

Draft minutes of the second meeting between the Local Government Panel and Health and Safety Commission on 7th November 2006 at Rose Court, 2 Southwark Bridge, London SE1

Attendees

Local Government Panel

Cllr Geoffrey Theobald
Cllr Graham Brown
Cllr Ann Lucas

HSC

Bill Callaghan (Chair)
Sandy Blair
Margaret Burns
Danny Carrigan
Judith Donovan
Hugh Robertson

LACORS

Mark du Val
Charlotte Meller
Charles Loft

HSE

Geoffrey Podger
Justin McCracken
Jonathan Rees
Allan Davies
Susan Mawer
Janet Francis

HELA/LACORS H and S Policy

Forum

Malcolm Mathias

LBRO

Jane Swift Director – item 2

Apologies

HSC – John Longworth, John Spanswick, Sayeed Khan, Liz Snape
LGA – Cllr Roland Domleo, Cllr Caroline Seymour
WLGA - Cllr Jeffrey James
CoSLA – nomination to be confirmed

Welcome

The Chair welcomed everyone to the meeting.

Minutes of the meeting held on 9 May 2006 (HSCLPG/2006/06)

The minutes were noted.

Item 1. Local Better Regulation Office – latest developments: a presentation by Jane Swift Director LBRO

1.1 Jane set out the background to the proposed establishment of LBRO and summarised the evidence behind it, the reasons it was planned as a statutory body and emphasised that it was seen by Ministers as working in partnership with local authorities and not as a threat. Part of its mission was to improve coordination and consistency for all businesses especially those operating across LA boundaries. A statutory function would be to establish a centrally agreed statement of priorities for trading standards and environmental health services. It would also be driving forward best practice and monitoring the performance of 'Hampton behaviours' and

working with BRE on setting national indicators.

- 1.2 It would have a statutory objective to reduce administrative burdens on compliant business without compromising regulatory outcomes and would be developing targets against this. There would be a power to wind up the body when the objectives had become embedded. It was planned to publish a draft Bill by Easter for parliamentary scrutiny and public consultation.
- 1.3 HSCLGP members appreciated the presentation but remained to be convinced of the necessity for the body. They questioned whether businesses saw LBRO's existence as a priority and felt that local authorities were already using a risk-based approach and were also working to coordinate visits by different regulators. There were additional issues around how this would work in Scotland, where a lot of legislation enforced by environmental health officers was devolved.
- 1.4 They also commented on the difficulty in setting central priorities and asked how LBRO would measure its success.
- 1.5 Responding Jane acknowledged that local authorities did apply a risk-based approach but thought that best practice was not well shared and there was scope for developing a more consistent approach. LBRO's role in setting central priorities had been seen as a strong selling point, tackling the current concern with conflicting messages coming from central government.
- 1.6 The Chair thought the partnership model developed between local authorities and HSC/E was proving successful in getting a coherent shared set of priorities and could be an exemplar of best practice. He thanked Jane for the presentation and said they would wish to be kept in touch with developments.

Item 2. HSC/E corporate governance – proposals for change:
HSCLGP/2006/07. Introduced by Sandy Blair

- 2.1 Sandy said that the Commission had discussed a draft consultative document (CD) at its meeting that morning and had agreed that following amendment it should be issued on 5 December. It was based on the principles set out in the paper. The Commission considered the merger was necessary in order to modernise corporate governance, in particular the arrangements for HSE which currently had no non-executive directors, and to improve its own accountability. But it wanted to ensure that any change did not jeopardise its relationship with key stakeholders, in particular local authorities who were responsible for 50% of enforcement. This meeting provided an opportunity for LGP to raise any issues they had.
- 2.2 Whilst supportive of the aim of making the structure more transparent and understandable, LGP had concerns about how it would work and its

impact on local authorities' position as equal partners with HSE. The Chair replied that the governing body, not the executive, would continue to set enforcement policy for the two regulatory bodies, as now.

- 2.3 The LGP asked about the composition of the governing body. They would be looking for an increase in local authority representation, which should include representatives of elected members in Wales and Scotland. The Commission replied that it would be consulting on the size of the body. Whilst a larger board was possible it might not be as effective as one of 9 or 10 people.
- 2.4 In response to a question about the Gangmasters Licensing Authority the Chair said the Commission had discussed this last month and was keen to ensure that the Board operated as it was for the next three years.
- 2.5 In conclusion the Chair said he looked forward to the comments of LGP members on the CD and stressed that the Commission saw the proposals as evolution not revolution.

Item 3 Strategic Forward look: HSCLGP/2006/08. Introduced by Jonathan Rees

- 3.1 Jonathan opened the discussion by responding to the questions suggested by LACORS in the covering paper. Did HSC and local government have similar objectives? The Commission's objectives were set out in its strategy and targets. Annex 4 of the paper set out the progress that had been made. It showed a good picture owing a lot to the work in partnership with local authorities. The target on health had been met and that on days lost probably met although there were issues around the major injuries target. The injury rate in the production sectors was improving but not in the services sector and the challenge was how we could work together to make an impact on this sector.
- 3.2 How can HSC and local government work better together to achieve safer, healthier communities? Over the last two years we had worked together more closely and effectively and local authorities had made an impressive resource commitment. HSE was named as a Local Area Agreement partner for LAS in the White Paper; working together would help HSE to meet its targets and LAs to meet their local targets on the wider agendas of health and wellbeing and economic vitality.
- 3.3 What do HSC and local government want out of partnership working? Annex 1 set out the planned activity for 2007/08 Fit3 programme and had been drawn up in partnership with LACORS and others sufficiently in advance to meet local government planning timetables. There was an opportunity to link up with broader agendas on health and work, as intimated in the Local Government White Paper so that HSC could help local government meet its local targets whilst also working towards meeting the Revitalising targets. Tackling the service sector and the

health and work agenda provided a huge potential for this.

- 3.4 LGPHSC members discussed the statistics on the service sector which they felt were not easily explained and that care should be taken not to jump to simplistic conclusions. It was important to have a shared understanding of what was happening so that the analysis could be used to contribute positively to future planning and the monitoring and evaluation of our activity.
- 3.5 The links between health and safety and economic vitality often did not feature on either local or national radars so that there was no understanding that health and safety was not just a statutory duty but contributed to other areas. The message on the business case was not getting across although there were opportunities to do so as a part of local authorities' priorities covering community health, safety, well-being and economic development. It was important to use the right language so that the contributions to the different agendas could be understood. There was also an opportunity to extend the partnership lessons learnt with HSE, to other relationships.
- 3.6 The Chair thought we shared similar objectives and a broad understanding of how best to employ our limited resources, and how they could contribute to wider agendas. The 2007/08 programme was a challenging one and if we could make it work it would help with the local/central debate. It was the best chance of influencing LBRO that delivery was best achieved through joint objectives developed in partnership. He thought the partnership was working well but asked for feedback on whether it was properly joined up on the ground.
- 3.7 He concluded by thanking everyone for their contributions. The developments set out in the papers were noted and further analysis would be used to plan and evaluate.

Item 4 Enforcement – raising the profile: HSCLPG/2006/09. Introduced by Justin McCracken

- 4.1 Justin described the background: everyone recognised that enforcement was a key tool in achieving health and safety standards and in delivering justice. That had led to the establishment of a strategic programme in HSE looking at enforcement, which had involved local authorities from the outset. The paper set out what was happening with the programme and sought a steer for the direction of travel. He also apologised that some of the details in the paper did not accurately reflect the discussion of the LACORS Health and Safety Policy Forum.
- 4.2 The aim was to move towards more consistent outcomes and to target priority areas in the Strategy. Annex 1 paragraph 8 of the paper outlined some of the improvements HSE was taking which those managing health and safety caseloads within LAs might find helpful. The aim was also to move towards more consistency in selecting incidents for investigation; at

present HSE selected 8% and local authorities 20%. He stressed that consistency did not mean uniformity, local factors needed to be taken into account. Nevertheless there could be more consistent outcomes, more use of HSC's enforcement policy and more consistent selection criteria. HSCLGP were asked to support the approach and that there should be further discussions at national and local level to take it forward.

- 4.3 Discussing the paper HSCLGP members said they supported the approach. They asked whether HSE saw the wish for more consistency in selection of accidents as leading to it investigating 20%. HSE responded that whilst improving the efficiency of its investigations it was unlikely to be able to reach this level.
- 4.4 HSCLGP considered analysis was needed to understand the figures and the consequences of having the same criteria. Effectiveness was the key: what achieved the most effective outcomes. They asked what work was being done to find out what worked and were informed that a toolkit was being developed on what interventions worked in different sectors.
- 4.5 HSCLGP raised concerns about the inaccurate reporting of the LACORS Health and Safety Policy Forum and challenged paragraphs 5 and 10 of the paper. They were not aware of local priorities or pressures driving enforcement decisions and elected members did not get involved in prosecution decisions.
- 4.6 Concluding the Chair said the paper would be amended to reflect the concerns raised. The key issues were consistency, targeting and effectiveness, and the discussion had agreed the direction of travel. It had highlighted the enforcement statistics and incident selection criteria and agreed the approach being taken on these, including use of the HSC Enforcement Policy Statement. He was pleased to note that HSE was doing a lot of work to improve its own consistency and welcomed local authority involvement.

Item 5 – Date of next meeting

5.1 The next meeting would be held on 15 May 2007.