



## Action Notes from Navigation Authority Hirer Safety Review Meeting Hatton, Friday 7 March 2014

### Present representatives from

- Bridgewater Canal Company
- Broads Authority
- Canal & River Trust
- Environment Agency
- Boat Safety Scheme
- ken dodd associates

### Status of meeting

The meeting had been called to ascertain the response of the navigation authorities to the initial recommendations contained in the Navigation Authority Hirer Safety Review, November 2013 report from Ken Dodd Associates.

All AINA members had been emailed a link to this report together with an invitation to respond to the recommendations using an online survey.

All had been invited to this meeting, together with any navigation authority staff that had provided information for the review or attended forum meetings or whose name had been put forward to attend.

**It was therefore agreed that the meeting could fairly represent an AINA view, with subsequent detailed work being taken forward through the AINA Safety Issues Group.**

The key objective of this meeting was to consider the particular duty on the navigation authorities to ensure, so far as is reasonably practicable, that hirers are not put at risk of harm. Subsequent development of the detail behind the agreed actions would be carried out in consultation with representatives of the hire trade.

### Agreed action

AINA Safety Issues Group (SIG) will meet in May 2014.

### Key Questions

**1. How will we provide a single authoritative resource where operators can get safety advice?**

**Agreed action:** The starting point will be the AINA SIG. The BSS remains the source of advice on the boat and its equipment. Other key safety risk controls would be included in a revised Hire Boat Code. The AINA SIG would consider the need to produce any other material for the common benefit of the navigation authorities.

**2. Agreeing how to revise the Hire Boat Code to become the single document containing mandatory risk controls (and, if possible, its likely content at a broad level).**

**Agreed actions:** The AINA SIG would take the lead, as the code will become an important tool for the navigation authorities to ensure that hire operators know what is required of them as a condition of licensing. The group would involve BMF and MCA in this revision.

BSS will finalise the **stability testing** model. It will be validated by a stability expert and discussed with BMF within six weeks, prior to trials with hire operators. It is envisaged that the final working version would be available three months from now (that is by June 2014).

**3. Agreeing how adherence to the Hire Boat Code could be made a condition of licensing/registration.**

**Agreed actions:** The navigation authorities will introduce a requirement for hire operators to adhere to the revised code as soon as possible, allowing time for appropriate consultation. (April 2016 was thought to be achievable.)

In the meantime, the key safety requirements of the revised code will be brought to the attention of hire operators with a strong recommendation for their immediate implementation.

**4. Agreeing how to implement the requirement for BSS certification before first licensing/registration.**

**Agreed actions:** The Canal & River Trust has already consulted on this and announced its implementation from 1 April 2018.

Other navigation authorities may choose to implement sooner.

In the meantime, the key safety requirements of any finalised revised BSS hire boat requirements will be brought to the attention of hire operators with a strong recommendation for their immediate implementation.

**5. Agreeing the timing and likely contents (in the light of the hirer safety review group recommendations) of changes to the BSS hire boat requirements.**

**Agreed actions:** The 2013 BSS requirements for private boats (which have already been subject to risk review and deemed reasonable and proportionate) should logically be introduced for hire boats without delay.

Other possible BSS hire boat requirements (including, but not limited, to those emerging from this review) will be considered by the AINA SIG.

In particular the group will decide whether they are reasonable and proportionate to the risk; and if so whether they should be mandatory; and if so whether they are best contained in the Hire Boat Code or within BSS certification. Examples include:

- stability testing
- earth leakage protection for 230V AC supplies
- provision of notices for: specific battery isolators; emergency means of escape (if not obvious); designated crew areas; number allowed on roof (related to result of stability test)
- slip resistant surfaces
- bilge pump, bucket, bailer
- smoke and CO alarms
- provision of cleats /bollards
- personal buoyancy aids
- provision of adequate ropes
- provision of anchor, chain and warp (when appropriate)
- means to re-board
- annual survey of gas equipment
- annual survey of fire extinguishers
- adequacy of handover process and information

**6. Agreeing what processes should be in place to ensure that hire operators comply with licence/registration conditions.**

There is a duty to police, and a demand that navigation authorities police hire operators using a transparent actionable system, standardised across the country.

It was agreed that as the handover process was such an important part of hirer risk management, it is desirable to carry out audits of the actual procedure.

The introduction of spot checks could be done as part of a wider campaign with the trade to publicise what makes for an effective handover. There is a concern that the BMF plan to incorporate their handover guidance within a quality accreditation scheme may weaken safety control.

Having spent a couple of years getting operators to fully appreciate and implement licence conditions, the Broads Authority aims to audit them all over a five year period (which is equivalent to 20% sample per annum.)

The Canal & River Trust will be implementing a sampling regime in 2014 to audit compliance with licence conditions.

The results of the Broads and CRT sampling will help to determine the appropriate level for policing.

The Environment Agency agreed with the principle of compliance checks and favoured being part of a wider AINA approach. Lock staff currently observe passing boats. It was possible that the Agency's enforcement staff might take on the full audit task.

The BSS Office offered to obtain costs and details of surveyors who would be competent to carry out audits.

It was agreed that procedures should be in place to investigate serious complaints made about operators.

**Agreed actions:** Individual navigation authorities would implement the actions outlined above.

AINA SIG will consider how to coordinate the audit process and ensure consistency.

**7. How will we produce a simplified set of key safety messages for hirers?**

**Agreed actions:** The AINA SIG would consider the choice and wording of key safety messages that would be widely applicable on the waterways.

The group would also consider how to produce material in different types of media (posters, DVDs, Apps, YouTube etc.)

Consideration should also be given to publicising emergency procedures (for example fire on board, boat sinking.)

**8. How will we revise the "Boaters Handbook" or at least publicise any omissions?**

The handbook is generally well regarded but could be improved by incorporating the key safety messages and emergency advice (produced by item 7, above).

This also offers an opportunity to add information about stability and 240V AC.

**Agreed actions:** The Canal & River Trust will review, in discussion with EA.

Other navigation authorities will take account of any Boaters Handbook improvements, within their published information for hirers.

### **9. How can we capture more reliable and detailed information about accidents and near misses?**

Both CRT and the Broads Authority have licensing conditions requiring the reporting of accidents, but this has proved ineffectual in revealing information.

The Marine Accident Investigation Branch (MAIB) has a statutory process that requires accidents and near misses to be investigated and reported (marine guidance note MGN 458 (M+F)). (Under this, navigation authorities themselves have a responsibility to investigate and report to MAIB any serious accident/injury of which they are aware.)

The reporting procedure requires the circumstances to be examined and a statement made of any measures taken or proposed to prevent a recurrence.

Operators may not be fully aware of this MAIB requirement.

It is reasonable for the navigation authorities to receive this information (either directly from the operator or by reports from MAIB).

As the MAIB reporting regulations cover only serious accidents involving explosion, fire, death, serious injury, capsizing or severe pollution; it was considered that sole reliance upon information does not fully support the navigation authorities need to capture information about accidents and near misses.

**Agreed action:** AINA SIG will consider how best to work with the hire trade to improve the quality of information from accidents and near misses.

### **10 Applicability of Safety Review findings**

Although the review was addressing risk to users of powered self-drive hire boats, a CRT rep observed that several of the key risk controls were equally relevant to other types of hire, particularly operators of small (up to 12 passenger) trip boats. The Broads Authority rep identified the gap in the approach to the safety of hirers of unpowered hire boats.

**Agreed action:** Determine how new BSS hire boat requirements and other controls like stability testing are applied to all relevant commercial boat categories.