



BSS Advisory Committee – Confirmed Notes

BSSAC #83, 25 JUNE 2013, CRT OFFICES, HATTON

Present:

Chair
ABSE
AINA
BMF2 – River-based Commercial Interests
Broads Authority
BSSTC Chair
CRT
EA
IIMS
IWA
NABO
RBOA
RYA1 Executive Interests
RYA2 Yacht Clubs and Users

The Boating Assoc. (TBA)
YDSA

Co-opted & Others:

BSS Manager

Apologies:

AWCC
BMF3 - Canal-based Commercial Interests
BSS Quality & Technical Manager
IMarEST

Not Present

BMF1 - executive

83.1 Apologies and introductions

83.1.1 Apologies were noted as listed above. Members welcomed proxy reps from EA and AINA.

83.1.2 The Chair raised three points of housekeeping:

- a) The Chair reported that the issue of free parking for members was assured for this meeting because of the intervention of the BSSMC Chair, it is hoped that future free parking can be assured.
- b) The Chair said that he found it completely unacceptable that notes of the last meeting were producing three to four months after the meeting, and there was general agreement amongst members. The BSS Manager apologised for the lateness which he said was because of competing priorities, he said that the intention was to record this meeting and have it transcribed as this may provide a partial solution. Members agreed to the recording of the meeting. The BSS Manager committed to produced draft unconfirmed notes for the Chair to view, within 14 days of the meeting.
- c) The Chair said that it was his intention to stop any member who introduces discussion outside of their direct remit, i.e. that of their organisation; and he asked if that was fair. The feeling of members was that, at meetings, the Chair should not necessarily cut short a member, who had a relevant point to make and that could help the committee get to the right consensus, purely on the grounds that it did not necessarily represent an organisational view. If a member was expressing a personal (non-organisational view) then he/she should declare this upfront (or the Chair can identify the point for recording in the notes). Members re-affirmed their support for the Chair to control meetings the way he saw fit in the interests of achieving a productive meeting and there was general agreement that the Chair should not change the way he controls meetings.

BSS
Manager

83.1.3 As part of the protracted discussion that took place at 83.1.2c), the YDSA rep expressed his view that all debate was wrongly cut short at the previous meeting on the subject of the guidance supporting the BSS Examiner Conditions of Registration (Note 82.8.5).

The Chair replied that what he cut short was examiner body discussion on points not directly related to the agenda item at hand. He explained the need to focus on meetings being productive and not returning to the examiner-dominated discussions of a few years back that led to his call for a significant reduction in examiner body reps at BSSAC. The outcome back then was that there was no support for a change in BSSAC membership, but it was agreed that if there were significant examiner issues, the examiner bodies should deal with those outside of and prior to the meeting, so that there was some uniformity of examiner body approach rather than risk a general and disruptive debate taking place at BSSAC meetings.

The YDSA rep said he was not aware of the approach and would refer to his organisation on this matter.

The BSS Manager explained that another outcome from the Chair's concerns of a few years back is the focus on process-based committee activity whereby proposed changes are laid bare and members providing guidance and making recommendations to BSSMC representing a true balance of views. Any additional specific organisational concerns are presented in papers in advance of meetings for adding to the agenda (subject to the Chair's agreement), as the YDSA rep has very recently requested on the subject of the guidance supporting the BSS Examiner Conditions of Registration.

Chair

83.2 Notes of BSSAC meeting #82

83.2.1 **Accuracy of the unconfirmed notes of the BSSAC meeting #82** - unconfirmed notes were forwarded to members in advance of this meeting [Doc K1, BSSAC #82]. The Chair said that, in view of the delayed receipt he was not in a position to vet them for accuracy and wished revised unconfirmed notes, taking account of member comments received to date, to be recirculated to members with the usual two-week opportunity for further comment. Confirmation of accuracy will await any further comments.

BSS
Secretariat
(done)

83.2.2 **Matters arising from the unconfirmed notes of BSSAC meeting #82 [Not covered on the agenda] –**

82.2.1 – *'hard to reach' boaters* – The BSS Manager reported that he had constructive initial contact with the Waterways Chaplaincy and that BSS was also taking advice from the Manchester Fire and Rescue Service, on dealing with hard to reach communities to see if the Waterways Chaplaincy approach can be structured to be as effective as it can be and to learn a bit more about this grouping.

BSS
Manager

83.2.3 82.2.1 – *CRT approach to enforcement and identifying immediately hazardous boats*. The CRT rep reported that he had sought legal advice and spoken with CRT's Head of Safety. The plan is to train relevant staff on the ground to identify potential hazards using the CRT's safety advisors across the country to deliver the training. He said the intervention will be visual assessment only and it won't involve entering on to the boats themselves but rather taking a photo, recording it on CRT's system and reporting on risk issues for decisions to be made by the safety team. If a safety problem is identified it may mean a marine surveyor being contracted to further assess the circumstances and any risk issues.

A training package is being put together by CRT's Head of Safety and training will be rolled out over the next few months. The CRT rep will report back once he has some facts to report about the impact of the training.

Members reacted favourably to the report. The BSS Manager said that the full BSS *'Identifying Immediately Hazardous Boat Course'* should be considered for the safety advisors to ensure commonality between the big three navigation authorities and he said that it should not be just moorings checkers that should benefit from on-training because a lock-keeper could also be presented with circumstances of a boat presenting an immediate risk.

83.2.4 *82.3.3- hirer safety review and the 'no barrier to trade' rule of the RCD* – the BSS Manager reported that he had communicated with Trading Standards on the need to avoid cutting across the RCD when considering outcomes from the hirer safety review. Trading Standards saw no conflict when introducing requirements for safe use by inexperienced hirers, provided it did not interfere with the structure of the vessel.

83.2.5 *82.6.3 – the committee website* – the RBOA rep referred to the action stating that the committee website was to be available one month in advance of this meeting and be trialled by the TBA and NABO reps. The BSS Manager reported that the delay is due to a widening of the spec which affects timing. He said the software is chosen, the site is developed, and that it is to be the hirer safety review BSS committee sub-groups that will use it first, because of the need to run the project without using emails going backwards and forwards. The plan is (subject to functionality) for members to view the BSSAC committee site in advance of the next meeting and having been trialled by the TBA and NABO reps.

BSS
Manager

83.2.6 *82.8.3 – actions associated with the IT project* - the RBOA rep asked if all actions listed at 82.8.3 had been completed. The BSS Manager reported that they had except that the BSS did not produce a printed hand-out for customers explaining what options were available and what they should expect, in terms of examination documentation from examiners, because it was considered that there was enough information in the public domain.

A debate then took place concerning how CRT and EA licensing staff were seemingly not placing reliance on the BSS examination passes recorded on the BSS database and rather continuing to ask owners to provide proof of passing. The Chair summarised the debate by reminding the navigation authorities, that as far as the public and the committee are concerned, the system is meant to be seamless, and at the moment it doesn't appear to be seamless.

83.2.7 *82.10.3 – actions from the annual report of incidents and planned activity* – The BSS Manager reported that all actions were completed.

- *electrical fire details* – pushing requests for more information far and wide including RNLi and insurance companies;
- *Boat Fire Safety Week* was promoted to fire and rescue services but not in a press release because not all fire services engage in it. Members asked for more advance warning of when the week takes place, The BSS Manager said it takes place every Whitsun week.
- *The Yacht Harbour Association (TYHA)* were approached about BSS leaflet promotion and seemed amenable and may be persuaded to get behind the BSS safety messages. The RYA1 rep said TYHA worked closely with RNLi and so maybe RNLi could be asked to help persuade TYHA to support BSS leaflet promotion, should the need arise.
- *solid fuel stove component availability* - the BSS Manager said that looking deeper into the supply of components supporting BS8511 is planned for later in the year and will involve BSS consultant on solid fuel appliance matters who is close to the industry. A protracted debate took place concerning the risk issues at play and the role of BSS to address them. Members supported the positioning of the current BSS requirements and BSS awareness information. The Chair invited members to comment on BSS activity in respect of trade engagement and again further debate ensued. The BSS Manager reminded members that the activity has been signed off by BSSMC.

The Chair proposed that BSS effort be put into education about solid fuel fires and not to direct large amounts of energy towards twin-wall flue supplies.

83.3 To note actions arising from the BSSMC meeting

83.3.1 *Supporting Document, The actions arising from BSSMC meeting #79 [Doc D1, BSSAC #83]*

83.3.2 The BSS Manager explained that *Doc D1* is an interim report as the full notes are not yet completed. The Chair asked for any comments on anything that is not already covered elsewhere on the agenda. The IWA rep asked if BSS certificate price holding was for the calendar year or financial year. The BSS Manager confirmed that it was for the current financial year.

83.4 The navigation authority hirer safety review – BSSAC involvement

83.4.1 *Supporting Document Subject: - The navigation authority hirer safety review – BSSAC involvement [Doc F1, BSSAC #83]*

83.4.2 *Context – BSSMC have agreed the navigation authority hirer safety review should be delivered through full and proper risk review and that the review is to be administered through the BSS committees prior to going out for public consultation.*

83.4.3 The BSS Manager introduced *Doc F1* and said it represents a statement of fact about the navigation authority hirer safety review as signed off by BSSMC. He said the main reason for the agenda item is to agree the level of involvement from BSSAC and how that involvement is constituted through the Chair.

The BSS Manager referred to the timeline diagram at the end of *Doc F1*, and referred to the various stages of the project. Stage one is risk-review which goes on until December. Effectively it will be concluded on 19 December when the Management Committee meet. Stage two is the period where the Navigation Authorities get their heads together and decide what to do with the recommendations from the risk review. Stage three is a formal consultation, but the consultation will be a three month period, hopefully taking account of each Navigation Authority's consultation criteria. That leads us up to the end of March and then the outcome of the overall review will be known, including any change to BSS requirements and/or any suggested changes to Navigation Authority licensing conditions for hire operators. It will be known what the hire operator responsibilities are concerning maintenance and design, hand over, stability tests. Equally and importantly it will also define, for the very first time, the responsibilities of hirers themselves.

The Chair interjected and indicated that he had a conflict of interest being a hire operator. He said that he had raised a challenge to BSSMC. He wanted BSSMC to give an absolute steer to the BSS concerning the risk review process to ensure a fundamental change in how the BSS runs is clear, namely that for the first time the BSS has remit for operational matters as opposed to pure condition checking and compliance. He reported that this was the consensus at BSSMC. The Chair said he wanted BSSAC to be abundantly clear that this is a really significant change and that BSSMC supported that.

The Chair indicated that the BSS will, as proposed, be potentially checking the operators' records of how they operate their boats and how they hand over their boats to the customer, as opposed to or in addition to the current BMF hire boat handover scheme. He said that if anyone had a significant issue, we need to report that back to the BSSMC because it wasn't known at our last BSSAC meeting.

The BSS Manager indicated that the Chair had misrepresented the BSSMC position slightly. In fact what BSSMC did was to recognise for the first time that this whole subject of navigation authority hirer safety review could be handled through the BSS committee structure, not that BSS examiners take responsibility for checking handover. The BSSMC Chair had agreed the need for full and proper risk review and this can't be done unless all aspects of hirer safety are included in the review.

The Chair said he had expressed concern at BSSMC about the impact on BSS resource, on what is already a stretched secretariat. He went on to say that the review had been contracted out and it would not impact specifically on the workload within the BSS activity plan. The BSSMC agreed the review on this basis.

83.4.4 The following comments were recorded from members:

- a) The IWA rep asked if there was any chance that the precedent here could ultimately be used to create the need for a driving test and a driving licence for private boaters – The Chair answered no.
- b) In response from a question by the RYA2 rep the Chair said that examiners will be applying the BSS requirements, having been trained in any new aspects

- 83.4.4 Cont/
- c) The Chair confirmed that the cost of BSS certification will continue to be paid for by the hire operator, who will need a BSS certificate.
 - d) The Chair reported that in the last week, the hire trade has been sent a communiqué from CRT's boating trade manager with a complete new system of how hire boats are intended to be licenced, including what the hire operator is going to do in terms of the handover. He repeated his view that such a condition is only as good as the policing of the system that is introduced.
 - e) The Chair said that it would seem sensible if CRT's licensing condition changes and any changed BSS requirements could come together at the same time and he asked if that was likely to happen? The BSS Manager confirmed that this is what is intended to happen.
 - f) The BA rep was keen to ensure that there was clarity and no duplication concerning any role of local authorities operating hire boat licensing regimes under the various public health acts.
 - g) A question was raised as to whether this relates purely to inland waterways or the coast – it was confirmed that the impact of the review was specific to inland waterways.

83.4.5 The BSS Manager presented a brief PowerPoint presentation outlining the risk-review Stage 1 of the review as drawn from page three of *Doc F1*. He said that the presentation was intended to boost member confidence about the methodology and the professionalism in the process. The following comments were recorded from members:

- In response to a question how open is an open forum – the BSS Manager replied that every hire operator will get an individual invitation to a regional event, and at each event will also be a navigation authority rep, a BSS rep and a hirer rep.
- In response to a question about hire boat classification the BSS Manager replied that the review will define hire boats and identify various classifications. This will be done mainly to seek out any specific class of hirer that may be more at risk than others.
- Several members had questions about the make-up of the BSSTC sub-group and their qualifications to cover both technical issues and operational issues.

83.4.6 After a protracted debate on the last bullet point above the following outcomes were recorded:

BSS
Manager

- a) There is now to be one joint BSSAC/TC Sub-committee (BSS Committee Sub-group) to help the review process – rather than the two separate ones planned.
- b) The terms of reference of the sub-group will be agreed by the BSSTC and BSSAC Chairs.
- c) The full BSSTC and BSSAC committees will have full access to reports and risk-review papers being developed and published on the sub-group's web-based facility.
- d) The date of the BSSAC meeting is put back from **Tuesday 26 November to Thursday 5 December** to allow the draft report to BSSMC to be considered in advance.

83.5. BSS strategy 2014-18, an opportunity for BSSAC input

83.5.1 *Support papers –*

- *BSS strategy 2014-18, an opportunity for BSSAC input [Doc I1, BSSAC #83]*
- *Navigation Authority Agreement in respect of the Boat Safety Scheme [Edition 1, Revision 0 – Sept 2011] [Doc I2, BSSAC #83]*

83.5.2 *Context – The BSSAC has an opportunity to influence how the BSS continues to support the navigation authorities' interests into the future and meet accepted aspirations, enjoy further efficiencies and address known threats to the business.*

83.5.3 The BSS Manager emphasised that the opportunity for BSSAC input will close at the end of the year because a business plan supporting the strategy will need to be signed-off by then. Members agreed the use of a sub-group to help consider future BSS strategy. Membership of the sub-group includes the RBOA, NABO and ABSE reps and will include a navigation authority rep yet to be identified.

83.6 BSSAC committee efficiency improvements [Verbal update]

83.6.1 *Support paper - no paper – verbal update only*

83.6.2 *Context – ensuring the continued effectiveness of BSSAC through the proposed use of a web-based tool to support committee members, a reduction of the number of 'in-room' meetings per year; the enhanced use of BSSAC sub-groups to help develop recommendations and a review of the BSSAC Terms of Reference to support these changes.*

83.6.3 The BSS Manager referred to the coverage at 83.2.5.

83.7 Report from BSSTC Chair

83.7.1 *Support papers:*

- *Report from BSSTC Chair for BSSAC [Doc E1, BSSAC #83]*
- *Technical suggestions falling from the recent Scottish Canals public consultation on the BSS [Doc E2, BSSAC #83]*

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

83.7.3 Referring to *Doc E1*, the BSSTC Chair said that there had been a full committee meeting on 22 April and a sub-group meeting supporting the hirer safety review on 20 June.

He reported how BSSTC members had, at the full meeting, concluded that the revised or new BSS requirements for privately owned or managed boats brought in from 1 January should be swept up within the hirer safety review and should not be implemented separately other than by way of examiners drawing the hire boat operator's attention to any shortfall against the BSS private boat requirements.

83.7.4 The BSSTC Chair reported that the vacancy on BSSTC for an IWA rep had been filled and at the last meeting the RYA rep announced his retirement and so there remains one vacancy to fill. The RYA rep said that he would ensure the vacancy is filled as soon as possible.

83.7.5 Referring to *Doc E2* members were asked if they had any comments to make on the technical suggestions falling from the recent Scottish Canals public consultation on the BSS or the BSS Office position against each suggestion.

The NABO rep said that no reliance should be placed upon on a survey having only 37 responses and the BSS Manager agreed but suggested that the response of Scottish boaters could be accepted as an indicator concerning the general level of satisfaction with the Scheme in Scotland.

The RBOA rep expressed concern at the suggestion at 9.2.1 in *Doc E2* to fit black water holding tanks for residential boats. The BSS Manager confirmed that the fitting of toilet holding tanks is not a BSS requirement but he did point to draft revisions to the Recreational Craft Directive that would make them compulsory on new craft intended to have toilet facilities. The RYA1 rep confirmed this understanding and that the move would not be retrospective.

82.8 Quarterly update on the progress of the BSS IT project

83.8.1 *Support paper – Update on Stage 2 IT Project [Doc J1, BSSAC #83]*

83.8.2 *Context – standing item – a routine quarterly report by the BSS Quality and Technical Manager.*

83.8.3 The Chair introduced quarterly report *Doc J1* and requested any comments. No comments were recorded.

83.9 Quarterly update on BSS quality management

83.9.1 *Support paper – Quarterly quality management report [Doc G1, BSSAC #83]*

83.9.2 *Context – quarterly report is a standing item. BSS core processes are crucial to ensure that the BSS is effective at meeting its purpose and can be used to better support BSSAC in assessing BSS performance.*

83.9.3 The Chair introduced *Doc G1* and the BSS Manager drew attention to the 2a, 2nd bullet and the plan for BSS incident data to be uploaded to the National Water Safety Forum's WAID database shortly. He explained that this move will constitute a quantum improvement in the BSS risk management process and the results will start to come through quarterly reports.

83.9.4 The BSS Manager drew attention to section 2a, 3rd bullet in *Doc G1* and working with RNLI to develop the planned boater safety attitude survey later in the year, he said that this liaison will help ensure that BSS safety awareness messages are effective.

83.9.5 In answer to a question about the continued availability of the 'BSS Examination Status Report' (the old 'Form E'), used by examiners as an optional reporting tool for their customers; it was confirmed that pads will remain available for examiners to order online.

83.10 Report from the BSS Manager

83.10.1 *Supporting Document - Report of incidents and accidents recorded for the year so far in 2013 and inferences drawn and BSS risk-activity update [Doc H1, BSSAC #83]*

83.10.2 *Context – standing item*

83.10.3 The Chair invited any comment on *Doc H1*. The RBOA rep. said there was a need to warn boaters of the potential risks of lighting BBQs on wooden or synthetic stagings, as there had been incidents where scorching/burning of the staging has occurred.

83.10.4 Members discussed Boat Fire Safety Week that took place during Whitsun week. The following comments were recorded on the level of success of the event:

- The EA rep said that the initiative was well received on the Thames despite the poor weather. He said that for the event next year, more notice is needed and suggested that posters displayed at locks could have generated interest. The BSS Manager said this could be considered. The AINA rep agreed that a poster template would be a good resource.
- The RYA2 rep said that fire demos to demonstrate portable fire extinguisher type/suitability, their use and their limitations, was essential. He encouraged boat clubs to carry out these demos in association with local fire and rescue services.
- The RBOA said that promotion of electrical fire safety week was already too late. The BSS Manager said that BSS involvement in such initiatives is necessarily targeted and that social media will be used to support the event.
- The ABSE rep asked for an update concerning the Windermere tragedy involving the deaths of mother and daughter over the Easter weekend. The BSS Manager reported that the Coroner's verdict and MAIB full report were awaited. He said that BSS provided 1600 CO leaflets to three separate lake district authorities immediately following the tragedy and that BSS will now await outcomes from the Coroner and MAIB before approaching the authorities and local marine trade and users, promoting that the lakes participate in the Scheme.

BSS Office

83.11 Items for BSSMC

83.11.1 No specific items beyond those matters covered by these notes.

83.12.2 Dates of the confirmed BSSAC meetings

83.12.1 The one remaining meeting for this year has a change of date:

- **The meeting scheduled for Tuesday 26 November 2013 is cancelled**
- **BSSAC meeting #84 will now take place on Thursday 5 December 2013.**

83.13 Any other business [AOB]

83.13.1 The NABO rep referred to BSS web-text referring to boats with LPG, which refers to boats subject to the Gas Safety (Installation & Use) Regulations and how the boat's use will influence whether a BSS Examiner can undertake a tightness-test using a manometer.

He questioned the terminology describing boats affected as being used for '*domestic or residential purposes*' and the BSS Manager committed to check the accuracy and relevance of this terminology.

BSS
Manager