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## HEALTH AND SAFETY COMMISSION

### HSC meetings - options for openness

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Cleared by Jonathan Rees on 22 November

#### Issue

1. The Commission wishes to have more open meetings and greater transparency with its papers.

#### Timing

2. Routine.

#### Recommendation

3. That you agree the proposal that one public meeting and one or two open meetings are held each year.

#### Background

4. At the meeting on 9 November the Commission asked for a paper setting out options for developing the openness and transparency of Commission meetings. In its discussion the Commission made a helpful distinction between 'open meetings' – full Commission meetings open to the public; and 'public meetings' – meetings of the Commission where it engaged with its key stakeholders in open debate. These two definitions have been used in considering the possible options. We were also asked to look at the experience of other organisations.

#### Argument

##### Public meetings

5. It is proposed that there should be one public meeting a year, to discuss the HSC/E three year business plan, focussing on the detailed plan for the first year. It would be held early in the calendar year before business plans are finalised but after we have pulled together a draft. The format would be presentations to and discussion by the Commission, followed by a public Q&A. As the target audience would be HSC/E's key high level stakeholders the event would be held in London.

## **Open meetings**

6. The format would be that of a 'normal' Commission meeting to which the public would be invited. They would move round the regions with the first being held in Scotland. In line with the practice of other Agencies, some form of short Q&A session would be included. Initially it is suggested there should be one or two a year and the frequency reviewed when experience has been gained. We could aim for the next 'open' meeting in June to coincide with the planned Awayday.

### *Practice of other organisations*

7. Environment Agency Board: meets in public around six times each year at different locations across England and Wales. Key stakeholders are invited. Meetings usually held in a hotel, in a low key event. Members of the public are invited to ask questions and raise issues about the agenda with the Chairman and Chief Executive from 9.30 until 10.15. Priority is given to questions raised in advance. The formal meeting then runs from 10.30am to 3.00pm. Depending on the topic up to 20 people may attend.

8. Food Standards Agency: holds about seven or eight of its 11 Board meetings a year as open meetings in Scotland, Wales, Ireland and London. Participants are asked to register in advance and are able to submit a question in advance of the Q&A session, which takes place at the end of each meeting. There is a live web cast of the meeting and cameras used so that the Board are visible to the audience. When meetings are held in London, depending on the topics, up to 160 may attend. In the regions the figure is around 20-25, although more access the web, e.g. 600 when the meeting was held in Swansea. Their recent feedback indicated that in London an afternoon meeting was preferred.

## **Implications for the business of the Commission**

9. With the August break, the Commission away day and the Open meeting, Commission meetings have already been reduced to 9 a year. This is leading to pressure on the agendas. The number of below the line items is increasing, and there is concern that some items may receive insufficient scrutiny. The reduction in meetings also has a detrimental effect on HSE business when there are deadlines to be met and urgent business to be dealt with.

10. Possible solutions include:

- Summaries of below the line papers provided and included in the agenda so Commissioners can assess the importance of the paper to them.
- A sub group of Commissioners who meet with officials and consider below the line papers and make recommendations to the Commission.
- A scrutiny of Chair and DDGs to consider draft policy proposals at an early stage.
- Commissioners assigned to specific programme areas to discuss papers with officials and make recommendations to Commission.
- Hold more meetings.

11. There are also implications for the handling of Commission papers:

- Currently papers are not put on the Internet until after the subsequent Commission meeting, when the minutes are agreed. It is proposed they should now be put on the Internet immediately following the meeting where they are discussed.
- Ideally, for open meetings, papers should be available on the Internet before the meetings take place. However this would mean they were made public before

Commissioners have discussed and agreed them. The Commission's views will be sought on this.

- In addition some papers are closed and it would not be possible to discuss them at open meetings.

[A paper on the FOI policy for Commission publications will be on the agenda for the December meeting]

### **Implications for legal advice to the Commission**

12 There are also implications for the way legal advice is given to the Commission. If, as happened over SFAIRP, the Attorney General has given advice, by constitutional convention this cannot be referred to publicly. (There are also conventions about referring to dealings with the European Commission.) Legal advice given to the Secretary of State about health and safety matters cannot be made public without his consent. Good preparation of papers and presentations should identify these cases and establish how they should be handled. Preparation should also establish the advice which the relevant lawyer will give at the Commission meeting. But occasionally advice may need to be given which contradicts – it is hoped tactfully -something a colleague or Commission member has said. There needs to be acceptance that this may happen.

### **Advice to Ministers**

13. The Commission has a clear policy that they would wish to be able to make public the advice they give Ministers and has written asking previous Ministers to consider how this could be handled. Open meetings make it more urgent that this is resolved, particularly as during open meetings it is likely that the Commission will be considering the advice they wish to give to Ministers, which will therefore be in the public arena before it is with Ministers. The views of current Ministers are being sought.

### **Consultation**

14. The FOI team,PEFD and HSE solicitors have been consulted.

### **Presentation**

15. Open meetings will provide positive publicity for HSC/E as well as meeting Government and Cabinet Office commitments on openness.

### **Financial/Resource Implications for HSE**

16. The 2004 open meeting cost £48 000. In part this was due to a change of intent as to the format of the day after the venue was booked. We think the public meeting is likely to cost around £30 000. If a low key format is agreed for the open meetings the main costs will be T&S for the Commission and officials and some advertising costs.

17. The Secretariat would require additional resources to organise the meetings, particularly the public one. The B3 post used to organise the 2004 event was temporary.

### **Environmental and Other Implications**

18. None.

**Action**

19. To agree the proposals on open meetings.

Document2