

Health and Safety Executive Board			HSE/08/M4
Meeting Date:	17 th July 2008	FoI Status	Open
FoI Exemptions	Items 6 – 10		
Trim Reference:	2008/308317		

Minutes of the HSE Board meeting held on 17th July 2008 in the Globe Room, Rose Court, London

Present:

Judith Hackitt – Chair	Liz Snape	Robin Dahlberg	Judith Donovan
David Gartside	Sayeed Khan	Hugh Robertson	John Spanswick
Sandy Blair			

Apologies: Danny Carrigan

Also attending:

Geoffrey Podger (Chief Executive), Caroline Croft, Sandra Caldwell, Vivienne Carlton, Giles Denham, René McTaggart, Ann Marie Farmer & Lorraine Cassell.

Minutes: Ann Marie Farmer

Open Session	
1	Agenda Item One: Welcome and Introduction
1.1	Judith Hackitt welcomed everyone to the fourth meeting of the HSE Board. Apologies had been received from Danny Carrigan.
1.2	The minutes of the 18 th June meeting were agreed as drafted.
1.3	<p><u>Matters Arising</u> The Chair reported on the progress on delivering the actions arising from the June meeting, her report included:</p> <ul style="list-style-type: none"> a. That the consultation document on the removal of outdated notification and record keeping requirements had been redrafted as requested. b. That the Chair had written to the Secretary of State (SoS) on the 25 June to express the Board's concern about the proposals for regulatory budgets. The letter had been acknowledged by the SoS and it had been confirmed that arrangements were in hand for ministerial discussions on the proposal in early September.
2	Agenda Item Two: Chief Executive's Report
2.1	<p>As well as his written report Geoffrey Podger highlighted the following issues:</p> <ul style="list-style-type: none"> a. The handover of responsibility for administering the gas safety registration scheme from Corgi to Capita was progressing well. Corgi had issued a press release in which they had committed to ensuring a smooth transfer of responsibility – this was to be welcomed. b. The Secretary of State (SoS) had appeared before the Work and Pensions Select Committee on 9 July. Since his appearance he has expressed a keen interest in several areas of the work of HSE and in particular the construction sector. c. The fatal injury statistics had been released on 30 June. Although the small reduction in fatal injuries was welcome the Chair had warned against complacency in the accompanying press release. d. Geoffrey reported that good progress continued to be made on recruiting staff in Bootle and across HSE as part of the HWWW programme.

2.2	<p>The Board thanked Geoffrey for his report and raised the following issues:</p> <ol style="list-style-type: none"> a. The SoS's interest in construction and his proposed investigation into the root causes of fatalities in this sector was welcomed. John Spanswick offered to provide the industry led research in this area to help inform the SoS's investigations. John also informed the Board that he intended to meet with the SoS in his capacity as the Chair of the Construction Safety Forum. b. While welcoming the particular interest in construction the Board agreed that, wherever possible, the SoS and others should be encouraged to look more widely at the root causes of accidents, especially where vulnerable workers are involved. c. The Board were reminded that the HSE approach to all vulnerable workers was consistent and proportionate. The Board also noted the work being undertaken that included partnership working with the EU and Polish Labour inspectorates and information exchange via the Irish Forum. The Board requested that the TUC report produced on vulnerable workers be circulated for information. d. The Board asked Geoffrey to consider sifting the information included in the list of non validated fatalities so that those that were clearly never going to be included in the end year validated statistics are removed. While making this request the Board noted the risk of refining the annex as it would detract from the intention of providing raw information on fatalities that had been reported (rightly or wrongly) to HSE.
Action point 1	Geoffrey Podger and John Spanswick to update the SoS on the work of the construction forum and provide information on the root causes of fatalities
Action Point 2	Secretariat to circulate the TUC report on vulnerable workers.
Action Point 3	Geoffrey Podger to consider options for annex two of his report.
3	Agenda Item Three: Presentation – Evolving Delivery Models and the EASe Project
3.1	<p>Sandra Caldwell gave a presentation on the measures taken in HSE's operational Directorates to modernise and streamline their delivery models to ensure efficiency, effectiveness and consistency. The purpose of the presentation was to provide information to the Board on current developments in work practices and seek support for ongoing future initiatives. The presentation included the following points:</p> <ol style="list-style-type: none"> a. All developments in the delivery of HSE's operational activities are maintained within the boundaries as set down by established codes of practice and legislation for enforcing authorities. This was illustrated by reference to the Enforcement Programme. b. In order to respond to the drivers for change (PSA targets, FIT3, HSC strategy, etc) HSE has moved towards a wider range of intervention strategies, are influencing a broader range of stakeholders and have shifted from measuring outputs to outcomes. This had been achieved by changing working practices and other measures including: <ul style="list-style-type: none"> • Strengthening frontline delivery by for example introducing new non-warranted frontline roles; • Improving impact through improved targeting; and • Better use of technology. c. A summary of major business changes since 2004 was provided. d. The Board were provided with an outline of the Easier Access to Services Programme (EASe) which aims to simplify the contact arrangements for duty-holders and members of the public seeking to interact with HSE. The EASe

	<p>programme aims to create a more coherent, integrated system to ensure high quality services, choice of channel for the customer building on a number of current projects. Reducing administrative burdens frees up time for field officers which can then be spent on delivering health and safety outcomes locally.</p>
3.2	<p>The Board thanked Sandra for her presentation and made the following comments in response:</p> <ol style="list-style-type: none"> a. The Board agreed in principle with the aims of the EASe programme and noted that the piloting approach enables any possible perverse effects to be identified. b. The Board noted the programme timeline took account of the need to re-tender current contracts to ensure that Government procurement guidelines were adhered to. c. The Board also agreed that it was important to ensure that the programme properly evaluated the impact of the changes on external users of the system. It is essential that service levels are at least maintained at the same level and should be improved. d. Changes required to the IT were noted. The Board were pleased to hear that best value-for-money options for HSE would be explored with potential suppliers and form part of the full business case on which final decisions would be based.
3.3	<p>The Board welcomed and supported the range of approaches but recognised, as with any change programme, there were risks which needed to be managed. The Board also noted the possibilities of extending certain services to our co-regulators, the local authorities.</p>
Action Point 4	Board to be kept informed of the ongoing development of these initiatives and the EASe programme.
4	Agenda Item Four: Societal Risk and Land Use Planning – Paper MISC/08/14 (partially Closed).
4.1	<p>Gwyneth Deakins reminded the Board that they had been provided with a background paper and that the Commission had received earlier presentations on Land Use Planning (LUP). She then gave a presentation on HSE's Role in LUP which included the following points:</p> <ol style="list-style-type: none"> a. The response to a consultation last year on societal risk was overwhelmingly in favour of including societal risk considerations in HSE's LUP advice. Ministers agreed the change in policy and work is underway to deliver that change. b. As a precautionary measure following the fire and explosion at Buncefield the consultation distances from major hazards fuel storage sites have been extended. Once the reasons for the force of explosion, which caused devastation in a wider area than believed possible, are better understood this precautionary approach may be revisited. c. The Major Incident Investigation Board had published a report on 15 July and made a number of recommendations including a fundamental review of LUP around (non nuclear) major hazard sites. This recommendation affects not only HSE but also other Government departments including DCLG. The response to the report was being considered. d. The Planning Bill is now going through Parliament and included the setting up of an Infrastructure Commission for major projects. HSE will wish to consider how best to develop an effective relationship with the new body to ensure health and safety is always considered at an early stage.

	<p>e. The Government target of at least 60% new development on brown field sites poses difficulties for local authorities due to, on many occasions, these sites proximity to existing Major Hazards installations. → ←</p> <p>f. HSE's role in the LUP decision making is often not clearly understood. The roll out of the computerised advice system (PADHI) had reduced the burden on HSE of providing personal advice on all applications. However, PADHI cannot replace the need for HSE to become involved in the more complex cases and call-ins which are resource intensive.</p> <p>g. Given that HSE is often consulted for guidance on how to reduce risks with proposed new developments HSE could potentially charge for its involvement in providing advice (to be paid for by the developer) but there were many practical problems in making a charging regime work.</p> <p>h. Considerable efforts had been made and were ongoing to improve HSE's relationships with key players such as local authorities, Government Offices and other Government Departments.</p>
4.2	→ This section of the minutes is closed. ←
4.3	The Chair concluded the discussion by thanking Gwyneth for a very informative presentation and agreed that the Board should revisit this issue when the MIIB recommendations and Government response are known.
5	Agenda Item Five: Defra consultation on REACH Enforcement– Paper HSE/08/33 – (Partially Closed)
5.1	Robin Foster introduced the paper and made the following points: <ul style="list-style-type: none"> a. The DEFRA consultation was about domestic legislation to allow the enforcement of the EU Regulation on REACH. HSE had worked closely with Defra in drafting the CD and at official level were broadly content with the proposals it makes. b. The Board were asked to note that the HSE role as the competent authority for the registration of new substances of which the regulations provide the statutory authority is funded by DEFRA. c. The Board were invited to comment on the proposed response to the consultation.
5.2	The Board thanked Robin and his team for the paper and agreed the proposed response subject to an amendment which raises the Board's concern about the apparent legal loop hole that allows substances imported from outside the EU to be exempt from the requirements of REACH. In addition the Board asked that greater clarity be provided on what the costs and benefits covered given that the paper, as drafted, implied that the benefits of these regulations were massively disproportionate to the costs.
Action point 9	Response to be amended and approved by the Chair prior to submission to DEFRA.

Closed Session	
→ Items 6 to 10 are fully closed.	
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8.1	This section of the minutes is closed.

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10.1	This section of the minutes is closed.
	Below the line papers
11	Remodelling the COMAH Regime – Paper HSE/08/34 (partially Closed)
11.1	The Board noted the programme and progress to date.
12	Governance Implementation Plan – Update of the Enforcement Policy Statement and Section 3 Policy – paper HSE/08/35
12.1	The Board approved the update of the Enforcement Policy Statement and the Section 3 Policy
	Miscellaneous
13	Publication of the Innovation, Universities, Science and Skill (IUSS) Committee Report into Biosecurity in UK Research Laboratories - Paper MISC/08/15