

THE HEALTH AND SAFETY EXECUTIVE

THE LOCAL GOVERNMENT ASSOCIATION

THE CONVENTION OF SCOTTISH LOCAL AUTHORITIES

PURPOSE

1. This Memorandum sets out the commitment of local authorities (LAs) to enforce relevant statutory provisions in a spirit of partnership with the Health and Safety Executive (HSE).

BACKGROUND

2. The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) Strategy 1997/98 committed the local authority associations to disseminate a joint statement on health and safety enforcement. In the light of this, the LGA with CO SLA agreed to develop a joint memorandum of understanding with HSE which sets out some joint aspirations for the relationship between HSE and local government.
3. HSE and LAs are responsible for enforcing health and safety legislation. Although organised in markedly different ways and having different operational responsibilities and priorities, employees and the public, trade unions and business should expect a consistent approach to the application of health and safety law. To achieve this, LAs and HSE are committed to working together in a co-ordinated and co-operative way which avoids duplication of effort, in which experience and expertise is shared, and where appropriate operational policy is developed and agreed.
4. To ensure that the activities of one complements and enhances the activities of the other, HSE and LAs have established a framework in which they:

share a common commitment to controlling risks to people's health and safety from work activities;

have in place an effective channel of communication which promotes **liaison**, co-ordination and the sharing of experience and expertise;

work effectively and efficiently within a robust partnership.

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A JOINT COMMITMENT

5. To demonstrate their commitment, LAs will:

- make adequate arrangements for the enforcement of health and safety law in line with their duties under Section 18 of the Health and Safety at Work etc. Act 1974 in accordance with the Health and Safety Commission's general direction and its specific LA guidance and Enforcement Policy Statement and having regard to local needs and circumstances ;

provide appropriate and adequate levels of training and development to ensure the continued professionalism and competence of enforcement officers.,

through HELA, promote best practice in LA enforcement.

6. In support of that commitment HSE will:

- continue to provide a focus for LA health and safety enforcement activity within HSE through its Local Authority Unit (LAU) and HELA;

develop appropriate guidance and advice, in consultation with LAs, on the execution of their functions and responsibilities and give practical support through the enforcement liaison officer (ELO) system;

where possible, develop joint training initiatives and share training and development expertise with LAs.

AN EFFECTIVE CHANNEL OF COMMUNICATION

7. An effective and free flow of information between LAs and HSE and also with HSC is essential to effective co-operation and liaison. To achieve this, LAs and HSE will:

continue to exercise the principles of transparency and openness in their work;

continue to support BELA and contribute to the development and implementation of its annual Strategy and report on LA activity in discussion with HSC and in the light of its emerging concerns and priorities;

develop a standing conference on health and safety enforcement in the LA enforced sector;

continue to reflect LA interests on working groups and committees and in discussions and negotiations with stakeholders in the health and safety system.

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AN EFFECTIVE AND EFFICIENT PARTNERSHIP

To work together effectively, HSE and LAs will:

- develop and execute joint initiatives for securing compliance;

- monitor the effectiveness of the demarcation of responsibilities between them to ensure that they continue to be pragmatic and cost effective;

establish a permanent record of premises where enforcement responsibilities have been transferred between HSE and LAs and vice versa;

utilise the role of LAs as intermediaries to communicate effectively with all businesses and especially small and medium sized firms;

update this Memorandum as appropriate following advice from HELA to the local authority associations and HSE in the light of changes to relevant circumstances.

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