



## BSS Advisory Committee – Confirmed Notes

### BSSAC #95, 20 FEBRUARY 2017, CRT OFFICES, HATTON

#### Present:

Chair  
BM3 - BM Boatbuilding  
AWCC  
YDSA  
RBOA  
IWA  
IWA  
Canal & River Trust  
BSSTC Chair  
IIMS  
TBA  
BM1 – BM Executive Interests  
NABSE  
ABSE  
EA

BSS Quality & Technical Manager  
BM2 – BM Hire Boats

#### Co-opted & Others:

BSS Manager & Secretariat  
BSS Business & Technical Manager

#### Apologies:

BM2 – BM Hire Boats  
RYA Executive Interests  
NABO  
AINA

#### Vacancy:

None

#### 95.1 Apologies and introductions

95.1.1 Outgoing ABSE rep was thanked for his contributions over the years. Also acknowledged was the last attendance of BSS Quality and Technical Manager. Members welcomed BM2 – BM Hire Boats rep sitting in for the regular rep.

#### 95.2 Notes of last meeting

95.2.1 The unconfirmed notes of the last meeting, *Doc 11, BSSAC #94* were accepted as accurate.

#### 95.2.2 Matters arising

95.2.2.1 **94.2.2.4 - BSS hire boat requirements changes** – The BSS Manager reported that the training to the six new and nine amended BSS Hire Boat Requirements was to commence on Tuesday 28 February. Seven regional training events for around 90 BSS Examiners are to take place.

Implementation of the BSS Hire Boat Requirements is from 1 April. The BM1 rep confirmed that British Marine member hire operators had been communicated with concerning the implementation and that tiller arc swing warning labels would be ready for member operators, by the end of the month. The EA rep confirmed that EA-based hire operators had been contacted. The BM2 rep said that Trust-based hire operators should be contacted because there appeared a lack awareness of the changes amongst smaller operators.

95.2.2.2 **Carbon monoxide (CO)** – The Chair said that there had been good coverage of the subject in recent months in a variety of waterway publications. It was recognised that BSS support for press articles was one of a range of ‘soft’ measures employed to address the CO risk, that are aimed at influencing boater behaviour, including the planned ‘Trusted Messenger’, web information, leaflets etc.

It was reported that the CO leaflet now takes account of the LOVE FOR LYDIA cause in respect of the potential for cockpit awnings to act as a funnel to draw engine fumes inside the boat. 50,000 CO leaflets (and 50,000 fire safety leaflets) are being printed in readiness for Boat Fire Safety Week at Whitsun. There is an open offer to provide boxes of 350 CO leaflets to any organisation, free of charge.

The BSSTC Chair said that, concerning the imminent recommendations from the Marine Accident Investigation Branch (MAIB) in respect of the LOVE FOR LYDIA double fatality in Norfolk last summer, there are likely to be further calls for a mandatory CO alarm requirement and that our position should be to say that ‘we will further consider compulsory CO alarms for private craft’. Consideration will be given to the evidence provided in the MAIB report as well as any other arguments that may influence the previous risk review on this subject.

The BSS Manager reported that the BSS and the RYA will work closer together, including the provision of a central depository of, CO awareness information and promotional materials. Another initiative is to build up Boat Fire Safety Week, which has an equal emphasis on CO, to encourage more fire authorities to adopt it and therefore more boaters to benefit from it. It is hoped that more ‘smart’ measures will fall from CO monitoring research projects such as through the grant agreed in principle by Gas Safety Trust.

The subject of the ‘advisory’ status of appliance ventilation was raised and agreed would be covered in the revised risk review. It was confirmed that where the BSS had managed to assess ventilation, following an incident, the boat had invariably been compliant, except those where ventilators had been blocked. The IIMS rep said that the requirement for ventilation to supply appliances is in many cases quite small and the BSS Manager agreed that the provision was unlikely to make a difference in the circumstances presented at recent CO fatalities.

The AWCC rep said that the BSS should not delay in introducing mandatory CO alarms and that the BSS’ reputation is at stake. The BM1 rep said that the industry now has full confidence that CO alarms are reliable in boats and he referred to the recent meeting at Maritime and Coastguard Agency on the subject and the commitment for all organisations to co-ordinate on a set of simple messages and get them out.

The BSSTC Chair asked members to discuss the CO alarm subject with their BSSTC counterparts in order that a full range of views can be input at an early stage at BSSTC.

95.2.2.3 **94.2.2.5 - Hire Boat Code development** – A meeting of the AINA-led group is anticipated to take place in March or April, no date set yet. A report from the BSS consultants is imminent on the work to validate the BETA testing results applying the simplified approach. A further brief summary will be provided that identifies the stability aspect loose ends that need tying up, including:

- How HBC Appendix 3 (setting out the stability requirements) is to be finalised and ratified now that the BM consultant has retired. Notwithstanding that Appendix 3 will be made a web link and won’t be

included in the final code words

- The implications of applying the General Stability test to day hire boats and short hired narrowboats.
- How the cost of the annual hosting and maintenance of the web facility could be paid, without impacting on BSS finances.

The meeting must also:

- Agree how the draft of the Code is completed ready for consultation;
- Determine the extent of the potential barrier to implementation presented by 'impact assessment' imposed on EA by Govt.,
- Agree the consultation process.

95.2.2.3 **94.2.2.6 Examiner 'Trusted Messenger' project update** - the BSS Manager reported that the deadline to finalise the Trusted Messenger 'checklist' approach by the end of November has been missed, as had the previous September deadline.

It was reported that the checklist development has been further revised in the light of the information available concerning the latest CO fatalities on the Broads and at Cardiff Yacht Club. Once finalised, a document can be shared by email with the Sub-group. Sub-group members can then comment on this document and once agreed it can be taken back to their parent bodies for comment. The item will then return to BSSAC. The Chair said that it is disappointing that the important project is not being moved forward due to a lack of finalising the checklist.

95.2.2.4 **94.6.1 Reviewing BSS requirements for the non-private classes of boats that are not hire boats** – The BSS Manager reported that at the last BSSMC meeting, the new work item was agreed and the project is with a consultant who has been commissioned to deliver a scoping document. Navigation authority reps have been contacted and desk-top exercise is being undertaken to assess the number of licensing classes at play across the navigation authorities, the number of boats in each class and the number of incidents that have occurred. The aim is to have a scoping document in June. Engagement with the industry can then commence.

95.2.2.5 **94.2.2.7 BSS Hazardous Boat Notification procedure review** – The BSS Manager said that the project has not yet started and that it is envisaged that the consultant's work on the non-private classes new work item referred to above will help drive this project forward because some of the people involved from navigation authorities will be the same individuals who can input and influence the project.

95.2.2.6 **94.2.2.2 Calor Gas cylinder testing enquiry** – the AWCC rep said that the text at 94.2.2.2 gives the impression that the gas tight seal is made by the thread, but this isn't so. It's made by the cylinder valve.

95.2.2.7 **94.2.2.3 BSSMC User Group Rep vacancy** – The AWCC rep explained how BSSAC user reps and the BSSMC User Group Rep interact. The agenda is circulated to BSSAC user reps for comment which are fed back to the BSSMC User Group Rep, who produces brief notes after the meeting, which get circulated to the BSSAC user reps.

95.2.2.8 **94.4.3 Examiner training** – The AWCC rep reported his impression that BSS examinations conducted by a new examiner take about twice as long to

do compared with those undertaken by an experienced examiner. He asked if new examiners are taught the best methodology as to how to carry out the examination efficiently. It was acknowledged that training in the future will be much more practical based that will improve examiner 'field-craft' knowing how best to progress through that boat, from one end to the other. The BSS Business & Technical Manager said that for the moment the Field Assessment process is used to help impart this skill.

### **95.3 To note actions arising from previous BSSMC meeting #90**

95.3.1 In lieu of notes of BSSMC #90 on 15 December 2016, members were provided with a summary report in advance of the meeting [*Doc J1, BSSAC #95*]. No further comments were recorded.

### **95.4 Nominations for BSSAC Chair's position**

95.4.1 In line with the Terms of Reference, the chairmanship temporarily rested with the BSS Secretariat and nominations for the BSSAC Chair's position were sought and none were forthcoming. The position of the current Chair to remain in post for the forthcoming year was ratified unanimously.

### **95.5 Review of BSSAC membership and membership types**

95.5.1 Members did not identify any changed circumstances in the past year to warrant any alteration to the current membership or membership types.

It was noted that surveyor group RINA had requested to be removed from BSSAC 'corresponding' membership. Members accepted this position and did not identify any need to replace RINA on the committee membership.

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### **95.6 BSS Examiner Development Strategy – project update**

95.6.1 The BSS Business & Technical Manager introduced *Doc C1* by saying that the paper is intended to be a fluid document and represent an update on what has happened since the last meeting. The intention is that it will be further developed through this year and into the next and only the subject headings will remain a common feature. Each report of activity will likely contain proposed actions and outcomes of contractor work and Sub-group activity and it is on these elements that the BSS Office welcomes any feedback on.

She said that the actions and activity in the reports will be largely those planned to be achieved in the next three to four months, otherwise the proposed changes may not be manageable.

The following comments and discussions were recorded:

- a) In answer to a question about numbers of examiner candidate applications it was reported that the application rate had dropped significantly. Since launching the new approach in October 2016, around thirteen people had expressed their interest to become examiners and of those, eight of had matched the selection criteria.
- b) In the context of the *Doc C1* reference that the BSS does not keep personal information on examiners, the AWCC rep asked how the BSS discharges its duty to ensure adequate examiner coverage over the whole of the country. It was reported that retirements are monitored to ensure no gaps in coverage and any complaints reacted to. Any areas where examiner coverage is marginal, such as on the Caledonian Canal in Scotland, the examiner provision is micro-managed to ensure a

minimum of two examiners. What is missing is the ability to plan further ahead using age profiling and retirement planning surveys, for example.

- c) In answer to a concern that failure of examiner candidates to meet high academic qualifications could rule out potentially very good candidates it was reported that candidates who demonstrate an exceptional level of experience in the industry, can be weighted to allow entry on to the course on a case by case basis. Asked if the published approach may put people off the BSS Business & Technical Manager said there was no evidence of this.
- d) The NABSE rep raised the point that the BSS public web facility allows examiners to say that they will examine in Inverness when they are based in Portsmouth. He thought this was misleading for customers.
- e) Reference was made to the meeting last week of Documentation Working Sub-group, that includes the RBOA BSSAC rep and the ABSE BSSTC rep. It was reported that the work of the group will be presented to the full BSSAC in due course. The group were considering proposed minor changes to BSS Examination Documentation are largely those coming direct from examiners through the Field Assessment process and that should support examiner consistency.
- f) Reference was made to the plan to update the BSS Essential Guide. It was suggested that boat owners include more people who are non-technical nowadays and that that this factor should influence how the Scheme communicates information about its requirements. It may be appropriate to have various ways to get the information across relevant to the end consumer and their propensity to understand the information and how they might like the information to be packaged. A short debate ensued concerning how success could be measured, including improvements in BSS pass rates year-on-year. It was also discussed if examiners could proactively provide information about how to make the boat compliant, rather than avoid that approach due to insurance restrictions.

## **95.7 BSS Examiner Conditions of Registration (CoR) Consultation**

95.7.1 The BSS Manager introduced *Doc D1* that summarised the positive outcome of the consultation with all BSS Examiners concerning the slightly revised BSS Examiner Conditions of Registration. The Chair asked if anybody could identify anything in the summary that would stop implementation. Members had no comments and so full consensus was recorded.

The recommendations will move immediately to BSSMC for approval.

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## **95.8 CoR Investigation Procedure & Guidance Notes**

95.8.1 **CoR Investigation Procedure** - The Chair referred to the previous work that had been undertaken by the small working group of BSSAC that led to the clean draft version represented in *Doc E2*. The Chair felt that the clean version was in a position that it can be endorsed. He reminded members that the aim was essentially to tone down the document to position it as a complaints process, relevant to the Conditions of Registration. It has also been amended to show that at any stage through that process, if it becomes evident that there is no case to answer, then the process will stop and that the process will conclude at the earliest possible stage. The revised document also makes clear that it is the BSSMC Executive who determine

those cases that may end up with them if not resolved at an earlier stage, rather than the full BSSMC

The Chair invited views. The following comments were recorded:

- The RBOA rep said that boat owners don't know the content and therefore the obligations that examiners have under the Conditions of Registration and Investigation Procedure. The BSS Manager said that owners will likely expect that examiners are bound by a 'code' and that if they have reason to complain, a process would be applied to that complaint. He said that at the time of first contact is made, a summary of the various stages of the Investigation Procedure is provided to the complainant. This is partly to make clear the role of the BSS is to look at any acts or omissions of examiner at the time they issued the certification.
- The AWCC rep said in Doc E2 at 5.5.2 there is a need to insert 'authorisation' after 'BSS'.
- It was agreed that at 3.7, the following alteration should be made – '~~Where the complainant is the~~ The owner of the vessel in question ~~then they shall be provided with a copy of the Notice of Faults~~'.
- In answer to a question, it was made clear that cancellation of the validity of a BSS certification can only be made by the BSS Manager and in circumstances where there is evidence that the original issue was wholly inappropriate or where there are ongoing risks to manage. Cancellation does not happen at every investigation, in fact it happens quite rarely.
- In answer to a question, it was reported that there is an average of about 15 formal complaints per year for each of the last five years, out of 19,000 examinations. This compares with 22 to 26 per year that we had in the 2007 and 2008. In one of these years three examiners had their BSS authorisation rescinded.
- The BSS Manager reported that trends looking at the complaints received over the last three years, illustrate conflicts of interest rather purely a shortfall of technical application. This is an aspect we need to address in the Examiner Development Strategy and other measures.

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The Chair asked members if the revised draft can be accepted subject to the amendments identified above. A full consensus was in favour of acceptance. The Chair commended the work of the working group. The draft revised procedure will now proceed to BSSMC for ratification.

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95.8.2 **CoR Guidance Notes** – The Chair introduced *Doc E3* by saying that members might remember at the last meeting someone saying '...why do we have guidance anyway?' and this question was the first to be addressed by the small working group.

The view of the working group is that where a clause of the BSS Examiner Conditions of Registration is self-evident, no guidance is necessary and guidance is necessary where the clause does need some degree of explanation.

The Chair requested views on the repositioned guidance and the following comments were recorded:

- The YDSA rep asked for reassurance that the guidance will remain within

the control of the BSSAC, because he said previously guidance had been introduced without committee engagement. That assurance was given.

- The RBOA rep raised the need to amend 5.1.3 as follows – *‘Examiners must refuse to commence ~~or abandon~~ an Examination, or must abandon an Examination, if it becomes unsafe to continue.’*

The draft revised guidance will now proceed to BSSMC for ratification. The Chair once again thanked the working group for their considerable efforts.

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## 95.9 Report from BSSTC Chair

95.9.1 The BSSTC Chair reported that the BSSAC Chair had attended, as an observer, the last meeting of BSSTC at the end of November. The BSSTC Chair went through the report items in *Doc F1*. The following discussion point was logged:

- *Concerning the Draco appeal* – it was emphasised that the Broads Authority had accepted the appeal but in doing so had applied rigorous conditions and periodic condition reports from a marine engineer, in lieu of BSS certification. The boat will need to be BSS-compliant in all other respects other than the petrol tank fill connection. It was clarified that no BSS certification has been issued to the boat, but that an examination has taken place and the boat is compliant in all other respects and a BSS Examination Report supports this assessment. It was confirmed that only the BSS can issue BSS certifications, the Broads Authority can't. It was clarified that it was a matter of owner choice to meet BSS compliance or meet the stringent conditions imposed by the Broads Authority in this respect, and that the Broads Authority, as with all licensing authorities can determine for themselves the conditions upon which they are prepared to issue a licence.

## 95.10 Quarterly BSS Quality Management Activity Report

95.10.1 BSS Quality & Technical Manager introduced *Doc G1* and asked for any comments on the report:

- The NABSE rep, referring to page 3 of the report asked if was true to say that the BSS does not have a training provider at present. The answer was given that discussions with the current provider South Worcestershire College are still ongoing, however it is true to say that the college has been taken over and the BSS is looking to deliver a more effective training facility and have not chosen to place a new contract with them.
- In answer to a question it was reported that the Cranfield University project was in its second year using a PhD student and that BSS had contributed the second of two funding amounts. The BSS Manager reminded members that the research is 'blue-sky' to do with innovation and designing in safety, looking forward. The Scheme is supportive of safety issues being designed out, as that's the best way to regulate, and ensure public safety. It was previously agreed that the outcome of the research or significant benchmarks could be made known to BSSAC members by way of a video blog from the course leader – there is no immediate plan to release a video blog.

## 95.11 Report from the BSS Manager

95.11.1 The BSS Manager apologised that the annual report of incidents and accidents had not been distributed in time for the meeting, he recognised that this report was paramount in determining BSS activity. The Chair gave permission for the report to be displayed on the screen as it had arrived just

in time for the item. The headlines were noted as follows:

- There was a plethora of incidents reported on Loch Lomond, of all types. The plan was to raise the report finding with the authority and encourage them to participate in the Scheme;
- Further detail was discussed about how extremely high concentrations of CO were drawn inside LOVE FOR LYDIA, through a gap around the bottom edge of the closed canopy. The 'station wagon' effect was in play even with the boat being moored. Reference was made to the recently updated BSS CO leaflet that has text and a diagram to point to the risk.
- Solid fuel stove incidents were highlighted as top of the league table of incident causes. The BSS Manager reported that, in reaction to the report to the figures the BSS consultant had reviewed the available incident information for each incident and had concluded that breakdown is pretty much as previously determined, that is a roughly equal split between poor installation, poor maintenance and poor use behaviour. It was clear that the majority of fires are due to heat transfer to uninsulated surfaces nearby.

The following comments were recorded on this subject:

- The Trust's rep said that he had looked into two incidents on the Trust's work boats, in the past; both involved heat transfer to uninsulated surfaces.
  - The standard of after-market stove insulation was suggested to have gone down with the problem being that the expense of choosing proper installation (perhaps as much as £3K) versus the 'savings' by choosing cheap DIY installation (a few hundred pounds).
  - The BSS Manager said that the consultant and other interested parties are to get together consider the risk issues that may be can't be fully established by looking at the incident data. This grouping will be tasked with identifying recommendations that can be put to BSSTC for review. The insurance industry view and the subject of an installer competency scheme will likely be considered at BSSTC, as will any need for BSS awareness material to be enhanced.
- Electric incident causes were also highlight in the report and once again it has been very difficult to draw out meaningful conclusions from the data. Reference was made to two incidents involving 230V ac appliances.

## **95.12 Items for BSSMC**

- 95.12.1 The Chair said that he would take to BSSMC, the lack of progress on the 'Trusted Messenger' initiative, the lack of the annual report of incidents and items six, seven and eight, namely, BSS Examiner Development Strategy; BSS Examiner Conditions of Registration (CoR) Consultation and CoR Investigation Procedure & Guidance Notes.

## **95.13 To note the remaining 2017 BSSAC meetings, at Hatton**

- 95.13.1 The remaining 2017 meetings - #96 Tuesday 6 June and #97 Tuesday 14 November.

## **95.14 Any other business [AOB]**

- 95.14.1 The BM2 rep said that he had heard that there has been changes to the MOU between MCA and HSE in respect of responsibilities on or near water to investigate incidents. It was agreed that any developments would be worthy



of checking, however it was confirmed that BSS have no MOU arrangements with MCA or HSE.

95.14.2 The YDSA rep said that he had had trouble printing one of the three pre-learning documents to do with the BSS Examiner hire boat training course. The BSS Manager said that he would send the doc by email.

BSS  
Manager