

FREEDOM OF INFORMATION STATUS – To be advised	HSC/M06/2005
Health and Safety Commission	
Minutes of a meeting of the Health and Safety Commission, held on 26 July 2005 in the Globe Room, 2 Southwark Bridge, London, SE1 9HS.	
<p>Present</p> <p>Bill Callaghan – Chair Margaret Burns Danny Carrigan Judith Donovan Joyce Edmond-Smith Sayeed Khan Hugh Robertson</p> <p>Apologies: Commission: Judith Hackitt, John Longworth, Elizabeth Snape Executive: Justin McCracken</p>	<p>Officials Present</p> <p>Timothy Walker Jonathan Rees Alex Brett-Holt Colin Douglas Vivienne Dews Susan Mawer Paul Nicholson Neal Stone Ann Marie Farmer</p> <p>Local Authorities: Bill Myers Mark Duval Nick Cull Alan Higgins Malcolm Mathias</p>
	Introduction
	The Chair welcomed Bill Myers, joint chair of HSE/Local Authorities Enforcement Liaison Committee (HELA), and the local authority representatives who were attending for the discussion on the LA Strategic Programme.
1	Minutes of the meeting held on 10 May 2005 (HSC/M05/2005)
1.1	The minutes were agreed subject to minor drafting changes to paragraph 3.3.
2	There was no urgent business
3	Chief Executive’s Report
3.1	<p>Timothy Walker introduced the report, which was the first of a regular series highlighting significant events over the last month and those on the horizon. The paper was in two parts: a covering note identifying a number of broader issues and a list of current and future activities. These included:</p> <ul style="list-style-type: none"> • the postponement of the 2006 spending round; • the expansion in the recruitment programme. • the Olympics in 2012 and the implications for HSE of increased construction activity; and • there was a generally positive response from MPs to the handbook for working with HSE, though there had recently been some negative comments. He intended to respond robustly to these: contact with MPs had suggested the handbook would be welcome.
3.2	The Commission agreed that the report provided them with a very useful summary and overview. They were pleased to see that the

	<p>recruitment programme had been expanded and asked if the next report could provide more information on the number of inspectors recruited.</p> <p>The Commission were very impressed with the new handbook. They thought it would be useful for others such as members of the Scottish Parliament and Welsh Assembly. A short brief on how local authority councillors could handle health and safety queries, cleared through LGA, might also be useful.</p>
<p>3.3</p>	<p>The Chair thanked Mr Walker. The Commission agreed that:</p> <ul style="list-style-type: none"> • The report should be published on the website with the below the line papers; • The report was very useful and should be produced for every meeting; • The next report would contain details of the recruitment programme.
<p>4</p>	<p>Implementing Hampton and Better Regulation Task Force (BRTF) Recommendations (HSC/05/94)</p>
<p>4.1</p>	<p>Max Walker presented the paper, which updated the Commission on progress in responding to the Hampton and BRTF recommendations that were part of the key reform agenda that affected regulators across Government. He noted that the central initiatives were very much in line with the grain of existing and planned HSC/E thinking.</p> <p>The immediate priorities were on measuring the administrative burdens, where targets would be set; taking forward the mergers and meeting the challenge to our own partnership arrangements with local authorities. It would be important to demonstrate that this approach brought tangible results and was a model for the way forward.</p>
<p>4.2</p>	<p>The Commission welcomed the report, and stressed the importance of wide engagement, and building on what had already been achieved. On methodology, the Commission was keen to ensure a balanced approach to administrative simplification. Whilst the Commission was in favouring of reducing burdens this had to be linked to consequences and the benefit of regulations, including the safety case regimes. It was pleased that the project on simplifying forms would seek workers' views as well as business.</p> <p>The Commission stressed the importance of ensuring the partnership with local authorities worked to demonstrate that there was an alternative model. It also questioned what the work burden was on HSE and whether this would result in other work not being done.</p> <p>Another concern was the use of centrally procured consultants and the challenge for HSE to ensure that they understand our processes and built in benefits as well as burdens. The consultants would also need to be aware of the work that had already taken place on reducing burdens e.g. COMAH and the work currently being done on RIDDOR. It was important that the communications strategy was</p>

	<p>agreed so that it was understood that there was no weakening of protection.</p> <p>The Commission noted that on mergers it would like more information about the organisations coming in to HSE, how they would be integrated and the role of the Commission in relation to them. It was important to build this information in to discussions to ensure that we were all working from the same agendas and to ensure a smooth transition.</p>
<p>4.3</p>	<p>The Chair thanked the presenter and commended all the work that had already taken place on administrative burdens to meet the first deadline.</p> <p>The Commission agreed that:</p> <ul style="list-style-type: none"> • more information was needed on the mergers, in particular: the composition of the organisations, how this would affect the Commission terms of reference and how we did business. The basic information would be circulated after the meeting and a full report would be available in October; • It was important to use this opportunity to set the agenda for partnerships; • It was important to get the balance right on regulations; • there was a need to negotiate resources to cover costs; • it was important to get the message right about the benefits of good regulations; • it endorsed the proposals to engage workers; • it noted the implications of the administrative burdens work.
<p>5</p>	<p>LA Strategic Programme.</p>
<p>5.1</p>	<p>Phil Scott introduced the next three papers, which reported on progress, gave examples of partnerships in action and made proposals for the future governance of the HSE/LA partnerships.</p> <p>Good progress had been made against the Statement of Intent and there had been strong support from the Local Authorities Coordinators of Regulatory Services (LACORS), and the elected members' Steering Group (including Joyce Edmond-Smith and Hugh Robertson) but we were now at a watershed. The 2006 –2007 planning round was approaching and it was important to make plans coherent and relevant to local authorities. Involvement of Local Authorities (Las) in strategic programmes in the current year had been at odds with LA planning processes and had led to some criticism.</p> <p>Hampton presented the challenge of centralisation versus partnership and this was an opportunity for the Commission to endorse the partnership approach.</p> <p>Looking forward to the end of the programme there would be a paper in February 2006, the partnerships would continue beyond the conclusion of the programme. Partnership managers were crucial to embedding the arrangements and funding would continue until March 2007.</p>

5.2	Progress Report: LAs and HSE Working Together Strategic Enabling Programme (HSC/05/92)
5.2.1	Phil Scott and Mark Duval introduced this paper, which informed the Commission of the progress made in developing the partnership between LAs and HSE.
5.2.2	The Commission noted the progress being made on the work programmes and congratulated all involved.
5.3	LAs and HSE Working Together Strategic Enabling Programme: Examples of the practical experiences of LA practitioners (HSC/05/93)
5.3.1	<p>Malcolm Matthias of East Riding of Yorkshire Council reported on his experience of his authority building partnerships with HSE's Yorkshire and North East Division. He explained how a group formed from LACoRS Health and Safety Policy Forum members and HSE representatives had taken partnership working forward. The commitment shown by the members had encouraged the wider engagement of LAs across the region.</p> <p>Working in partnership would lead to sustainable arrangements for joint working when the programme finished: uniform and consistent enforcement with better use of resources; increasing awareness of elected members and engaging with chief officer groups who are key decision makers in the allocation of resources.</p>
5.3.2	<p>Alan Higgins of Hart District Council reported on his experience of working with HSE to develop the flexible warrants pilot. The joint warrants would enable action to be taken where necessary by the first point of contact (LA or HSE) regardless of jurisdiction. The pilot had been delayed because of the indemnity issue but it was now scheduled to start in September.</p> <p>More broadly, after some initial suspicion the partnership approach was now working and viewed positively. A crucial factor in this had been the appointment of partnership managers and more involvement by field Principal Inspectors. Successful joint inspection programmes included carpet retailers and transport. It was important to align with the LA planning and budgeting cycle if HSE wanted LA input.</p> <p>Cascade training had been good but was limited in its application; joint training would provide opportunities for interaction and enhance the perception of partnership working.</p> <p>The health and safety partnership linked well with LAs' wider health and economic regeneration agendas. There was a need for information at a local level on the costs of poor health and safety to business. The links with local strategic partnerships and primary care trusts were very important.</p>

5.4	Las and HSE Working Together Strategic Enabling Programme: Proposals for Governance and Liaison arrangements between HSC, HSE and Local Authorities
5.4.1	Nick Cull, former Director of information and research with the Local Government Association, introduced the paper, which sought the Commission's approval for proposals at a strategic level to engage LAs in policy development, operational delivery and to reform HELA. If the Commission agreed the proposals further work would be needed to work up the operational detail.
5.4.2	<p>Proposal 1 involved the setting up of a Local Government Panel that would meet with the Commission twice a year. The benefits included strengthening the link between LA enforcement and HSC Strategy, enabling the challenge process and demonstrating commitment to the partnership process.</p> <p>Proposal 2, the most crucial, was improving local government's participation in the development and implementation of HSE policies and programmes.</p> <p>Proposal 3 provided a more coherent structure for local authority:HSE engagement at national, regional and local levels.</p> <p>Mr Cull thanked everyone involved for their hard and enthusiastic work.</p>
5.4.3	<p>The Commission endorsed the report, the three papers had demonstrated the enormity of the task and all involved should be commended on achieving so much in such little time.</p> <p>There was a lengthy discussion on the importance of the proposals and partnership approach. Commissioners who had attended partnership events had noted the enthusiasm but there were concerns about the willingness of some LAs to sign up to this and the need to be sensitive to what they were able to do. It was questioned whether the communications proposals were sufficient to change attitudes and further discussion of the proposals was needed.</p> <p>Bill Myers, joint chair of HELA, thought that it was the right moment for change and that there was every chance of success but agreed with the Commission that a communications strategy was vital in winning hearts and minds.</p> <p>The Commission agreed that the culture of "them and us" was changing but that we were only at the beginning of the process. This programme provides the LAs with assistance via involvement in the planning process, joint training, flexibility and targets.</p> <p>The Commission felt that there was value in engaging with elected members to discuss the strategy and review targets. They also agreed that it was important the work was evaluated properly.</p>

	<p>The Commission discussed whether there was a need to amend the Enforcing Authority Regulations or whether this would be redundant if the warrants pilot and other exploratory work to remove demarcation barriers were successful.</p> <p>The Commission discussed the proposal for additional resources to support the LA (and notably LACoRS) input to the Programme and sought advice from the Executive. Timothy Walker said that he recognised that additional resources might be needed to deliver the Programme successfully, although this may be done by the secondment of staff rather than money.</p>
<p>5.4</p>	<p>The Chair thanked the presenters and those involved in bringing the papers forward. The Commission:</p> <ul style="list-style-type: none"> • gave a commitment to making the partnership work; • agreed the importance of communicating the strategy externally • endorsed the three proposals – <ol style="list-style-type: none"> 1. the benefits of high level political dialogue with elected members 2. the very clear message on aligning planning 3. the provision of a more coherent structure for LA: HSE engagement. • noted the partnership examples; • would feed in any comments on communications; • noted that the allocation of additional resources would be considered by the HSE; • noted that the Enforcing Authority regulations would be considered on completion of the joint warrants pilot; • agreed all work including the pilots should be structured and evaluated; and • was content with the way the programme was being taken forward.
<p>6</p>	<p>Fit for work, fit for life, fit for tomorrow strategic programme: progress with implementation (HSC/05/96)</p>
<p>6.1</p>	<p>Jane Willis presented the paper, which updated and gave assurance to the Commission on arrangements for delivering a significant part of the Commission’s strategy.</p> <p>The paper highlighted the work being done to focus on delivery planning, working with colleagues across HSE, particularly FOD, to design targeted interventions and bring forward the planning process. The high level road map mentioned at paragraphs 10 and 12 was shaping up and would be brought to the Commission in the Autumn.</p> <p>Links had also been forged with the LAs at 3 levels: governance; programme/project design and development; and the delivery programme.</p> <p>The scale of the work in prospect reflected the scale of the task for the programme. Early indications were that the annual statistics were unlikely to demonstrate clear progress towards achievement of the</p>

	<p>PSA targets and work was ongoing to develop additional leading indicators.</p> <p>The paper also picked up on the role of the Commission. The team had already talked with some Commissioners and would welcome discussions with others who wished to be involved.</p>
6.2	<p>The Commission welcomed the paper and looked forward to participating by engaging with external stakeholders. The Commission agreed that it was important to obtain LA input and partnership buy in, also to get the message across to external professional organisations like the British Occupational Hygiene Society.</p>
6.3	<p>The Commission noted:</p> <ul style="list-style-type: none"> • the progress made; • the work being done to develop additional leading indicators and the main messages that should come from the conference in November; • the governance arrangements; • the proposed role of the Commission; and • the importance of external communications.
7	Communications Update (HSC/05/99)
7.1	<p>Colin Douglas presented this paper, which summarised progress since the March 2005 update. Highlights were:</p> <ul style="list-style-type: none"> • the evaluation of the campaign on the business case for health and safety; • rolling out the backs campaign which would be evaluated in September; • Lord Hunt launched the sensible risk debate in July. The public safety discussion document and associated web forum were also launched; • The regional media pilots had been very successful and the challenge would be to sustain the increased level of regional coverage. • A range of Commission activity • The HSE Board had asked for a paper on the costed options on making more priced information available free of charge; • The interviews for the chief press officer post had taken place.
7.2	<p>The Commission welcomed the paper and noted the very good work being done. The website was considered particularly easy to use and the team should be congratulated.</p> <p>The Commission pointed out some factual amendments in paragraphs 10 and 15.</p> <p>The Commission discussed the money being spent on communication research and whether this represented value for money. It was agreed that Judith Donovan would discuss with Colin Douglas.</p>

	The Commission was keen to ensure that any decisions on the strategy for priced documents should be for them to decide.
7.3	The Chair thanked the presenter. The Commission noted the report and looked forward to the next report and the paper on priced publications in the Autumn.
8	National European Rail Traffic Management Systems Programme, Third Year Report: Advice of RIAC (HSC/05/69)
8.1	<p>Stephen Williams introduced this paper that summarised the key points in the 3rd year report and provided the Commission with the views of its industry advisory committee (RIAC). Key developments this year included:</p> <ul style="list-style-type: none"> • A better alignment of the technical aspects in the programme; • the Cambrian early deployment system was making progress, responsibility for this will transfer from Strategic Rail Authority (SRA) to Network Rail; • two implementation plans were under consideration, both extend the timescales originally proposed; • following the rail review responsibility for leadership and strategic direction of the ERTMS programme will transfer from SRA to DfT.
8.2	<p>The Commission thought that the views of RIAC were accurately reflected in the paper and agreed that the Chair should write to Ministers as outlined in paragraph 11 with the addition of the following points:</p> <ul style="list-style-type: none"> • Congratulate the industry for its work on the Train Protection and Warning System (TPWS) and the improved driver training that had contributed to the significant reduction in SPAD risk; • There should be a clear description of the residual risk in both the “natural” rollout plan and the “accelerated natural plan”. Industry would need to set out its proposals for managing this risk with clear targets as part of the process. • There was a clear public expectation that automatic train protection should be in place within a reasonable timescale; • There should be a vision about development of technology with clear milestones; and • When ORR took on the responsibility for railways health and safety the Commission hoped they would continue to exercise the challenge function previously exercised by HSC.
8.3	The Commission agreed that the advice to the Secretary of State should be updated in light of developments. The letter should also provide a clear remit to ORR to take this forward.
9	HSE’s involvement in the new European system for the supply and use of chemicals (HSC/05/15)
9.1	<p>Jonathan Rees presented the paper, which asked the Commission to consider how HSE should be involved in the new European system for the assessment and use of Chemicals.</p> <p>There were three options for discussion: take no action, bid to be the</p>

	UK competent authority or open negotiations with a potential partner. DEFRA had set a deadline of 30 September for bids, but officials would be seeing if this could be extended.
9.2	<p>The Commission thanked the presenter for the paper, which was informative and well written.</p> <p>This was clearly a matter of interest to HSC, and which could impact on other areas of work such as COSHH. It should be made clear that it needed a joined up approach across government, and a more realistic deadline to enable this to happen. The Commission saw attractions in being involved.</p> <p>The Chair was unsure about the relationship between REACH, COSHH and exposure limits and asked for more practical detail on how they fitted together.</p>
9.3	The Commission agreed that HSE should register our interest and keep options open on how best this was delivered. It looked forward to a report back in the autumn with more information on the detail.
10	Follow up to HSC Residential 21-23 June 2005 (HSC/05/98)
10.1	Susan Mawer introduced this paper, which took forward the actions identified during the Commission's discussions on ways of working at its residential in June 2005.
10.1	<p>The Commission noted the work being done by Neal Stone on the arrangements for Commissioners to act as ambassadors and looked forward to his report in September.</p> <p>It also welcomed the proposed paper on resource planning scheduled for October 2005. The secretariat agreed to confirm the dates for all the meetings in 2006.</p>
10.2	<p>The Commission agreed that:</p> <ul style="list-style-type: none"> • The feedback documents met their requirements; • The pre meeting should start at 9:00 with the main meetings starting at 09:30; • The theme for the first seminar would be sensible risk and it would be held after the meeting in September; and • One of the meetings in 2006 should be held in Bootle.
11	HSC Response to DH CD on the smoke free elements of the Health Improvement and Protection Bill (HSC/05/100)
11.1	<p>The paper was brought above the line at the request of the Commission who felt that it was important to debate this in public.</p> <p>The paper recommended that HSC should respond to the consultation advocating that the prohibition should extend to all licensed premises and private clubs. This would bring legislation in England in line with the position in Scotland and the likely position in Wales.</p>
11.2	The Commission felt that it was important to influence the debate

	<p>because the scientific evidence on health issues was that second hand smoke was harmful.</p> <p>The Commission strongly endorsed the message in the paper.</p> <p>The Chair agreed to write to Patricia Hewitt reflecting the view of the Commission as detailed in the draft.</p>
12	HSC/E Management Statement (HSC/05/88)
12.1	<p>The paper was brought above the line at the request of the Commission because the paper did not clearly point out the differences between the old and new documents.</p> <p>The paper proposed a new style Management Statement, which would replace the current Framework of Accountabilities. However there was insufficient time to debate this paper and the Commission agreed that it should be carried forward to September.</p>
	Below the line Papers
13	Corporate Governance (HSC/05/87)
13.1	The Commission noted the emerging and recently published material on corporate governance and the initial assessment of compliance with the Treasury guidance.
14	Amendments to the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (EIADR99) (HSC/05/83)
14.1	The Commission agreed to the publication of the Consultative Document.
15	Proposed Chemical (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005 – Report on Consultation and Approval of the Proposed amending Regulations (HSC/05/38)
15.1	The Commission approved the proposals and the Chair's letter to the Minister.
16	Publication of 'HSE Criterion for Delicensing Nuclear Sites' (HSC/05/30)
16.1	The Commission noted the main points made from the consultation exercise and the proposed policy statement.
17	Proposed Amendments to the Genetically Modified Organisms (Contained Use) Regulations 2000 - Results of the Public Consultation and Recommendations (HSC/05/66)
17.1	The Commission noted the results of the public consultation and final Regulatory Impact Assessment and approved the draft regulations for submission to Lord Hunt.
18	Proposals for Tank Vehicles (Loading and Unloading of

	Petroleum-Spirit Regulations 2000) – (HSC05/67)
18.1	The Commission approved the draft regulations and letter to the Minister.
19	Migrant Workers: a report on further progress (HSC/05/77)
19.1	The Commission noted the progress made and the next steps HSE will be taking.
20	Revision of the Race Equality Scheme (HSC/05/78)
20.1	The Commission endorsed the broad approach of the revised scheme and consultation with internal and external stakeholders.
21	Proposals to replace the offshore Installations (Safety Case) Regulations 1992 (HSC/05/81)
21.1	The Commission approved the submission to Ministers of the revised draft proposals to replace the regulations.
22	Workers' Safety Adviser Challenge Fund – round one evaluation report (HSC/05/85)
22.1	The Commission noted the findings and agreed that the report should be sent to Ministers.
23	Amendment to the Biocidal Product Regulations 2001 (HSC/05/86)
23.1	The Commission agreed that the draft amending regulations should be sent to the Minister for approval.
	Miscellaneous Papers
24	Railway Safety Publication of Annual Report on Railway Safety (MISC/05/13)
24.1	The Commission noted the report and publication date.
25	Update on Rail Transition Issues (MISC/05/14)
25.1	The Commission noted the progress on rail transition and the plans for future papers.