

**HELA**  
**1<sup>st</sup> March 2007**  
**Rose Court HSE**

**Minutes**

**Attendees**

Malcolm Mathias, East Riding of Yorkshire Council (Chair)  
Justin McCracken, Deputy Chief Executive of HSE (Alternate Chair)  
Tim Galloway, Head of CACTUS (HSE)  
Giles Denham, Director of Policy Programmes (HSE)  
Darran West, Chesterfield Borough Council and Vice Chair of Policy Forum  
Phil Scott, (HSE) Head, FOD East & South East Division & Head, LA/HSE Partnership Programme  
David Evans, Society of Chief Officers of Environmental Health (Scotland)  
Peter Dodd, Partnership Manager  
Shila Patel, Chartered Institute of Environmental Health

**Officials**

Sean Edwards-Playne (HSE)  
Sarah Bull (LACORS)  
Mark du Val (LACORS)  
Charlotte Meller (LACORS)  
Gerry Kasprzok (HSE)

**Presenting:**

Phil Kemball (HSE)  
Nick O'Donnell (BRE)  
Laurence Monaghan (HSE)

**Item 1: Welcome and Apologies**

1.1 Malcolm Mathias welcomed all to the third meeting of the new HELA. Apologies were received from Kim Pugh, Graham Robertson and Allan Davies.

**Item 2: Minutes of the last meeting**

2.1 All agreed the minutes were a true record of the last meeting on 11<sup>th</sup> Oct 2006. Under 4.2 of the minutes HSE had still not received the peer review report undertaken by European colleagues but HSE will share with HELA once it is received.

2.2 Relating to 10.2 – there was no further news regarding the HSE’s financial position, an affordable plan has been put in place and they are on track to deliver. There are no further developments regarding the 2008-2011 financial settlement.

### **Item 3: HSC/E Merger**

3.1 Phil Kemball is leading the work in HSE on the merger. The consultation is due to finish on 5<sup>th</sup> March. So far all questions posed in the consultation document have received support of between 70-95%. The comments will be properly analysed and put to the HSC after Easter. There will then be a further round of consultation on detail rather than principles.

3.2 It was understood that LAs have some genuine concerns about the merger. There is already an important relationship between HSE and LAs and then to the HSC. But it is hoped that this change will lead to a better relationship as both HSE and LA activity will be assessed in the same way. There has already been a massive shift in the relationship between LAs and HSE and this has come about due to change in heart not a change in structure. It is hoped that the change in structure will serve to strengthen that.

3.3 Mark Du Val agreed that there were concerns from local government about the impact and implications of the merger. A paper had been taken to the LACORS board where many questions were asked. It was felt that the consultative document did not provide the detail to allay fears at this initial stage, but that the LACORS board wanted to work together with HSE to deal with these concerns.

3.4 David Evans hoped that the next consultative document with the detail could make more of the partnership that has built up so that there is little differential between HSE and LA delivery.

3.5 Justin McCracken identified that the new non-executives would have a greater role and the main driver for proposed change is for them to provide independent scrutiny of activities. He said that no-one from the current executive would be on the governing body and that the governing body would still in effect be above both HSE staff and LAs. He welcomed the approach from the LACORS board, this is an opportunity to understand what the concerns are and use the change to take forward the partnership.

3.6 Malcolm Mathias summed up by saying that we would look forward to the second round of consultation and that anything to strengthen the partnership is good, but we also need to allay fears through sharing information, knowledge and experiences. We need to make sure the new arrangements don’t put the partnership back.

#### **Item 4 – Local Area Agreements (LAAs)**

4.1 This item was introduced by Charlotte Meller. LACORS have been doing some work in general on LAAs and have produced a rough guide. LAAs were also discussed at the policy forum and also at the partnership conference by councillors. This is an opportunity for HELA to discuss what it should be doing in promoting LAAs in respect of health and safety, along with work in Wales and Scotland where they have different arrangements.

4.2 Malcolm Mathias said that in county councils it was easier to pull together LAAs but on a district level where health and safety sits it is more difficult and that the LACORS rough guide was very interesting and useful.

4.3 Shila Patel identified that HSE needed to raise its profile in government office regions as that is where LAAs are decided. Guidance is being published in the summer called *Developing future arrangements for local area agreements*. It was argued that the government regional offices already have to come to HSE because under the new local government white paper bill HSE are a statutory consultee.

4.5 It was identified that partnership teams in the regions were concerned about whether HSE were involved enough in LAAs. The first two rounds have started so those opportunities have been missed, so HELA needs to establish a clear approach to use LAAs and pick up experiences from Isle of Wight and develop our understanding.

4.6 Nick O'Donnell said that in the LAA guidance document which sets out the performance indicators, Fit3 appears in the economic development block. But that HSE needed to find a better indicator that can be measured against and encourage LAs to then adopt it. It was explained that work is already underway in HSE to do this because in summer 2008 we need to show what the partnership has achieved.

4.8 Darran West felt that we needed to equip EHOs with knowledge about LAAs as there was little involvement from the policy forum to date. This could be done through the dissemination of best practice.

4.9 David Evans said the themes of the LAA were reflected in Scottish Local Government community planning and that best practice and guidance on indicators would be useful.

4.10 Phil Scott identified the need to bring together existing materials to enable partnership teams, EH staff and others to empower them to get more involved in LAAs.

4.11 Mark du Val stated that the LAAs and Local Strategic Partnerships are looking at what is most important locally so the regulatory service as core services need to identify what they can bring to the core agendas. It was suggested that managing sickness absence could be an umbrella topic to link with both the health agenda and economic vitality.

4.13 Nick O'Donnell referenced an FSA document which highlights how LA activity fits into the wider agendas, maybe something similar could be done for health and safety.

**ACTION – MDV and Phil Scott to pull together support package. Short note of how they will be initiating the process to be circulated to HELA. HELA to act as signatory to the package.**

#### **Item 5: Rogers Review and LBRO**

5.1 Nick O'Donnell introduced this segment. The Rogers review is due out shortly. The Rogers' team have been working with LAs through a series of 4 workshops which have been attended by around 200 authorities.

5.2 Health and safety has put forward strong business case as to why this should be a priority and supporting statistics.

5.3 David Evans was concerned that the priorities from Rogers would be so broad that they would lose focus.

5.4 The chair questioned whether HELA had a role in the outcomes in relation to the Rogers Review. It was agreed that it would be best to wait till after the budget to assess impact and possible role of HELA.

#### **LBRO:**

5.5 BRE are in the process of setting up the Government-owned LBRO company. It will have no statutory powers, but will have programme funds to support regulatory good practice by local authorities. Recruitment activity is underway to appoint the Chair, Board members and Chief Executive. It is expected that the Chair will be announced in April.

5.6 It will have approximately 20 staff members, will be up and running by late summer and will be based in the Midlands. Policy decisions will be taken by the board once in place, with the Cabinet Office setting the overall policy framework. The Regulatory Enforcement and Sanctions Bill will set up the LBRO as a non-departmental public body with statutory powers. The Bill also includes

implementation of the McCrory recommendations on alternative regulatory sanctions.

5.7 The draft Bill (expected to be out for consultation in mid-May) includes proposals that LBRO will

- tackle inconsistencies in enforcement for multi-site business between different LAs, including providing effective arbitration in disputes;
- issue guidance to LA regulatory services which they will be under a statutory duty to have regard to;
- review and revise a list of central government priorities for LA regulatory services; and
- provide advice to Government on regulatory issues associated with local government.

### **Item 6: Enforcement Consistency**

6.1 The LGP at their meeting in Oct 06 agreed with work to consider the EPS and enforcement concordat in relation to both HSE and LAs. The suggestion put forward was for a HELA task and finish group to take this work forward in relation to LAs as phase 2 of the enforcement programme. This needed to be reflected in the Terms of reference of the group.

6.2 The task and finish group would work for HELA but would also be accountable to the enforcement programme board to bring into practice recommendation from the enforcement programme phase 1.

6.3 Laurence explained the Phase 1 had been completed and that Phase 2 was the implementation and facilitation phase where benefits were realised and action taken.

**ACTION: Laurence to finalise terms of reference. Mark du Val to agree HELA representative and LACORS to set up task and finish group.**

### **Item 7: Flexible Warrants and LAC 67/1**

#### **Flexible warrants**

7.1 At the last HELA meeting it was agreed that a Task and Finish group on flexible warrants would be set up. They have met three times and intend to have the basic elements available by June so standard documentation including an MOU, inspectors handbook, toolkit, notices and standard correspondence. Work on developing a competency framework is well advanced and will feed into this work. The group are developing a BCA as requested by HELA but it is still difficult to quantify the benefit.

7.2 Members felt that a best guess approach on what has been saved would be really helpful in helping to set out what the benefits are. Darran West identified the need to promote the benefits as it is rolled out as it still needs to be sold to some LAs.

### **LAC 67/1**

7.3 At the previous HELA meeting HELA agreed to set up a task and finish group to look at the LA guidance on prioritised planning and it as suggested that there should be minor amendments made not a major overhaul.

7.5 The task and finish group has been set up with representation from England Scotland and Wales. The first meeting is on 5<sup>th</sup> March and they are aiming to finalise by the end of April.

### **Item 8: Section 18**

8.1 This is to be shadow run by some LAs and HSE between April 07 and Sept 07 to bottom out issues and take on any outstanding changes. It is expected to be used to benchmark, allocate resources, audit and identify competency framework. There are 15 volunteer LAs across England, Scotland and Wales, the first workshop is taking place in early March. There is a Head of Operations working group to test Section 18 in HSE.

8.2 Justin McCracken questioned how the pilot was being evaluated and suggested that this needed to be considered now.

8.3 Phil Scott identified that BRE might affect the timetable but that there was scope to incorporate any changes into shadow running.

8.4 Giles Denham identified that a timetable is needed of when this needs to go through the Commission processes and what needs to be done by when, especially if looking for an April 08 roll out.

**ACTION : GK to identify timetable to build in Commission approval process.**

### **Item 9: Partnership and Fit3.**

9.1 Phil Scott introduced the plan there were three things to note;

1. There has been tension between producing an ideal plan for the partnership and producing a plan for LAU because of the number of players involved, this is a plan for LAU.

2. The living part of the plan is annex 3 and Phil Scott is happy to circulate to HELA with three monthly updates.

3. HSE board needs by summer 07 some feedback on how the partnership is delivering and therefore the partnership needs to develop success criteria. HELA's view on whether it captures the right things would be useful.

9.2 Malcolm Mathias felt that success criteria were crucial. We need to be able to assess success and evaluate what we have achieved. It is vital in showing how far we have come together.

9.3 Darran West suggested that this document needs to be shared amongst others – maybe through a letter from joint chairs to endorse it and attach annex 3 as an extract.

**Action: PS and MDV to draft letter to be sent out on behalf of joint chairs.**

#### **Item 10 - Smokefree**

10.1 This item was introduced by Sarah Bull and covered the timescales for implementation in England, the funding that LAs had received from Department of Health and any potential impact on Fit3 work. Sarah questioned HSE colleagues on how they were intending to implement the actions set out in the letter from Allan Davies to LACORS and CIEH.

10.2 David Evans said that in Scotland there had been little impact. Darran West felt that there would be some impact.

10.3 Phil Scott said that commitments to Fit3 should be made in recognition of work required for implementing smokefree legislation.

10.4 Justin McCracken said that if there were problems in accessing the right skills that perhaps HSE could help. Tim Galloway confirmed that CACTUS had arranged for some of the sector forums to have a presentation on smokefree legislation.

10.5 Mark du Val asked if there was any merit in looking at how we could link Fit3 topics into the large number of smokefree visits that will be taking place, he questioned whether HSE had considered this.

10.6 In terms of implementing the actions set out in the letter it was felt that this needed more detailed discussion between Allan Davies and Sarah Bull.

**Action: Allan Davies and Sarah Bull to discuss smokefree implementation.**

## **Item 11: Local Government Panel**

11.1 A meeting of the LGP (LG side only) will be taking place on 12<sup>th</sup> March to get views from councillors as to what they would like to see in place, how they see the meeting working in the future, what they want to get out of it and how the LGP can further support the partnership. It was agreed that there had been mutual frustrations on both sides.

11.2 Justin McCracken welcomed this approach.

## **Item 12: AOB**

12.1 Malcolm Mathias thanked Shila Patel for her contributions. This will be her last meeting before returning to HSE. HELA members all wished Shila well in her new role.

12.2 Tim Galloway explained that CACTUS and safety unit had now merged and were to be called the Services, Transportation and Safety unit.

12.3 Malcolm Mathias explained that this was also his last meeting as he is due to retire in June. He thanked all members for their support and had really enjoyed being part of the partnership.

12.4 Justin McCracken thanked Malcolm for all his contributions to HELA and the partnership and wished him well for the future.

12.5 Date of the next meeting – mid Oct.