Reps for BSSAC would largely be those who had previously contributed on this subject.

BSS Business and Tech Manager

- 101.7.3 *Trusted Messenger update* – The YDSA rep suggested a checklist to give boat owner ownership of managing the safety issue. The IIMS rep enquired about the sub-group on this subject. The Chair summarised that it would be the Examiner group reps, the BSS Manager and himself to decide what was appropriate. He felt that the

introduction had been delayed too long and it was time to deliver.

The IIMS rep asked if they were comfortable the consistency of the examination would be downgraded as they were being asked to do more in the same amount of time. He was concerned about the liability aspect, as other 'Trusted Messengers' worked under the control of an organisation. The BSS Business and Technical Manager said that no added liability was envisaged if the correct and appropriate approach was adopted.

The Chair suggested the checklist needed to be handed to the boat owner whilst the Examiner got on with the examination, and if the boat owner was out, for the Examiner to leave the checklist with the owner. The TBA rep concluded the checklist was only about CO and the Chair emphasised that this had been its only focus.

It was agreed the Trusted Messenger push would be commenced via email. Reps for BSSAC would be the examiner body reps.

BSS Business
and Tech
Manager

- 101.7.4 *BSS Examiner LPG Update training* - The BSS Manager confirmed that LPG update training was upcoming. The reference manual had been developed, the lesson plans drafted, the mobile assessment unit was to be configured and they were close to alerting all examiners to the choice of dates.

101.8 Report from BSSTC Chair

- 101.8.1 There were no comments on the report.

A YDSA rep assumed that if they were doing LPG training, the amended tightness-testing had been sorted out.

The IIMS rep questioned if this had been done adequately. The BSS Manager confirmed that tightness tests were written as replacement ECP Appendices C & D and these were undergoing field-trialling. He expected them to be available in final form in May.

101.9 Quarterly BSS Quality Management Activity Report

- 101.9.1 No comments.

101.10 Report from the BSS Manager

- 101.10.1 *BSS office team vacancies* - From end of April, the BSS Manager will be dropping to 3 days per week and supporting the new manager. The advert went out 3-4 weeks ago, and closed yesterday. It was on the Trust website, British Marine, Marine Resources Ltd. He was unsure how many external interest applicants they had. As the Trust was going through reorganisation, placing over 220 staff roles at risk, it would be those applying from this group who would be interviewed first.

The interview process would start this week. There was an opportunity to recruit with almost immediate effect. The BSS Manager felt the Trust had developed its staff in a professional manner and imagined internal applicants would have relevant skills to bring. The handover period would be one year.

A TBA rep noted the pressure to recruit as the BSS Manager went down to 3 days. The BSS Manager assured they would not accept anyone who was not suitable, because it was an important role.

- 101.10.2 *Annual report of incidents and accidents recorded, and inferences drawn* - The BSS Manager confirmed the man overboard incident last June 2018 had been confirmed as an accident with a heavy degree of alcohol toxicity, adding to a trend of alcohol exacerbation to accidents. The IWA rep asked if excessive alcohol intake on boats was increasing. The Chair noted that the British Ports Authority was calling for alcohol limits regards boating. Consumption of alcohol was not a matter for the Scheme, but safe construction and condition of boats was.

Total number of incidents had dropped significantly, although there were 3 fire fatalities March-June 2018. The 'Not Known' element of the causal data (Table A4) was 18, proportionally high. It was reported that part of the BSS Delivery Executive's role would be to reduce this number over time.

101.10.3 HETAS training course - The BSS Business and Technical Manager reported that HETAS was to deliver a course on solid fuel stoves for registered installers and that he would be attending the launch. This was an important step forward as competent installation of solid fuel stoves is an area recognised as requiring addressing. There is no date as yet concerning course availability.

Although not imminent, it is recognised that there is a threat to the use of solid fuel stoves on boats through the government's Clean Air Strategy's zero emissions planned by 2050.

It was noted that solid fuel stove incidents were down overall over previous years. The Chair hoped this trend continued and that serious incidents also continued to diminish.

The BSS Manager indicated that a campaign in the autumn would continue pressure to keep solid fuel stove incident numbers low and to start to emphasise efficient stove use to reduce the fire and CO risks and help protect the environment.

101.10.4 Report of BSS/Trust presentation to National Fire Chiefs Council (NFCC) - The BSS Manager and Trust employee Matthew Symonds attended this meeting in Huntington late January 2019, in the context of trends towards vulnerable live aboard boaters coming to harm. This was relevant to three boat fire fatalities in 2018 and other near miss data. Data from Fire Rescue Services was difficult to obtain and sometimes incurred an invoice for no substantive benefit. The intention was to encourage partnership working and promote an appropriate level of preventative activity by Fire Services. Matthew Symonds presented on how many boats were being lived aboard, and how many times they engaged with Waterways Chaplaincy, etc to protect individuals. The BSS Manager reported relaying BSS risk data, and the three fatalities. The following challenges were presented to the National Fire Chiefs Council:

1. To ensure boats featured sufficiently high in FRS prevention initiatives
2. To promote the Dorset & Wiltshire FRS model where there were hotspots of live-aboard boaters presenting concerns, working together with the local Navigation Authority
3. To introduce a NFCC policy for all FRSs to share boat-related incident information with the BSS, as a recognised partner who could really make a difference concerning boater safety
4. To introduce NFCC 'boat lead' to act as a central point of contact for BSS and others
5. For NFCC to support the need for boat sector profiling, absolutely critical in order to ensure a big difference influencing behaviour, especially for those who lived aboard and who may see intervention as a threat to their way of life

The BSS Manager said that the trend towards vulnerable boaters at potential risk continues to raise concerns and so it was appropriate to take steps. It was reported that NFCC had formed a subcommittee and would present answers in due course.

The NABSE rep asked about how the presentation was received. The BSS Manager reported that it was well received. The NABSE rep asked for a map of the network hotspots to be shared with the committee.

The Chair summarised that when there was a fatality, there would be an inquest. The BM1 rep stated that rules had to be based on average risk. The BSS Manager felt this was a social and behavioural issue rather than a specification issue. He felt it would add up to targeted advice. A BM1 rep asked if this was a BSS issue, the BSS Manager confirmed that it was. The Chair summarised that some of the only regular contact vulnerable live aboards had was with Examiners.

101.11 Items for BSSMC

101.11.1 The Chair expressed concern about support BSS was still giving to the Hire Boat Code development. BSS were to alert BSS Examiners as to the potential to come across overfilled non-refillable gas cylinders. Confirmation that the BSS CO alarm requirements ECPs were ready.

101.11.2 Continuous Cruising and Examiners – The RBOA rep revealed that a user had been refused an examination because he did not have a mooring. The BSS Manager stated there was no policy that examinations could not be conducted with no mooring. The BSS Manager noted that they had no formal communication to follow, but he agreed to communicate with Lower Thames Examiners to ask if they knew about this allegation, although they usually based this on substantiated claims. The IIMS rep suspected an alternative version of the story may be a degree of unreasonable behaviour by a boater or boat operation.

The BSS Manager asked if members wanted him to communicate with Lower Thames examiners on this issue. This was agreed. The BSS Manager asked an RBOA rep to inform her member there was no such policy.

101.12 Confirmed dates of the remaining 2019 BSSAC meetings, all at Hatton

101.12.1 #102 Tuesday 11 June, #103 Tuesday 12 November

101.13 Any other business [AOB]

101.13.1 The BSS Manager reported on the bid to Gas Safety Trust from London Fire Brigade to run a carbon monoxide monitoring project. This was accepted in December 2018. It would hopefully involve over 1,700 permanently lived aboard boats in London. There would be press coverage when it was announced. BSS had supported London Fire Brigade on this and had previously had its own bid on this project rejected.

The YDSA rep asked if this would monitor carbon monoxide 24/7. This was confirmed.

101.13.2 The BM3 rep criticised the late delivery of the notes of the last meeting. The BSS Secretariat said they would try to do better.