

HELA Minutes, 28 June 2012

Room 1 LG House, Smith Square, London

Attendees

Kevin Myers, HSE (Chair)
Colin Alborough, Rushmoor BC (Joint Chair)
Elaine Harbour, HSE Local Authority Unit
Max Walker, HSE FOD
Jane Willis, HSE Cross-Cutting Interventions Directorate
David Evans, East Lothian Council
Kim Pugh, Torfean BC
Steve Miller, London Borough of Newham
Janet Russell, President, Chartered Institute of Environmental Health
Graham Robertson, Royal Environmental Health Institute of Scotland
Gwyneth Rogers, LGA
Tracy Hamilton, HSE Secretariat

Observer

Phil Preece, Better Regulation Delivery Office

1. Welcome & Introduction

1.1 The Chair welcomed everyone to the meeting. Apologies for absence were received from David Kidney (substituted by Janet Russell).

1.2 The chair welcomed two new members to HELA, Colin Alborough as the new joint chair and Steve Miller as the newly nominated English LA representative.

2. Minutes from the last meeting

2.1 Minutes of the previous meeting held on 30 January were agreed.

2.2 An update on the HSE Challenge Panels was requested. An overview of the purpose and work of the Independent Regulatory Challenge Panel and the Mythbusters Challenge Panel was provided. It was noted that no relevant cases had been submitted to the Regulators Panel.

3. Local Government Update

3.1 Kim Pugh introduced paper H13/01 detailing current Welsh Assembly and WLGA proposals for future delivery of regulatory services in Wales explaining the main driver for the proposals was greater collaboration and more resilience across authorities in the delivery of regulatory services. She reported that in practice this amounted to around 1% of LA expenditure, and resources allocated to health and safety regulation a small percentage of this.

3.2 HELA members acknowledged the proposals, including the potential for the evolution of differing regulatory policy between UK and Welsh Governments, and agreed to keep a 'watching brief' on developments and the potential impact for English and Scottish LA regulatory services in the future.

3.3 LGA provided an overview on the future financial model for LAs and the potential difficulties the model presents for LAs in providing most of their current services and therefore the security of future regulatory services.

3.4 Steve Miller gave an overview of the work undertaken by JLARS (Joint Local Authority Regulatory Services) in providing pre-regulatory advice and interventions for the 2012 Games collaboratively across four East London boroughs. Initially faced with huge challenges, JLARS methodology followed the Primary Authority model and has successfully delivered cost savings for local government, increased competency of enforcement officers and regeneration of local areas post 'Games'.

Actions:

- LGA to provide HELA members with future Local Government financial modelling document and meeting note.
- LGA to liaise with JLARS on lessons learnt on collaborative working for review of LGA produced guidance document

4. Inspection/visit Data Collection from Local Authorities

4.1 Elaine Harbour introduced the paper which illustrated that LAs are on target to meet net inspection reductions in line with the Coalition government's policy based on current statistical evidence extrapolated from the 2011/2012 LAE1 data submission. However the data also suggested continued inspections of relatively low risk sites.

4.3 HELA discussed the results and noted that the outturn reflected local delivery plans that were set for 2011/2012 before the issuing of the Joint HSE/LGA statement on reduced proactive inspection – some of which may not have been amended subsequently. HELA also discussed possible distortion due to variances in recording which should be better addressed with the new LAE1 data collection effective from 2012/13 and associated guidance.

4.4 On the risk distribution of premises inspected HELA felt it needed more intelligence to better understand what lay behind the raw statistics. HELA also requested that a data sampling exercise be repeated to highlight in-year trends and for LAU to follow up where statistical anomalies were present on the current LAE1 data.

Actions:

- LAU to undertake a mid-year LAE1 data collection exercise in the 2012/2013 work year.
- LAU to contact the LAs who participated in the 2011/12 Q2 and Q4 data sampling exercises to gain better intelligence of the percentage of premises visited for each rating
- LAU to explore anomalous results obtained from the 2011/12 LAE1 returns.

5. A National Code for Local Authority Health and Safety Enforcement

5.1 Elaine Harbour introduced this paper providing a background to the National Code which will replace the existing section 18 Standard. Formal consultation is planned from September 2012 with a planned launch of April 2013

5.2 HELA agreed the general principles supporting each section of the code provided for the necessary local flexibility and accountability whilst also meeting the expectations of government in delivering the Löfstedt recommendations. HELA members also discussed some editorial changes and additional material to inform further drafting.

5.4 HELA members agreed that LGA, WLGA and COSLA endorsement should be sought for the launch of the National Code

Actions:

- HELA members to submit their detailed comments on the draft National Code to Elaine Harbour by 13 July 2012
- LGA to work with LAU on further drafting.
- LAU to liaise with LGA on LGA, COSLA and WLGA endorsement.

6. Terms of Reference revision

6.1 The revised terms of Reference were agreed.

Actions:

- Terms of Reference to be published on HSE website

7. Any Other Business

7.1 David Evans announced he was stepping down as HELA representative for Scotland LAs. His replacement will be Brian Lawrie from South Ayrshire LA. The Chair thanked David for his insightful and invaluable contribution he made to HELA and wished him every success for the future.

7.2 Date of next meeting: tbc January 2013