



## BSS Advisory Committee – Confirmed Notes

### BSSAC #96, 6 JUNE 2017, CRT OFFICES, HATTON

#### Present:

Chair  
BM2 – BM Hire Boats  
YDSA  
RBOA  
IWA  
Canal & River Trust  
RYA Executive Interests  
NABO  
BSSTC Chair  
IIMS  
BM1 – BM Executive Interests  
NABSE  
ABSE

#### Co-opted & Others:

BSS Manager & Secretariat  
BSS Business & Technical Manager  
BM2 – BM Hire Boats

#### Apologies:

BM3 - BM Boatbuilding  
AWCC  
EA  
TBA  
Broads Authority

#### Vacancy:

AINA Rep

#### 96.1 Apologies and introductions

96.1.1 Apologies were as listed above. An observer planned to replace BM2 Rep was in attendance.

#### 96.2 Notes of last meeting

96.2.1 The unconfirmed notes of the last meeting, *Doc K1, BSSAC #95* were accepted as accurate.

#### 96.2.2 Matters arising

96.2.2.1 **95.2.2.3 – CO ‘Trusted Messenger’ initiative** - The BSS Manager apologised that the BSS has not been able to move the initiative. To some extent, there are two factors that are influencing the full delivery, a) the development of a BSS carbon monoxide strategy, b) that consultants developing the e-learning experience and training on how to deliver the messages for examiners, are at the same time developing an e-learning experience for boat owners for examiners to point to. It was anticipated that a positive report could be delivered at the next meeting.

96.2.2.2 **95.2.2.4 - Reviewing BSS requirements for the non-private classes of boats that are not hire boats** – The BSS Manager reported that the consultant is continuing to capture data from the navigation authorities as part of a scoping exercise and has established that there are around 1400 powered boats covered by this initiative, albeit that the true numbers of tenanted boats is not known.

The consultant although still unearthing incident data, has reported that the big three navigation authorities have no reports of fatalities or serious injuries over the past three years, and therefore, no evidence to suggest that the

existing risk controls are inadequate.

The plan is to await the consultant's scoping report and then decide on a framework as to how to drive the project forward. This part of the project would likely involve a small working group including relevant marine trade association members.

The NABSE rep reported that several NABSE partners are indicating on Salesforce whether the boat was lived aboard (including tenanted) at the time of an examination, for reasons of self-protection. He asked if this could be deemed a helpful means of data-gathering.

The RBOA raised the new Canal & River Trust 'Static Letting Licence', requiring several additional conditions to be met such as a permanent mooring, proof of adequate insurance, a detailed handover document including emergency procedures and contact numbers' a Landlord Gas Safety Certificate and written permission from the mooring provider. It also requires a non-private BSS certificate.

A discussion took place about the unknown number of boats being let that do not have a permanent mooring and are therefore outside of any Canal & River Trust licensing control. Invariably these will be licensed as a private boat and without the reasonable controls listed above, may present a heightened risk to the tenants. In the context of an examiner's responsibility, the Chair's view was that this is discharged once the customer has requested the type of BSS examination they are commissioning, private or non-private. He did not think it was appropriate for examiners to start questioning whether anybody has asked for the right examination type.

The NABSE rep described the jeopardy the examiner is under if they were to arrive at the boat that and it becomes apparent that the boat is tenanted, as it would mean under UK law that the examiner could not undertake a LPG manometer tightness test unless they were Gas Safe registered. He said that NABSE's standard agreement form, partly completed during the initial dealings with the customer was an important protection in this respect.

BSS  
Manager

The BSS Manager agreed to review existing guidance to examiners concerning initial dealings with customers and to include an article in the next BSS Examiner News.

The NABO rep said that efforts should be made to inform prospective and existing tenants as to how to stay safe. Members agreed that the BSS Manager should continue the liaison with Trust's London area, concerning tenanted boats and committee concerns.

96.2.2.3 **95.2.2.3 - BSS hire boat requirements changes** – The BSS Manager reported that 88 examiners had been trained to apply the new BSS hire boat requirements and that five were left to take the final assessment.

As of the date of the meeting, 88 hire boats had been examined and of this total four had not yet been certificated. Of the 88 boats 32 had initially found to fail the BSS examination, one having failed twice. The 32 boats were found to have in total 179 BSS faults.

Of the newly introduced requirements the top three faults were 10.1.1 slip-resistant surfaces – 15 boats. 10.8.1 smoke alarm - 9 boats. 10.1.3 arc of the tiller identified – 8 boats. It was noted that not all checks are relevant e.g. tiller swing arc to all boats so its recurrence will be reduced, whereas some checks apply to all hire boats, i.e. 10.1.1.

96.2.2.4 **The inclusion of third-party managed shared ownership vessels within the scope of BSS hire boat checks-** A letter from British Marine was considered concerning the inclusion of third-party managed shared ownership vessels within the scope of BSS hire boat checks. The view of the BM1 rep

was that this inclusion was unlawful in the context of Merchant Shipping Regs definition of hire boat and as such the application of BSS hire boat requirements to 'shared-ownership' boats should be removed.

The view of the BSS Office was that risk-review had determined the application as appropriate in the circumstances where any form of third-party managed shared-use arrangement (including timeshare or shared ownership), because, like hirers, such owners may not be deemed in control of any risks. The BSS Office don't see a conflict in principle because in order for the owners to be 'in control' of the risk and so for the boat to be a private boat for the purposes of the BSS examination, the management company would simply ask the owners to review and acknowledge the maintenance schedule and any associated worklist, and as such the joint owners would be managing the risks. The BSS Office position is that the approach was in the BSS Hire Boat Requirements consultation doc and reflects the Hirer Safety Review outcome.

The BM1 rep said the existing published text creates confusion and will create problems and he requested that the shared ownership referenced be removed from as such boats are private vessels subject to private navigation licenses.

The BSSTC Chair said that it was entirely correct that the share boats where the shared owners have no input to maintenance/risk control, is included with the hire boats as a risk category.

The ABSE rep gave an example of how he had talked through with a customer concerning a shared ownership boat and that discussion had been short and amicable about the shared owners being in control of the risks, i.e. by commissioning maintenance etc.

The Chair recognised that the matter was not going to be resolved at the meeting but commented on the lack of a breakdown of the numbers of boats between shared ownership and timeshare and hire etc, and there appears no equivalent licensing category for the BSS position to support. The BSS position is based purely on risk profile based on a risk control and shared owner experience. The Chair said that the potential for inconsistency should be removed.

He suggested that legal advice be achieved concerning the legality of the BSS position based upon i) risk review, any associated duty of care the navigation authorities have in this respect and ii) the wider regulatory environment (including the Merchant Shipping Acts) and whether it limits the ability of BSS to apply risk-review outcomes. Once this is achieved, a small sub-group including BM1 rep should meet to discuss the way forward.

96.2.2.5

**95.2.2.3 - Hire Boat Code (HBC) development** – The BSS Manager reported on the agreements of the AINA-led group HBC meeting that took place on 13 April. The following points are not necessarily prioritised; however they invariably relate to hire boat stability subject which has largely been the cause of the delay of the project:

- a) RCDII has now an 'in-life' aspect meaning that any 'major changes' require Notified Body re-certification. This should provide the re-assurance that in-life changes that affect stability will be subject to a re-assessment to ISO 12217. It was agreed that licensing authorities could have a box on the license application for hire operators to declare that they have made no major modifications.
- b) For 'low-risk' boats, the BSS with its four-yearly assessment against BSS check 10.7.3 is seen to be fine in principle to address the stability risk (to be further risk assessed). *[For a description of 10.7.3, see 96.8.1a)]*
- c) The risk assessment would have to take account of 11812 'quick

draining' cockpits albeit that narrowboat arrangements were certainly not envisaged in the standard's drafting.

- d) The detailed stability Appendix 3 is proposed to be dropped in favour of a general statement about stability in the main body of the HBC that says hire boats must a) comply with the RCD, b) those hire boats subject to major modification must be re-certified by a Notified Body and c) hire boats must be routinely maintained to ensure the stability condition does not deteriorate placing hirers at risk.
- e) For 'high-risk' boats, the General Stability Test is proposed to be dropped and hire boats will have to have one of the following; a) a surveyor's certificate indicating compliance with the latest version of 12217 stability tests, or b) evidence from a competent surveyor of compliance with the stability test within the Small Passenger Boat Code or c) evidence of compliance with the MCA heel test from a coding surveyor. RCDII will be relied upon to capture major mods. RIBS agreed to be dealt with separately and using 12217 Part 2?
- f) No web facility (as developed by BSS) is envisaged as needed.
- g) The concept of BSS certification from day one for hire boats still objected to by British Marine, but to be dealt with another day.
- h) Intention is to have HBC voluntary from April 2018, mandatory April 2019.

96.2.2.6      **95.2.2.4 BSS Hazardous Boat Notification procedure review** – The BSS Manager said there was nothing to report as the project had been prioritised behind the review of the requirements for non-private class boats.

96.2.2.7      **95.1.1 - Examiner Body Rep vacancy on BSSMC** – the Examiner Body reps met briefly during the lunch break and reported that further discussion was necessary to establish an acceptable and agreed candidate.

*Examiner  
Body reps*

### **96.3      To note actions arising from previous BSSMC meeting #91**

96.3.1      In lieu of notes of BSSMC #91 on 14 March 2017, members were provided with a summary report in advance of the meeting [*Doc J1, BSSAC #96*].

The NABSE rep raised the formal case review at BSSMC Executive and the statement that the examiner had tested the tightness of the LPG system using a monometer... 'knowing that the boat was to be lived aboard and subject to the Gas Safety (Installation & Use) regulations. This action was unlawful and a breach of the BSS Examiner Conditions of Registration.' He asked if the BSS Office had informed HSE of this breach of UK law. The BSS Manager said that he had not, because it would not have served the public interest as the examiner had retired and was unwell and unable to comment on the allegations. The BSS Manager agreed that the words of the report could have been better presented perhaps by adding the words 'appears to be' before the word 'unlawful'.

### **96.4      The reaction to the MAIB report on LOVE FOR LYDIA**

96.4.1      The BSS Manager referred to MAIB (Marine Accident Investigation Branch) recommendation *to make the installation of carbon monoxide alarms a requirement for recreational craft participating in the Boat Safety Scheme, taking into account, among other things, the:*

- *Potential risk posed to other boat users by carbon monoxide-rich engine emissions.*
- *Various sources of carbon monoxide on board recreational craft.*

- *Number of recent deaths of recreational boaters caused by carbon monoxide poisoning.*
- *Relatively low cost of carbon monoxide alarms.*

The BSS Manager reported that he had until Friday to detail the measures it has taken or intends to take to implement the recommendation or otherwise say why the recommendation is not to be taken forward.

The BSSTC Chair said that BSSTC will further consider the recommendation in the context of further risk review and concentrating on any changes since the last risk review was undertaken. It is accepted that the MAIB report provides compelling evidence of a third-party risk relevant to large petrol-engined boats. BSSTC needs to understand the level of risk to 'other boat users' associated with other potential sources of CO, i.e. petrol generators and solid fuel stoves. BSS will say to MAIB that we will further consider compulsory CO alarms for boats and that consideration will be given to the evidence provided in the report as well as any other arguments that may influence the previous risk review on this subject.

The BSS Manager referred to the issue of a press release on 11 May 2017 (NR 001.17) aligning the report's publication including the message that '*Safe boating is to understand and take control of all risks. This includes knowing about the CO risk and being able to recognise the symptoms of CO poisoning*'. Members recognised that many inland waterway magazines had been covering the CO subject recently, some articles overtly supported by the BSS Office or BSS Examiners.

Members voiced their general support for the MAIB recommendation. However, the RYA rep expressed the importance of boat owners understanding the perils of CO and choosing to fit an alarm. He was of the view that without this full understanding, people would still harm themselves no matter if CO alarms are mandatory.

The BM1 rep said that British Marine Inland Boating members had already agreed as of next year, maybe sooner, to install CO alarms on all hire boats.

The BSSAC Chair said that there's no resistance against the recommendation but BSS must carry out its normal processes to be consistent with the way it determines on proposals for new requirements.

## **96.5 BSS Strategic Plan 2018-22 – introduction**

96.5.1 The BSS Manager reported that now is the time when the BSS Office is beginning to think about where the Scheme will be and what it might look like in the four- year period leading to 2022. It is mentioned at this early stage because stakeholder organisations may harbour views as to how they see the Scheme developing or not. There is an opportunity for stakeholders that will close towards the end of the year, once the BSSMC Executive have determined a strategy.

The ABSE rep said that the increasing technical complexity of boats will feature during the next five years, for example alternative propulsion systems and complex electrical systems on boats. Also, the push away from fossil fuels will impact inland boating.

The Canal & River Trust rep said that workboat regulation in the context of the MCA relying upon the navigation authorities managing the risk on their patch may impact on BSS plans.

The YDSA rep said that BSS Technical Committee intense workload and throughput is an area that could be looked. He made clear that this was not a criticism, merely an observation that could be helped by forward planning.

## 96.6 BSS Examiner Development Strategy – project update

96.6.1 The BSS Business and Technical Manager introduced the item by saying that it was not her intention to go through each section of report [*Doc C1, BSSAC #96*]. She reported the following activity:

- a) the project management software (Mission Control) that was now in use in the BSS Office, to aid the team work more efficiently and list project deliverables more openly.
- b) BSS examination documentation review (supported by a sub-group including the RBOA rep), coming to an end and intended better support examiner needs. The documents would soon go to print and mailout.
- c) further involvement with contractor (Jigsaw) understanding the scope of planned BSS website enhancements and developing the initial BSS examiner training course.

A comment was made to ensure the right balance between distance and attended learning. The BSS Business and Technical Manager agreed and anticipated that the heightened criteria for people coming onto the course will provide a pre-disposition to learning online and the 'blended learning' approach will deliver fully competent examiners.

In answer to a request for volunteers for a training core sub-group of BSSAC, the NABO rep, NABSE rep and YDSA rep offered to help.

96.6.2 The BSS Business and Technical Manager went on to introduce report *Doc C2, BSSAC #96*, the Examiner Profiling Survey. She said it was provided to cover an overview of what is needed in support of the Examiner Development Strategy and at the same time ensure the effective communication and engagement of examiners on this essential project. It is also about benchmarking to allow measurement of the success of changes going forward.

Examiner body reps were of the mind that it would be best to see a draft survey before commenting in any detail.

BSS Office

## 96.7 Replacement CE marked engines and BSS examinations

96.7.1 The BM1 rep, referring to his letter represented as *Doc E1, BSSAC #96*, The Chair summarised the question as follows; if an owner has a boat which is say two years old, and the owner puts in a new engine in it, ordinarily the boat would be due BSS certification once it reached four years old. Do you then only examine the engine when the boat reaches six years old and/or do you keep on two separate examination dates for the two systems, or one for the boat as a whole, and the second for the engine.

The BSS Manager said he struggled to see the rationale behind the suggestion as the four-year allowance was a principled acceptance by the navigation authorities that valid RCD boat-builder Declarations of Conformity can be seen as equivalent to BSS certifications for new boats. Such an acceptance is unrelated to the in-service checks carried out by BSS examiners. He also thought that the proposal would be unmanageable, especially when considered that fuel hoses are CE marked components.

No other comments were recorded beyond a repeat from the ABSE rep concerning his experience that CE marked craft invariably are not provided by the builder compliant with the ISO standards declared on the Declaration of Conformity.

## 96.8 Report from BSSTC Chair

- 96.8.1 The BSSTC Chair introduced his report (*Doc F1, BSSAC #96*).
- a) He firstly referred to an item not covered in the report and concerning the process followed to introduce hire boat check 10.7.3 which he agreed had fallen slightly short of the process followed for the rest of the hire boat requirements changes. This was due to an expectation that the subject of downflooding heights of above-waterline hull openings would be covered exclusively under the Hire Boat Code auspices. This expectation was not changed until late in the BSS hire boat requirements development process and so the full risk review process was not undertaken. It is argued that there is no change from the 2002 requirements. It is also clear from item 96.2.2.5 above that 10.7.3 will now go through a risk review process in the light of the decision at AINA/BM/MCA to bring the issue even more strongly in to the domain of BSS concerning the stability of low-risk hire boats.
  - b) He emphasised the need to move on to deliver the environmental testing concerning CO safety and the MAIB report.
  - c) He referred to the review of the BSS Risk Management Process and commended the RoSPA consultant for his rapid grasp of the subject and kits needs. He estimated that the review process was about 98% completed.
  - d) At the invitation of the BSSTC Chair the NABSE rep reported that he had been commissioned to look at whether a simplistic check such as an examiner doing nothing more than pressing the test button on a Residual Current Device would give assurance that the level of protection from an electrical shock to the individual on a hire craft was sufficient. The conclusion after some sample testing was that it largely depended on how the craft was configured and the biggest single problem was associated with hire craft of a particular age and generation that did not incorporate or have the capacity to have neutral earth.
  - e) The BSSTC Chair mentioned one of the technical appeal about penetration to the bottom of gas lockers and the appeal allowed on the basis that the penetration had been sealed properly as could be tested as part of a BSS examination. He said that the BSSTC had a final chance to agree or comment on the proposal to allow the appeal.
  - f) He listed the top five BSS faults found by examiners this year to date. 3.1.2 battery security 7.12.2 gas leaks. 6.1.5 extinguisher location 7.2.1 gas lockers integrity. 3.1.3 battery terminal insulation/protection.

## **96.9 Quarterly BSS Quality Management Activity Report**

- 96.9.1 The Chair introduced the report (*Doc G1, BSSAC #96*) saying that members have had the document for a couple of weeks and that it can be taken as read unless anyone has any comments. No comments were recorded.

## **96.10 Report from the BSS Manager**

- 96.10.1 The BSS Manager introduced the quarterly report on incidents (*Doc H1, BSSAC #96*) and drew the attention of members to hirers falling overboard from hire boats in Ireland. He indicated that the opportunity will be taken to engage with Waterways Ireland and others to see if there could be interest from the authorities to participate in the BSS.

He also reported the potential for a carbon monoxide boat fatality on Jersey.

The BM2 rep reported a significant boat fire on the River Wey involving a Freeman cruiser.

The BM1 rep asked if the data could be related to any varying trends in

licensed boats from example because at the moment the committee hears about numbers of reported incidents and it's hard to see whether or not the work that's going on is having a beneficial impact.

The BSS Manager replied that licensing/registration numbers have not moved significantly over the last five to ten years. The numbers of BSS examinations that we're doing doesn't really change albeit there is still a slight cyclical movement. He said changes in trends of incident numbers are an indicator and then through the engagement with experts such as on BSSTC and stakeholders on BSSAC, a determination is made as to whether or not there is an issue to address and if there is, how to address it. This has been our process since 2005 and is supportable.

**96.11 Items for BSSMC**

96.11.1 The Chair said that he would take to BSSMC the shared ownership being classed as hire boats that we're looking at it and thinking about it and that we'll have something for them in due course.

**96.12 To note the remaining 2017 BSSAC meeting, at Hatton**

96.12.1 The remaining 2017 meeting - #97 Tuesday 14 November.

**96.13 Any other business [AOB]**

96.13.1 The IWA rep made the point that receiving the notes of meetings four months after a meeting needs addressing and considered a priority activity, representing the importance of the committee's feedback. Not disagreeing, the BSS Manager recognised the need for improvement but said that he could not commit to timely production of notes at the current level of workload and resource, unless of course operational and key activity task priorities allow.