

Boat Safety Scheme for Hire Boats
Report by Head of Safety Management

Summary: This report sets out the results of the consultation on proposed changes to the Boat Safety Scheme requirements for hire boats.

Recommendation: That the Authority

- (i) agrees the proposals as set out in paragraphs 4.2, 4.3, 5.3 and 5.4; and
- (ii) appoints Mr Alan Goodchild to serve on the Standards Appeals Panel.

1 Background

- 1.1 The current Boat Safety Scheme (BSS) hire boat requirements are based on 2002 BSS standards which were replicated in the Broads Authority Boat Safety Standards Byelaws 2006 and subsequently adopted by the Authority in 2009.
- 1.2 Minor variations to the requirements relating to private boats have since been included but until now the standards applicable to hire boats have remained unchanged.
- 1.3 As the currently proposed changes differ materially from the standards as set out in the Broads Authority Boat Safety Standards Byelaw 2006 the Authority is required to consult prior to adopting any changes to the standards.

2 Consultation

- 2.1 Whilst the Boat Safety Scheme has a requirement to consult those likely to be affected before implementation, the Broads Authority is also required to consult such bodies as appear to represent boating interests on its intention to impose construction standards.
- 2.2 A notice setting out the Broads Authority consultation was published in the Eastern Daily Press on the 9 September 2015 setting out the proposed changes and signposting the Boat Safety Scheme as the administrators of the consultation.
- 2.3 Letters were sent to the Royal Yachting Association, the Broads Hire Boat Federation, the Norfolk and Suffolk Boating Association and the British Marine Federation setting out the consultation and the details of how to respond.

- 2.4 All licensed hire boat operators have also been advised of the consultation.
- 2.5 The consultation closed on the 13 November 2015, nationally 36 responses have been received and assessed.
- 2.6 The Boat Safety Management Group was consulted on the proposed changes at its meeting on the 15 September 2015. The group was supportive of the proposed changes.
- 2.7 The Broads Hire Boat Federation also submitted a response which is largely supportive of the proposed changes.

3 Consultation Conclusions

- 3.1 The consultation has been carried out on behalf of the Boat Safety Scheme and the Broads Authority; as such this paper only considers the responses relating to the Broads Authority consultation.
- 3.2 There were seven responses to the consultation from operators, organisations or individuals that relate to the Broads Authority Area.
- 3.3 These responses were largely supportive of the proposed changes however there were two significant areas which had registered concerning:
- The proposal for a crew limitation label
 - The proposed implementation date
- 3.4 The proposal for a crew limitation label is a requirement of the newly developed but yet to be confirmed update to the Hire Boat Code and this specific requirement will be subject to a consultation relating to the Hire Boat Code content and implementation. If after consultation the requirement for the label exists in the Hire Boat Code the Boat safety scheme examiners will be required to check that the label is in situ and is legible.
- 3.5 The proposed implementation is from 1 April 2016 and representations were made which reflected the unrealistic expectation that all fleets would implement changes over the winter 2015/16 when maintenance programmes had already been set.
- 3.6 At their meeting on the 10 December 2015 the Navigation Committee were consulted on two proposals relating to the Broads Authority adoption of the scheme requirements:
- to defer the implementation of the scheme by the Broads Authority until April 2017
 - for the Broads Authority to promote the voluntary adoption of the new standards in the intervening period

- 3.7 The Navigation Committee supported the proposed new implementation date of the 1 April 2017 however there was concern regarding the specific wording relating to the voluntary adoption and it was agreed that a form of words could be developed by the Authority which ensured that duties were discharged.

4 Next Steps

- 4.1 The responses to the national consultation were considered by the Boat Safety Scheme Management Committee on the 15 December 2015 and the committee decided to defer the national implementation until 1 April 2017 to allow for the industry to make necessary changes and also to facilitate the training of boat safety scheme examiners in the application of the new requirements and to encourage the voluntary adoption of the new requirements in the interim period.
- 4.2 It is therefore **proposed** that the Authority adopt the Boat Safety Scheme requirements for Hire Boats to be implemented from 1 April 2017 to reflect the national implementation timescale.
- 4.3 It is further **proposed** that Authority promote the uptake of the requirements in the interim period using the Boat Safety Scheme office developed statement set out below in order to ensure consistency with other navigation authorities:

“Hire operators are recommended to adopt the new requirements in the year leading up to the implementation date and information will be available to aid this recommendation.”

5 Construction Standards Appeals Panel

- 5.1 The Broads Authority Act 2009 provides for the establishment of a Standards Appeals Panel to decide on:
- (a) any question as to whether a vessel complies with any Boat Safety standards;
 - (b) any question as to whether any Boat Safety standard is applicable to the vessel;
 - (c) any question as to the reasonableness of a Boat Safety standard; and
 - (d) any question as to whether a vessel fails materially to comply with any standards applicable to the vessel.
- 5.2 The Act provides that the Standards Appeals Panel comprise
- (i) at least one member appointed by the Authority;
 - (ii) two persons appointed by such bodies as appear to the Authority to represent boating interests and from persons having knowledge or experience of the standards.

5.3 It is **proposed** that

- (a) the Authority appoint one member under (i) to be a member of the Navigation Committee;
- (b) the RYA and the BMF be invited each to appoint a member under (ii);
- (c) a representative from the Boat Safety Scheme examiners be appointed to externally advise the Panel.

In each case substitutes will be allowed. The appointee under (a) will chair the panel.

5.4 It is **proposed** that the Panel be re-established in spring 2016, to allow training and briefing to be undertaken with new members.

5.5 This Panel would review cases referred to it and the Panels determination to any question referred to it will be final.

5.6 A report of the Panel's work would be presented annually to the Authority

6 Views of Navigation Committee

6.1 The Navigation Committee was consulted on 10 December 2015. They agreed the proposals set out in 7.3 and 7.4 and further recommended that Mr Alan Goodchild be the Authority's representative on the Standards Appeals Panel.

Background papers: Boat Safety Scheme for Hire Boats, Navigation Committee, 20 December 2015

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Broads Plan Objective: NA4.2

Appendices: None