



## BSS Management Committee

### CONFIRMED NOTES MEETING #64 TUESDAY 17 MARCH 2009, BW PADDINGTON OFFICES

#### **Present:**

BSSAC Chair  
AINA Rep  
User Group Rep  
EA (Chair)  
BA Rep  
BSS Manager

#### **Not Present:**

Marine Trade Rep

#### **Co-opted & Others:**

BSS Communications & Secretariat.  
BSSAC Observer  
BW Observer

#### **Apologies:**

BSS Quality & Technical Manager  
BSSTC Chair  
BW Rep

#### **64.1 MEMBERSHIP –**

64.1.1 News of a replacement User Group Representative was made to the BSSMC.

The selection process agreed at BSSAC 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, the Inland Waterways Advisory Council (IWAC) had received three. IWAC selected one candidate and he accepted the invitation from the BSSMC Chair to join the committee.

The User Group rep introduced himself. He is on The Barge Association board and currently lives aboard an historic barge, currently moored in Lille, France. Until 1992, he worked on merchant shipping particularly on the North Sea and a change in career saw him running a chandlery on the Grand Union Canal and owning a narrowboat and a day boat. He has been a member of the RYA for 20 years.

Members of the BSSMC welcomed the User Group rep to the committee and agreed that his background and his current experience of living aboard his boat will bring a great benefit to the committee in his role acting as the conscience of this committee in regards to the Scheme's relationships with boat owners.

He plans to establish direct communication with the user group representatives on BSSAC to help him fulfil his role, and in particular will report on any dissent from the confirmed notes of meetings.

64.1.2 The BSS Manager said that with the withdrawal of the current person from the position as Chair of the committee, there are constitutional implications for the committee and the BSS Office, BW representatives which are covered in matters arising.

**64.2 APOLOGIES –** BSS Quality & Technical Manager, BSSTC Chair, BW Chair. Marine Trade rep was not present.

#### **64.3 NOTES OF LAST MEETING**

64.3.1 The accuracy of the notes, previously confirmed by email, was re-affirmed at the meeting.

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

64.4.1 63.1.1 Membership – The BSS Manager said that as currently constituted the Executive Chair of the BSSMC is the designated Executive Director responsible for the Scheme and the BSS Manager reports to the same. For the notes, the constitutional position is that after 3 years with the BW Director as Chair the timing was right to alternate the Chairman role with the joint owner (EA) and that the constitutional issue can be addressed in the intended review of the BSSMC terms of reference. The BSS will stay 'administered' by BW with the BSS Manager reporting through BW head of Safety to the Operations Director.

It is proposed pending the review, for the current BW rep to become a BW observer and a new EA representative.

The committee agreed the changes pending the review of the terms of reference.

64.4.2 63.4.1 – Hire Boat Code. AINA rep updated the committee on the meeting of the code project's licensing working group held a few days ago. A new member had joined this group representing the shared ownership sector because there was some debate about this category and its relationship with the code.

It was reported that the code would be launched as a voluntary code this summer, once the sponsoring bodies, MCA, AINA and BMF, had endorsed the final version.

The final version of the code will not have any reference to enforcement. The MCA see this code as enforceable at some point in time but sees little progress from the licensing bodies. As a consequence of this inaction, they see the Merchant Shipping regulations as a potential route.

The BSS Manager said that the BSS has offered and advised BW to consider sampling hire boat code compliance to help identify where verification should reasonably be targeted and to judge where self-certification could best work. This approach should result in the regulatory impact being minimised. He said that work on developing the sampling project could start before the final version of the code is published.

AINA rep said that there is a potential for creating an un-level playing field as not all navigations are managed by an AINA member and not all AINA members have powers to adopt the code. Discussions are ongoing with the MCA and the sponsoring bodies about funding a study to identify all waters used as a navigation but without a managing authority.

The committee discussed concerns about the potential for enforcement and the finalising of the code details – including the modernisation of the BSS documentation supporting the 2002 BSS standards. These standards are included as an element of the code in the fitness for purpose section.

The committee also were united in believing that a single, efficient approach is required including where appropriate, self-regulation as far as possible.

The committee sought information from the BA rep as to what was to happen on the Broads where the local authority was also involved. The BA rep said that the Broads Authority is, for weekly hire boat operators, recommending handover audits, but not currently enforcing at licensing. The authority may do spot checks and mystery shopping. It may also using the BMF test process to undertake stability spot checks. Following the code is advice for day boat operators at the moment.

The BSSAC Chair believed that inventing a new quango should be avoided and that the BSSAC should be asked to oversee the review of the 2002 standards documentation and incorporate the additional fitness for purpose elements of the code into a new set of non-private BSS requirements.

The BSS Manager was very cautious about a role for BSSAC here as there could be a far more appropriate set of stakeholders formed to help monitor, review and improve all elements of the code over time, including the fitness for purpose elements. This role was not one that the BSS should be asked to pick up and run with. He also predicted that any expanded role at BSSAC would have a negative

effect on the improved outputs from the committee in recent years.

64.4.2  
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It was agreed that the BSSMC should sign up to a high level message setting out their advice to the Navigation Authorities and suggesting the role that BSS can fulfil. It was felt that this could help the Navigation Authorities with their task to respond to actions set at the recent hire boat code licensing working group meeting. The BSSAC Chair said this would set down a marker for the MCA as to future Navigation Authority intentions.

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It was agreed that the high level message should clearly acknowledge that some Navigation Authorities will not have powers to enforce the code as a licensing condition and guide these authorities as to how to proceed. It should also clearly acknowledge that some waters currently have no licensing authority and suggest a way forward to plug this gap. It will also acknowledge that a very few definitions within the code may be at odds with definitions included in individual Navigation Authorities act or bylaw provisions. i.e. Broads Authority and the fact that shared ownership boats are excluded from the hire boat definition.

64.4.3 63.6.1 – Behavioural complaints investigation procedure. This was signed off by EA rep.

64.4.4 63.6.2 – Code of Conduct. 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 prior to re-registration. The final version of the BSS Examiner Code of Conduct was signed off by the EA rep.

64.4.5 63.10.1 – Instructions to examiners to comment only on BSS compliance and not RCD compliance or otherwise, has been sent in a recent BSS Examiner News.

64.4.6 63.10.1 - BERR contact update. 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.

64.4.7 60.5.1 - EU Inland Waterways Vessel Directive (IWVD). Comments were invited on the paper drawn up by the BSS Office and intended to be provided to AINA members advising acceptance for licensing purposes of IWVD certificates [*paper F1 BSSMC #64*].

IF said the IWVD is very confused on private vessels. It is voluntary and it thought that it will be a long time before it is imposed. An exemption is being asked for on historic craft otherwise being pre-1950 vessels in this case. Compliance works to meet the Code which is very onerous, will be extremely expensive for older vessels not previously designed to meet the standards.

The committee appreciated that the IWVD standards are very onerous and are in excess of BSS requirements. It was also accepted navigation authorities must take account of the potential for the extended IWVD certificate life if presented for licensing purposes. However the committee agreed it is incumbent on the Navigation Authorities to enforce their minimum standards most likely through targeted spot checking where possible.

The Committee agreed the paper *F1, BSSMC #64* for passing to AINA.

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

64.5.1 All matters are covered in the agenda or matters arising.

## **64.6 UPDATE ON THE BSS IT PROJECT**

64.6.1 The BSS Manager informed the committee that the examiner online registration had, after testing and refining with a number of examiners had gone live the previous week. Around 100 examiners (slightly less than half) had already applied online and that was in line with previous examination rounds at this stage in March.

This is the first step along a three year journey that will, improve information gathering, develop a more consistent examination process, reduce business costs and will allow resources to be focused on delivering safer boats.

He said members should feel confident that the BSS team can deliver, on time, to budget a user friendly product, endorsed by the major stakeholder groups. He continued that the BSS Office is now at the forefront of the possibilities for Navigation Authorities presented by platform based systems.

64.6.2 The BSSAC Chair reported to the committee that there had been a long and involved debate at the recent BSSAC meeting concerning the IT project. Notwithstanding some reservations, the committee recognised the efforts of all concerned to reach 100% internet communications.

Much debate focussed on the concern of all BSSAC members about technical updates, when posted on an examiner-only web-based facility, are not then available to the trade or boat owners. The BSSAC observer added that there was an agreement within the 2001 review to share all relevant material.

The BSSAC Chair said it was recognised that the BSS Office had legitimate concerns if questions over commercial confidentiality were ever relevant, but wanted the issue given full consideration. The EA rep was keen that commercial sensitivity issues be carefully managed.

The BSS Manager and the BSS Communications Manager reported that after further consideration, in principle it would be feasible and appropriate to publish the updates, especially through the open BSS website. The BSS Communications Manager said that there would be some time and resource implications in re-presenting the information appropriately and if these presented issues these will be taken back to the committees for advice.

The BSS Communications Manager noted that the current website architecture did not readily lend itself to that task, but plans were in place to revise the website and the need to publish updated information was one of the many important factors to take account of. The work on this being after the initial phases on the examiner/committee websites this spring. Members agreed the approach and the BSSAC Chair and the BSSAC observer were appreciative of the update.

## **64.7 BSS FINANCIAL PLANNING AND CONTROLS**

64.7.1 The BSS Manager reported that the income planned for March 09 is approx £54K. Present indications are that the BSS will fall short of the number of certificates sold in March by approximately £8K. This shortfall will directly affect the profit as it is too late to reduce expenditure in line with reduced income

Payroll in this period is on budget. Concerning Professional fees are slightly under budget to date. However we expect to be on target by the end of the financial year. Computer systems expenditure is on budget

As per plan, it is predicted that the BSS will make a loss of approximately £32K for the year. As a reminder the income projection was cut by 14% in November as a result of the cyclical influences.

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

64.8.1 The BSSAC Chair drew attention to the previously circulated report (*paper E2, BSSMC #64*).

Specifically, he wished to raise his concern as Chair of the committee about a small minority of representatives offering personal views, opinions in papers submitted to the meetings. He sought agreement that contributions towards committee dealings should represent the views of respective organisations, or otherwise it should be made clear that personal contributions are exactly that. He made it clear that he was not attempting to specify how the organisations determined their position.

- 64.8.2 The BSSAC Chair referred to an outstanding agenda item at BSSAC concerning the lack of published information supporting the purpose and approach of the BSS and the fact that the BSS Office placed great store in the preamble to the 2004 public consultation document on the modernisation for private vessels.

The lack of a formal reference also did not help BSSAC members when called upon to assess, select and recommend between various risk avoidance activity and solution options. He said he was strongly mandated by members to seek clarification on this matter from BSSMC. He asked about the status of the draft revised MOU between the Navigation Authorities to see if it may help resolve the apparent shortfall or if BSSAC could help with its development in this respect.

The EA rep said that he saw no barrier to sharing the draft revised MOU with BSSAC provided BW/EA could review the latest draft to assure themselves it is suitable for sharing. He considered that a top-down, bottom-up approach was an appropriate route but it must be appreciated that any final agreement to an MOU will rest with the signatories to the agreement being BW and EA.

The BSSAC Chair acknowledged the point and said that if a draft was provided in a timely way then the BSSAC could provide its considered advice after the December meeting.

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

- 64.9.1 The BSS Manager referred to the previously circulated report (*paper E1, BSSMC #64*).

BSS  
Secretariat

He drew members attention to the fact that the Draft for Public Comment of the *Code of practice for the installation of solid fuel fired heating and cooking appliances in recreational craft* (will be BS 8511:2009) has recently been published by BSI. He said that BSSTC will now start to be involved in assessing the potential impact of the code, including on any need for new Navigation Authority requirements in relation to the known causes of solid fuel stove fires and CO incidents

The BSSAC observer noted that some user groups are nervous about the potential for some types of appliances to be outside of the scope of the code and the potential for a retrospective application of the code.

The BSSAC Chair said the trade was nervous of the code route concerning references to competency. He did not want to see an equivalent to CORGI arising from the debate but recognised the importance of the trade acting cohesively and not missing the opportunity to create a reasonable approach to competent installation.

- 64.9.2 The BSS Manager referred to the review of policy concerning older extinguishers. The BSSTC were reviewing a paper that will result in recommendations being presented at BSSAC. The BSS Manager was keen that members were aware of the review at an early stage.

#### **64.10 BSS MANAGERS ACTIVITY REPORT**

- 64.10.1 The BSS Manager in introducing the incident and accident annual report (*paper I1, BSSMC #64*) said that he was keen that the committee had properly reviewed the document and in particular could support the proposed BSS activities for the coming year. Members supported the proposed activities.

BSSAC Chair, noting the numbers of deliberate fire reports, said that BSS activity should be at low cost to the BSS budget reflecting the criminal nature of the activity. The BSS Manager reassured the committee that the activities were strictly limited to those outlined in meeting #62, namely data collection and that any trends drawn from that data would come back to committees as for any other cause of fires. The

User Group rep expressed shock at the significant number of reported fires on inland waters.

64.10.2 There were no comments on support papers G1 or H1, BSSMC #64

**64.11 ANY OTHER URGENT BUSINESS – none**

**64.12 DATE AND TIME OF NEXT MEETINGS**

64.12.1 29 Sep (#66) BW Paddington; 15 Dec (#67) BW Paddington. It is intended that written reports will be distributed to members in mid June in lieu of a meeting (#65).