

HELA Minutes, 20 January 2015

Room A Layden House, 76-86 Turnmill Street, London EC1M 5LG

Attendees

Colin Alborough, Rushmoor BC (Chair)
Kevin Myers (Joint Chair)
Kate Haire, HSE Local Authority Unit (LAU)
Jane Willis, HSE Cross-Cutting Interventions Directorate
Brian Lawrie, Society of Chief Officers of Environmental Health in Scotland
Graham Robertson, Royal Environmental Health Institute of Scotland
Ellie Greenwood, Local Government Association
Kim Pugh – Wales Local Government Association
Steve Miller – Chartered Institute of Environmental Health
Alex Tsavalos, HSE LAU
Tracy Hamilton, HSE Secretariat

Observer

Phil Preece – Better Regulation Delivery Office

1. Welcome & Introduction

- a) The Chair welcomed everyone to the meeting, introducing Kate Haire as the new head of HSE Local Authority Unit.
- b) Apologies for absence received from Samantha Peace HSE Field Operations Division(FOD) and Philip White, HSE Operational Strategy Division(OPSTD)

2. Minutes from the last meeting

- a) Minutes of the previous meeting held on 31 July 2014 were agreed.

3. Update on recent developments

- a) Wales – Uncertainty relating to the restructure of LAs in Wales is stifling plans for collaborative working. Discussions continue with the final number of Wales LAs still unknown. Health & safety services will be heavily impacted by budget cuts over the next 3 years. Cross LA warranting will be used more to maintain services and provide some resilience. Wales Audit Office has published a report examining delivery of Environmental Health Services – mainly statutory services including Health & Safety - against a reducing resource.

- b) Scotland – Following the publication of the Smith Commission Report, and the recommendation that we should maintain a reserved legislative framework, review of current health and safety outcomes in Scotland, is being scoped by the Scottish and UK Governments. The Work Related Death Protocol (WRDP) for Scotland is currently being updated.
- c) England –Budget reductions continue to make a co-ordinated, consistent approach to enforcement difficult. Service planning for 2015/16 has begun with an increased number of LAs in discussions with Public Health departments, developing partnerships under the ‘Well Being Charter’.
- d) LGA – Board discussions around the use of the LGA report ‘Re-Wiring Public Services’ to prompt post-election discussions. The report proactively questions delivery and outlines challenges faced by LAs as the state contracts.
- e) REHIS – The Investigation Support Network remains effective. Legal update training, being delivered by the Crown Office Procurator Fiscal Service (COPFS) and HSE for members of the network team to be delivered on the 28th April 15. The REHIS annual health and safety update course was held on 1st October 14 and was deemed highly successful attracting 60+ delegates representing the majority of Scottish LAs, focussing mainly on asbestos. The next annual update is scheduled for September 2015.
- f) CIEH – Increasing concern relating to education for Environmental Health across all disciplines as budget cuts result in resource/competency loss alongside greatly reduced student placement opportunities.
- g) BRDO – The data and information sharing pilot IRIS (Intelligent Regulatory Information System) providing cross regulator information has concluded and is currently being evaluated. Initial feedback is broadly positive and next steps are being considered.

3. HSE Update - Triennial Review recommendations

- a) HELA acknowledged analysis of the 2013/14 LAE1 activity data continued to demonstrate the move away from proactive inspection to a more advisory/supportive role in comparatively lower risk workplaces had been sustained, suggesting the principles of the Code are embedded in the majority of LA intervention planning. The inclusion of a mandatory sign-off at Head of Service level has provided a single point of contact within each authority.
- b) A public consultation reviewing the implementation of the LA National Enforcement Code ran for 8 weeks and closed 3 October 2014. HELA considered the analysis of consultation responses and agreed the commonality of responses from business and LAs provided support for

the principles of the code. HELA accepted the analysis highlight areas needing improvement, in particular review of the supporting material, addressing concerns around erosion of EHO competence and raising the profile of the Independent Regulatory Challenge Panel (IRPC) and supported proposals to address these issues.

A summary of analysis can be viewed on the HSE website using this link: <http://www.hse.gov.uk/consult/condocs/cd-247-responses.pdf>

- c) HELA agreed the proposed standardised liaison arrangements between HSE and local authorities at county/regional meetings. The level of future HSE attendance at county/regional meetings will be intrinsically linked to the scope of the issues being discussed.

4. Revising the supplementary material to the National Code

- a) Kate Haire introduced the paper which outlined the proposed changes to the LA National Code supporting material, Local Authority Circular 67/2 (rev 4.1) and the list of high risk sectors/activities suitable for proactive inspection, in response to comments received during the Code implementation consultation.
- b) HELA supported inclusion of additional case study material in LAC 67/2 (rev 4.1) assisting LAs to record activity data consistently. HELA agreed all proposed changes should not hinder current service planning.

Action: Proposed changes to be discussed at PF meeting.

5. Data Collection from Local Authorities

- a) Alex Tsavalos introduced this paper which proposed a project to conduct a 'light touch' review of the data captured on the current LAE1 form. This review is in response to comments received during the Code implementation review.
- b) HELA support for this project was unanimous with members representing Scotland (Brian Lawrie), Wales (Kim Pugh) and England (Colin Alborough) alongside the head of HSE Local Authority Unit forming the project board.
- c) HELA agreed a 'virtual' working group of practitioner forum members should be established to progress this project and committed to review the project findings at their next meeting in autumn 2015.

Action: Project proposal to be discussed at Practitioner Forum and 'virtual' working group volunteers sought.

Action: LAU to produce a project plan and begin discussions with wider LA community, gathering views on how best to capture information representing LA activity and aid future planning guidance.

6. Any Other Business

a) Black Friday

HSE have committed to central engagement with the British Retail Consortium following public correspondence and Ministerial interest in relation to the events that took place on Black Friday.

b) Fee for Intervention (FIFI)

HSE had been approached by an England LA who wished to explore extending FFI to LAs. HSE had confirmed that as currently drafted, FFI established a duty on HSE rather than an optional power. It would therefore need to be applicable across all LAs within GB if extended. HELA members confirmed there was no general desire to implement a cost recovery scheme at present.

c) LA Peer Review

A number of peer review models have been developed by local county groups. HELA agreed sharing of these models via the H&S Practitioner Forum.

8. Date of next meeting

- a) To be confirmed, October 2015