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<b>Exempt material: None</b>	<b>Type of Paper: Above the line</b>

## HELA

### Revising the supplementary material to the National Local Authority

#### Enforcement Code

#### A Paper by Gerry Kasprzok

**Cleared by Kevin Myers on 5<sup>th</sup> January 2015**

#### **Issue**

1. Following a review of the implementation of the National Local Authority Enforcement Code (the Code) this paper seeks HELA's views on planned revisions to the supplementary material to the Code.

#### **Timing**

2. For discussion at the meeting on 20<sup>th</sup> January 2015.

#### **Recommendation**

3. That HELA considers the planned revisions to the supplementary material to the Code.

#### **Background**

4. The Triennial Review recommended that "*the LA Enforcement Code is reviewed in 2014 in light of experience to identify areas for change and amendment*".
5. Implementation of the Code was reviewed by an open consultation for regulators and business for 8 weeks from 8<sup>th</sup> August 2014. The analysis of the on-line consultation results and initial face-to-face discussions with stakeholders indicated that:
  - a. No substantive changes are required to the Code itself; there was broad support for the content, structure and principles rather than prescription;
  - b. The majority of LA respondents (72%) found the supplementary guidance to the Code and LAC67/2 (rev4) useful in supporting them to meet the requirements of the Code.
6. Responses to questions on the awareness of certain aspects of the Code; the usefulness of further guidance/support to help LAs meet the requirements of the Code; and general comments received suggest the need for:

- i. Clearer definitions in the list of high risk sectors/activities (this is in addition to the annual review of the list to ensure that it aligns with overall strategy/policy);
  - ii. Case studies/examples on use of proactive inspection, alternative risk based interventions and on using intelligence to help target interventions;
  - iii. Clarification on the application of the Code to explosives and petroleum legislation;
  - iv. Encouragement to ensure LA complaint procedures make reference to the Independent Regulatory Challenge Panel;
  - v. Increased awareness of the feedback mechanism by which LAs can alert HSE to novel or emerging issues; and
  - vi. a general refresh of LAC 67/2 to take into account the issues above, any consequential changes from more recent guidance and to clarify issues around recording on the LAE1.
7. LAU are currently engaged with HSE colleagues with responsibility for Sectors/Sector Intervention Plans to review the list of high risk sectors/activities suitable for proactive inspection. Current discussions indicate that there is unlikely to be any major changes to the list other than the clarifications mentioned above.
8. LAU are also having further discussions with LA/business stakeholders to help develop a refreshed LAC67/2 (Rev 5) by the end of 2014. This will allow further stakeholder engagement prior to publication in 2015.
9. HELA members to consider their role in:
  - a) Supporting the proposed changes and continuing to raise awareness of the guidance.

## **Contact**

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