

HELA Minutes, 4 July 2011

HSE Office Birmingham, Hagley Road, Birmingham B16 8HS

Attendees

Nick Powell, Joint Chair, Dudley BC (Chairing this meeting)
Kevin Myers, Joint Chair, HSE
Elaine Harbour, HSE Head of Local Authority Unit (LAU)
Max Walker, HSE FOD Head of Operations SW
Jane Willis, HSE Director of Cross-cutting Interventions
Graham Robertson, Royal Environmental Health Institute of Scotland
David Evans, Society of Chief Officers of Environmental Health (Scotland)
Kim Pugh, Torfean BC
Colin Alborough, Rushmoor BC
Tom Moody, LG Regulatory Support Unit
Andrew Griffiths, Chartered Institute of Environmental Health
Gordon MacDonald, HSE

Observers

Laura Rowley, Local Better Regulation Office
Julie Sharman, HSE LAU
Gerry Kasprzok, HSE LAU

Item 1: Welcome/apologies and minutes from the last meeting

- 1.1 Nick Powell welcomed everyone to the meeting. An apology for absence was received from Darran West who was being substituted by Colin Alborough.
- 1.2 Minutes of the previous HELA meeting held on 5 October 2010 were agreed.
- 1.3 The actions from previous meetings have been completed via the below the line paper H11/06.

Item 2: Developments affecting partnership working since last HELA meeting

- 2.1 The Chair gave an overview of the numerous political and other developments that have impacted directly or indirectly on health and safety regulation and co-regulation since the last meeting. These included the Comprehensive Spending Review, Lord Young's 'Common Sense Common Safety' Report; the Minister for Employment's announcement 'Good Health and Safety, Good for Everyone'; LG Group reorganisation and the demise of LGR. .
- 2.2 Tom Moody provided HELA with background to the formation of the newly created Local Government (LG) Regulatory Support Unit within the LG Group. This was intended, in part, to replace some of the functions of LGR. Of particular interest to HELA will be their work in respect of co-ordinating LA input to HELA. HSE was one of several bodies that had agreed to part fund this Unit.

Item 3: LA delivery of Government's H&S reforms – Paper H11/01

- 3.1 Elaine Harbour introduced this paper and referenced linked papers H11/05 and Misc1.
- 3.2 HELA recognised that there were some concerns within the LA community about the implications of the Government's regulatory agenda – but that this was not unique to health and safety or an unusual feature of the political landscape in GB with a mix of competences and interests in the various layers of government. It was noted that HELA's role was not to challenge the political direction but rather to consider how best to deliver it within the broad spectrum of health and safety activities.
- 3.3 HELA agreed the joint guidance provided direction to Local Authorities (LAs) on how to meet the Government's reforms, but with sufficient flexibility for LAs to determine how to best use their resources at a local level within the overall policy framework.
- 3.4 HELA agreed to the proposed development of priority planning material to underpin the joint guidance which will be taken forward by the H&S Policy Forum. Many LAs have already instigated new ways of working which 'fit' with the Government's reforms and the sharing of good practice and intervention approaches at regional and county levels should be encouraged.
- 3.5 Some concern was expressed about the local consequences and handling of some of the actions flowing from the new policy direction. It was acknowledged that in a period of change it was important to ensure effective communications between HSE and the LA community at a local and strategic level – and the role of HELA was at the strategic end of that spectrum.

Action:

LAU will work with LAs on the development of the revised priority planning guidance for local authorities for the 2012/2013 work year. The planning guidance will be discussed at the September H&S Policy Forum.

Item 4: Future HELA Governance arrangements

- 4.1 The demise of LGR will inevitably require changes to existing ways of working and communication between HSE and LA Co-regulation partners. HELA discussed both its role and how supporting mechanisms and processes could be made more efficient and effective. This included a specific consideration of how LAs can be encouraged to play a greater proactive part and how to streamline interaction with the H&S Policy Forum.
- 4.2 HELA agreed:
 - HELA should continue to provide a forum for strategic discussions;
 - Tactical operational policy/operational delivery matters were appropriately covered by the H&S Policy Forum;
 - current HELA membership provides adequate representation of GB Local Authorities, HSE and related professional bodies. However, an invitation to join HELA should be extended to the Senior Policy Adviser on H&S within the reorganised LG Group who could provide LG political input to HELA;

- future HELA and H&S Policy Forum meetings will run concurrently and be held 3 times per year, beginning early 2012.

Action:

- i. **LAU to refresh HELA Terms of Reference and circulate to members for comment and clearance.**
- ii. **H&S Policy Forum to consider its terms of reference at the next meeting.**

Item 5: Extending Cost Recovery

- 5.1 Gordon MacDonald provided an overview of the current position relating to the Government's policy of HSE extending the scope of activities for cost recovery including Fee for Intervention.
- 5.2 HELA acknowledged the feedback from Local Authorities on cost recovery was not consistent. Many LAs want to maintain discretion on H&S cost recovery implementation but HSE's advice was that the relevant legislation does not support this approach and a collective national LA approval or rejection of implementation needs to be decided.
- 5.3 HELA agreed the importance of promoting the HSE formal consultation with LAs and agreed an update on cost recovery at the H&S Policy Forum would be useful.

Action:

Gordon MacDonald to be invited to provide an update at the next H&S Policy Forum.

Item 6: Data Collection from Local Authorities

- 6.1 HELA was informed of progress with the new data collection set for 2011/12 and 2012/13 to assist LA reporting against the Government's reforms.
- 6.2 HELA discussed the proposals and agreed:
 - the proposed changes would be helpful to LAs in delivering the Government's H&S reforms;
 - allowing sufficient time for the changes to be implemented within LAs was more important than the eventual number of data requests;
 - the limited sampling exercise to be undertaken in Q4 2011/12 to provide an estimate and comparison of data in the current and future formats;
 - the implementation of web based prosecution data

Action:

LAU to produce a calling note seeking LA volunteers for the sampling exercise, and that exercise to be conducted during Q3.

Item 7 - Date of next meeting

- 7.1 TBC, early 2012

Below the line papers

The following below the line papers were agreed:

Paper H11/06 - Progress report on the implementation of the section 18 standard

Paper H11/07 - Conflict of interest update

Paper H11/08 - Sharing our knowledge pilot update