

ANNEX 3**Some Possible Future Drivers of Local Government Health and Safety
A paper by LACORS**

1. The future of local government as a whole and health and safety services in particular is subject to a number of uncertainties at present. The briefing paper on local government produced for the HSC/LGP meeting on 9 May 2006, *LOCAL GOVERNMENT STRUCTURES AND PRIORITIES* (relevant section appended), set out some of the issues and recent developments and there have been no major changes to report since then.
2. The content of the government white paper on local government, the final report of the Lyons Inquiry and the shape of the LBRO, for example, are not yet known, although the latter is the subject of a separate discussion.
3. We can be certain however that the tension between centralising and decentralising tendencies will continue to be relevant, that the need to demonstrate effective return on resources will not diminish and the advantages of mainstreaming health and safety will increase. The Better Regulation Agenda discussed below offers one arena for the playing out of tensions between national and local control. In England, Local Area Agreements offer one possible future for the framework of local policy making. In Scotland and Wales these issues will evolve in the context of debates around the further delegation of powers to devolved administrations.

The Better Regulation Agenda

4. The Tavistock Institute report *All our Futures: the challenges for local governance in 2015*, prepared for ODPM (as it was then) in April 2006 opens with the assertion that:

The shape of local governance in 2015 hinges on how the government answers the following question: are the risks it would incur in introducing a genuinely devolved form of governance (in terms of a likely variability in performance of more empowered local agencies) greater than the risk that a less devolved, more uniform approach simply could not respond to diverse needs of local communities in ten years time?

In practice this point is emphasised by the contrast between the statements of all major party leaders favouring greater power for local communities and the tendency of the Better Regulation Executive to want to impose central control.

5. The BRC's recent report "[Risk, Responsibility, Regulation: Whose Risk Is It Anyway?](#)". recommends a public debate about the management of risk involving

individual citizens and the media but specifically calls for clear and unambiguous leadership from government to:

1. Change our national approach to risk: Emphasise the importance of resilience, self-reliance, and innovation; separate fact from emotion; balance necessary levels of protection whilst preserving reasonable levels of risk
 2. Empower individuals to take more personal responsibility for risk: Give the responsibility for managing risk to those best placed to manage it; embark on state regulation only as a last resort and when nothing else will work; examine areas where the state has assumed more responsibility for people's lives than is healthy or desired
 3. Provide high quality training in risk management for Ministers and senior civil servants
 4. Establish FARO (the Fast Assessment of Regulatory Options) an independent, ad hoc panel for expert, dispassionate, evidence-based examination of urgent calls for government intervention
 5. Launch a 2007 campaign against regulatory inconsistencies and absurdities
6. This may or may not be a good thing but it implies a national approach to the problem, rather than empowering local communities/authorities to decide for themselves what is or is not good regulation.
7. For example, the BRE does not believe that licensing is an effective means of regulation and therefore opposes the extension of LA licensing to cover sunbeds, while being prepared to consider repealing the enabling legislation that gives LAs the power to licence tattooists and (but does not force them to do so). The point being that whatever the merits of licensing, LAs currently chose whether or not to adopt these powers but will lose that choice if current trends are pursued to their apparent conclusion.

Local Area Agreements (LAAs)

8. This tension between national and local control is complicated by the prospect of 'double devolution' - devolving power to local authorities while simultaneously devolving local power away from town halls to "communities". One example of what this might mean in practice is the piloting of Local Area Agreements. DCLG defines LAAs as

- A three year agreement, based on local Sustainable Community Strategies, that sets out the priorities for a local area. The agreement is made between Central Government, represented by the Government Office (GO), and a local area, represented by the lead local authority and other key partners through Local Strategic Partnerships (LSPs).

- An LSP is a single body that brings together different parts of the public sector as well as the private, business, community and voluntary sectors at a local level, so that initiatives and services support each other and work together

9. This framework is currently undergoing a pilot scheme across the country and is one of the many initiatives driving the localisation agenda where local stakeholders such as the LA, police, fire and health authorities as well as community bodies can begin to influence and develop local prioritisation and decision-making processes. This is also a key element of the DCLG's 10 year vision for local government.

10. LAAs are structured around four blocks (or policy fields): children and young people, safer and stronger communities, healthier communities and older people, and economic development and enterprise.

11. LAAs also offer an opportunity to hardwire Health and Safety into the mainstream of local policy making, by linking it to the objectives on which the LAA is founded and the LA is judged. For example, the work-related violence (WRV) aspect of H&S has given rise to a research project on WRV in the retail sector which potentially binds H&S to crime reduction. However this is an area of potential conflict between LA and HSE objectives as the Work Related Violence stream of H&S has fallen somewhat by the wayside at a national level because it is not an HSE priority.

12. The recent White Paper 'Strong and Prosperous Communities' seems to imply that County Councils will take the lead in drawing up next-generation Local Area Agreements with wider scope and importance and talks of developing LAAs into sub-regional Multi-Area Agreements.

Scotland

13. In Scotland, Community Planning Partnerships (CPPs) fulfil a similar role to LAAs in bringing together key participants to link national and local priorities: local or neighbourhood priorities influence the priorities of the CPP, CPPs coordinate delivery of national priorities in a way that is sensitive to local needs and circumstances and can also influence direction and priorities at a national level. Community Planning is led by local authorities, but involves a range of other agencies and the Act requires participation of the following 'core partners' (NHS Boards, Scottish Enterprise Network, Police and Fire Service) in CPPs.

Wales

14. LAAs only apply in England. Wales has performance indicators for H&S enforcement. These were introduced to give H&S the same status as food enforcement but have been subject to lengthy discussion as they represent a

more traditional way of working and do not reflect the partnership to deliver FIT3. They also represent very small numbers of premises and do not represent a meaningful indicator e.g. several LAs have less than 10 high risk premises. However they do help to raise the profile of Health and Safety in Wales. The indicators are listed at Appendix Two.

15. Wales has a joint strategy for H&S enforcement involving all LAs and HSE. This links to FIT3 and also to wider health agendas such as Health Challenge Wales, Making the Connections (which encourages joint working) etc. All LAs and HSE have published their action plan for year in relation to FIT3 and local priorities and an annual report will be produced showing delivery against these targets.

Update on Lyons Report/White Paper

16. In July 2004 Sir Michael Lyons was asked to lead an Independent Review on Council Tax Reform to investigate ways of shifting the balance of funding for local authorities towards more local funding. In September 2005 the Government extended the inquiry's remit to can consider issues relating to the wider functions of local government and its future role. In December 2005 an Interim Report was produced calling for a wider debate on the future of local government.

17. In May 2006 the Lyons Inquiry produced a report entitled *National prosperity, local choice and civic engagement* which concluded by identifying three key priorities for reform of the functions of local government, with regard to the forthcoming Local Government White Paper:

- greater clarity about the roles of central and local government;
- greater formal recognition of local government's role in place-shaping and 'convening' across local public services; and
- the need for local government itself to recognise that it must do more to improve its capability to develop its place-shaping and convening role.

18. The final Lyons Report is due in December 2006. Lyons' May report also argued that 'it is very important that any new measures introduced through the White Paper are implemented in a flexible and sensitive manner without unnecessary prescription'.

19. The White Paper 'Strong and Prosperous Communities' appears to omit any mention of regulatory services, although they will presumably be covered by provisions for more effective scrutiny and accountability. It is not entirely clear yet what 'extending the power of well-being to quality parish councils' will mean in practice or whether it will affect Health and Safety.

20. It also foresees an enhanced role for councils as strategic leaders and place-shapers through stronger Local Strategic Partnerships and, and a duty to cooperate between councils and local partners. The HSE is one of the partners

named as being required to cooperate in devising and implementing LAAs. What the white paper will mean in practice will depend to a large degree on what shape the performance indicators it envisages take.

LACORS

November 2006

Appendix: Local government priorities and assessment

Extract from “Local Government Structures and Priorities: Briefing for HSC Commissioners” – April 2006

In July 2002, a statement of shared priorities for central and local government was agreed. The priorities are:

- Raising standards across schools
- Improving the quality of life:
 - of children, young people and families at risk:
 - of older people
- Promoting healthier communities and narrowing health inequalities (by targeting key local services - such as health, education, housing, crime and accident prevention - to match need; and the encouragement of healthy lifestyles).
- Creating safer and stronger communities
- Transforming our local environment
- Meeting local transport needs more effectively
- Promoting the economic vitality of localities

Using the shared priorities as a focus, a National Public Service Agreement (PSA) was developed which drew together targets established in the recent Spending Review for a number of Government Departments where councils and their partners have a role in delivering the outcomes.

The shared priorities and the national PSA for local government provide the basis for the current method of local authority performance assessment, the Comprehensive Performance Assessment (CPA), and other parts of the local government performance framework. The Audit Commission manages the CPA. The assessments comprise evidence from other external review bodies plus the Commission's judgements.

There is broad consensus across central and local government that the CPA is no longer adequate (including for example the Lyons Inquiry's Interim Report). It is too top-down and resource-intensive. The number (and sometimes competing nature of) national priorities, targets, plans and indicators hinders joined-up delivery at the local level and the inspection regime fosters compliance rather than improvement.

This recognition has already encouraged the implementation of local area agreements that can offer opportunities for local partners to agree a shared set of local priorities and negotiate these with central government in a 'single conversation' with the centre and the reduction of the eleven existing inspectorates to four – Criminal Justice; Children, Education and Skills; Adult social care and health; and a Local Services Inspectorate – was announced last

year. IDeA has proposed a new framework for local government assessment comprising:

- published annual assessment
- periodic peer challenge
- annual independent audit
- streamlined inspection, proportionate
- sector led intervention.

Replies to its request for consultation on this framework are currently under consideration.

Local government's remit and functions: the context for health and safety

The Local Government Act 2000 (the 2000 Act) enshrined in law for the first time the community leadership role, giving local councils a new power to promote the economic, social and environmental wellbeing of their area. The 2000 Act requires councils to develop a strategy for their community with local people and partner organisations.

Community strategies promote the economic, social and environmental wellbeing of local communities, focussing on priorities for action and provide a means of joining up

Local Strategic Partnerships provide a single, overarching local coordination framework within which other, more specific, partnerships can operate.

Within this framework opportunities arise for Health and Safety issues to contribute to local government's strategic objectives. For example:

- The role of H&S in achieving improved working conditions will have a direct impact on the health of those living and working in the area;
- Better H&S advice will help businesses comply with their legal responsibilities and reduce the number of days lost due to ill health which is good for business and the community;
- For those off work due to work related ill-health, the support needed to return to full time employment can be provided jointly between H&S, social services and Primary Care Trusts.
- H&S officers can work with police crime prevention officers to use H&S powers to 'design out crime' at retail premises and prevent assaults on staff during the course of robbery (the Crime and Disorder Act 1998 puts a duty on LAs to put crime prevention at the heart of all its work).

LGA/WLGA/COSLA/LACORS sees the new strategic relationship being developed with HSC and the operational partnership with HSE as key to moving H&S forward to the mainstream.

Appendix Two – Health and safety performance indicators used in Wales

H&S Performance Indicators used in Wales are:

PPN/001

- a) the number of high risk businesses liable to a programmed inspection or alternative enforcement activity during the year
- b) the percentage of these high risk businesses that were liable to a programmed inspection or alternative enforcement activity that were inspected / subject to alternative enforcement activity, for:
 - i) trading standards
 - ii) food hygiene
 - iii) animal health
 - iv) health & safety

PPN/005

The percentage of new businesses identified during the year which a) were subject to an inspection and b) submitted a self-assessment questionnaire, for:

- i) trading standards
- ii) food hygiene
- iii) animal health
- iv) health & safety