

Health and Safety Executive Senior Management Team Paper SMT/08/24

Meeting Date:	4 June 2008	FOI Status:	Fully Open
Type of Paper:	Below the line	Trim Ref:	2008/202481
Exemptions:			

Removing notification and record keeping requirements for factories, offices and shops – consultative document

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Cleared by Giles Denham on 22 May 2008

Issue

1. In September 2006, the then HSC agreed to consider removing compulsory premises notification and certain record keeping requirements on employers. The initiative was included in its Simplification Plan. The Senior Management Team (SMT) is invited to consider the attached paper, which provides a draft Consultative Document (CD) for the Board's approval.

Timing

2. For clearance on 4 June to enable an approved paper to go to the HSE Board, as a below the line paper (as requested by the Chair), at its meeting on 18 June.

Recommendation

3. That SMT agree the attached draft Board paper.

Background

4. See attached draft Board paper.
5. We have consulted extensively across HSE and with LACORS. In addition, the draft CD was circulated to policy and operational SMT members on 2 May 2008 – comments have been taken account of in the attached draft; there have been no fundamental changes.
6. The removal of the requirements in this proposal would eliminate the need for eight HSE forms (essentially, the OSR1 and F9 premises notification forms, and those that make up the 'General Register'). The Hampton Implementation Project Board (replaced by BROG) approved the removal of these forms in 2006 - on the recommendation of an HSE review of externally used forms.

Financial/Resource Implications for HSE

7. Work already done on developing this proposal and future costs for public consultation will total around £127,000 in staff-related costs, met from existing budget allocations.
8. The implementation costs for HSE of removing the requirements would be minimal. The removal of material from HSE's website and communicating the change (externally and internally) would cost approximately £3,000 in staff-related costs. No additional funding would be required for this work.

Attachment – draft HSE Board Paper

Health and Safety Executive Board		Paper No: HSE/08/25	
Meeting Date:	18 June 2008	FOI Status:	Fully Open
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Removing notification and record keeping requirements for factories, offices and shops – consultative document			

Purpose of the paper

1. The Board is asked to agree a Consultative Document (CD) about the removal of compulsory premises notification and certain record keeping requirements on employers.

Background

2. The then HSC agreed in September 2006 to consider removing these requirements, as part of its Simplification Plan.
3. This change would require amendment of the *Factories Act 1961* (FA) and *Offices Shops & Railway Premises Act 1963* (OSRPA). A draft Statutory Instrument is included in the CD (see Annex 1 separately provided with this paper).
4. Under compulsory premises notification, employers are required to complete a form for any factory, office or shop premises (and certain railway premises) where employees work, and send it to HSE or their local authority (or the Office of Rail Regulation). Factory employers must also keep a set of records and forms called the 'general register'. The current legal framework is detailed in the draft CD (see Annex).
5. These proposals do not affect notification requirements under other legislation enforced by HSE, including the major hazard regime.

Argument

6. In line with the decision to consider removal of the premises notification and general register requirements, the draft CD details a **preferred option** of repealing the requirements entirely. This would eliminate the need for eight HSE forms, as recommended in 2006 by HSE's review of externally used forms. Based on Administrative Burdens Measurement Exercise (ABME)¹ estimates, it would **reduce the administrative burden on business by about £21m per year**.
7. This proposal involves two main changes. Firstly, the removal of **premises notification** requirements. They were originally introduced to provide early notification of a new factory, so enforcing authorities could visit to check compliance with the FA etc, and so that enforcing authorities could create and maintain a register of premises. However, compliance has long been poor and it seems clear that the notification requirements are not a reliable or efficient method of obtaining information. HSE now obtains information on factory premises in other ways, as do many local authorities for offices and shops. In addition, HSE is currently investigating ways to improve the collection of premises data.

¹ The Administrative Burdens Measurement Exercise (ABME) was a government-wide exercise designed to provide an indication of the administrative burden on business created by regulations. Further information is included in the Consultative Document and Impact Assessment.

8. Our initial consultations also found that many local authorities believe compulsory notification serves no purpose. LACORS' Health and Safety Policy Forum also supports our proposal to remove the notification requirement for offices and shops.
9. The notification requirement for certain **railway premises** has fallen entirely into disuse and the notification form is no longer published. The Office of Rail Regulation believes the requirement no longer serves any purpose and that it should be removed.
10. The second main change in this proposal is removal of the **general register**. The register's original purpose was for employers to record information about their compliance with specific Factories Act (FA) requirements. It applies to factory premises, but not offices or shops, and consists of five forms - others having been revoked over time. As modern health and safety legislation replaced old FA requirements, the relevance of the general register gradually declined and it is now generally considered obsolete.
11. The FA requires owners of **gasholders** to attach gasholder inspection records to the general register - this remains a relevant requirement. To enable us to remove the general register, we need to make alternative legislative arrangements. We propose to do this by amending the FA so that the inspection records are simply required "to be available for inspection" in any format (and kept for 2 years, as currently). This proposal would not change the administrative burden for gasholders.
12. The **main benefits** of removing these notification and record keeping requirements would be:
 - a. Simplification of health and safety legislation by removing outdated and unnecessary paperwork requirements, without loss of health and safety protection.
 - b. Fewer requests by government and local authorities for similar data from the same businesses.
 - c. Elimination of requirements which could delay the start-up of new businesses – currently a notice must be sent to HSE one month before any premises are used as a factory.
13. The **implementation costs** for HSE would be minimal. The removal of material from HSE's website and communicating the change (externally and internally) would cost approximately £3,000 in staff-related costs. No additional funding would be required. Local authorities would incur similar minor costs in revising procedures and removing information from websites.
14. The Impact Assessment (IA) for these proposals is included in the draft CD (see Annex). The IA also considers a '**do nothing**' option. We do not see continuing with the existing legislative provisions as a feasible option. Good regulatory practice demands that outdated regulation or information obligations are repealed or updated. The administrative burden on business would remain (ie £21m p/a based on ABME estimates).
15. You may wish to note that we also worked on an alternative option, ie to abolish the general register but to update and retain the notification forms. It became clear that the low level of compliance was due mainly to ignorance of the requirement, rather than outdated forms. Although it would reduce the administrative burden by about half, it could not remain a serious option for consideration. It has been taken out of the CD and IA.

16. **Stakeholder views:** Work to date indicates that this proposal is unlikely to be controversial. However, although the LACORS Health and Safety Policy Forum supports our proposal, we understand some LAs would like to keep or even expand the compulsory notification requirement. They consider it helps them keep an up to date list of premises.
17. HSE has discussed this with LACORS, including how to help build LA confidence in modern data gathering methods. Many local authorities already share information 'in-house' on the location of premises and newly established businesses - for example, using business rating and food premises data. This is in line with Government policy. LACORS will seek to promote the sharing of this good practice among LAs.

Action

18. Following the then HSC's decision to include this proposal in the Simplification Plan, the Board is invited to approve the attached Consultative Document. It is envisaged that the consultation period will run for 14 weeks² from July to October 2008. The proposed change would come into force on 6 April 2009, subject to the outcome of the consultation.

Paper clearance

19. This paper was cleared by Giles Denham on 22 May 2008 and by the Senior Management Team on [4 June 2008].

² As our consultation runs throughout the summer holiday period, we propose a 14 week period, rather than the usual 12 weeks.



Information about to be published [Exemption 10]