



## BSS Management Committee – Confirmed Notes

### BSSMC #68, 23 MARCH 2010, BW PADDINGTON OFFICES

#### Present:

BSSAC Chair  
BW Rep  
BW Observer  
EA (Chair)  
BA Rep  
BSS Manager  
User Group Rep

#### Co-opted & Others:

BSS Communications Manager.  
BSS Quality & Technical Manager.  
BSSAC Observer

#### Apologies:

AINA Rep

#### Non-Attending:

Marine Trade Rep  
BSSTC Chair

#### 68.1 MEMBERSHIP & APOLOGIES

68.1.1 The EA Chair advised members that he was stepping down from the Chair role. He said he was sad to leave the role which he had enjoyed. The decision is due to internal re-organisation at EA. He is continuing to be the EA representative on BSSMC.

The Operation Directions of BW, was introduced and took up chairmanship of BSSMC from the end of the meeting.

68.1.2 The Chair of ABSE, was introduced as BSSAC observer.

68.1.3 Apologies were noted as listed above.

#### 68.2 COMMENTS ON THE EXECUTIVE MEETING BSSMC #67

68.2.1 *This item was missed, however the report is that the BSSMC Exec met on 17 December 2009 and discussed one issue, namely the proposed BSS certificate price increase to BSS Examiners.*

#### 68.3 MATTERS ARISING [*not otherwise taken on the agenda*]

68.3.1 **The Inland Waterways Vessels Directive (IWVD) Update** – The BSS Manager reported that the MCA has pushed out a consultation on a draft M Notice aimed at implementing the directive. The closing date is 25 March.

There is no mention of the UK national standards the MCA have been saying would be introduced when the directive is implemented. Neither is there mention of the necessary UK administration arrangements for UK certificate issue/examinations etc or anything about the potential ten year duration of certificates.

On first scan of the notice it reaffirms that anything over 20 m, including private vessels, is covered by and if operating in Europe will have to comply with the directive.

There is an exemption annex for Classes IV, V, VI and IX (hire boats) if staying in UK but they *will be required to meet applicable UK standards.*

68.3.1 cont/ The User Group rep advised that The Barge Association (TBA) had been seeking information from the MCA as no certifying body has been named by the MCA. He said British builders will be hit by the need to comply such as by providing a certificate of compliance if the vessel is being provided for continental use. He also reported that older vessels are first in line for implementation.

The User Group rep went on to say that it was likely that certificates could be endorsed with information about failures to meet technical requirements or improvement notices to make good at the next opportunity. He said that navigation authorities should watch out for endorsements but doubted if they would cover items like fuel or gas systems.

The BSS Manager reminded the committee that having reviewed the IWVD standards, the BSS could confirm them as being more onerous than the BSS requirements and thus any compliant vessel should be accepted as meeting licensing conditions.

He went on to say that navigation authorities are going to have to accept a 'valid' IWVD directive certificates the same as they have to accept RCR declarations but given the track record of validity of those there might be a repeat of the non compliance problems though perhaps not so much as the certification will have to be after a physical examination of every vessel, unlike with Cat D RCR boats.

The BSS Manager reminded members of concerns about the duration of certificate life in the absence of any routine UK spot check regimes as on the continent. He said that vessels supported by IWVD certificates could be considered appropriate for a navigation authority spot-checking regime against BSS requirements.

The Communications Manager asked the Navigation Authorities to consider the training and briefing of its licensing teams in being able to recognise such certificate, and, in the context of the complexities raised about endorsed certificates, having the skills to overlay the endorsements against the BSS requirements.

The BSS Manager urged the navigation authorities to review the consultation document and respond at least about the duration of certificate life. The BW rep said that BW was responding and that he would circulate the response to the navigation authorities

BW rep

68.3.2 **Hire Boat Code (HBC) Update** – The BW rep advised that the working group had not met for 9 months. Individual navigation authorities are considering how best to implement the Code within their powers and that BW were looking at 2011/12.

The BA rep said that the Broads were making compliance a mandatory licensing condition from this year and that the recent proposals/request from BMF to review/amend the simplified stability test developed needed to be ratified by the working group in order for it to be accepted by the Broads Authority.

The EA Chair advised the committee that the Transport and Works Act Order is under a period of notification and assuming it goes through, then EA will have the powers to implement the HBC.

68.3.3 **Boat electrocution risks to visitors and staff** – The BSS Manager updated members that a report on the nature of AC risks presented by boats has been commissioned from a consultant of considerable expertise in this area. He has submitted a thorough draft report.

The report is due to be with BSSTC shortly and will allow the committee to review the risks and advise how to mitigate them, without the committee being bogged down in attempting to identify the risks themselves.

68.3.4 **Petrol risks** – The BSS Manager referred to *Doc G1* provided to members on 4 February reviewing *boat petrol fires reported during 2009, and the previous six years and detailing the inferences drawn and suggested ways forward*. He reported that

the first media releases have been distributed and that media articles have started to appear.

68.3.4 cont/ The subject of the release covered the need for care and vigilance in the context of petrol powered boats and provided a list of basic pre-season, pre and post re-fuelling and problem management advice. A second release concerned the use of portable/auxiliary petrol engines, especially generators.

This is the start of a three year plan and more messages, including far greater targetting and finessing of details will emerge as the plan rolls on.

68.3.5 **Examiner AJ** – The BSS Manager referred to the paper [Doc E1] to members dated 5 February informing that a third Dutch barge vessel examined by ex-examiner AJ had been discovered in a significantly non-compliant condition. The paper outlined the plan for BSS to support relevant navigation authorities to contact those boat owner customers having in-date certificates issued by examiner AJ supporting navigation licenses.

The BSS Manager said that the outline plan was unopposed by members and that work on identifying the vessels has begun. The BSS Communications Manager outlined the specifics of the plan:

- There are 52 vessels with in-date certificates issued by AJ;
- They were in large part on BW waterways. A few are un-classed waters (probably the Thames Tideway) with the remaining handful spread across the Broads, Middle Level and EA waters;
- These will be checked for more recent certification by other examiners;
- Navigation authorities will be consulted to also check for more recent certification;
- The final confirmed list of boats with current certificates will be circulated to the navigation authorities to identify and contact the owners;
- The BSS will offer the navigation authorities template letters and advice sheets for owners concerned as to whether their boat complies with the Scheme's requirements;
- Where boats cannot be identified on any participating navigation authority system, the examiner will be asked to help identify the owners and contact them with the same information that the navigation authorities are distributing.

The process will start within the next 14 days and its success will be monitored. A report will be made back to members.

BSSO

68.3.6 The BSSAC Chair reported his concerns about the potential for a conflict of interest relevant to BSSAC members who are also practitioners. Although the nature of the issue was agreed not to be recorded in the notes, it was agreed that the issue could be addressed in a future review of the committee members' code.

#### **68.4 REPORT OF THE EXECUTIVE PRE- MEETING NOT OTHERWISE TAKEN ON THE AGENDA**

68.4.1 The EA Chair asked that, from this meeting forward, meeting papers in the form of reports should be taken as read unless there was a good reason to involve in detailed discussion. This should free up time to consider the main agenda items.

68.4.2 **Role of the BSSAC** – The EA Chair reported that following navigation authority rep concerns about the current level of effectiveness of the BSSAC members of the BSSMC Exec had a useful meeting with the chair of the BSSAC on 4 March.

For clarification the EA Chair specifically said that the Terms of Reference for the BSSAC remained current and valid.

The meeting with the BSSAC Chair was to discuss the processes of the BSSAC, in particular concerns that issues were being brought to the BSSAC that were affecting

its throughput. He said that the issues and concerns were matters that can be raised and considered at BSSMC, allowing the BSSAC to focus on recommendations and actions upon which the BSSMC rely upon to guide them to the correct decisions.

68.4.2  
cont/

BSSMC Exec want the BSSAC to provide a broad enough range of views and opinions to ensure the advice from the committee is well rounded but it does not want the committee's effectiveness to become inhibited by any factors including its size. As such a review of membership of BSSAC was being undertaken to ensure a broad enough range of views.

He went on to say that conflicts were taking up the time of the BSSAC unnecessarily and the matters were not those for which the BSSMC has tasked the BSSAC with considering or which have fallen from the committee's review function. It is recognised that most of the issues were practitioner issues.

He considered that the place to discuss those matters is the BSSMC and as such it is appropriate for BSSMC to seek the experience and representation of a practitioners' representative on the BSSMC. It was planned for BSSMC to write to BSSAC practitioner reps to invite nomination of an Examiner Body Rep.

BSS Comms  
Manager

The BSSAC observer said that there has been a great deal of frustration over time in the examiner community, but in the past 12 months there has been a lot of progress, however there are still a lot of outstanding matters. As such ABSE would welcome the proposal as it has been seeking to see such a representative for some years. He believes it will help remove frustration still further.

The BSSAC Chair said he was pleased with the combined approach of removing such discussion for BSSAC and seeing a practitioner rep at BSSMC. His view that it will cut BSSAC meeting times allowing a better concentration on the strategic matters which is the true role for the BSSAC.

The EA Chair said it was important to recognise that the BSSAC is not a financial scrutiny committee, that function is with the BSSMC. The Executive and the full BSSMC seeks the BSSAC's considered opinion on the potential impacts of the changes put forward or falling from review responsibilities and as to whether they are reasonable and relevant. BSSAC members will be furnished with financial information where this is relevant to the item being considered.

The BW rep agreed with the BSSAC Chair on the potential for improving the outputs of the BSSAC and agreed to attend the next meeting of the BSSAC on 8 June to present and discuss the improved definition of the roles of the committees.

BW rep

The BSSAC Chair welcomed the offer and suggested that the outstanding 'Navigation Authority Agreement' on the role of the BSS and thus for the BSSAC was imperative to help drive the process forward.

68.4.3 All other matters are covered in the agenda

## **68.5 THE PRICE RISE OF THE BSS CERTIFICATE TO BSS EXAMINER**

68.5.1 The EA Chair said that the decision of the BSSMC Exec to raise the price of the certificate and then to fix it for four years had been taken with full knowledge and having taken into account the views of BSSAC.

The decision was announced to examiners, all committee members and the media on the 11 March. The release was backed up by an 'impact assessment' PDF explaining openly why the price increase was necessary.

The EA Chair reported that there has been little reaction to the announcement so far, but due to the relatively short time that has elapsed since the announcement, the magazines are unlikely to have covered the rise in the latest edition, but may do so in upcoming issues. On website news forums there has been neutral reporting and the chat forums interest has been low key compared to other boat safety issues.

The User Group rep said that the true impact on the cost of BSS examinations is yet to be realised.

## **68.6 THE REVIEW OF BSS EXAMINER MINIMUM LEVELS OF INSURANCE COVER**

68.6.1 The BSS Manager said that the BSSMC urgent review of BSS Examiner minimum PI and PL insurance cover levels kicked-off on 9 March and that three comments have been received to date and the insurance advisers views on those comments also received. Additional comments from BW legal department have also been received. All of these will be distributed to BSSMC and BSSAC following the meeting.

BSS Comms  
Manager

The EA Chair said that BW and EA are endorsing the view that the current level of cover is too low. The Executive will commit to a decision in early May; he said that the level should be one that protects all parties, in particular the examiners and the navigation authorities.

## **68.7 THE BSS OFFICE CUSTOMER CHARTER – FINAL VERSION FOR REVIEW**

68.7.1 The BSS Manager referred to *Doc H1* and said that the version reflected useful comments from BSSAC members. He said the charter sets out to the reader the values of the Scheme and that this is hugely important because quite apart from setting out the service standards, it places expectations as to how the Scheme will react to any of its customers concerns.

68.7.2 Two comments were recorded:

- The BSSAC observer asked that the sub-heading '*Complaints about the service provided by BSS examiners*' be removed or a sub-section title added for complaints about the BSS Office. He said that it is not appropriate for the document to draw attention to examiner complaints in this way;
- The BA rep asked that the language of the last bullet point be improved.

Any additional comments are invited in the next two weeks.

All

## **68.8 REPORT FROM THE CHAIR OF THE BSS ADVISORY COMMITTEE**

68.8.1 Referring to *Doc I1*, The BSSAC Chair said that items discussed at BSSAC had mostly been raised at this meeting already.

However he needed to raise a point on committee protocols following a particularly passionate discussion at the last meeting between the BSSTC Chair and the BSS Manager on the subject of the gas locker condition check amendment.

He said it was vital that the Committee should not face a discussion where there two mutually exclusive and competing recollections of a concept where it is impossible to work out what is the actual position.

Evidence should be presented in a mutually respectful way prior to the committee meeting and an agreed position on the facts must be reached. This is so that on the day, the discussion is limited to the likely impacts and outcomes.

## **68.9 REPORT FROM THE CHAIR OF THE BSS TECHNICAL COMMITTEE**

68.9.1 In the absence of the BSSTC Chair, the report [*Doc J1*] was taken as the record.

68.9.2 The BSSAC Chair asked if BSSMC were comfortable with the BSS approach concerning solid fuel stoves, taking into account that the BSI code had been published and the previous high profile of fires associated with the use of such appliances.

The BSS Manager said that in the context of the publication by BSI of the Code [BS 8511:2010] there were two actions as he saw it. Firstly, it was incumbent on the



marine trade to embrace the code and encourage its adoption in practice. This approach should ensure safety issues are designed out. He said that he had originally been told that the Canal Boat Builders Assoc (CBA) may produce a short document for members amplifying the key aspects of the Code; however he had recently tested the CBA/BMF on this proposal and was not confident that any document will appear.

68.9.2 cont/ Secondly the BSS task (*as reported in Doc J1*) is to draw out the key facts from the BSS incident data and draw from the published version of the code the key impacts and overlay these against the incident data. This will help ensure that any need to introduce new BSS requirements can be identified as well as drawing out any further best practice information.

To help with this task and in order to help inform the risk arguments, he reported that the BSS are to engage a consultant with expertise in appliance design, available models and flue design and installation to work with BSSTC.

It was agreed that the brief for the consultant would be circulated. The BW rep asked the BSS Manager to consider whether any suitable volunteer consultants could be found.

The BSS Manager went on to say that until such an overlay is possible, it is important that the navigation authorities challenge the marine trade to employ the BSI Code when installing or working on boats with solid fuel appliances.

## **68.10 BSS MANAGERS ACTIVITY REPORT**

68.10.1 The BSS Manager referred to *Doc F1, Annual report of incidents and accidents recorded for the year 2009, inferences drawn and proposed 2010 BSS risk activity*. Challenged to form a definitive view, members fully endorsed the actions it contained.

68.10.2 The BSS Quality & Technical Manager referred to *Doc D1, Update on the progress of the BSS IT project*; he said that the project continues moving forward.

He reported that online re-registration has been successful with 160 examiners confirmed as re-registered for 2010 (*update subsequent to the meeting there was only one examiner left to apply who intends to renew for new registration year*)

Ordering certificates and other support materials – this continues with nearly all examiners using it smoothly.

Recording examinations and certifications – this is in the final phase of the pre-release test group. The trial has been a substantial one with approximately 14% of examinations for 09/10 being submitted direct online input.

The BSSAC observer said that the 'test group' helping the project had volunteered approximately £60-70K of free time and that in ABSE's view the project was like a car with octagonal wheels rather than round.

He also said that ABSE was concerned to ensure full consultation on future decisions on the replacement examination paperwork and certificate and any move to 'hand-held' recording devices.

The BSS Quality & Technical Manager assured that the current full consultative approach would be continued to the next stages of the online examination recording project.

68.10.3 The BSS Quality & Technical Manager referred to *Doc B1, BSS Quality Management Annual Report*, and said that technical updates had fallen behind, but they will be moving forward with examiners.

Concerning the financial situation he reported that the BSS is on track to make a small profit this financial year, including taking account of the loss from last year. Full end of year reports for BSSMC Exec are envisaged towards the end of April.

The BSS Quality & Technical Manager said that quarterly financial reports will be published in the notes of BSSMC meetings starting from the June meeting, the detail to be subject to the agreement of BSSMC Exec.

**68.11 DATE AND TIME OF NEXT MEETINGS**

68.11.1 June – reports only no meeting

28 Sept (#70) EA Head Office Millbank, 14 Dec (#71) BW Offices Paddington