

Health and Safety Executive Board			HSE/12/M06
Meeting Date:	27 June 2012	FoI Status	Open
FoI Exemptions			
Trim Reference:	2012/351716		
<b>Minutes of HSE Board Meeting – 27 June 2012</b> Caxton House, Westminster			

**Attending**

Judith Hackitt – Chair	Richard Taylor	Hugh Robertson	David Gartside
Nick Baldwin	Liz Snape	Frances Outram	Robin Dahlberg
Isobel Garner	Paul Kenny		

**Also attending**

Geoffrey Podger; Kevin Myers; Peter McNaught; Gaynor Coldrick; Jane Willis; Sarah-Dean Kelly; Ian Philips; Sue Johns; Rukhsana Dumbrell (all items); Derek Lacey Rose Mooney Rachael Radway; Elaine Harbour; David Snowball (items 8-16), Gordon MacDonald (items 8-16); Colin Connor (item 11); Susan McKenzie (item 12); Mark Lawton (item 12); Anna Bliss (item 13); Tony Hetherington (item 14).

**Minutes** Rukhsana Dumbrell

Open Session	
<b>8</b>	<b>Welcome &amp; Introductions</b>
8.1	<p>a) The Chair welcomed everyone, including public observers to the meeting.</p> <p>Apologies:</p> <p>b) Apologies were given for Kevin Myers and Steve Dennis.</p> <p>Minutes:</p> <p>c) The Minutes from the 16 May 2012 Board meeting (HSE/12/M04C) were accepted with no comment.</p> <p>Matters arising:</p> <p>d) There were no matters arising.</p>
<b>9</b>	<b>Chief Executive’s Report (HSE/12/46)</b>
9.1	<p>Geoffrey Podger presented the CEO’s report. He drew the Board’s attention to the following:</p> <p>a) Outbreak Legionnaires of Disease: There had been in excess of 90 reported possible cases and 2 fatalities to date. Work continued to identify the source of the outbreak but the site of the outbreak remains unconfirmed. HSE had been involved in enforcement action at two sites. The HSE Legionella Committee were due to meet on 28 June 2012 and would consider whether a “one-off” series of inspections was required. He commended colleagues in Scotland for their handling of this serious incident.</p> <p>b) Fee for Intervention (FFI): It was confirmed that FFI would go ahead from 1 October 2012. The shadow run would continue until the scheme went live. Guidance for businesses would be available in the next fortnight on the HSE</p>

	website. Alison Fryatt (DWP) was thanked for supporting HSE through the process.
<b>10</b>	<b>Chair of the Office of Nuclear Regulation Report to the HSE Board (HSE/12/47)</b>
10.1	<p>Nick Baldwin presented his report. He drew the Board's attention to the following:</p> <ul style="list-style-type: none"> <li>a) The Energy Bill had been announced and the first draft had been published in May 2012. The Energy and Climate Change Committee would scrutinise the Bill, solely focusing on the Energy Market Reform and therefore ONR would provide a written submission.</li> <li>b) John Jenkins had joined ONR in June 2012 as Chief Operating Officer.</li> <li>c) ONR had assumed responsibility for matter relating to the transportation of nuclear material. This was a 4 year programme and, through the careful scrutiny of ONR staff, savings for the UK of an estimated £2 billion over 20 years had been identified.</li> </ul>
<b>11</b>	<b>Ensuring the effectiveness of regulation of new energy sectors (HSE/12/48)</b>
11.1	<p>Jane Willis and Colin Connor presented the paper setting out HSE's current position and approach to ensuring the effectiveness of regulation of new energy sectors. They distinguished between the non-major and potential major hazard sectors.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> <li>a) The Board welcomed the update on the emerging energy sector.</li> <li>b) The Board noted that despite the different sectors and materials involved, the supply chain was often common to them all. Risks therefore needed to be managed with that in mind, because it was critical to learn and apply lessons across all sectors and ensure that the regulatory frameworks were common to each other.</li> <li>c) The Board noted that although the HSWA 1974 applied to both on-shore and off-shore wind farms through AOGBO, and the extension of the AOGBO next year will ensure that this continues, certain regulations do not apply to off-shore wind farms, for example the CDM regulations.</li> <li>d) The Board noted that HSE only captured data on accidents alone and not the potential for future occupational health risks; and also noted the difficulties with gathering and monitoring accurate incident data for renewable energy. They suggested this be given further consideration.</li> <li>e) The Board noted that HSE would be chairing a workshop at a major conference in July 2012 looking at international approaches to occupational health and safety in a green economy and requested feedback from the workshop.</li> <li>f) The Board recommended that consideration was given to how these issues could be built into inspector training programmes. They noted that a legacy of the EET Programme' was to routinely share information which could be used to update inspector information packs. They also noted that inspectors have networks in place to meet and exchange information.</li> <li>g) The Board requested they be updated annually or earlier if any of the indicators show adverse signs.</li> </ul>

Action 11:	Provide feedback to the Board following EU/US Conference in July 2012.
Action 12:	Return to the issue in 12 months including a report on international developments
<b>12</b>	<p><b>Mining Safety</b></p> <p><b>The GB Mining Industry (HSE/12/49)</b></p> <p><b>The GB Mining Industry: Revision of health and safety legislation (HSE/12/50)</b></p>
12.1	<p>David Snowball, Susan McKenzie, Gordon MacDonald and Mark Lawton presented the papers. The first highlighted the diverse and hazardous nature of the mining sector as well as new challenges, such as an ageing workforce. An introduction to the history of specific mining health and safety legislation and the current objective to modernise and make fit-for-purpose the legal framework followed.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> <li>a) The Board agreed that Option A was the appropriate approach to current legislative reform but that Option B should be the longer-term aim. The Board felt that this approach would allow HSE to engage and bring industry with it as well as identify extra resources to support delivery.</li> <li>b) The Board recognised the timetable was challenging and noted the concerns about the industry's ability to respond in the timescales set because the sector was very small and not resourced to deliver the changes. They stated that getting it right ultimately must take precedence over arbitrary deadlines, however HSE should seek to maintain the agreed timetable as far as possible subject to this point.</li> <li>c) The Board requested an update in December 2012, which would include the availability of resources to deliver to the timeframe; as well as the draft consultation document.</li> </ul>
Action 13:	Return to the HSE Board with an update and draft consultation document in December 2012.
<b>13</b>	<p><b>Consultation on the proposals to implement the 2010 Sharps in Healthcare Directive (HSE/12/51)</b></p>
13.1	<p>Gordon MacDonald and Anna Bliss presented the paper and consultation document on the proposals for the new Health and Safety, Sharps in Healthcare, Regulations.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> <li>a) The Board noted that the healthcare sector was undergoing massive change at present, hence careful definition of the terms would be required. Similarly, engaging the private healthcare sector/third sector, who would also be affected by these new regulations, would be a challenge.</li> <li>b) The Board raised concern about the potential for a two-tier system, whereby caretakers and cleaners working in a clinical environment would not be covered by the definition.</li> <li>c) The Board confirmed they supported Option 2 and approved the publication of the consultation document, based on the clarifications requested.</li> </ul>

Action 14:	Clarify the definition of who would be covered in the healthcare sector in the CD before publication; and return to the Board in December 2012 with the outcome of the consultation.
<b>14</b>	<b>Managing the risk from the iron pipes within the gas distribution network (HSE/12/52)</b>
14.1	<p>David Snowball and Tony Hetherington presented the paper inviting the Board to note HSE's revised enforcement policy on the management of risks from iron gas mains and the proposals for reviewing the regulatory framework.</p> <p>In discussions the following comments were made:</p> <ul style="list-style-type: none"> <li>a) The Board agreed the revised Enforcement Policy Statement relating to iron mains and supported the adoption of a more risk-based approach, which would also support Ofgem as it sought to incentivise operators.</li> <li>b) The Board agreed the issue was related to reducing bureaucracy and not safety, and that it was important to use the right words when communicating the revised statement.</li> <li>c) The Board agreed with the proposals to consult on the value of replacing the current PSR R13A arrangements with a requirement to manage the risk from iron mains so far as reasonably practicable.</li> <li>d) The Board agreed that consultations on regulatory change should not begin until at least April 2013 to allow industry time to implement the latest arrangements. Any agreed changes would be expected to come into force in April 2017 to coincide with the mid-point of the Ofgem price review.</li> </ul>
<b>15</b>	<b>Future Agendas</b>
15.1	<p>August 2012 Meeting Agenda:</p> <ul style="list-style-type: none"> <li>a) Bring the draft consultation document on the Local Authority Code to the August 2012 HSE Board.</li> </ul> <p>Forward Look:</p> <ul style="list-style-type: none"> <li>b) Bring forward the HR workforce issues agenda item from October to the September 2012 HSE Board.</li> <li>c) Include updates to the Board on the outcome of the consultations on Self-employed, RIDDOR and ACoPs</li> </ul>
Action 15:	Update the Forward Look as discussed.
<b>16</b>	<b>Any Other Business</b>
16.1	No other business was discussed.