

Health and Safety Executive Board Minutes		B/03/M017	
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HEALTH AND SAFETY EXECUTIVE

HSE Board

Minutes of a finance and performance meeting of the HSE Board held on Monday 20 October 2003 at 13:00 hours.

Present

Sandra Caldwell
Paul Davies
Vivienne Dews
Adrian Ellis
Robert Humm
Justin McCracken
Allan Sefton
Timothy Walker
Chris Willby
Laurence Williams

Also attending

Mark Dempsey
Sian Lewis

Apologies: Kate Timms, Nick Starling

1 Draft minutes of the HSE Board meeting held on Wednesday 17 September (B/03/M014); and matters arising

1.1 The minutes of the previous Board meeting were agreed. There were no papers for this meeting, and each Director was asked to report on current developments in their areas of responsibility.

2 London Underground. Justin McCracken and Allan Sefton reported on the two derailments over the weekend on London Underground. The causes of the first incident at Hammersmith appeared to be clear, but the Camden Town derailment was more complex. There was considerable media interest, including on the issue of the privatization of maintenance.

3 SFAIRP. Robert Humm reported on the recent meeting with the Attorney General and Des Browne. Options were being considered which would have the minimum impact of GB legislation. These were to be refined further in meetings with Des Browne, and included the inclusion in HSWA of the interpretation in the Edwards judgment. Each option involved risks and the potential loss of the flexibility inherent in SFAIRP.

- 4 **Sandra Caldwell** reported on media interest in HSE's current policy on publications and HSE's responses; and a meeting with Sir Ian Kennedy, shadow chair of CHAI, and a possible later workshop on issues of mutual interest such as research.
- 5 **Vivienne Dews noted:**
- That the resource implications in papers to the Commission were not being adequately addressed and that prior consultation with PEFD continued to be poor. **It was agreed that the Commission Secretary** would discuss resource implications with the authors of papers and that these would not be put to HSC if prior consultation had not been undertaken;
 - That the Productivity Unit planned to look at the impact of health and safety issues on the productivity of UK plc;
 - That PEFD had circulated a note on the planning process. It was agreed that the relationships between this and project and programme working needed to be clearly understood and **Vivienne would resolve with Brian Etheridge.**
- 6 **Chris Willby** reported that informations were about to be laid in respect of an incident at a Conoco refinery on Easter Monday 2001, which could have had serious consequences.
- 7 **Justin McCracken** reported on:
- A liaison meeting with EA. Relationships were good on nuclear and COMAH work. On Able UK, Friends of the Earth were considering legal action, and the European Commission had expressed an interest;
 - A House of Lords judgment in the Tomlinson case where a judgment under the Occupiers Liability Act had concluded that the risk was inherent in the activity rather than the condition of the assets concerned. The SFAIRP test in HSWA offered a balance but the judgment in a civil case might influence future criminal cases.
- 8 **Adrian Ellis** noted that crown notices had been served on the Ordnance Survey in Romsey on asbestos and electrical safety.
- 9 **Timothy Walker** reported on plans for a central efficient study into public sector running costs. There was scope for looking at Industrial Disability claims and their links to HSE's work. **He would raise this with Peter Brown.**