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HELA Minutes

20 April 2016

The Millbank Room, Local Government House, Westminster, London

Attendees:

Colin Alborough, Rushmoor Borough Council - Chair

Philip White, HSE

Kate Haire, HSE Local Authority Unit

Shirley Howes, HSE, Local Authority Unit

Steve Miller, CIEH

Brian Lawrie, Convention of Scottish Local Authorities (COSLA)

Lisa McCann, Royal Environmental Health Institute of Scotland (REHIS)

Louise Davies, Rhondda Cynon Taf County Borough Council (Representing Wales LGA)

Ellie Greenwood, Local Government Association

Phil Preece, Regulatory Delivery Directorate

Apologies: Samantha Peace, HSE

1. Welcome and introduction

- i. The Chair welcomed everyone to the meeting and introduced two new members: Lisa McCann Council Member for REHIS and Louise Davies Chair of the Wales Expert Panel.
- ii. Apologies for absence were received from Samantha Peace, HSE.

2. Minutes from the last meeting

- i. Philip White asked for his apologies to be included in the minutes. The minutes were agreed with this change.

ACTION: Secretariat to amend minutes

3. Update from LAU

Helping Great Britain Work Well

- i. HSE launched the new strategy for health and safety on 29 February – *Helping Great Britain Work Well*. There are six key areas in the strategy with a refreshed emphasis on ill health. Events were held earlier this year and social media was used to raise awareness. The strategy is for the whole health and safety system, rather than solely for regulators to deliver. The strategy branding can be used by all.
- ii. HELA members and LAs were encouraged to share stories to celebrate success. Details can be provided – directly to LAU or shared via social media using #HelpGBWorkWell

LA Futures work

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- iii. This project is looking at how to maintain effective and efficient future health and safety regulatory delivery by both LAs and HSE. Further details would be provided during the meeting.

Cutting Red Tape Review of LA Regulation

- iv. This is a government led review of Local Authorities in England. The Cabinet Office have advised that they will pass on any comments relating to devolved administrations to devolved colleagues. Closing date for comments is Thursday 28/4/16. [Post meeting – deadline extended to 13 May]. LAs in Wales have been told to respond via representative bodies. Concern expressed in Wales about this approach particularly as Health and Safety legislation is not a devolved matter. The review is co-sponsored by Secretary of State for Communities and Local Government, Greg Clark, and should also look at burdens on LAs. CIEH have developed a response and LGA will also be responding.
- v. Members discussed the Cabinet Office review of regulators and possible plans for this to replace the Triennial Review approach.
- vi. Further comments around the table regarding reducing regulatory burdens included some work completed with Scottish Government to streamline planning regulations; and FSA are going through a similar exercise. During a Wales Stakeholder event with FSA Wales, LAs were advised that work is going on between lead regulators to ensure that there is some consistency in approach to the reviews being undertaken.

4. LA Update Events – HELA Paper H20/01

- i. Kate Haire introduced the paper which provided HELA with headline feedback from the recent round of Local Authority update events delivered by HSE's Local Authority Unit (LAU) across England, Scotland and Wales.
- ii. Kate expressed her thanks to HELA and PF members for supporting the events and for providing venues. Over 427 EHOs were reached and headline feedback indicates that 87.5% of attendees felt the events had met their expectations. There were notable regional differences, with some events more positive than others. The tone of the events was perhaps influenced by alternative views as to whether HSE should be more directing along with some pre-Code issues and resource issues. There were learning points from all the events.
- iii. LAU is aware that more engagement is needed in Wales through the Expert Panel.

ACTION: Kate and Louise to discuss engagement between LAU and Wales LAs

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- iv. Louise provided brief feedback from the discussion held with the WTP and confirmed that she will write to LAU with the members' views on the options presented.

ACTION: Louise to provide comments from WEP to Alex and Sarah

- v. HELA considered how it could engage more strategically, perhaps at Heads of Service level. Members shared examples of how this works in their local areas. In Scotland the FSS wrote to all CEs outlining their expectations of Local Authorities. In Wales there is a framework in place where Heads of Environmental Health link into Directors of Public Protection to facilitate high level strategic discussions with Welsh Government and Other Strategic Partners such as Public Health Wales, FSA and Natural Resources Wales. Strategic engagement requires further consideration by LAU.

ACTION: LAU to follow up details of framework in Wales and FSS approach in Scotland

- vi. Members were asked to encourage LAs to share good practise case studies. HELEX can be used to facilitate this.
- vii. There was discussion around the table and an agreement that the LA Update Events had been successful. Members were impressed with the numbers reached. All agreed it was important to cascade the messages wider within Local Authorities. Members suggested that webinars should be trialled. It is important to get the right topics and the right presenters. It was also agreed that face-to-face events were welcome and preferred, as it is useful to read the mood of the room either positive or negative. Members were interested to hear the outcomes from the webinar events.
- viii. LAU are analysing all of the information from the events and will take on board the feedback to improve the design of any future events. Further analysis will be published on HELEX.

5. Outliers – next steps Paper H20/02

- i. Kate introduced the paper and explained that LAU had carried out a review to look at the potential 'outlier' LAs and the reasons behind the data. LAU looked more closely at nil returns to seek to identify if there were any patterns – none are apparent. The most common reasons for no proactive inspection being undertaken were no premises suitable or resource issues. The reporting of high numbers of B2/C visits often arose due to misreporting/recording. A small number of work plans had been driven by local issues.
- ii. Members discussed the paper. There were concerns that some LAs still do not understand the Code and others need further clarification of what is categorised as a proactive inspection. Additional guidance is in development in Wales to help determine how visits should be classified.

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A better understanding of what Outliers are is required. Non-returns are easier to address as the information is factual.

ACTION: Kate to follow up with Louise on classification of visit guidance.

- iii. HELA agreed that there was little to be gained from publication of the themes identified during the review of 14/15 data but consideration should be given to how comparison between LAs can be articulated from the 15/16 data returns.
- iv. HELA discussed how best to follow up discussions with potential 'outliers' as data returns for 15/16 are submitted. It was agreed that LAU would share the data with HELA and PF members as it comes in. LAU will also provide a full explanation of why the data has raised concerns.

**ACTIONS: LAU to provide data to HELA/ PF members as it is submitted
LAU to consider how to publicise findings from follow up conversations with LAs.**

6. Update on recent developments

HSE

- i. HSE is taking forward a programme of de-regulation work, agreed by the HSE Board. Two particular projects likely to be of interest: requirements for the examination and testing of plant and equipment, and requirements of COSHH, CLAW and DSEAR legislation. Work will also be taken forward over the summer regarding landlords' certification for testing gas equipment in their premises. There will be early consultation.
- ii. The Independent Regulatory Challenge Panel had recently dealt with a case involving a dispute over advice issued by a PA on the issue of safety protection footwear for staff at a supermarket.

ACTION: LAU to share details of IRCP case

Regulatory Delivery Directorate (RDD)

- iii. RDD was set up as a directorate within DBIS on 1 April 2016, combining NMRO and BDRO and trebling in size. A number of Primary Authority Officers have noticed more accidents being investigated by LAs, some of which are not in accordance with the LAC on incident selection criteria. The perception is that they are possibly doing this instead of proactive visits. Concerns have been raised about the competence of EHOs to run Primary Authorities.
- iv. The Regulatory Excellence Forum (REF) will be discussing competency. RDNA will be considered with a view to establishing the best way forward. Plans to extend the PA scheme (due to take effect October 2017) may help to address competency issues because it could bring national regulators together with duty holders and Primary Authorities.

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RDD will be having conversations with national regulators to discuss this role further.

- v. There has been a recent case in which Hull City Council challenged Primary Authority advice issued by Newcastle City Council in a judicial review in the High Court. The Judge found in favour of Hull, but gave BIS permission to appeal. RDD are considering the next steps.

CIEH

- vi. CIEH has appointed a new Chief Executive, Anne Godfrey. Anne is, amongst other things, looking at the CIEH membership structure. There have been some changes to the policy team. Jenny Morris will be leading on health and safety policy.

Wales

- vii. Reorganisation of LA boundaries features in the Labour Party manifesto for the Welsh Assembly elections. There has been an increase in moves towards shared regulatory services for example. Services are being shared between Cardiff, Vale and Bridgend. Other LAs are watching with interest. Members were also advised that the Public Health Bill fallen at the last hurdle in Welsh Assembly.

REHIS

- viii. New manifesto for REHIS – prompting conversation around whether health and safety legislation should remain reserved or be devolved. REHIS is trying to get everyone involved in the strategy to take ownership.

COSLA

- ix. Partnership for Health and Safety in Scotland, chaired by George Brechin, is developing an action plan. This fits with delivery of the new strategy. Sarah Jones is involved. The Incident Support Network is busy offering support to LAs. A new joint intervention with multi-agencies, looking at nail bars, took place. This was a targeted intervention widened out across Scotland. A number of issues were identified with ventilation provisions.

LGA

- x. The LGA has published its findings from the review of Trading Standards services. The review agreed that larger services are likely to be more sustainable into the future, and has relevance for other regulatory services. The review is being followed up with further work to provide support to councils who are looking to create shared services.

England

- xi. The devolution agenda continues to occupy many LAs minds along with working through the details of sharing regulatory services. There is lots of change taking place over a short period of time and LAs have to

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manage resource reductions alongside the complexities involved with the changes.

7. **AOB** - none

8. The next meeting will be held autumn 2016.