

HELA Minutes, 31 July 2014

Cathedral Room, Rose Court, Southwark Bridge, London

Attendees

Kevin Myers, HSE (Chair)
Colin Alborough, Rushmoor BC (Joint Chair)
Elaine Harbour, HSE Local Authority Unit
Jane Willis, HSE Cross-Cutting Interventions Directorate
Philip White, HSE OPSTD
Brian Lawrie, Society of Chief Officers of Environmental Health in Scotland
Graham Robertson, Royal Environmental Health Institute of Scotland
Ellie Greenwood, Local Government Association
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 Alex Tsavalos as the new head of HSE Local Authority Unit Governance and Communications team.
- b) Apologies for absence received from Samantha Peace HSE FOD, Kim Pugh Torfean Borough Council and Steve Miller who now represents Chartered Institute of Environmental Health in place of Jenny Morris.

2. Minutes from the last meeting

- a) Minutes of the previous meeting held on 21 January 2014 were agreed.

3. Update on recent developments

- a) Scotland – Development of a Scottish Primary Authority scheme is nearing completion with final discussions on the appeal mechanisms taking place. The collaborative approach to regulatory services at the Commonwealth Games proved successful with no health and safety enforcement recorded. SOCEHOS discussions with the Scottish Government on how the wider regulatory landscape may look in an independent Scotland continue.

- b) REHIS - Establishment of the Investigation Support Service team, providing support to LA enforcement officers pre contact with the Procurator Fiscal, has proven highly effective with increased numbers of successful health and safety related prosecutions and higher fines levied to offenders.
- c) LGA – External research on the possible direction for regulatory services officers in the future has been completed. The LGA expects future work to focus on service level issues and questions, and will publish a report end 2014/early 2015.
- d) England –Budget reductions continue to make co-ordinated, consistent approach to enforcement problematic across English LAs. Positive engagement with Local Authorities at county level has proven successful, encouraging debate, discussion and encouraging consistency.

3. HSE Update - Triennial Review recommendations

- a) The independent review of 'Fee for Intervention' led by Alan Hardwick from the Heseltine Institute (Liverpool University) is now complete and the report submitted to Mark Harper, Minister of State at the Department for Work and Pensions. A published response is expected shortly.
- b) The majority (16 of 18) of the recommendations in the Lofstedt report have been implemented with the remaining recommendations on track for completion by end of 2014. All of HSE's formal guidance has been reviewed and a maintenance schedule implemented. The review of ACoPs continues with a further 13 ACoPs planned for republishing late 2014 following review, consultation and refresh.
- c) Development of an HSE/CQC/LA liaison agreement continues in preparation for new CQC regulatory powers on patient/user safety, these will come into force in April 2015. Discussions with devolved administrations exploring their approach on this matter in Wales & Scotland are ongoing.
- d) Proposals for enhanced liaison arrangements between HSE and local authorities, including strengthened links between HSE and LA County Liaison Groups (CLGs) are being developed, to be discussed at the next HELA meeting.
- e) HSE activities with a potential commercial interest are being explored. Initial interest from international buyers seeking HSE expertise has demonstrated a genuine demand for this service. A managed approach to develop this area of work whilst maintaining regulatory effectiveness in GB remains the top priority.

Actions:

- Enhanced HSE liaison, specifically with LA CLGs, to be included on Practitioner Forum (PF) agenda.
- Proposals for enhanced HSE/LA liaison to be discussed at next HELA meeting.

4. Data Collection – Analysis of LAE1 2013/14 data from local authorities

- a) Elaine Harbour introduced the paper.
- b) HELA acknowledged the data demonstrated a general change in LA focus, away from proactive inspection to a more advisory/supportive role, supporting the growth agenda. Reduced numbers of LA proactive inspections at lower risk premises, in line with the Government's agenda, suggests targeting is now less of an issue with LAs appearing to have implemented the principles of the Code.
- c) HELA discussed the number of LAs reporting no proactive inspections and encouraged further use of inter-LA support within existing county group networks to explore and address this issue.
- d) HELA acknowledged inclusion of a validation box on the LAE1, allowing for intelligence on a senior single point of contact within each LA to be gathered.

Actions:

- Practitioner Forum to discuss data collection analysis and explore potential for enhancement of the CLG network LA-LA support.

5. Report on the NAO/BIS Business Perceptions Survey 2014

- a) Alex Tsavalos introduced this paper.
- b) HELA discussed the results of the survey accepting that whilst business perception of LA officer helpfulness was generally positive, perceptions of inconsistency in approach to health & safety regulation remain.
- c) HELA discussed local intelligence sources which did not always support this perception and discussed how the consultation on the implementation of the Code might help address these mixed messages.

6. Delivering the co-regulator recommendations from the Triennial Review of HSE

- a) Elaine Harbour introduced this paper.

- b) HELA discussed the proposed public consultation to review the implementation of the LA National Enforcement Code. HELA agreed the outline timeframe for the review and requested members have the opportunity to suggest amendments to the question-set.
- c) HELA acknowledged the positive impact strengthened HSE/CLG liaison arrangement had pre data collection and supported repetition of the LAU annual CLG meetings early in 2015.
- d) HELA supported the development of an outline proposal for consistent local HSE/LA liaison and agreed participation of PF members in developing this further would be valuable in aligning support.

Actions

- HELA members to submit consultation question amendments to secretariat by Wednesday 6 August.
- HSE to develop proposal for consistent level of local HSE/LA engagement for discussion at the next meeting. LAU to deliver annual CLG event early 2015
- PF to consider how to align HSE/LA-LA support across County Liaison Groups

7. Any other business

- a) Following a triple fatality at the Jim Clark rally in late May, the Scottish Government has set up a review of safety at Motorsport events. HSE is represented on the review group as is the Scottish Borders Council.

8. Date of next meeting

- a) To be confirmed, January 2015