

<b>Meeting Date:</b>	10 May 2005	<b>Open Gov. Status:</b>	To be Advised
<b>Type of Paper:</b>	Above the line	<b>Paper File Ref:</b>	
<b>Exemptions:</b>			

## Health and Safety Commission

**Minutes of a meeting of the Health and Safety Commission, held on 10 May 2005 in the Globe Room, 2 Southwark Bridge, London, SE1 9HS.**

<p><b>Present</b></p> <p><b>Bill Callaghan – Chair</b>  <b>Margaret Burns</b>  <b>Danny Carrigan</b>  <b>Judith Donovan</b>  <b>Judith Hackitt</b>  <b>Joyce Edmond-Smith</b>  <b>Sayeed Khan</b>  <b>John Longworth</b>  <b>Hugh Robertson</b>  <b>Elizabeth Snape</b></p>	<p><b>Officials Present</b></p> <p>Timothy Walker  Jonathan Rees  Justin McCracken  Alex Brett-Holt  Colin Douglas  Vivienne Dews  Susan Mawer  Paul Nicholson  Paul Kloss  Ann Marie Farmer</p>
<b>1</b>	<b>Minutes of the meeting held on 5 April 2005 (HSC/M04/2005)</b>
<b>1.1</b>	The minutes were agreed.
<b>2</b>	<b>There was no urgent business</b>
<b>3</b>	<b>Control of Noise At Work Regulations (HSC/05/62)</b>
<b>3.1</b>	<p>Elizabeth Gibby introduced the paper, which seeks agreement for the proposed regulations to be sent to the Minister. The Commission had considered the results of the public consultation and the draft regulations on 5 April and had asked to see the accompanying Guidance and Communications Plan before reaching a decision.</p> <p>Annex A of the paper detailed the free employer leaflet, employee pocket card and the priced guidance, which were at this stage working drafts only. The free leaflet and pocket card would be rewritten to improve accessibility and tested on tested on focus groups to check understanding. The detailed guidance was aimed at the larger companies and safety professionals and included detailed legal commentary. The Commission's concern about consulting employees over weekly averaging of exposure was now clearly set out in the guidance. Annex B detailed the Communications Plan.</p>
<b>3.2</b>	<p>The Commission thanked officials for preparing the paper at short notice and for ensuring that their comments had been taken on board. These were important regulations: the existing regulations were not as well known as they should be, and important health gains would result from improved compliance.</p> <p>They recognised that more work needed to be done on the</p>

	<p>guidance and communications strategy. For instance, the free employer leaflet needed to be redrafted. Those consulted on the leaflets should include small firms trade associations. Local Authorities should be involved in drawing up the guidance for the Music and Entertainment Industry.</p> <p>The Communications Plan was too narrow; there was insufficient awareness of the regulations, and the regulatory authorities should be included. The Regulations impacted more on the LA enforced sector and HSE should be working with LA's so that they would be able to deal with any negative publicity. The plan identified the risks but did not provide the lines to take in response to these.</p> <p>They thought that there should be a small working group of Commissioners to work with officials and provide a sounding board on the draft guidance.</p>
<p><b>3.3</b></p>	<p>The Chair thanked the presenter. The Commission agreed:</p> <ul style="list-style-type: none"> <li>• that the regulations should be approved</li> <li>• that the April common commencement date should be put as an option for Ministerial consideration, although the key aim was to have something fit for purpose for European Week</li> <li>• that a working group of Judith Donovan, Danny Carrigan and Sayeed Khan should be set up to advise on the Communications Plan and guidance.</li> </ul>
<p><b>4</b></p>	<p><b>Draft discussion document in contemplation of a HSC statement on the Public Safety Role of HSC (HSC/05/71)</b></p>
<p><b>4.1</b></p>	<p>Giles Denham presented the paper, which took forward the strategy commitment to promote a debate on the public safety role of HSE. The draft discussion document sought to suggest principles to guide HSE in discharging its public safety role. A debate was needed following recent developments on Section 3 and the Hampton recommendations which implied some expansion of HSE's remit. It also had links to the separate debate on sensible management of risk</p>
<p><b>4.2</b></p>	<p>The Commission welcomed the paper which followed from their discussions about aspects of Section 3 and the need to clarify HSE's role in relation to the workforce and to the public. The draft discussion document had the balance about right on these contentious issues. There was a need for a genuine debate before they produced their position statement, and it was important that a robust Communications Plan was provided, setting out the target audience and how we would engage with them.</p> <p>They agreed that at this stage it was right to restrict the debate to HSE, as the Local Authorities' position on public safety differed from HSE's. However, this debate would assist in clarifying their role in this area.</p> <p>They thought the wording of the principles in the discussion document could be firmed up. There should be discussion with key stakeholders such as the Department of Health who faced similar</p>

	public safety issues.
4.3	<p>The Chair thanked the presenter. The Commission agreed:</p> <ul style="list-style-type: none"> <li>• The consultation should go forward</li> <li>• The timetable</li> <li>• The wording of the document should be looked at in the light of the discussion</li> <li>• The context, purpose and scope should be clarified</li> </ul>
5	<b>Delivering HSE's Targets: Summary Performance Report 4<sup>th</sup> Quarter 2004-05 (HSC/05/61)</b>
5.1	<p>Jonathan Rees introduced this paper which, subject to any comments by the Commission would go to the new Minister. The FIT3 programme reported good progress against milestones. There was a huge task ahead to deliver outcomes so the next meeting would include a discussion around FIT3, which would set the context for the November meeting when the ill health and injury statistics for 2004/05 would be available.</p> <p>The major hazards programme was reporting against delivery of improvement indicators which were all on target. On railways the figures were not comparable although there was an underlying improvement.</p>
5.2	<p>The Commission noted the progress being made on the work programmes and congratulated all involved. It discussed the railway targets which HSE had adopted and which had now changed. HSE was now working with Network Rail to gain commitment to the targets.</p> <p>The Commission appreciated the difficulties but thought it should be made clear that these figures related to catastrophic events and not to track workers where there had been an increase in deaths. It would be necessary to discuss the indicators and worker safety with Office of Rail Regulation (ORR).</p> <p>The Commission noted that at present there were not the leading indicators or intervention evidence to provide confidence that the targets would be met. The Commission was pleased to see the progress made on the LA enabling programme, which clearly demonstrated successful partnership and programme working.</p>
5.3	The Commission agreed that with minor adjustments to reflect the discussion the report could be submitted to the Minister.
6	<b>Outcome of Consultation on HSC Science Strategy 2005-2008 (HSC/05/58)</b>
	<p>Paul Davies presented the paper and identified the key issues that had been raised during the consultation and how HSE intended to respond. The PowerPoint presentation is attached. He also sought Commission views on the arrangements for reporting back to them on implementation.</p>
6.1	The Commission welcomed the strategy and were pleased at the way the importance of social scientists, and the role of local authorities, had been recognised. They supported the proposal to reduce research into major hazards and that more work should be borne by industry but sought an assurance that the right science

	<p>would be done and that mechanisms were in place to maintain expertise. An Annual Report to HSC would help to provide this assurance. The Commission endorsed the concerns of the Nuclear Safety Advisory Committee (NuSAC) in HSC/05/43, in particular the continued reduction in spend on research. They thought this should be given further consideration at a future meeting.</p> <p>It probed the proposed approach to peer review and asked if any comparable organisations had been looked at. It also wanted reassurance that evidence base science was not pushed aside in favour of income based work at HSL and was informed that this was an essential test for the ownership board when considering proposals.</p> <p>The Commission noted that the new HSC Laboratory was opening next week and accepted the open invitation to visit the Buxton site.</p>
<b>6.2</b>	<p>The Chair commended the paper. The Commission was pleased with the outcome of the consultation, and noted how the strategy had been amended in light of comments. It agreed:</p> <ul style="list-style-type: none"> <li>• that the strategy should be published</li> <li>• experiences of comparable organisations in dealing with peer review should be examined</li> <li>• an Annual Report should be provided on implementation of the strategy and this should cover research on major hazards</li> <li>• the Chair should write to the Chair of NuSAC endorsing the concerns he had raised</li> <li>• it should give further consideration to nuclear research at a future meeting to which the Chair of NuSAC would be invited</li> </ul>
<b>7</b>	<b>Corporate Manslaughter Bill – HSCs response to Home Office proposals (HSC/05/63)</b>
<b>7.1</b>	Jonathan Russell presented this paper which included a draft response to the Home Office on the Corporate Manslaughter Bill consultation which was due to end on 17 June. HSC/E may be invited to give evidence to the Parliamentary Scrutiny Committee.
<b>7.2</b>	<p>The Commission welcomed the paper and generally thought the letter set the right tone. There were concerns raised about the risk of slippage and also the risk of Scottish developments moving at a different pace. The letter should be amended accordingly.</p> <p>The Commission debated the detail in the Bill and had some concerns about lack of clarity which they would wish to see resolved through negotiations at official level.</p>
<b>7.3</b>	The Commission agreed to send a reply along the lines of Annex 1 amended accordingly.
<b>8</b>	<b>Proposed location, timing and content of HSC Meetings (HSC/05/64)</b>
<b>8.1</b>	Susan Mawer introduced this paper which set out proposals for the Commissions Residential and Public Meetings in 2005.
<b>8.2</b>	The Commission agreed the proposals with the following provisions

	<ol style="list-style-type: none"> <li>1. The theme for the Public Meeting in November needs to be put into context of how well we are doing and what else can we do.</li> <li>2. Efforts should be made to ensure the meeting in Bootle takes place in the new building and arrangements made to meet staff.</li> <li>3. The Open Meeting in Newcastle should include a presentation on Biological Agents.</li> </ol>
<b>9</b>	<b>Closed Session 9.1-9.3 – FoI Exemption Section 35 Formulation of Government Policy.</b>
<b>9.1</b>	➔
<b>9.2</b>	
<b>9.3</b>	➔
	<b>Below the line Papers</b>
<b>10</b>	<b>HSE Co-ordinated programme of Nuclear Safety Research 2005/06 (HSC/05/39)</b>
<b>10.1</b>	The Commission approved the proposed outlined Nuclear Safety Research programme which includes an HSE commissioned programme forming part of the HSE Major Hazards Research Programme. The costs of the HSE Programme including HSE's management charges are recovered from the nuclear licensees by means of a levy.
<b>11</b>	<b>Advice from NUSAC on HSE Co-ordinated programme of Nuclear Safety Research 2005/06 (HSC/05/43)</b>
<b>11.1</b>	The Commission highlighted the issues raised by NUSAC in the paper during the discussions on the HSC's Science Strategy see para 6.1 and 6.2. The Commission approved the HSC Coordinated programme of Nuclear Safety Research for 2005/06 as advised by NUSAC.
<b>12</b>	<b>HSE Co-ordinated programme of Nuclear Safety Research: Evaluation Report 2003/04 (HSC/05/44)</b>
<b>12.1</b>	The Commission noted the paper.
<b>13</b>	<b>Better Regulation Script (HSC/05/76)</b>
<b>13.1</b>	The Commission agreed the revised position statement.
<b>14</b>	<b>HSC response to Patricia Hewitt on facilities, support and rights for employee reps (HSC/05/59)</b>
<b>14.1</b>	The Commission approved the draft response.
<b>15</b>	<b>Handling strategy for publication of the National European Rail Traffic Management System (ERTMS) Programme 3<sup>rd</sup> Year report (HSC/05/68)</b>
<b>15.1</b>	The Commission noted the proposed handling and media handling strategies.
	<b>Miscellaneous Papers</b>
<b>16</b>	<b>Clarification – making more information free and accessible on the web (MISC/05/12)</b>
<b>16.1</b>	The Commission noted the clarification provided.
<b>17</b>	<b>Spending Review 2004: HSC's settlement and the Business Plan for 2005/6-2007/8 (MISC/05/12)</b>

<b>17.1</b>	The Commission noted: <ul style="list-style-type: none"><li>• HSC's SR2004 settlement; and</li><li>• The content of the agreed version of the Business plan.</li></ul>
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