

**HELA Meeting 1 March 2006**

**Enabling Local Authorities to Make Best Use of Formal Enforcement**

A paper by Laurence Monaghan, Enforcement Programme, HSE  
Cleared by Phil Scott, FOD, HSE

**Issue**

1. Securing more consistent use of formal enforcement among Local Authorities, and between LAs and HSE.

**Recommendation**

2. That HELA:
  - Set up a Task & Finish group to:
    - consider enforcement practices among LAs;
    - evaluate differences in incident selection between LAs and HSE;
    - consider the barriers to taking formal enforcement action sometimes faced by LAs;
    - develop practical measures to enable all LAs to make appropriate use of their formal enforcement powers in accordance with the HSC's Enforcement Policy Statement (EPS); and,
    - evaluate and report on the outcomes of these measures.
  - Nominate a HELA representative to the Enforcement Programme Phase 2 Programme Board to:
    - represent LA views; and,
    - report on LA activities to improve the use of formal enforcement.

**Background**

3. Phase 1 of the Enforcement Programme examined HSE and LAs enforcement activities and made recommendations for immediate or longer-term action to enable HSE and LAs to make best use of formal enforcement. Phase 1 has drawn to a close and the Programme has now moved into Phase 2, which aims to ensure that the recommendations from Phase 1 are fully implemented and that the anticipated benefits are realised. A Programme Board will oversee Phase 2 of the Programme.

4. At their November 2006 meeting the HSC/LGP were asked to support the recommendations of the Enforcement Programme and consider some of the issues raised at the October LACoRS Policy Forum. In particular, the HSC/LGP were asked to "consider and confirm LA inspectors' obligations to the principles and expectations of the HSC's Enforcement Policy Statement", "consider and confirm the role of the Code for Crown Prosecutors in

prosecution decision-making”, and “ consider the use of an agreed common incident selection criteria for LAs and HSE”.

5. The HSC/LGP agreed that among LAs “there could be more consistent outcomes, more use of HSC’s enforcement policy and more consistent selection criteria. HSCLGP were asked to support the approach [in the paper] and that there should be further discussions at national and local level to take it forward. Discussing the paper HSCLGP members said they supported the approach”. The HSCLGP also “ considered analysis was needed to understand the [enforcement] figures and the consequences of having the same criteria”.

### **Argument**

6. A HELA Task & Finish group would be an appropriate means for LAs and HSE to work together to: evaluate and address differences in LA enforcement practices; progress the issues arising from the HSC/LGP’s enforcement discussion; and, promote the recommendations of the Enforcement Programme within LAs.

7. To report progress of the Task & Finish group and ensure LA views are considered it would also be appropriate for a HELA representative to be a member of the Enforcement Programme Phase 2 board.

### **Contact**

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