



BSS Management Committee – Confirmed Notes

BSSMC #70, 28 SEPTEMBER 2010, EA MILLBANK TOWER

Present:

Examiner Body Rep
AINA Rep
User Group Rep
Chair
BSSAC Observer
BW Rep
EA Rep
BA Rep
BSS Manager

Co-opted & Others:

BSS Comms & Secretariat.
BSS Quality & Technical Manager.

Apologies:

Marine Trade Rep
BSSTC Chair
BSSAC Chair

70.1 MEMBERSHIP & APOLOGIES

70.1.1 A member of ABSE joined the committee as the new Examiner Body Representative

70.1.2 A member of NABO, was introduced as BSSAC observer.

70.1.3 Apologies were noted as listed above. It was noted that the BSSTC Chair is awaiting a hospital appointment for surgery; the committee expressed its best wishes for his speedy recovery.

70.1.4 The User Group rep confirmed his intention to withdraw as his cruising plan further south in France, would take him out of viable travelling distance of the UK for meetings.

With IWAC, which was used to recruit the last two user reps, being disbanded, the decision was taken to accept the BSSAC user reps offer to appoint a replacement. This was agreed as the BSSAC observer, currently serving for many years as NABO rep on BSSAC.

To help ensure that openness and a universality of boating experience is being brought to the Management Committee, the BSSAC observer asked that his contact details should be provided to the formally recognised groups that were approached last time to provide user rep candidates to IWAC. This was agreed.

BSS
Secretariat

The Committee thanked the User Group rep for his insightful and helpful contributions. The committee also welcomed the new User Group Representative

70.2 MATTERS ARISING FROM MEETING BSSMC #68 (MAR 2010) – No further comments

70.3 REPORT OF THE EXECUTIVE PRE- MEETING NOT OTHERWISE TAKEN ON THE AGENDA

70.3.1 Implementation of BSS Examiner increased PI and PL insurance cover levels was reported as generally implemented successfully with the 217 examiners. In all six examiners are in discussion with the BSS Office for clarifications and further details.

One examiner has been suspended for not having the £5m cover but is likely to take out 'top-up' cover shortly. One examiner is out of country for a few more days but has committed not to carry out examinations until he has enhanced cover in place.

70.3.1 cont/ There are four examiners that have provided evidence of independently arranged cover that fails to meet one or more of the four criteria set down, but work is in-hand to ensure compliance and so these are considered as low risk.

An audit of existing 'base' cover concerning independently arranged policies is being completed. Eleven examiners are yet to provide their base cover documents for this year. However, these have taken out the top-up cover to £5m and their existing policy documents have been checked in previous years so these are considered as low risk.

The BSS Manager is meeting with insurance advisers to review the level of risk and receive guidance concerning the outstanding questions about evidence shortfalls on the independently arranged base and top-up cover.

70.3.2 Scrutiny & spending restrictions in the context of the forthcoming government spending review. BSS is currently subject to BW savings initiatives and will feel the effect of the outcome of the HMG's Spending Review (due in October).

In the meantime BSS Office staff are analysing budgets for cost and spend savings and looking for more efficiencies including talking with ABSE about areas of mutual dealings where things can be done differently and maybe introducing an expanded role for ABSE that BSS can support.

The BSS Office has developed a complete list of current activity in support of technical/risk issues and a separate comprehensive list of policy/strategy change management activity to aid any review of what the BSS does. The BSS Office is also assessing the size of its 'operational' or customer service task, phone calls emails, letters complaints and other customer service activity.

BSS Office staff have strong concerns about the wider potential impacts of the spending review in terms of risk management. The BSS Manager said that it is clear that the wider impact of the spending cuts will affect other partners helping deliver boat safety. The Govt *Fire Futures* review is ongoing. One immediate impact of the advertising and marketing restrictions is that the Fire Kills campaign office has suspended its activities and is producing no further leaflets. The Exec members had agreed to accept the Fire Kills office offer to take on sufficient stocks of the joint Fire Safety on Boats pamphlet to meet inland waterways needs, because the Fire Kills office can no longer fund storing them themselves.

The BSS Manager predicted that in the future there may be no co-coordinating initiative for fire safety campaigns, fire and rescue service co-operation will likely become more disparate as fire authority budgets tighten and decentralisation takes hold. 'Prevention' and 'protection' will likely suffer to allow fire fighting to remain effective. With 80% or more of inland waterway boat incidents to do with behavioural aspects, the potential impact is potentially significantly risky.

It will be important for the BSS to monitor trends and react appropriately and seek new effective partnerships including with industry and stakeholder groups to help fill the gaps.

70.3.3 BSS requirements and the RCD. By way of an informal representation to the Chair and more formal dealings with the Department for Business, Innovation and Science (BIS), the BMF have raised concerns about potential conflicts in the requirements of the RCD and the BSS. The Executive and the BSS Office have sought clarifications and had other discussions which has led to the following:

The BW rep is to provide an assurance to officials at BIS that new CE craft having valid DoCs obtain a licence to navigate and that therefore there is no inherent barrier to trade.

Also that; invariably BSS requirements align with RCD supporting standards and

that therefore there is technical harmony in concept terms.

70.3.3 cont/ The BMF is invited to identify concerns re 'conflicting' requirements to the BSSMC and it will seek the view of the BSSTC (note: the BSSTC Chair has previously agreed to provide

The BSS Office agreed to write tighter performance standards to ensure any conflicts are identified and resolved early and for its BSS/RCD fast-track resolution process as a commitment to an approach of 'even expectations'.

In a separate but linked matter, the recognised Trading Standards RCD expert at a meeting with the BSS Manager requested to have access to BSS examination data regarding first examination of CE marked boats, etc. The BSS Manager quoted from page 49 of the EU Commission's *Guide to the implementation of directives based on the new approach & the global approach*.

It says, '*...besides market surveillance operations, that have as their explicit object the verification of products placed on the market, other public mechanisms exist that, although not directly designed for that aim, can nevertheless have as a consequence the uncovering of non-compliance. they may contact the market surveillance authority that may take the necessary measures. Information on the compliance of a product at the moment it was placed on the market can also be obtained during in-use inspections or by analysing the factors that caused an accident.*

The Exec has agreed to the Trading Standards request on the grounds that it supports Navigation Authority interests. It was made clear that the facility is dependent upon future IT developments.

The Examiner's Body rep noted that examiners had raised concerns about potentially non compliant 'new' boats over the years.

70.3.4 AINA meeting slot on the Navigation Authority strategy for the BSS

The BSS Manager reported that he is to support a one-hour slot at the forthcoming AINA meeting. The reason is to promote the need to re-affirm or amend the purpose and approach of the BSS as this was last done six years ago. The initiative will enable the production of the 'Navigation Authority Agreement' documents in support of effective committee operation and public facing messages.

Also to be raised as equally important are the risk management improvements that can be provided by BSS IT improvements and the Navigation Authorities' needs in this respect and necessary actions on them to accommodate the improvements.

70.4 Potential New Risk, HHO generators

70.4.1 The committee's attention was drawn to the paper from *[Doc D1]*. It was reported that the paper has had good level of support with full consensus achieved at BSSTC and BSSMC. In regards to BSSMC, the User Group rep and the BA rep have confirmed their support for the recommendations contained in the paper.

The BSS Quality & Technical Manager for the avoidance of doubt explained that HHO's and hydrogen fuel cell technology were completely different uses of hydrogen and that HHO technology was in its infancy and its manifestation could be described as slightly chaotic. Whereas fuel cell technology has a more reliable foundation and the risk factors are of a completely different and managed nature.

In his absence, the BSS Manager outlined the latest BSSTC Chair position. He agrees that *the equipment may present a risk, but suggests the criteria being used, namely the absence of a specific manufacturing or installation standard, although easy to administer (there are no known standards) may lead to the stifling of*

innovation and development and are based purely on 'perception' no evidence has been shown that what is being suggested is actually going to happen.

70.4.1 cont/ The BSSTC Chair went on to comment that *It is must be remembered that solid fuel stoves had no installation standard until last year and if we applied the same criteria they would have been banned years ago. Similarly LED lights can under certain circumstances also pose a fire risk and again there are no specific standards for installation in boats. I would therefore suggest the criteria to use for acceptance be based upon the judgment of the installation. This of course means a little more in examiner education and information but I feel the days of the 'tick box' yes or no are no longer appropriate.*

The BSS Manager noted the BSSTC Chairs concerns, but believes the risk is more similar to allowing petrol to be transferred to the engine's combustion chamber by way of plastic tubes and jam jars; rather than BSSTC Chair's LED lights or SFS analogy, albeit recognising that hydrogen gas is much lighter than air.

At the support committees it was agreed that the approach does not stifle innovation but invites development provided that proper controls are considered.

The BSS Manager likened the approach recommended for adoption is similar to that of the BSSMC reaction to user re-fillable LPG cylinders not having a stop-fill facility. Indeed the risk with re-fillable cylinders was more limited as had the co-operation of the sole importer/supplier to deal with at the time and the approach was agreed with that company. With HHO we are facing a situation with disparate internet suppliers or with DIY components bought off hardware shelves.

The BSS Manager reminded the members that BSS support committees have rightly addressed a new potential risks before incidents have been recorded. This is generally accepted as reasonable approach, and failing to do so, would not support navigation authority interests.

Still referring to the BSSTC Chairs comments the BSS Manager said that there was danger in examiners being placed in the position of being the arbiter of a safe HHO system. Their protection is to apply laid down and accepted checking criteria. It would be difficult to justify further detailed examiner training on an issue unlikely to be encountered in the near future.

The BSSMC agreed to accept the recommendations of BSSTC/AC namely to:

1. HHO installations not in accordance with recognised standards be regarded as not complying with General Requirement 1; and,
2. Boat owners be informed that devices not in accordance with recognised standards are not compliant with General Requirement 1 and should not be selected and if are fitted should be removed; and,
3. BSS examiners should be sent a Technical Update about HHOs and informed what to do if a HHO device is found. The Technical Update should include information about exposure to potassium hydroxide and how to deal with it.

BSSO

It was also agree that the BSS should monitor developments, positive and negative in regard to this technology and report developments through BSSTC.

BSSO

70.5 THE BSS EXAMINER SERVICE LEVEL AGREEMENT (SLA)

70.5.1 The committee's attention was drawn to the *Docs E1 and E2*. The papers and progress on the SLA was well received. The documents are now free to be published on BSS and ABSE websites. The committee noted that the BSSAC would review the success or otherwise after one year.

70.5.2 The BA rep noted that there were no fixed deadlines for reporting in certification details. More rapid reporting is required if online boat licensing is to work and the expectations of the navigation authorities would be driven by the reasonable

expectations of their boating customers. Following a discussion it was concluded that recording certifications within 48 hours would be a reasonable target and a good improvement on the current position. BSSO and ABSE to take this forward jointly.

BSSO /
ABSE

70.6 REPORT FROM THE CHAIR OF THE BSS ADVISORY COMMITTEE –

70.6.1 The committee's attention was drawn to the Report from the Chair of the BSSAC [Doc F1]. There were no additional comments made.

70.7 REPORT FROM THE CHAIR OF THE BSS TECHNICAL COMMITTEE –

70.7.1 The committee's attention was drawn to the Report from the Chair of the BSSTC [Doc G1].

70.7.2 The Examiner Body rep said he was pleased the electrical risk issues were being moved forward and the BSSAC observer asked for a copy of the consultants report concerning the risk of electrocution.

BSSO

70.8 BSS MANAGERS ACTIVITY REPORT

70.8.1 The BSS Manager referred to *Doc J1*, Report of incidents and accidents recorded to Sept 10 and asked the committee to consider the inferences drawn and the impacts upon proposed BSS risk-activity.

Both the BSSAC observer and the BA rep were concerned that the table 6 – 'certification nature where known' was not greatly informative in its current guise and wondered if improvements were possible to give a better indication as to certification effectiveness.

The BSS Manager said no information could be presented that would give an accurate idea of the effectiveness of certification as there was no baseline.

The BSS Communications Manager advised the committee that the figures were included because BSSAC members had requested the data. It was agreed that the table should remain in the report to ensure transparency and that the BSS Communications Manager should review the presentation and seek to add a context of scale. Other tables will be reviewed likewise.

BSS
Secretariat

70.8.2 The BSS Quality & Technical Manager presented the Update on the BSS IT Project [Doc H1]

The BSS Communications Manager stressed that both he and the BSS Quality & Technical Manager were extremely pleased with the now routine telecon meetings with a member of the ABSE council who was asked at the recent ABSE AGM to become the IT liaison point between the BSS Office and ABSE. The system was working well and the two-way process was proving invaluable in ironing out creases and planning forward progress.

The Examiner Body rep Noted that while both ABSE and the BSSO agreed not everything is perfect, it is much better than last time and he was satisfied with progress and that the BSS Office recognised the degree of change it has meant for the examiners.

70.8.3 The BSS Quality & Technical Manager presented the Quality Management Report [Doc I1]

In the context of point 4 in the Report (BSS Examiner Entry Training Course), the Examiner Body rep asked whether any policy was available to manage the numbers of examiners entering any particular location, because in some parts of the UK, it is felt by ABSE members that there is a potential over-supply.

The BSS only has a policy of moving up the waiting list, potential trainees who may fill a general or specific gap in provision at any given location. Other than that, no other

policy would be possible in the market model.

- 70.8.4 The BSS Quality & Technical Manager presented his financial report. Number of examiners as at end May is 218.

The BSS is at present matching the financial plan V18, however the Committee noted the results of an investigation of the actual sales of certificates. While sales income to date is considerably higher than previous years as the unit selling price was increased on 1 April 2010, however the units sold to date are below those from previous years. This is explained by exceptionally high sales volume going out in March 2010 (previous financial year) due to many examiners acting in anticipation of the price rise.

- 70.8.4 cont/ Subsequently certificate sales in April 2010 were very much lower than previous years. Over this year, the expectation is of a balancing out in terms of volume, but the loss of margin between the old price and the new (£4) will never be made up.

The prediction is that the sales income likely to be around £6000/8000 less than planned this year, or around 2% of income. This shortfall will have to be adjusted by either a reduction in income over expenditure levels, a reduction of operating costs, or increase of non certificate sales. Spending has been restricted this quarter due to the constraints identified at 70.3.2 and so this may help.

70.9 Any other business not otherwise on the agenda

- 70.9.1 The User Group rep updated the committee on the progress of the Technical Requirements for Inland Waterways Vessels (TRIWV) Directive, otherwise known as the Euro Certificate. It is now possible to have a boat surveyed and certificated in Holland and Belgium, however as no bodies have yet been appointed in the UK to carry out such work. UK boaters planning to visit Holland or Belgium will be deeply disadvantaged as the cost of obtaining a certificate in advance will be extremely costly because it would involve bringing a surveyor from the low countries.

The BSS Manager said this matter could be brought to the attention of the MCA representative at BSSAC in the context as to whether vessels holding a BSSC could be exempt in part to the relevant parts of the TRIWV.

BSS
Manager

- 70.9.2 The Examiner Body rep reported that the recent ABSE AGM saw the continuation of the previous committee officers in the main. Work on the BSS Quality Assurance documents (Code of Conduct) review continues and he was pleased to see the progress in partnership on this matter.

70.10 DATE AND TIME OF NEXT MEETINGS

- 70.10.1 14 Dec (#71) BW Offices Paddington