



BSS Management Committee – Confirmed Notes

MEETING #88 TUESDAY 15 MARCH 2016, MARY SUMNER HOUSE, WESTMINSTER

Present:

Chair BSSMC
BSSAC Chair
BSSTC Chair
Environment Agency Rep
Broads Authority Rep
Canal & River Trust Rep
Examiner Body Rep
BSS Manager
Marine Trade Rep

Co-opted & Others:

BSS Communications Manager

Apologies:

User Group Rep
AINA
BSS Quality & Tech. Manager
Marine Trade Rep

88.1 MEMBERSHIP & APOLOGIES

88.1.1 Members welcomed the new Chair, and heard that she is CRT's Executive Head of Asset Management and Performance and has worked with BW/CRT for 20 years. She also has responsibility for CRT Health & Safety and therefore for BSS administration.

88.1.2 The retirement of the User Group Rep for all committee work was noted. He will be written to thanking him for his contributions. The BSSAC user group organisations will be invited to find a replacement User Group Rep for BSSMC.

88.2 CONFIRMATION OF THE NOTES OF THE LAST MEETING AND MATTERS ARISING NOT OTHERWISE TAKEN ON THE AGENDA – (ALL)

88.2.1 The notes of the last meeting were confirmed without amendment.

88.2.2 *87.6.1 – examiner timely recording on Salesforce* – it was reported that since the last meeting, two examiner newsletters had covered the need for timely reporting and that those who are failing to meet the 48 hour guide are being contacted individually.

88.3 REPORT OF THE EXECUTIVE MEMBERS PRE-MEETING [NOT OTHERWISE TAKEN ON THE AGENDA] - (CHAIR)

88.3.1 The Chair reported the decision of the Lake District National Park Authority not to adopt the BSS on their waters despite the MAIB recommendation to do so. It is decided to commission specialist lobbyists to continue with the strategy to encourage the Lakes to join. It was also decided to work with MCA and CFOA to achieve a common stance on this and other issues.

88.4 UPDATE ON BSS HIRE BOAT REQUIREMENTS CHANGES [VERBAL UPDATE]

- 88.4.1 The BSS Manager reported that the hire industry has been made aware of the outcome of the public consultation in a press release, namely that the proposed changes maintained stakeholder support through the consultation and so will be implemented as set out in the consultation, with the main exception being the decision to implement the revised BSS hire boat requirements from April 2017, twelve months later than proposed in the consultation.

The final versions of the Examination Checking Procedures will be published as soon as practicable, possibly in April, and other supporting information, in particular about the slip resistant surfaces checks and suitable smoke and CO alarms will be promoted at the same time.

Final agreed versions of the ECPs will go through BSSTC and BSSAC, the BSSTC Chair asked if this could be done in batches.

The Marine Trade Rep said that he had received reports that examiners were already applying the changes. Confirmation of this would be investigated by the BSS Office.

88.5 UPDATE ON THE HIRE BOAT CODE REVISION [VERBAL UPDATE]

- 88.5.1 It was reported that in total 10 companies are taking part in the BETA testing of the 'simplified' stability testing facility and that three are still to provide their answers to a questionnaire.

The CRT Rep reported that the AINA-led group leading the subject are to meet at the end of March to review the outcome of BETA testing, review the web-facility, finalise the revised draft of the Code and agree the consultation process. It is anticipated that MCA will lead the consultation.

The EA rep reported that the EA's impact assessment will need to be overlaid prior to the consultation process starting.

It was agreed that it will be difficult to reach all licensing authorities during the consultation as these would include many local authorities. It was reported that the unpowered element of the Code will develop separately.

88.6 REPORT FROM THE CHAIR OF THE BSS TECHNICAL COMMITTEE [DOC B1, BSSMC #88]

- 88.6.1 Referring to *Doc B1*, the BSSTC Chair emphasised that members could not reach a consensus and remained split and so the appeal concerning the Draco cruiser side-filling fuel tank appeal was disallowed.

He reported that a Sub-group of BSSTC was to be set up to move forward several electrical matters that has arisen in recent months.

He said that a risk review and assessment paper that currently did not support a BSS advice check for CO alarms in privately owned boats was to be revisited once the BSS risk review process had been refined.

88.7 REPORT FROM THE CHAIR OF THE BSS ADVISORY COMMITTEE [DOCS G1 + J1]

- 88.7.1 The BSSAC Chair reported that the annual review of membership had determined that no change in the balance of the committee was necessary.

An application by an examiner group join BSSAC was acknowledged and it was agreed to place this on hold and that further contact will be made in the event a vacancy for a BSSAC practitioner representative arises.

88.7.2 Referring to the BSS Examiner 'trusted messenger' CO safety role enhancement submission [*Doc G1, BSSMC #88*] and recent exchange of emails on the subject particularly with examiner bodies; the BSSAC Chair said that the initiative represented a significant departure from the previous activity of the Scheme in that it seeks to alter behaviour of boat users rather than examine the boat and its equipment against published standards.

He described the proposal as having two parts, a) information gathering and b) information sharing. He reported that there was full support at BSSAC for the information gathering, namely to report whether or not a CO alarm is present, to report on whether the alarm is supported by independent certification and to report the outcome of the examiner pressing the test button.

He said there was confusion as to 'information sharing', for example about whether professional judgement is to be employed and whether insurance cover would be valid. He said that at its most basic the initiative will mean the examiner leaving a CO leaflet on board in circumstances where an owner is not present. Examiners will be asked to have conversations with owners present concerning the potential risks identified during an examination and this engagement but will be supported by dialog suggestions and limited to the scope of the leaflet – professional judgement will not be encouraged.

Discussions will include items not part of the Scheme such as the use of portable charcoal BBQs and portable petrol generators.

The BSSAC Chair recognised that the initiative is entirely consistent with BSS purpose and objectives and is the best way to help address the number of CO casualties.

BSSMC members accepted *Doc G1* in principle and provided the BSSAC Chair with delegated authority to put in place the practical arrangements concerning the 'Trusted Messenger' initiative. This will begin with a meeting of interested examiner body representatives. The insurance industry will be formally asked to comment and contribute to the initiative and it was reported that informal contact had been met with support and confirmation that cover is already provided concerning any examining activity a part of the Scheme.

BSSAC Chair

88.8 BSS MANAGER'S REPORT [DOC F1]

88.8.1 The BSS Manager referring to annual incident report *Doc F1* said that the reduction in incidents over 2014 figures is heartening as is the signs of improved incident data from navigation authority sources; albeit the improvements are patchy.

He made reference to the four near CO fatalities and the emerging thread that a proportion of craft owners suffering CO events are new to boating. He also referred to the 34 incidents recorded for the year linked to hire craft, in particular bridge strikes.

The Examiner Body rep asked why there was no info pack for those new to boating. A short debate covered potential improvements in this respect, including licensing authorities better promoting the Boaters Handbook and BSS 'Stay Safe' information, RYA courses better covering fire/CO and the BM's 'On the Water' website covering safety information.

It was agreed that influencing the behaviour of those new to boating is an item to collect for further review through the BSS committees.

BSS Secretariat

88.8.1 The BM rep raised the potential for reported coastal incidents to skew the overall cont/ viewing of the report.

The BSS Communications Manager referred to deliberate fire settings and the fact that criminals are rarely prosecuted. He said for those culprits that are prosecuted the navigation authorities should consider applying for 'victim fees' to help recover some of the costs that may not be recovered from the owners insurers. It was agreed that further analysis of this general area was desirable.

88.8.2 The BSS Communications Manager raised the subject of the BSS Office role concerning manufacturer's product recalls. This was prompted by two recent recall announcements and the BSS Office sought to re-affirm the existing agreed policy.

Members re-affirmed the existing policy, namely that the BSS role is to support manufacturers with any requests to inform the boating public about product recalls and to risk assess the information received to see if further risk mitigation actions are warranted. Any need for policy review in this respect was considered to be a matter for BSSAC to guide BSSMC on.

88.8.3 The BSS Manager reported that external income is on track and that payroll costs are on target but that professional fees are forecast to be higher than planned. Mostly due to increased commitment concerning supporting the hire boat code stability testing.

The published results for period 1-11 FY 2015-16 are set out below.

Profit and loss accounts	Plan	Actual
External Income	437,523.88-	425,107.60-
Payroll Costs	197,991.17	197,433.20
Staff Related Costs	11,362.20	10,326.49
Premises and Office Costs	39,269.86	38,560.03
Professional Fees	137,490.31	148,450.31
Finance & Other Costs	1,182.66	1,193.06
Total controllable costs	387,296.20	395,963.09
Total reserves	49,444.72-	28,361.55-

88.9 DATES FOR THE REMAINING 2016 BSSMC MEETINGS

88.9.1 #89, End of July, reports only - #90, Tuesday 15 December 2016

Venue, EA HQ, Ergon House, Horseferry Road, London unless otherwise specified.

88.10 ANY OTHER URGENT BUSINESS –

88.10.1 The Examiner Body Rep gave notice that he is to stand down as an examiner, and from committee work, from the end of March next year.

88.11 Supplementary report – Examiner Case Review

88.11.1 A BSS Examiner Case review took place immediately following the meeting and involved the BSSMC Executive Panel.

The Panel determined that a breach of the BSS Examiner Conditions of Registration at Clauses 2.1, 2.2, 4.1 and 7.1 had taken place. Concerning twelve BSS requirements faults the examiner admitted to having issued the BSS Certification knowing that the faults existed.

Subsequently, the full BSSMC agreed with the Executive Panel's determination that these represented errors of judgement associated with the conflict of interest resulting from a separate boat refitting commission for the vessel concerned.

Five additional BSS requirements faults were agreed to have been subject to inadequate checking procedures or incorrect compliance decisions.

The examiner's BSS authorisation was suspended for six months and the examiner required to sign a written undertaking and required to go through a Field Assessment immediately following the temporary suspension period.

The examiner did not appeal the BSSMC decision.