



BSS Advisory Committee – Confirmed Notes

BSSAC #67, 3 MARCH 2009, BW OFFICES, HATTON

Present:

Chair
RYA2 Yacht Clubs and Users
AWCC
YDSA
TBA
IIMS
RBOA
ABSE
NABO
BW
IWA
MCA
EA
Broads Authority
BMF2 – River-based Commercial Interests
BMF3 - Canal-based Commercial Interests

Co-opted & Others:

BSS Manager
BSS Quality & Technical Manager

Apologies:

BSSTC Chair
AINA

Not Present:

RYA1 Executive Interests
IMarEST - **Vacant**
BMF1 - Executive Interests – **Vacant**

67.1 Apologies – Apologies were noted as listed above.

Introductions and resignations– The Chair welcomed a stand in YDSA rep.

Following a suggestion from the BMF3 rep; members agreed that meeting name/organisation boards would be a benefit in keeping abreast of member and membership changes from meeting to meeting.

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67.2 Accuracy of the notes of BSSAC meeting #66 – Accuracy was agreed

Matters arising from the notes of BSSAC meeting #66 [Not covered on the agenda]

67.2.1 [66.2.1]– ABSE/BSS Examiner Survey - IIMS placed on record views on the outcome of the survey of BSS Examiners that serve to counter some views on the outcome provided previously by the BSS Office. *Document B1 BSSAC #67* was provided in advance of the meeting. The IIMS view included strong views concerning a weekend technical support presence for examiners, the consolidation of the Examination Checking Procedure and the need for a FAQ forum. The BSS Manager reminded members that the previously agreed position was to monitor the impact of the new examiner website before concluding on these subjects.

67.2.2 [66.2.2]– BSS Examiner Code of Conduct Consultation (CoC) – The BSS Manager reported that the formal consultation with all examiners ended on 2 January. The BSS document confirming the taking account of comments received during the examiner consultation was sent to BSSAC/BSSMC on 14 January. Only positive comments were received and so the Code for 2009/10 is now finalised. Examiners were informed of the changes in the last BSS Examiner News and the final version code was sent to all examiners in readiness for the re-registration period. Note that the code is now split from the procedure for the investigation of alleged breaches of the CoC. This procedure, together with others, is subject to review to be completed at the BSSAC June meeting.

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- 67.2.2 Cont/ The ABSE rep said that ABSE had contacted PI insurance companies to seek a view on the reasonableness of the BSS Office's actions in providing information concerning the outcome of case reviews to complainants. He said that the outcome of this initiative may come back to BSSAC.
- 67.2.3 [66.3.1] – BSSMC User Group Representative – It was reported that the process agreed at the last meeting was followed with the BSS Secretariat inviting nominations, the BSSAC Chair having agreed the text of the invitation letter. At the end of the period allotted to receive nominations IWAC had received three. IWAC have identified the successful candidate and that person is being written to by the BSSMC Chair inviting him onto the committee.
- 67.2.4 [66.3.1] – LPG cylinder locker condition checks – a draft amended checking procedure will be available shortly.
- 67.2.5 [66.4] - Second stage smoke alarm strategy – The BSS Office have incorporated all BSSAC suggestions and are currently engaged with smoke alarm manufacturers concerning fine detail.
- 67.2.6 [66.5] - Procedure for handling examiner conduct complaints - The BSS Office have incorporated all BSSAC suggestions and the procedure will be placed into a formal document for sign off by BSSMC at the March meeting. Publication of the simple public-facing one-page policy will appear thereafter.
- 67.2.7 [66.5] - Procedure for handling examiner conduct complaints – The IIMS rep provided a paper containing details relating to a complaint to the BSS Office that in his view presented some key issues with the new code clause. Document B3 BSSAC #67 provided in advance of the meeting. The BSS Manager clarified that the scope of the CoC was restricted to examining activities and did not cover any remedial works undertaken by examiners by way of a separate contract. He also stressed the importance of examiners leaving customers with BSS report forms after the initial examination as these serve to record the compliance status of the vessel and emphasise any separation of contracts.
- During the debate the YDSA rep reported that advice to surveyor members was not to carry out any remedial work on a boat they had surveyed or survey their own remedial work within six years. User group reps were generally unconcerned about examiners carrying out remedial works subject to the separation of contracts.
- 67.2.8 [66.5] - Procedure for handling examiner conduct complaints – At the time of the introduction of the IIMS paper the Chair asked if the paper represented a personal or organisational view because this is relevant to how members receive the paper. The Chair requested clarification from members about their understanding of the means by which they represent their sponsoring organisation, in view of several recent items raised under the guise of an organisation proving to be personal views or opinions of an individual BSSAC representative. Members agreed that, where any paper or view was put forward in an individual capacity this would be clearly indicated and, if necessary, the views of the organisation sought and/or confirmed before the paper were to be accepted for debate in BSSAC. The mechanism by which each organisation's view was to be collected and represented was agreed to be left to each organisation. All
- 67.2.9 [66.5.3] – Procedure for handling examiner conduct complaints - The BSS Manager reported that the examiners representative body name, i.e. YDSA, MABSE will be able to be added to the public website by examiners but not during the initial registration process.
- 67.2.10 [66.5.4] – Procedure for handling examiner conduct complaints - Members agreed the BSSAC nominations to support the BSS procedure for handling complaints about examiner conduct. The TBA rep was nominated from members representing users, the EA rep from members representing Navigation Authorities and the ABSE rep representing BSS practitioners. The tenure will be for one year and any necessary deputies will be decided upon on an ad-hoc basis.

67.2.11 [66.7.3] - *Available information for prospective boat purchasers* – The BSS Manager reported an update from BERR on their planned communication initiative. BERR confirm there are initiatives planned for both builders and consumers - purchasers in particular. The aim is for BERR to work closely with industry and consumer organizations, however there is likely to be little available effort until staff vacancies have been filled. BERR agree with the concept of informed consumer - this is indeed a BERR principle for many consumer issues. BERR are aware there are issues with regard to safety on the inland waterways and the BSS offer of assistance/participation is welcomed by them. Members acknowledged that the matter was moving forward.

67.2.12 [66.14.1] – *The BSS and an environmental awareness role* – A document was sent to user group members of BSSAC on 30 January to help the Chair gauge views on any environmental awareness role for the BSS. Although no responses had been received to date, groups still have two months to reply. User member's reported that the request for views is with the respective organisations and that a response within the timescale is envisaged.

67.3 To note decisions and actions arising from the last BSSMC meeting #63

67.3.1 The Chair referred to the *Confirmed BSSMC notes #62* [Doc H3, BSSMC #63].

Five members reported having not received this document and were handed hard copies. In view of the non-receipt it was decided to defer the item for two weeks from to allow time for consideration of the notes. Any comments should be sent to the BSS Secretariat.

All

Following a question from the BMF3 rep the BSS Manager confirmed that BSS had offered to the Navigation Authorities to administer a sample of the level of current compliance with the provisions of the hire boat code by hire operators. He confirmed that BSS would use one or more professional marine surveyors for this task.

67.4 New entrant vessels – additional time for full compliance (IIMS)

67.4.1 *Support paper - IIMS paper [B2 BSSAC #67]*

67.4.2 *Context – the paper presents a case for some form of interim BSS certificate of temporary status to be given to a new entrant vessel provided that it has been subject to a full BSS inspection within the first 28 days and is recorded as non-compliant but not falling within the Dangerous Boat category.*

67.4.3 The IIMS rep introduced the proposal and illustrated the issue by showing photographs of a barge in London Docklands recently arrived from France. He suggested that its adoption would alleviate pressure on examiners and provide sufficient time for owners to reach BSS compliance and help move away from any notional concept of decommissioning.

67.4.4 Members questioned the concept that examiners are under pressure, their role is simply to assess vessels for compliance. It was also considered that the decommissioning of systems was a recognised way of achieving compliance and that the snapshot-in-time principle aligned with this.

67.4.5 The EA rep said that the Navigation Authorities sought evidence of compliance with the minimum standards at the time of licensing and members agreed this was largely a matter for the Navigation Authorities

67.4.6 Members rejected the IIMS proposal and considered that the Scheme's requirements and the principle of the snap-shot in time are now sufficiently well established so as to be reasonable to impose on new entrant vessels. The basis of the IIMS submission concerned Dutch barges coming into BW's Docklands marinas from the European continent. Members were informed that BW Docklands had adopted a flexible approach to the BSS certification of new entrant vessels arriving from the continent, based upon a risk assessed process.

67.5 Published information supporting the purpose and approach of the BSS

67.5.1 *Support paper – no support paper*

67.5.2 *Context – at the previous BSSAC meeting it was agreed that there was a lack of a common understanding of the purpose and approach of the BSS and that existing publications touching on general terms of reference did not succinctly explain this. The lack of a published reference left open to question the adoption of qualities such as risk-based, proportionate and independent and blurred the edges of the scope of BSS activity. The Chair had originally planned to authorise a paper in time for this meeting.*

67.5.3 During the debate and at other times in the meeting members considered that the lack of a clear reference caused difficulties, for example when covering first versus third party issues (including between private owners and hirers) or fire versus craft structure issues, accidental versus deliberate fire setting, or mandatory requirement versus advice checks.

67.5.4 The Chair introduced the subject and the BSS Manager provided a brief summary of the discussion at AOB at the last meeting. He said that the BSS Office placed great store in the preamble to the 2004 public consultation document on the modernisation for private vessels and it was agreed that the BSS Manager would circulate this together with other relevant historic documents to help the members identify the nature of the published information and any shortfall in approach.

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The BSS Manager referred to the existence of a BSSMC document outlining a draft revised MOU between the Navigation Authorities that own the Scheme, and that may clearly set down the responsibilities of the Scheme in support of the Navigation Authorities. Notwithstanding that it was reported that at present there is no activity in support of developing the revised MOU, members were keen to have sight of the draft in order that it can be reviewed to see if it helps resolve the apparent shortfall and mandated the Chair to raise this issue at the next BSSMC meeting.

Chair

67.6 Efficiency - Update on the progress of the BSS IT project

67.6.1 *Support paper - Efficiency - Update on the progress of the BSS IT project - [Doc I1, BSSAC #67]*

67.6.2 *Context – standing item – a report by the BSS Quality and Technical Manager*

67.6.3 Supplementary to the report the BSS Quality and Technical Manager expressed thanks to the group of nine examiners who were assisting with developing the examiner facility part of the BSS website. He reported that notwithstanding that the facility was ready it was to be released in a staged introduction to allow examiners to gain familiarity. Examiners were about to be contacted concerning registering online. During April examiners would be introduced to ordering materials online and during May the examination reporting facility will be available to try before going live in June. A demonstration of the examination reporting facility was given.

67.6.4 The BMF3 rep, in his capacity as a member of the group of nine examiners trialling the system, said that the online forms have changed for the better since the original versions and confirmed his belief that the online examination reporting facility would be ready to go live in June.

In response to a question from the YDSA rep, the reference to the 'sandpit' area was defined as a dummy area of the website that allows examiners to become familiar with ordering or reporting in advance of these facilities going live.

In response to a query from the Chair it was reported that the intended use of hand-held data logging devices was up to two years away.

The YDSA rep was concerned that the failure points from boat examinations was planned to be available to all examiners. *Note that as a result of this concern the planned facility will not now take place.*

Members were keen that when inputting boat dimension details examiners should have the facility of a metric/imperial conversion tool on the report form. Members were also keen that the timescales for implementation were met and that the examiner forum and other technical support measures were put in place soonest.

BSS Quality
and
Technical
Manager

67.6.5 Members expressed the view that technical interpretations for the trade and clarifications for the boating public should be made freely available and free of charge on the BSS website, representing the same information made available to BSS Examiners. The BSS Manager said that that the technical outcomes as far as they affect the BSS Guide and examiner Examination Checking Procedures will remain public but that it was not the intention to publish the examiner technical support information wider than examiners and BSS support committee members. Members were strongly of the view that the information should be publicly available in order that anyone preparing a boat for BSS would be reasonably able to check updated information to maximise the likelihood of the craft achieving compliance and passing a BSS examination. The BSS Manager said that he was unaware of any commitment to put this into effect and initially he was concerned that any comments concerning specific products in the technical updates, and which make up a significant proportion of the updates, may have to cease to avoid any possibility of legal liability for public statements made. The Chair was mandated by a strong majority of members to raise this issue at the next BSSMC.

67.7 Report from BSSTC Chair

67.7.1 *Support paper -Report from BSSTC Chair [Doc F1, BSSAC #67]*

67.7.2 *Context – standing item – a report of BSSTC*

67.7.3 This item was taken after item 3. In the absence of the BSSTC Chair the Chair requested the BSS Manager highlight any key points from the report provided in advance of the meeting.

The BSS Manager drew members' attention to the availability of the Draft for Public Comment (DPC) version of the code of practice for the installation of solid fuel stoves in boats. This, together with the opportunity for interested parties to comment to BSI, was recently provided to all BSS support committee members. He also emphasised the role of the BSSTC to begin to assess the potential impact of the code for Navigation Authorities

The NABO rep, who also sits on one of the relevant BSI committees, suggested there may be two different versions in circulation, however it was explained that BSI committee members did get to see a pre-DPC version that was modified in advance of the release.

The BMF3 rep brought with him a section of twin-walled insulated chimney and explained to members its features and how it differed from flue pipes.

67.8 BSS Quality Management Annual Report

67.8.1 *Support papers - BSS Quality Management Annual Report [Doc E1, BSSAC #67] & Annual report of BSSMC examiner case investigations and determinations [Doc E2, BSSAC #67]*

67.8.2 *Context – standing item – but this time in the format of an annual report of BSS quality management activity by the BSS Quality and Technical Manager*

67.8.3 Members had the following additional comments/changes to make concerning Doc C1.

Page 2, Failure Rates, the BMF3 rep asked if the rates around 40-43% were considered acceptable or whether they ought to be addressed. The BSS Quality and Technical Manager said that this had been discussed and in common with other similar safety initiatives, there comes a time that the rate of success slows down and it becomes a flat line with no further improvement shown. He said that targeted initiatives and the planned additional focus on newly qualified examiners should help address the rate.

Page 2, *Examiner Activity*, replace 'top examiner' with 'the most prolific examiner'.

Page 3, *Initial BSS Training Course*, delete from 4th para, 'and vessels used for permanent accommodation'.

67.8.4 The annual report of BSSMC examiner case investigations and determinations [Doc E2, BSSAC #67] was acknowledged but not further discussed.

67.9 Report from the BSS Manager

67.9.1 *Supporting Documents – Annual report of incidents and accidents recorded, inferences drawn and activity needs [Doc H1, BSSAC #67] and Refining and developing the BSS Risk Model [Doc G1, BSSAC #67]*

67.9.2 *Context – standing item – a report of BSS activity by the BSS Manager*

67.9.3 This item was taken after item 5.

The BSS Manager introduced the annual report of incidents, inferences drawn and activity plans. He said that it was essential that BSSAC members endorsed, supported or otherwise amended the conclusions laid out in the report. Members generally endorsed the inferences drawn and the planned 2009 BSS risk avoidance activity and had the following additional comments to make concerning Doc H1.

2.2 – in response to an observation by the NABO rep it was agreed that Govt. records are not particularly detailed or helpful in determining risk factors and this was a reason why it is important to seek fire service data at 5.4.2.

5.1 – it was agreed to add, candles, free standing oil lamps, refuelling with cans, the importance of preventative maintenance to the list of simple safety messages for the year. It was also agreed to add that doors and hatches should not be secured in such a way that they cannot be easily undone and occupants evacuated.

BSS
Comms
Manager

5.4.2 – the YDSA rep expressed the view that the quality of fire service information can be sparse and inaccurate. The BSS Manager said that in recent experience the level of co-operation and detail was generally good, however he recognised that information concerning electrical fires, for example, from fire service personnel was not good and planned to lobby and support them to provide better information.

5.6.4 – the YDSA rep said that in his experience solid fuel stove fires were caused by operator error. The BSS Manager, whilst recognising that user good practice was essential in limiting incident numbers said that the MAIB and the BSI working put the issue squarely down to the installation of the appliances.

6.6.4 – it was agreed to slightly amend the approach to BMF concerning the competency of solid fuel stove fitters by no longer discussing extending the HETAS scheme in initial dealings and to promote use of the Code referred to at 67.7.3.

67.9.4 In response to a query made prior to the meeting from the RYA1 rep that the report did not adequately cover the three inland waterway man-overboard deaths; members are to receive further information.

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67.9.5 Comments made concerning the scope of the incident data and that the advisory status of ventilation should be made mandatory, were placed in to the context of item 5 above.

67.9.6 The document *Refining and developing the BSS Risk Model [Doc G1, BSSAC #67]* was acknowledged but not further discussed.

67.10 BSSAC Observer for the BSSMC meeting #64, 17 March 2009, BW Paddington

67.10.1 The Chair said he was to attend BSSMC meeting #64. The NABO rep agreed to attend as BSSAC observer.

67.11 Dates of next BSSAC meetings

67.11.1 The 2009 dates were confirmed as 2 June, 8 September, and 24 November. All dates are Tuesdays and all meetings are at BW Offices, Hatton commencing at 10.00.

67.12 Any other business [AOB]

- 67.12.1 This item was taken after item 4. *ABSE survey of faults found on vessels when first presented for a BSS examination* – This item was taken after item 4. ABSE presented a table indicating the rate of occurrence of BSS faults concerning a sample of 50 newly built, imported or CE marked boats having reached 4 years of age - therefore requiring their first BSS Certificate. No conclusions were drawn from the data however ABSE were invited to expand on the methodology used and it was agreed to provide the information to BSSTC for information. The BSS Office was asked to endeavour to provide information on this subject in six months time drawn from examination data once it is accessible from the new online examiner registration system. ABSE rep
BSS Secretariat
BSS Manager
- 67.12.2 The Broads Authority rep requested all committee documents be grouped together and sent at one time. The BSS Manager said this would likely delay unnecessarily documents prepared and requiring careful consideration. He said that the Committee website would solve this issue because papers would be added when ready. It was agreed that meeting papers show the agenda item number from the agenda before the document name and details to aid organising these both before and at the meetings. BSS Secretariat
- 67.12.3 *BSS examination sequence* - the BW representative questioned the sequence of checking employed by examiners when conducting BSS examinations. This in the context of a witnessed examination whereby a gas leak was discovered at the latter end of a BSS examination. The BSS Manager and IIMS rep provided the view that examiners operate on a risk-basis and that the stenching agent in LPG would have alerted the examiner to any significant LPG leak.
- 67.12.4 *EA Thames, operational staff re-organisation* – the EA rep reported changes to the Thames navigation operational staff structure from 1st April that will see an enhanced enforcement presence on the river. It is envisaged that the changes will result in an improved involvement in fire investigations and spot checking against Thames byelaw construction and equipment requirements

Ends